MEETING AGENDA
Noon to 1:30 p.m., Eastern Time
Wednesday, November 13, 2019
Telephone Conference Call

Note: By close of business on Friday, November 8, 2019, materials will be posted at:

http://www.flcourts.org/administration-funding/court-funding-budget/trial-court-budget-commission/

Welcome and Roll Call

I. Opening Remarks by Chair

II. FY 2019-20 Budget

A. Problem-Solving Court Allocations
B. Salary Management

III. Joint Due Process Workgroup Charge

IV. Child Support Enforcement Hearing Officer Re-allocation

V. 2020 Legislative Session

VI. Other Business

Adjourn

Next Meeting:
February 17, 2020 (Tallahassee)
Agenda Item I.: Opening Remarks by Chair

There are no materials for this agenda item.
Agenda Item II.A.: FY 2019-20 Budget
- Problem-Solving Court Allocations
Agenda Item II.A.: Problem-Solving Court Allocations

Background

In February 2019, the Trial Court Budget Commission (TCBC) approved the Problem-Solving Court Advisory Group’s (Advisory Group) proposed short-term and long-term (3-year) funding plans, which provided that:

1. Problem-solving courts receiving funding in FY 2018-19 would receive priority for funding in FY 2019-20;
2. Problem-solving courts that received 9-months of funding in FY 2018-19 could request funding for the full year for FY 2019-20;
3. If additional funding became available for FY 2019-20, circuits could request funding through an application process like the one used for FY 2018-19;
4. Problem-solving courts with best practices 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;
5. Specific data for each primary problem-solving court type would be required for reporting in FY 2019-20;
6. Problem-solving courts would need to comply with performance benchmarks beginning in FY 2020-21; and
7. Problem-solving courts would be required to comply with best practice standards and certification as a condition of receiving funding beginning in FY 2021-22 (contingent on final standards and a certification program being adopted by the Florida Supreme Court).

In March 2019, circuits submitted requests for continuation funding for FY 2019-20 for problem-solving courts that received funding in FY 2018-19. In April 2019, the Advisory Group recommended and TCBC approved circuit requests for continuation funding at FY 2018-19 funding levels and provided those problem-solving courts with 9-months of funding in FY 2018-19 with full year funding if additional funds were received during the 2019 Legislative Session. In addition, it was decided that a circuit application process would be initiated if additional funding is available after annualized funding is provided.

In May 2019, the Legislature passed a state budget that appropriated $11.2 million to problem-solving courts, including an additional $2.3 million with $452,313 of the additional funds appropriated as non-recurring. In addition, the Legislature re-appropriated unspent funds from FY 2018-19 on a non-recurring basis. The TCBC then initiated a circuit application process to allocate the new recurring dollars. In August, the TCBC approved the Advisory Group’s recommendations for new recurring funding allocations in consideration of the circuit applications and the plan was for non-recurring funding to be allocated once all final year expenditures for FY 2018-19 were processed in September.
Current Status

Final year expenditures for FY 18-19 were processed in September and finalized in October. The total amount of non-recurring funding to be allocated for FY 2019-20 is $1,999,637. This includes $452,313 in non-recurring funding provided as a part of the $11.2 million appropriation for FY 2019-20 and $1,547,324 in re-appropriated funds from the balance of unspent FY 2018-19 funding.

The Advisory Group met via conference call on October 31st to discuss a plan for allocating the non-recurring funds. The Advisory Group considered that:

- Non-recurring funding allocations should be limited to those costs that do not require continued funding beyond June 30, 2020.
- Non-recurring allocations should be consistent with the approved 3-year funding plan to prioritize funding for those problem-solving courts with best practices in place or under development and statewide technology and infrastructure available to ensure program performance can be measured. This would include priority funding for adult (criminal) drug courts, family dependency drug courts, juvenile drug courts, DUI courts, early childhood courts, mental health courts, and veterans courts.
- All non-recurring requests from the circuits will be considered but the need for problem-solving courts to obtain training and education on best practices, including training topics such as trauma-informed services and medication-assisted treatment, was specifically highlighted. As a result of proviso changes in the FY 2019-20 General Appropriation Act, funding may be used for training and education on best practices for all multi-disciplinary team members. Previously, training and education was restricted to only those team members providing treatment services, case management, drug testing, and ancillary services.

The Advisory Group directed the Office of the State Courts Administrator (OSCA) to ask the circuits for their specific needs for non-recurring funding. Due to the time constraint for allocating and spending funds by June 30, 2020, it was recommended that the circuits have one week to submit their requests. OSCA staff emailed the circuits on November 7, 2019, requesting that non-recurring funding requests be submitted by November 15, 2019. Circuits are able to submit all types of requests based on the guidance above. It is anticipated that OSCA staff will present the requests to the Advisory Group in early-mid December for allocation recommendations to be submitted to the TCBC for final approval in mid-December.

Decision Needed

Does the TCBC want to provide any additional guidance to the Advisory Group as they consider circuit requests for non-recurring funding and formulate their recommendations to the TCBC for final approval? If so, what guidance should be provided?
Agenda Item II.B.: FY 2019-20 Budget
   - Salary Management

Materials for this agenda item will be provided in advance of the meeting.
Agenda Item III.: Joint Due Process Workgroup Charge
Agenda Item III.: Joint Due Process Workgroup Charge

Background

In 2015, the Due Process Workgroup (Workgroup) was created, with representatives from the Commission on Trial Court Performance and Accountability (TCP&A) and the Trial Court Budget Commission (TCBC), to ensure the efficient provision of services for expert witness, court interpreting, and court reporting.

