

**Trial Court Budget Commission  
Meeting Minutes  
August 14, 2007**



**Members Present**

Belvin Perry, Jr., Chair  
Ruben Carrerou  
John Laurent  
Robert Morris  
Nancy Perez  
Thomas Reese  
Walt Smith  
Mary Vanden Brook

Mike Bridenback  
Joseph Farina  
Stan Morris  
James Perry  
William Roby  
Margaret Steinbeck  
Mark Weinberg

Paul Bryan  
Shelley Kravitz  
Carol Lee Ortman  
Judy Pittman  
Robert Roundtree  
Patricia Thomas  
Robin Wright

**Members Absent**

Charles Francis, Vice-Chair

Donald Moran

Susan Schaeffer

**Others Present**

Britt Beasley  
Lisa Kiesel  
Nick Sudzina  
Mark Van Bever  
Rick Callanan  
Vernon Douglas

Barbara Dawicke  
Jon Lin  
Corrie Johnson  
Michelle Bourrie  
Barb Lussier  
OSCA Staff

Tom Genung  
Todd Tozzolino  
Debra Oats-Ducram  
Lee Hayworth  
Barbara Ceryak

The August 14, 2007 meeting of the Trial Court Budget Commission (TCBC) was called to order at 8:58 by Judge Belvin Perry, Chair.

**I. Welcome and Introduction of Guests**

Judge B. Perry welcomed the members and recognized the guests in attendance. He introduced new member Judge Margaret Steinbeck who replaced Judge Manuel Menendez as the Circuit Court Judges Conference representative. Judge Shelley Kravitz has replaced Judge Raul Palomino as the County Court Judges Conference representative.

**Approval of June 9, 2007 Meeting Minutes**

Judge B. Perry requested an amendment to the June 9, 2007 minutes to reflect that the motion made to approve the March 13, 2007 minutes were made by Judge J. Perry. He asked if there were any other revisions to the draft minutes from the June 9, 2007 meeting. Carol Ortman made a motion, seconded by Walt Smith to adopt the meeting minutes as amended. The motion passed without objection.

## **II. Status of Current Year Budget**

### **A. Discussion of Response to Request for Proposed Reductions in FY 2007-08 Budget**

Judge B. Perry reported that as a result of the revenue projection shortfall, communications were received from the Governor's office and the Legislature to prepare a list of budget reductions of 4% and 10%. The Executive Committee met and worked over nine hours to identify the areas of reduction. The committee approached the exercise by looking at the trial courts as a whole and not separately as circuit and county courts. The committee agreed that the following should be held harmless: judges, judicial assistants, law clerks, senior judge days, magistrates, circuit and county business meetings and conference dues, due process, expert witness, court reporting, and court interpreting. The target reduction amounts were supplied by the Governor's office. The Executive Committee created itemized lists with items in order of priority for both the 4% and 10% reduction scenarios.

The charts reflecting the Executive Committee's proposed budget reductions were distributed and reviewed (Attachment I and II). Judge Roundtree made a motion, seconded by Ruben Carrerou, to approve the budget reductions and their priority as recommended by the Executive Committee. The motion passed without objection.

Judge Perry reminded the members of the importance that the trial courts speak with one voice. Communication must include explanations of what will happen if reductions beyond 4% occur. A telephone conference call will be arranged for chief judges and trial court administrators.

### **B. Impact Statements**

Lisa Goodner asked the members to submit impact statements this week. The impact statements should be written in plain language and in a way that the legislature may understand the impact of budget reductions to users of the court system.

### **C. Current Year Salary Projections and Rate Distribution**

#### **1. Salary Projections**

##### Circuit Courts

The FY 2007-08 projected total full employment liability is \$4,544,606 over the estimated general revenue salary appropriation and does not include funds due to the circuits for cost sharing of court reporting and court interpreting services. This is an increase of \$1,321,030 over FY 2006-07. This increase is attributed to the additional

rate distribution in October, exceptions to policy approved during the fiscal year, increased leave liability, and other employee actions such as annual benefit changes.

The salary appropriation was adjusted to include projected supplemental funding expected for bonuses, life insurance and health insurance. The overall projected full employment payroll liability will be adjusted once the final supplemental funding amounts have been released from the Governor's office. Estimated leave payouts for FY 2007-08 (based on a two-year average) total \$728,600. This is a 45.54% increase from the previous two year average used for FY 2006-07.

