Welcome and Approval of 06/26/09 Minutes
Judge Perry called the Trial Court Budget Commission (TCBC) meeting to order at 8:30 a.m. He welcomed former TCBC member and now Supreme Court liaison to the TCBC, Justice James Perry. Justice Perry stated that the TCBC is one of the most important Supreme Court appointed commissions and that the TCBC was his first choice for liaison assignment.

Judge Perry welcomed and recognized three new members: Judge Blanc, Florida Conference of Circuit Court Judges; Judge Flower, Florida Conference of County Court Judges; and Judge Ramsberger, 6th Circuit and replacement for Judge Morris who was appointed to the 2nd DCA. Judge Perry asked the members and guests in attendance to introduce themselves.

Judge Perry thanked the chief judges and trial court administrators who worked under tough conditions and gave new meaning to doing more with less. During the last two years staff and funding have been cut; however, the members will be taking a vote today on the status of the hiring freeze. Judge Perry added that the courts are making strides but are not out of the woods yet and the salary budget will require continuous monitoring. Judge Perry extended his thanks to each chief judge and trial court administrator for the sacrifices made.
A motion was made by Judge Roundtree to adopt the June 26, 2009 meeting minutes. Judge Pittman seconded and the motion was passed without objection.

FY 2008-09 Year End Wrap Up

Salary Budgets
Theresa Westerfield provided a review of the trial court payroll projections as of June 30, 2009. Lines 3-5 and 11-13 represents transfers from other budget entities to maximize general revenue and preserve trust fund cash. For General Revenue, after applying salary lapse, leave payout and the coverage of April, May, and June SCRTF payroll, the payroll liability was $183,090 under the circuit court salary appropriation. The payroll liability was $109,875 under the county court salary appropriation. Ms. Westerfield reviewed the ending salary budget by budget entity and reported that the total judicial branch actual payroll for FY 2008-09 was under appropriation by $490,337.

Operating Budgets
Ms. Westerfield provided a status of the trial court operating budgets as of June 30, 2009 without certified forward payments. Every category was higher than last year except contracted services. The actual spending rates will increase considerably as certified forward payments are made for goods and services acquired before June 30, 2009 but not invoiced until after June 30. The deadline for certified forward payments is September 30, 2009.

Trust Fund Cash Balances
Charlotte Jerrett reviewed the trust fund cash statements. In the Mediation Arbitration Trust Fund (MATF), Ms. Jerrett noted that revenues are tracked by their source. The revenue sources for the Operating Trust Fund are from due process cost recovery and cost sharing. Ms. Jerrett reviewed the funding sources of the State Courts Revenue Trust Fund, expenditures, ending balance, and noted that the 7% General Revenue Surcharge has not been billed to date. Walt Smith stated that expenditures may be lower due to the current statewide hiring freeze and Ms. Jerrett agreed. The ending cash balances include all transfers for salary and were as follows:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mediation Arbitration Trust Fund</td>
<td>10,438,296</td>
</tr>
<tr>
<td>Operating Trust Fund</td>
<td>2,599,271</td>
</tr>
<tr>
<td>State Courts Revenue Trust Fund</td>
<td>1,057,421</td>
</tr>
</tbody>
</table>

Projected Budget Reversions
Ms. Jerrett reported on the preliminary 2008-09 General Revenue reversions by category for the trial courts. Due to the travel freeze and austere spending policies, all trial court obligations were covered. The preliminary reversion amount after the certified forward budget is
$4,841,901. Judge Brunson asked why the certified forward deadline is September 30. Ms. Jerrett replied that the deadline is set in the statutes. Mark Weinberg asked how the reversion amount compared to last year. Ms. Jerrett stated that Due Process and Expenses were the same. Judge Perry added that spending policies were necessary to have General Revenue funds available for cuts, if needed. General Revenue funds were used to cover the SCRTF payroll for April, May, and July.

**FY 2009-10 Budget Update**

**Salary Budgets**
Charlotte Jerrett provided a review of the trial court payroll projections as of July 31, 2009 and reported the following:

No budget entity is fully funded in their salary budget and they are expected to make up the difference in lapse. After applying an add back for the 2% Salary Veto (working to restore), salary lapse, and leave payouts, the payroll liability was $1,815,007 over the circuit court salary appropriation. The payroll liability was $155,544 over the county court salary appropriation, and the combined trial court payroll liability was approximately $2.6 million over the salary appropriation. After applying an add back for the 2% Salary Veto, salary lapse, and leave payouts, the trial courts are short approximately $1.9 million in the salary budget. In July, $700,000 of lapse was made up due to vacancies. Judge Perry added that if the payroll is short just $1, the entire payroll will not run. The State does not appropriate funds for overtime or leave payouts and these amounts must be made up in lapse.

**Operating Budgets**
Theresa Westerfield provided a status of the trial court operating budgets as of July 31, 2009. She noted that July expenditure data is influenced by certified forward payments and billings that are one month in arrears. Charlotte Jerrett added that austere spending restrictions have been implemented until revenue data is available.

**Additional Compensation to County Court Judges**
For informational purposes, Ms. Westerfield provided expenditure data to date for additional compensation for county judges.

**Trust Fund Cash Balances**
Charlotte Jerrett reported on the status of the following trust funds:

Mediation Arbitration Trust Fund (MATF) - Monitoring the cash statements for this fund has become increasingly more important. The legislature authorized the courts to access $7 million of MATF cash for use for a State Courts Revenue Trust Fund (SCRTF) revenue shortfall, should there be one. The courts have not had to utilize this stop gap measure and still have the
authority to take this action if needed. Ms. Jerrett noted that the General Revenue Service Charge increased from 7% to 8% effective for FY 2009-10, and has already been billed. As of July 31, 2009, the cash balance was approximately $11.1 million.

