Trial Court Budget Commission
Meeting Minutes
June 18, 2013

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

Attendance – Members Absent
The Honorable Mark Mahon, Vice Chair
The Honorable Debra Nelson

Welcome and Approval of Meeting Minutes
Judge Steinbeck called the Trial Court Budget Commission (TCBC) meeting to order at 8:31 a.m. The roll was taken with a quorum present.

Judge Steinbeck expressed her thanks to the Executive Committee members for their tremendous efforts during the recently completed legislative session. She also thanked Judge Stargel, Judge Shinholser, Judge Bonner and Judge Terrell for their outstanding efforts during session. She also thanked the many circuit and county judges who contacted their local legislative delegations on behalf of the court system. In addition, she specifically mentioned Judge Orfinger, Chair of the District Court of Appeal Budget Commission, noting they worked well together in achieving many of the court system’s legislative goals.

Judge Steinbeck continued, stating the court system had a successful session because of the excellent teamwork and well-crafted message which explained what was needed and why it was needed. This success was evident in the most recent years as the court system was lucky just to have kept most of its’ funding. She thanked Lisa Goodner, Eric McClure, and OSCA staff for their long hours and dedication. Judge Steinbeck recalled an army leadership motto of “First
In, Last Out“ and how she had tried to set this example only to realize OSCA staff were present when she arrived in the morning and still working when she left at night. She said staff met the commission’s needs and where successful in getting almost everything we requested this past session. She also extended a thank you to all the professional staff in Tallahassee. She noted there are many staffers behind the scenes we never see or hear from, but contribute to the overall success of the mission.

The Trial Court Budget Commission (TCBC) had two sets of meeting minutes to approve from earlier meetings in April and May. Judge Roundtree moved to approve the April 8, 2013 meeting minutes with a second from Judge Thomas, while Judge Ficarrotta motioned and Judge Roundtree seconded the motion to approve the May 15, 2013 minutes. Both meeting minutes were approved without objection.

Status of the FY 2012-13 Budget

Salary Budgets
Dorothy Wilson reviewed the Trial Courts General Revenue and State Courts Revenue Trust Fund (SCRTF) salary budget noting the projected liability at full employment is $920,135 over the salary appropriation remarking that the number had not been annualized and will be larger at the start of the next fiscal year. Vacancies during the year created an actual payroll adjustment of approximately $3 million with the adjusted liability at full employment being under the salary appropriation by approximately $2.1 million. Ms. Wilson informed the members the Administrative Trust Fund (ATF) and Federal Grants Trust Fund (FGTF) were both in good shape with the FGTF having .75 FTE in reserve.

Rate Distribution and Other Salary Actions Approved for FY 2012-13
Theresa Westerfield covered the Rate Distribution actions through June 11, 2013, relaying that of the $750,000 available rate, $494,317 had been expended with a remaining amount of $255,683. Through May 31, 2013, 412 circuit JA’s and 191 county JA’s had seen adjustments, or 65% of all trial court JA’s. The salary adjustments for certified court interpreters had affected 49 FTE’s and provided an increase of $148,197 in rate since November 2012. Through May 31, 2013, 16 FTE had been reclassified from Court Reporter I’s to Court Reporter II’s. The total dollar amount for all the salary adjustments with court reporters had been $309,601.

Ms. Westerfield provided an update on other reclassifications and personnel actions, informing members there have been 61 requests for reclassification, with most being approved although some were approved lower than requested, and the total amount to date is $247,129.
Positions Vacant More Than 180 Days
Theresa Westerfield stated that during the April 8, 2013 TCBC meeting, the personnel committee was given the task of investigating why some positions had been vacant more than 180 days. As background, Judge Steinbeck reminded members the Governor’s Office had inquired about long-term vacant positions during session. Ms. Westerfield presented an updated chart showing all the vacancies longer than 180 days as well as the status of previously reported long-term vacant positions. Many have now been filled, but six positions still remain on the list. After consulting with the involved circuits, it was determined that in all cases steps are being taken to fill the positions and the personnel committee recommended no action was necessary at this time. Lisa Goodner offered that the Governor’s Office and the Legislature will start looking at long-term vacant positions on a more consistent basis, and circuits should continue to work on filling these vacancies timely. Judge Steinbeck added that some positions have been reclassified to better suit a circuit’s needs.

Operating Budgets
Dorothy Wilson reviewed the operating budgets relaying the spending in the operating categories is consistent as it was in the prior year. Civil Traffic Infraction Hearing Officers expenditures are up less than .5% while expenditures for Mediation Services are down by 5%. For the due process categories, Expert Witness expenditures are up 1%, Court Reporting expenditures are down 4%, and Court Interpreting expenditures are down 3%. She noted there are 1,909 remaining Senior Judge days or 31% remaining, while Foreclosure Senior Judge days had 1,804 days remaining, or 29%. Judge Steinbeck highlighted the fact there is a lag time between actual service and submission of the senior judge days, so the actual remaining days are probably less than what is currently reported.

