



Note: By the morning of Tuesday, June 3, materials will be available at:

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

MEETING AGENDA

11:00 a.m. to 1:00 p.m., Wednesday, June 4, 2014

Judicial Meeting Room, Supreme Court Building, Tallahassee, FL

Welcome and Roll Call

- | | | |
|------|---|-------------|
| I. | Approval of April 7, 2014, Minutes | 11:00-11:05 |
| II. | Status of FY 2013-14 Budget | 11:05-11:30 |
| | A. Salary Budgets | |
| | B. State Courts Revenue Trust Fund | |
| | C. End-of-Year Spending Plans | |
| III. | FY 2014-15 GAA and Implementing/Conforming Bills: Gubernatorial Action, Final Appropriations, and Implementation Activities | 11:30-12:00 |
| IV. | Foreclosure Backlog Reduction Initiative: Status of FY 2013-14 Budget and FY 2014-15 Allocations | 12:00-12:30 |
| V. | Pay Issues for Courts System Employees | 12:30-1:00 |
| | A. Implementation of FY 2014-15 Special Pay Issue: Status Report | |
| | B. Performance-Based, Lump Sum Bonuses Authorized during 2013 Legislative Session: Status Report | |

Adjourn

Future TCBC Meetings

- Friday, June 20 (8:30 a.m. to 12 p.m.), Tampa
- Tuesday, August 26 (8:30 a.m. to 12 p.m.), Orlando

Trial Court Budget Commission
Meeting Minutes
April 7, 2014



Attendance – Members Present

The Honorable Margaret Steinbeck, Chair
The Honorable Catherine Brunson
The Honorable Ronald Ficarrotta
Ms. Sandra Lonergan
The Honorable Thomas McGrady
The Honorable Wayne Miller

The Honorable Debra Nelson
The Honorable Gregory Parker
The Honorable Belvin Perry, Jr
Ms. Kathy Pugh

The Honorable James McCune
The Honorable Robert Roundtree
The Honorable Olin Shinholser
The Honorable Elijah Smiley
Mr. Walt Smith
The Honorable Bertila Soto
The Honorable John Stargel
The Honorable Patricia Thomas
Mr. Mark Weinberg
Ms. Robin Wright

Attendance – Members Absent

The Honorable Mark Mahon, Vice Chair
Mr. Tom Genung

Mr. Grant Slayden
The Honorable Terry Terrell

Special Note: It is recommended that these minutes be used in conjunction with the meeting materials.

Agenda Item I: Welcome and Approval of Meeting Minutes

Judge Steinbeck called the Trial Court Budget Commission (TCBC) meeting to order at 8:31 a.m. The roll was taken with a quorum present.

Judge Steinbeck presented the draft meeting minutes from the January 6, 2014, and December 13, 2013, TCBC meetings and asked if there were any changes necessary before approval. Judge Brunson moved to approve the January 6 minutes as drafted, with a second from Judge Roundtree. The motion passed without objection. Judge Brunson moved to approve the December 13 minutes as drafted. Judge Nelson seconded and the motion passed without objection.

Agenda Item II: Status of FY 2013-14 Budget

A. Salary Budgets

1. Payroll Projections

Dorothy Wilson provided an overview of the trial court salary budgets for FY 2013-14 as of March 31, 2014. Ms. Wilson reported the current General Revenue and State Courts Revenue Trust Fund combined projections estimated a \$401,743 deficit through year end. The estimated deficit has been decreasing monthly due to lapse and other savings. If this trend continues, the deficit will be made up by year end. OSCA staff is closely monitoring this issue and if the trend shifts in the other direction, a TCBC conference call will be scheduled to discuss options to cover any projected deficit.

2. Positions Vacant For More Than 180 Days

Theresa Westerfield provided an overview of positions vacant longer than 180 days as of March 26, 2014, noting only two positions remain on the report and the 11th and 15th Circuits continue to have recruitment issues.

3. Reclassifications/Actions

Judge Steinbeck asked that all reclassification requests be held due to the projected deficit in the salary budget. Theresa Westerfield reported that currently one request is pending and the circuit will hold the request.

B. Operating Budgets

Dorothy Wilson provided an overview of the operating budgets for FY 2013-14 as of March 31, 2014.

C. Trust Fund Cash Balances

Dorothy Wilson provided an overview of the trust fund cash balances through March 31, 2014 for FY 2013-14.

State Courts Revenue Trust Fund - Ms. Wilson reported the February 13, 2014 Revenue Estimating Conference revised its estimates downward by another \$1.6 million to \$86 million for the State Courts Revenue Trust Fund (SCRTF). In addition, the supplemental legislative appropriations were imbalanced between General Revenue and the State Courts Revenue Trust Fund (SCRTF), resulting in the need to shift expenditures from General Revenue to the SCRTF. The trust fund is estimated to run out of cash in May and end the year in a deficit of approximately \$5.1 million. Ms. Wilson noted a legislative budget request technical issue was submitted to fix the fund balance problem, as advised by the governor's staff. At this time, neither the House nor Senate have picked up this technical issue. OSCA staff are working with legislative staff. Judge Steinbeck remarked it should be made clear that this is a revenue problem and not a spending problem.

Kris Slayden provided an overview of the Office of the State Courts Administrator's (OSCA) projected revenue deficit, noting the legislative budget request was approved based on the February 6, 2013, Article V Revenue Estimating Conference projection of \$102.3 million. The total reduction in the official estimated revenue is \$16.3 million over the last 12 months and that actual revenue has come in 4% lower than the official estimates for February through March. The OSCA estimate includes a 4% shortfall rate for April through June which equals close to \$1 million, increasing the estimated ending cash balance deficit to almost \$6 million. Ms. Slayden added that the House budget includes back of bill language that provides \$1.7 million to cover FY 2013-14 trust fund deficits. The Senate budget includes \$1.8 million but ties the funds to conflict counsel payments. If the \$1.7 million is provided, the adjusted ending cash shortfall for year end will be \$4.2 million.

Ms. Slayden provided an overview of the FY 2014-15 projected deficit and proposed General Revenue Fund shift as a possible solution. Lisa Goodner reported that no interest was shown by the governor's and legislative staff. Judge Steinbeck asked Judge Roundtree and the Budget Management Committee to review the long term funding issue and formulate a plan for next fiscal year. Judge Steinbeck noted that each year the state courts system reverts funds not expended and to request the legislature to cover the shortfall while reverting funds each year is not appropriate. The state courts system reverted \$9 million or 2.3% of the budget last fiscal year. Expenditure trends were reviewed and as a solution, the Executive Committee asked staff to propose a proportional share of operating budget reduction in General Revenue for transfer to the salary and benefits category to shift expenditures off the SCRTF.

Judge Steinbeck provided an overview of the trial court's proportional share of the shortfall and proposed reduction target amounts. The trial court share of the \$4.2 shortfall is \$3.6 million. The individual circuit amounts were based on a \$3 million trial court share of the \$4.2 shortfall and pro-rata of the total trial court base budget, less dedicated funds. The remaining \$600,000 would come from the operating budget reserve, leaving \$1.5 million in reserve to cover due process deficits and conflict counsel payments. Walt Smith moved to take \$600,000 from reserve and \$3 million from the operating budget to cover the shortfall. Judge Smiley seconded and the motion passed without objection. Judge McGrady noted that circuits are not limited to the reduction target amount and may offer more if additional unobligated funds are available.

Administrative Trust Fund - Dorothy Wilson reported the ending balance as of March 31, 2014, was \$1.1 million. The ending balance of \$12,840 from last year for attorney payments over the flat fee will be moved to the State Courts Revenue Trust Fund to help mitigate the SCRTF shortfall.

Agenda Item III: Conflict Counsel Cases Over the Flat Fee

Jessie Emrich McMillan provided an overview of the Conflict Counsel Cases over the Flat Fee payments, noting current estimates project an increase of \$1.2 million in FY 2013-14 compared to FY 2012-13 based on year to date expenditure data. The majority of the case types are capital and Racketeer Influenced and Corrupt Organizations (RICO). The Funding Methodology Committee has recommended revising the methodology for determining FY 2014-15 circuit allowances to include all capital case types and RICO appeals paid by the statewide pooled funds. The committee also recommended establishing funding floors. Walt Smith moved to approve the Funding Methodology Committee recommendation. Judge McGrady seconded and the motion passed without objection

Agenda Item IV: Foreclosure Backlog Reduction Initiative

Alex Krivosheyev provided an overview of the Foreclosure Backlog Reduction Initiative for FY 2013-14. As of March 24, 2014, \$5.7 million of the \$9.5 million allocated for FY 2013-14 has been spent. It is anticipated that \$2.0 million in unspent funds will be carried over into FY 2014-15 and the Funding Methodology Committee will determine a methodology to reallocate back to the circuits. Judge Steinbeck noted that FY 2013-14 allocations fully funded the circuit plans. Any remaining funds will be allocated to FY 2014-15 in hopes of fully funding the plans next year.

Agenda Item V: Child Support Hearing Officers and General Magistrates

Jessie Emrich McMillan reported that questions have arisen as to the appropriate application of the approved policies in recommending allocations and reallocations for vacant administrative support positions in the child support hearing officers and general magistrates element. The Funding Methodology Committee recommended further refining the allocation or reallocation methodology for new or vacant positions to review the one to 1:1 ratio first, then review the need based on workload. Judge Brunson moved to approve the Funding Methodology Committee recommendation. Judge Roundtree seconded and the motion passed without objection.

Agenda Item VI: Update on Technology Funding Strategies Workgroup

Judge Roundtree reported on a letter from Chief Justice Polston regarding the Technology Funding Strategies Workgroup's charge to review potential funding sources to fund judicial viewers and the future technology needs of the state courts system. Based on the recommendations of the National Center for State Courts, the chief justice asked that the workgroup to consider the issue of access fees for remote access to court documents, including a proposed fee structure, if any, for electronic access to court records, and submit its recommendations to the supreme court. The workgroup will seek input from the clerks of court. Kris Slayden added that a status report will be provided at the June TCBC meeting.

Agenda Item VII: Update on 2014 Legislative Session

Dorothy Wilson provided an overview of Senate Bill 2500 and House Bill 5001 in comparison to the legislative budget request submitted by the state courts system. Proviso, back of the bill, and conforming bill language from both bills were also reviewed. Lisa Goodner noted line items that were not funded and member projects.

A. House and Senate Budget Proposals

Eric Maclure provided an overview of the court-related conforming bills (Senate Bill 2510, House Bill 5301, House Bill 5303 and Senate Bill 2508) proposed by the Senate and the House to make statutory changes that support their proposed budgets.

B. Pay Issue for State Courts System Staff

Theresa Westerfield reported on the status of the pay and benefits section of Senate Bill 2500 and House Bill 5001.

C. Pay and Benefits Legislation

Theresa Westerfield reported on the status of House Bill 7157 regarding state group health insurance. There was no Senate companion bill at that time.

D. Florida Retirement System Legislation

Theresa Westerfield reviewed House Bill 7173 regarding the Florida Retirement System. There was no Senate companion bill at that time.

E. Other Significant Budget-Related Legislation – There was no discussion on this agenda item.

Agenda Item VIII: Judicial Conference and TCBC Legislative Activities

Judge Steinbeck thanked the TCBC members, conferences of district court of appeal, circuit and county court judges for their coordinated effort throughout the legislative session. Judge Shinholser provided a report of the Conference of Circuit Court Judges' activities. Judge McCune provided a report of the Conference of County Court Judges' activities.

Agenda Item IX: Personnel Committee Report

Walt Smith reported the Conference of County Court Judges requested a review of the pay parity between county and circuit judicial assistants. The Personnel Committee will obtain feedback from the Conference of Circuit Judges and the Judicial Assistants Association of Florida before this issue is brought before the TCBC.

Agenda Item X: Report from the Chief Justice's Designee to the Clerk of Court Operations Corporation (CCOC) Executive Council

Judge McGrady reported the clerks' are projecting a revenue deficit and are expecting a \$20 million shortfall. The clerks are seeking funds for the deficit this fiscal year and are additionally surveying all counties for voluntary reduction and working on improving collections. Judge McGrady noted that a CCOC general counsel's legal opinion determined that the use of the official Revenue Estimating Conference projections for budgetary purposes are not binding and not required for the development of clerks' budgets.

Adjournment

With no other business before the commission, the meeting adjourned at 11:45 a.m.

