

Minutes
Trial Court Budget Commission (TCBC)
Emergency Meeting
September 26, 2001
Via Telephone Conference Call

Members Present:

Susan Schaeffer, Chair
Don Briggs, Vice-Chair
Mike Bridenback
Paul Bryan
Ruben Carrerou
Joseph Farina
Charles Francis
Kim Hammond
Lee Haworth
Paul Kanarek
Randall McDonald
Donald Moran, Jr.

Stan Morris
Carol Ortman
Nancy Perez
Belvin Perry, Jr.
Judy Pittman
Mark VanBever
Theresa Westerfield
Doug Wilkinson

Justice Harry L. Anstead- Supreme Court
Liaison

Members Absent: Wayne Peacock

OSCA Staff Present: Lisa Goodner, Deputy State Courts Administrator
Dee Beranek, Deputy State Courts Administrator
John Dew, Chief of Trial Court Funding Policy Section
Charlotte Jerrett, Chief of Budget Services
Marsha Jordan, Senior Secretary

I. Roll Call

Judge Schaeffer called the emergency meeting to order at 4:00 P.M. and welcomed each member as they joined the conference call. After allowing time for members to come on line, she called the roll. A quorum of sixteen members was present. After the roll call, Judge Schaeffer acknowledged four members as present as they came on line. A total of twenty members were present.

II. State Revenue Shortfall and Budget Reductions: Overview of Previous Executive Committee Discussions and Recommendations

Purpose of the Emergency Meeting

Judge Schaeffer expressed regret that the TCBC had to meet in this manner and began to explain the nature of this emergency meeting. She stated that today's agenda was focused on two particular budget issues, both of which required action by the end of the month.

The first issue involved assisting the Supreme Court with responding to a joint letter from the leadership of the House and Senate budget committees. The letter requested the Judicial Branch to submit a budget reduction plan for FY 2002-03, by September 30, that reduces the current fiscal year's recurring budget by 5%. The letter explained that this information would be used to development the next fiscal year's budget. Judge Schaeffer noted, however, that some of these reductions may actually be made by the legislature this fiscal year, due to the recent estimates of a revenue shortfall.

The second issue requires a response to new information as it relates to the budget recommendations approved by the TCBC at the July 30-31 meeting and providing feedback to the Court on some questions they had concerning these recommendations. To meet the deadlines of these requests, the Executive Committee has met twice to respond to these issues and has provided feedback to the Court on some of their questions.

This emergency meeting of the TCBC has been called to review these issues and to seek the approval of the Commission for the decisions which had to be made by the Executive Committee during the interim. Also, in regard to the recommendation by the TCBC to shift the Guardian ad Litem program from the judicial branch, the Court has requested the TCBC to consider all appropriate alternatives and to respond back by September 30. Judge Schaeffer explained that due to the short time available for a response, she is requesting guidance from the commission on this subject.

Review of the Earlier TCBC Recommended Budget Reductions, Court Response, and Executive Committee Decisions

Judge Schaeffer explained that when she appeared before the Court to present the TCBC budget recommendations, she was advised by the justices of the potential for cutting \$16.2 million appropriated to the First District Court of Appeal for a branch courthouse. In light of this new information, the Court referred the proposed budget reductions back to the TCBC for further study, as to whether these cuts should be offered at this time. The deadline set by the legislature to submit the proposed FY 2002-03 budget was August 31. The Court asked for a response by August 28. In addition, the Court requested a further examination of all appropriate alternatives regarding the proper

placement of the Guardian ad Litem program, due September 30.

Because time was short, the full Commission could not meet quickly. Therefore, the Executive Committee met via telephone conference call to respond to the Court's request. The Executive Committee recommended that many of the proposed reductions be reinstated to the budget request. Grant Administration monies were the only item offered as a budget reduction. A letter outlining the revised budget recommendations was sent by Judge Schaeffer to Chief Justice Wells on August 28, 2001.

Judge Schaeffer stated the request by the Court to consider all appropriate alternatives for the proper placement of the Guardian ad Litem program was on the agenda for the September 12 TCBC meeting. However, the meeting was canceled due to the September 11th terrorist attacks in New York City and Washington, D.C. The Court has granted an extension of the September 30 deadline but it appears the TCBC can not meet until December. Judge Schaeffer commented that she would return to this issue for discussion later in the meeting. First, she wanted to focus on the issues of the state revenue shortfall and potential budget reductions.

