

**Trial Court Budget Commission
Meeting Minutes
Tallahassee, Florida
March 29, 2004**



Members Present

Susan Schaeffer, Chair	Charles Francis	Belvin Perry
Stan Morris, Vice Chair	Kim Hammond	Judy Pittman
Jeffery Arnold	Nelly Khouzam	Thomas Reese
Mike Bridenback	John Laurent	William Roby
Don Briggs	Donald Moran, Jr.	Walt Smith
Paul Bryan	Wayne Peacock	Mark Van Bever
Joseph Farina	Nancy Perez	Theresa Westerfield

Members Absent

Ruben Carrerou - excused
Carol Ortman - excused

Others Present

Justice Peggy Quince, Chief Judge Hayes-20th, Ms. Caron Jeffreys-20th, Chief Judge Perry-18th, Craig Waters-SC, and OSCA staff.

WELCOME & INTRODUCTION OF GUESTS

Judge Schaeffer called the meeting to order Monday, March 29, 2004, at 10:00 a.m. Introductions were made and guests were recognized.

APPROVAL OF MEETING MINUTES

Judge Schaeffer asked for a correction to the minutes from the December 6, 2003, meeting. On page seven, under the title "Update on Assessment Reporting," line two after "TCBC representative," she asked that "met" be added. No other corrections were required and the meeting minutes were approved without an objection, as amended.

UPDATE ON REVISION 7 LEGISLATIVE BUDGET REQUEST

Senate and House Budgets

The side-by-side comparison of the State Courts System LBR, Senate Proposal, and House Proposal was reviewed.

- All three Court Administration FTE numbers matched.
- Our request for the salary shortfall issue was not included in either proposal. The Senate

- included a 2% lapse in salary or \$2 million, which would increase our salary shortfall.
- The House and Senate computed expense dollars differently.
 - The Family Courts Trust Fund is continued in the Senate, and the House transfers the fund to general revenue.
 - The Senate used the Governor's recommended budget numbers, adding no new masters and hearing officers.
 - Law clerks were not considered as a Revision 7 issue, and therefore not funded. The Governor's budget recommended 12. If the positions are not funded, the counties may be asked to help. Law clerks will be addressed as a new issue next year.
 - The R7 Judge and JA's expense item was based on a \$6840 State rate per position.
 - The R7 technology non-recurring amount is for network connections.
 - \$1 million of the contingency fund was lost to GAL. The House is supportive of a higher contingency for hidden costs, but includes proviso language indicating funds must be used for due process costs only. The Senate allocates 10% for due process contingencies.
 - The House proposes a base budget cut, by eliminating 26 court administration positions.
 - The House proposal eliminates all CTO positions. The legislature feels we do not need the positions since technology is the responsibility of the counties.
 - The judges certification bill was included in a bill, in the House, to create a new 6th DCA. If the bill is not passed, there will be no new trial judges.
 - Line 28 is a general revenue request for leave liability to offset the recurring salary shortfall.

The budgets are expected to be approved this week and conference will follow. General discussion ensued to identify priorities for last minute decisions. Each member stated their concerns and expressed their priorities. New judges were discussed. Also discussed was increasing the base budget and making it a priority. Concerns were expressed that if we give up the request for new judges, it may be perceived that we do not need them. The commission previously agreed to support staff over special issues. Judge Schaeffer called for a vote to make increasing the base budget for Revision 7 implementation a priority, over new judges this year. Judge Pittman seconded and the motion was approved without objection.

Shared Costs

Peggy Horvath reported that the current service delivery methods for the due process services of court reporting and court interpreting include staffing models, contract models, and hybrids using a combination of these methods. Some circuits relying on staffing models are providing services to the state attorneys, public defenders, and to court-appointed counsel. With transition to Revision 7, each of these entities must be responsible for securing the necessary funding to support their service needs. However, the actual method of delivery of services can be accomplished in the current manner, as long as proportionate share of funding is distributed to the respective user.

The process being considered was reviewed. Overtime is not included and would be billed separately. Agreements with the public defender's and state attorney's offices would be needed.

Personnel Issues

Theresa Westerfield reviewed the estimated cost of health insurance for July 2004, which represents the lapse of health insurance coverage for county-to-state employees. Theresa Westerfield made the motion to approve the \$257,102 needed to cover 585 employees. Mark Van Bever seconded and the motion was approved without objection.

