Chair Roundtree noted that Trial Court Budget Commission (TCBC) meetings will be recorded for administrative accuracy, starting at today’s meeting. There were no objections.

Chair Roundtree called the TCBC meeting to order at 8:30 a.m. The roll was taken with a quorum present. He invited the members of the audience to introduce themselves.

**Agenda Item I: Approval of Prior Meeting Minutes**
Judge Roundtree presented the draft meeting minutes from the January 20, 2017, February 14, 2017, and May 12, 2017, TCBC meetings and asked if there were any changes necessary before approval. Judge Lauten moved to approve the minutes as drafted. Judge Mahon 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 May 31, 2017. The salary liability for the trial courts General Revenue/State Court Revenue Trust Fund was approximately $2.3 million under the salary appropriation. The Administrative Trust Fund’s salary liability was under the appropriation by $36,165, and the Federal Grants Trust Fund’s liability was under the appropriation by $135,017.

   Ms. Willard also reported that as of June 21, 2017, the remaining balance of the Chief Judge Discretionary Funds for retention/recruitment was $20,521.

B. Personnel Actions
   Beatriz Caballero provided an overview of the status of reclassifications and other personnel actions as of June 27, 2017.

C. 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.

D. Operating Budgets
   Dorothy Willard provided an overview of the operating budgets for FY 2016-17 as of May 31, 2017. She noted that as of June 23, 2017, the remaining balances have decreased and reversions are on track to be less than last fiscal year.

E. Trust Fund Cash Balances
   Dorothy Willard provided an overview of the trust fund cash balances through May 31, 2017.

F. Year-End Spending Plan
   Dorothy Willard provided an overview of the year-end spending plan and noted that as of June 14, 2017, approximately $101,000 remains to be spent.

Agenda Item III: FY 2017-18 Allocations

A. Updates/Outcomes from 2017 Regular and Special Legislative Sessions
   Eric Maclure provide an overview of the Conference Report on the General Appropriations Act and provided information regarding the special session, which did not impact the Judicial Branch. Mr. Maclure then provided information regarding vetoes from the Conference Report, noting none of the vetoed issues were requested by the Judicial Branch in its Legislative Budget Request.
B. Allocation Policies and Procedures

Dorothy Willard provided a historical overview of the circuit court allocation policies, and noted the current Allocation Policies and Procedures were adopted by the TCBC on June 27, 2016. Ms. Willard stated the TCBC will need to determine if the existing budget management policies and procedures shall continue through FY 2017-18, or if revised budget management policies and procedures should be adopted, and then noted that the effective of the budget management policies that were implemented for FY 2016-17 cannot be fully evaluated until the certified forward process is completed on September 30, 2017.

The Executive Committee recommended Option 2, to continue with the FY 2016-17 budget management policies and procedures as is for FY 2017-18, through the certified forward period (September 20, 2017), and defer to the Budget Management Committee (BMC) for budget management policies and procedures recommendations for the remaining quarters of FY 2017-18. The Executive Committee recommended an amendment to Option 2, to delay the first quarter sweeps until the BMC completes analysis of FY 2016-17 data. Judge Smiley moved to approve Option 2 with the amended language. Grant Slayden seconded, and the motion passed without objection.

C. Child Support Enforcement Hearing Officers (CSEHO) and General Magistrates (GM)

1. Process for Reallocation of Available Resources

Lindsay Hafford reported that in previous years, both FTE and resource allocations have been approved by the TCBC’s Executive Committee. Ms. Hafford then noted that the FMC reviewed the reallocations procedures for FY 2016-17 and proposed modifications to make the procedures more consistent with rule 2.230, Florida Rules of Judicial Administration, and Trial Court Budget Commission Operational Procedures, and require that determinations of reallocations be made by the full TCBC.

Mark Weinberg moved to approve Option 1, the proposed procedures for FY 2017-18 as presented. Judge Parker seconded, and the motion passed without objection.

2. Direction to the Circuits

Lindsay Hafford reported that at the beginning of each fiscal year, the policies and procedures for reallocation of vacant CSEHO and GM positions are sent to circuits via email. The policies and procedures have thus far not been included in the annual Trial Court Budget and Pay Administration Memorandum due to the timing between the approval of allocations by the TCBC and the final approval and release of the budget and pay memo. The FMC considered including these policies and procedures in the budget and pay memorandum in addition to emailing them to the circuits.