State Revenue Shortfall and Potential Budget Reductions

On September 17, 2001, the Chairs of the House and Senate Appropriations Committees, sent a joint memorandum to the Court requesting that the Judicial Branch, as well as all state agencies, submit a target budget for FY 2002-03 that reduces the current fiscal year recurring budget by five percent (5%). This translates to an approximate \$15 million reduction in the current budget. The deadline set for returning this information to the legislature was September 30, 2001.

Again, there was not time to call a full commission meeting; therefore, the Executive Committee met via phone on September 24th and 25th to discuss budget reduction proposals for the trial courts. Judge Schaeffer referred the members to a copy of the OSCA budget chart that outlined the trial courts 2001/2002 Operating Budget. (See Attachment A) She explained that the Executive Committee asked staff to divide the programs and subsequent dollars into categories of "Essential" and "Non-Essential," consistent with previous TCBC Revision 7 discussions and decisions.

The Executive Committee reviewed the Operating Budget and determined that the first place to look for possible reductions was on the "Non-Essential" side. Judge Schaeffer pointed out that the use of the term "Non-Essential" was not meant to mean the program and accompanying staff were not important and beneficial, only that such programs did not relate directly to an essential function of the court. She explained that the Executive Committee decided to recommend a three tiered approach to the TCBC, and subsequently the Court, for possible budget reduction offers.

"New Appropriations" and associated FTEs under the "Non-Essential" heading were recommended as the first offer for reduction. That total is \$2,515,914 and 28 FTEs. (See Attachment

A) Next, the committee reviewed the “Current Budget” programs under the “Non-Essential” heading. After exempting Guardian ad Litem, the committee recommended these programs as the second offer for reduction. That total comes to \$5,637,319 and 56.5 FTEs.

These two recommendations total \$8,153,233 and are approximately \$7 million short of the targeted \$15 million reduction. However, the District Courts of Appeal and the Supreme Court offers for reduction have not been included in this calculation. The committee recommended, that if the Court determines that further reductions are necessary, the final offer for reduction should be the Guardian ad Litem program, a total of \$7,457,671 and 165 FTEs. The committee recommended this reduction be the last to be offered and that the Court only reduce what is absolutely necessary to meet the requested \$15 million cut.

Judge Schaeffer commented that she felt these recommendations made sense in light of the recommendations made by the TCBC at the last meeting. She reflected that they are consistent with the TCBC’s determination to fund the Essential Elements of the judicial system first and therefore, are creditable. She called for a discussion on the recommendations made by the Executive Committee.

III. State Revenue Shortfall and Potential Budget Reductions - Discussion

Judge Schaeffer called on Ms. Goodner, Deputy State Courts Administrator, for her comments. Ms. Goodner remarked that the state’s Revenue Estimating Conference met in early September and reported a \$665 million shortfall in revenues. Only \$265 million was reported in the papers because the Governor found \$400 million to cover a portion of this shortfall. The Senate is preparing for a reduction of \$265 million to this year’s budget. While the suggested recommendations for reduction offers are for next fiscal year’s budget, these reductions may occur this fiscal year due to the projected revenue shortfall. Furthermore, these projections were made prior to the September 11th terrorist attacks which may effect the revenue shortfall even more.

Judge Schaeffer asked Justice Anstead for his comments. Justice Anstead expressed his appreciation to Judge Schaeffer for her overview on the status of the budget and thanked the commission for having this conference call. Although the Court is distressed with the current crisis atmosphere, they are pleased to have this commission as a reliable forum to go to on trial court budget matters. He mentioned that the Senate has made clear that certain budget areas are off the table for budget reductions. Those areas are Education and Health and Human Services. With this in mind and coupled with the nation’s crisis, these are extraordinary times. The courts will take some hits and make some sacrifices but it is best, if we provide the input as to where those hits and sacrifices should be. He concluded by stating that the Court is extraordinarily reliant on the comments and recommendations of this Commission and he thanked the membership for their service.

Judge Hammond made a motion to accept the budget reduction recommendations offered by the Executive Committee. Judge Francis seconded the motion. Judge Schaeffer asked for discussion.

