Attendance – Members Present
The Honorable Margaret Steinbeck, Chair The Honorable Mark Mahon, Vice Chair
The Honorable Kim Bonner The Honorable Belvin Perry, Jr.
Mr. Mike Bridenback Ms. Kathy Pugh
The Honorable Catherine Brunson The Honorable Robert Roundtree
The Honorable Charles Francis The Honorable Olin Shinholser
Mr. Tom Genung The Honorable Elijah Smiley
The Honorable John Laurent Mr. Walt Smith
Ms. Sandra Lonergan The Honorable Terry Terrell
The Honorable Thomas McGrady The Honorable Patricia Thomas
The Honorable Wayne Miller Mr. Mark Weinberg
The Honorable Debra Nelson Ms. Robin Wright
The Honorable Gregory Parker

Attendance – Members Absent
The Honorable Bertila Soto

Welcome and Approval of Meeting Minutes
Judge Steinbeck called the Trial Court Budget Commission (TCBC) meeting to order at 8:33 a.m. Judge Steinbeck recognized and thanked Judge Laurent for his leadership while serving as Chair of the TCBC. Judge Steinbeck welcomed the members and asked members, staff and guests to introduce themselves. The roll was taken and a quorum was present.

Judge Steinbeck asked if there were any revisions to the June 15, 2012 meeting minutes. A motion was made by Judge Mahon to adopt the minutes as drafted. Judge Roundtree seconded and the motion was passed without objection.

FY 2011-12 Year End Wrap Up

Salary Budgets
Dorothy Wilson provided a status of the salary budgets for the trial courts. Ms. Wilson stated that the projected liability for General Revenue and State Courts Revenue Trust Fund was $2 million under the appropriation. The adjustments through June were $5.3 million, the majority of which was generated by lapse. Trends average around 2% lapse, even during bad years, and
should generate approximately $6 million in lapse every year. After the adjustments, the ending projected liability was $7.3 million under the appropriation.

The Administrative Trust Fund liability was under appropriation by $49,886. The Federal Grants Trust Fund liability was under appropriation by $58,923.

**Operating Budgets**
Dorothy Wilson reported on the status of the State Courts Revenue Trust Fund trial court operating budgets as of June 30, 2012. The remaining balance left was unspent authority that preserved cash.

Ms. Wilson stated there were 900 Senior Judge Days left, noting that the holdbacks were included within the 900 days.

**Trust Fund Cash Balances**
Dorothy Wilson reviewed trust fund cash statements for June.

**Administrative Trust Fund** – The ending cash balance for June was $1,035,995.07.

**State Courts Revenue Trust Fund** – A new chart was reviewed for the State Courts Revenue Trust Fund. Ms. Wilson stated that the new chart included the Fee and Fine Revenue Received through Clerks’ Early Remittance. Ms. Wilson reviewed the cash analysis for the State Courts Revenue Trust Fund and reported that the ending cash balance for the fiscal year was $4.1 million. The clerks’ early remittance of revenue was needed to end the year with sufficient cash. Ms. Wilson noted that the budget was managed very closely; as a result, the SCRTF ending balance was less than .02% of total budget. Judge Steinbeck extended her thanks to the clerks’ for their early remittances and requested that appreciation be conveyed to the clerks’ offices.

**Projected Reversions**
Dorothy Wilson reviewed the projected reversions of the FY 2011-12 State Courts Revenue Trust Fund operating budgets for the trial courts. Ms. Wilson explained that in June, the TCBC requested the estimated reversions. The data included all certified forward expenditures through July 31, 2012. Ms. Wilson explained that the Circuit 0 level contained the Statewide Reserves that were held to preserve cash and the holdbacks. There is $1.4 million within the circuits estimated to revert with a little over $100,000 estimated left to be paid.
FY 2012-13 Budget Update

Report from July 11, 2012 Article V Estimating Conference

State Courts Revenue Trust Fund

Kris Slayden reported on the Article V Revenue Estimating Conference that met on July 11, 2012 regarding the State Courts Revenue Trust Fund. For FY 2012-13, the conference adopted a revenue estimate of $109.8 million, which will be used to fund the $86 million SCRTF budget authority. For FY 2013-14, FY 2014-15 and FY 2015-16, the principals adopted revenue estimates of $108.2, $94.0, and $89.4 million respectively. The reduction in estimates is primarily due to an expected decrease in foreclosure filings. OSCA staff feel the estimates are accurate. Ms. Slayden noted that foreclosure filings equal 32% of the revenue coming in.

Judge Laurent asked how far the State Courts System estimates for FY 2011-12 were off from actual revenue. Lisa Goodner replied that internal estimates were off by 1/10 of 1%.