The FMC recommended Option 2, do not include the policies and procedures in the budget and pay memo; OSCA staff shall continue to distribute the policies and procedures to the circuits via email; and make them available on the Florida State Courts System Intranet site. Judge
Ficarrotta moved to approve Option 2. Judge Lauten seconded, and the motion passed without objection.

3. **FY 2017-18 Allocations for Child Support Enforcement Hearing Officers**

Lindsay Hafford reported that FY 2017-18 allocations need to be approved for Child Support Enforcement Hearing Officer and administrative support FTE’s. Each circuit’s need is based on the maximum number of forecasted filings over fiscal years 2015-16, 2016-17, and 2017-18 for child support, Uniform Interstate Family Support Act (UIFSA), and paternity cases.

Ms. Hafford noted there is a vacant 0.5 administrative support FTE position in the 9th Judicial Circuit. As noted in the approved reallocation policies for administrative support positions and the proposed net need based on the 1:1 ratio and workload, this position is eligible for reallocation to another circuit. According to the disparity in the 1:1 ratio between hearing officers and support staff, and the unrounded total workload need, the 13th Judicial Circuit would be eligible to receive the additional resource should reallocation be recommended. The 13th Circuit has been contacted by OSCA staff and has indicated an interest in the vacant position.

a) **FY 2017-18 Allocations**

The FMC recommended Option 1, to approve proposed Child Support Enforcement Hearing Officer allocations for FY 2017-18 as presented, and direct staff to monitor vacancies in this element and recommend reallocation of available Child Support Enforcement Hearing Officer and administrative support FTEs according to the maximum need and pursuant to approved reallocation policies. Tom Genung moved to approve Option 1. Judge Brunson seconded, and the motion passed without objection.

b) **Reallocation of Available Position**

The FMC recommended Option 1, to reallocate the vacant 0.5 administrative support FTE from the 9th Judicial Circuit to the 13th Judicial Circuit. Judge Lauten moved to approve Option 1. Judge Ficarrotta seconded, and the motion passed without objection.

4. **FY 2017-18 Allocations for General Magistrates**

Lindsay Hafford reported that FY 2017-18 allocations need to be approved for General Magistrates and administrative support FTE’s. The total need is based on the maximum number of forecasted filings over fiscal years 2015-16, 2016-17, and 2017-18 for non-capital murder, sexual offense, felony drug court, professional malpractice, product liability, auto negligence, other negligence, condominium, contract and indebtedness, real property/mortgage foreclosure, eminent domain, other circuit civil, simplified dissolution, dissolution, child support, UIFSA, other domestic relations, domestic violence, repeat violence, delinquency, dependency, termination of parental rights, probate, guardianship, trust, Baker Act, Substance Abuse Act, and other social case types. Ms. Hafford noted there are no new resources or resources in reserve for the general magistrate element that are available for allocation to the circuits.
The FMC recommended Option 1, to approve the proposed General Magistrate and administrative support personnel allocations for FY 2017-18 as presented, and direct staff to monitor vacancies in this element and recommend reallocation of available General Magistrate and administrative support FTEs according to the maximum need and pursuant to approved reallocation policies. Judge Smiley moved to approve Option 1. Tom Genung seconded, and the motion passed without objection.

Chair Roundtree presented a letter from the Fifteenth Circuit requesting reclassification of all Magistrate Assistants and Hearing Officer Assistants (DOR) to Administrative Assistant II’s. The Executive Committee considered this request and confirmed the classifications of duties are correct and the pay class for these positions may be low. The Executive Committee recommended this issue be referred to the Personnel Committee for analysis and presentation to the TCBC at a later date, if warranted.

Judge Rondolino moved to approve referral to the Personnel Committee for further review and bring recommendations back to the TCBC. Judge Brunson seconded, and the motion passed without objection.

D. Full-Time Equivalent and Base Operating Budgets
Lindsay Hafford reported that each year the FMC and the TCBC review elements to determine allocations, and noted for FY 2016-17, the Legislature did not appropriate any new FTE’s to the trial courts, nor were there any base budget reductions. The proposed allocations for FY 2017-18 are based on the FY 2016-17 beginning allocations and adjusted for legislative budget reductions, permanent budget amendments, actions approved by the TCBC, non-recurring items, and approved personnel actions.

The FMC recommended Option 1, to approve the proposed FY 2017-18 FTE and operating category allocations based on maintaining the FY 2016-17 beginning allocations adjusted for legislative budget reductions, permanent budget amendments, actions approved by the TCBC, non-recurring items, and approved personnel actions. Judge Brunson moved to approve Option 1. Judge Nelson seconded, and the motion passed without objection.