As appropriated by the Legislature for FY 2007-08, the circuit courts are due to receive \$3,695,347 for cost sharing from Justice Administrative Commission (JAC), State Attorneys, and Public Defenders. The Legislature reduced the cost sharing amount for FY 2007-08 by \$867,735, and redirected the funding to the new regional conflict counsel offices. After applying the cost sharing amounts to the projected payroll liability at full employment, a shortage of \$849,259 still remains in circuit courts. Last fiscal year (2006-07) an excess of \$1,339,506 remained after applying cost sharing amounts to the projected payroll liability at full employment.

#### County Courts

The FY 2007-08 projected full employment payroll liability is \$889,964 over the general revenue salary appropriation. This is an increase of \$183,262 over FY 2006-07. This increase is attributed to the additional rate distribution in October, increased leave liability and other employee actions such as annual benefit changes.

The salary appropriation was adjusted to include projected supplemental funding expected for bonuses, life insurance and health insurance. The overall projected full employment payroll liability will be adjusted once the final supplemental funding amounts have been released from the Governor's office.

Estimated leave payouts for FY 2007-08 (based on a two year average) total \$154,424. This is a 15.57% increase from the previous two year average used for 2006-07.

## **2. Review of Vacancy/Lapse Trends**

#### Circuit Courts

As of August 3, 2007, there were 129.75 FTE vacant positions. A total of 16 positions or 12% of the vacant FTE have been vacant for over 180 days. A position vacant for more than 180 days is the typical time period the Legislature considers excessive.

As of June 30, 2007, \$4,522,330 of the circuit court salary budget remained unspent excluding any supplemental payments that may have been paid as certified forward expenditures.

The annual lapse generated during FY 2006-07 was 1.9% or \$4,535,398. This is a slight increase of .14% over FY 2005-06 annual lapse. The two year annual lapse average (FY 2005-06 through FY 2006-07) is 1.83%. Pre and post Revision 7 review of the circuit court lapse history indicates a leveling off of the annual amount of lapse generated. As in prior years, new positions associated with judgeships and other funding elements play a key role in the amount of lapse generated in the circuit courts. The small amount of new positions and pending outcome of potential budget reductions play a critical role in the overall health of the salary budget.

#### County Courts

As of August 3, 2007, there were 6 vacant positions and 2 of the positions have been vacant for over 90 days but less than 180 days.

As of June 30, 2007, \$147,053 remained unspent excluding any supplemental payments that may have been paid as certified forward expenditures.

The annual lapse generated during FY 2006-07 was .76%. This is a significant decrease of 1.59% from FY 2005-06 annual lapse of 2.35%. The two year annual lapse average (FY 2005-06 through 2006-07) is 1.56%. Typically, during a year in which new judgeships are received, the county courts experience a higher than normal lapse rate, due to the length of time it takes to complete the appointment process. For FY 2006-07, the typical higher than normal lapse rate attributed to new judgeships did not occur. The lapse generated in FY 2006-07 was not sufficient to cover the payroll shortage in county court, and funds were transferred from the circuit court budget to cover the deficit. A budget amendment to transfer \$350,000 from the circuit budget was submitted in June 2007 to cover the estimated payroll deficit in the county court budget.

Judge B. Perry recommended that vacant positions over 180 days be filled by September 1, 2007, or be reallocated by lottery to other circuits. Judge Farina made a motion, seconded by Judge Laurent, to approve the recommendation. The motion passed without objection.

### **3. Rate Distribution – Current Status**

Since May 23, 2006, the TCBC Executive Committee has authorized a salary rate distribution of \$1,700,000 in total for circuit courts and \$80,000 for county courts. The purpose of the salary rate distribution was to provide greater flexibility to chief judges for the management of personnel actions throughout the fiscal year. These

actions included appointments above the minimum salary, reclassifications, lead worker designations, and special pay increases. As of July 1, 2007, \$79,573 of the rate distribution remains unobligated and a total of 294 actions have been processed.

#### **4. Rate Distribution – Future Rate Distribution Considerations**

##### Circuit

If current funding streams remain in place with the cost sharing model, the circuit court budget is anticipated to experience an estimated shortage of \$889,964 based on projected full employment liability and estimated leave payouts. In addition, the estimated shortage of \$122,438 to \$318,082 (depending on the amount of lapse generated for FY 2007-08) in the county court budget will need to be covered by the circuit court budget at year end. This would bring the total estimated salary shortage amount to be covered from the circuit court budget within the range of \$1,012,402 to \$1,208,046. The circuit court budget would need to generate .33% to .47% annual lapse to cover the estimated shortage.