General Revenue

Ms. Slayden reported that the General Revenue Estimating Conference was held on August 9, 2012 and that an updated Financial Outlook Statement would be produced and adopted by the legislature in September. Ms. Slayden reported that the FY 2011-12 estimate increased by $407 million and that FY 2012-13 was up $31.5 million.

Trust Fund Cash Balances

Dorothy Wilson reviewed the State Courts Revenue Trust Fund cash analysis for FY 2012-13 stating there was a correction on the footnote for the early remittance of July revenue received in June. The corrected amount received was $3,123,787. Ms. Wilson reported that salaries were the only category remaining in the SCRTF. Salaries and the 8% General Revenue Service Charge were the only expenditures paid to date. Ms. Wilson added that due to a timing issue, the 8% General Revenue Service Charge hit before payroll, therefore, insufficient cash was available to meet payroll. State Courts Revenue Trust Fund salary expenditures for July in the amount of $6,851,056 were transferred to General Revenue. In future months excess cash in the SCRTF will be transferred to GR to offset those expenditures.

Salary Budget and Payroll Projections

Dorothy Wilson presented the FY 2012-13 Salary Budget and Payroll Projections. Ms. Wilson stated that the cost to meet payroll all year with no vacancies (projected liability) for General Revenue and State Courts Revenue Trust Fund was under the salary appropriation by $76,745. Ms. Wilson further noted that payroll liability includes the salary distribution plan and reclassifications that were approved, which amounted to a little over $3.9 million. Ms. Wilson stated that the adjustments through July 31, 2012 were $485,815, generated through lapse. Estimated leave payouts is based on a two year average and typically has been around $1 million, but that this number has been going down over the past few years. The final adjusted
payroll liability at full employment is $264,379 over the salary appropriation. The circuit lapse generated for July was $446,849 and the remaining liability over appropriation will be made up in August.

Lisa Goodner added that last year we started with a surplus over the appropriation which we used for reclassifications and salary distribution plans. Ms. Goodner further commented that this year the trial courts are starting on target with the appropriation and any payroll actions will be covered by lapse that will be generated. Judge Steinbeck noted that any actions or decisions made by the TCBC will be based on lapse earned throughout the year.

The Federal Grants Trust Fund was under appropriation by $171,307 through July 31, 2012. The Administrative Trust Fund was under appropriation by $408.

Current Year FY 2012-13 Pay Issues

Enhancing Existing Resources: Employee Pay Issues
At the June 15, 2012 meeting, the Trial Court Budget Commission voted to file an FY 2013-14 Legislative Budget Request (LBR) based on enhancing existing resources. The TCBC Executive Committee referred a number of pay issues for review, recommendation and prioritization. The Personnel Committee met on July 24, 2012, considered the issues and made a recommendation for each.

Theresa Westerfield noted that the TCBC Executive Committee met August 10, 2012 and recommended a LBR issue for an across the board 3.5% pay increase for staff (excluding judges). Judge Francis made a motion to approve the recommended pay increase. Judge Perry seconded and the motion passed without objection. Judge Steinbeck stated that the TCBC will make a recommendation to the Supreme Court to advance this issue in the LBR.

Ms. Westerfield reviewed the following pay issues and Personnel Committee recommendations for current year FY 2012-13 implementation using available salary dollars from lapse generated. Judge Steinbeck stated the Executive Committee recommended not advancing these issues in the LBR and to use available salary dollars generated by lapse. These pay issues would not be retroactive. Walt Smith added that the Personnel Committee recommendations are based on recruiting issues.

1. Longevity Increases for Judicial Assistants
Longevity increases could address salary compression among Judicial Assistants (JA’s) whereby the salary differential between more newly hired and more senior JA’s is smaller than it should be. Data from the 2010 Florida Bar Survey indicates that beginning JA salaries compare favorably to those of paralegals and legal secretaries in law firms across all regions in the state. However, when comparing salaries of
experienced JA’s to those of experienced law firm legal secretaries and paralegals there is about a 15% gap.

**Personnel Committee Recommendation**
Utilize years of service as a Judicial Assistant for calculating longevity to coincide with trial court judges’ term of office based on $600 for six years and an additional $100/year for seven years through twelve plus years with a maximum of $1,200. The cost estimate for this plan for Fiscal Year 2012-13, assuming an implementation date of September 1, 2012, is $731,590, and, of all circuit and county judicial assistants, 72.3% would be eligible for some longevity increase under this plan. After year six, the longevity increases would be provided in an annual “step” plan (through year twelve). For re-employed retirees, any calculation would be based on date of re-employment, not initial appointment date. Except for re-employed retirees, prior judicial assistant service would count toward eligibility. Consider this issue as the **#1** priority.