E. Non-Due Process Contractual Allocations: Senior Judge Days, Civil Traffic Infraction Hearing Officers, Additional Compensation to County Judges, and Mediation

1. Senior Judge Days
Kris Slayden reported that each year the FMC and the TCBC review contractual allocations for possible reallocation due to changes in expenditure trends and variability caused by other factors, and noted proposed allocations for FY 2017-18 need to be approved by the TCBC.

Currently, the allocation methodology is based on a rate of $355.08 per day, holding 50 days in reserve, and using a proportional distribution based on circuit judicial need, as calculated during the most recent certification process (using the new judicial case weights) and actual
county judges. Note: Estimated FY 2016-17 re-appropriated days are not included in the total days distributed. Staff recommend reallocating any unexpended FY 2016-17 senior judge days in October after the certified forward process.

Walt Smith asked how many days would be lost if the increase is realized, and Ms. Slayden reported 719 days. Ms. Smith stated he is not comfortable losing Senior Judge days, and Tom Genung shared that concern.

The FMC recommended Option 2A, to approve proposed FY 2017-18 circuit allocations using the current methodology and a rate of $380.44 ($375 per day plus $5.44 FICA), holding 50 days in reserve. Judge Smiley moved to approve Option 2A. Judge Lauten seconded, and the motion passed without objection.

2. Civil Traffic Infraction Hearing Officers (CTIHO)
Lindsay Hafford reported the proposed FY 2017-18 allocation for this element is $2,042,854, based on the three-year average of expenditures for each circuit.

The FMC recommended Option 1, to approve the proposed circuit allocations based on applying the percent of total average contractual expenditures to the total appropriation ($2,042,854) and using the three-year average expenditures for each circuit. Judge Brunson moved to approve Option 1. Judge Smiley seconded, and the motion passed without objection.

3. Additional Compensation to County Court Judges
Lindsay Hafford reported the current methodology distributes the $75,000 appropriation (less $100 placed in reserve) based on each circuit’s percent of the total statewide expenditures using three years of historical expenditure data. If the number of circuit-related work hours performed by county judges exceeds a circuit’s allocation, any unspent funding remaining at the end of the fiscal year is used during the certified forward process to cover uncompensated hours on a first come, first served basis. In order to accurately capture circuit needs, expenditure data used in the development of the proposed allocations includes both compensated and uncompensated hours submitted.

The FMC recommended Option 1, to approve the proposed FY 2017-18 circuit allocations using the current methodology. Judge Brunson moved to approve Option 1. Judge Smiley seconded, and the motion passed without objection.

4. Mediation
Lindsay Hafford reported the proposed contractual allocation is based on three-year average expenditures as long as the circuit’s total budget does not exceed the funding ceiling.

The FMC recommended Option 2, to approve contractual allocations based on three-year average expenditures as long as the circuit’s total budget does not exceed the funding ceiling; apply a 5% cushion to each circuit as long as it did not cause the circuit to exceed their funding
Judge Lauten moved to approve Option 2. Judge Parker seconded, and the motion passed without objection.

F. Due Process Contractual Allotments: Court Interpreting, Expert Witnesses, Court Reporting, and Cost Recovery

Kris Slayden reported the appropriation for due process elements in FY 2017-18 is $19,955,792, and provided an overview of how the appropriation was distributed in FY 2016-17. Ms. Slayden then presented the due process multi-circuit initiatives for TCBC consideration.

Due Process Multi-Circuit Initiatives

1. OpenCourt Funding Request

Ms. Slayden reported that in FY 2016-17, OpenCourt operated in nine circuits, encompassing 36 counties and 350 courtrooms. Staff that support this system are based in the Eighth Judicial Circuit; 1 Contract Developer and 1 Contract Support/Tester, and is currently supported with a $190,000 recurring allocation. For FY 2017-18, the Eighth Judicial Circuit has requested additional funding of $90,000 to support expansion of OpenCourt to 10 circuits and 44 counties, for a total funding request of $280,000.

The FMC recommended Option 1, to approve an additional $90,000 from the lump sum due process appropriation to fund an additional Support/Tester. The FMC also recommended the funds be approved as a non-recurring allocation. Additionally, the FMC recommended having OSCA staff conduct a cost/benefit analysis of OpenCourt, including the cost avoidance of vendor maintenance agreements, in advance of the FY 2018-19 budget allocation cycle.

