Trial Court Budget Commission  
Meeting Minutes  
May 16, 2018  
Conference Call

Attendance – Members Present  
The Honorable Margaret Steinbeck, Chair  
The Honorable Mark Mahon, Vice Chair  
The Honorable Scott Bernstein  
The Honorable Monica Brasington  
The Honorable Catherine Brunson  
Ms. Holly Elomina  
The Honorable Ronald Ficarrotta  
Mr. Tom Genung  
The Honorable Robert Hilliard  
The Honorable Frederick Lauten  
Ms. Sandra Lonergan  
The Honorable Diana Moreland  
The Honorable Debra Nelson  
The Honorable Gregory Parker  
The Honorable Anthony Rondolino  
Mr. Grant Slayden  
The Honorable Elijah Smiley  
Mr. Walt Smith  
The Honorable Bertila Soto  
The Honorable John Stargel  
The Honorable Patricia Thomas  
Mr. Mark Weinberg  
The Honorable Joseph Williams

Attendance – Members Absent  
Ms. Kathleen Pugh

Special Note: It is recommended these minutes be used in conjunction with the meeting materials.

Chair Steinbeck called the Trial Court Budget Commission (TCBC) meeting to order at 12:00 p.m. and reminded members the meeting was being recorded for administrative accuracy. The roll was taken with a quorum present. She invited additional phone participants to introduce themselves.

Agenda Item I: Approval of March 21, 2018, Meeting Minutes  
Chair Steinbeck presented the draft meeting minutes from the March 21, 2018, TCBC meeting and asked if there were any changes necessary before approval. Judge Brunson moved to approve the minutes as drafted. Judge Soto seconded, and the motion passed without objection.

Agenda Item II: Problem-Solving Court Advisory Group Recommendations  
Judge Smiley, chair of the Problem-Solving Court Advisory Group (Advisory Group), presented the recommendations of the Advisory Group for the funding of problem-solving courts under the new requirements specified in the fiscal year 2018-19 General Appropriations Act (GAA). He provided an overview of the legislative changes to appropriated funds for problem-solving courts. Judge Smiley noted a total of $8.9 million was appropriated for problem-solving courts, $1.4 million was designated by the Legislature specifically for veteran’s courts, leaving $7.5 million remaining for the TCBC to allocate.
The Advisory Group provided three recommendations for the Commission’s consideration. First, the Advisory Group recommended continuing the $5 million recurring funding currently provided to the existing 10 problem-solving courts and keep in place the program parameters established in the fiscal year 2017-18 GAA. Second, for problem-solving courts currently receiving non-recurring funding, the Advisory Group recommended continuing the current level of funding through the first quarter of fiscal year 2018-19 to avoid disruption in services. During this time, additional information will be gathered and reviewed by the Advisory Group. A final recommendation for remaining fiscal year 2018-19 non-recurring funds will be provided to the Commission at the June 26, 2018, meeting. Third, the Advisory Group recommended deferring allocating new funding until the June 26, 2018, TCBC meeting, to allow additional time to collect and review information impacting allocation decisions.

Judge Mahon moved approval of the Advisory Group’s recommendations. Judge Ficarrotta seconded, and the motion passed without objection.

Sandra Lonergan asked when the Commission will address potential increases in funding for existing courts. Judge Smiley answered the Advisory Group will be meeting soon and will provide final recommendations for applications and procedures for requesting increases in allocations. Final recommendations for new funding will be provided to the Commission at the June 26th meeting.

**Agenda Item III: Joint Due Process Workgroup and Personnel Committee Recommendations Relating to Expert Witnesses and Court Interpreters**

**A. Expert Witness Initiatives – Statewide Rate Structure Chart**

Judge Stargel referred to the Expert Witness Rate Structure chart that was approved by the Supreme Court. He noted follow-up issues regarding adult and juvenile competency exams were discussed at the latest Due Process Workgroup (Workgroup) meeting. Based on the meeting, the Workgroup is recommending changes to the rate structure chart to be approved by the Supreme Court.

