Trial Court Budget Commission
Conference Call Meeting Minutes
May 20, 2010

Attendance - Members Present

The Honorable Belvin Perry, Jr., Chair
Mr. Mike Bridenback
The Honorable Catherine Brunson
The Honorable Joseph Farina
Mr. Tom Genung
Ms. Sandra Lonergan
The Honorable John Laurent
The Honorable Thomas McGrady
The Honorable Wayne Miller
Ms. Carol Ortman
The Honorable Judy Pittman
The Honorable Robert Roundtree
Mr. Walt Smith
The Honorable Patricia Thomas
Mr. Mark Weinberg
Ms. Robin Wright
The Honorable Peter Blanc
The Honorable Gary Flower

Attendance - Members Absent

The Honorable Charles Francis, Vice Chair
The Honorable Paul Bryan
The Honorable Mark Mahon
The Honorable Clayton Simmons
The Honorable Margaret Steinbeck
The Honorable Susan Schaeffer

Welcome & Introduction of Guests

Judge Perry called the Trial Court Budget Commission (TCBC) meeting to order at 12:05 p.m. The roll was called and guests in attendance were identified. Judge Perry welcomed the members and guests.

Child Support Enforcement Hearing Officer Resources

FY 2010-2011 Reallocation Proposal

Heather Thuotte-Pierson presented background information and stated that during the August 18, 2009 meeting, the TCBC directed the Funding Methodology Committee to study the issue of reallocation of child support hearing officer resources before the FY 2010-11 allocation process, specifically considering a reallocation that takes from circuits with excess need and gives to the circuits with unmet need.

Charlotte Jerrett reported that in preparation for the study, OSCA staff met with the Department of Revenue (DOR) and compared data from DOR's child support system and OSCA's Summary Reporting System (SRS) system for consistency. DOR's analysis of resource need

closely matched the Court's funding formula calculation of need but suggested further analysis in the Court's funding formula for post judgment activity.

Staff surveyed the circuits in which the funding formula indicated an excess of .5 or more child support hearing officer resources. Staff also requested information on factors outside the methodology that would justify the circuit's resource needs and DOR provided insight from staff knowledgeable in those circuits on outside factors.

Ms. Thuotte-Pierson reviewed the following allocation options:

- Option 1 – Reallocate resources, taking from circuits with a negative net need of 1.0 FTE or more. Resources would be reallocated as half-time (0.5 FTE) positions. Give resources to circuits with a positive net need of 1.0 or greater. Reallocate administrative support positions at the same FTE as the child support hearing officers when a circuit has a 1:1 ratio or higher of administrative support to child support hearing officers.

- Option 2 – Same as Option 1, but consider the additional information provided outside the funding formula.

- Option 3 – Maintain current allocations.

The Funding Methodology Committee (FMC) recommended Option 2, which utilizes the case weighted methodology funding formula and incorporates input from the circuits and DOR. Reallocate a 0.5 FTE child support hearing officer and a 0.5 FTE administrative support position from both the 4th and 8th Circuits to the 5th Circuit, increasing the 5th Circuit's allocation by 1.0 FTE child support hearing officer and 1.0 FTE administrative support position. The FMC also requested that personnel policies regarding reallocation of resources from one circuit to another be considered. The Executive Committee also recommended Option 2.

Child Support Enforcement Hearing Officer Resource Reallocation Implementation

Gary Phillips reported on this agenda item and stated that should the TCBC choose to reallocate hearing officers and support staff, this would be the first such reallocation of resources within the circuits and the implementation option chosen may set a precedent for how future position reallocations are to be handled. The following options were reviewed:

- Option 1 – Move resources through attrition. Delay moving positions until vacancies occur in the positions identified for reallocation. If vacancies have not occurred within one year, revisit the need and decide if a move will need to be made using Reallocation Proposal Option 2 or 3.

- Option 2 – For filled positions designated to be reallocated to another circuit, allow all incumbents with satisfactory work records to transfer with their positions to the receiving circuit. Should an incumbent decline the transfer, move the position and allow for competitive selection in the receiving circuit. If the distance from the old headquarters to the new headquarters is less than 50 miles and the incumbent refuses the reassignment, the employee will be considered to have resigned. If the distance is more than 50 miles and the incumbent refuses the transfer, the employee will be considered to have been laid off.

- For filled positions designated to be reallocated to another circuit, allow all incumbents with satisfactory work records to apply for the positions along with employees from the receiving circuit. Using this approach, employees would be considered laid off.