Item II.A.1.: Salary Budgets

**FY 2013-14 Trial Courts Salary Budget
General Revenue and State Courts Revenue Trust Fund
May 2014**

CIRCUIT	1	Projected Full Employment Payroll Liability through June 30, 2014	256,301,233
	2	Salary Appropriation	(254,578,876)
	3	Projected Liability OVER/(UNDER) Salary Appropriation @ Full Employment	1,722,357
	4	Actual Payroll Adjustment through May 29, 2014	(2,256,101)
	5	Adjusted Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(533,744)
	6	Estimated Remaining Leave Payouts (based on two year average)	454,600
	7	Final - Adjusted Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(79,144)
COUNTY	8	Projected Full Employment Payroll Liability through June 30, 2014	80,054,256
	9	Salary Appropriation	(79,872,073)
	10	Projected Liability OVER/(UNDER) Salary Appropriation @ Full Employment	182,183
	11	Actual Payroll Adjustment through May 29, 2014	(480,990)
	12	Adjusted Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(298,807)
	13	Estimated Remaining Leave Payouts (based on two year average)	94,844
	14	Final - Adjusted Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(203,963)
Trial Court Summary	15	Projected Full Employment Payroll Liability through June 30, 2014	336,355,489
	16	Salary Appropriation	(334,450,949)
	17	Projected Liability OVER/(UNDER) Salary Appropriation @ Full Employment	1,904,540
	18	Actual Payroll Adjustment through May 29, 2014	(2,737,091)
	19	Adjusted Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(832,551)
	20	Estimated Remaining Leave Payouts (based on two year average)	549,444
	21	Final - Adjusted Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(283,107)

Trial Court Budget Commission
June 4, 2014
Tallahassee, Florida

Item II.A.2.: Salary Budgets

FY 2013-14 Trial Courts Salary Budget
Administrative Trust Fund
May 2014

1	Projected Full Employment Payroll Liability through June 30, 2014	70,510
2	Salary Appropriation (Includes estimated health adjustment)	(74,293)
3	Projected Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(3,783)
4	Actual Payroll Adjustments through May 29, 2014	(26,316)
5	Adjusted Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(30,099)
6	Estimated Remaining Leave Payouts (based on two year average)	0
5	Final - Adjusted Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(30,099)

FY 2013-14 Trial Courts Salary Budget
Federal Grants Trust Fund
May 2014

1	Projected Full Employment Payroll Liability through June 30, 2014	5,709,612
2	Salary Appropriation (Includes estimated health adjustment)	(5,842,883)
3	Projected Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(133,271)
4	Actual Payroll Adjustments through May 29, 2014	(80,334)
5	Adjusted Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(213,605)
6	Estimated Remaining Leave Payouts (based on two year average)	25,794
7	Final - Adjusted Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(187,811)

State Courts System

June 4, 2014

State Courts Revenue Trust Fund - Monthly Cash Analysis
Fiscal Year Reporting 2013-2014 (Official Estimates)

Based on Actual Revenues and Expenditures for July - May and REC Revenues and Estimated Expenditures for June

Tallahassee, Florida

Article V Revenue Estimating Conference Projections

1	February 6, 2013	9,150,000	9,150,000	9,150,000	9,150,000	8,887,500	8,887,500	8,887,500	7,807,500	7,807,500	7,807,500	7,807,500	7,807,500	102,300,000
2	August 6, 2013	8,184,377	8,288,425	8,474,866	8,163,209	8,357,132	7,806,364	7,760,267	8,243,322	8,786,219	9,099,339	8,547,607	8,806,070	100,517,197
3	December 3, 2013	8,179,427	7,098,193	6,987,802	6,800,075	6,680,194	6,305,801	6,283,386	7,454,777	7,993,551	8,055,078	7,410,607	8,351,109	87,600,000
4	February 13, 2014	8,203,792	7,098,193	6,987,802	6,800,075	7,263,224	6,383,566	6,709,647	6,911,682	7,386,971	7,510,614	6,871,896	7,872,538	86,000,000
5	State Courts Revenue Trust Fund	July	August	September	October	November	December	January	February	March	April	May	June	Year-To-Date Summary*
6	Beginning Balance (Carried Forward Cash from FY 12-13 includes \$2,884,715 in foreclosure funds)	10,418,719	8,908,474	8,746,205	8,460,016	6,855,771	6,495,779	5,331,108	3,739,736	2,505,217	2,293,906	1,355,833	670,523	10,418,719
7	Fee and Fine Revenue Received*	8,184,377	7,095,068	6,998,227	6,796,200	7,267,278	6,373,396	6,735,153	6,403,721	7,320,607	7,329,159	7,241,177	7,872,538	85,616,901
8	Cost Sharing (JAC transfers/\$3,695,347 due annually)	788,679	135,158	0	843,026	80,924	508	842,917	81,100	35	923,842	0		3,696,188
9	Refunds/Miscellaneous	50	5,158	786	1,016	0	785	455	0	0	12,840	3,597		24,688
10	Total Revenue Received	8,973,106	7,235,383	6,999,013	7,640,241	7,348,202	6,374,690	7,578,525	6,484,821	7,320,642	8,265,840	7,244,774	7,872,538	89,337,776
11	Available Cash Balance	19,391,826	16,143,857	15,745,218	16,100,257	14,203,973	12,870,469	12,909,633	10,224,557	9,825,859	10,559,746	8,600,607	8,543,061	99,756,495
12	Staff Salary Expenditures	(7,167,344)	(7,211,511)	(7,247,265)	(7,379,173)	(7,493,861)	(7,399,720)	(7,405,181)	(7,396,043)	(7,466,340)	(7,463,101)	(7,479,718)	(7,639,837)	(88,749,093)
13	Staff Salary Expenditures - GR Shift								(230,000)			(220,000)		(450,000)
14	Prior Year Certified Forwards - Staff Salary	(75,500)												(75,500)
15	Mortgage Foreclosure Settlement Expenditures (From funds allocated in FY 2012-13)				(74,149)	(213,253)	(137,231)	(135,247)	(90,370)	(63,906)	(104,658)	(219,685)	(952,336)	(1,990,835)
16	Prior Year Certified Forwards - Mortgage Foreclosure Settlement	(672,818)	(184,831)	(36,230)										(893,880)
17	Conflict Cases Over the Flat Fee											(7,906)	(492,094)	(500,000)
18	Prior Year Certified Forwards - Conflict Cases Over the Flat Fee	(693,241)												(693,241)
19	Refunds	(2,371)	(1,310)	(1,708)	(2,908)	(1,080)	(2,410)	(1,504)	(2,928)	(1,708)	(697)	(2,705)	(1,939)	(23,266)
20	FY 14-15 GAA back of bill appropriation to cover FY 13-14 trust fund deficit												1,800,000	1,800,000
21	Total SCRTF Operating Expenditures	(8,611,274)	(7,397,652)	(7,285,202)	(7,456,229)	(7,708,194)	(7,539,361)	(7,541,932)	(7,719,340)	(7,531,953)	(7,568,456)	(7,930,014)	(7,286,206)	(91,575,814)
22	8% General Revenue Service Charge	(1,872,077)			(1,788,257)			(1,627,964)			(1,635,458)	(70)		(6,923,826)
23	Ending Cash Balance	8,908,474	8,746,205	8,460,016	6,855,771	6,495,779	5,331,108	3,739,736	2,505,217	2,293,906	1,355,833	670,523	1,256,855	1,256,855

* Note: Actual revenues received reported by REC in Line 3 and OSCA in Line 6 differ due to the timing of reporting by the Department of Revenue and FLAIR posting to SCRTF.

STATE COURTS REVENUE TRUST FUND
OSCA Projected Deficit - As of May 30, 2014
FY 2013/14

Main Contributor to Deficit Situation		
Article V Revenue Estimating Conference Official Revenue Estimates For FY 2013/14		
1	2/6/13 - Official Estimates Used to Develop Courts' Current Year Budget	102,300,000
2	2/13/14 - Most Recent Official Revenue Estimates	86,000,000
3	Total Reduction in Estimated Revenue over last 12 months	(16,300,000)

Current Deficit Situation		
4	Beginning Balance July 1, 2013	10,418,719
5	Add: FY 2013/14 Projected Revenues ¹	86,000,000
6	Add: Refunds/Miscellaneous	24,688
7	Add: Cost Sharing	3,696,188
8	Estimated Total Revenues	100,139,595
9	Less: Estimated Expenditures ²	(93,375,814)
10	Less: Estimated Mandatory GR 8% Service Charge	(6,923,826)
11	Estimated Total Expenditures	(100,299,640)
12	Estimated Ending Cash Balance June 30th	(160,045)
13	Additional Actual Revenue Shortfall (through May 2014)	(383,100)
14	Subtotal Estimated Ending Cash Balance June 30th	(543,145)
15	Estimated Additional Revenue Shortfall (June 2014) ³	(316,211)
16	Total Estimated Ending Cash Balance June 30, 2014	(859,356)
17	House of Representatives Back of Bill Deficit Funding	1,800,000
18	Adjusted Ending Cash Balance June 30, 2014	940,644

¹ Official Article V Revenue Estimating Conference revenue projections, February 13, 2014.

² Estimated FY 2013/14 Expenditures includes actuals and certified forwards for July 2013 through May 2014 and estimated expenditures for June 2014.

³ Based on applying a 4% shortfall rate for June revenues, estimated from official revenue estimates coming in 4% lower than projected for February - March.

Agenda Item II.C.: End-of-Year Spending Plans

There are no materials for this agenda item.

**STATE COURTS SYSTEM
LEGISLATIVE BUDGET REQUEST
FY 2014-15**

6/2/2014 2:55 PM		State Courts System					Conference Report on HB 5001					
Budget Entity/Issues		Issue Code	FTE	General Revenue	GR Non-Recurring	Trust	Total GR and Trust	FTE	General Revenue	GR Non-Recurring	Trust	Total GR and Trust
1	BRANCH WIDE - PAY ISSUES											
2	Competitive Pay Adjustment Issue for State Courts System Employees	4401A70		5,677,512		89,430	5,766,942					-
3	Equity and Retention Pay Issue for State Courts System Employees	4401A80		9,836,772		29,530	9,866,302		5,589,397		2,543,217	8,132,614
4	SUPREME COURT - 22010100											
5	Death Penalty Case Processing	3000080	1.0	59,717	3,818		59,717					-
6	Case Management Support	3001700	1.0	76,331	3,818		76,331	1.0	76,331	3,818		76,331
7	Supreme Court - Meet Acceptable Security Standards	6800600	3.0	254,310	11,454		254,310					-
8	Law Library - Legal Research	4100400		17,069			17,069					-
9	Interior Space Refurbishing	7000260		237,360			237,360					-
10	TOTAL SUPREME COURT		5.0	644,787	19,090	-	644,787	1.0	76,331	3,818	-	76,331
11	EXECUTIVE DIRECTION - 22010200											
12	eFACTS Productivity Support	36311C0		172,834	125,164		172,834					-
13	Judicial Data Management	36315C0		502,086	107,887		502,086					-
14	Legal Research Support	36314C0		91,840	40,000		91,840					-
15	TOTAL EXECUTIVE DIRECTION		0.0	766,760	273,051	-	766,760	0.0	-	-	-	-
16	ADMINISTRATIVE FUNDS - 22020100											
17	Reduce Due Process Contingency Positions	33V0260						(6.0)				-
18	Small County Courthouse Repairs and Renovations-Calhoun County VETOED	5401234							200,000	200,000		200,000
19	Small County Courthouse Repairs and Renovations-Jefferson County VETOED	5401234							200,000	200,000		200,000
20	Small County Courthouse Repairs and Renovations-Washington County	5401234							9,205,877	9,205,877		9,205,877
21	TOTAL ADMINISTRATIVE FUNDS		0.0	0	0	0	0	(6.0)	9,205,877	9,205,877	-	9,205,877

**STATE COURTS SYSTEM
LEGISLATIVE BUDGET REQUEST
FY 2014-15**

6/2/2014 2:55 PM		State Courts System					Conference Report on HB 5001					
Budget Entity/Issues		Issue Code	FTE	General Revenue	GR Non-Recurring	Trust	Total GR and Trust	FTE	General Revenue	GR Non-Recurring	Trust	Total GR and Trust
22	DISTRICT COURT OF APPEAL - 22100600											
23	Building, Facilities Maintenance and Operational Upkeep SCS REQUEST DETAILS: (\$400,000 - Statewide Facility Maintenance, \$19,750 - 2nd DCA Facility Maintenance and \$48,889 - 3rd DCA Workstations)	7000210		468,639	68,639		468,639					-
24	CIP - 2nd DCA Driveway Expansion Lakeland Courthouse	990M000 081600		30,450	30,450		30,450		30,450	30,450		30,450
25	CIP - 3rd DCA - Hurricane Storm Shutters	990S000 080174		88,294	88,294		88,294					-
26	CIP - 3rd DCA Emergency Generator System	990S000 080032		212,814	212,814		212,814					-
27	CIP - 3rd DCA Entrance Glass Doors Replacement	990M000 080183		64,023	64,023		64,023					-
28	CIP - 3rd DCA Courthouse Remodeling for ADA, Security and Life Safety Issues	990M000 080179		2,092,495	2,092,495		2,092,495		2,092,495	2,092,495		2,092,495
29	CIP - 4th DCA New Courthouse Construction - Phase One <i>(Phase Two estimated at \$13,305,182)</i> Senate Bill: Half of the Phase Two estimated costs are funded totaling \$6,652,591 are included in this proposal.	990S000 080071		349,270	349,270		349,270					-
30	CIP - 4th DCA Courthouse Renovations for ADA Compliance, Security, Life Safety Issues and Mold and Water Remediation	990M000 080178		6,831,655	6,831,655		6,831,655					-
31	CIP - 5th DCA Security Systems	990S000 080176		125,000	125,000		125,000		125,000	125,000		125,000
32	CIP - 5th DCA HVAC Renovation	990M000 080184		724,389	724,389		724,389		724,389	724,389		724,389
33	CIP - Maintenance and Repair - New Construction, Repairs & Critical Maintenance - Appellate Courts	99M0000 082052							7,145,763	7,145,763		7,145,763
34	TOTAL DISTRICT COURT OF APPEAL		0.0	10,987,029	10,587,029	-	10,987,029	0.0	10,118,097	10,118,097	-	10,118,097