If the post Revision 7 two year annual lapse average of 1.83% is applied as a conservative target lapse percentage for the circuit court budget in FY 2007-08, the circuit courts would generate an estimated \$4,686,023 in lapse. After deducting the higher estimate of \$1,208,046 needed to cover both the circuit and county estimated full employment shortages, approximately \$3,477,977 could be used toward additional rate distribution. However, future rate distribution is also dependent on the current state economic conditions and the impact of impending reductions in the September Special Session on the trial court budget in total.

##### County

The county court budget is anticipated to experience an estimated (full employment) shortage of \$889,964. The county court budget would need to generate a 1.19% annual lapse to cover the shortage. Researching previous lapse history during fiscal years for which no new judgeships were received, the county courts generated an average 1.02% annual lapse. If a conservative approach is taken and the annual lapse percentage of .76% for FY 2006-07 is applied to the current fiscal year, an estimated \$571,882 would be generated leaving a remaining \$318,082 to be covered from the circuit court budget. Any rate distribution for the county court budget would have to be covered in full by salary dollars in the circuit court budget.

### **III. Discussion of FY 2008-09 Legislative Budget Request**

#### **A. TCBC Funding Priorities as Identified on June 9, 2007**

##### **1. Employee Pay and Benefits**

This issue remains as the top priority of the Judicial Branch. Every circuit responded with data to update the survey. The analysis of data is currently in progress. Lisa Goodner stated that the analysis should be ready in the next few weeks and recommended that the Commission consider giving the Executive Committee authority to act on the pay plan issue once the data is analyzed.

Judge Roundtree made a motion to give the Executive Committee authority to approve any revisions to the request and file the issue as approved. Judge Perez seconded, and the motion passed without objection.

##### **2. Court Interpreting**

For the FY 2008-09 LBR, the TCBC designated court interpreting as a priority issue. Circuits were asked to estimate the amount of contractual funding they would no longer need to offset the cost of receiving requested positions. A statewide total of 20.0 FTE, \$132,372 in contractual funding, and \$95,000 in Other Capital Outlay (OCO) have been requested. In addition to these requests, the 11<sup>th</sup> Circuit requested \$166,193 in due process trust authority (cost recovery) for proposed court interpreting fee collections recovered through their civil traffic infraction hearing officer program.

The Funding Methodology recommendations are:

- File LBR for 16.0 FTE based on circuit requests and the percent increase in non-English speaking population. If new positions are appropriated by the Legislature for FY 2008-09, reduce each circuit's contractual allotment by the contractual savings amount;
- Do not file a request for additional contractual funding;
- File LBR for \$95,000 in OCO as a pilot initiative to implement a central digital court interpreting system in the 9<sup>th</sup> Circuit; and
- Do not file LBR for the 11<sup>th</sup> Circuit's request for additional trust authority as civil traffic infraction cases are not considered a due process expense. However, the Funding Methodology Committee recognized the possible need to re-evaluate court proceedings and case types where interpreting is required at public expense.

Judge Roundtree made a motion, seconded by Judge Laurent, to file the issue as recommended for 16.0 FTE and \$95,000 in OCO. If new positions are appropriated by the Legislature for FY 2008-09, reduce contractual allotments by the associated savings amount indicated by the circuits. The motion passed without objection.

### **3. Court Reporting**

For FY 2008-09, the TCBC identified court reporting as a priority LBR issue. Circuits were asked to estimate the amount of contractual funding they would no longer need to offset the cost of the requested positions. A statewide total of 52.0 FTEs and \$1,293,562 in contractual dollars have been requested. In addition to these requests, the 12<sup>th</sup> Circuit requests additional trust authority of \$20,000. The 15<sup>th</sup> Circuit requests to reclassify 3.0 FTE Electronic Transcribers to 3.0 Digital Court Reporters. The 15<sup>th</sup> Circuit also requests to reclassify 1.0 FTE Court Operations Manager to 1.0 Manager of Court Reporting Services.

A statewide total of \$2,539,509 was requested for digital expansion and refresh costs. Preliminary 5-year projections of these costs and maintenance have been estimated, at the request of the TCBC, based on the technology inventory submitted by the circuits in October 2006. However, due to the FY 2006-07 year-end spending allocations (\$2.3 million), it will be necessary to update the court reporting technology inventory to provide the most accurate projections possible.