Ms. Westerfield stated that a determination was also needed as to whether to institute this issue as an on-going commitment. The cost for Fiscal Year 2013-14 is estimated at $58,559. That cost is most likely to be a fairly consistent continuing cost each fiscal year. Ms. Westerfield stated the TCBC Executive Committee recommended to fund and to institute the plan as an ongoing commitment. Judge Roundtree made a motion to approve and institute the plan as an ongoing commitment. Judge Nelson seconded and the motion passed without objection.

2. **Realign classes in Pay Grade 200**
Pay Grade 200 is a catch-all pay grade originally created for Revision 7 transition of manager positions. The cost to implement the realignment of classes of positions in pay grade 200 to the pay grades of existing State Courts System classes is estimated at $226,814.

**Personnel Committee Recommendation**
Realign positions in pay grade 200 to existing pay grades of classes as estimated and consider this issue as the **#2** priority.

3. **Increase Starting Salaries of Court Interpreters and Bring Incumbents Up to New Minimums**
In January, the Personnel Committee reviewed turnover and vacancy data and determined the 9th, 10th, and 20th Circuits experienced turnover rates higher than the statewide average and/or were experiencing recruitment problems. The Committee made a recommendation to increase the starting salary of a Court Interpreter/Translator only in those circuits where data clearly supported retention and/or recruitment problems (9th, 10th, 11th, and 20th Circuits) by providing a
Competitive Area Differential (CAD) of $5,000 and a CAD for the Supervising Court Interpreter of $2,700. The Executive Committee made a recommendation that these types of requests be submitted to the Executive Committee for an exception to the FY 11-12 salary distribution plans and the TCBC agreed. Only the 11th Circuit utilized FY 11-12 salary distribution allocation to increase starting salaries and those of incumbent interpreters to $38,077 ($5,000 above the minimum of $33,077). The cost of that request, which was approved by the Executive Committee, was $102,596.

In the interim, concerns have been raised for those circuits that would not have a CAD (based on the criteria used above) for interpreters but which are adjacent to those circuits that would have a CAD. The primary concern is loss of interpreters to an adjacent circuit who would be providing increased salaries under the CAD scenario. Staff also researched other states’ salaried interpreter compensation, analyzing a 2011 survey of the Consortium for Language Access in the Courts. The average entry rate for the states who reported was $41,059 and ranged from a high of $50,877 in Massachusetts to a low of $28,392 in Kentucky. Besides Kentucky, only one other state – Minnesota – reported having a lower starting salary ($30,390) than Florida.

The Personnel Committee reviewed a cost analysis that would establish the Court Interpreter class in pay grade 21 (minimum $37,756) which would increase starting salaries for Court Interpreters for all circuits and bring incumbents up to the minimum of the new pay grade. The current minimum, at pay grade 18, is $33,077. The increase of 3 pay grades equates to $4,679. The cost to increase salaries is estimated at approximately $272,207. This cost includes $491 for a concomitant increase for the one Assistant Supervising Interpreter to move from pay grade 20 (minimum $36,115) to pay grade 23 (minimum $41,268) and includes the cost of $29,160 for concomitant increases for seven Supervising Interpreters to move from pay grade 23 (minimum $41,268) to pay grade 26 (minimum $47,569).

**Personnel Committee Recommendation:**
Increase the Court Interpreter class to pay grade 21, the Assistant Supervising Interpreter class to pay grade 23, the Supervising Interpreter class to pay grade 26, and bring the incumbents’ salaries up to the new minimums. Consider this issue as the **#3** priority.

Judge Roundtree inquired into the number of employees that this would affect. Judge Mahon answered that it would affect 64 people.
4. Establish a Certified Court Interpreter Class Two Pay Grades Higher than the Court Interpreter Class  
   The Personnel Committee reviewed this issue as a means to provide an incentive for those who have achieved certification pursuant to ASOSC11-45, In re: Court Interpreting Services in Florida’s Trial Courts.

   Funding this issue would address the charge to the TCBC in the AO to “… review the feasibility of: Establishing pay increases for court employee interpreters which would provide newly hired certified interpreters a higher base rate and existing employees, who are certified or become certified, a fair and equitable pay increase.” Maximum contract certified interpreter rates are 33.3% higher than non-certified contract interpreter rates in ASOSC11-45, In re: Court Interpreting Services in Florida’s Trial Courts.

   Establishing a Certified Court Interpreter class two pay grades higher than that of the Court Interpreter class would equate to about a 9.2% difference. Based on available data (April 2012) of certified and “poised to be certified” trial court employee interpreters, the cost of increasing the incumbents’ salaries to the minimum of a new Certified Court Interpreter is estimated at $66,826.

   If the issue to increase all Court Interpreter salaries by three pay grades is approved, that would increase the estimated cost of implementing the proposed Certified Court Interpreter class to $148,746.

   Personnel Committee Recommendation:  
   Establish a Certified Court Interpreter class at two pay grades above that of the Court Interpreter class. Consider this issue as the #4 priority.