**STATE COURTS SYSTEM
LEGISLATIVE BUDGET REQUEST
FY 2014-15**

6/2/2014 2:55 PM		State Courts System					Conference Report on HB 5001					
Budget Entity/Issues		Issue Code	FTE	General Revenue	GR Non-Recurring	Trust	Total GR and Trust	FTE	General Revenue	GR Non-Recurring	Trust	Total GR and Trust
35	TRIAL COURTS - 22300100/22300200											
36	Due Process Costs - Deduct (Transfers to JAC)						-		(500,000)		(500,000)	(1,000,000)
37	Court Reporting Equipment Refresh and Maintenance	36341C0		4,806,925	2,223,562		4,806,925					-
38	Court Reporting Equipment Expansion	36342C0		1,446,114	1,446,114		1,446,114					-
39	Death Penalty Case Processing - Law Clerks (32 Positions)	3000080	27.0	1,918,731	76,160		1,918,731					-
40	Funding for Backlog of Foreclosure Cases	3001010		3,837,624	3,837,624		3,837,624					-
41	Funding for Children's Advocacy Centers	3000115					-	3,500,000				3,500,000
42	Mary Lee's House - Child Advocacy Centers	3000115					-	1,500,000	1,500,000			1,500,000
43	Walton County Child Advocacy Center							350,000	250,000			350,000
44	Trial Courts General Counsel Support	3000120	10.0	1,181,043	23,800		1,181,043					-
45	24x7 Sobriety Monitoring Program	3000314						75,000	75,000			75,000
46	Domestic Violence GPS Program	3000316					-	316,000				316,000
47	Mental Health Diversion Program	3000318					-	250,000	250,000			250,000
48	Fund Shift Cost Sharing	3400330/3400340		3,695,347		(3,695,347)	-					-
49	Senior Judge for Citrus County Workload	3000420					-	88,415				88,415
50	Electronic Transmission of Judicial Order to Clerks of Court	36331C0		4,705,116	3,929,275		4,705,116					-
51	Remote Court Interpreting Technology	36343C0		81,428	53,588		81,428					-
52	Problem Solving Courts Education and Training	3800010		100,000	100,000		100,000	100,000	100,000			100,000
53	Conflict Counsel Payments Over the Flat Fee	5210000		2,081,103			2,081,103					-
54	Courthouse Furnishings - Nonpublic Areas	5402000		953,999	953,999		953,999	65,000	65,000			65,000
55	Post-Adjudicatory Drug Court	5406010		544,013			544,013	5,543,957				5,543,957
56	Vivitrol To Treat Alcohol or Opioid Addicted Offenders	5406020					-	3,000,000	2,000,000			3,000,000
57	Veterans' Courts	5406030					-	1,000,000				1,000,000
58	TOTAL TRIAL COURTS		37.0	25,351,443	12,644,122	(3,695,347)	21,656,096	0.0	15,288,372	4,240,000	(500,000)	14,788,372

**STATE COURTS SYSTEM
LEGISLATIVE BUDGET REQUEST
FY 2014-15**

6/2/2014 2:55 PM		State Courts System					Conference Report on HB 5001					
Budget Entity/Issues		Issue Code	FTE	General Revenue	GR Non-Recurring	Trust	Total GR and Trust	FTE	General Revenue	GR Non-Recurring	Trust	Total GR and Trust
59	CERTIFICATION OF ADDITIONAL JUDGESHIPS											
60	Executive Direction - Florida Cases Southern 2nd Reporter: \$500 for each certified judgeship SCS - 49 New Judgeships	3009310		24,500			24,500					-
61	District Court of Appeal - 3 DCA Judgeships (3 appellate court judges, 3 appellate judicial assistants, 6 appellate law clerks): SCS/House: 2 judgeship for 2nd DCA; 1 judgeship for 5th DCA	3009310	12.0	1,351,047	45,816		1,351,047	12.0	1,350,507	45,276		1,350,507
62	Circuit Courts - 7 Judgeships (23 FTE - 7 circuit judges, 7 circuit judicial assistants, and 9 trial court law clerks): SCS/House: 3 judgeships for the 5th Circuit; 2 judgeships for the 1st Circuit; 1 judgeship for the 7th and 9th Circuits. Note: House Proposal only funds 2 trial court law clerks.	3009310	23.0	2,528,206	54,740		2,528,206					-
63	County Courts - 39 Judgeships (78 FTE - 39 county judges and 39 county judicial assistants): SCS: 11 judgeships for Dade; 6 judgeships for Broward 5 judgeships for Palm Beach; 4 judgeships for Duval 2 judgeships for Orange, Hillsborough, and Lee; 1 judgeship for Volusia, Lake, Citrus, Osceola, Manatee, Sarasota, and Seminole House: 1 judgeship for Duval, Citrus, Lake, Osceola, Miami-Dade, Seminole, and Lee Counties; 2 judgeships in Hillsborough and Palm Beach	3009310	78.0	10,189,517	185,640		10,189,517					-
64	TOTAL CERTIFICATION OF ADDITIONAL JUDGESHIPS		113.0	14,093,270	286,196	0	14,093,270	12.0	1,350,507	45,276	0	1,350,507
65	TOTAL JUDICIAL BRANCH		42.0	53,264,303	23,523,292	(3,576,387)	49,687,916	7.0	41,628,581	23,613,068	2,043,217	43,671,798

Conference Report on HB 5001 - Proviso, Back of the Bill and Implementing Bill

Proviso

1	The funds provided in Specific Appropriations 3147 through 3214 shall not be used to fund any facility study or architectural/engineering study to assist in planning for the current or future needs of the Second District Court of Appeal.
2	From the funds in Specific Appropriation 3158 through 3168, the Office of the State Courts Administrator may expend up to \$10,000 to issue a solicitation to review document integrity and authentication systems and technology available that may eliminate fraud in the processing of court documents. Under the direction of the Florida Courts Technology Commission, the Office of the State Courts Administrator shall develop specifications for the system and technology in consultation with the Department of Corrections and the Florida Clerks of Court. The Office of the State Courts Administrator may issue the solicitation no later than October 1, 2014, and shall follow a competitive solicitation process consistent with section 287.057, Florida Statutes.
3	The funds in Specific Appropriation 3168A are provided for the restoration of small county historic courthouses. Calhoun.....200,000 VETOED Jefferson.....200,000 VETOED Washington.....9,205,877
4	Funds in Specific Appropriation 3180A are provided for the construction of a new courthouse for the Fourth District Court of Appeal. The current 44-year-old building is experiencing a mold outbreak associated with an inadequate heating, ventilation, and air conditioning system, requires significant renovations to comply with the Americans With Disabilities Act (ADA), and requires renovations to address United States Marshals' Service security assessment deficiencies. The new courthouse will be located on a smaller footprint and will be more efficient than the current facility, resulting in immediate savings in operational and maintenance costs.
5	From the funds in Specific Appropriation 3188, \$100,000 in nonrecurring general revenue funds is provided to train judges and staff on how to address co-occurring disorders in the criminal justice system.
6	From the funds in Specific Appropriation 3191, \$3,500,000 in recurring general revenue funds shall be distributed to the 26 Children's Advocacy Centers throughout Florida based on the proportion of children served by each center during calendar year 2013. This funding may not be used to supplant local government reductions in Children's Advocacy Center funding. Any reductions in local government funding for the centers shall result in the withholding of funds appropriated in this line item.
7	The Florida Network of Children's Advocacy Centers may spend up to \$25,000 of the funds in this line item for contract monitoring and oversight.
8	From the funds in Specific Appropriation 3191, \$1,500,000 in nonrecurring general revenue funds is provided to Mary Lee's House in Tampa for child advocacy services.
9	From the funds in Specific Appropriation 3191, \$100,000 in recurring general revenue funds and \$250,000 in nonrecurring general revenue funds are provided to the Walton County Children's Advocacy Center for child advocacy services and construction of a new facility. The nonrecurring funding amount shall be matched with local in-kind funding on a dollar-for-dollar basis.
10	From the funds in Specific Appropriation 3193, \$1,000,000 in recurring general revenue funds and \$2,000,000 in nonrecurring general revenue funds is provided for naltrexone extended-release injectable medication to treat alcohol- or opioid-addicted offenders in court-ordered, community-based drug treatment programs. The Office of the State Courts Administrator shall use the funds to contract with a non-profit entity for the purpose of distributing the medication.
11	From the funds in Specific Appropriation 3193, \$600,000 in recurring general revenue funds shall be distributed to Okaloosa, Pasco, Pinellas, and Clay counties and \$200,000 each in recurring general revenue funds shall be distributed to Duval and Orange counties to create or continue, pursuant to sections 948.08(7)(a), 948.16(2)(a), and 948.21, Florida Statutes, felony and/or misdemeanor pretrial or post-adjudicatory veterans' treatment intervention programs to address the substance abuse and/or mental health treatment needs of veterans and service members charged with, or on probation or community control for, criminal offenses.
12	From the funds in Specific Appropriation 3193, \$250,000 in nonrecurring general revenue funds is provided to contract with the South Florida Behavioral Health Network to provide treatment services for individuals served by the 11th Judicial Circuit Criminal Mental Health Project.
13	From the funds in Specific Appropriation 3193, \$5,000,000 in recurring general revenue funds is provided for treatment services for offenders in post-adjudicatory drug court programs in Broward, Escambia, Hillsborough, Marion, Orange, Pinellas, Polk, and Volusia counties. Each program shall serve prison-bound offenders (at least 50 percent of participants shall have Criminal Punishment Code scores of greater than 44 points but no more than 60 points) and shall make residential treatment beds available for clients needing residential treatment.
14	The funds in Specific Appropriation 3193A are provided to implement a 24x7 Sobriety Monitoring Program pilot in the 4th Judicial Circuit. The pilot program shall use evidence-based practices that are anticipated to result in a reduction in recidivism for substance abuse related crimes and an increase in public safety for the community. Funds shall be used to produce a statewide template demonstration video for the training of patrol and correctional officers; pay for the program's set-up costs incurred by law enforcement; pay for a law enforcement coordinator; and defray other implementation costs.
15	The funds in Specific Appropriation 3193B are provided to the Eighteenth Judicial Circuit to continue its program to protect victims of domestic violence with Active Global Positioning Satellite (GPS) technology.