Trust Fund Cash Balances
The Article V Revenue Estimating Conference last met in February 2013 and revised its projection downward for the SCRTF by $1 million a month with May 2013 revenues coming in below the revised estimate advised Dorothy Wilson. The estimated fee and fine revenue received for FY 2012-13 is currently $98.1 million which is approximately $3.2 million under the Revenue Estimating Conference estimate. There is still a considerable amount of the Mortgage Foreclosure Settlement dollars received in February remaining to be spent and Ms. Wilson relayed that staff will contact the Legislature regarding carrying those funds into FY 2013-14. Judge Steinbeck acknowledged the funds were received late in the game and there is no guaranteeing the Legislature will allow the court system to carry the funds forward. She continued that revenues were down for May and probably June because filings are down. Ms. Wilson stated the ATF was in good shape with a current ending cash balance of $1.5 million.

Conflict Counsel Payments Over the Flat Fee
Kris Slayden provided a status of the Conflict Counsel payments outlining the appropriation to the JAC, actions taken by the State Courts System, and legislative action for a back of the bill
appropriation to cover the estimated remaining deficit. The review forecasts a remaining balance of $304,590 at year-end, but Ms. Slayden cautioned this information was only through April 2013, and the situation would be monitored closely for any changes in May or June. The total amount paid over the flat fee annualized for FY 2012-13 projects a difference of $1.27 million less than FY 2011-12. Ms. Slayden presented a chart detailing payments over the flat fee by month and by circuit noting it is difficult to forecast an annual amount as these amounts jump around from month to month. Judge Steinbeck added this continues to be a major management issue for the trial courts without adequate funding appropriated for this issue.

**Foreclosure Backlog Reduction Initiative**

Kris Slayden reported on the status of the Foreclosure Backlog Reduction Initiative. The combined funds for both the Foreclosure Backlog Reduction Initiative and the National Mortgage Foreclosure Settlement had a combined expenditure of 52%. Each funding source showed expenditures at 77% and 31% respectively. The large difference is due to the settlement funds being available only since February while the General Revenue funds have been available since July 2012. She added staff is reviewing a possible budget amendment to move the remaining funds from the settlement to FY 2013-14. She stated the total to date received for the foreclosure initiative from all sources has been $37 million.

Ms. Slayden continued reporting on the foreclosure issue by stating the backlog had been reduced by over 30,000 cases although there are still roughly 343,000 pending cases. Total disposed cases for FY 2012-13 was 190,886 as of April 30, 2013, although many had been dismissed and may return. Ms. Slayden reviewed the monthly average of dispositions for FY 2011-12 and compared it to the monthly numbers for FY 2012-13. The monthly numbers showed an increase in dispositions for February, March, and April due to the additional funding. The average monthly foreclosure filings for FY 2012-13 showed a decrease in filings for April 2013.

The status of the judicial viewers was presented by Ms. Slayden where she noted all the circuits were in various stages of implementation. She highlighted that only $1.23 million of the $3.7 million allocated for technology resources had been spent and this was one of the issues to be addressed with the possible budget amendment mentioned earlier.

**Proposed Changes to Procedures for Addressing Deficits in the Due Process Services Appropriation Category**

Judge Steinbeck reminded members they had previously voted to make changes to this policy and after Ms. Wilson outlines the proposed changes, the vote will be to approve or not approve the specifics of the new procedures. Judge Steinbeck added this change was not meant to supplant the long standing policy of “horse trading” where you work with your neighbor to
make a trade, or to make or receive a gift. The new procedures describe how to access the reserve, and if approved, will be outlined in the Budget and Pay Memorandum.

Dorothy Wilson explained the new procedures require the trial court administrator (TCA) to attempt to identify unobligated funds from other due process services categories within all due process elements (Court Reporting, Court Interpreting, and Expert Witness). A simplified template has been developed to assist with the identification of a due process services category deficit and estimating unobligated due process funds. If unobligated funds are identified, the TCA shall submit an internal transfer request form and a copy of the completed template used to identify the unobligated funds to the OSCA Office of Budget Services for processing. In the event unobligated funds are not available, or the deficit has not been alleviated after the unobligated due process service funds within the circuit have been applied, the chief judge may submit a budget amendment to the OSCA Office of Budget Services to transfer funds from other operating categories within the circuit budget to cover the deficit, or submit a written request to the Budget Management Committee (BMC) for access to the statewide due process services category reserve funds.

The BMC shall review the circuit request and approve or disapprove access to the statewide due process service category reserve. If approved, the BMC shall determine whether any due process reserve funds are available to alleviate the deficit and if available, the BMC may approve the OSCA Office of Budget Services to transfer funds from the reserve to the requesting circuit. If no funds are available in the due process reserve, the BMC may proceed to the next step which allows the BMC to inquire as to whether any other circuit has unobligated due process funds (using the template) that may be transferred to the due process reserve. Each circuit shall complete and return the template within two weeks of receipt of request to the OSCA Office of Budget Services. The BMC shall review the projected unobligated due process category templates reported by all circuits, and if unobligated due process funds are available, may approve the OSCA Office of Budget Services to transfer unobligated funds to the statewide reserve and to the requesting deficit circuit. If no unobligated due process category funds are available at the circuit level, the BMC shall review all other statewide category reserves for available funds, and make recommendations to the TCBC to alleviate the deficit.

The TCBC shall review the recommendations of the BMC and may make final recommendations to alleviate the deficit. If needed, the OSCA Office of Budget Services will prepare a budget amendment based upon the TCBC recommendations and submit to the Chief Justice and Legislature for final approval.