The scope of the Workgroup includes:

- Cataloging due process delivery practices among the circuits;
- Considering the extent to which, where there are not currently statewide standards, due process standards should be employed;
- Identifying drivers affecting expenditures and techniques to manage costs;
- Reviewing circuit practices under the cost-sharing relationship with public defenders and state attorneys; and
- Developing ideas for consideration by the Funding Methodology Committee on ways to approach allocation of resources and exploring ways to enhance the estimation of due process funding needs for the courts and its justice system partners to the Legislature.

Since 2015, the Workgroup has identified funding and operational policy changes that have improved the provision of expert witness services, and several personnel and resource allocation strategies have been implemented to increase the efficient and effective functioning of court interpreting in Florida’s trial courts.

Current

During the 2019 Legislative Session, the Justice Administrative Commission (JAC) identified multiple fiscal and operational factors that may have contributed to the shortfall in its criminal court-appointed counsel budget. The TCBC directed the Workgroup to conduct preliminary analyses on the JAC’s FY 2018-19 court-appointed counsel budget, as the JAC was facing a significant budget deficit. The Workgroup met via conference call on March 14, 2019, and May 6, 2019, to consider which factors were within the court’s control and if cost containment measures could be implemented for judges, attorneys, and the JAC.

Specifically, the Workgroup focused on the following factors potentially driving costs:

- Increased number of Public Defender and Regional Counsel conflicts;
- The flat rate for private court-appointed attorneys being too low;
- Increased number of conflict counsel payments approved over the flat fee;
- Increased requests and approval for indigent for costs due process and other related expenses; and
- Increased number of witnesses per case.

At an August 2019 in-person meeting, the Workgroup received a report on the court-appointed counsel budget deficit from JAC and a briefing of the due process and court-appointed counsel cost containment approaches study\(^1\) from the Office of Program Policy Analysis and Government Accountability.

In anticipation of the Workgroup continuing to study cost management solutions that could lead to recommending policy or cost containment measures to the TCBC and TCP&A, the co-chairs of the Workgroup met to discuss the project and how it fits into the current scope of the Workgroup’s charge. The co-chairs concluded that this issue is outside of the Workgroup’s current scope and project plan.

**Decision Needed**

Option 1: Recommend that the provision of court-appointed counsel and other related due process cost be added to the scope of the Workgroup’s charge and prioritized based on the breadth of the current issues facing the court system.

Option 2: Recommend an alternative.

\(^1\) Due December 31, 2019.
Agenda Item IV.: Child Support
Enforcement Hearing Officer Re-allocation
Agenda Item IV.: Child Support Enforcement Hearing Officer Re-allocation

Background

At the August 28, 2019, Trial Court Budget Commission (TCBC) meeting, Judge Margaret O. Steinbeck, Chair of the TCBC, directed the Funding Methodology Committee (FMC) to study current trends in Title IV-D child support case filings to determine if a change is needed in the funding methodology. The current methodology determines workload based on a calculation using the official child support enforcement hearing officer case weight and the maximum number of projected annual filings over a 3-year period.

Following this directive, the FMC Chair, Judge Elijah Smiley, requested that staff of the Office of the State Courts Administrator (OSCA) begin to investigate available data and reach out to the judicial circuits for feedback on the process for handling child support cases.

Current

A preliminary date of January 24, 2020, has been scheduled for an FMC telephone conference to discuss this issue and consider recommendations in advance of the February 17, 2020, TCBC meeting. Any recommendations impacting data reporting requirements would need to be referred to the Commission on Trial Court Performance and Accountability.

OSCA staff have begun its review of current reporting requirements for the Summary Reporting System and the Uniform Data Reporting for events related to Title IV-D Child Support cases. On October 29, 2019, OSCA staff participated in a video conference with representatives from the 4th Judicial Circuit, specifically reviewing their child support docket processes, associated workload, data reporting practices, and resource concerns. OSCA plans to contact other circuits to gather similar information. Additionally, the Florida Department of Revenue and the clerks of the circuit court will be contacted to provide input on the process.

Based on preliminary analysis conducted by OSCA staff, the TCBC may wish to consider placing a moratorium on the re-allocation of Child Support Enforcement Hearing Officer and support staff positions while the FMC completes its analysis of the issue.

Decision Needed

Option 1: Approve placing a moratorium on the re-allocation of Child Support Enforcement Hearing Officer and support staff positions and allow circuits to fill any vacancies that occur in advance of this issue being resolved.
Option 2: Approve placing a moratorium on the re-allocation of Child Support Enforcement Hearing Officer and support staff positions, but do not allow circuits to fill vacancies that occur before this issue is resolved.

Option 3: Continue the current re-allocation process for Child Support Enforcement Hearing Officer and support staff positions while this issue is being studied.

Option 4: Approve an alternative recommendation.
Agenda Item V.: 2020 Legislative Session

There are no materials for this agenda item.
Agenda Item VI.: Other Business

There are no materials for this agenda item.