**Operating Trust Fund (OTF)** – The cash balance as of July 31, 2009 was approximately $2.8 million and the General Revenue Service Charge has been billed.

**State Courts Revenue Trust Fund (SCRTF)** – Revenues by each source were reviewed. Revenues for July totaled approximately $33.6 million. The total expenditures were reviewed and Ms. Jerrett noted that the expenditures include all budget entities within the State Courts System. The biggest expense is payroll.

Tom Genung asked the status of changing the revenues generated by fines. Lisa Goodner stated that one of the Chief Justice’s priorities is to eliminate fine revenues. Judge Farina added that it would be helpful for chief judges and trial court administrators to remind their local legislators. Judge Blanc asked which portion are fine revenues and who controls the funds. Ms. Jerrett replied that on the cash statement, lines 11-14 (F.S. 318.14 18% discount, F.S. 318.18(19) $5, F.S. 318.21(20) $25 inc., and F.S. 775.083) are generated from fines. The State’s Chief Financial Officer controls the funds and collects the interest.

Ms. Jerrett reviewed the cash distribution schedule, which is a new procedure. The courts have never had to break out appropriation by budget entity. The schedule reflects that on August 7, 2009, $482 million cash transfer was received by the State Courts System and how that transfer was distributed to each budget entity.

**Trust Fund Revenues**

**State Courts Revenue Trust Fund (SCRTF) – Forecast Update**

Kris Slayden reported that for FY 2009-10, the State Courts System is funded 70% through revenue collected by the clerks of court from fines and filing fees. The remainder is funded from the state General Revenue (GR) fund. The original projections from 2009 legislative session were approximately $291 million in expenditures and $288 million for revenues. However, since March 2009 when fine revenue started being deposited in the trust fund, revenues have not come in as projected due to an error in the original methodology. In response, a $9 million reduction to the FY 2009-10 projections was adopted by the Article V Revenue Estimating Conference resulting in a new conference estimate of $47 million in fine revenues. In addition, actual July fine revenue (remittance) is coming in even lower than the revised projection. This information was presented to the conference and the conference decided not to further reduce down the FY 2009-10 SCRTF revenue projections.

Ms. Slayden reviewed the total amount of projected revenue from fines and filing fees expected to be remitted by the clerks to the SCRTF compared to the estimated expenditures.
The projected monthly revenue of $23.3 million represents 1/12 of $279 million total revenues projected; however, the monthly amounts are not predicted to be even across the months. July payroll expenditures were lower than anticipated due to the hiring freeze policy and other expenditures were lower due to lags in billing and precautions taken at every level of court to limit any discretionary expenditure, to ensure that payroll for July would be covered.

A comparison of the projected revenue to actual revenues by revenue category was reviewed. Of the $33 million revenue for July, $25 million (75%) is from real property/mortgage foreclosures.

The courts need to ensure that all revenue that has been earmarked for the judicial branch makes its way to the SCRTF. If these revenues come in lower than projected by the legislature, it needs to be documented how much and why so that a loan can be requested. The courts do not receive transactional data that are directly tied to each event that produces revenue. However, the Office of the State Courts Administrator (OSCA) has SRS filing data as reported by the clerks that can be used to estimate the amount of filing fee revenue that should have been remitted. Ms. Slayden reviewed a listing of expected filing fee revenue by county for the month. The estimates were very close with the statewide calculation that the SCRTF should have received $32 million in filing fee revenue, given the standard indigent rate, and the actual June 2009 filing fee collection remitted in July 2009 was $31 million. The difference may be due to SRS filing count issues, clerk error in remitting, or a difference in the actual indigent rate. The OSCA is continuing to work with the Clerk of Courts Operations Corporation staff to determine what information they may have that can assist the courts with monitoring the revenue.

OSCA staff will continue to monitor the revenue, provide information to the chief judges and trial court administrators and work with the Revenue Estimating Conference to ensure that the judicial branch has adequate revenue in its trust fund to cover its obligations.

Report from July 28, 2009 Article V Revenue Estimating Conference
Kris Slayden stated that the purpose of the conference was to approve the structure, provide any existing revenue estimates that were adopted during the Session Revenue Impact Conference and make any needed adjustments. The Conference will be tracking the State Courts Revenue Trust Fund, Court Education Trust Fund, and Mediation and Arbitration Trust Fund revenue by case type/division of court.

At this first meeting, OSCA provided information on the collection of fine revenue for FY 2008-09. The Conference agreed to adjust the fine revenue projections downward by almost $9 million. No adjustments were made to the projected filing fee revenue for the SCRTF adopted during Session 2009, due to the fact that there was only a partial month of data available.
FY 2009-10 Allocations

Additional Compensation for County Judges
Sharon Buckingham reported that during FY 2008-09, the appropriation and the statutory authority to provide additional compensation to county judges was completely eliminated by the legislature. For FY 2009-10, the legislature appropriated $75,000 in spending authority from the State Courts Revenue Trust Fund (SCRTF) for additional compensation for county judges. The hourly pay differential is $3.79. The legislature amended section 26.57 to provide statutory authority to provide additional compensation to county judges if funds are specifically appropriated by law for such purpose.