Judge Roundtree asked for a revision to step six changing the language from “approve” final recommendations to “may make” final recommendations. Judge Parker motioned to approve the new procedures including the suggested change by Judge Roundtree. Judge Roundtree seconded and the motion passed without objection.
FY 2013-14 Circuit Allocations

FTE Re-Allocation: Child Support Enforcement Hearing Officers and General Magistrates
Kris Slayden reported there are current vacancies of a .5 FTE child support enforcement hearing officer position and a .25 FTE administrative secretary I position in reserve. Based upon current allocation methodologies and needs assessments, staff recommended allocation of the .5 FTE child support enforcement hearing officer to the Fifth Circuit and the .25 FTE administrative secretary I to the Tenth Circuit. The Fifth and Tenth Circuits were contacted with regards to the vacant positions and both circuits expressed interest. The Funding Methodology Committee (FMC) and the TCBC Executive Committee both approved the staff recommendation. They further directed staff to monitor vacancies in this element for possible reallocation using the approved FY 2013-14 allotments, and to make recommendations for allocations based on maximum sustained need, the one to one ratio, circuit information, and Department of Revenue information. Judge Thomas motioned to approve the recommendation of the FMC with Judge Perry seconding, and the motion passed without objection.

With regards to general magistrates, Ms. Slayden informed the TCBC there are no positions in reserve available for allocation to the circuits. The FMC and Executive Committee both recommend directing staff to monitor vacancies in this element for possible reallocation using the approved FY 2013-14 allotments, and to make recommendations for allocations based on maximum sustained need, the one to one ratio, and circuit information. Judge Ficarrotta motioned, and Judge Brunson seconded, to approve the recommendation. Without objection, the motion passed.

Maintain Existing Allotments: Court Administration, Case Management, Law Clerks, and Operating Budget
Alex Krivosheyev reported the Legislature did not appropriate any new FTE resources, and currently there are no required budget reductions, so typically there are no adjustments to positions. He continued reporting the proposed FY 2013-14 operating budget allotments were based on the FY 2012-13 beginning allotments and adjusted for: permanent budget amendments, actions approved by the TCBC, non-recurring items, and approved personnel actions. For FY 2013-14, staff recommended to maintain the current allotments with the noted adjustments from FY 2012-13. The FMC and Executive Committee recommended approval of the FTE allotments and operating budgets. Judge Roundtree made a motion to approve as recommended and Judge Thomas seconded. The motion passed without objection.

Revise Non-Due Process Allotments
Alex Krivosheyev stated each year the FMC and the TCBC review contractual allotments for possible reallocation due to changes in expenditure trends and variability caused by other
factors. The TCBC approved at its January 7, 2013 meeting, some enhancements which have been incorporated as appropriate into the methodology. The enhancements include the use of a three year average of expenditures, contacting those circuits slated to take a 10% or higher reduction from their FY 2012-13 beginning allotments, and a 10% target for reserve.

**Senior Judge Days**
Alex Krivosheiev reviewed the proposed FY 2013-14 allocations, 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 and actual county judges. The FMC and Executive Committee recommended option one. Judge Perry motioned to approve the recommendation with Judge Roundtree seconding the motion. The motion passed with Judge Miller opposed to the recommendation.

**Civil Traffic Infraction Hearing Officers**
Mr. Krivosheiev noted that the TCBC had approved filing a technical issue in the FY 2013-14 Legislative Budget Request to transfer $783,990 from the Expenses category to the Civil Traffic Infraction Hearing Officers (CTIHO) category on a recurring basis. The Legislature approved this technical issue during the 2013 session providing for a total of $2,123,854 in the CTIHO category. The FMC and Executive Committee recommended approving the proposed circuit allotments, based on applying the percent of total average contractual expenditures to the total allotment, using the three year average expenditures for each circuit.

Mark Van Bever, speaking on behalf of Judge Nelson, addressed the TCBC stating Judge Nelson thought there was a better way to allocate these resources. The current methodology is based upon expenditures and doesn’t take into account the volume of hearings. By allocating based upon expenditures, Mr. Van Bever stated this rewards extravagant spenders because those who spend more continue to receive more, while frugal spenders see their allotments reduced. Ms. Slayden noted the FMC tried to review based upon workload but different circuits use different models. Judge Perry commented there had been a great deal of discussion at the Executive Committee meeting on this topic. He continued stating these are the best estimates based on the current formulas, but the formulas can continue to be tweaked. Judge Stargel agreed with Mr. Van Bever stating that best practice is the way to go. Judge Perry acknowledged averaging the three years of expenditures for every circuit may not be the best method, but because each circuit’s practices are different, you may intrude on a circuit’s ability to meet its needs. Judge Steinbeck noted that the TCBC is always trying to allocate dollars based upon need. Judge Stargel continued by stating it was not a great way to look at things based upon spending only. A motion was made to request the FMC to review if there is a better methodology for allocations for next year, with input from the chief judges and TCA’s. The motion passed with a show of hands totaling 17 members. Judge Thomas made a motion and Judge Ficarrotta supported the motion to approve the recommendation of option two by the FMC. The motion passed without objection.
Additional Compensation to County Judges
Alex Krivosheyev reviewed the proposed FY 2013-14 circuit allotments, based on the current methodology which distributes the $75,000 appropriation (less a $100 reserve) based on each circuit’s percent of the total statewide expenditures, using three years of expenditure data. He stated there were a lot of uncompensated hours by the county judges. Staff recommended tracking volunteer hours by county judges, similar to the senior judge volunteer hours, for possible allocations or requests for funding in the future. The Funding Methodology Committee (FMC) recommended this approach, and the Executive Committee concurred. Judge McGrady offered to send out a letter to the chief judges requesting they track the uncompensated hours and report back to the OSCA. Walt Smith asked if there was any effort to increase the allocation. Judge Steinbeck replied that county judges are working without compensation for their hours served on a circuit docket, but it isn’t known where and how many are being used since they are not currently tracked. She continued that the TCBC needs good data and directed a workgroup to be formed including non-TCBC members to get input from around the state. Judge Roundtree motioned to approve the FMC recommendation of option one. Judge Perry seconded the motion, and the motion passed without objection.