Walt Smith requested clarification of the two TCBC approved positions that were given to the OSCA in FY 2016-17 in support of this system. Roosevelt Sawyer reported the two positions were established in the cross-jurisdictional unit at the OSCA, in FY 2016-17. In addition, an advisory board has been created that consists of eight Court Technology Officers (CTO’s) to help establish the operational support for CAPS and expansion into OpenCourt as well. The interview team has completed interviews, but decided to re-advertise. Therefore, the hiring efforts are still moving forward. Once these positions are filled, the build-out of support models for the CAPS System and OpenCourt can begin.

Walt Smith asked if the funds set aside to support these positions were lost due to the vacancies, and Dorothy Willard replied that the vacant positions helped generate lapse that assisted with the current year salary deficit, and the funds will not be returned because they are in the trust fund.

Judge Roundtree noted the Executive Committee recommended approval of Option 1, as modified by the FMC. Walt Smith moved to approve Option 1, as modified. Judge Smiley seconded, and the motion passed without objection.
2. Remote Interpreting

Roosevelt Sawyer reported that in FY 2016-17, $27,840 in recurring funds were allocated to support the continuation of the regional pilot on remote interpreting. In addition to the recurring funds, the TCBC approved the FY 2016-17 end-of-year spending plan, which included remote interpreting equipment requests from 10 circuits.

In addition, the Shared Remote Interpreting Governance Committee (Governance Committee) conducted a survey to determine circuits’ business needs. Several circuits indicated they may benefit from a “bridge” solution. The Governance Committee invited Cisco Systems, Inc., to demonstrate capability of the multi-point connectivity and compatibility with non-Cisco based technologies, such as Polycom. Based on these actions, the Governance Committee recommended purchase of the “bridge.”

To add a “bridge” service to the current model, the OSCA has reviewed two options: 1) purchase a new server (CMS 1000) hosted as an on-premises solution at the OSCA, or 2) subscribe annually to a cloud supported solution hosted through a vendor, Telespace, Inc. Tom Genung asked if cloud testing has been done to ensure connections are available statewide. Mr. Sawyer replied that testing is in process but is not yet complete.

The FMC recommended Option 1, to approve the use of FY 2017-18 funds in the amount of $5,831 (non-recurring) and $80,260 (recurring) to allow the OSCA to purchase the “bridge” as a cloud-supported solution. The FMC also recommended that if the TCBC approves Option 1, the funds should be taken out of the statewide due process reserve, without impacting the circuits’ allocations. Judge Roundtree proposed amending Option 1 to state that no funds will be expended until statewide connectivity can be verified.

Tom Genung moved to approve Option 1, with the amended language. Judge Nelson seconded, and the motion passed without objection.

Circuit Allocations

Kris Slayden stated that due process contractual allocations need to be determined for each circuit, and stated that the amount spent in FY 2016-17 is more than the funds available for FY 2017-18 allocation; therefore a deficit may be realized in FY 2017-18.

The FMC and Executive Committee recommended Option 2, to place 2.5% of the Due Process appropriation ($498,895) into the due process reserve; allocate the remaining funds among the three due process categories based on each element’s proportion of estimated FY 2017-18 expenditures. (Note: The 2.5% reserve amount was adjusted down to $412,804 after TCBC approval the subscription service solution for the remote interpreting statewide call manager. Judge Brunson moved to approve Option 2. Judge Steinbeck seconded, and the motion passed without objection.)
Due Process Cost Recovery

Dorothy Willard stated the due process cost recovery allocations represent budget authority only, as this is a trust fund. Actual spending is allowed based on the availability of cash carried forward from the prior fiscal year and revenue collected in the current fiscal year, up to the amount of the budget authority allocated. There is approximately $1.1 million in authority in this trust fund.

The FMC recommended Option 2, to allocate the due process cost recovery based on each circuit’s prorated share of FY 2017-18 cumulative projected revenue (includes cash carried forward). Ms. Willard noted a correction to what was previously presented to the FMC for consideration. The committee asked how allocations have been determined historically, and they were informed based on cumulative. However, the allocations have historically been determined based on current year revenue projections, which is Option 1. Judge Smiley, Chair of the FMC, asked the FMC members if there were any objections to revising the committee’s recommendation to Option 1. There were no objections.