At the June 26, 2009 meeting, the TCBC approved to make $25,000 available as first come, first served and the remainder placed in reserve until other options were developed. Judge Perry asked the Conference of County Court Judges to recommend allocation methodologies for the August meeting. The Conference recommended a pro-rata calculation based on three years of historical expenditure data. The Executive Committee approved the methodology as recommended by the Conference. The Executive Committee also recommended that the $50,000 allocated to the circuits be utilized before the $25,000 pooled funds.

Judge Steinbeck suggested setting priorities for the use of pooled funds. Judge Flower stated that some circuits held back in their use of these funds in the past and the current methodology penalizes those circuits.

Judge Roundtree made a motion to allocate $50,000 to each circuit as recommended. Then, if those funds are exhausted, the circuits may access the pooled funds, if available. Judge Pittman seconded and the motion passed without objection.

Civil Traffic Infraction Hearing Officers
Sharon Buckingham reported on this agenda item stating that the Executive Committee asked OSCA staff to survey circuits to identify their anticipated need for the last six months of the year regarding the remaining unallocated appropriation. Sufficient data was not available to make the determination because of budget cuts. The Funding Methodology Committee will review the results of the survey and recommend a methodology and proposed circuit allocations. Judge Perry added that staff is assessing needs and not wants. There is no new funding but the program is needed.

Recommendations on Policies for FY 2009-10 Budget and Pay Administration Memorandum

A final draft of the memorandum was distributed for the members’ review for approval of the recommendations to the Chief Justice. Charlotte Jerrett reviewed the proposed changes. The
most significant change is a proposal to lift the hiring freeze. The trial courts started the new fiscal year with a $2.7 million deficit in the salary budget. After July actions, the deficit was down to $1.9 million. The proposal lifts the hiring freeze and allows circuits to manage their salary shortfall within a salary management schedule and guidelines. The following policies will remain the same: hold judicial assistant positions vacant for 30 days and Federal Grants, Mediation, and Operating Trust Fund positions may be filled immediately. The new guideline holds: due process positions vacant 30 days and all remaining State Courts Revenue Trust Fund positions vacant 90 days.

The schedule allows circuits to build up lapse and effectively manage the salary budget. Ms. Jerrett reviewed a chart with current vacant positions as an example. The new policies would apply to positions vacant after August 1, and that all hard freeze positions may be filled November 1. The Budget Management Committee did not want to recommend a total lift of the hiring freeze prematurely and have to return to a hard freeze policy at a later time. The salary management schedule is a tool that all state agencies use.

Judge Pittman noted that judges in small counties have been affected by the 30 day hold on judicial assistant positions. The small circuits have seen the biggest void and these positions are the most difficult to hold open. Judge Perry stated that in the 9th Circuit, other judicial assistants pitch in and assist. Many exception requests to the hard freeze are received due to difficult circumstances and it is not easy to decline the requests. The trial courts need to be very cautious in salary management and avoid coming back in December to put the hard freeze back in place. Judge Laurent added that as we move through the year, additional data will be available for further evaluation.

Judge Brunson asked if circuits are able to manage their salary dollars. Judge Perry stated that circuits can hire but only at the minimum of the salary schedule. New hires do not need approval if following the salary management schedule. Robin Wright asked if an employee is promoted to a vacant position, will their current position be subject to the salary management schedule. Judge Perry stated yes and Lisa Goodner added that OSCA Personnel staff will check personnel action forms to see if the salary management schedule was followed.

Judge Roundtree made a motion to approve recommendation of the salary management schedule as proposed. Judge Miller seconded and the motion passed without objection.

Ms. Jerrett reviewed other proposed changes to the memorandum. Judge Roundtree made a motion, seconded by Judge Pittman, to approve the revisions to the memorandum and forward to the Chief Justice Quince for approval. The motion passed without objection.

Walt Smith asked if the 30-day hold on judicial assistant vacancies are applicable to positions associated with new judges and Judge Perry replied yes.
FY 2010-11 Legislative Budget Request
Sharon Buckingham reported on this agenda item stating that the general approach was to use
the needs assessment from last October. The needs assessment includes two pieces: (1) each
element based on the funding methodology for FY 2009-10 and (2) circuit submitted requests.
Circuit requests are usually not approved unless there is a need identified by funding
methodology.

Due Process Elements

Court Interpreting
Sharon Buckingham stated that the funding methodology approved during the needs
assessment is based on applying the average two year growth (23.4%) in non-English speaking
population to prior year contractual expenditures and the cost of existing positions. Circuit
requests were reviewed and the following options were presented:

Option 1 – File LBR based on the statewide need calculated under the funding methodology
($2,029,113). If new positions are appropriated by the Legislature for FY 2010-11, determine
the amount of each circuit’s contractual allotment that should be reduced when allocating the
new positions.

Option 2 – File LBR based on circuit requests that are within the need calculated under the
funding methodology ($1,073,372). If new positions are appropriated by the Legislature for FY
2010-11, reduce each circuit’s contractual allotment by the contractual savings amount
indicated.

The Funding Methodology Committee recommended Option 1. Judge Brunson made a motion
to approve Option 1. Judge Roundtree seconded and the motion passed without objection.

Expert Witness
Ms. Buckingham stated that the funding methodology approved during the needs assessment is
based on applying the statewide percent growth in non-custody expenditures to the current
year contractual budget. Staff did not provide normal options due to a projected decline in
expenditures. Expenditures from FY 2007-08 to FY 2008-09 decreased 8% and an LBR has not
been filed in this element since 2006. Circuit requests were reviewed.