ADR/Mediation
Mr. Krivosheyev provided background on this element noting the methodology utilizes a funding ceiling for each circuit. The ceiling is calculated using a standard cost per mediation session held with modifiers applied for coordination, multiple facilities, and the use of volunteers. Additionally, a funding floor is utilized in developing the proposed allotments based on the total cost of salaries, benefits, and expenses for an alternative dispute resolution director, a mediation services coordinator, and an administrative assistant I.

The FMC recommended approval of the contractual allocation based on the funding methodology with the additional stipulations of reducing the Sixth Circuit’s contractual authority by one half the amount in which they exceeded their funding ceiling, and providing one half of the three year average contractual expenditures to the Twelfth Circuit. Also, included is a five percent cushion applied to each circuit as long as it did not cause the circuit to exceed its funding ceiling. The remaining funds would be placed in a statewide reserve. The FMC and Executive Committee recommend for option two. Judge Roundtree made a motion to approve option two. Judge Brunson seconded the motion and the motion passed without objection.

Revise Due Process Contractual Allotments
At their January 7, 2013 meeting the TCBC approved recommendations from the FMC regarding enhancements to the allocation methodologies used to determine contractual funds, reported Alex Krivosheyev. Based on the recommendations, OSCA staff proposed allocating contractual funds for court interpreting, court reporting, and expert witness using methodologies
incorporating the three year average expenditures for each circuit with modifications applied where appropriate. Judge McGrady inquired why all the reserve was being lumped together. Judge Steinbeck replied it is all due process funds and not specific to one due process element.

**Court Interpreting**

Mr. Krivosheev stated the FMC recommended proposed FY 2013-14 allocations using the current methodology in which contractual funds are allocated based on each circuit’s three year average expenditures with a one year growth rate applied, based on projected growth in non-English speaking populations. The FMC recommendation also included placing the remaining funds in a statewide due process reserve and that the allocations would include a five percent cushion. The FMC and Executive Committee recommended option two.

Walt Smith asked why some circuits provide the service at a cost per event of $14 while others’ costs are as high as $80 per event. Grant Slayden noted the situation is not the same in every circuit. Judge Roundtree added that sometimes in his circuit the interpreter has to travel to Levy County which requires time on the road while in other circuits the interpreter can stay in one location and cover 42 events in one day. Mark Weinberg stated maybe the FMC should review the type of methodologies used to determine allocations for court interpreting, court reporting, and expert witness. Judge Roundtree motioned for the FMC to examine all funding methodologies. Judge Miller seconded, and the motion was passed without objection.

Sandra Lonergan noted that many assume her circuit has a large pool of interpreters to draw from but this is an incorrect assumption. Judge Steinbeck noted the Eleventh Circuit has had trouble recruiting interpreters. Walt Smith motioned to approve the FMC and Executive Committee’s recommendation of option two with a second from Kathy Pugh. Without objection, the motion passed.

**Remote Interpreting**

Patty Harris reported on the remote interpreting pilot program which received non-recurring funding from the Legislature for FY 2013-14 in the amount of $100,000 ($10,000 in Expense, and $90,000 in OCO) for the Seventh and Ninth Circuits. The funding will allow exploration of whether the use of “regional model” technology with a statewide call manager is effective between two circuits. She noted the objective is to see how well the technology performs, especially with rural counties where technology support is not as readily available. The expanded pilot will also allow for a review of the impact on courtroom participants and will help determine if the project can meet the future needs as far as effectiveness and efficiencies. Ms. Harris informed the TCBC the call manager would be housed in Tallahassee by OSCA. A team of individuals from OSCA ISS and the Due Process Technology Workgroup (DPTW) would initiate the competitive negotiation process for purchasing the statewide call manager. Walt Smith sought information about the call manager. Ms. Harris replied it is basically like a computer server. Mr. Smith asked if it would need expansion if more circuits became part of
the project. Ms. Harris answered that the call manager should be able to handle a large volume of calls. The FMC and Executive Committee recommended moving forward with the remote interpreting pilot. Judge Brunson motioned to approve, with a second from Judge Soto. The motion passed without objection. Judge Stargel added that all circuits should be looked at to develop a statewide issue to present to the Legislature. Ms. Slayden noted that later in the agenda this issue was up for consideration for a possible LBR issue request.