5. Increase Starting Salaries of Stenographic Court Reporters and Bring Incumbents Up to New Minimums  
   In January, the Personnel Committee reviewed turnover and vacancy data and determined the 6th, 9th, and 15th Circuits experienced turnover rates higher than the statewide average and/or were experiencing recruitment problems. The Committee also reviewed four options for resolving these problems but did not make a recommendation. (Subsequently, the TCBC Chair concluded that whereas the “global” salary issues could be taken up by the Personnel Committee, the methodology issues fall within the purview of the Funding Methodology Committee.) In the interim, the 9th Circuit and the 15th Circuit did, however, request to utilize FY 11-12 salary distribution allocation to increase starting stenographic court reporter salaries and those of incumbent reporters. The cost of those requests, which were approved by the Executive Committee, was $89,270. Further, the 6th Circuit also used FY 11-12 salary
distribution allocation to reclass, prior to July 1, 2012, Court Reporter I’s with RPR certification to the Court Reporter II class, also approved by the Executive Committee, at a cost of $22,271.

Since then, as with Court Interpreters, concerns have been raised for those circuits that would not have a CAD (based on the recruitment/retention problem criteria) for stenographic reporters but which are adjacent to those circuits that would have a CAD. The primary concern is loss of reporters to an adjacent circuit who would be providing increased salaries under the CAD scenario. In addition, staff researched federal court reporters rates of pay. Notwithstanding the fact that most federal court reporters are considered personal staff to judges, the base rate of pay was $64,278 for 2012 with an average rate of pay of $77,741 for court reporters hired on or after October 11, 2009 in the Miami-Fort Lauderdale-Miami Beach area. The current minimums are $43,193 (pay grade 24) for Court Reporter I, $47,569 (pay grade 26) for Court Reporter II, and $52,445 (pay grade 28) for Court Reporting Services Manager.

The Personnel Committee reviewed a proposal for an increase in all circuits of two pay grades in starting salaries for Court Reporter I’s and Court Reporter II’s, as well for Court Reporting Services Managers, and bringing incumbents up to the new minimums of $47,569 (pay grade 26), $52,445 (pay grade 28), and $57,943 (pay grade 30), respectively. The cost to implement this plan is estimated at $224,019.

**Personnel Committee Recommendation:**
Increase the Court Reporter I class to pay grade 26, the Court Reporter II class to pay grade 28, the Court Reporting Services Manager class to pay grade 30, and bring the incumbents’ salaries up to the new minimums. Consider this issue as the #5 priority.

6. **Realign the Classification Specifications of Stenographic Court Reporters**
Similar to the certified Court Interpreter issue, the Personnel Committee discussed whether to make such a distinction with stenographic court reporters by substituting the current Court Reporter II class with a Certified Court Reporter class requiring a Registered Professional Reporter (RPR) (or higher, e.g., Certified Realtime Reporter) certification. This would result in the promotion of all Court Reporter I stenographic reporters with such certification to a Certified Court Reporter class and the demotion of any non-certified stenographic court reporters currently in the Court Reporter II class to Court Reporter I (those reporters could be allowed to retain current salary; if they were subsequently certified and promoted, they would not be eligible for an increase except for an amount needed to bring them to the new minimum).

Determining the cost of this proposal would require surveying each circuit with stenographic reporters to determine each reporter’s certification status. However, if
every current Court Reporter I held a certification (worst-case scenario for cost), that cost would total about $72,539. If the issue to increase all Court Reporter salaries by two pay grades is approved, that would increase the estimated worst-case scenario cost of implementing the classification specifications realignment for the Certified Court Reporter class up to about $114,505.

Personnel Committee Recommendation:
Realign the classification specification of stenographic court reporters by substituting the current Court Reporter II class with a Certified Court Reporter class requiring a Registered Professional Reporter (RPR) (or higher, e.g., Certified Realtime Reporter) certification. Consider this issue as the #6 priority.

7. Increases for Law Clerks
Personnel Committee Recommendation:
If the appellate courts request to file a legislative budget request issue for law clerk minimum increases, file a companion issue to increase the trial court law clerk minimum. Base the increase either on 95% of the proposed appellate law clerk minimum or on other findings of the District Court of Appeal Budget Commission's work on the issue.

8. Establish a New Court Interpreter Class for Haitian Creole
The Personnel Committee reviewed a proposal to establish a new Court Interpreter class for Haitian Creole interpreters at two pay grades higher than the regular Court Interpreter class and for those certified, two pay grades higher than the Certified Interpreter class (if such a class were established). This would only affect 6.0 FTE in the 11th Circuit, 2.0 FTE in the 15th Circuit and 3.0 FTE in the 17th Circuit. The proposal noted that although there are various levels of recruitment/retention issues across circuits with all interpreters, these issues are reported to be more severe for interpreters of Haitian Creole in several circuits. Maximum Haitian Creole contract interpreter rates are 66.7% higher than Spanish ($75/hr vs. $45/hr for non-certified interpreters) and 50% higher for certified interpreters ($90/hr vs. $60/hr) in ASOSC11-45, In re: Court Interpreting Services in Florida’s Trial Courts.