Conference Report on HB 5001 - Proviso, Back of the Bill and Implementing Bill

Back of the Bill

16	<p>SECTION 8. (2) SPECIAL PAY ISSUES</p> <p>Effective July 1, 2014, recurring funds are appropriated in Specific Appropriation 1981 to:</p> <p>(a) The judicial branch in the amount of \$5,589,397 from the General Revenue Fund and \$2,543,217 from trust funds for position classification salary adjustments for judicial branch employees, excluding judges, to encourage employee retention, provide equity adjustments to equalize salaries between the judicial branch and other governmental entities for similar positions and duties, and provide market-based adjustments necessary to remedy recurring employee recruitment problems for specific position classifications. The funds available for these adjustments shall be allocated proportionately among the circuit and county courts, the district courts of appeal, the Supreme Court, the Office of the State Courts Administrator, and the Judicial Qualifications Commission, based upon the total number of full-time-equivalent positions, excluding judges, employed by each of those components of the judicial branch. The Chief Justice, based upon recommendations from the Trial Court Budget Commission, District Court of Appeal Budget Commission, and the State Courts Administrator, shall submit a plan for such position classification salary adjustments pursuant to section 216.177(2), Florida Statutes.</p>
17	<p>SECTION 41. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG B2014-0457 as submitted on April 17, 2014, by the Chief Justice on behalf of the State Courts System for approval by the Legislative Budget Commission. The Chief Justice shall modify the approved operating budget for Fiscal Year 2013-2014 consistent with the amendment. This section is effective upon becoming law.</p>
18	<p>SECTION 47. The sum of \$1,800,000 in nonrecurring funds from the General Revenue Fund is appropriated to the State Courts Revenue Trust Fund within the State Courts System to cover Fiscal Year 2013-2014 trust fund deficits. This section is effective upon becoming law.</p>

Implementing Bill

19	<p>Section 25. In order to implement section 7 of the 2014-2015 General Appropriations Act, subsection (2) of section 215.18, Florida Statutes, is amended to read:</p> <p>215.18 Transfers between funds; limitation.—</p> <p>(2) The Chief Justice of the Supreme Court may receive one or more trust fund loans to ensure that the state court system has funds sufficient to meet its appropriations in the <u>2014-2015</u> 2012-2013 General Appropriations Act. If the Chief Justice accesses the loan, he or she must notify the Governor and the chairs of the legislative appropriations committees in writing. The loan must come from other funds in the State Treasury which are for the time being or otherwise in excess of the amounts necessary to meet the just requirements of such last-mentioned funds. The Governor shall order the transfer of funds within 5 days after the written notification from the Chief Justice. If the Governor does not order the transfer, the Chief Financial Officer shall transfer the requested funds. The loan of funds from which any money is temporarily transferred must be repaid by the end of the <u>2014-2015</u> 2012-2013 fiscal year. This subsection expires July 1, <u>2015</u> 2013.</p>
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1	Judicial pay remains the same.
2	<p>(2) SPECIAL PAY ISSUES</p> <p>Effective July 1, 2014, recurring funds are appropriated in Specific Appropriation 1981 to:</p> <p>(a) The judicial branch in the amount of \$5,589,397 from the General Revenue Fund and \$2,543,217 from trust funds for position classification salary adjustments for judicial branch employees, excluding judges, to encourage employee retention, provide equity adjustments to equalize salaries between the judicial branch and other governmental entities for similar positions and duties, and provide market-based adjustments necessary to remedy recurring employee recruitment problems for specific position classifications. The funds available for these adjustments shall be allocated proportionately among the circuit and county courts, the district courts of appeal, the Supreme Court, the Office of the State Courts Administrator, and the Judicial Qualifications Commission, based upon the total number of full-time-equivalent positions, excluding judges, employed by each of those components of the judicial branch. The Chief Justice, based upon recommendations from the Trial Court Budget Commission, District Court of Appeal Budget Commission, and the State Courts Administrator, shall submit a plan for such position classification salary adjustments pursuant to section 216.177(2), Florida Statutes. <i>(Plan to be submitted to Legislative Budget Commission.)</i></p>
3	No change in state life insurance or state disability insurance.
4	<p>Effective July 1, 2014, the state health insurance plan, as defined in subsection (3)(b) [<i>i.e., State Health Insurance Plans and Benefits</i>] shall limit plan participant cost sharing (deductibles, coinsurance and copayments) for covered in-network medical services, the amount of which shall not exceed the annual cost sharing limitations for individual coverage or for family coverage as provided by the U.S. Department of Health and Human Services pursuant to the provisions of the federal Patient Protection and Affordable Care Act of 2010. Effective January 1, 2015, medical and prescription drug cost sharing amounts incurred by a plan participant for covered in-network services shall be aggregated to record the participant's total amount of plan cost sharing, which shall not exceed the annual cost sharing limitations. The plan shall pay 100 percent of covered in-network services for a plan participant during the applicable calendar year once the federal cost share limitations are reached.</p> <p><i>No other changes to the current plans themselves.</i></p>

5	<p>No change in premiums paid by employees for health insurance. (Maintains the "enhanced benefits" premiums paid by judicial assistants and senior managers.)</p>
6	<p>The Department of Management Services shall maintain a listing of certain maintenance drugs that must be filled through mail order by participants of the Preferred Provider Organization option only. Effective July 1, 2014, those drugs on the maintenance list may initially be filled three times in a retail pharmacy; thereafter, any covered prescriptions must be filled through mail order, unless the Department of Management Services develops a program to allow retail pharmacies to provide 90 day prescriptions for such drugs or unless a retail pharmacy agrees to provide 90 day prescriptions for such drugs for no more than the reimbursement paid for prescriptions fulfilled by mail order including the dispensing fee. Notwithstanding subparagraph (d)2. <i>[which maintains co-payments as currently set]</i>, and for the period beginning January 1, 2015, the co-payments for such 90 day prescriptions at a retail pharmacy shall be \$14 for generic drugs with a card, \$60 for preferred brand name drugs with a card, and \$100 for nonpreferred name brand drugs with a card. <i>[These co-payments match current mail order costs.]</i> This paragraph is contingent upon House Bill 5003 or similar legislation becoming law.</p>
7	<p>Payment of bar dues authorized.</p>
8	<p>Contingent upon the availability of funds, and at the agency head discretion, each agency is authorized to grant competitive pay adjustments to address retention, pay inequities, or other staffing issues. The agency is responsible for retaining sufficient documentation justifying any adjustments provided herein.</p>
9	<p>From existing resources, merit pay increases are authorized based on the employee's exemplary performance as evidenced by a performance evaluation conducted pursuant to chapter 60L-35, Florida Administrative Code, or a similar performance evaluation applicable to other pay plans. The Chief Justice may exempt judicial branch employees from the performance evaluation requirements.</p>

Agenda Item III.: FY 2014-15 General Appropriations Act and Implementing and Conforming Bills: Gubernatorial Action, Final Appropriations, and Implementation Activities

Following are summaries of and status information on the implementing bill and three court-related conforming bills the Legislature adopted during the 2014 session to enact statutory changes and other provisions that complement the fiscal year 2014-15 budget.

Implementing Bill (HB 5003): Among other provisions, the implementing bill:

- Authorizes the Chief Justice to receive one or more trust fund loans to ensure the State Courts System has funds sufficient to meet its appropriations in the fiscal year 2014-15 General Appropriations Act; and
- Exempts counties from a statutory requirement to increase by 1.5 percent from the prior county fiscal year their expenditures for court-related functions.

These provisions are effective solely for fiscal year 2014-15.

Status: Approved by the Governor on June 2; ch. 2014-53, Laws of Fla.

Court-Appointed Counsel (SB 2510): With respect to private attorneys who provide representation when the public defender and regional counsel have conflicts of interest, this bill:

- Eliminates the statutory authority enacted in 2012 for the chief judge of each circuit to establish limited registries of private attorneys who are willing to waive compensation in excess of the flat fee except in capital and racketeering cases. The bill retains statutory authority for the chief judge to restrict the number of attorneys on the general registry list;
- Establishes a Cross-Circuit Conflict Representation Pilot Program in the offices of the public defender in the Tenth Judicial Circuit and Thirteenth Judicial Circuit and in the regional counsel office for the Fifth Region (fifth, seventh, ninth, and eighteenth judicial circuits). Under the pilot program, when conflicts arise, cases shall be assigned to a public defender or regional counsel in a participating circuit or region, as prescribed in the bill, before being assigned to a private attorney; and

- Increases the maximum flat fees authorized in statute¹ that private attorneys may receive upon providing representation for:
 - Noncapital, nonlife felonies at the trial level to \$6,000 (from \$2,500);
 - Life felonies at the trial level to \$9,000 (from \$3,000);
 - Capital cases at the trial level to \$25,000 (from \$15,000); and
 - Appeals to \$9,000 (from \$2,000).

The pilot program and the increase in maximum-authorized flat fees may contribute toward reduced costs related to the payment of fees exceeding the flat fees. Meanwhile, the elimination of limited registries will eliminate any current cost-savings from the registries. The overall impact of the bill on expenditures for the payment of conflict counsel fees exceeding the flat fees is not known.

However, the fiscal year 2014-15 budget does *not* contain proviso language from the current-year budget requiring the State Courts System to pay excess fees from its funds when the annual appropriation to the Justice Administrative Commission for this purpose is exhausted. To complement this change in policy, the conforming bill strikes a corresponding statutory requirement (s. 27.5304(12)(f)3., F.S.) for the courts system to share in the liability for excess-fee payments.

Status: Approved by the Governor on June 2; ch. 2014-49, Laws of Fla.

Additional Judgeships (HB 5301): To effectuate funding for additional judgeships provided in the budget, this bill amends the statutory section governing the number of appellate judges to authorize three additional district court of appeal judgeships – two in the Second District and one in the Fifth District.

Status: Approved by the Governor on June 2; ch. 2014-58, Laws of Fla.

Executive Clemency (HB 5303): This bill:

- Removes trial court judges from involvement in the appointment of counsel in proceedings for relief by executive clemency in death penalty cases;
- Authorizes the Board of Executive Clemency to appoint private counsel to represent a person sentenced to death for relief by executive clemency;
- Eliminates the requirement for the Justice Administrative Commission to pay the compensation of private court-appointed counsel in these cases; and

¹ The Legislature prescribes the actual flat fees by case type annually in the general appropriations act (GAA). The GAA for fiscal year 2014-15 (HB 5001) increases the flat fees for a number of case types.

Implementing and Conforming Bills (Agenda Item III.)

Page 3

- Provides for compensation, not to exceed \$10,000, for attorney fees and costs, to be paid from general revenue funds budgeted to the Parole Commission.

Status: Approved by the Governor on June 2; ch. 2014-59, Laws of Fla.

Prepared by the OSCA Deputy State Courts Administrator's Office, June 2, 2014

Agenda Item IV: Foreclosure Backlog Reduction Initiative: Status of FY 2013/14 Budget and FY 2014/15 Allocations

Background:

During the 2013 Legislative Session, non-recurring funds were appropriated to the State Courts System (SCS) from the National Mortgage Foreclosure Settlement Funds for judicial and case management resources (\$16 million), as well as technology resources (\$5.3 million), to reduce the backlog of foreclosure cases. The Legislature authorized the SCS to expend these funds over two fiscal years, FY 2013/14 and FY 2014/15.

On May 15, 2013, the Trial Court Budget Commission (TCBC) approved circuit allocations for FY 2013/14 for case management and judicial resources in the amount of approximately \$9.7 million. These allocations were based on fully funding the Foreclosure Backlog Reduction Initiative as recommended by the TCBC Foreclosure Initiative Workgroup. The allocation methodology employed a weighted average of pending foreclosure cases and estimated future foreclosure filings. From the \$16 million appropriated by the Legislature, approximately \$6.3 million was left to be allocated in FY 2014/15. The TCBC fully allocated the \$5.3 million for technology resources.

Current:

At the April 7, 2014, meeting, the TCBC examined each circuit's progress in disposing of their backlog of foreclosure cases and incoming cases (**see Attachment A for most recent Foreclosure Initiative Status Report**). In addition, the TCBC evaluated each circuit's spending pattern of FY 2013/14 Foreclosure Initiative Resources (**see Attachment B for FY 2013/14 allocations/expenditures analysis**).

Based on official foreclosure filings estimates and average levels of foreclosure dispositions in each circuit in FY 2013/14, it is anticipated that all circuits will require funding in FY 2014/15 to continue reducing their backlog of pending foreclosure cases and to avoid building up a new backlog of cases. Additionally, based on spending patterns, part of the circuits' FY 2013/14 Foreclosure Backlog Reduction Initiative allocation will be available to be utilized in FY 2014/15. Using this information, the Funding Methodology Committee (FMC) recommended, and TCBC approved, the following direction to staff for developing allocations for Foreclosure Backlog Reduction Initiative resources for FY 2014/15:

- 1) FY 2013/14 unspent funds should be added to the resources designated for FY 2014/15 and reallocated to the circuits.
- 2) Develop two funding methodologies for allocating resources. The first methodology allocates resources to the circuits utilizing a weighted average of pending foreclosure cases and estimated future foreclosure filings. This is identical to the methodology used to develop the FY 2013/14 allotments. The second methodology utilizes FY 2013/14 circuit allocations as the basis for FY 2014/15 allocations. Circulate proposed allotments to the circuits for feedback on whether circuits can fully utilize the proposed allotments.

- 3) Executive direction should continue receiving resources in FY 2014/15 to maintain the Foreclosure Performance Indicators Dashboard.

Issue A: FY 2014/15 Allocations

Currently, \$6.3 million in foreclosure funds are available for FY 2014/15, with an additional \$2.3 million estimated to be available from the current year allocation, for a total of \$8.6 million (**see Attachment B**). Based on the approved directions, OSCA staff developed two options for allocating foreclosure resources to the circuits for FY 2014/15.