Judge Steinbeck noted that Chief Justice Ricky Polston of the Florida Supreme Court had joined the audience.

**Expert Witness**

Alex Krivosheyev reviewed the proposed FY 2013-14 circuit allotments for expert witness, based on the average expenditures over three years with a five percent cushion. The remaining funds will be placed in a statewide due process reserve. The FMC and Executive Committee recommended option two. Mr. Slayden motioned to approve option two with a second from Judge Ficarrotta. The motion passed without objection.

**Court Reporting**

Mr. Krivosheyev reviewed the proposed FY 2013-14 circuit allotments for court reporting, based on the average expenditures over three years with a five percent cushion. The remaining funds will be placed in a statewide due process reserve. The FMC and Executive Committee recommended approval of option two.

Mark Van Bever speaking on behalf of Judge Nelson commented this was their most important cost center to discuss regarding the funding methodologies. He presented a scenario of two identical circuits: circuit “A” uses all reporters while circuit “B” uses recording equipment. With this funding methodology, circuit “A” gets more funding while circuit “B” gets cut, and has no funding for technology refresh. He reiterated the stance that the current methodology is based upon expenditures and doesn't take into account the volume of hearings. By allocating based upon expenditures, Mr. Van Bever stated this rewards extravagant spenders because those who spend more continue to receive more, while frugal spenders see their allotments reduced. Mr. Van Bever said some part of the formula needs to be based on volume. Judge Steinbeck commented that technology refresh is a potential LBR issue that will be presented to the TCBC later in the meeting. Judge McGrady stated that the funding methodologies try to achieve fairness while at the same time provide flexibility. Some circuits choose FTE while others choose a contractual model. Ms. Pugh made a motion to approve the recommendation with Judge Soto seconding. The motion passed without objection.

*OpenCourt*
Patty Harris provided the status of the OpenCourt project announcing that a user support analyst contract position was filled in January 2013 and maintenance support is now available. Product enhancement is also moving forward with the establishment of a user group to determine the needs of the users. Ms. Harris also reported that a maintenance template has been created designed to track due process technology maintenance support needs. The Second, Third, Eighth, Tenth, Seventeenth, Eighteenth, and Nineteenth Circuits have completed the transition to OpenCourt, and the First, Sixth, Seventh, Twelfth, and Fourteenth Circuits are in the process of implementing OpenCourt. The DPTW and Executive Committee recommended maintaining the current allocations of $175,000 ($100,000 for the software developer, and $75,000 for user support).

Mr. Weinberg asked if the $100,000 for the software developer would end or be reduced at some point. Ms. Harris responded that a reduction is anticipated but the amount is not yet determined. Judge Brunson moved to approve the recommendation of the DPTW and the Executive Committee which continues the funding in the amount of $175,000. Judge Soto seconded the motion and the motion passed without objection.

**Cases over the Flat Fee**

Kris Slayden reported on this agenda item stating that the Legislature had increased the Justice Administrative Commission’s appropriation by $650,000, providing the State Courts System $500,000 in General Revenue and $500,000 in the State Courts Revenue Trust Fund for FY 2013-14. She noted the estimated total expenditures for FY 2013-14 for conflict counsel payments over the flat fee were $5,653,810, which means there still exists an unfunded amount of $1,003,810. To cover the expected costs of these due process expenditures, money dedicated to other due process elements will need to be transferred to the statewide pool. In addition, the courts may seek relief, similar to what occurred in FY 2012-13, from a back of the bill appropriation during the 2014 Session or other budget amendments.

Ms. Slayden further stated that based upon input from the circuits and due to the fact that these payments are extremely volatile, OSCA staff developed an alternative methodology to the one used in FY 2012-13 for establishing circuit allowances. The alternative methodology closely mirrors the other methodologies used for allocating resources to the circuits in the other due process elements and is based upon the three year average of expenditures. Staff also recommended due to the complexity of Capital cases, and Racketeer Influenced and Corrupt Organization (RICO) cases, and the fact the flat fees are so low for these types of cases, they should continue to be paid out of the statewide pool similar to the process used in the current year.

The FMC and Executive Committee recommended approval of the new methodology, statewide pool amount, and expenditure allowances by circuit for non-capital and non-RICO cases. This will require an additional $1,003,810 from the total due process reserve. Judge Roundtree
made a motion to approve, with a second from Judge Brunson. The motion was approved without objection.

Due Process Cost Recovery
Elizabeth Garber presented the Cost Recovery allotments stating the primary goal of the analysis was to determine a methodology to provide each circuit with sufficient budget authority to spend up to their cumulative revenue. The FMC and Executive Committee recommended maintaining the existing allotments, which were based on each circuit’s prorated share of the FY 2012-13 projected revenues. Judge Perry motioned to approve the recommendation. Judge Roundtree seconded, and without objection, the motion passed.

Post-adjudicatory Drug Court Expansion Allotments
Dorothy Wilson provided the status of the post adjudicatory drug court allotments, reporting the Legislature had provided $540,835 in the OPS category, and $5 million in the Contracted Services category, all of it in non-recurring funding even though the funded requested in the LBR was recurring. Additionally, the FY 2013-14 General Appropriations Act (GAA) included language directing the Office of Program Policy Analysis and Government Accountability (OPPAGA) to evaluate the effectiveness of Florida’s post-adjudicatory drug courts and provide findings and recommendations to the Speaker of the House and the Senate President by January 13, 2014. Ms. Wilson stated the allocations were derived in consultation with the circuits.