The cost of the proposal would be $12,984. If a Certified Court Interpreter class was also approved for Haitian Creole, the cost would be $23,367. If the Interpreter class in general was increased due to a higher pay grade assignment, then the cost of this proposal is $34,969. If a Certified Court Interpreter class in general was also approved, the cost is $54,673.

The Personnel Committee came to a consensus that should the recommendation to increase the regular Court Interpreter class to higher pay grade be approved and
subsequently funded, such an action may alleviate the problems with Haitian Creole interpreter recruitment and retention.

**Personnel Committee Recommendation:**
Hold the establishment of a new Court Interpreter class for Haitian Creole interpreters in abeyance pending determination of the effect of an increase in the regular Court Interpreter class, if approved and funded, on this issue.

Judge Francis made a motion to approve the Personnel Committee Recommendations, allowing OSCA to determine the implementation plan. Judge Perry seconded and the motion passed without objection.

**Recommendations on Pay Policies for FY 2012-13 Budget and Pay Administration Memorandum**
Dorothy Wilson reviewed a draft of the proposed changes to the Chief Justice’s Budget and Pay Memorandum.

Ms. Westerfield reported that the Personnel Committee recommended at such time as the District Court of Appeal Budget Commission completes its review of, and recommended changes to, the Appellate Law Clerk Pay Plan, the TCBC should again review the Trial Court Law Clerk Incentive Plan for possible amendments.

Judge Mahon made a motion to approve the revisions. Judge Francis seconded and the motion passed without objection.

**Report from Due Process Technology Workgroup on Implementation and Funding Strategy for OpenCourt**

Patty Harris provided a report on the Due Process Technology Workgroup (DPTW) recommendations. To help guide future implementation planning efforts, in July 2012, the DPTW conducted a brief TCA survey to determine circuit interest and change management needs. Based on the results of the TCA survey, fifteen of the twenty circuits indicated they are currently interested in implementing OpenCourt. The five circuits currently not planning on implementing OpenCourt indicated they would reconsider implementing at a later time once more circuits come on-line and questions related to branch-level maintenance and support are resolved. Although the OpenCourt software has met the minimum DCR Technical and Functional Standards, the OpenCourt development team has continued its work to improve the software through debugging processes and by adding more features as requested by interested circuits. A Beta version is anticipated to be available August 31, 2012, but is anticipated that ongoing enhancements will occur based on special need requests of circuits.
Ms. Harris presented three recommendations by the DPTW

**Recommendation One – Continued Testing and Evaluation During FY 2012-13.** As OpenCourt is still in the early stages of development, the DPTW discussed pursuing smaller installations at this time. Thus, the DPTW recommends that the OpenCourt project team limit its efforts during FY 2012-13 towards supporting existing installations and testing and evaluating initiatives. Therefore, the DPTW recommends allowing circuits 2, 5, 6, 7, 17, and 18 to begin testing and evaluating OpenCourt based on the availability of existing circuit funds to support change management hardware needs. Based on a basic parts specification list provided by Fred Buhl and through feedback provided by the circuits, it is estimated circuits would need approximately $2,000 - $10,000 per courtroom/hearing room to purchase the necessary supporting equipment. This cost varies by circuit due to existing hardware setups. As such, several circuits have indicated they intend to transition to OpenCourt using re-purposed existing equipment or via refresh of existing outdated equipment. For those circuits unable to utilize existing circuit funds for their change management hardware needs, the DPTW recommends that consideration be given towards prioritizing any unobligated FY 2012-13 year-end funds towards supporting continued testing and evaluation of OpenCourt. The Executive Committee recommended approval of this request.

**Recommendation Two – OpenCourt Support.** Two circuits have completed their transition to OpenCourt. As a result, these circuits cannot rely on proprietary vendors to provide maintenance support. They must rely on either in-house support or the OpenCourt project team for on-going hardware and software support. With these increased demands anticipated on the OpenCourt project team moving forward and in anticipation of additional implementation, the DPTW recommends hiring a support analyst during FY 2012-13 to allow training and development to begin with the hired contractor.

For FY 2012-13, the DPTW recommends an allocation of $75,000 in contractual funds from Due Process Reserve funds to allow the 8th Circuit to hire one support analyst contractor to provide OpenCourt maintenance support. The DPTW also recommends the support contract be based on a yearly contract, as opposed to an hourly rate, to ensure comparable level of services is provided to the circuits as provided by previous vendors. The Executive Committee recommended approval of this request.

