Attendance – Members Present
The Honorable Margaret Steinbeck, Chair
The Honorable Mark Mahon, Vice Chair
The Honorable Monica Brasington
The Honorable Angela Cowden
Ms. Holly Elomina
The Honorable Ronald Ficarrotta
The Honorable Robert Hilliard
The Honorable Glenn Kelley
The Honorable Frederick Lauten
Mr. Jonathan Lin
Ms. Sandra Lonergan
The Honorable Debra Nelson
The Honorable Greg Parker
Ms. Kathleen Pugh
The Honorable Kathleen Roberts
The Honorable Anthony Rondolino
The Honorable Elijah Smiley
Mr. Walt Smith
The Honorable Bertilla Soto
The Honorable John Stargel
Mr. Mark Weinberg

Attendance – Members Absent
The Honorable David Denkin
Mr. Grant Slayden

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 8:30 a.m. The roll was taken with a quorum present.

Agenda Item I: Introductory Remarks by Chair and Welcome of New Members
Chair Steinbeck welcomed Justice Alan C. Lawson to the meeting, and welcomed new members Judge Glenn Kelley-Fifteenth Circuit, Judge Kathleen Roberts-Nineteenth Circuit, and Trial Court Administrator Jonathan Lin-Fifth Circuit, to the commission. Chair Steinbeck also thanked former members Judge Patricia Thomas, Judge Catherine Brunson, and Tom Genung for their service, and welcomed back reappointed members.

Chair Steinbeck also thanked State Courts Administrator PK Jameson for her service to the commission and the branch.

Agenda Item II: Approval of Meeting Minutes
Chair Steinbeck presented the draft meeting minutes from the August 28, 2018, TCBC meeting and asked if there were any changes necessary before approval. Judge Ficarrotta requested that Agenda
Item X. reflect Tara Green as the Vice-Chair of the Florida Clerks of Court Operations Corporation (CCOC), and then moved to approve the minutes as amended. Judge Lauten seconded, and the motion passed without objection.

Chair Steinbeck then presented the draft meeting minutes from the November 15, 2018, TCBC meeting and asked if there were any changes necessary before approval. Vice-Chair Mahon moved to approve the minutes as drafted, and Judge Hilliard seconded. The motion was unanimously approved.

**Agenda Item III: FY 2017-18 Budget Status**

**A. Salary Budgets**
Dorothy Willard provided an overview of the trial court salary budgets for FY 2018-19 as of December 31, 2018. The salary liability for the trial courts General Revenue/State Court Revenue Trust Fund was $1,714,916 over the salary appropriation; however, estimated lapse is expected to cover the deficit by the end of April 2019. Ms. Willard noted recent lapse trends indicate higher lapse due to vacant Court Interpreter positions and judicial turnover. The Administrative Trust Fund salary liability was under the appropriation by $5,071, and the Federal Grants Trust Fund liability was over the appropriation by $31,711.

**B. Positions Vacant More Than 180 Days**
Beatriz Caballero presented the positions vacant for more than 180 days as of January 15, 2019, and noted the majority of positions are Court Interpreters in the 11th Circuit. Sandy Lonergan added that even with the recent Court Interpreter Incentives recently implemented, the competition for interpreters remains challenging, and additional dialogue may be needed to address this issue.

**C. Operating Budgets**
Jessie McMillan reviewed the operating budget expenditures for FY 2018-19 as of December 31, 2018. Ms. McMillan noted that although the Due Process expenditures reflect less than 50% year-to-date, these expenditures have increased 12.1% from the same period in FY 2017-18. However, it is anticipated there will be sufficient Due Process funding for FY 2018-19.

Ms. McMillan then noted that since the problem-solving court allocations were received from the legislature in a lump sum for FY 2018-19, comparable data cannot be presented for prior year. Ms. McMillan reported the current year data reflects 28.70% of the allocations have been expended. Jennifer Grandal stated that programs newly funded typically expend their funds at a slower pace while implementing the programs and added that previously funded courts are expending their funds at a normal pace.
Ms. McMillan then reported on Senior Judge activity through January 25, 2019 and noted that days served has increased 29% from the same period in FY 2017-18. Vice-Chair Mahon noted last fiscal year’s remaining funds were not re-appropriated and asked if the re-appropriation of these funds should be addressed with the legislature. Chair Steinbeck added that she has received concerns about the increased need for senior judges and stated this issue can be readdressed upon receiving a legislative decision regarding the certification of new judges, if needed. Chair Steinbeck asked the Budget Management Committee (BMC) to carefully watch this issue should the commission need to hold an emergency meeting to readdress the reversion/re-appropriation issue for FY 2019-20.