The Executive Committee recommended approval of the allotments. Judge Terrell commented he had an upcoming meeting with OPPAGA and would report back. Mr. Slayden motioned to approve the recommendation and Judge Roundtree seconded it. The motion was approved without objection.

Veterans Court Allotments
Ms. Wilson reported the Legislature appropriated for FY 2013-14, $750,000 in Contracted Services category to fund pretrial veterans’ treatment intervention programs. The proviso language associated with the appropriation specified “From the funds in Specific Appropriation 3203, $600,000 in non-recurring general revenue funds shall be distributed to Okaloosa, Pasco, Pinellas, and Clay counties and $150,000 in recurring general revenue funds shall be distributed to Alachua County to create, pursuant to ss.948.08(7)(a)and 948.16 (2)(a), F.S., felony and/or misdemeanor pretrial veterans' treatment intervention programs to address the substance abuse and mental health treatment needs of veterans and service members charged with criminal offenses”. She noted the plans were moving forward to get started July 1, 2013. Since this appropriation was very specific in nature, there was no vote needed and the presentation was for informational purposes only.

Statewide Allotments
Dorothy Wilson presented the FY 2013-14 statewide allotments, stating the allotments now include the reserves for the Conflict Cases Over the Flat Fee, Additional Compensation to County Judges and the Court Interpreting Pilot Program, based on the recommendations from the FMC. The final allotments will reflect all decisions made by the TCBC. Ms. Wilson reviewed other changes in allotments from FY 2012-13, resulting from a decrease to the National Center annual dues and Unemployment Compensation. Additionally, the reserve for Expenses saw a significant reduction due to the permanent budget amendment which moved $783,990 to the CTIHO category. Judge Roundtree made a motion to approve the proposed allotments. Judge Ficarrotta seconded and the motion passed without objection.

**Status of the FY 2012-13 Legislative Projects**

**Development of Revenue Assessment Form**
Lisa Goodner reported on this issue on behalf of Eric McClure. Ms. Goodner reviewed that in the 2012 Legislative Session, Senate Bill 1964 passed which directed the clerks of court along with the OSCA to develop a uniform form for the identification and imposition of all assessments mandated by statute. The form had to be submitted for approval to the Supreme Court by October 1, 2012. The Florida Court Clerks and Comptrollers (FCCC) created a workgroup and in response to the requirement, submitted a “Form Matrix” to the Supreme Court on October 1, 2012. The matrix is not a form but rather a reference resource on a wide variety of mandatory and discretionary assessments. Ms. Goodner relayed that Chief Justice Polston directed the chief judges by memorandum to distribute the matrix to circuit and county judges as required by statute.

The Supreme Court is interested in using the information cataloged in the matrix to develop an actual uniform form that identifies mandatory assessments and that judges could reference and complete readily in the courtroom. Chief Justice Polston requested feedback from the chief judges regarding such a form, and the issue was discussed at the April 6th quarterly chief judges meeting. Some of the judges at the meeting noted their circuits are already using locally developed forms to identify and impose assessments. Based on the discussions at the chief judges meeting, Chief Justice Polston asked Circuit Chief Judge Manual Menendez to assemble a workgroup to try and adapt local forms for statewide use. No specific action was needed by the TCBC but continued ongoing monitoring by the TCBC is recommended.

**Report to Legislature on Global Positioning Devices in Domestic Violence Cases**
Ms. Goodner reported on this agenda item noting the Legislature had provided funding in FY 2012-13 to four circuits to conduct pilot projects on the use of global positioning satellite technology to protect victims of domestic violence. At the time, three of the circuits had received non-recurring appropriations of $948,720 and the Eighteenth Circuit had received recurring appropriations of $316,000. For FY 2013-14, the Legislature reduced the funding to
only the 18th Circuit and changed the funding to non-recurring. The proviso language from the FY 2012-13 appropriations required the courts to issue a report on the benefits and limitations of the pilot projects to the chair of the Senate Budget Committee and the chair of the House Appropriation(s) Committee by June 30, 2013. Ms. Goodner relayed that OSCA staff is coordinating preparation of one report to the Legislature, in cooperation with the four circuits that received funding. She added once the report has been completed it will be provided to the TCBC.

Request from Conference of County Court Judges Regarding Reinstatement of Second Education and Business Meeting
Judge Steinbeck reported receipt of a letter from Judge Bonner, President of the Conference of County Court Judges of Florida, requesting consideration for submission of an LBR issue to reinstate the second education and business meeting of the conference, which was eliminated due to the economic downturn. The letter also asked for consideration of a LBR issue to restore original levels of funding for additional compensation for county judges.

Judge Steinbeck also received a letter from Chief Justice Polston and Justice Labarga, Chair of the Florida Court Education Council. This letter was addressed to Judge Bonner and Judge Steinbeck stating it was inadvisable to request funding for a second event, and if the TCBC made such a recommendation, it would not be considered favorably by the Supreme Court. Chief Justice Polston and Justice Labarga acknowledged part of the request was to allow committees of the Conference of County Court Judges to meet more than once a year to address business matters, including financial and educational planning. Their letter provided an option offering that to the extent such meetings could be supported through existing resources in the trial court budget, they would not object to the use of state funds for that purpose. Chief Justice Polston and Justice Labarga went on to suggest the TCBC give consideration to budgeting committee meetings for both the Conference of County Court Judges and the Conference of Circuit Court Judges, if they express a similar need.