The Funding Methodology Committee recommendation: Do not file an LBR as a decline in
expenditures is projected for FY 2010-11 and there is an existing $323,888 reserve for this
element. Judge Roundtree made a motion, seconded by Judge Bryan, to approve the Funding
Methodology Committee recommendation. The motion passed without objection.
Court Reporting
Ms. Buckingham reviewed the funding methodology approved during the needs assessment which is based on a funding ceiling applied to all recurring dollars budgeted for each circuit and adding the cost of bringing cost sharing dollars into the court’s budget. The ceiling is calculated using $50 per steno/real time hour, $25 per digital/analog hour, and $7 per transcript page (using projected FY 2010-11 Uniform Data Reporting System figures).

In conjunction with the FY 2010-11 LBR process, the TCBC requested that the Funding Methodology Committee review the court reporting ceiling calculation to determine if certain modifiers should be applied. Staff recommended three adjustments:

1. Separate out equipment maintenance expenditures from direct services costs as there was a new standard approved for maintenance in December 2008.
2. Add $25 per media copy (e.g., CD’s).
3. Apply a 10% non-direct service modifier based on the current statewide average percent of the recurring court reporting budget devoted to overhead/coordination.

Circuit requests were reviewed and the following options were presented:

Option 1 – File LBR based on the statewide need calculated under the funding methodology ($10,855,258 using the adjusted ceiling calculation) and adding the cost of bringing cost sharing dollars into the court’s budget. If new positions are appropriated by the Legislature for FY 2010-11, determine the amount of each circuit’s contractual allotment that should be reduced when allocating the new positions.

Option 2 – File LBR based on circuit requests that are within the need calculated under the funding methodology ($2,332,509 using the adjusted ceiling calculation) and adding the cost of bring cost sharing dollars into the court’s budget. If new positions are appropriated by the Legislature for FY 2010-11, reduce each circuit’s contractual allotment by the contractual savings amount indicated.

The Funding Methodology Committee recommended Option 1. Judge Brunson made a motion to approve Option 1. Judge Roundtree seconded and the motion passed without objection.

Equipment
Ms. Buckingham stated that a different method was used than in the past. FY 2009-10 court reporting equipment requested were approved based on new policies approved by the TCBC, as recommended by the Court Reporting Technology Workgroup. Policies do not currently exist regarding the purchase of court interpreting equipment. Circuit equipment requests for the FY 2010-11 LBR were categorized as requests for: (1) court interpreting equipment; (2) maintenance or refresh of existing court reporting equipment; and (3) expansion of court
reporting equipment, such as continued DCR implementation or the addition of new courtrooms/hearing rooms. The following options were presented for each category:

1. **Court Interpreting Technology**

   **Option 1** – File LBR based on circuit requests ($322,000).

   **Option 2** – Do not file LBR.

   The Funding Methodology Committee recommended Option 1 and asking the Commission on Trial Court Performance and Accountability (in collaboration with the Florida Courts Technology Commission) to develop recommendations for the use of remote interpreting technology, including cost standards for purchasing equipment, as part of their development of standards of operation and best practices.

   The Executive Committee made a recommendation to defer for additional information such as costs for the components. Judge Roundtree made the motion to table this item until additional information is obtained and presented to the TCBC. Judge Farina seconded and the motion passed without objection.

2. **Court Reporting Technology**

   Ms. Buckingham reviewed circuit requests and noted four circuits that require special attention.

   - The 8th Circuit is requesting refresh equipment funding ($14,200 in OCO and $9,600 in Expense) to continue the deployment of in-house open source software. This software is an alternative to paying outside vendors and will significantly reduce licensing and maintenance costs. Currently the software does not meet FCTC technical standards. FY 2008-09 year end funds were allocated to the circuit under the condition that the circuit would keep CourtSmart software running parallel until the software meets the standards and has been tested for a certain period of time.

   - The 10th Circuit is requesting refresh funding ($170,000 in OCO and $60,000 in maintenance) to change from a time and materials maintenance contract with CourtSmart to a standard maintenance contract with another vendor. The circuit states that this will reduce long-term costs. This request was submitted according to TCBC’s approved policy stating that if a circuit wishes to change vendors, a special request would be filed for the TCBC’s consideration.
• The 12th Circuit is requesting expansion funding ($24,000 in OCO) to purchase 2 laptops for emergency use. Although this request is within cost standards, back-up technology is not currently contemplated by the standards for expansion purposes. The Executive Committee needed additional information and did not make a recommendation. Walt Smith stated that the request would purchase 2 laptops, encoders, recorders, and the software, which accounts for most of the cost. Sarasota and Venice have no services when T-1 lines are down. The T-1 lines are offline about 3-4 times a year. Judge Perry stated that if this request is not funded that Mr. Smith contact the 9th Circuit to receive information about their “crash cart.” Judge Steinbeck noted that a loss of service can shut down proceedings, and in one day, those costs could exceed the emergency back up costs.

• The 15th Circuit is requesting expansion funding ($75,771 in OCO and $179,071 in Expense) to purchase 19 video packages to upgrade/migrate from local monitoring systems to a central monitoring system that will cover 13 courtroom and 6 hearing rooms. This request will bring the circuit’s court reporting technology within the FCTC technical standards and this request is within cost standards.

Ms. Buckingham reviewed charts for each category of court reporting equipment and the following options were reviewed:

Refresh and Maintenance of Existing Technology
Option 1 – File LBR based on those circuit requests that are within: 1) the approved cost standards; and 2) the 13% maintenance formula. Also, include the special requests for the 8th Circuit (with a requirement for the circuit to run parallel CourtSmart software until the new software becomes compliant) and 10th Circuit.