The Executive recommended Option 2, with one caveat. The caveat would allow the receiving chief judge discretion to interview and approve the reassignment of an incumbent employee. Should the chief judge decide not to approve, the incumbent employee would be considered laid off.

Following member discussion of the two issues, Judge Roundtree moved to approve Option 2 for the reallocation proposal, which reallocates a 0.5 FTE child support hearing officer and a 0.5 FTE administrative support position from both the 4th and 8th Circuits to the 5th Circuit, increasing the 5th Circuit's allocation by 1.0 FTE child support hearing officer and 1.0 FTE administrative support position; and Option 2 for the reallocation implementation, including the caveat that was proposed by the Executive Committee. Carol Ortman seconded the motion and the vote passed, with Judge McGrady opposed. Judge Thomas recognized Judge Roundtree for offering the motion for this issue.

Foreclosure and Economic Recovery Funding

Kris Slayden stated that the legislature appropriated $6 million of the original $9,570,528 request for the Foreclosure and Economic Recovery Proposal. Since the proposal was not fully funded, the funding allocations were reduced down.

Issue 1: FY 2010-11 Funding Allocations
Charlotte Jerrett reviewed the funding allocations. Each circuit's proposed allocations from the original request were adjusted downward by 37.8% to account for the reduction in funding approved by the Legislature. The Executive Committee asked staff to follow up with the circuits again to specify the dollar amount and funding category needed.

The Executive Committee also requested additional information related to the 10th, 12th, and 15th Circuits' request of additional Contracted Services funds for case management and

administrative support due to restrictions with using contractual dollars. Ms. Jerrett reminded members that some contracts may require a lengthy approval process and can delay the implementation of funding. Formal bidding is required for amounts over the $25,000 purchasing threshold; however, legal services are exempt from requiring competitive bids.

The original proposal also provided resources for Executive Direction for data collection and analysis and the administration of resources. This request was also reduced down by 37.8% to $44,394.

The Executive Committee recommended approving the proposed funding allocations with a caveat that circuits hire within the original guidelines they were given regarding appointment rates. Judge Roundtree made a motion to: 1) approve the FY 2010-11 circuit allocations for the Foreclosure and Economic Recovery Funding as presented; 2) approved OSCA's proposed allocation; 3) Approve the effective date for the implementation of the circuit's plans so resources can be deployed on July 1, 2010, using existing FY 2009-10 funds for advertising if necessary; and 4) circuits utilize guidelines when hiring. Carol Ortman seconded, and the motion passed without objection.

Judge Perry asked members to share the allocation information with their chief judges. He also stated that the trial courts should work hand and hand with the clerk of court and that success would be dependent on the ability of the circuits and clerks to work together. He also warned that the Legislature may base a determination of future funding for the issue based upon the results of this project.

Judge Brunson asked whether there is any inclination that the Governor would veto the $6,000,000 which was appropriated by the Legislature for FY 2010-11. Lisa Goodner responded that OSCA does not foresee a veto of the funding. Kris Slayden stated that a summary of the TCBC decisions for these issues will be distributed.

Issue 2: Types of Cases and Disposition Goals

1. Kris Slayden reported on this issue and stated that since the issue was not fully funded and the original request was to eliminate 785,063 backlog cases from several civil areas, decisions are needed on what can be accomplished. What type of cases should be included: foreclosure/real property cases; foreclosure/real property and contracts and indebtedness cases; or foreclosure/real property, contracts and indebtedness, and county civil valued from $5,001 to $15,000 cases?

   The Executive Committee recommended only foreclosure/real property cases. Walt Smith suggested that the circuits be given discretion to use the funds how they deem fit as long as the funding was directed towards reducing backlogged cases. Judge Perry commented that when he and other judges lobbied the Legislature for the funding, they assured legislators that, if appropriated, the funds would be used to

alleviate backlogged cases involving mortgage foreclosure of real property. Judge Farina suggested a priority based approach in which the circuits could be given discretion to allocate funds based upon individual needs. Carol Ortman added that the implementation could be confusing if all circuit have different approaches. Judge Roundtree asked if any representative from the clerks could comment on their position on the issue. John Dew stated that the clerks' position would likely be based upon the result of this meeting of the TCBC.