Judge Bonner offered that she understood there are difficult choices to make regarding LBR issues but noted times are getting better. She wanted to put this back on the radar because down the road the lack of training will hurt development of the bench. Judge Steinbeck asked if Judge Bonner was requesting this issue be moved forward. Judge Bonner replied the discussion needs to be had, if not this year then next year. Judge Miller recommended having the second meeting before session rather than during the summer. Judge Roundtree motioned to review the leadership training idea and for the details to be provided to the TCBC. Judge Bonner replied the conference has some idea of the costs and that could be provided to the TCBC. Judge Ficarrotta stated the need for the circuit judges’ mid-year committee meetings should be explored but that the timing isn’t right to request a second event. Judge Roundtree made a
motion to explore the costs and needs of both the circuit and county judge mid-year committee meetings. Judge Ficarrotta seconded the motion.

Judge Terrell informed the members that he instructs all his judges to go to as much training as you can as early as possible and this goes a long way in continuing excellence. Judge Stargel asked about Advanced Judicial Studies (AJS) working with the conferences because excellence is achieved through education. Judge Shinholser announced he has spoken with Martha Martin, Chief of Court Education in OSCA, regarding AJS and explained the current staff would be unable to handle the expansion. Judge Steinbeck described that narrow topics explored deeply in a small setting limits AJS to the number of participants it can handle. Mr. Slayden offered a friendly amendment to the motion recommending the lists received from the judges’ conferences be prioritized. Judge Roundtree accepted the amendment to his motion. Judge Steinbeck called the vote on the motion and it passed without objection.

Judge Brunson asked if the TCBC would look into more educational opportunities. Judge Steinbeck replied the TCBC was looking for only information at this time. Judge Brunson asked about the use of foreclosure money and if it would be available to spend in other areas. Ms. Goodner explained that those funds could not be used as they are allocated specifically for the foreclosure initiative.

Request from Chief Justice for Input on County Judge Representation on the TCBC

Judge Steinbeck reported receipt of a letter from Chief Justice Polston regarding a letter he received from Judge Bonner, President of the Conference of County Court Judges. In her letter to Chief Justice Polston, Judge Bonner addressed the County Court Judge Conference’s concern of a lack of representation on the TCBC. Judge Bonner presented in her letter wording from Rule 2.230, Florida Rules of Judicial Administration, specifically regarding the makeup of the TCBC membership. An excerpt from the letter is wording from section (e) Membership and Organization, and reads in part “... inclusion of members who have experience in different divisions, expertise in court operations or administrative matters or who offer geographic, racial, ethnic or gender diversity.” Judge Bonner’s letter offers the Conference of County Court Judges’ opinion that the current makeup of the TCBC does not reflect the diversity envisioned by the rule. Her letter further provides the opinion that “The lack of county judges as full voting members deprives the commission of meaningful insight and information on the unique issues and challenges of that division of the trial court system.”

Judge Steinbeck noted Rule 2.230 section (c) Operational Procedures, addresses a method for ensuring input from various sources, and section (e) Membership and Organization, which does give direction to the members to represent the interests of the trial courts. Judge Steinbeck
also referenced excerpts from the Supreme Court Opinion (Amendments to Florida Rules of Judicial Administration, No. SC00-429 (Fla. Aug. 31, 2000)) which states the TCBC is created to provide a means by which the courts can “speak with one voice.” Judge Steinbeck commented the TCBC represents on behalf of the broad interests of the courts. Judge Bonner replied she has reviewed the makeup of the TCBC and read the rule, and the TCBC is charged to make recommendations to the Supreme Court. She continued stating in practice membership is chief judges or trial court administrators and all the divisions should be represented. The question was posed where had the TCBC been neglectful in looking out for all divisions. Judge Steinbeck indicated of the current TCBC membership, six or seven are currently or were county judges at one time. She continued that it is important to take consideration of who will serve on the TCBC since they represent the trial courts as a whole.

Judge Stargel commented he has talked to county judges and perception is they are not represented adequately on the TCBC. He suggested making the ex-officio members voting members of the TCBC. Walt Smith motioned to make the Circuit and County Judges’ Conference Chairs voting members with a second from Judge Parker. The motion failed with nine in favor, and ten opposed. Judge Thomas motioned and Judge Brunson seconded that the TCBC recognize the need for diversity on the commission when appointments are made. The motion passed.

**Report from the Chief Justice Designee to the CCOC**
This topic was deferred to a future meeting.

**FY 2013-14 Budget and Pay Policies: Payroll Projection Timeline**
This topic was deferred to a future meeting.

**FY 2014-15 Legislative Budget Request**

**LBR Timeline**
There was no need for discussion or a vote on this agenda item as they were provided for informational purposes only.