Option 2 – Same as Option 1 but do not include the special requests for the 8th and 10th Circuits.

Expansion of Technology
Option 1 – File LBR based on those circuit requests that are: 1) within the approved cost standards; 2) in compliance with the digital expansion phase-in plan; and 3) within the 13% maintenance formula. Also, include the special requests for the 12th and 15th Circuits.

Option 2 – Same as Option 1 but do not include the special requests for the 12th and 15th Circuits.
The Funding Methodology Committee made the recommendations to approve Option 1 for both the Refresh and Maintenance of Existing Technology and Expansion of Technology. Mike Bridenback made a motion, seconded by Judge Brunson, to approve the Funding Methodology Committee recommendation. The motion was passed without objection.

**Adjudication Elements**

**Law Clerks**
Greg Youchock reviewed the circuit requests. The funding methodology approved during last year’s needs assessment is based on a ratio of one law clerk per every two judges. In addition, the 20th Circuit requested additional expense to restore funding lost during cuts. The following options were presented:

**Option 1** – File LBR based on the statewide need calculated under the funding methodology (95.0 FTE). Also, include the 20th Circuit’s $17,139 recurring Expense request.

**Option 2** – File LBR based on circuit requests that are within the need calculated under the funding methodology (46.0 FTE). Also, include the 20th Circuit’s $17,139 recurring Expense request.

The Funding Methodology Committee made a recommendation to file an LBR based on the statewide need calculated under the funding methodology (95.0 FTE). However, add one additional law clerk for the 2nd Circuit to avoid penalizing them for their existing law clerk position devoted to suits filed against DOC and the Florida Parole Commission. Do not file the 20th Circuit’s $17,139 recurring Expense request.

Judge Brunson made a motion to approve the Funding Methodology Committee’s recommendation. Judge Roundtree seconded and the motion passed without objection.

**General Magistrates**
Greg Youchock reported on this agenda item stating that the funding methodology approved during last year’s needs assessment is based on a case weighted methodology and a ratio of one administrative support position per magistrate. Circuit requests were reviewed and the following options were presented:

**Option 1** – File LBR based on the statewide need calculated under the funding methodology (6.5 general magistrates and 19.0 administrative support FTE).

**Option 2** – File LBR based on circuit requests that are within the need calculated under the funding methodology (2.0 general magistrates and 8.5 administrative support FTE).
The Funding Methodology Committee made a recommendation to approve Option 1. Judge Steinbeck made a motion, seconded by Tom Genung, to approve the Funding Methodology Committee’s recommendation. The motion passed without objection.

**Child Support Hearing Officers**
Greg Youchock reviewed the circuit requests and stated that the funding methodology approved during last year’s needs assessment is based on a case weighted methodology and a ratio of one administrative support position per hearing officer. The following options were presented:

- **Option 1** – File LBR based on the statewide need calculated under the funding methodology (7.5 hearing officer and 12.0 administrative support FTE).

- **Option 2** – File LBR based on circuit requests that are within the need calculated under the funding methodology (3.0 hearing officer and 3.5 administrative support FTE).

- **Option 3** – Do not file LBR as there is a negative statewide need if circuits are not held harmless.

The Funding Methodology Committee made a recommendation to approve Option 3. Judge Brunson made a motion, seconded by Judge Roundtree, to approve the Funding Methodology Committee’s recommendation. The motion passed without objection.

**Civil Traffic Infraction Hearing Officers**
Greg Youchock reviewed the circuit requests and stated that the funding methodology approved during last year’s needs assessment is based on increasing hourly payments from $50 to $75 and applying 28.9% (based on this rate change) to the $7,299 per county judge ratio. The following options were presented:

- **Option 1** – File LBR based on the statewide need calculated under the funding methodology ($1,469,052).

- **Option 2** – File LBR based on circuit requests that are within the need calculated under the funding methodology ($184,640).

The Funding Methodology Committee made a recommendation to approve Option 1. Judge Brunson made a motion, seconded by Judge Roundtree, to approve the Funding Methodology Committee’s recommendation. The motion passed without objection.

Judge Steinbeck asked if any effort was made to re-allocate resources to take excess need and give to the circuits with unmet needs. Sharon Buckingham stated that this issue may be considered during the allocation process. Judge Perry asked the Funding Methodology
Committee to study the issue of reallocation of Child Support Hearing Officer resources before the allocation process.

**Senior Judges**
Greg Youchock reviewed the circuit requests and stated that the funding methodology approved during last year’s needs assessment is based on the total 7,322 days appropriated in FY 2007-08 (before the cuts), a $400 per day rate (increased from the current rate of $350), holding 200 days in reserve, and a proportional distribution based on judicial need calculated during the most recent certification process. The following options were presented:

**Option 1** – File LBR based on the statewide need calculated under the funding methodology ($878,350).

**Option 2** – File LBR based on circuit requests that are within the need calculated under the funding methodology ($24,500).

The Funding Methodology Committee made a recommendation to approve Option 1. Judge Roundtree made a motion, seconded by Judge Brunson, to approve the Funding Methodology Committee’s recommendation. The motion passed without objection.