**Recommendation Three – Re-Evaluation of Future Implementation Plans.** Based on current feedback provided by the circuits regarding future maintenance support needs, the DPTW recommends long-term consideration be given to instituting a statewide maintenance model that includes a total of three support analysts to provide regional-level (north, central, and south) maintenance support for OpenCourt. However, as OpenCourt continues to be tested and evaluated during FY 2012-13, the DPTW recommends re-evaluating these long-term future implementation plans prior to allocation of additional funds in FY 2013-14. The DPTW has
indicated they will continue to monitor testing and evaluating efforts and re-assess change management needs based on performance service level metrics as developed by the DPTW. The results of these analyses will be provided to TCBC during future meetings for consideration. The Executive Committee did not recommend approval at this time and recommended that the DPTW propose a statewide support model for a future request.

Judge Mahon made a motion to approve Recommendations One and Two. Judge Perry seconded and the motion passed without objection. Mike Bridenback made a motion to table Recommendation Three. Judge Thomas seconded and the motion passed without objection.

**FY 2013-14 Legislative Budget Request**

**Court Interpreting – Funding Request for Implementation of TCP&A Recommended Standards of Operation and Best Practices (Tier II Policies) and Remote Interpreting**

Patty Harris reported that at their June 15, 2012 meeting, the Trial Court Budget Commission (TCBC) approved a Legislative Budget Request for court interpreting to address Tier Two policy recommendations in which to support the future expansion of court interpreting services to all court proceedings and court-managed activities, as directed by the Supreme Court’s administrative order 11-45 approving several recommendations of TCP&A’s *Recommendations for the Provision of Court Interpreting Services in Florida’s Trial Courts*. 

Under the direction of the TCBC, the Due Process Workgroup (DPTW) is currently assessing the viability of remote interpreting technology to minimize staffing costs associated with expanding court interpreting services. The DPTW anticipates recommendations this fall.

Ms. Harris presented members with the following options for consideration:

**Option One** – File LBR issue based on a fiscal impact analysis that was conducted in October 2011 which estimated statewide circuits would need a total of $11,598,829 in additional FTE’s and direct services contractual to implement the Tier Two policy recommendations. For remote technology, file LBR issue for $1,503,591 based on circuit requests within the approved cost model guidelines.

**Option Two** – File LBR issue as a placeholder for both Tier Two policies and remote interpreting technology. Once the technology recommendations are finalized in November 2012, a revised LBR issue may be presented to the Funding Methodology Committee for consideration.

The Funding Methodology Committee and the Executive Committee recommended Option 2.

Judge Mahon made a motion to approve Option Two. Judge Brunson seconded and the motion passed without objection.
Additional Legislative Issue Related to Court Interpreting For Consideration
Eric Maclure presented the following issue to the Trial Court Budget Commission:

The Commission on Trial Court Performance and Accountability recommended that the Trial Court Budget Commission review the feasibility of seeking the passage of legislation to provide statutory authority to circuits wishing to use existing funds to pay for training and certification expenses for employee interpreters. In AOSC11-4, Corrected, Jan.30, 2012, In Re: Court Interpreting Services in Florida’s Trial Courts, the Chief Justice issued an administrative order adopting this particular recommendation.

Mr. Maclure reviewed current certification requirements, fees and the TCP&A’s rationale for this recommendation.

The Executive Committee did not want to single out only one class of employees for payment of training and certification expenses and did not recommend approval.

Judge Mahon made a motion not to pursue legislative authority. Judge Miller seconded and the motion passed without objection.

Post-Adjudicatory Drug Court Continuation of Funding
Kris Slayden provided history of the Edward Byrne Memorial Justice Assistance Grant (JAG) Program funds to expand adult post-adjudicatory drug courts. This program included eight counties and $18,633,223 in funding for treatment services, drug testing, case management, probation supervision, data system development and maintenance, and OSCA program monitoring and administration. The grant funding is available through June 30, 2013 and the eight counties are interested in continuing this program once grant funding expires.

Ms. Slayden presented the following funding request details for consideration related to filing an issue in FY 13-14 Legislative Budget Request for Post-Adjudicatory Drug Court Continuation Funding: $540,835 for 3 Drug Court Managers and 11 Court Program Specialist IIs and $5,000,000 for substance abuse treatment, drug testing and ancillary services totaling $5,540,835.

Option One – Approve the requested $5,540,835 of continuation funding for the current eight participating post-adjudicatory drug courts for FY 2013-2014.

Option Two – Deny the request.

Ms. Slayden reported that the Executive Committee recommended Option One, noting their concern that the $5,000,000 for treatment funding should be in another agency. Lisa Goodner commented that while she agrees with the Executive Committee, the issue needs to be filed
and there are several agencies we can work with to determine a more appropriate budget to house the $5 million at a later time.