**Employee Pay Issues**
Theresa Westerfield reported that the Personnel Committee consensus on the issue of law clerk pay was the issue needed to be placed in the context of the larger discussion of pay issues in the FY 2014-15 Legislative Budget Request (LBR). The Personnel Committee recommended the formation of a small workgroup to do more research to continue development of the law clerk pay issue. Judge Thomas motioned to accept the recommendation and Judge Roundtree seconded. The motion passed.
Ms. Westerfield addressed the issue of higher pay for magistrates, noting the Personnel Committee did not recommend a LBR issue but instead recommended the issue be addressed in the Chief Justice’s annual budget and pay memorandum as an additional rate distribution parameter. Judge Thomas motioned with Kathy Pugh seconding approval of the recommendation, and the motion carried.

**Special Issues**

**Due Process**
Kris Slayden addressed due process issues including remote court interpreting, due process equipment maintenance/refresh/expansion, cases over the flat fee, and moving cost sharing to the court’s budget. All four issues have been recommended by the FMC for consideration of filing LBR issues in the coming session, with agreement of the recommendations by the Executive Committee. Judge Roundtree motioned to consider filing all four issues in the LBR with Judge Brunson seconding the motion. The motion passed without objection.

**Post-Adjudicatory Drug Court**
Ms. Slayden reported there were still eight circuits participating in the Post-Adjudicatory Drug Courts. Judge Steinbeck stated the program is designed to reduce the prison population with $5 million for treatment and $500,000 for staff funding in FY 2013-14. Judge Steinbeck continued stating the funding is non-recurring and that the Office of Program Policy Analysis and Government Accountability (OPPAGA) have been directed by the Legislature to conduct an evaluation of the program and report back by January 2014. The FMC recommended filing a LBR issue to continue funding for the post-adjudicatory drug courts, to convert all circuit OPS positions to FTE, and expand to additional jurisdictions. The Executive Committee recommended not filing a LBR issue at this time.

Judge Steinbeck stated the savings are probably recognized in Department of Corrections and not in the State Courts System budget. Judge Roundtree relayed during the Executive Committee meeting his thinking was this issue is not a top priority. The money would be saved by Department of Corrections, and not result in a cost savings for the core mission of the courts. Judge McGrady added he did not want the issue to supplant other funding although he felt the courts needed to make a distinction between drug courts and post-adjudicatory drug courts. Judge Roundtree motioned for option four which was to not file a LBR issue. Mr. Weinberg seconded and the motioned passed.

**Law Clerks to Support Death Penalty Legislation**
Kris Slayden reported on the need for more law clerks to handle the changes enacted by House Bill 7083. Among other key elements, the bill requires the Supreme Court to report annually to the Legislature on the status of each capital case in which a post-conviction action has been
filed that has been continuously pending for more than three years. The bill also requires the Clerk of the Supreme Court to certify in writing to the Governor that a person convicted and sentenced to death has completed his or her direct appeal and initial post-conviction proceeding in state court, and habeas corpus proceeding and appeal there from in federal court; or allowed the time for filing a habeas corpus petition in federal court to expire. Currently, pursuant to an administrative order entered in September 2011 (AOSC11-32), the chief judges of each circuit review and supervise the preparation of quarterly reports to the Supreme Court on post-conviction matters. Further, rule changes that may be recommended by the special subcommittee and ultimately adopted by the Supreme Court may tighten time periods governing the processing of post-conviction actions or otherwise revise these proceedings. Together these factors call attention to the need for sufficient law clerks to assist trial court judges in processing the often complex and legally significant matters related to a sentence of death. The FMC recommended the TCBC consider filing a LBR issue, with the Executive Committee also making the same recommendation. Judge Ficarrotta motioned to approve the recommendation with a second from Judge Brunson. The motioned passed without objection.

Foreclosure Backlog Reduction Initiative
Ms. Slayden stated the FMC recommended the TCBC consider filing a LBR issue to seek full funding for the Foreclosure Backlog Reduction Initiative which would require an estimated additional amount of $3,837,624. The Executive Committee made the same recommendation. With a motion from Judge Thomas and a second from Ms. Pugh, the motion approving the recommendations passed without objection.

Courthouse Furnishings
Ms. Slayden stated the FMC recommended filing a LBR issue for non-recurring costs for furnishings of non-public spaces in all courthouses and courthouse facilities. The same recommendation was made by the Executive Committee. The motion to approve the recommendation was made by Judge Thomas, with a second from Judge Ficarrotta. Without objection, the motion passed.

Additional Compensation for County Judges
Ms. Slayden reported the Conference of County Court Judges has requested that the TCBC consider including in the FY 2014-14 LBR an issue for additional compensation for county judges performing circuit court duties. The funding has been reduced over the years and the conference is seeking to have the funding returned to more historic levels. The Executive Committee agreed with the recommendation of the FMC to consider filing an LBR issue. The LBR should take into consideration the recommendations of the workgroup and analysis of uncompensated hours worked. Judge Brunson motioned to approve the recommendation and Judge Roundtree seconded. The motion passed without objection.
Other Business
Chief Justice Ricky Polston commented he was pleased to see everyone and it was great to see the dedication of the members to the core mission. He expressed his gratitude and thanks for the important work the commission was performing on behalf of the court system. Judge Steinbeck thanked him for his attendance and comments.

Adjournment
With no other business before the Commission, the meeting adjourned at 12:07 p.m.