**Alternative Dispute Resolution/Mediation**
Sharon Buckingham reported on this agenda item and stated that the funding methodology approved during last year’s needs assessment is based on a funding ceiling applied to all recurring dollars budgeted for each circuit. The ceiling is calculated using a standard cost per mediation session held with modifiers applied for coordination, multiple counties, and the use of volunteers. The TCBC requested that the Funding Methodology Committee review the multi-county modifier to determine if it should be revised to a multi-court facility modifier. The circuit requests were reviewed and the following options were presented:

**Ceiling Calculation**
**Option 1** – Retain the multi-county modifier.

**Option 2** – Replace the multi-county modifier with the multi-court facility modifier.

**LBR**
**Option 1** – File LBR based on the statewide need calculated under the funding methodology ($3,726,422 or $4,372,869 adjusted). If new positions are funded, determine the amount of each circuit’s contractual allotment that may be reduced when allocating the new positions.

**Option 2** – File LBR based on circuit requests that are within the need calculated under the funding methodology ($629,138). If new positions are funded, determine the amount of each circuit’s contractual allotment that may be reduced when allocating the new positions.
**Option 3** – Do not file LBR as there is a negative statewide need if circuits are not held harmless.

The Funding Methodology Committee made a recommendation to approve:

**Ceiling Calculation** – **Option 2** – Replace the multi-county modifier with the multi-court facility modifier.

**LBR - Option 1** – File LBR based on the statewide need calculated under the funding methodology ($4,372,869 adjusted). If new positions are funded, determine the amount of each circuit’s contractual allotment that may be reduced when allocating the new positions.

Judge Roundtree made a motion, seconded by Judge Brunson, to approve the Funding Methodology Committee’s recommendation. The motion passed with one opposed.

**Case Management**
Greg Youchock reviewed the circuit requests and stated that the funding methodology approved during last year’s needs assessment is based on a ratio of one position per every 5,500 applicable filings and a floor of 8 positions. The following options were presented:

**Option 1** – File LBR based on the statewide need calculated under the funding methodology (180.0 FTE). Also, include the 2<sup>nd</sup>, 4<sup>th</sup>, 14<sup>th</sup>, and 20<sup>th</sup> Circuits’ recurring Expense requests.

**Option 2** – File LBR based on circuit requests that are within the need calculated under the funding methodology (144.5 FTE). Also, include the 9<sup>th</sup> Circuit’s contracted services request and the 2<sup>nd</sup>, 4<sup>th</sup>, 14<sup>th</sup>, and 20<sup>th</sup> Circuits’ recurring Expense requests.

The Funding Methodology Committee made a recommendation to approve Option 1. However, do not file the 2<sup>nd</sup>, 4<sup>th</sup>, 14<sup>th</sup>, and 20<sup>th</sup> Circuits’ recurring Expense requests. Judge Brunson made a motion, seconded by Judge Roundtree, to approve the Funding Methodology Committee’s recommendation. The motion passed without objection.

**Governance Elements**
Sharon Buckingham stated that the funding methodology approved during last year’s needs assessment is based on applying a 23.1% growth rate to a threshold level of positions (12 in small circuits, 17 in medium circuits, 27 in large circuits, and 42 in Miami-Dade) as a representation of the workload required to support the increased level of trial court judges, staff, and other resources requested for the upcoming budget year. Circuit requests were reviewed and the following options were presented:

**Option 1** – File LBR based on the statewide need calculated under the funding methodology (239.50 FTE). Also, include the 14<sup>th</sup> and 20<sup>th</sup> Circuits’ recurring Expense requests.
Option 2 – File LBR based on circuit requests that are within the need calculated under the funding methodology (94.0 FTE). Also, include the 14th and 20th Circuits’ recurring Expense requests.

The Funding Methodology Committee made a recommendation to approve Option 1. However, do not file the 14th and 20th Circuits’ recurring Expense requests. Judge Roundtree made a motion, seconded by Judge Brunson, to approve the Funding Methodology Committee’s recommendation. The motion passed without objection.

Other Requests
Theresa Westerfield reported on this agenda item and reviewed the following circuit requests:

**Issue 1: Salaries and Benefits**

A. The 11th Circuit has noted their circuit’s number one priority is the lifting of the hiring freeze so that 17 current vacancies can be filled immediately.

B. The 18th Circuit requests a 12% pay increase (4 years x 3%) for all FTE to remedy the fact that state employees have not received a pay increase since October 1, 2006.

C. The 18th Circuit is requesting $212,000 for one-time bonus payments (106 FTE x $2,000).

Judge Roundtree made a motion to not file an LBR for these issues. Interim action concerning the hiring freeze is being contemplated. Pay adjustments are included in the Judicial Branch Pay Plan which is under consideration as an LBR issue. LBR issues for trial court staff compensation issues are decided by the TCBC on a state-wide versus circuit-level basis. Judge Brunson seconded and the motion passed without objection.

**Issue 2: Other Personal Services (OPS)**

A. A statewide need of $1,186,225 for FY 2010-11 has been calculated based on FY 2006-07 allocations and applying a 5.8% growth rate per year. The Funding Methodology Committee recommended filing an LBR issue based on the statewide need. Mike Bridenback made a motion, seconded by Judge Roundtree, to approve the Funding Methodology Committee recommendation. The motion passed without objection.

B. The 15th Circuit requests $35,000 in recurring funding for temporary assistance in areas where absences can result in backlogs of work, lack of clerical assistance, or inability to respond to the needs of the public. This request is within the $39,500 in
OPS funding calculated in the FY 2010-11 statewide needs assessment for the 15th Circuit. The Funding Methodology Committee deferred this issue to the TCBC. Judge Steinbeck made a motion, seconded by Judge Roundtree, to deny the request. The motion passed without objection.

C. The 18th Circuit is requesting $100,000 in recurring funding to cover judicial assistance absences. This request is outside of the $29,699 in OPS funding calculated in the FY 2010-11 statewide needs assessment for the 18th Circuit. The Funding Methodology Committee deferred this issue to the TCBC. Judge Roundtree made a motion, seconded by Judge Pittman, to deny the request. The motion passed without objection.