Other Appropriation Issues

The Budget Management Committee recommended to the commission not to approve the payment of certification for mediators. Judge Francis seconded and the motion was approved without objection.

REVISION 7 SUBSTANTIVE LEGISLATION

Judge Morris gave an overview of proposed language in the glitch bills. Twenty-three amendments are proposed in the Senate bill, and will be taken up today at 4:30. Glitch bill issues were discussed. One issue exempts judges from service fees or changes to the clerks. A provision in the House PCB restricts clerks on how funds are used from filing fees, service charges, etc., and an amendment was drafted.

CURRENT YEAR BUDGET

Status of Salary Shortfall

The TCBC recommended measures to cut expenditures to cover the projected shortfall at their December meeting. The Chief Justice imposed the actions as recommended; positions have been frozen, and an additional \$2,403,299 budget from operations have been transferred to reserve accounts. Through February, approximately \$1.3 million of the projected shortfall has been covered through the hiring freeze and restrictions on other personnel actions. An additional \$600,000 is projected to be saved through fiscal year end. These payroll savings, in addition to the budgeted reserve amount, are projected to cover the salary shortfall.

The payroll projection worksheets were reviewed. Discussion followed regarding the effect of the 2% lapse on new positions against the \$4.3 million shortfall. Also, the actual lapse is about 1.3%.

Discussion of Hiring Freeze

Judge James Perry requested that the commission reconsider the hiring freeze for staff attorney positions. The trial court staff attorney vacancy worksheet was reviewed. The Budget TCBC Management Committee recommended to the commission to lift the hiring freeze of staff attorneys for circuits exceeding 30% vacancy rate, if the circuit can identify amounts to cover salary dollars from another fund. Circuits meeting this requirement should submit a plan to their

chief judge, who will then forward to the OSCA. Judge Farina made the motion to approve the Budget Management Committee's recommendation to lift the hiring freeze for staff attorneys only, for those circuits who exceed a 30% vacancy rate. Judge Hammond seconded, two members opposed, and the motion was carried.

Juror/Witness Compensation

The current year budget shortfall for expenditures associated with petit juror per diem expenditures were previously projected at \$150,000. Current projections indicate a surplus of \$62,915 at year end. The clerks of court are whole in expenditures through the third quarter. The Budget Management Committee will monitor fourth quarter expenditures and requests for additional funds closely.

Jimmy Ryce Conflict Costs

The current year budget shortfall for expenditures associated with civil commitment proceedings under the Jimmy Ryce Act was projected at \$131,271. Total expenditures through March 23, 2004, are \$274,617, with additional orders pending for \$41,553. A remaining balance of \$33,830 is available for payments through June 30, 2004.

DISCUSSION OF IMPLEMENTATION PLANNING

The decision making process and time line for TCBC approval of circuit allocations were reviewed and discussed. The decision matrix describes the next critical phase of TCBC decisions. The matrix outlines the roles of the committees that will make recommendations to the commission. The process for developing the allocations for fiscal year 2004-2005 was reviewed. These tasks will need to be completed by June and include: review of legislative budget and the funding for each element or funding groups (if lump sum funding is provided), development of proposed funding distribution to circuits, outreach of proposed funding distribution to circuits, presentation of proposed funding distribution to the TCBC, and development of strategy to implement the budget.

The time line was reviewed and Peggy Horvath added that a lot of communication and dialogue will happen before May 14. Items that will definitely be funded, including due process costs, will be rolled out first.

Blan Teagle gave an overview of the Gantt chart. The chart shows the functions and tasks that OSCA staff, the Revision 7 Advisory Workgroup, and Trial Court Administrators must complete to prepare for Revision 7 implementation.

All chief judges or court administration should work on a plan of what should be cut, if cuts are necessary.

ADJOURNMENT

Judge Schaeffer thanked OSCA for the hard work, especially during session. Two notices were inserted in the meeting materials binder. The first is an invitation to the July 1 Revision 7 Commemoration hosted by the Supreme Court. The second notice is for the Passing of the Gavel ceremony on July 2. Brenda Johnson distributed packets with updated talking points, "Know Your Legislators" brochures, tracked bills, and the priority grid.

With no other business before the commission, Judge Schaeffer adjourned the meeting at 1:55 for members to attend legislative meetings.