Decisions Needed:

Option # 1 – Approve FY 2014/15 allocations based on a weighted average of pending foreclosure cases and estimated future foreclosure filings, with a funding floor of \$129,817 for 1 General Magistrate position (OPS) and 1.5 Court Program Specialist II positions (OPS). (**see Attachment C**). Include continued executive direction funding in the amount of \$43,829 to support the Foreclosure Performance Indicators Dashboard.

Option # 2 – Approve FY 2014/15 circuit allocations based on continuation funding for those circuits that were not estimated to have unspent balances of over \$100,000 in FY 2013/14. Circuits that were estimated to have unspent balances in FY 2013/14 in excess of \$100,000 were allocated resources as they indicated would be needed for FY 2014/15 (**see Attachment D**). Include continued executive direction funding in the amount of \$43,829 to support the Foreclosure Performance Indicators Dashboard.

Since the May 16, 2014, FMC meeting in which FY 2014/15 allocations were proposed, the 17th Circuit contacted OSCA staff requesting their proposed FY 2014/15 allotment be revised. Initially, the 17th circuit had indicated a need of \$700,000 to continue the Foreclosure Initiative in FY 2014/15. After further evaluation, it was determined a total of \$876,461 in funding is needed to maintain current staffing levels. This amount is below their FY 2013/14 allotment, still providing additional funding back to the statewide pool.

FMC Recommendation:

Approve Option #2.

Issue B.: 3rd Circuit Request for Additional Technology Resources

The 3rd Circuit has submitted a request to the Trial Court Budget Commission (TCBC) for an additional \$55,000 in supplemental funding for their aiSmartBench implementation (**see Attachment E**). Additionally, the 18th Circuit has returned \$66,000 in technology resources to the OSCA because their technology resource needs have changed since the original technology allocations were made. OSCA ISS has reviewed the 3rd Circuit's request and determined that the request represents a critical technology need and recommends approval of the request.

Decision Needed:

Option # 1 – Approve funding the 3rd Circuit’s request for technology resources from the funds returned by the 18th Circuit.

Option # 2 – Do not approve.

FMC Recommendation:

Approve Option #1

Issue C: Overtime Pay and Pay Above the Minimum

For FY 2013/14, the TCBC approved overtime pay and compensation above the minimum hourly rate for OPS staff as long as circuits stayed within their allocation.

Decision Needed:

Option #1 - Approve a policy to allow for overtime pay and compensation above the minimum hourly rate for OPS staff as long as circuits remain within their allocations.

Option #2 - Do not approve.

FMC Recommendation:

Approve Option #1.

Issue D: Distributing Recommended Allocations into Operating Categories

To ensure circuits have maximum flexibility in choosing the types of resources that would be most effective in their jurisdictions in reducing the backlog of foreclosure cases, it is recommended that OSCA staff work with the circuits to distribute their allocations into the various operating categories (i.e. Senior Judge Days, OPS, Contractual, Expense, etc.). This approach is identical to the one used in FY 2013/14 to distribute circuit allocations into operating categories.

Because the full amount that is left over from the current year will not be known until after June 30th, circuits will receive allocations of their foreclosure resources in two stages. In June, circuits will receive a portion of their allocation based on the amount designated for FY 2014/15 (\$6.3 million), and in August circuits will receive the remainder of their allocation based on the actual amount carried forward from FY 2013/14 (estimated \$2.3 million-See Columns G and H in Attachment F).

The FMC approved OSCA staff working with the circuits to distribute their recommended FY 2014/15 circuit allocations into the various operating categories. **Attachment F** provides the resource distributions as requested by each circuit based on the allocation developed from the methodology recommended in Option #2 under **Issue A**.

**FY 2013/14 Foreclosure Backlog Reduction
April 2014 Status Report
Foreclosure Initiative Pending Cases
By Circuit, As of April 2014**

Circuit	Estimated SRS Pending Cases as of June 30, 2012 ¹	Estimated SRS Pending Cases				Adjustment (Difference between Estimated SRS Pending and Foreclosure Initiative Pending)	Foreclosure Initiative Pending Cases ⁴
		Estimated SRS Pending Cases as of June 30, 2013 ²	July 2013 through April 2014 SRS Filings	July 2013 through April 2014 SRS Dispositions	Estimated SRS Pending Cases as of April 30, 2014 ³		
1	9,929	9,556	2,728	5,480	6,804	-1,315	5,489
2	3,463	3,689	1,164	2,693	2,160	-47	2,113
3	1,260	1,236	548	927	857	-72	785
4	19,742	19,828	4,765	10,460	14,133	-3,680	10,453
5	14,686	13,640	4,563	9,027	9,176	500	9,676
6	28,806	28,611	5,863	11,781	22,693	-567	22,126
7 ⁵	18,462	17,867	3,583	8,870	12,580	-5,694	6,886
8	1,902	1,836	1,052	1,868	1,020	429	1,449
9	33,512	27,336	6,831	20,291	13,876	-551	13,325
10 ⁵	9,171	8,977	2,567	5,700	5,844	-383	5,461
11	52,211	36,389	9,312	26,967	18,734	1,527	20,261
12 ⁵	16,629	14,109	2,666	7,786	8,989	-1,622	7,367
13	27,939	21,992	4,268	11,440	14,820	24	14,844
14	3,400	3,359	1,190	2,081	2,468	-438	2,030
15	32,977	27,651	5,103	17,739	15,015	180	15,195
16	1,723	1,533	334	833	1,034	-440	594
17	45,118	40,373	7,316	23,353	24,336	-1,636	22,700
18	27,723	25,391	3,672	10,657	18,406	-8,501	9,905
19	13,699	10,791	2,488	7,606	5,673	-396	5,277
20	15,355	15,007	4,343	8,363	10,987	-1,100	9,887
Total	377,707	329,171	74,356	193,922	209,605	-23,782	185,823

¹ Estimated SRS Pending Cases as of June 30, 2012 was determined by subtracting the number of SRS Real Property/Mortgage Foreclosure dispositions from the number of filings from July 1, 2006 through June 30, 2012.

² Estimated SRS Pending Cases as of June 30, 2013 was determined by subtracting the number of SRS Real Property/Mortgage Foreclosure dispositions from the number of filings from July 1, 2006 through June 30, 2013.

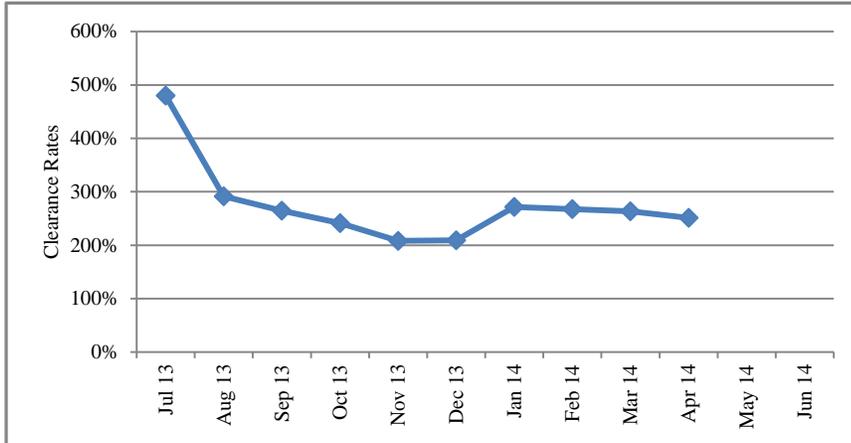
³ Estimated SRS Pending Cases as of April 30, 2014 was determined by subtracting the number of July 2013 through April 2014 SRS Dispositions from the sum of Estimated SRS Pending Cases as of June 30, 2013 and July 2013 through April 2014 SRS Filings.

⁴ Foreclosure initiative pending is based on data reported by each Clerk of Court to the Office of the State Courts Administrator as outlined in the FY 2013/14 Foreclosure Initiative Data Collection Plan and do not include reopen or inactive cases.

⁵ Circuit 7 does not include April 2014 foreclosure initiative data for Putnam County. Circuit 10 does not include April 2014 SRS data for Polk County. Circuit 12 does not include April 2014 foreclosure initiative data for Manatee County.

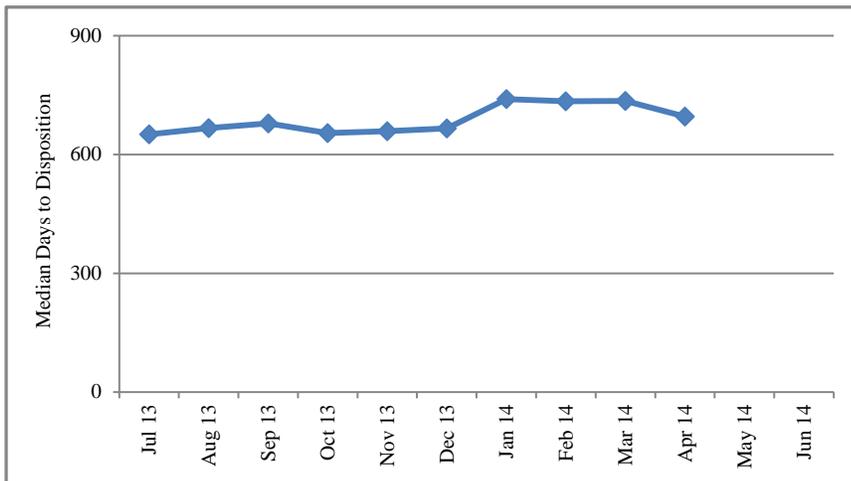
FY 2013/14 Foreclosure Initiative April 2014 Status Report State Total Report as of April 30, 2014

Clearance Rates (does not include reopened and inactive cases)



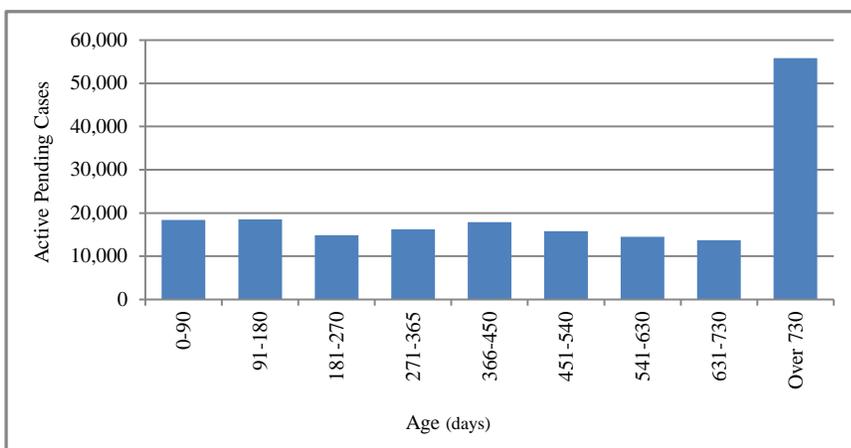
Report As of	Clearance Rate
7/31/2013	480%
8/31/2013	291%
9/30/2013	265%
10/31/2013	241%
11/30/2013	208%
12/31/2013	209%
1/31/2014	272%
2/28/2014	267%
3/31/2014	263%
4/30/2014	251%
5/31/2014	
6/30/2014	

Mean Days to Disposition (does not include reopened and inactive cases)



Report As of	Mean Days to Disposition
7/31/2013	651
8/31/2013	666
9/30/2013	679
10/31/2013	654
11/30/2013	659
12/31/2013	666
1/31/2014	740
2/28/2014	734
3/31/2014	735
4/30/2014	696
5/31/2014	
6/30/2014	

Age of Active Pending Cases (does not include reopened and inactive cases)



Age (days)	Active Pending Cases	Percent of Total
0-90	18,417	10%
91-180	18,564	10%
181-270	14,893	8%
271-365	16,225	9%
366-450	17,870	10%
451-540	15,800	9%
541-630	14,524	8%
631-730	13,732	7%
Over 730	55,798	30%
Total	185,823	100%

**FY 2013/14 Foreclosure Initiative
April 2014 Status Report
Clearance Rates¹
By Circuit, As of April 2014**

Circuit	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Apr-14
1	450%	216%	250%	201%	168%	161%	159%	156%	159%	156%
2	319%	214%	271%	274%	193%	156%	194%	170%	136%	146%
3	167%	198%	115%	122%	233%	215%	196%	164%	141%	111%
4	580%	259%	242%	181%	133%	126%	172%	151%	157%	161%
5	422%	210%	199%	189%	198%	182%	178%	194%	175%	141%
6	367%	167%	137%	131%	142%	102%	154%	151%	123%	144%
7	468%	307%	386%	345%	387%	323%	414%	442%	510%	396%
8	279%	191%	168%	159%	185%	210%	141%	178%	174%	102%
9	436%	249%	230%	251%	227%	294%	399%	406%	462%	463%
10	425%	210%	220%	203%	195%	181%	189%	234%	186%	194%
11	376%	366%	332%	277%	211%	213%	289%	284%	299%	289%
12	391%	274%	378%	277%	235%	297%	371%	213%	269%	366%
13	686%	278%	254%	229%	212%	198%	187%	197%	270%	209%
14	461%	149%	241%	173%	155%	134%	158%	173%	152%	163%
15	548%	374%	267%	330%	243%	264%	422%	364%	328%	312%
16	300%	158%	219%	197%	303%	226%	194%	171%	115%	209%
17	922%	425%	335%	319%	205%	215%	442%	428%	423%	345%
18	461%	396%	305%	244%	231%	203%	288%	362%	276%	326%
19	374%	354%	278%	289%	240%	250%	206%	253%	255%	219%
20	486%	297%	241%	197%	225%	249%	213%	229%	192%	200%
Total	480%	291%	265%	241%	208%	209%	272%	267%	263%	251%

¹ The FY 2013/14 Foreclosure Initiative Clearance Rates are based on data reported by each Clerk of Court to the Office of the State Courts Administrator as outlined in the FY 2013/14 Foreclosure Initiative Data Collection Plan and do not include reopen or inactive cases.