Issue 3: Expenses - Expenses

- The 20th Circuit requests $50,000 in recurring funding in FY 2010-11 and an additional $41,243 in recurring funding in FY 2011-12 for a partial restoration of Expense category funding. The Funding Methodology Committee recommendation is to not file an LBR issue for this request. Judge Brunson made a motion, seconded by Judge Roundtree, to approve the Funding Methodology Committee recommendation. The motion passed without objection.

Issue 4: Expenses and Operating Capital Outlay (OCO) – New/Renovated Courthouse Space

A. The 7th Circuit requests $44,000 ($28,000 Expense and $16,000 OCO) in non-recurring funding to completely furnish 2 additional judges' chambers (including JA furnishings) as part of the St. Johns County Courthouse renovation project expected to be completed in late 2010/early 2011. The Funding Methodology Committee recommended filing the issue as requested. Judge Roundtree made a motion, seconded by Judge Pittman, to approve the Funding Methodology Committee recommendation. The motion passed without objection.

B. The 20th Circuit requests $118,500 ($33,900 Expense and $84,600 OCO) in non-recurring funding for FY 2010-11 and $107,200 ($18,200 Expense and $89,000 OCO) in non-recurring funding for FY 2011-12 to furnish new judicial chambers and judicial assistant offices. A new ten story courthouse with 22 judicial chambers was opened in Lee County in June, renovations will be completed in Hendry County in August to include a new courtroom and accompanying judicial chambers, and that by October 2010, Collier County will add five new judicial chambers, a large conference room and a break room. The Funding Methodology Committee recommendation is to file the requested funding for FY 2010-11 only. Walt Smith made a motion, seconded by Judge Roundtree, to approve the Funding Methodology Committee
**Issue 5: Operating Capital Outlay (OCO) - General**

A. A statewide need of $887,117 for FY 2010-11 has been calculated based on FY 2007-08 allocations and applying a 5.8% growth rate per year (less FY 2009-10 allocations). The Funding Methodology Committee recommended filing an LBR issue based on the statewide need. Judge Steinbeck made a motion, seconded by Judge Roundtree, to approve the Funding Methodology Committee recommendation. The motion passed without objection.

B. The 15th Circuit requests $58,555 in non-recurring funding to purchase three evidence presentation units. This request is outside of the $25,999 in OCO funding calculated in the FY 2010-11 statewide needs assessment for the 15th Circuit. The Funding Methodology Committee recommendation is to not file an LBR for this issue. Judge Roundtree made a motion, seconded by Judge Pittman, to deny the request. The motion passed without objection. The 15th Circuit may use cost recovery funds for these needs.

C. The 18th Circuit is requesting $36,000 in non-recurring funds to replace old copiers. This request is within the $43,330 in additional OCO funding calculated in the FY 2010-11 statewide needs assessment for the 18th Circuit. The Funding Methodology Committee recommendation is to not file an LBR for this issue. Judge Brunson made a motion, seconded by Judge Roundtree, to deny the request. The motion passed without objection.

**Issue 6: Contracted Services - General**

A. A statewide need of $447,277 for FY 2010-11 has been calculated based on FY 2007-08 allocations and applying a 5.8% growth rate per year. The Funding Methodology Committee recommended filing an LBR issue based on the statewide need. Judge Bryan made a motion, seconded by Judge Roundtree, to approve the Funding Methodology Committee recommendation. The motion passed without objection.

B. The 1st Circuit requests $10,000 in recurring funding for maintenance contracts. The current allocation is not enough to cover the annual contracted maintenance services for copiers and other equipment within all four of the circuit’s counties. This request is outside of the $8,319 in funding calculated in the FY 2010-11 statewide needs assessment for the 1st Circuit. The Funding Methodology Committee recommendation is to not file an LBR for this issue. Judge Roundtree
made a motion, seconded by Judge Brunson, to deny the request. The motion passed without objection.

C. The 3rd Circuit is requesting $2,500 in recurring funding to pay copier maintenance, shipping services, and advertisements. This request is outside of the $1,786 in funding calculated in the FY 2010-11 statewide needs assessment for the 3rd Circuit. The Funding Methodology Committee recommendation is to not file an LBR for this issue. Judge Roundtree made a motion, seconded by Ruben Carrerou, to deny the request. The motion passed without objection.

D. The 12th Circuit is requesting $10,000 in recurring funding to for mailing services, advertising for vacant positions and other necessary contracted services. This request is outside of the $3,210 in funding calculated in the FY 2010-11 statewide needs assessment for the 12th Circuit. The Funding Methodology Committee recommendation is to not file an LBR for this issue. Judge Roundtree made a motion, seconded by Judge Pittman, to deny the request. The motion passed without objection.

E. The 18th Circuit is requesting $2,600 in recurring funding for maintenance of a stand-alone copy machine used for the reproduction of written transcripts. This request is within the $7,107 in additional funding calculated in the FY 2010-11 statewide needs assessment for the 18th Circuit. The Funding Methodology Committee recommendation is to not file an LBR for this issue. Judge Brunson made a motion, seconded by Judge Roundtree, to deny the request. The motion passed without objection.

Other Requests – Jury Management
Judge Perry stated that the 5th Circuit is the only circuit within the state to operate Jury Management Services. The services were funded by the county and an inter-local agreement was executed with the implementation of Revision 7. On June 30, 2009 the clerk’s office informed the court that they were no longer going to abide by the inter-local agreement.