Discussion took place and several areas of concern were discussed. Judge Kanarek asked about the cost centers #222, Dependency Drug Court and #228, Dependency Court which were listed under the Essential Services. (See Attachment A.) Judge Schaeffer responded that these services had been determined in previous TCBC meetings to be included in Case Management. Case Management is an essential element of the courts; therefore, these activities are preserved as essential. Judge Kanarek also asked about cost center #227, Model Dependency and New Model Dependency under Essential Services. Specifically, he queried why we would keep the new appropriation and FTEs. Judge Schaeffer answered that the Executive Committee believed it is critical to preserve all monies, even new, if they were for the essential elements.

Judge Pittman asked for further clarification on Guardian ad Litem. Judge Schaeffer explained that the recommendation to the Court is that the new appropriation for Guardian ad Litem, effective October 1, 2001, be included in the first initial offer to cut. The current budget for Guardian ad Litem (165 FTEs and \$7,457,671) would be offered for reduction only after the DCA's and Supreme Court reductions were included in the 5% reduction total. If further reductions were deemed necessary, the amount of reduction would be at the discretion of the Court.

Judge Schaeffer also mentioned she had heard, that as of today, the Chief Justice had imposed a hiring freeze. Unless someone has been officially hired and is scheduled to begin work on October 1, all open positions are frozen. Ms. Goodner reported that the directive was being faxed to all the circuits as they spoke. Judge Schaeffer concluded that these recommendations were consistent with previous TCBC decisions; they are creditable and they are offered in good faith.

Vote: The question was called and Judge Schaeffer polled the members for their vote. The motion was approved unanimously.

Judge Schaeffer asked Justice Anstead to convey these recommendations to the Chief Judge. She asked him to tell the Court that this Commission is concerned about these reductions but believe they make sense and are consistent with the TCBC's charge. Justice Anstead stated that at this critical time for our country, we must all make sacrifices. The Court is indeed fortunate to have this body to assist with this most difficult decision. He thanked the membership for their thoughtful and diligent work.

IV. Operational Procedures - Amendment

Judge Schaeffer explained that in light of the short time frame with which the Executive Committee had to act concerning certain issues, and without the full TCBC input, that it seemed appropriate to amend the Commission's Operational Procedures to allow the Executive Committee authority to do so. However, the Executive Committee would only have authority to act for the full Commission in emergency situations. In that regard, she presented the following language as an

amendment to the Operational Procedures:

On Page 2 of 6, Paragraph 4, insert the following:

In matters that require immediate action, the Chair may call a meeting of the Executive Committee. Any decisions by the Executive Committee in an emergency meeting will be reviewed by the full Commission at the next scheduled meeting and can be either endorsed or overturned at that time, if possible. In the event it is impossible to rescind, the action taken by the Executive Committee shall be binding.

Vote: Judge Bryant made the motion to approve the amendment. Judge Hammond seconded the motion. The motion passed without objection.

V. Guardian ad Litem (GAL)

Judge Schaeffer returned to the issue of the Court's request for the TCBC to consider all appropriate alternatives for the proper placement of the GAL. This issue is not officially on the meeting agenda; therefore, under the Operational Procedures, the Commission must approve the issue for the agenda. Hearing no objections, the issue was approved for discussion by the Commission.

Judge Schaeffer explained that during the July Commission meeting the TCBC recommended that the GAL program be shifted from the judicial branch to another state entity. However, the Court, upon review of the recommendation, requested that the TCBC further review the issue and offer additional alternatives. She asked the commission for guidance.

She referenced the tab in the meeting notebook for September 12, *Transition Options for the Guardian ad Litem Program*. Ms. Goodner explained that this document was intended to be a neutral document. The OSCA staff has provided all reasonable shift alternatives. The document has also been provided to the other Court committees who have an interest in this issue. She advised the members to use this document to help develop their thoughts regarding the response to the Chief Justice.

Judge Schaeffer reported that she had heard from both the chair of the Family Court Steering Committee and the chair of the Children's Court Improvement Committee. Furthermore, she noted that she attended a meeting of the Children's Court Improvement Committee and they expressed concern about the recommendation to move the GAL program out of the courts. She asked the members how the TCBC should proceed with meeting the Court's deadline for providing alternatives for the proper placement of the program. Because the next full TCBC meeting was not scheduled till December 1, 2001 there would be no way to meet the Court's deadline for a response. She asked if she should "take a crack at drafting a response" in order to get something to the Chief Justice?