FY 2013/14 Foreclosure Initiative
April 2014 Status Report
Mean Number of Days from Filing to Disposition¹
By Circuit, As of April 2014

Circuit	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Apr-14
1	609	577	556	509	557	507	552	572	540	567
2	579	641	637	606	584	552	531	494	501	570
3	387	526	398	543	399	431	573	444	407	478
4	571	471	507	418	376	394	374	388	385	450
5	514	504	546	499	553	545	607	556	575	550
6	568	545	563	523	594	558	567	600	614	543
7	625	713	679	611	756	685	677	673	754	597
8	339	342	378	358	373	400	379	398	386	366
9	694	509	530	579	610	638	671	647	710	647
10	494	499	527	513	523	502	534	505	505	538
11	540	665	747	628	684	636	613	610	629	570
12	747	710	835	783	687	760	851	732	900	1,058
13	678	639	716	708	722	709	791	747	787	791
14	532	482	462	470	467	473	447	545	550	472
15	870	954	808	868	854	948	986	976	811	828
16	491	622	415	451	487	622	484	513	584	576
17	733	808	826	824	797	763	1,079	1,158	1,050	988
18	625	731	724	738	766	902	809	850	924	926
19	789	734	711	709	650	588	686	611	638	491
20	666	589	615	612	615	631	595	644	620	602
Total	651	666	679	654	659	666	740	734	735	696

¹ The FY 2013/14 Foreclosure Initiative Clearance Rates are based on data reported by each Clerk of Court to the Office of the State Courts Administrator as outlined in the FY 2013/14 Foreclosure Initiative Data Collection Plan and do not include reopen or inactive cases.

**FY 2013/14 Foreclosure Initiative
April 2014 Status Report
Age of Active Pending Cases and Percent of Cases Over 730 Days¹
By Circuit, As of April 2014**

Circuit	Number of Cases										Percent of Cases Over 730 Days
	0 to 90 Days	91 to 180 Days	181 to 270 Days	271 to 365 Days	366 to 450 Days	451 to 540 Days	541 to 630 Days	631 to 730 Days	Over 730 Days	Total Cases	
1	808	758	512	542	588	535	527	401	818	5,489	15%
2	352	343	270	286	262	168	101	75	256	2,113	12%
3	159	113	104	83	75	53	38	41	119	785	15%
4	1,231	1,188	699	876	1,129	944	970	899	2,517	10,453	24%
5	1,081	1,177	1,048	956	1,091	875	957	820	1,671	9,676	17%
6	1,585	1,661	1,388	2,027	1,851	1,930	1,882	1,915	7,887	22,126	36%
7	407	527	501	801	927	781	667	577	1,698	6,886	25%
8	315	292	212	233	188	117	48	23	21	1,449	1%
9	1,140	1,333	1,002	864	1,053	973	765	787	5,408	13,325	41%
10	784	744	635	592	614	465	412	438	777	5,461	14%
11	2,438	2,445	2,177	2,160	2,608	1,912	1,488	1,347	3,686	20,261	18%
12	510	667	656	626	713	682	643	600	2,270	7,367	31%
13	1,209	1,157	906	1,121	1,102	1,031	1,021	1,091	6,206	14,844	42%
14	336	252	183	242	187	158	148	129	395	2,030	19%
15	1,369	1,283	1,020	1,201	1,369	1,385	1,305	1,208	5,055	15,195	33%
16	91	72	56	53	48	42	33	42	157	594	26%
17	1,694	1,579	1,297	1,375	1,623	1,634	1,564	1,561	10,373	22,700	46%
18	974	1,047	806	719	843	774	772	649	3,321	9,905	34%
19	663	747	500	637	557	434	340	321	1,078	5,277	20%
20	1,271	1,179	921	831	1,042	907	843	808	2,085	9,887	21%
Total	18,417	18,564	14,893	16,225	17,870	15,800	14,524	13,732	55,798	185,823	30%

¹ The FY 2013/14 Foreclosure Initiative Median Number of Days from Filing to Disposition are based on data reported by each Clerk of Court to the Office of the State Courts Administrator as outlined in the FY 2013/14 Foreclosure Initiative Data Collection Plan and do not include reopen or inactive cases.

Trial Court Budget Commission

Meeting June 4, 2014

Allocations and Expenditures - Judicial and Case Management Resources
As of April, 2014

	Allocations						Expenditures / Encumbrances (As of April 30, 2014)						Annualized FY 2013/14 Expenditures	Estimated Unobligated Funds
	Sr. Judge 100630	Expense 040000	OPS 030000	Lease Purchase 105281	Contractual 100777	TOTAL	Sr. Judge 100630	Expense 040000	OPS 030000	Lease Purchase 105281	Contractual 100777	TOTAL		
0	-	\$60,000	-	-	-	\$60,000	-	\$37,535	-	-	-	\$37,535	\$37,535	\$22,465
1	\$78,472	-	\$201,965	-	-	\$280,437	\$52,216	-	\$138,189	-	-	\$190,405	\$228,486	\$51,951
2	\$42,609	\$2,563	\$84,281	-	-	\$129,453	\$27,696	\$2,088	\$54,765	-	-	\$84,550	\$101,460	\$27,993
3		\$27,000	\$88,627	-	-	\$115,627	-	\$23,128	\$57,653	-	-	\$80,782	\$96,938	\$18,689
4	\$402,300	\$7,500	\$183,162	-	-	\$592,962	\$281,930	\$4,683	\$135,060	-	-	\$421,673	\$506,008	\$86,954
5	\$120,726	\$472	\$298,212	-	-	\$419,410	\$85,928	\$379	\$200,095	-	-	\$286,402	\$343,682	\$75,728
6	\$117,175	\$20,000	\$638,111	-	-	\$775,286	\$93,030	\$19,789	\$439,109	-	-	\$551,928	\$662,314	\$112,972
7	\$79,892	\$14,825	\$219,798	-	-	\$314,515	\$56,102	\$10,458	\$113,648	-	-	\$180,208	\$216,249	\$98,266
8	-	-	\$56,975	-	\$72,800	\$129,775	-	-	\$43,131	-	\$58,800	\$101,931	\$122,318	\$7,457
9	\$213,081	\$20,000	\$569,746	-	-	\$802,827	\$140,255	\$19,569	\$395,836	-	-	\$555,660	\$666,792	\$136,035
10	\$53,262	\$13,764	\$190,423	\$1,236	-	\$258,685	\$33,377	\$10,561	\$114,537	-	-	\$158,475	\$190,170	\$68,515
11	\$229,024	\$90,757	\$856,329	\$2,343	-	\$1,178,453	\$182,488	\$54,906	\$610,116	\$2,063	-	\$849,573	\$1,019,488	\$158,965
12	\$85,218	\$30,000	\$308,199	-	-	\$423,417	\$55,392	\$27,991	\$191,787	-	-	\$275,170	\$330,203	\$93,214
13	\$301,814	\$10,000	\$250,417	-	\$37,961	\$600,192	\$221,212	\$1,991	\$174,880	-	\$31,470	\$429,553	\$515,463	\$84,729
14	\$51,131	\$4,070	\$74,616	-	-	\$129,817	\$36,218	\$3,465	\$36,627	-	-	\$76,310	\$91,572	\$38,245
15	\$184,639	\$31,891	\$548,622	-	-	\$765,152	\$130,444	\$15,037	\$370,059	-	-	\$515,541	\$618,649	\$146,503
16	\$42,609	\$16,700	\$65,036	-	\$22,172	\$146,517	\$37,638	\$4,579	\$35,910	-	\$5,203	\$83,330	\$99,996	\$46,521
17	\$159,784	\$54,100	\$928,261	-	-	\$1,142,145	\$118,240	\$5,547	\$367,618	-	-	\$491,405	\$713,431	\$428,714
18	\$142,386	\$52,866	\$426,732	-	-	\$621,984	\$63,913	\$23,240	\$249,008	-	-	\$336,162	\$403,394	\$218,590
19	\$53,262	\$15,000	\$233,946	-	-	\$302,208	\$37,638	\$13,199	\$163,237	-	-	\$214,074	\$256,889	\$45,319
20	\$121,436	\$128,862	\$292,417	-	-	\$542,715	\$90,899	\$43,173	\$178,792	-	-	\$312,865	\$375,438	\$167,277
Circuit Total	\$2,478,820	\$600,370	\$6,515,875	\$3,579	\$132,933	\$9,731,577	\$1,744,615	\$321,320	\$4,070,059	\$2,063	\$95,473	\$6,233,531	\$7,596,475	\$2,135,102
Executive Direction			\$86,000		\$70,000	\$156,000			\$28,931		\$60,000	\$88,931	\$106,717	\$49,283
TOTAL	\$2,478,820	\$600,370	\$6,601,875	\$3,579	\$202,933	\$9,887,577	\$1,744,615	\$321,320	\$4,098,990	\$2,063	\$155,473	\$6,322,461	\$7,703,192	\$2,184,385

Trial Court Budget Commission

Meeting June 4, 2014

FY 2014/15 Proposed Foreclosure Initiative Allocations OPTION # 1

75% Weight Assigned to Pending Cases, as of March 31, 2014
--

25% Weight Assigned to Estimated FY 2014/15 Filings

Circuit	FY 2013/14 Allocation	Estimated Pending Cases as of March 31, 2014	Based on Official FY 2014/15 Filing Estimates	Weighted Pending Cases / Filings	Distribution of FY 2014/15 Allocation	FY 2014/15 Circuit Total Allocations OPTION 1
1	\$280,437	6,961	6,152	6,759	3.3%	\$266,168
2	\$129,453	2,254	2,594	2,339	1.1%	\$129,817
3	\$115,627	870	1,254	966	0.5%	\$129,817
4	\$592,962	14,453	10,745	13,526	6.6%	\$532,674
5	\$419,410	9,414	10,229	9,618	4.7%	\$378,767
6	\$775,286	23,208	13,329	20,738	10.1%	\$816,708
7	\$314,515	13,032	8,226	11,830	5.7%	\$465,902
8	\$129,775	1,073	2,368	1,397	0.7%	\$129,817
9	\$802,827	15,763	15,474	15,691	7.6%	\$617,924
10	\$258,685	5,916	6,353	6,025	2.9%	\$237,283
11	\$1,178,453	20,265	21,092	20,472	9.9%	\$806,215
12	\$423,417	9,508	6,094	8,654	4.2%	\$340,828
13	\$600,192	15,293	9,669	13,887	6.7%	\$546,891
14	\$129,817	2,547	2,698	2,585	1.3%	\$129,817
15	\$765,152	16,255	11,602	15,092	7.3%	\$594,339
16	\$146,517	1,095	742	1,007	0.5%	\$129,817
17	\$1,142,145	25,849	16,592	23,535	11.4%	\$926,841
18	\$621,984	19,175	8,394	16,480	8.0%	\$649,002
19	\$302,208	6,002	5,737	5,936	2.9%	\$233,759
20	\$542,715	9,122	9,855	9,305	4.5%	\$366,455
Total	\$9,671,577	218,055	169,200	205,841	100.0%	\$8,428,841

Executive Direction	\$43,829
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Total	\$8,472,670
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Trial Court Budget Commission

Meeting June 4, 2014

FY 2014/15 Proposed Foreclosure Initiative Allocations OPTION # 2

Circuit	FY 2013/14 Allocation	FY 2014/15 Circuit Total Allocations OPTION 2
1	\$280,437	\$280,437
2	\$129,453	\$129,453
3	\$115,627	\$115,627
4	\$592,962	\$592,962
5	\$419,410	\$419,410
6	\$775,286	\$755,286
7	\$314,515	\$314,515
8	\$129,775	\$129,775
9	\$802,827	\$650,999
10	\$258,685	\$258,685
11	\$1,178,453	\$883,840
12	\$423,417	\$388,975
13	\$600,192	\$600,192
14	\$129,817	\$129,817
15	\$765,152	\$644,225
16	\$146,517	\$146,517
17	\$1,142,145	\$876,461
18	\$621,984	\$444,000
19	\$302,208	\$302,208
20	\$542,715	\$425,000
Total	\$9,671,577	\$8,488,384
Executive Direction		\$43,829
Total		\$8,532,213

Note: FY 2014/15 Proposed Allocations assume that spending patterns for circuits which did not take a reduction will be similar to FY 2013/14 spending patterns.