Mark Weinberg noted both the 5th Circuit and the 7th Circuit received a special allocation of days for use in specific counties. Mr. Weinberg noted that the 7th Circuit is not going to use all the special allocation and those will revert unless they can be utilized by other circuits. Chair Steinbeck asked the 5th and 7th circuits to prepare a chart for the BMC that separates the special allocation days from the regular allocation.

D. Trust Fund Cash Balances
Jessie McMillan provided an overview of the State Courts Revenue Trust Fund (SCRTF) cash balance for FY 2018-19 as of December 31, 2018 and reported there is an approximate carry forward into FY 2019-20 of $17 million.

Agenda Item IV: Problem-Solving Court Funding Implementation and Planning

Please note the discussion and decisions made in Agenda Item IV. do not follow agenda numbering. Agenda Items IV.A through IV.H are encompassed within Agenda Item IV.A.

A. Problem-Solving Court Advisory Group Changes
Eric Maclure provided an overview of how problem-solving court (PSC) allocations are determined, and stated prior to FY 2018-19, allocations often were funded as legislative initiatives in a particular community and specified in the General Appropriations Act. For FY 2018-19, the legislature took a new approach and appropriated a lump-sum allocation for problem-solving courts of approximately $8.9 million. Of that amount, approximately $1.4 million was designated for specific Veterans Courts, and the remaining $7.5 million was rolled up for use by existing and new problem-solving courts. Mr. Maclure described how FY 2018-19 allocations were determined by the TCBC with the assistance of the Problem-Solving Court Advisory Group (Advisory Group).

Mr. Maclure provided an overview of the Advisory Group’s shift to become a subcommittee of the Steering Committee on Problem-Solving Courts, to provide policy direction to inform the work of the TCBC. Mr. Maclure stated the Advisory Group has analyzed numerous issues, and the Group’s recommendations are being presented to the commission today for consideration.
Jennifer Grandal provided an overview of the Advisory Group recommendations for the commission’s consideration.

1. Allowable Expenditures and Future Revisions to Funding Guidelines
The Advisory Group and the TCBC Executive Committee recommended Option 1, to adopt their recommendations on allowable expenses and provide the Office of the State Courts Administrator (OSCA) with the latitude to update FY 2018-19 Problem-Solving Court Guidelines provided to the circuits, as needed. Judge Nelson moved to approve Option 1, and Judge Soto seconded. The motion passed without objection.

2. FDCCMS Licenses for State Funded Problem-Solving Courts
The Advisory Group and the TCBC Executive Committee recommended Option 1, to retain $15,000 for Florida Drug Court Case Management System (FDCCMS) licenses until final decisions are made about what data will be required for reporting. Walt Smith moved to approve Option 1, and Judge Nelson seconded. The motion passed without objection.

3. FDCCMS Licenses for Non-State Funded Problem-Solving Courts
The Advisory Group and the TCBC Executive Committee recommended Option 1, to provide circuits with the authority to use circuit funds to purchase a FDCCMS license until the OSCA receives additional state funding as requested through the judicial branch’s legislative budget request. Walt Smith moved to approve Option 1, and Judge Rondolino seconded. The motion passed without objection.

4. Modifications to Existing Funding Proviso
The Advisory Group and the TCBC Executive Committee recommended Option 1, to request that the legislature expand current proviso to allow funds to be spent on best practices training and education for all multi-disciplinary team members. Judge Lauten moved to approve Option 1, and Judge Soto seconded. The motion passed without objection.

5. Re-appropriation of FY 2018-19 Funding
The Advisory Group and the TCBC Executive Committee recommended Option 1, to request, consistent with the judicial branch’s governance process, that the legislature re-appropriate unspent funding to allow problem-solving courts additional time to spend funds in FY 2019-20. Judge Nelson moved to approve Option 1, and Judge Parker seconded. The motion passed without objection.

6. Long-Term Plan for Determining Allocations
The Advisory Group and the TCBC Executive Committee recommended Option 1, to adopt a 3-year funding strategy that includes best practice standards and certification as a condition of receiving funding beginning in FY 2021-22 (contingent on final standards and a certification program adopted by the Florida Supreme Court). In the interim, specific data for each primary problem-solving court type would be required for reporting beginning in FY 2019-20 and compliance with performance
benchmarks beginning in FY 2020-21. Judge Mahon moved to approve Option 1, and Judge Soto seconded. The motion passed without objection.