Kris Slayden stated the Workgroup has considered potential clarifications needed to the statewide rate structure for expert witness fees; specifically, rates associated with intellectual disabilities or autism related competency evaluations. She noted several circuits have suggested the range of allowable rates were not specific enough as to which evaluation types are included. At the direction of the Workgroup, OSCA staff performed an invoice review of competency evaluations from July 2017 through December 2017, with focus on intellectual disability and autism related evaluations. The Workgroup reviewed the information from the invoice review and considered options for clarifying the current rate structure. First, the Workgroup recommended revising the rate structure chart to include adult and juvenile intellectual disabilities or autism exams in the standard adult/juvenile competency rate categories. Second, the Workgroup recommended including a note to the rate structure chart indicating circuits may allow for payment of exams exceeding the standard rates with prior approval from the court and
including documentation supporting the extraordinary circumstance. In addition to the clarifications to the competency rate structure, the Workgroup also recommended clarifications to the travel and testimony rates. Based on these recommendations, a revised rate structure chart will need to be submitted to the Supreme Court for approval.

Sandy Lonergan noted concerns with a trend in increased expenditures by doctors related to exams involving intellectual disabilities and autism. Judge Stargel referred to the proposed language regarding prior approval for exceeding allowable rates and noted this should allow judges to approve rates beyond those set in the rate structure as the need arises.

Judge Brunson asked if there is further research and analysis that is pending regarding the rate structure. Judge Stargel stated review of the rate structure will be an ongoing process as issues arise.

Judge Rondolino moved approval of the Workgroup’s recommendations. Judge Brunson seconded, and the motion passed without objection.

B. Court Interpreting – Availability of Certified Interpreters
Judge Stargel stated court interpreting was the second major area of focus for the Due Process Workgroup. He noted Miami-Dade County as having the greatest impact on the number of interpreting events and available interpreters. He further noted, the Personnel Committee provided additional comments on the Workgroup’s recommendations.

Kris Slayden provided an overview of the materials and noted the Workgroup received input from all circuits. The first set of recommendations are related to concerns the salaries for interpreters are too low. The Workgroup is providing a four part plan to address these concerns to be implemented simultaneously as opposed to individually. The first part of the recommendation is to increase the minimum salaries for certified court interpreters, assistant supervising court interpreters, and supervising court interpreters. The second part provides for an incentive plan in which the three classes would receive an additional $2,500 salary increase at the completion of two years of certified court interpreting service and again at the completion of 5 years of service. The third part is to implement a $5,000 Competitive Area Differential (CAD) for Miami-Dade County in all three classes while allowing other circuits to request a CAD through the TCBC. The final part of the recommendations suggests eliminating the non-certified court interpreter class title and hiring non-certified interpreting staff at 10% below the minimum salary for a certified interpreter position. The total cost of the proposed recommendation is estimated to be over $2.5 million with an immediate implementation date proposed. Adoption and implementation of the recommendation will require Supreme Court approval. If the proposal is approved for implementation, the 11th Circuit is willing to return 4.0 vacant FTE positions. The Executive Committee discussed the issue and agreed with recommending the proposal to the Commission.
Judge Rondolino asked if the Legislature provided the funding to implement the proposal. Chair Steinbeck stated no funding was received from the Legislature for court interpreting services.

Chair Steinbeck summarized the two issues needing approval from the Commission. First, the Commission will need to approve or disapprove the concepts presented in the Workgroup’s recommendation. Second, if the Supreme Court approves the recommendation, the Commission needs to determine when to implement the new policies. Chair Steinbeck stated further analysis is needed with relation to the salary budget. She recognize that cost savings have been achieved with the implementation of the expert witness changes which may allow for the shifting of costs to cover court interpreting issues. Chair Steinbeck further acknowledged the potential need for legislative resources which may be part of a legislative budget request.

Judge Brunson moved approval of the Workgroup’s recommendation in concept. Grant Slayden seconded the motion. The motion was approved unanimously.