**OFFICE OF THE CIRCUIT COURT
THIRD JUDICIAL CIRCUIT OF FLORIDA**

Columbia, Dixie, Hamilton, Lafayette, Madison, Suwannee, and Taylor Counties

GREG PARKER
Chief Judge
MELANIE A. VAUGHN
Judicial Assistant

April 25, 2014

Taylor County Courthouse
108 N. Jefferson Street
Post Office Drawer 1000
Perry, Florida 32348
Phone: (850) 838-3520
Fax: (850) 838-3521

Honorable Margaret Steinbeck
Chair, Trial Court Budget Commission
Lee County Justice Center
1700 Monroe Street
Fort Myers, Florida 33901

Dear Judge Steinbeck:

Greetings from the Third Judicial Circuit and thank you for your leadership as TCBC Chair.

The purpose of this letter is to request \$55,000 in supplemental funding for our aiSmartBench implementation if such funding is available. We constantly struggle with our technology, facilities, and communications' budgets, as the seven counties in our circuit are small, rural, and economically constrained. For example, the shifting of responsibility for copier leases and associated costs to our county budget is already going to result in a 122% increase in our communications budget request to the counties this year. Requesting additional funding from our counties is not a viable option for us.

We anticipate a shortfall of approximately \$30,238 in hardware, related software, and Mentis implementation expenses. In addition, we need \$24,652 to pay Mentis for the first year of maintenance, and that amount is due on October 1, 2014. We have been successful in negotiating with Mentis to allow us to make our final licensing payment to them in July, so we can meet all of our obligations for our aiSmartBench implementation if we receive \$55,000 for FY 14-15.

Thank you in advance for your careful consideration of our request. Please feel free to contact our court administrator, Sondra Lanier, at 386-758-2163, or myself at 850-295-1893 if additional information is needed.

Sincerely,



Greg Parker
Chief Judge

cc: Lisa Goodner, State Courts Administrator
Dorothy Wilson, Chief of Budget Services
Chris Blakeslee, Information Systems Services Manager
Sondra Lanier, Trial Court Administrator

Trial Court Budget Commission
Meeting June 4, 2014
Foreclosure Backlog Reduction Plan
FY 2014/15 Proposed Circuit Allocations

	A	B	C	D	E	F	G	H	I
Circuit	General Magistrates		Senior Judges	Case Management/Administrative Support		Expense	FY 2014/15 Distribution 1 (July 2014)	FY 2014/15 Distribution 2 (TBD)	Total
	GM OPS	GM Contracted Services	Senior Judge Days	OPS	Contracted Services				
1	\$0	\$0	\$78,472	\$201,965	\$0	\$0	\$207,760	\$72,677	\$280,437
2	\$0	\$0	\$39,769	\$87,109	\$0	\$2,575	\$95,904	\$33,549	\$129,453
3	\$0	\$0	\$0	\$88,627	\$0	\$27,000	\$85,662	\$29,965	\$115,627
4	\$0	\$0	\$402,300	\$183,162	\$0	\$7,500	\$439,292	\$153,670	\$592,962
5	\$0	\$0	\$120,371	\$298,694	\$0	\$345	\$310,717	\$108,693	\$419,410
6	\$74,869	\$0	\$97,291	\$563,242	\$0	\$19,884	\$559,549	\$195,737	\$755,286
7	\$0	\$0	\$81,668	\$219,798	\$0	\$13,049	\$233,007	\$81,508	\$314,515
8	\$0	\$72,800	\$0	\$56,975	\$0	\$0	\$96,143	\$33,632	\$129,775
9	\$0	\$0	\$239,676	\$411,323	\$0	\$0	\$482,289	\$168,710	\$650,999
10	\$0	\$0	\$53,262	\$198,203	\$0	\$7,220	\$191,645	\$67,040	\$258,685
11	\$0	\$0	\$152,683	\$668,943	\$0	\$62,214	\$654,787	\$229,052	\$883,840
12	\$0	\$0	\$106,523	\$262,452	\$0	\$20,000	\$288,170	\$100,805	\$388,975
13	\$0	\$0	\$297,150	\$238,472	\$54,080	\$10,490	\$444,649	\$155,543	\$600,192
14	\$0	\$0	\$51,131	\$75,323	\$0	\$3,363	\$96,174	\$33,643	\$129,817
15	\$0	\$0	\$166,886	\$462,068	\$0	\$15,271	\$477,270	\$166,955	\$644,225
16	\$0	\$40,970	\$63,914	\$36,633	\$0	\$5,000	\$108,546	\$37,971	\$146,517
17	\$74,869	\$0	\$159,784	\$641,808	\$0	\$0	\$649,321	\$227,140	\$876,461
18	\$44,411	\$0	\$90,900	\$297,933	\$0	\$10,756	\$328,935	\$115,065	\$444,000
19	\$74,869	\$0	\$53,262	\$173,732	\$0	\$345	\$223,889	\$78,319	\$302,208
20	\$112,303	\$0	\$122,501	\$180,114	\$0	\$10,082	\$314,859	\$110,141	\$425,000
TOTAL	\$381,321	\$113,770	\$2,377,543	\$5,346,576	\$54,080	\$215,094	\$6,288,568	\$2,199,816	\$8,488,384

Note: Totals may not be exact due to rounding.

**Agenda Item V.A.: Pay Issues for Courts System Employees –
Implementation of FY 2014-15 Special Pay Issues:
Status Report**

Background:

The State Courts System filed two pay issues in the FY 2014-15 Legislative Budget Request.

1. Competitive Pay Adjustment Issue. The request was for a minimum 3.5% competitive salary increase for all State Courts System (SCS) employees and noted that, at a minimum, SCS employees be included in any general competitive salary increase as may be provided to other state employees.
2. Equity and Retention Issue. The request was for \$9,866,302 in recurring salary dollars branch wide to address a wide range of salary issues affecting the SCS. It was noted that in order to retain highly skilled employees and to experience more equity with other government salaries, the SCS needs approximately \$18,828,193 in recurring salary dollars. However, recognizing the considerable size of such a request, a two-year implementation period was proposed. The request was made for a lump sum so that the SCS could develop its own plan. OSCA staff conducted an analysis for legislative staff and legislators, but it was not a comprehensive analysis of every class in the SCS. However, it was enough to clearly illustrate the problems to the legislature. The *Legislative Talking Points for the Equity and Retention Pay Issue* are attached.

The legislature did not fund the competitive pay adjustment issue (across-the-board salary increase).

The legislature provided \$8,132,614 in recurring dollars to fund the equity and retention issue. The proviso language in the General Appropriations Act (GAA) requires that the funds be used for employee position classification salary adjustments to 1) encourage retention, 2) provide salary equity between the judicial branch and other governmental entities, and 3) provide market-based adjustments for recurring employee recruitment problems. Therefore, those are the parameters that must be used to guide the implementation plan.

The adjustments are not associated with merit. Further, the GAA parameters have the effect of limiting the classes of employees for adjustments, and not every employee in a class that is adjusted will receive an increase because some employees' salaries will exceed the new adjusted base pay.

The proviso language also requires that the funds be allocated proportionately to each level of the court, the Office of the State Courts Administrator, and the Judicial Qualifications Commission based on the total number of full-time equivalent positions (FTE), excluding judges.

Implementation Planning:

The GAA requires that the Chief Justice, based upon recommendations from the Trial Court Budget Commission, the District Court of Appeal Budget Commission, and the State Courts Administrator, submit a plan for the position classification salary adjustments to the Legislative Budget Commission (LBC). The LBC, which is a joint committee of the Florida Legislature, will review the plan and must approve it prior to the funds being released. At this time, there is no scheduled meeting of the LBC, and the exact implementation date for the adjustment is yet to be determined.

In addition to the classes that were analyzed due to identified retention, equity, and recruitment problems for the pay issue (see again the attached *Legislative Talking Points for the Equity and Retention Pay Issue*), OSCA staff have begun to analyze a number of other classes that have also been noted by supreme court managers, district court judges and marshals, trial court judges and administrators, and OSCA staff as being problematic. These include classes in the following “groups,” some of which have already been validated by research: Trial Court Technology Officers, General Counsels, Court Managers (e.g., Court Operations Managers), Court Statisticians, Deputy Clerks, Court Security, Court Program Specialists, Court Interpreters, etc. Please note that some groups of classes and some classes themselves cross the various levels of court and OSCA, and some are particular to a single budget entity.

Staff analysis and preliminary proposals/options for the plan are expected to be ready for budget commissions in late June. Once the commissions’ recommendations are completed, they will be forwarded to the Chief Justice along with those from the State Courts Administrator for final review and approval in accordance with the proviso language. Once the Chief Justice approves the plan, it will be submitted to the LBC for consideration at their next scheduled meeting. Upon LBC approval, changes to pay grades, and to base salaries in classes, would have to be made and posted, followed by preparation of a mass upload into the People First system of relevant individual salary changes. The Department of Management Services requires a 20-day notice prior to a mass upload.

STATE COURTS SYSTEM STAFF PAY ISSUE: TURNOVER

State Courts System Overall

This table addresses turnover for sample specific classes within the State Courts System for 2013.

Classes of Employees	2013 Turnover Rate for State Courts System
Trial Court Law Clerks	26%
Administrative Services Managers and Directors of Administrative Services	18%
Administrative Assistants	17%
Court Program Specialists (Case Managers)	15%
Operations and Business Analysts	14%
Information Systems Analysts	12%
Budget Analysts, Managers, and Specialists	12%
Magistrates and Hearing Officers	7%
Court Reporters	7%
Court Interpreters	7%

Office of the State Courts Administrator

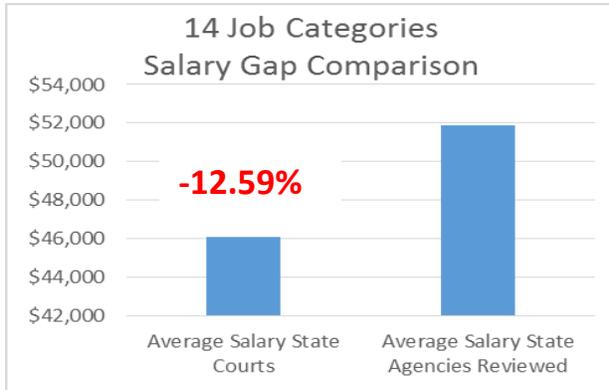
This table addresses employees who have left the Office of the State Courts Administrator (OSCA) since January 2011 for comparable positions in the executive and legislative branches performing work at a similar level. The average increase for these employees was \$5,321 (an average of 12% above their salary upon leaving). The increase does not reflect enhanced benefits that several of these employees received under their new positions.

Turnover within OSCA for Comparable State Positions Since 2011	
Employees Lost	17 (10% of the OSCA workforce)
Total Salary Increase	\$90,457.69
Average Salary Increase	\$5,321.04
Average % Increase	12.04%

Note about Turnover: There may be an inverse ratio between the skill level/complexity of the work and the amount of turnover that is healthy. For example, a weaving factory (relatively low-skilled, easily replaceable skills, short training/learning curves) can afford a much higher level of turnover while remaining robust than can a complex, specialized organization such as a courts system. Therefore, for the State Courts System a turnover rate of over 4-5% is problematic and, in specialized job classes such as interpreters and reporters, is too high.

STATE COURTS SYSTEM STAFF PAY ISSUE: SALARY EQUITY

The Office of the State Courts Administrator reviewed 14 broad job categories^[1] to compare salaries of the State Courts System to salaries of other State of Florida government agencies. For those 14 job categories, 80 class titles and 1,819 employees' salaries in the State Courts System were analyzed and compared to 605 class titles and 13,314 employees' salaries within Career Service, Select Exempt Service, Senior Management Service, Justice Administrative Commission, Florida Lottery, Legislature, School for the Deaf and the Blind, and the Florida National Guard.^[2] The findings reflect that the average salary of employees within the State Courts System is 12.59% below the average salary of other State of Florida government employees within the 14 broad job categories analyzed.



Average Salary State Courts = \$46,088

Average Salary Other State of Florida Government Agencies Reviewed = \$51,890

The following table shows the percentage difference in the average salary of employees of the State Courts System in specific job categories compared with the average salary for other state employees in those same categories.

