Trial Court Budget Commission
Meeting Minutes
May 15, 2013

Attendance – Members Present
The Honorable Margaret Steinbeck, Chair  The Honorable Mark Mahon, Vice Chair
The Honorable Catherine Brunson  The Honorable Olin Shinholser
The Honorable Ronald Ficarrotta  Mr. Grant Slayden
Mr. Tom Genung  The Honorable Elijah Smiley
Ms. Sandra Lonergan  Mr. Walt Smith
The Honorable Thomas McGrady  The Honorable Bertila Soto
The Honorable Debra Nelson  The Honorable John Stargel
The Honorable Gregory Parker  The Honorable Terry Terrell
The Honorable Belvin Perry, Jr  The Honorable Patricia Thomas
Ms. Kathy Pugh  Mr. Mark Weinberg
The Honorable Robert Roundtree  Ms. Robin Wright

Attendance – Members Absent
The Honorable Kim Bonner  The Honorable Wayne Miller

Welcome and Approval of Meeting Minutes
Judge Steinbeck called the Trial Court Budget Commission (TCBC) meeting to order at 12:03 p.m. The roll was taken and a quorum was present. Judge Steinbeck noted this TCBC meeting was called on short notice, and complimented the Funding Methodology Committee (FMC) and Kris Slayden and staff, on their efforts in dealing with a short time-line to prepare the meeting materials.

Kris Slayden advised this meeting was slightly out of the normal allocation process but was necessary to get started on July 1st. The jump-start to the process was possible due to the approval of the Foreclosure Backlog Reduction Plan (Foreclosure Plan) by the Supreme Court during its April 17, 2013 conference. Ms. Slayden further stated with the TCBC deciding these issues now, all the circuits will be able to advertise positions, interview candidates, and otherwise be positioning themselves to begin implementing the plan July 1, 2013.
National Mortgage Foreclosure Settlement Funds

The Foreclosure Plan approved by the Supreme Court at the April 17, 2013 Conference was developed by the Foreclosure Initiative Workgroup and proposed three resource solutions:

1) More active judicial or quasi-judicial adjudication and case management, including the expanded use of general magistrates;
2) Additional case management resources to allow for focused attention on older foreclosure cases (based on a 1:1 ratio of case managers to FTE judicial resources); and,
3) Deployment of technology resources in the form of judicial viewers to allow judges to manage cases, view documents, and issues court documents electronically.

During the 2013 legislative session a Legislative Budget Request (LBR) was submitted for $9.9 million for each of the next three fiscal years, FY 2013-14, FY 2014-15, and FY 2015-16, for judicial and case management resources. The request also sought $5.2 million in FY 2013-14 for technology upgrades including hardware, software, electronic storage, and programming/integration costs.

Senate Bill 1852 (SB 1852) appropriated non-recurring funds in the amount of $21.3 million to fully fund the technology request with $5.3 million, as well as provide $16 million to partially fund the request for court resources over the next two fiscal years. As of this meeting, the Governor had not signed the bill.

Issue A: FY 2013-14 Circuit Resource and Expense Allocations
Ms. Slayden stated the Funding Methodology Committee (FMC) on its April 30, 2013 conference call developed criteria for circuits to request resources from the funds appropriated during the 2013 session to the State Courts System from the National Mortgage Foreclosure Settlement fund. The FMC made five recommendations:

1) Fully fund the Foreclosure Backlog Reduction Plan at $9.5 million for FY 2013-14 as provided in the foreclosure plan with the remaining funds for FY 2014-15. In addition, an LBR could be made to seek the remaining funds needed for FY 2014-15;
2) Circuit allocations to be based on both estimated pending cases as of June 30, 2013 and estimated FY 2013-14 filings with a 75% weight to pending cases and 25% weight to estimated FY 2013-14 filings;
3) A funding floor of one General Magistrate position (OPS) and one and a half Court Program Specialist II positions (OPS) for a total of $129,817 minimum to circuits;
4) Expense funds of $330,654 should not be included as part of the proportional distributions to the circuits. Instead, circuits would submit requests for expense
funds separately from their staffing requests. The requests would be compiled to determine if they are within the allotment, or if adjustments are needed; and, 5) Circuits should submit their case management plans along with their resource requests to the Office of the State Courts Administrator (OSCA) with direction to OSCA staff that the case management plans be verified to ensure they include the six components recommended by the TCBC and approved by the Supreme Court. The six components are:

1. Utilize a one to one ratio of judges/general magistrates to case management resources.
2. Optimize the use of existing sitting judges and additional judicial resources in the resolution of foreclosure cases.
3. Employ a case management procedure that identifies older foreclosure cases and directs them to a timely resolution.
4. Employ a case management procedure that expedites resolution of uncontested cases.
5. Employ docket control policies that address local variances in practice and include processes for early and continuous monitoring and judicial control of the court calendar, identification of cases that may be amenable to alternative dispute resolution and rational and effective trial setting policies.
6. Include the monitoring of time to disposition, age of pending cases, and clearance rate statistics for foreclosure cases reported by judge and by circuit.

Based upon the five main recommendations, Ms. Slayden stated total allotments by circuit, forms, and instructions were developed and sent to the Chief Judges and Trial Court Administrators. She further stated after intensive review by OSCA staff, which included evaluations of senior judge and expense requests, and many back and forth emails and revised plan submissions, all circuit plans met the criteria as detailed above. Ms. Slayden reviewed the proposed circuit allocations recommended by the FMC.

Judge Roundtree motioned to approve the allotments as presented with Judge Brunson seconding the motion. The motion passed unanimously.

**Issue B: Overtime and Pay Above the Minimum Policies**

Ms. Slayden stated that during the FY 2012-13 Foreclosure Backlog Reduction Initiative the Trial Court Budget Commission (TCBC) approved policies for overtime pay and compensation above the minimum hourly rate for OPS staff as long as circuits stayed within their allocation. A decision is needed whether or not to continue these policies into FY 2013-14.
Grant Slayden expressed concern about overtime for employees rather than hiring more staff. Ms. Slayden replied some circuits have concerns about compensation and this would be managed as part of their allotment. Judge Steinbeck commented some circuits in the past had employees working weekends and the Funding Methodology Committee (FMC) decided to let circuits manage their dollars within their allocations. Mr. Slayden asked if this would supercede the Budget and Pay Administration Memorandum. Judge Steinbeck replied it would supercede the Budget and Pay Administration Memorandum but only in the narrow scope of the foreclosure plan. Lisa Goodner added this was for FY 2013-14 and the Budget and Pay Administration Memorandum for FY 2013-14 has not yet been released. Judge Parker stated it was not mandatory to allow overtime pay. Dorothy Wilson noted in the past there have been OPS authorizations which did not include overtime, but some employees had been able to work more hours because someone else had worked less.

Walt Smith motioned to approve the FMC’s recommendation as long as the circuits stayed within their allocation. Judge Roundtree seconded and the motion passed unanimously.

**Issue C: Health Insurance Under the Affordable Care Act**

Ms. Slayden reported that healthcare coverage will be required beginning January 2014 for qualified temporary employees under the Affordable Care Act. She informed the members that the employer costs associated with providing healthcare coverage to individuals with 30 or more hours per week is currently unknown, and therefore staff will not include adjustments for healthcare until the issue has been resolved. Once the costs are determined, a supplemental allocation will be provided for those employees working in excess of 30 hours per week, possibly out of the remaining funds for FY 2014-15. The FMC recommended approval of this staff recommendation. Judge Brunson moved to approve the recommendation, Judge Thomas seconded, and the motion passed unanimously.

**Issue D: Technology Funds**

**Circuit Allocations**

Ms. Slayden announced the legislature fully funded the trial courts’ request for technology resources in the amount of $5,262,579 to be expended through FY 2014-15. She reviewed the status of the $3,724,906 received for technology in February 2013 from the National Foreclosure Settlement Fund which includes $152,768 currently in reserve. Also currently in reserve is $267,103 from the OPS and Senior Judges allocations. Ms. Slayden reviewed current year expenditures to date. She commented about the short amount of time to the end of the year, and that several circuits expressed concern regarding their ability to spend the allotments completely to address technology needs. The FMC recommends filing a budget amendment to carry over unspent FY 2012-13 balances to FY 2013-14.
Ms. Slayden reviewed technology resource requests by circuit. She reported that due to the short notice of the original requests for technology funding, staff recently asked circuits to review the original requests for funds and provide any revised needs for resources. The additional technology resources requested total $818,810. The revised needs were updated after the end of session, and therefore were not funded by the legislature. The FMC recommended approving the original allocation of technology resources for FY 2013-14 including allowing staff the ability to adjust resources if the FY 2012-13 unspent funds are allowed to be carried forward. Also recommended by the FMC is not requiring the FY 2013-14 technology funds to be fully spent in the first fiscal year as proposed in the foreclosure plan. Three decisions are needed:

1) Approve filing a budget amendment to carry over unspent FY 2012-13 balances to FY 2013-14.
2) Approve allocating the FY 2013-14 $5.3 million in technology funds to the circuits based upon their original request. Allow staff the ability to adjust resources based on circuit responses for revised needs if the FY 2012-13 unspent balances are allowed to be carried forward into FY 2013-14.
3) Approve not requiring the FY 2013-14 technology funds to be spent fully in the first fiscal year, as proposed in the foreclosure plan since the appropriation does not restrict the funds to be spent only in FY 2013-14.

A motion was made by Judge Roundtree to approve recommendation one, to submit a budget amendment to carry forward any unspent National Mortgage Foreclosure Settlement funds from FY 2012-13 balances to FY 2013-14. Judge Nelson seconded the motion, and the motion passed unanimously. Judge Steinbeck asked if it would go to the chief justice and Ms. Goodner responded yes, it must be approved by the chief justice, and then sent to the legislature. Ms. Goodner stated OSCA staff would consult with legislative staff before filing the budget amendment.

Ms. Slayden relayed that although the FMC recommended spending the technology allocation into FY 2014-15 if needed, the committee felt an emphasis should be placed on implementing the judicial viewers. She also acknowledged there are limited vendors to provide these products. Judge Nelson motioned to approved recommendations two and three. Judge Ficarrotta supported the motion, and it was passed unanimously by the commission.

Data Reporting
Ms. Slayden noted the foreclosure plan proposes a web based reporting capability, in the form of judicial viewers, to drill down to specific information and provide real time case load data. OSCA is developing a database to report and collect the information. As of July 1, 2013, the clerks must report the performance indicators or ten data elements to the court. The ten data elements are: Date of report; uniform case number; data case initiated/reopened; SRS case
category; divisional assignment; judge assigned; judicial officer referred (if applicable); case status (e.g., active or inactive); closure date; and SRS disposition type. The clerks have been allocated $9.7 million from the National Mortgage Foreclosure Settlement to enhance their level of service to the courts so the clerks can provide the information to the data repository. The repository will be integrated with the court’s database, and will allow chief judges and judges to log on from anywhere to gain information.

Ms. Slayden added that OSCA will need resources to maintain and develop the database including some staff augmentation. It is estimated it will take OSCA’s Information System Services (ISS) three months to develop the database. The request is for $16,544 from reserve in FY 2012-13, and $188,513 from reserve, if allowed to carry it forward, in FY 2013-14. The FMC recommended approval of the request.

Walt Smith asked if “staff augmentation” meant contractual programmers. Ms. Goodner affirmed. Walt Smith asked if the system could bring up cases including documents or just a list. Ms. Slayden responded that it would be only a list to see which cases are oldest, and that it is a temporary solution. Grant Slayden asked if this was a one-time cost or recurring for ISS. Ms. Slayden stated ISS is a one-time cost and Court Services possibly will carry the project forward. Ms. Slayden added that licenses would be a recurring cost. Walt Smith referenced a conversation with Karen Rushing, the Clerk of Courts’ legislative liaison. Ms. Rushing stated the clerks could provide this data. Ms. Goodner stated OSCA’s database would be the collection tool for the provided data, and would compile the data on the statewide level. This database will lay the ground work for a more comprehensive data collection system.

Judge Roundtree motioned for the commission to approve the recommendation, and Judge Brunson seconded the motion, and the motion carried.

Other Business
Judge Steinbeck reported there would be foreclosure training for existing civil judges, magistrates, and senior judges immediately following the Circuit Court Judges Conference in Daytona Beach. Judge Steinbeck asked the members to start thinking about who to send. She continued by thanking Judge Thomas for organizing the training, and to Judge Roundtree and staff for doing the training. Robin Wright asked if additional personnel could be sent at a circuit’s own expense. Judge Steinbeck replied program organizers will accommodate as many as possible. Ms. Slayden added staff will contact chief judges to determine the number of participants.
Adjournment
Judge Steinbeck noted the next meeting is June 18, 2013. With no other business before the Commission, the meeting adjourned at 1:01 p.m.