FY 2006-07 due process cost recovery collections and expenditures have been reviewed to determine if a portion of general revenue FTE and contractual requests may be funded through trust. Based on projected annual collections, five circuits were identified as candidates to fund a portion of their request through trust.

The Funding Methodology recommendations are:

- Continue use of the “new judge” modifier in the unit cost calculation. Deduct each circuit’s FY 2006-07 due process cost recovery collections from total court costs as an incentive to collect cost recovery and to maximize the use of this revenue to cover resource needs. Recommend interim policy for FY 2008-09 that all due process cost recovery collections be expended for court reporting purposes only.
- File LBR for 45.0 FTEs and \$866,958 in contractual funding based on circuit requests that are within the target unit cost of \$20.56 per the modified unit cost calculation stated above. Request additional trust authority for 4.0 FTEs (\$206,932 in salaries/benefits/expense authority) and \$193,068 in contractual authority based on overall statewide collections and circuit requests that may be covered by that trust. Sharon Buckingham stated that for this recommendation, the Funding Methodology Committee looked at cost recovery to maximize the use of the revenue in the trust fund. However, due to the budget reduction exercise, this request will have to be covered entirely by general revenue. The TCBC may consider increasing the trust fund authority \$400,000 from \$600,000 to \$1,000,000.

- File LBR for \$2,299,219 OCO and \$240,290 in expense based on circuit requests. Perform additional analysis when the technology inventory has been updated, more reliable projections may be calculated using statewide refresh guidelines, and the ITN process is completed this fall. Modify LBR if needed. The analysis may also involve a review of equipment maintenance requests as they relate to the OCO and expense requests for new equipment.
- Forward reclassification requests to the Budget Management Committee for consideration.

Judge Roundtree made a motion to:

- Unit Cost Calculation – Continue the use of the “new judge” modifier in the unit cost calculation. Deduct each circuits’ FY 2006-07 due process cost recovery collections from total court costs as an incentive to collect cost recovery and to maximize the use of this revenue to cover resource needs.
- General Revenue Positions and Contractual – File LBR for 49.0 FTEs and \$916,668 in contractual funding based on circuit requests that are within the target unit cost of \$20.56 per the modified unit cost calculation.
- Due Process Trust Authority – Request \$1,000,000 in total trust authority based on statewide collections (current authority equals \$600,000). During the FY 2008-09 allocation process, assess need to implement a policy that all due process cost recovery collections be expended for court reporting purposes only.
- OCO and Expense – File LBR as recommended for \$2,299,219 OCO and \$240,290 in Expense based on circuit requests. Perform additional analysis when the technology inventory has been updated, more reliable projections may be calculated using statewide refresh guidelines, and the ITN process is completed this fall. Modify LBR if needed. The analysis may also involve a review of equipment maintenance requests as they relate to the OCO and Expense requests for new equipment.
- Reclassifications – Do not file LBR. Circuits are directed to follow Personnel policies and procedures for reclassification requests. If the reclassification is approved, circuits must utilize available rate to fund the reclassification as outlined in the Budget and Pay Administration Memorandum from the Chief Justice dated July 2, 2007.

Mike Bridenback seconded, and the motion passed without objection.

#### **4. Case Management**

For FY 2008-09, the TCBC designated case management as a priority LBR issue. Statewide, circuits are requesting a total of 114 FTE. In addition, the 20<sup>th</sup> Circuit requests funding to upgrade an Administrative Assistant II position if the associated request for a new Court Program Specialist II position is not approved. The 4<sup>th</sup> Circuit requests \$13,500 in OCO for the purchase of new desks (for 11 requested



positions) where the cost per desk is above the standard OCO amount provided for new positions.

The Funding Methodology recommendation is:

- File LBR for 71.0 Court Program Specialist II positions based on circuit “need” (rounded down) per the ratio of 1:5,500 projected FY 2008-09 eligible filings (with a floor of 8 FTE), up to the amount of FTEs requested by each circuit.
- Forward reclassification request to the Budget Management Committee for consideration.
- Do not file LBR for OCO.

Judge Roundtree made a motion to:

- File the issue as recommended for 71.0 Court Program Specialist II positions. When 2007 Special Session reduction decisions have been finalized, modify the LBR if needed.
- Do not file LBR for reclassification issues. Circuits are directed to follow Personnel policies and procedures for reclassification requests. If the reclassification is approved, circuits must utilize available rate to fund the reclassification as outlined in the Budget and Pay Administration Memorandum from the Chief Justice dated July 2, 2007.
- Do not file LBR for OCO.

