

**Trial Court Budget Commission
Meeting Minutes
February 2, 2010**



Attendance - Members Present

The Honorable Belvin Perry, Jr., Chair
The Honorable Charles Francis, Vice-Chair
The Honorable Peter Blanc
Mr. Mike Bridenback
The Honorable Catherine Brunson
The Honorable Joseph Farina
The Honorable Gary Flower
Mr. Tom Genung
The Honorable John Laurent
The Honorable Mark Mahon

The Honorable Wayne Miller
The Honorable Judy Pittman
The Honorable Robert Roundtree
The Honorable Clayton Simmons
Mr. Walt Smith
The Honorable Margaret Steinbeck
The Honorable Patricia Thomas
Mr. Mark Weinberg
Ms. Robin Wright

Attendance - Members Absent

The Honorable Paul Bryan
Ms. Carol Ortman

The Honorable Peter Ramsberger
The Honorable Susan Schaeffer

Judge Perry called the Trial Court Budget Commission (TCBC) meeting to order at 12:02 p.m.

Economic Default Recovery Proposal

Judge Perry stated that the courts have been inundated with mortgage foreclosures and the Economic Default Recovery Proposal, if funded, will alleviate the backlog of cases. Patty Harris reported that the goal of the proposal is to try to eliminate the current statewide civil and foreclosure backlog by filing a supplemental legislative budget request (LBR) for temporary resources.

In December 2009 proposals were submitted to the TCBC from the 6th and 20th Circuits to implement local civil/foreclosure case management initiatives. Staff contacted circuits to determine the type/amount of additional temporary resources needed to formulate a statewide supplemental LBR for eliminating the total statewide civil backlog.

A funding threshold was provided based on a ratio of one general magistrate, one case manager and two administrative support positions (to provide 1:1 support for general magistrates and mediation coordination excluding residential homestead foreclosures) for every 15,000 backlogged cases in each circuit. Annual salary amounts were used to calculate

“total need” and circuits were asked to specify the dollar amount and funding category (OPS, contracted services and/or expense dollars) needed. The Executive Committee was concerned that smaller multi-county circuits would not have enough resources to spread across the counties; therefore the total need also included a budgetary floor. Circuits were given flexibility as to the funding amounts in each of the elements and they were able to specify a need for senior judge days if preferred. The total funding threshold for the circuits is \$9,455,184 for an estimated 785,063 backlog cases.

Also for consideration, the 11th Circuit is requesting to use \$52,000 of their \$1,247,778 contracted services request for the anticipated hiring of additional civil interpreters. Current TCBC policy prohibits the use of state funds for interpreting in civil proceedings. The TCBC may wish to approve this issue as an exception to the current policy. If the TCBC does not approve the 11th Circuit’s request, the 11th Circuit asks to maintain their original contracted services request of \$1,247,778.

Additionally, a funding threshold was developed to provide additional temporary clerk support staff to process the additional cases and associated case files as these move through the system. The funding threshold was calculated based on a ratio of one administrative support position for every 15,000 backlogged cases.

The Executive Committee made the recommendation to:

- File a supplemental LBR for court resources based on the proposed threshold and as requested by the circuits. However, modify the proposed threshold to include a budgetary “floor” for each circuit equivalent to 1 FTE General Magistrate, Case Manager, General Magistrate Administrative Support and Mediation Administrative Support.
- Allow circuits to finalize the funding amounts within each of the elements (i.e., General Magistrates, Senior Judge Days, Case Management, General Magistrate Administrative Support, and Mediation Administrative Support) in consideration of the modified funding threshold and to ensure the accuracy of the amounts listed in each of the budget categories.
- Do not approve the 11th Circuit’s exception request to use \$52,000 in contractual services for the anticipated hiring of contractual civil interpreters.
- Do not approve the inclusion of additional clerk resources in the court’s supplemental budget request.

Another consideration is the establishment of local contingency funds at a certain percentage amount above the proposed circuit funding allocations for any additional funding needs by the circuits for unknown expenses and unforeseen expenses such as additional travel expenses for senior judges.

Mike Bridenback made the motion to approve the Executive Committee recommendation and a statewide contingency fund equaling 2% of the total request. Judge Brunson seconded and the motion passed without objection.

6th Circuit Request for Civil Traffic Hearing Officers

Theresa Westerfield reported on this agenda item and stated that the 6th Circuit requested \$20,000 in civil traffic infraction hearing officer (CTIHO) program funds in December 2009. The total request of \$20,000 included \$7,200 for training.

In December 2009 the TCBC deferred action on the request until more information regarding the funding history of the program could be obtained, especially the amount provided by county funding. The commission also denied the \$7,200 within the request for training. Additional information regarding the funding history and the current status of the CTIHO program in the 6th Circuit was received.

Walt Smith made a motion, seconded by Judge Francis, to approve the request for an additional \$12,800 (original request of \$20,000 less \$7,200 for training), filing a budget amendment to transfer Expense from Reserve to the Civil Traffic Infraction Hearing Officer category. The motion passed without objection.

Request for Statutory Change to s. 939.08, F.S.

Theresa Westerfield referenced the statute for amendment and stated that multi-county circuits may find it beneficial in terms of time and costs to have the discretion to assign their signature authority on bills to a designee. The amendment is as follows and is underlined:

939.08 Costs to be certified before audit.—In all cases wherein is claimed the payment of applicable bills of costs, fees, or expenses of the state courts system as provided in s. 29.004, other than juror and witness fees, in the adjudication of any case payable by the state, the trial court administrator or designee shall review the itemized bill. The bill shall not be paid until the trial court administrator or designee has approved it and certified that it is just, correct, and reasonable and contains no unnecessary or illegal item.

Judge Roundtree made a motion, seconded by Judge Farina, to approve the amendment. The motion passed without objection.

Adjournment

Judge Perry thanked the members and staff. With no other business before the commission, the meeting was adjourned.