Judge Smiley moved to approve Option 1, to allocate the due process cost recovery based on each circuit’s prorated share of FY 2017-18 projected revenue. Judge Steinbeck seconded and the motion passed without objection.

G. Statewide Allocations

ICMS: Kris Slayden stated the Integrated Case Management System (ICMS) expanded coverage in FY 2016-17, and is currently in production in six circuits and 23 counties. The TCBC allocated a total of $230,000 (non-recurring) for ICMS to the Eighth Circuit for the Third, Fourth, Eighth, Tenth, Fourteenth, and Eighteenth Judicial Circuits ($38,333 per circuit, or $10,000 per county) for FY 2016-17 for ongoing programming and support of ICMS.

Ms. Slayden stated that in FY 2017-18, the Fourth Judicial Circuit will expand coverage to Duval and Clay counties, Polk County will move into production, and the Nineteenth Judicial Circuit is planning to migrate to ICMS. This will bring the total ICMS coverage to seven circuits and 30 counties.

The Eighth Judicial Circuit, on behalf of the Third, Fourth, Eighth, Tenth, Fourteenth, and Eighteenth Judicial Circuits, has requested continuation funding for ICMS maintenance and support, in the form of recurring funding.

The Executive Committee recommended Option 2, to approve as a non-recurring allocation, the Third, Fourth, Eighth, Tenth, Fourteenth, and Eighteenth Judicial Circuits’ continuation request of $230,000 for the Eighth Judicial Circuit to support the development and maintenance of the ICMS program through FY 2017-18 using trial court expense reserves. This would require a budget amendment to convert the funds to contracted services. Judge Ficarrotta moved to approve Option 2. Judge Smiley seconded and the motion passed without objection.
Statewide Allocations: Dorothy Willard then provided an overview of FY 2017-18 proposed statewide allocations, noting the revisions that will be made to the allotments based on the TCBC decisions that have been made today.

Judge Nelson moved to approve the FY 2017-18 proposed allocations, with inclusion of the TCBC funding decisions made at this meeting. Judge Parker seconded, and the motion passed without objection.

H. Allocations for Special Appropriations

Dorothy Willard provided an information only overview legislative project funding and noted the judicial branch did not solicit these requests. She also noted that funds associated with these appropriations cannot be utilized for any other purpose than what is stated in the proviso language.

1. Domestic Violence Active Global Positioning Satellite (GPS) Technology

The Legislature appropriated recurring funding totaling $316,000 for the Eighteenth Judicial Circuit to continue its program to protect victims of domestic violence with Active Global Positioning Satellite (GPS) technology.

2. Post-Adjudicatory Expansion Drug Courts

Dorothy Willard noted that allocations are based on current year expenditures as well as the projected number of people to be served, and any funding not allocated has been placed at the statewide level. The allocation for Seminole County is pending as the county is currently determining their needs. The funding requested will impact the amount allocated in the statewide reserve, but it was noted that Seminole County has stated that is will be less than the amount that is currently available in reserve ($209,788), therefore, no of the other counties allocations should be impacted. An email vote will be requested for approval of Seminole County’s post-adjudicatory drug court allocation, once the proposed amount is known.

Judge Nelson moved Option 1, to approve the proposed FY 2017-18 allocations as requested and place the remaining allocation at the statewide level. Tom Genung seconded, and the motion passed without objection.

3. Other Drug Courts

Dorothy Willard stated the Legislature appropriated funding totaling $175,000 in nonrecurring funds in the Contracted Services category for the Grove Counseling Center to provide treatment services for the Seminole County Juvenile Drug Court.

4. Veterans Courts

Dorothy Willard stated the Legislature appropriated $1,426,846 recurring funding and $802,649 nonrecurring funding for felony and/or misdemeanor pretrial or post-adjudicatory veterans’ treatment intervention programs.
5. **Vivitrol/Naltrexone to Treat Alcohol- or Opioid-Addicted Offenders**

Dorothy Willard stated the Legislature appropriated $5,000,000 recurring funding and $2,500,000 nonrecurring funding for Vivitrol/Naltrexone to treat alcohol- or opioid-addicted offenders.

Judge Roundtree asked Ms. Willard how much of this special appropriation remains unspent. Ms. Willard stated that for FY 2016-17, an appropriation of $6.4 million was received and as of June 26, 2017, approximately $2 million remains.