## **5. Magistrates and Hearing Officers**

Phase I of the Judicial Resource Study was completed. The results of the study were presented to the Trial Court Performance and Accountability Commission and subsequently approved. All recommended case weights and the continuing development projects have been forwarded to the Supreme Court and will be reviewed in September.

### General Magistrates

For FY 2008-09, the TCBC identified general magistrates as a priority LBR issue. Statewide, circuits are requesting a total of 41 FTE. In addition, the 16<sup>th</sup> Circuit is requesting \$40,000 in contractual funding, and the 4<sup>th</sup> Circuit is requesting \$2,500 in OCO.

The Judicial Resource Study developed weights for the general magistrates based on case type. These weights were applied to forecasted FY 2008-09 relevant filings and circuits “net need” were calculated.

The Funding Methodology Committee recommendations are to approve the new case weight methodology for General Magistrates developed during the Judicial Resource Study using projected relevant FY 2008-09 filings. File the issue for 6.0 FTE General Magistrates and 6.0 FTE Administrative Secretary I, based on rounding up the net need of .5 or higher and considering only those circuits who requested positions. The 1:1 ratio of administrative support for each magistrate was also applied. Do not file a LBR for OCO.

Judge Roundtree made a motion, seconded by Judge Roby, to file the issue as recommended using the new case weight methodology. The motion passed without objection.

#### Child Support Enforcement Hearing Officers

The Judicial Resource Study developed weights for child support enforcement hearing officers based on case type. These weights were applied to forecasted FY 2008-09 relevant filings and circuits' "net need" was calculated.

The FY 07-08 contract was reduced by \$500,000 from the last fiscal year. The Department of Revenue has proposed an additional \$200,000 reduction to the contract as part of their target reduction exercise. The expenditures will have to be closely monitored this year.

The 6<sup>th</sup> Circuit requested 0.5 FTE for an Administrative Secretary I for FY 2008-09.

The Funding Methodology Committee (FMC) approved the new case weight methodology for Title IV-D Child Support Hearing Officers developed during the Judicial Resource Study. The Committee recommends not filing a LBR, as the statewide calculation does not indicate additional resources needed above the FY 2007-08 allocation. The Funding Methodology Committee recommends referring the 6<sup>th</sup> Circuit's request to the Budget Management Committee to consider reallocating a vacant 0.5 FTE Administrative Secretary I from the 18<sup>th</sup> Circuit. Subsequent to the FMC meeting, this reallocation request was sent to the TCBC Executive Committee for consideration.

Judge Roundtree made a motion, seconded by Carol Ortman, to not file an LBR and recommend the use of the new case weight methodology. The reallocation of a 0.5 FTE Administrative Secretary I to the 6<sup>th</sup> Circuit will be considered following September 1, 2007, when circuits have had the opportunity to fill positions vacant over 180 days. The motion passed without objection.

### Civil Traffic Infraction Hearing Officers

The total appropriation of \$2,892,848 was reduced by \$500,000 during the 2007 Legislative Session. The counties that have historically received above the threshold amount had their budget reduced proportionally to absorb the \$500,000 decrease in budget.

For FY 2007-08, a LBR was not filed for traffic hearing officers as this was not identified as a priority of the TCBC and the results of the Judicial Resource Study (JRS) were not yet available. A case weight was developed during the JRS for the case type of civil traffic infractions but the JRS Workgroup and the Commission on Trial Court Performance and Accountability recommended not to implement a case weight and workload model for traffic hearing officers due to the inconsistencies among circuits in how the hearing officers are utilized and accuracy issues related to traffic filing data collected from the Department of Highway Safety and Motor Vehicles.

For FY 2008-09, the 9<sup>th</sup> Circuit requested 1.0 FTE Administrative Secretary I and the 11<sup>th</sup> Circuit requested \$322,970 in contractual funding to increase the hourly rate to \$60.

The Funding Methodology Committee does not recommend filing a LBR for Civil Traffic Infraction Hearing Officers. The Committee will consider redistributing allotment of funds during the FY 2008-09 allocation process.

Carol Ortman made a motion to not file this issue and consider circuit requests during the FY 2008-09 allocation process. Judge Roundtree seconded and the motion passed without objection.

## **B. Other Elements**

### **1. Expert Witness**

For FY 2008-09, the TCBC did not specifically designate expert witnesses as a priority LBR issue. Statewide, the circuits are requesting \$68,585 in contractual funding and \$5,000 in Expense. The Funding Methodology Committee recommendation is to not file a LBR.