Judge Roundtree made a motion that resources first be dedicated to alleviating mortgage foreclosure cases. Should any resources remain after backlogged foreclosure cases have been addressed, the funds could be used to assist with other types of backlogged cases. Judge Brunson seconded and the motion passed, with Walt Smith opposed.

2. What is the goal for the disposition of backlog cases?

   Kris Slayden reported that the Executive Committee had proposed a goal of disposing 70% of backlogged cases. Following a brief discussion between staff and the members, it was determined that the Legislature appropriated only 62% of the funds requested in the FY 2010-11 Legislative Budget Request. Based upon this amount, Judge Roundtree proposed that the goal be consistent with the amount of monies approved by the Legislature. Walt Smith seconded and the motion passed without objection.

Issue 3: Budget Policy Considerations

Kris Slayden presented the following budgetary considerations for approval:

a) In order to comply with legislative intent, any expenditure of any type utilizing this funding is limited to direct support of the backlog reduction of the approved case types. Walt Smith made a motion to approve limiting cases as approved in Issue 2, Item 1. This motion was seconded by Judge McGrady and the motion passed without objection.

b) In order to ensure that senior judges who are assigned to the Foreclosure and Economic Recovery Initiative are paid with the appropriate funds, the current senior judge application will be modified to allow circuits to specify from which funding source the senior judge should be paid. The trial court administrators are responsible for ensuring that the information is reported properly.

   Judge Roundtree made a motion to approve the recommendation and Judge McGrady seconded. The motion passed without objection.

c) Expenditures from the Expense category are limited to intra-circuit travel for staff, intra- and inter-circuit travel for senior judges, consumable office supplies, postage, copying,

and printing and reproduction. To maximize the Expense allotment, circuits are encouraged to use existing resources or surplus furnishings for any office furniture needs for OPS staff and/or senior judges. Subscriptions and the like are not allowable expenditures for this funding, neither are computers or other communication devices as those items are a county funding responsibility.

A motion was offered by Walt Smith to approve the recommendation. Judge Brunson seconded and the motion passed without objection.

d) A contingency for the Expense category was approved in the original proposal and factored into the appropriated amount. In order to access these contingency funds, a circuit must have exhausted its Foreclosure and Economic Recovery Expense allotment. Requests for additional Expense are to be made in writing to the TCBC Chair, with a copy of the TCBC Budget Management Committee Chair, and to the State Courts Administrator. The request must provide a complete, detailed explanation of how Expense funding came to be exhausted, what steps were taken to alleviate the impending shortfall, the amount requested and how that amount was calculated.

   Walt Smith made a motion to approve the recommendation. Judge Brunson seconded and the motion passed without objection.

Issue 4: Funding/Plan Monitoring

Kris Slayden presented the following monitoring issues.

a) The Budget Management Committee (BMC) will monitor expenditures on a monthly basis to ensure that resources are only being used for the purpose of backlog reduction for the approved case types. In addition, the BMC will monitor case event data to ensure that expenditures correlate with the TCBC approved activities. The reporting of case data to the Legislature will be discussed in Issue 6, Case Reporting System.

   Judge Brunson made a motion, seconded by Carol Ortman, to approve this recommendation. The motion passed without objection.

b) The Supreme Court Inspector General will also be reviewing the Foreclosure and Economic Recovery initiative for potential inclusion in the branch's FY 2010-11 audit plan.

   Walt Smith made a motion to approve this recommendation. This motion was seconded by Carol Ortman and the motion passed without objection.

Issue 5: Clerk Assistance

Kris Slayden briefed the members and stated that information collected from the circuits on in-courtroom resources that will be assigned in each county and the maximum number of courtrooms that will be scheduled at any one time in each county will be shared with clerks once it has been approved. The following consideration was offered:

- What, if any, statewide parameters need to be set regarding clerk assistance for the initiative?
  a) In-courtroom attendance
  b) Data support

The Executive Committee recommended that the clerks of court provide data support for this initiative. Chief judges in each circuit should work with their clerks to ensure the clerks appropriately support the implementation plan and share the plans with the OSCA so that the legislature can be informed of the collaborative work on this issue. A motion was offered by Mike Bridenback to approve the Executive Committee recommendation. This motion was seconded by Carol Ortman and the motion passed without objection.

Judge Perry stated due to time constraints, Issues 6 and 7 will be presented at the TCBC meeting on June 4, 2010, in Tampa.

Adjournment

With no other business before the commission, Judge Perry adjourned the conference call meeting at 1:25 p.m.