Carol Ortman remarked that she felt strongly that the TCBC should respond to the Chief Justice's request soon. Ms. Ortman made the motion to grant Judge Schaeffer permission to draft a response to the Court's request. Judge Farina seconded the motion. She further suggested that input for this response should be provided by the Executive Committee. The TCBC should then be notified by email for their comments, suggestions and final approval of the draft response to the Chief Justice.

Judge Farina agreed with Ms. Ortman. Waiting until the TCBC meets again in December is too late. He asked rhetorically if the other members agreed. Does anybody want to wait? Judge Schaeffer asked if there were any further comments. The commission approved the motion that Judge Schaeffer draft a response. This response will be circulated via email to the members and the members polled for their thoughts.

VI. Other Business

Ms. Goodner commented on the current hiring freeze and potential budget reductions. At this point, we do not know what will be cut or when. She suggested that members advise their circuits to 1) hold the currently frozen positions and 2) to begin to identify persons whose positions may be in jeopardy so they might be moved to a position that will survive.

Judge Morris asked about the timetable for the reductions. Ms. Goodner responded that the Legislative Budget Commission will meet on October 12, 2001 to review possible reductions for this year's budget. A special legislative session is expected sometime in late October or early November.

Having no further business the meeting was adjourned at 5:15 P.M.

2001/2002 Operating Budget

ATTACHMENT A

22300100 - Court Operations - Circuit Courts

Activity			ESSENTIAL				NON-ESSENTIAL			
			Current Budget		New Appropriations		Current Budget		New Appropriations	
	Cost Ctr Code	Cost Center Title	Total FTE	Cost Center Total	Total FTE	Cost Center Total	Total FTE	Cost Center Total	Total FTE	Cost Center Total
Judicial Processing of Cases	000			965,480						
	110	Judges and Judicial Assistants	988.0	102,691,437						
	110	Additional Judgeships - Recurring			30.0	1,546,699				
	258	Staff Attorneys	165.0	9,122,680						
	258	Staff Attorneys (Cert.) Recurring			6.0	183,683				
	630	New Retired Judges - Recurring				347,567				
	630	Retired Judges		2,183,612						
Judicial Administration	210	Trial Court Administration	112.0	7,459,688						
Quasi-Judicial Officers Pro/Cases	121	Civil Traffic Infraction Hearin Off		695,000						
	227	Model Dependency - Quasi Judicial	5.0	1,315,007						
	227	New Model Depd. - Quasi			16.0	1,412,893				
Foster Care	201	Foster Care Citizen Review Panel						453,500		
	201	New Foster Care Citizen Review								371,796
Caseflow Management	217	Drug Ct. Improvement	34.0	1,914,952						
	221	Self-Help Services		198,063						
	222	Dependency Drug Court		150,000						
	228	Dependency Court - CM	6.0	357,078						
	228	New Dep. Ct. - 5th, 18th, 17th rec.			7.0	193,833				
Drug Treatment Services/Support	217	New Drug Ct. Improvement - Pinellas								400,000
	217	New Drug Ct. Improvement - Brevard								360,000
	225	Drug Court Steering Committee						10,500		
Juvenile Alternative Sanctions	220	Juvenile Alternative Sanctions					20.0	1,190,539		
Court Interpreting	215	Interpreter Consortium		71,750						
Guardian Ad Litem	203	Children's Advocacy (Voices/Children)						692,656		
	203	Children's Advocacy - Hillsborough								200,000
	253	Guardian Ad Litem					165.0	7,457,671		
	253	New Guardian Ad Litem - Recurring							28.0	1,184,118
Guardianship Monitoring	224	Guardianship Monitoring					2.0	90,262		
Indigency Examination	230	Indigency Examination					24.0	992,760		
Attorney Ad Litem	233	Attorney Ad Litem					10.5	1,682,102		
Network Operations	206	Dependency Technology				108,500				
	284	Trial Court Info Systems Support	27.0	2,358,777						
	390	Criminal Justice Info Systems		46,500						
Truancy Alternatives	219	Truancy Program						200,000		
Jury Operation and Expenses	058	Juror Meals and Lodging		215,825						
	870	Juror Operation and Expense		4,811,910				325,000		
	661	Statewide Grand Jury		157,914						
Total			1,337.0	134,715,673	59.0	3,793,175	221.5	13,094,990	28.0	2,515,914