The Funding Methodology Committee recommended postponing a decision until more is known about the results of the OPPAGA study on clerk and court functions. Judge Perry withdrew the request with the option to bring the issue back to the TCBC in December. Orange County will fund the services for the remainder of this year and next year.

Overall Needs Assessment
Kris Slayden reported on this agenda item and reviewed the FY 2010-11 approved elements. The grand total of the FY 2010-11 needs assessment/LBR is $90.6 million. The total does not include a trial court case management system. Judge Roundtree made a motion to approve the
FY 2010-11 Needs Assessment/LBR. Judge Brunson seconded, and the motion passed without objection.

Other Legislative Issues for 2010-11 Legislative Session

Revenue Proposals

Traffic Light Cameras
Kris Slayden reported on this agenda item. The “Mark Wandall Traffic Safety Act” authorizing counties and municipalities to enact ordinances permitting the use of red light cameras was proposed during 2008 and 2009 Sessions. In July 2009, a proposal on fine revenue from the use of red light cameras was presented to the District Court of Appeal Budget Commission (DCABC). There are two issues related to this proposal: 1) a potential revenue source for the State Courts System (SCS) since the Revenue Estimating Impact Conference identified it has a significant source of revenue and 2) a potential revenue loss from traffic infraction fines, an important funding source for the State Court Revenue Trust Fund (SCRTF). Currently, revenues only come into the SCRTF from fines resulting from uniform traffic citations (UTC), not from local governments issuing citations outside of UTC. Additionally, there will be other agencies competing for this revenue.

The DCABC directed OSCA staff to do further analysis on this proposal and bring it back for consideration at their next meeting. The Executive Committee also recommended that staff provide further analysis and fully investigate the pros and the cons for the courts and the clerks. Judge Roundtree made a motion to approve the Executive Committee recommendation. Judge Miller seconded, and the motion passed without objection.

Other Proposals
Kris Slayden stated that revenue for the State Court Revenue Trust Fund (SRTF) is anticipated to decline, primarily due to the projected drop in foreclosure filings. Alternative revenue sources need to be identified to cover existing obligations and to fund new requests for FY 2010-11. Ms. Slayden reviewed potential revenue proposals, in which some were new and some were revived from last year.

1. Request General Revenue
   a) Move judges salaries that remain in trust
   b) Fill in for foreclosure revenue decline
   c) Swap out for fine revenue, give remaining fines back to General Revenue
2. Swap fine revenue for Civil Traffic Infraction “Assessment” Fees (increase current $5 Assessment to $20 Assessment)
3. Additional redirect of filing fees
4. Reopen fee for modifications
5. Motion filing fees
6. Repeat violence filing fee/court costs
7. Probate sliding scale
8. Filing fee/service charge increase for District Court of Appeals (DCA)
9. Filing fee/service charge increase for Supreme Court
10. Bond Revenue, increase amount of bond

The members discussed at length the possible revenue proposals. In addition, Mark Weinberg asked where the DCA and Supreme Court filing fee/service charge revenues are allocated. Lisa Goodner stated that currently the revenues are in General Revenue. Kris Slayden added that the increase in revenue would go to the SCRTF. Judge Laurent reminded members that revenues for any existing fees are currently going somewhere and recommended looking at new sources. Mike Bridenback stated that the fee for marriage licenses has not been adjusted.

Walt Smith suggested electronic filing fees. Lisa Goodner stated that electronic filing fees are currently prohibited by Supreme Court order. However, the Florida Court Technology Commission is looking at vendors for a statewide e-filing portal. The vendors offer the portal for free, with value added services that can be purchased. Judge Roundtree asked why the courts would not develop the portal internally. Ms. Goodner stated that the courts do not have the resources to develop this technology internally. Judge Perry requested that more information be brought back to the TCBC in December.

Lisa Goodner stated that items #3-9 were proposed last year and did not make headway. The members discussed the outcome of these proposals. The revenues generated in the last two legislative sessions are sufficient to fund the courts. The courts should resist requesting new fees and try to capture some of what is already generated.

Lisa Goodner stated that to be consistent with the Seven Principles, the members should consider filing an LBR issue for $53.4 million in General Revenue funding for the judges salaries that are paid from the trust fund. Judge Roundtree made a motion, seconded by Judge Francis, to include this issue in the LBR. The motion passed without objection.

**Recommendations on Statutory Changes**

**Redirect of Revenues**
Greg Smith reported on this agenda item and presented the changes. The first change would redirect the current filing fees from General Revenue (GR) to the State Courts Revenue Trust Fund (SCRTF). The second change would redirect the current fines revenue from the SCRTF to GR. Judge Roundtree made a motion to approve the recommendations as drafted. Walt Smith seconded and the motion was passed without objection.

**Court Innovation Fund**
Greg Smith stated that the proposal is to clarify language that the counties do not have authority over the chief judges in determining what constitutes court innovations. Judge Roundtree made a motion, seconded by Judge Miller, to approve the proposal. The motion passed without objection.

**Adjournment**
Judge Perry announced that the next TCBC meeting would be held the second week in December. The date was not yet determined. He stated that producing materials for the meeting notebook is a lot of work and thanked Lisa Goodner and OSCA staff. Judge Perry thanked the members and especially those who serve on committees for their sacrifice. He stated that the courts’ work is not done. The courts will continue to work with all of their criminal justice partners. The clerks of court also need adequate funding to do their job and to make this the best justice system.

With no other business before the commission, Judge Perry adjourned the meeting at 2:00 P.M.