Mike Bridenback made a motion to approve Option One with the recommendation that if funded, the funding be placed in the appropriate Executive Branch budget entity. Judge Miller seconded and the motion passed without objection.

**Court Reporting Equipment and Software: Maintenance/Refresh/Expansion**

Patty Harris reported that at the June 15, 2012 meeting, the Trial Court Budget Commission approved a Legislative Budget Request issue for court reporting equipment in support of the following: 1) general expansion needs; 2) general refresh needs; and 3) special hardware and software needs related to circuits changing vendors or switching to non-proprietary solutions such as OpenCourt.

For the FY 2013-14 LBR, the circuits are requesting a total of $557,894 for expansion; $303,238 for existing equipment maintenance needs; and $3,675,743 for refresh.

The following options were presented:

**Expansion and Maintenance on Existing Technology**

**Option One** – For expansion, file LBR based on those circuit requests that are within the approved cost standards. For maintenance on existing technology, file LBR based on those circuit requests that are within the approved 13% maintenance formula as applied to original hardware and software costs (previously purchased using state and/or county funds) as reported in the Due Process Technology Inventory.

**Option Two** – Do not file LBR.

**Refresh**

**Option One** – File LBR for non-recurring funds based on those circuit requests that are within the approved refresh timeframes as applied to original purchase dates of hardware (previously purchased using state and/or county funds) as reported in the Due Process Technology Inventory.

**Option Two** – File LBR for recurring appropriation based on the average annual cost of refresh (2007-08 forward) using the approved refresh timeframes as applied to original purchase dates of hardware (previously purchased using state and/or county funds) as reported in the Due Process Technology Inventory.
Option Three – File LBR for recurring appropriation based on Option Two. Include recurring appropriation based on the remaining need as calculated between Options One and Two.

The Funding Methodology Committee and Executive Committee recommended for Expansion and Maintenance on existing technology, file an LBR based on Option One. For Refresh, file an LBR based on Option Three.

Judge Mahon made a motion to approve Option One for Expansion and Maintenance and Option Three for Refresh. Walt Smith seconded and the motion passed without objection.

Foreclosure Backlog Reduction Initiative
Kris Slayden reported that during the 2012 Session, the Legislature appropriated $4.0 million in non-recurring funds for the FY 2012-13 Foreclosure Backlog Reduction Initiative. It is estimated that in FY 2012-13, 162,032 cases will be disposed with the resources associated with the Foreclosure Backlog Reduction Initiative. To sustain the 162,032 annual dispositions and eliminate the backlog of foreclosure cases in FY 2015-16, resources will be required for the next three fiscal years.

The following options were presented:

Option One – Approve LBR for non-recurring funds for the next three fiscal years.

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<td>FY 2015-16</td>
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Option Two – Do not approve

The Funding Methodology Committee and the Executive Committee recommended approval of filing a LBR for FY 2013-14 for the Foreclosure Backlog Reduction Initiative in the amount of $4.0 million and note in the LBR narrative that $4.0 million and $2.0 million in resources will be needed in FY 2014-15 and FY 2015-16 respectively.

Mike Bridenback made a motion to approve Option One. Judge Brunson seconded and the motion passed without objection.

Court Reporting Cost Sharing
Kris Slayden presented the agenda item for Court Reporting Cost Sharing stating at the June 15, 2012 meeting, the Trial Court Budget Commission approved requesting additional funds for cost sharing in the same manner as last year with the understanding that the $2,493,790 amount from last year’s LBR will be updated with more recent data.
A decision is needed on whether or not to file a LBR for FY 2013-14 for the additional cost sharing budget. Using the approved funding methodology and updated UDR data for FY 2011-12, the additional funding needed is $2,677,648.

Judge Steinbeck asked if responses for the Statement of Services had been received from all circuits. Ms. Slayden replied that 13 responses have been received. Judge Steinbeck instructed Ms. Slayden to copy the appropriate Commission member on correspondence requesting the outstanding Statement of Services.

The Funding Methodology Committee and Executive Committee recommended filing an LBR for FY 2013-14 for additional cost sharing budget in the amount of $2,677,648.

Judge Mahon made a motion to approve the additional funding request. Judge Roundtree seconded and the motion passed without objection.

**Criminal Conflict Counsel Payments Over the Flat Fee**
Kris Slayden reported that during the 2011 and 2012 sessions, the Florida Legislature raised concerns that the expenditures for criminal conflict cases paid in excess of the statutory flat fee have increased significantly over the last 3 years. However, detailed analysis of the payment information from the Justice Administrative Commission revealed that the majority of the payments over the flat fee were attributable to payments for Capital and Racketeer Influenced and Corrupt Organizations Act (RICO) cases that span multiple years and which have come due more recently. It was determined that certain cases are so complex and the current statutory flat fees are so low that costs for those case types cannot be contained any lower.