**Agenda Item IV: Salary Projections and Discussion of Salary Management**

Dorothy Willard provided an overview of the start-up trial court salary budgets for FY 2017-18. With the legislative cut of $2 million to the salary budget, the projected payroll liability is estimated to be $8.2 million over appropriation. The projected payroll liability at the beginning of FY 2016-17 was $4.2 million. Historically, each fiscal year begins with a salary deficit and is made up through the year through lapse associated with employee turnover, but Ms. Willard noted the liability shortfall projected for FY 2017-18 is the largest the Judicial Branch has ever faced.

Ms. Willard then provided an overview of how salary deficits have been managed in previous years to generate lapse dollars, primarily through vacancies and hiring freezes. The average salary lapse over the last two years was $6.5 million, which is insufficient to cover the projected deficit for FY 2017-18.

Ms. Willard noted an exercise that may be conducted to reduce the projected DROP Liability through June 30, 2018 ($2,006,798) is to survey the Trial Court Administrator’s (TCA’s) to gather a DROP participants list for clarification of judges that plan to stay on the bench after they reach their DROP date. Ms. Willard added that the liability is a real obligation that will impact at some point, but if clarification of judges’ retirement plans can be determined, the entire impact may not be realized this fiscal year and the liability for FY 2017-18 will be reduced.

Chair Roundtree recommended OSCA staff reach out to the TCA’s, to request liaison with their chief judge, to conduct a survey of the judges that are in DROP and their plans for their retirement.

Ms. Willard reported that the Executive Committee recommended implementation of policies similar to the salary management plan that was implemented in FY 2008-09, and refer the issue to the Budget Management Committee (BMC) for review. After review of the proposed policies, the BMC would present an implementation plan for moving forward to the TCBC for final consideration. Because of the unknowns at this time (additional salary appropriation for retirement and health and the DROP liability), the Executive Committee recommended a hiring freeze until further notice, with the following exceptions:

- Judicial Assistant positions may be filled after being vacant for 30 calendar days;
- Exceptions for due process positions will be considered on a case-by-case basis, after they have been vacant for 60 calendar days;
- Does not apply if interviews have been conducted;
• Administrative and Federal Trust Fund positions are exempt from the freeze; and
• Trial Court Administrator positions may be filled immediately.

All other positions will remain frozen until the supplemental appropriations are received and the DROP liability can be re-evaluated, and the BMC’s subsequent analysis of the gains realized from the salary management plan being implemented today. Any requests for exceptions require approval by the chief justice. These actions do not affect the judicial assistant and trial court law clerk incentive plans. Judge Steinbeck addressed the commission regarding positions currently eligible for reclassification. She noted there are not enough funds to support those reclasses in this fiscal year, and added that every time a reclass is approved, that action creates a recurring impact on future fiscal years. Judge Steinbeck then proposed a modification to the Executive Committee’s recommendation given yesterday, to request that all reclasses be considered as part of the hard freeze, and any reclasses in process could be given priority once the salary management plan restrictions are lifted.

Chair Roundtree reminded the members that these actions are designed to avoid furloughs and layoffs. Judge Nelson moved to approve the proposed salary management plan as discussed. Grant Slayden seconded, and the motion passed without objection.

Ms. Willard then provided an overview of the trust funds projected liabilities for FY 2017-18. The Administrative Trust Fund is estimated to be $25,000 under appropriation, and the Federal Grants Trust Fund projected liability is estimated to be $19,821 over appropriation, which is expected to be covered with lapse generated.

**Agenda Item V: FY 2017-18 Budget and Pay Administration Memorandum**

Dorothy Willard provided an overview of the amended Budget and Pay Memorandum for FY 2017-18, and noted most of the proposed changes are technical. Ms. Willard noted the TCBC approvals made today will be incorporated into the proposed memorandum.

Eric Maclure then provided an overview of supplemental draft language relating to personnel actions for TCBC consideration, for inclusion in the FY 2017-18 Budget and Pay Memorandum. After much discussion, Chair Roundtree recommended the following language:

*Each circuit shall submit a Personnel Action Request (PAR) at least five (5) days before the action is to occur.*

Grant Slayden moved to approve the language as proposed by Chair Roundtree. Mark Weinberg seconded, and the motion passed. Judge Nelson moved to approve the budget and pay memo, with the personnel action language and other changes necessary based on TCBC actions. Judge Steinbeck offered an amendment directing OSCA staff to make edits and present the revised budget and pay memo to the TCBC for final approval. Judge Lauten seconded. The motion with amended language passed without objection.
Agenda Item VI: Personnel Committee Report – Law Clerk Incentive Plan Recommendations and Senior-Level Positions Status Report

Law Clerk Incentive Plan

Walt Smith presented the recommendations of the Personnel Committee that would differentiate Senior Trial Court Law Clerk positions with managerial and supervisory duties from Senior Trial Law Clerk positions resulting from five years of experience under the Law Clerk Incentive Plan.