Carol Ortman made a motion, seconded by Judge Roundtree, to not file an issue request for Expert Witness. The motion passed without objection.

## **2. Law Clerks**

For FY 2007-08 a law clerk LBR was not filed and additional judgeships were not appropriated by the Legislature. For FY 2008-09 the TCBC did not designate law clerks as a priority LBR issue.

The 18<sup>th</sup> Circuit requested 1.0 FTE Post Conviction Law Clerk. A review of the July 1, 2007 vacancy report indicates that 6.0 trial court law clerk positions and 1.0 senior trial court law clerk position have been vacant for a period over 180 days in four circuits. Two of these positions have been vacant for over a year. The Funding Methodology Committee recommendation is to not file an LBR.

Judge Roundtree made a motion, seconded by Carol Ortman, to not file this issue. The motion passed without objection.

## **3. Court Administration**

A court administration LBR has not been filed since Revision 7. The current funding methodology for court administration is based on a minimum level of support necessary to provide executive direction, general administration and judicial operation functions in small (9.0 FTEs), medium (14.0 FTEs), large (27.0 FTEs) and very large circuits (42.0 FTEs). The formula includes one trial court administrator and one court technology officer per circuit and two general counsel positions (one general counsel and one support staff) for large circuits and Miami-Dade. For FY 2008-09, the TCBC did not designate court administration as a priority LBR issue.

Request for positions, Other Personal Services (OPS)/contracted services, and re-classifications were received. Reasons cited for needing additional resources include increased levels of workload; higher demand for services; and inequities (classification and pay issues) resulting from staff performing additional duties outside their current job description. The 17<sup>th</sup> Circuit requests a reclassification of a Court Communications Officer if the associated position request for a new Director of Community Relations is not approved. The annual budgetary impact of this reclassification would be \$22,069. Also, the 15<sup>th</sup> Circuit requests a transfer of two existing positions (Court Operations Manager and Family Case Manager) from the court administration element to the case management element if the associated position requests for a new Chief Deputy Court Administrator and new Court Communications Coordinator are approved. Historically, circuits have been prohibited from transferring positions across elements. Thus, a policy change would be required by the TCBC in order to approve this action. In addition, the 15<sup>th</sup> Circuit requests a reclassification of an Administrative Secretary I to an Administrative Assistant III. The annual budgetary impact of this reclassification would be \$8,623. The 15<sup>th</sup> Circuit also requests a reclassification of 2.0 FTE Legal Secretaries to 2.0

FTE Administrative Assistant II's. The combined annual budgetary impact of these reclassifications is \$14,604.

Approving new resource requests would require a revision to the current formula for allocating court administration staff. If all circuit requests are approved, the total impact will equate to a statewide need for 122 positions.

Historically, requests for new OPS/contracted services resources have not been approved by the TCBC. Generally, needs arising for these funds are accommodated within a circuit's existing operating budget via budget transfers (allows funds to be shifted between cost centers) or budget amendments (allows funds to be shifted between budget categories). Each year, circuits are allotted OPS funds in the 110 Cost Center (Judges/JA's) and as temporary service needs arise in other elements, funds are temporarily transferred to those elements. Presently, OPS funds are not *permanently* allotted across elements because these funds are provided for temporary needs. General contracted service needs are also funded using a circuit's existing operating expense budget. Upon a circuit's request, OSCA will either temporarily or permanently transfer expense funds to this category via budget amendment.

The Funding Methodology Committee recommendation is to not file the requests for positions and OPS. The Committee recommended forwarding reclassification requests to the Budget Management Committee for consideration. For future legislative budget requests, the Committee also recommended revising the funding methodology formula based on increasing the level of support, for small and medium circuits, to include two general counsel positions (one general counsel and one support staff) and one additional operations/administration position.

Mike Bridenback made a motion to not file this issue. Walt Smith seconded and the motion passed without objection.

#### **4. Mediation**

For FY 2007-08, a mediation LBR was not filed. During the 2007 legislative session, statewide trust authority was cut by \$308,713, leaving \$2,229,292 available for allotment.

For FY 2008-09, the TCBC did not designate mediation as a priority issue. Statewide, circuits are requesting 5.0 FTE and \$25,000 in contractual funding from general revenue; and 2.0 FTE and \$60,000 contractual funding in trust authority.