During the legislative sessions in 2012, the TCBC Executive Committee approved a methodology to determine the amount of additional funding needed for payments over the flat fee. Utilizing the methodology and historical payment information an estimate was developed for FY 2013-14 of $4,404,984. The recommendation involves revising the LBR during the supplemental budget process, if needed, based on actual data from the Justice Administrative Commission. This data provides information on cases currently in the pipeline that will be expected to be submitted for payment during FY 2013-14.

Judge Perry inquired if there was a report that would filter out the RICO and Capital Cases. Ms. Slayden responded that they are currently working on this and in the future they would have data available. Walt Smith asked if the fees for Capital cases were being reviewed. Judge Steinbeck responded yes.

The Funding Methodology Committee and Executive Committee recommended filing a LBR for FY 2013-14 in the amount of $4,404,984 and revising the LBR during the supplemental budget process, if needed, based on actual data from the Justice Administrative Commission.
Judge Roundtree made a motion to approve filing a LBR for FY 2013-14 in the amount of $4,404,984. Judge Miller seconded and the motion passed without objection.

Dorothy Wilson reviewed the procedures for processing conflict counsel payments over the flat fee from funds appropriated to the Justice Administrative Commission and the procedure to follow once those funds are exhausted.

**Courthouse Furnishings**
Judge Steinbeck informed the members that the Courthouse Furnishings request was withdrawn by the circuits. Judge Perry expressed his thanks to the 12th and 15th Circuits for their help with this request.

**Update on FY 2012-13 Legislative Projects**

**Conflict Counsel Payments Over the Flat Fee**
Eric Maclure reviewed the Limited Registry Litigation actions filed challenging Ch. 2012-123, Laws of Florida, and circuit administrative orders implementing the law. Mr. Macclure will continue to monitor and update. OSCA’s report on the reasonableness and adequacy of conflict counsel flat fees is due to the Legislature in January.

**Court Reporting Services Cost Shift Study**
Eric Maclure provided a status update on the Court Reporting Services Cost Shift Study being prepared by the JAC.

**Review Assessment, Collection & Reporting**
Eric Maclure reported that the legislature was concerned that the mandatory assessments were not being imposed. The legislature required the clerks to develop a form to identify mandatory and discretionary assessments. The deadline is October 1, 2012 for the new reporting form to be proposed to the Supreme Court. The clerks formed a workgroup and are developing a matrix. The workgroup is currently finalizing the draft.

**Global Positioning Devices in Domestic Violence Cases**
Eric Maclure provided an update on the Global Positioning Devices. The legislature provided funding to four circuits; the 1st, 9th, and 10th Circuits received non-recurring funding and the 18th Circuit received recurring funding. The circuits are to report back to the legislature by June 30, 2013 to provide a status on the GPS Program. Mr. Maclure discussed the procurement option, stating it is a purchase exception due to the fact it’s a pilot program for a limited time. The circuits have received information from vendors and are developing contracts with the preferred vendors.
Eric Maclure reported that the Executive Committee recommends not pursuing a LBR issue for the non-recurring Global Positioning funds. Judge Miller made a motion to approve the recommendation. Judge Francis seconded and the motion passed without objection.

**Update on Clerks of Courts’ Budgets**
John Dew from the Clerk of Court Operations Corporation (CCOC) thanked Judge Farina for his service on the CCOC Executive Council and welcomed Judge McGrady as the new incoming member.

Mr. Dew provided a status update stating the clerks’ budget issue related to their spending authority was scheduled on the Legislative Budget Commission’s agenda for August 16, 2012.

Mr. Dew expressed the clerks’ appreciation to the courts for acknowledgment of their budget needs and their assistance.

**Other Business**
Dorothy Wilson presented an issue for the Civil Traffic Infraction Hearing Officer element. Ms. Wilson explained that for the past few years a budget amendment has been processed transferring funds to the Civil Traffic element. Due to the majority of funding now coming from General Revenue, this year the budget amendment will be required to go before the Legislative Budget Commission. Ms. Wilson proposed to file this as a technical issue and make it permanent.

Judge Mahon made a motion to approve filing as a technical issue. Judge Thomas seconded and the motion passed without objection.

**Special Acknowledgement**
Judge Steinbeck referenced the June 15, 2012 meeting, where Chief Justice Canady had presented Judge Laurent with a gift and thanked him for his dedication and service. Judge Steinbeck remarked that due to Judge Laurent’s leadership, the transition to the position as Chair of the TCBC was easy and thanked him.

**Adjournment**
With no other business before the Commission, the meeting adjourned at 11:48 a.m.