The Executive Committee recommended Option 1, to approve the Committee’s report and recommendations in full and submit any items requiring approval by the Chief Justice or Supreme Court, as appropriate, without including the appellate courts. Law Clerks in the appellate court are not equivalent to law clerks in the circuit court, and Chair Roundtree noted the District Court of Appeals Budget Commission is the proper oversight for those decisions. Judge Ficarrotta moved to approve Option 1, without appellate court impact. Judge Rondolino seconded, and the motion passed without objection.

Eric Maclure clarified that there is a cost to one portion of the above action. The new class for Supervising Senior Trial Law Clerk would include a 5% increase, from $55,202.40 to $57,962.52. This would result in a salary increase for five of the twenty-three Senior Trial Court Law Clerks presently working in a supervising capacity, at a total cost of $9,690.86.

Judge Steinbeck and Chair Roundtree agreed that these increases would be considered reclasses, and would be on hold until the BMC can analyze the salary management plan impact and report its findings to the TCBC.

Tom Genung noted as a separate issue, that there is still a disparity between the Law Clerk Incentive Plan (eligible for promotion to the senior trial court law clerk class after 5 years), and the Senior Law Clerk classification (3 years of experience in the practice of law or as a law clerk). Chair Roundtree asked the Personnel Committee to address this issue and report back to the commission with their recommendations.

Senior-Level Positions/Reclassifications to Circuit Senior Leadership Positions

Walt Smith reported on the Personnel Committee’s work on the issue of reclassification requests that do not currently exist within that particular circuit. A survey has been distributed and the responses are being analyzed. Mr. Smith hopes to have a final report to present to the TCBC at its next meeting, but is unsure if it will be completed by that time.


Lindsay Hafford provided an overview of the status of recent changes regarding expert witness and court interpreting policies and procedures. The workgroup hopes to meet again in the fall.
Agenda Item VIII: Employee/Contractor Tax Issue
Eric Maclure provided a status report on the desk audit that the Internal Revenue Service (IRS) is conducting with the State of Florida. In 2016, working with the Florida Department of Financial Services (DFS), the IRS began a desk audit across the state, identifying state employees that received a W-2 and a 1099 during calendar year 2016. Thirty-nine (39) individuals were identified as having worked for the court system and other state agencies. One conference call has been conducted with the auditors and another conference call with a consultant that DFS has hired. Information analyses have been provided to the IRS, and we are awaiting final feedback. Once the IRS issues a settlement letter to the State of Florida, there will be thirty (30) days to pay. The TCBC has set aside funds for the State Court System’s liability, which is estimated to be approximately $102,000 to $104,000, subject to adjustment by the IRS based on the final analysis. These funds will be certified forward in the hopes that a settlement letter will be received prior to September 30, 2017. Mr. Maclure reminded the commission from a TCBC standpoint, there may be implications for those positions and services that are currently performed under contract, and those may have to be considered for employment through the OPS process. For those positions that can continue to be contracted, there may be a need for revisions to the contract to reduce potential audit risks.

Agenda Item IX: FY 2018-19 Legislative Budget Request

A. Timeline
Dorothy Willard reported an overview of the timeline, and noted that the LBR instructions will be sent out to the Chief Judges and Trial Court Administrators on Thursday, June 29, 2017.

B. Funding Methodology Committee Report / Identification of Issues
Kris Slayden reported that the LBR request is a two-step process, and the TCBC will vote today on the issues and OSCA staff will cost-out for presentation at the July 22, 2017, TCBC meeting. At that meeting, the findings will be analyzed and prioritized for consideration of inclusion in the State Court System’s LBR submission for FY 2018-19.

The FMC recommended the same issues filed in the FY 2017-18 LBR be brought back to the TCBC in July for estimation and consideration. The Executive Committee concurred.

Ms. Slayden noted the Eleventh Judicial Circuit requested Title IV-D federal funding for support due to their limited staff interpreter resources. Eric Maclure noted that in order to secure this funding, the Department of Revenue (DOR) and the Judicial Branch will need to submit dual budget requests. This ensures DOR may provide grant funding to the Judicial Branch, and the Judicial Branch would have authority to expend the funds. DOR is currently considering the proposal. If it is not acted upon, the Judicial Branch could push forward with the issue as a LBR issue. Chair Roundtree requested this issue be included in the recommendations today, should DOR not agree to move forward with the request.