The Funding Methodology Committee recommendation is to not file an issue request for general revenue positions and contractual funding. The Committee recommends requesting additional trust authority for 2.0 FTE (\$118,889 in salaries/benefits/expense authority) and \$401,869 in contractual authority based on

circuit requests and annualized FY 2006-07 trust collections with a 10% growth rate applied statewide.

Carol Ortman made a motion, seconded by Judge Roundtree, to not file an issue request for general revenue positions and contractual funding; and request \$2,750,050 in total trust authority based on circuit requests and annualized FY 2006-07 trust collections with a 10% growth rate applied (current authority equals \$2,229,292). The motion passed without objection.

## **5. Juror Per Diem**

In its final report in March 2006, the Workgroup on Standards for Jury Panel Sizes recommended adjusting the standards upward to allow greater flexibility for presiding judges. The Supreme Court adopted the changes which have been implemented. It was estimated that the changes to the standards may increase the number of citizen being requested to report for jury duty. A higher number of jurors reporting would translate into increased juror per diem expenditures. An analysis of per diem expenditure data was conducted to determine the potential need for additional dollars in FY 2008-09.

The Funding Methodology Committee recommends filing a request for \$498,472 based on annual average and 5.45% growth rate in expenditures.

Judge Rountree made a motion to table this request until FY 2007 Special Session reduction decisions have been finalized. File as a supplemental LBR issue if needed. Carol Ortman seconded and the motion passed without objection.

## **C. Other Requests**

### **1. FTE in Judges/JA's Cost Center (110)**

The 4<sup>th</sup> Circuit requested 1.0 FTE Administrative Secretary II. Based on the request narrative, it appears the position would be utilized as a "floating" judicial assistant. During Revision 7 implementation, the one-to-one ratio of JA's to judges was adhered to and no provisions for additional judicial assistant support were developed. Temporary judicial assistant services are provided to each circuit through the Other Personal Services (OPS) allotments.

The Funding Methodology Committee recommended this issue not be approved. Carol Ortman made a motion to not file this issue. Judge J. Perry seconded and the motion passed without objection.

## **2. Other Personal Services (OPS)**

- A. The 4<sup>th</sup> Circuit requests a total of \$23,130 in OPS funding for temporary employment of the following positions: Drug Court Assistant (\$2,808); Office Assistant (\$7,800); ADA Coordination Assistant (\$7,800); and Record Keeping Assistant (\$31,200). This request was made in the Judges & JA's cost center (110).

The Funding Methodology Committee recommended this issue not be approved. Mike Bridenback made a motion to not file the issue as recommended. Carol Ortman seconded and the motion passed without objection.

- B. The 12<sup>th</sup> Circuit requests \$10,150 in recurring OPS funding for temporary JA's in Circuit Court. The request would allow each circuit JA two weeks of coverage while they are out on annual or sick leave. The current allotment only allows 1.2 weeks of coverage per JA.

The Funding Methodology Committee recommended this issue not be approved. Judge Roundtree made a motion to not file this issue. Carol Ortman seconded and the majority passed the motion, with objection by Walt Smith.

- C. The 12<sup>th</sup> Circuit requests \$12,000 in recurring OPS funding for temporary JA's in County Court. The request would allow each county JA two weeks of coverage while they are out on annual or sick leave. Currently, there is no OPS funding in the County Court budget entity.

The Funding Methodology Committee recommended this issue not be approved. Judge Roundtree made a motion to not file the issue as recommended. Carol Ortman seconded. The motion was passed by the majority of members, with objection by Walt Smith.

- D. The 20<sup>th</sup> Circuit requests \$21,000 in OPS funding for temporary JA's in Circuit Court. FY 06-07 OPS funds were exhausted in less than 6 months into the fiscal year. One of the circumstances limiting coverage by other JA's is location of judges and JA's, e.g., Glades County, where there is only one judge and one JA.

The Funding Methodology Committee recommended this issue not be approved. Mike Bridenback made a motion to not file this issue. Judge Roundtree seconded and the majority passed the motion, with objection by Judge Reese.

## **3. Operating Capital Outlay (OCO)**

- A. The 18<sup>th</sup> Circuit requests a permanent transfer of \$50,000 from Expenses to OCO. For FY 2005-06, the TCBC voted to approve a transfer of funds from the Expense

category to the OCO category in order to establish a permanent OCO base in the Circuit Courts to be used for the replacement of allowable office furniture and equipment pursuant to Section 29.008 (1)(a) 1 and 2, F.S. The circuits were then polled to determine the amount in each cost center for transfer from Expense to OCO. As a result of that exercise, \$50,000 in Expense was permanently transferred to OCO in cost center 110 (Judges and JA's) in the 18<sup>th</sup> Circuit beginning in FY 2005-06. This request is for an additional \$50,000 permanent transfer to OCO from Expense.