7. Short-Term Plan for Determining Allocations in FY 2019-20
The Advisory Group and the TCBC Executive Committee recommended Option 1, that problem-solving courts that receive funding in the current fiscal year receive priority for funding in FY 2019-20. Circuits could submit funding requests by submitting a detailed budget to the OSCA for each problem-solving court for consideration by the Advisory Group for recommendation to the TCBC. Problem-solving courts that received new funding this fiscal year for 9-months may request additional funding for the full year. If additional funding becomes available for FY 2019-20, the circuits will submit request for funding through an application process like the one used for this fiscal year with detailed budgets included. Problem-solving courts with best practice standards in place or under development and with statewide technology and infrastructure available to support them to ensure program performance can be measured would receive priority for any new funding allocations. Judge Ficarrotta moved to approve Option 1, and Judge Mahon seconded. The motion passed without objection.

8. Re-allocation of FY 2018-19 Funding
Chair Steinbeck asked if there was a motion to allow the re-allocation of FY 2018-19 funding to be added to the TCBC agenda for discussion. Judge Ficcarotta moved to approve, and Jon Lin seconded. The motion passed without objection.

Chair Steinbeck then asked if there was a motion to allow re-allocation of FY 2018-19 funding for problem-solving courts. Judge Mahon moved to approve, and Judge Soto seconded. Eric Maclure clarified that the TCBC Executive Committee previously discussed the issue and recommended any funds reallocated between problem-solving courts would be on a non-recurring basis and would not impact any potential FY 2019-20 allocations. He further clarified that the Executive Committee discussed three possible scenarios that would allow for reallocation of funds; (1) allow for circuits to transfer funds from any unallowable expenditures to allowable expenditures internally through OSCA staff and would not require the Commission’s approval; (2) circuits may transfer funds among problem-solving courts within their circuits; (3) unobligated funds may be reallocated to another circuit as long as it is not restricted by language in the General Appropriations Act. A recommendation was made that re-allocation requests be considered by the Problem-Solving Courts Advisory Group and then recommended to the Executive Committee for approval. Judge Mahon amended his motion to reflect that re-allocations would not be recurring, and scenario’s (2) and (3) above be considered by the TCBC Executive Committee for approval based on recommendations from the Advisory Group. Judge Soto seconded, and the motion passed without objection.
Agenda Item V: Special Projects for Trial Court Funding Consideration

A. Online Dispute Resolution Pilot Projects
Lindsay Hafford provided an overview of the Online Dispute Resolution Workgroup and their recommendations that have been approved by the Supreme Court, with modifications. Ms. Hafford added the Court has also requested the Workgroup provide a progress report by June 30, 2019. Ms. Hafford reported in the coming weeks, the Workgroup will be developing a formal pilot implementation plan for consideration by the Court, and stated to proceed with this plan, TCBC direction is needed.

Chair Steinbeck reported that the TCBC Executive Committee recommends Option 1, with modifications of available funding to be determined via reconsideration of the TCBC closer to year-end. Chair Steinbeck asked Dorothy Willard for a projection of available funds at year-end, and Ms. Willard reported that at this time, these funds should be available at year-end. Judge Mahon moved to approve Option 1, with modification; to approve current-year funding to cover the costs of the online dispute resolution pilot project, based on the high-end estimate of $98,500, after Supreme Court approval of the formal pilot implementation plan and contingent on available funding via reconsideration of the TCBC. Judge Brasington seconded, and the motion passed without objection.

B. Classification and Pay Study
Eric Maclure reported that in August 2018, the TCBC recommended OSCA solicit proposals from vendors for a comprehensive study of the classification and pay system. In November 2018, OSCA issued an Invitation to Negotiate (ITN) for these services. Mr. Maclure stated the initial bid amounts are in the range of $220,000 and noted the final cost will not be known until the negotiation process is complete.

Mr. Maclure added this agenda item is for information purposes only at this time, but it is anticipated that the various budget entities will be asked to share in the cost of the study, which is likely to begin this fiscal year and possibly continue into next fiscal year and therefore, the TCBC may wish to consider a plan for allocation of funds toward this project in FY 2018-19 and FY 2019-20.