Chair Steinbeck turned the focus toward the implementation and cost of the proposed court interpreting salary plan. Judge Stargel noted the sooner the proposed plan can be implemented, the sooner the effectiveness of the plan can be evaluated with the filling of vacancies. Chair Steinbeck noted each component of the court interpreting plan will require modifications to the trial court Budget & Pay Memorandum and action by the Supreme Court. She further stated the Commission does not have authority to implement immediately without Court approval. Judge Stargel stated the Workgroup’s intent to present the recommended plan to the Supreme Court for immediate approval and implementation within this fiscal year noting it was believed that, due to the steps taken in the beginning of the fiscal year, additional funding may be available. Chair Steinbeck responded that the salary projections for the upcoming fiscal year are not available and stated the proposed plan would have the hardest impact to the salary budget. Judge Stargel further noted the plan can be an example of proactive steps taken by the trial courts to address issues related to court interpreting services.

Dorothy Willard stated OSCA staff are currently working on payroll projections for the upcoming fiscal year and they will be available at the June 26, 2018, Commission meeting. The costs associated with the proposed plan will be factored into the projections which will allow the Commission to determine if the costs can be absorbed within this fiscal year funds or if other options will need to be explored. Further, staff will examine the actual positions that will be impacted by the decisions made by the Commission, noting some costs will not be fully realized in the first year of implementation. Chair Steinbeck suggested it might be beneficial to defer the issue of an implementation date until next meeting when salary projections are available.

Walt Smith asked what the timeframe is for presenting the issues to the Supreme Court for approval. PK Jameson replied the question would need to be posed by mid-June in order to be
approved for immediate implementation. Chair Steinbeck asked if the plan could be presented to the Supreme Court for conditional approval based on available funding. PK Jameson replied it could.

Judge Rondolino moved to implement the Workgroup’s recommendation to the extent it can be done under the current funding scheme. Grant Slayden seconded the motion. Sandra Lonergan requested the implementation timeframe be determined as soon as possible in order to provide information to the judges within the 11th Circuit as to when relief will be available. The motion was approved unanimously.

Judge Stargel provided an overview of the Workgroup’s recommendations for addressing the limited pool of available certified interpreters. The Workgroup recommended the Court Interpreter Certification Board consider the impact on recruitment and retention of staff court interpreters by extending the time to obtain certification from one year to two years and consider the advantages and disadvantages to allowing super scoring on the certification exam. Walt Smith moved approval of the recommendation. Judge Parker seconded the motion. The motion passed unanimously.

C. Court Interpreting – FY 2017-18 (Current Year) Contractual Resources
Kris Slayden presented the Due Process Workgroup’s recommendation to use a portion of estimated remaining due process contractual resources to support implementation and expansion of virtual remote interpreting technology. OSCA staff will reach out to the circuits to determine if they could utilize additional funds. Ms. Slayden noted the funding must be spent by June 30, 2018. She stated the issue will be presented to the Commission for a final decision in time to spend the available funds. In order to implement the recommendation, circuits will need to return any unobligated funds back to the statewide reserve. Chair Steinbeck noted there would be no impact to any other elements of the year-end spending plan.

Walt Smith moved approval of the Workgroup’s recommendation. Tom Genung seconded, and the motion passed without objection.

D. Court Interpreting – FY 2018-19 Contractual Resources and FTE
Chair Steinbeck provided an overview of the Due Process Workgroup’s recommendation for fiscal year 2018-19 contractual resource allocations. The Workgroup asked that the Funding Methodology Committee consider increasing the amount of contractual funding allocated for court interpreting services during the fiscal year 2018-19 allocation process. Judge Brunson moved approval of the recommendation. Judge Lauten seconded, and the motion passed without objection.
Agenda Item IV: FY 2017-18 Year-End Spending Plan
Dorothy Willard stated there are no new issues to report related to the year-end spending plan. She stated the funds for the plan have been deployed to the circuits and OSCA staff continue to work with circuits to address any issues.

Chair Steinbeck noted the Commission has started thinking about strategies for next year in order to maximize resources to address unmet needs of the circuits. She asked that all of the commission members and the circuits provide information to help the Commission better understand the outstanding needs so that, to the extent funding is available, those needs can be met. She also emphasized the critical importance of circuit input in the development of the legislative budget request.

Agenda Item V. Other Business
There were no issues to report.

Adjournment
With no other business before the commission, the meeting adjourned at 1:01 p.m.