The Funding Methodology Committee recommended this issue not be approved. Carol Ortman made a motion to not file this issue. Judge Pittman seconded and the motion passed without objection.

- B. The 5<sup>th</sup> Circuit requests non-recurring funds in the amount of \$103,000 in Expenses and \$152,000 in OCO for furnishing an expansion of the Marion County Judicial Center. This expansion is due to be completed by March, 2009. Equipment and furnishings are needed for non-public areas, which are a state funding responsibility. These are areas other than courtrooms, hearing rooms, jury facilities and other public areas, pursuant to Section 29.008, F.S.

The Funding Methodology Committee recommendation is to approve this issue. Carol Ortman made a motion to file the issue as recommended. Judge Roundtree seconded and the motion passed without objection.

Judge Perry reminded the members that as soon as the Legislative Budget Request decisions made by the TCBC were noticed, the 10-day appeal process would commence.

#### **IV. Update on Due Process Rate Structure Recommendations**

CS/SB 1088 created s. 27.425, F.S., which requires the chief judge to submit annually to the Office of the State Courts Administrator (OSCA) proposed due process compensation rates for inclusion in the legislative budget request for the State Courts System. Maximum rates shall be specified in the General Appropriations Act.

To satisfy the requirements of this statute, OSCA worked with circuit staff to collect and review due process service rates. The data collected revealed a complicated structure which makes useful analysis difficult. Court administrators and circuit staff who work daily with due process services are the most capable individuals to review and analyze the information and propose a rate structure with compensation ranges that are acceptable for all courts and satisfy legislative direction.



#### **A. Discussion of Proposed Work Plan**

The legislative budget request is due October 15, 2007. To meet this deadline, the following workplan was proposed:

- Request the Chair of the TCBC to appoint a work group of trial court administrators and/or appropriate staff to review the collected data and make recommendations to develop a streamlined rate structure which can satisfy the requirements of s. 27.425, F.S., by identifying events that are identical or comparable.
- Recommendations of the work group will be submitted to the TCBC Executive Committee for its review and final recommendations.
- Final recommendations of the TCBC Executive Committee will be submitted to the chief judges for their review.
- Final document will be submitted to legislative staff as directed for inclusion in the State Courts System 2008-09 LBR.

#### **B. Proposed Timeline for Completion**

The proposed timeline for completion was reviewed.

Judge Perry asked for volunteers for the work group. Mike Bridenback, Carol Ortman, Judge Perry, and Judge Farina will volunteer one staff member for participation on the work group. Judge Roundtree made a motion, seconded by Judge Roby, to establish the work group and approve the proposed work plan and timeline for completion. The motion passed without objection.

#### **V. Follow-Up from June 11-12 Court Reporting Workshop**

A workshop was held to review the current status of court reporting services in the trial courts and establish a future course for budget policies impacting the delivery of court reporting services. The goals of the workshop were to: understand court reporting operations in each judicial circuit; review the Trial Court Performance and Accountability legal and operational recommendations impacting court reporting service delivery statewide; determine whether the cost sharing arrangement should be continued and/or altered and develop any associated policies for transcription services provided to the SA, PD, and JAC; determine whether the court reporting funding methodology should be modified; and establish an implementation timeline.

Consensus was reached regarding discontinuing the use of analog audio recording and the type of service delivery model and monitoring ratio that should be used for each due process case type and proceeding type. A follow-up meeting will be scheduled to continue to review any outstanding policies including those dealing with the cost-sharing arrangement. Policy recommendations will then be forwarded to the TCBC.

## **VI. Other Legislative Issues for 2007 Session**

Lisa Goodner asked the members to submit any substantive issues or statutory change recommendations to her or Greg Smith.

Judge S. Morris identified the possible need for the Executive Committee to take action during the upcoming special session. Judge Roby made a motion, seconded by Judge Roundtree, to give the Executive Committee authority to make decisions on behalf of the TCBC during special session. The motion passed without objection.

## **VII. Other Business**

### **Adjournment**

The next meeting of the TCBC will be held Saturday, December 8, 2007, in Ponte Vedra Beach.

With no other business before the commission, Judge Perry adjourned the meeting at 11:50 p.m.