Judge Nelson asked if a request for new General Magistrates (FTE) could be considered. Judge Smiley, as chair of the FMC, recommended the FMC include this issue be included in the FY 2017-18 Trial Court LBR issues for cost-out.
Judge Smiley made a motion that the General Magistrates and the Eleventh Circuit Court Interpreter issues be included for analysis with the FY 2017-18 Trial Court LBR Issues as follows: Employee Pay Issues for Equity, Retention, and Recruitment; Trial Court Technology; Court Interpreting; Case Management; and Staff Attorneys. Judge Nelson seconded, and the motion passed without objection.

Agenda Item X. Report from Chief Justice Designee to Clerks of Court Operations Corporation Executive Council
Judge Ficarrotta reported the Clerk of Court Operations Corporation (CCOC) met on June 12, 2017, and elected new leadership for the upcoming year. Ken Burke of Pinellas County has been elected Chair of the Corporation, and Stacy Butterfield has been elected Vice-Chair. Judge Ficarrotta then reported on the upcoming budget year, and noted a potential shortfall. The corporation is focusing on collection efforts and looks forward to the opportunity to collaborate with the Judicial Branch on these efforts. For FY 2017-18, the clerks have submitted their budget requests to CCOC leadership, which will be considered at the meeting to be held in August, 2017.

Agenda Item XI. Other Business

Florida Supreme Court Committee on Alternative Dispute Resolution
Eric Maclure provided an overview of the Florida Supreme Court Committee on Alternative Dispute Resolution (ADR) Rules and Policy Report and Recommendations for Mediation Fees for Services in Florida’s Trial Courts and Civil Indigent Status. It was proposed that instead of two fees, there be a requirement of one fee for mediation services. Chief Justice Labarga requested the ADR Rules and Policy Committee provide additional analysis, which includes obtaining TCBC feedback, regarding the proposed fee change.

Mr. Maclure noted with TCBC approval, staff will work with the TCBC Chair to obtain feedback and present to the TCBC before the ADR Rules and Policy Committee present their findings to the Supreme Court.

Judge Smiley moved to direct staff to develop feedback for presentation to the TCBC at a future meeting. Tom Genung seconded, and the motion passed without objection.

Judicial Administration Committee and the Court Interpreter Certification Board
Eric Maclure reported that on June 16, 2017, the committee and board jointly filed a proposed rule with the Supreme Court. Among other things, the rule recommends that in certain criminal and juvenile cases with a non-registered interpreter or an interpreter registered less than 2 years, there would need to be a recording made and retained as an electronic record for both the English and non-English portions of the proceeding. In working on that rule, the board and rules committee were cognizant of the potential fiscal impact for courtrooms and the need to have necessary recording equipment in place. A survey was conducted of TCA’s, and an initial estimate of $1.1 million to equip 437 courtrooms was projected.
In its rule submission, the committees recommended that due to these preliminary results and prior to the supreme court promulgating a rule, additional analysis is needed by the TCBC to provide additional information to the Supreme Court as it considers the rule, and its potential to impact LBR requests.

Judge Smiley moved to direct staff to provide feedback on court interpreter rule change fiscal impact and impact to LBR requests. Tom Genung seconded, and the motion passed without objection.

**Task Force of Substance Abuse and Mental Health Issues in the Courts**
Eric Maclure reported that the task force received a charge via administrative order (AO) to develop adult drug court standards. The proposed Florida Adult Drug Court Best Practices are ready for submission to the Supreme Court. An LBR is not recommended at this point as the concept is more voluntary for circuits to meet the proposed standards. The AO that outlined the charges for the task force indicated the need to apprise the TCBC before the standards were finalized, in the event the standards require additional resources for the circuits to meet those standards.

**Submission of Travel Vouchers for FY 2016-17**
Eric Maclure asked that due to the upcoming fiscal year-end, travel reimbursements be submitted as quickly as possible for processing.

**Recognition of Service**
Judge Mahon, Judge Steinbeck, PK Jameson, and Eric Maclure acknowledged Chair Roundtree for his service as chair of the TCBC for the past year.

**Adjournment**
With no other business before the commission, the meeting adjourned at 12:20 p.m.