Agenda Item VI: FY 2018-19 Year-End Spending Plan
Eric Maclure reported that the last three fiscal years have included a year-end spending plan to address and possibly meet critical needs. The current process for implementation of this plan is via email outreach to the chief judges and trial court administrators for identification of unobligated funds and local needs. The data is then compiled for Budget Management Committee and Funding Methodology Committee review and priority recommendation for presentation to the TCBC. Mr. Maclure then stated that this year’s communication will also include a request for each court to provide the current status of issues that were funded for implementation last fiscal year. The reason for this request is that in FY
2017-18, there were two year-end spending plans; an initial request in March 2018, which encompassed a variety of requests and a second request in May 2018, which focused on Virtual Remote Interpreting (VRI). Since the majority of requests were technical in nature, a status report on these issues will provide vital information to assist the commission in determining the priority needs for FY 2018-19.

Judge Rondolino moved to approve Option 1, to direct staff of the OSCA to contact the circuits for assistance in determining if any unobligated funds are remaining that could be pooled together to meet needs on a statewide level, after each circuit had estimated its budgetary needs through fiscal year-end and assessed funding needed to address its own internal spending plans. Judge Mahon seconded, and the motion passed without objection.

Agenda Item VII: 2019 Legislative Session

A. Revenue Estimating Conference Results
   Kelsey Harper provided an overview of the Article V Revenue Estimating and General Revenue Conferences and reported the estimated current year reserves for FY 2018-19. Ms. Harper added the next Revenue Estimating Conference will be February 13, 2019, and added this agenda item is for information purposes only.

B. Judicial Branch Statutory Agenda
   Eric Maclure provided an overview of the 2019 Judicial Branch Substantive Legislative Agenda. This agenda item is for information purposes only.

Agenda Item VIII: Policy Revisions and Development

A. Judicial Assistant Incentive Plan
   Beatriz Caballero reported there are three incentive plans in the trial courts; law clerk, certified court interpreter, and judicial assistant. Ms. Caballero stated the chief justice has requested the TCBC submit a recommendation on whether all three incentive plans should be revised to eliminate the prohibition on retroactive application, effective with any errors that occur on or after the date of such a revision, and requested the TCBC work with OSCA staff to develop and implement procedures to help judicial circuits track employee eligibility for the incentive plans and thereby minimize the risk of oversight.

   Judge Lauten moved to approve Option 1, to refer the issue to the TCBC Personnel Committee for analysis and development of the recommendations. If the Personnel Committee determines the policy should allow for retroactive application, it would recommend parameters governing retroactive application (e.g., limited to same fiscal year). The Personnel Committee would also
address procedures to help judicial circuits track employee eligibility. Judge Soto seconded, and the motion passed without objection.

B. Employees and Contractors
Eric Maclure provided a historical overview and current status of this issue, noting the Department of Financial Services is still proactively looking at this issue and OSCA staff are continuing to work on guidelines to assist the circuits navigating these situations.

C. Trial Court Budget Commission Operating Procedures
Eric Maclure provided a historical overview of the creation of the TCBC, and the commission’s charge to establish operating procedures to carry out its responsibilities. Mr. Maclure reported the current policies were last revised in 2002, and then presented the recommended substantive revisions to the current policy. Judge Soto moved to approve Option 1, to approve the revised operating procedures for submission to the Supreme Court, giving staff technical latitude to make non-substantive revisions prior to submission to the Court, including incorporating a recommendation by Judge Rondolino to conform the voting-level requirement for Executive Committee delegations to the voting-level requirements for meeting quorums. Holly Elomina seconded, and the motion passed without objection.

D. Awards Policy
Eric Maclure reported the Supreme Court Personnel Regulations Manual provides specific criteria for an awards policy. Mr. Maclure stated the TCBC previously issued policy memoranda to the circuits prohibiting the purchase of awards prior to December 1 in a fiscal year and added this issue is being presented for TCBC consideration today to determine if award purchases should be permitted prior to that date. Mr. Maclure noted that should a revised policy be approved, the TCBC may also wish to consider recommending to the chief justice that the policy be codified in the budget and pay administration memorandum for ease of reference.

Chair Steinbeck reported the TCBC Executive Committee recommends there be no exceptions to the policy to Section 11 of the Personnel Regulations. Judge Lauten moved to approve the TCBC Executive Committee’s recommendation. Holly Elomina seconded, and the motion passed without objection.

Agenda Item IX: Other Business

Report from Chief Justice Designee to Clerks of Court Operations Corporation Executive Council
Chair Steinbeck asked Judge Ficarrotta to provide a status report on the Florida Clerks of Court Operations Corporation Executive Council (CCOC). Judge Ficarrotta reported the positive relationship and hard work between the courts and the Clerks of Court Operations Corporation Executive Council
continues, and added we look forward to continuing to work with the CCOC throughout the upcoming session.

**Adjournment**
With no other business before the commission, the meeting adjourned at 12:13 p.m.