Job Categories	Percentage Difference in Court Employees' Average Salary
Magistrates, Hearing Officers, and Admin. Law Judges	-44.67%
Attorneys	-10.79%
Administrative Services Managers	-14.34%
Budget – Analysts, Managers, and Specialists	-11.96%
Information Systems Analysts	-11.87%
Human Resources – Specialists and Analysts	-8.15%
Chiefs (e.g., Chief of Accounting, Chief of Support Services)	-6.85%
Analysts – Operations and Business	-6.17%
District and Regional Administrators/Directors	-2.15%
Judicial Assistants, Paralegals, and Legal Assistants	-.14%
Administrative Assistants	.28%
Database, Network, Web, and Information Systems	.41%
Purchasing	6.84%
Accountants	9.45%

^[1] Not all class titles throughout the entire State Courts System were analyzed, primarily because they could not be comparably matched with those in other state government agencies due to the unique nature of some court work.

^[2] Data Source: http://www.floridahasarighttoknow.com/search_state_payroll.html. Full-time FTE only.

STATE COURTS SYSTEM STAFF PAY ISSUE: LOCAL STORIES

“There are at least 20 positions each in Alachua County Government, the City of Gainesville, Santa Fe Community College, the University of Florida (not including the medical school), and other governmental employers with salaries that far exceed the starting salary of a trial court administrator. Most of these positions, in my opinion, do not require the education, training, management skills, or experience necessary for a competent trial court administrator.”

- 8th Circuit Chief Judge, reflecting on future recruitment of Trial Court Administrator

The Trial Court Administrator advertised minimum salary is \$88,264, compared to the following existing salaries: University Acting Program Director – Engineering, \$210,861; Assistant City Manager, \$128,290; County Administrative Services Director, \$114,222; County Library Director, \$109,242; and County Chief Deputy Clerk of Court, \$98,413.

In fiscal year 2012-13, the Fourteenth Judicial Circuit experienced a 50% turnover rate in law clerks; two of these law clerks took positions for higher pay at other state agencies (one started out with a salary \$8,000 over that of his position with the court).

In Palm Beach County, the salary range for a County Commission Secretary II is \$41,477 to \$66,052, while the starting salary for a County Court Judicial Assistant is \$32,820 and for a Circuit Court Judicial Assistant is \$34,040.

Since January 2010, 18 different attorneys have occupied the seven full-time criminal law clerk positions (four state-funded, three county-funded) in the Sixth Judicial Circuit. Only one of those positions has been continuously filled during that time. Those who left had remained in a position from as little as one month to as long as three years, with an average time of about one and a half years.

STATE COURTS SYSTEM STAFF PAY ISSUE: SALARY EROSION

Limited salary increases and the courts system's necessary practice of hiring most new employees at the salary minimum for the past several years have resulted in judicial assistants (JAs) in the trial courts and the district courts of appeal, as a class, experiencing a decline in actual average pay. Courts report that judicial assistants and other court employees often are compelled to assume second jobs in order to supplement their incomes.

Trial Court Judicial Assistant Average Pay: 2006-2013

	10/30/2006	10/15/2013	\$ Change	% Change
Circuit	\$38,453.87	\$37,665.84	(\$788.03)	-2.05%
County	\$35,642.92	\$35,327.49	(\$315.43)	-0.88%
Combined	\$37,473.61	\$36,848.31	(\$625.30)	-1.67%

"The low salaries detrimentally affect our judges' ability to keep good and experienced staff. We have had JAs leave for higher paying positions in the community. Several of our JAs, hoping to stay with their judge, have taken on second jobs to supplement their JA salaries," such as at Dairy Queen, the public library, T.J.Maxx, and as a housecleaner.

■ Trial Court Administrator

"Seven out of 12 of our deputy clerks are working weekends and/or nights at a funeral parlor, a delicatessen, a restaurant, H&R Block, as a hairdresser, and as a babysitter trying to make ends meet."

■ District Court of Appeal Judge on employees in that court's Office of the Clerk supplementing their incomes with second jobs

STATE COURTS SYSTEM STAFF PAY ISSUE

The top priority of the judicial branch's fiscal year 2014-15 Legislative Budget Request is a pay issue for State Courts System non-judge employees. The judicial branch requests \$9,866,302 in recurring salary dollars branchwide, effective July 1, 2014, to address a wide range of salary issues affecting court staff.

To retain highly skilled employees and to experience more equity with other government salaries, the courts need approximately \$18,828,193 in recurring salary appropriation. However, recognizing the considerable size of such a request, the courts system proposes a two-year implementation period.

In an updated analysis completed in February 2014, the Office of the State Courts Administrator reviewed 14 broad job categories to compare salaries of the State Courts System to salaries of other State of Florida government agencies. For those 14 job categories, 80 class titles and 1,819 employees' salaries in the State Courts System were analyzed and compared to 605 class titles and 13,314 employees' salaries elsewhere in state government. The findings reflect that the average salary of employees within the State Courts System is 12.59% below the average salary of other State of Florida government employees within the 14 broad job categories analyzed.

The loss of key managers and other high performers, who had developed broad knowledge bases of critical judicial branch operations, results in an essential need to develop and retain existing employees to ensure expertise. Filling knowledge gaps ensures the continued development of efficiencies in the work of the courts system, for the benefit of the individuals and businesses that turn to the courts system for the peaceful resolution of disputes.

The judicial branch's salary appropriation is unique in that judicial salaries are essentially a fixed cost. The courts have no flexibility to hold judgeships open or to alter the salary level to increase available salary dollars. Given this lack of flexibility, salary problems cannot be addressed effectively within the existing salary budget.

Challenges resulting from salary limitations vary across the levels of court and across the state. Examples include the inability to: offer salaries commensurate with experience because of the need typically to hire at the minimum; award merit within existing resources using the tool the Legislature provided in the General Appropriations Act; make needed adjustments to specific classes, as well as to specific geographical areas due to recruitment or retention problems; and incentivize valuable, experienced employees whose specialized knowledge base regarding the courts has accumulated over a number of years to stay with the courts.

- Since January 2011, in the Office of the State Courts Administrator (OSCA) 17 employees (**10% of the OSCA workforce**) have been **lost to the executive and legislative branches** for comparable positions performing work at a similar level. The **average increase for these employees was \$5,321** (an average of 12% above their salary upon leaving). Three of these employees experienced an increase of more than \$10,000.
- The Supreme Court Clerk's Office had a **30% turnover rate in core clerk positions** in the past year, with several experienced veteran staff **leaving for higher paying positions**, and the clerk's office **has had to advertise open positions repeatedly** in order to find anyone who appeared qualified and would accept the minimum salary.

- Various judicial circuits of all sizes from across the state report **difficulties with recruitment and retention of law clerks**. In the trial court law clerk class, the **turnover rate was 26%** for calendar year 2013.
- An analysis of trial court **judicial assistant** pay reveals that the **average salary has decreased** over the past seven years by 1.7 percent.
- In the past two years, the Twentieth Judicial Circuit (Charlotte, Collier, Glades, Hendry, and Lee counties) **lost its Court Administrator, Administrative Services Manager, and Chief Deputy Court Administrator all to higher paying positions** – two with the federal government and one with the Sarasota Sheriff’s Department.
- Faced with challenges in filling vacancies when they occur, the Eleventh Judicial Circuit (Miami-Dade County) has developed an **ongoing recruitment process for court interpreter positions**. Recruitment efforts have included advertising on the Eleventh Circuit website and the OSCA website, reaching out to private foreign language independent contractors, contacting students of the Translation and Interpretation Programs at the Department of Modern Languages at Florida International University, and forwarding the job announcement to all tested court interpreters of the OSCA Court Interpreters Program. These persistent efforts have aided in increasing the number of applicants; however, **attracting certified interpreters continues to be a challenge**.
- As a result of a new hire rate (\$74,876.64) that is not competitive, the Eleventh Circuit **cannot attract qualified candidates for its Trial Court Technology Officer**, who is responsible for overseeing an annual information technology (IT) budget of \$3.8 million and managing staff in multiple court locations, to include 33 IT professionals and support personnel. By comparison, the Miami-Dade County Clerk’s Office has a starting salary of \$96,500 for the Chief Information Officer classification and a starting salary of \$89,882 for the Clerk’s Assistant IT Director. The Eleventh Circuit recently advertised the position for the fourth time.

“It is increasingly important for us to be able to retain career staff attorneys because of the experience, knowledge, and assistance they provide to the judges. Since we have not been allocated new judges, staff attorneys take on increased importance.”

■ Circuit Chief Judge

“As the courts move closer to a paperless system, the circuits must hold onto or hire CTOs who have the insight, and the technical and leadership skills, required to assist the judiciary reach the Supreme Court’s stated goal.”

■ Trial Court Administrator

STATE COURTS SYSTEM STAFF PAY ISSUE: LACK OF FLEXIBILITY TO FIX SALARY PROBLEMS

As the table below illustrates, the State Courts System begins the fiscal year with an overall salary deficit of \$3.9 million. The courts systems would have to hold vacant during the year the equivalent of 66.5 full-time equivalent (FTE) positions to address the salary deficit. Thus, lapse generated by the courts system necessarily is deployed toward the salary deficit and is not available to address specific salary problems that arise throughout the year. The courts system generates lapse through policies such as holding certain positions open for a mandatory period and, typically, hiring at the minimum.

Budget Entity	Beginning Estimated Liability	Final Adjusted Appropriation	Salary Deficit	Estimated Lapse	Sum of Deficit & Lapse	Lapse Factor %
Supreme Court	\$7,916,873	\$7,790,565	(\$126,308)	\$16,813	(\$109,495)	0.21%
OSCA	\$9,455,327	\$9,099,329	(\$355,998)	\$510,986	\$154,988	5.40%
DCAs	\$38,372,089	\$38,067,560	(\$304,529)	\$585,559	\$281,030	1.53%
Trial Courts	\$337,562,969	\$334,450,949	(\$3,112,020)	\$2,610,918	(\$501,102)	0.77%
TOTALS	\$393,307,258	\$389,408,403	(\$3,898,855)	\$3,724,276	(\$174,579)	0.95%

Further, judgeships, although half of the salary appropriation, generate significantly less lapse than staff positions generate, further limiting the courts' ability to rely on staff lapse to solve salary problems.

Branchwide	Proportional Average of Lapse Generated	FY 2013-14 Salary Appropriation
Judges	24.0%	49.7%
Staff	76.0%	50.3%

“The feedback we get during exit interviews is that because of law school debt, salary is the primary factor behind [law clerks] leaving the court system. Many have indicated that they would like to stay with the court if there were prospects for advancement.”

■ Trial Court Administrator

**Implementation of FY 2014-15
Special Pay Issue**

Appropriation \$8,132,614

Entity	FTE FY 14/15	% of FTE	prorated DOLLAR allocation	RATE calculated on dollar allocation
Supreme Court ¹	91.0	2.84%	\$230,623	200,507
OSCA ²	172.0	5.36%	\$435,902	378,979
DCA ³	364.5	11.36%	\$923,757	803,128
Trial Courts ⁴	2576.5	80.29%	\$6,529,660	5,676,978
JQC	5.0	0.16%	\$12,672	11,017
Totals	3209.0	100.00%	\$8,132,614	7,070,609

¹ includes 1 additional FTE for Case Mgt. effective 7/1/14
² includes 2 additional FTE for Post-Adjudicatory Drug Court effective 7/1/14
³ includes 11 additional FTE effective 7/1/14 (9 for certification; 2 from unfunded for 4th DCA Security)
⁴ includes 14 additional FTE for Post-Adjudicatory Drug Court effective 7/1/14

**Agenda Item V.B.: Pay Issues for Courts System Employees –
Performance-Based, Lump Sum Bonuses Authorized
during 2013 Legislative Session: Status Report**

Background:

The 2013 legislature appropriated funds for FY 2013-14 one-time lump sum bonuses:

Funds are provided in Specific Appropriation 1950A to allow each agency head, including the Chief Justice of the Supreme Court and the Board of Governors, to provide discretionary one-time lump sum bonuses of \$600 to eligible permanent employees in order to recruit, retain and reward quality personnel as provided in s. 110.1245(2), Florida Statutes, or pursuant to a policy adopted by the Board of Governors for state university employees or by the Chief Justice for judicial branch employees, which is consistent with those statutory requirements.

In March 2014, the *Chief Justice's Plan for Awarding June 2014 Lump Sum Bonuses* was sent to all chief judges, supreme court managers, marshals, trial court administrators, and OSCA managers along with instructions on completing and submitting bonus distribution information in accordance with the plan. That information was subsequently sent, as required, to the Governor's Office of Policy and Budget (OPB) on April 2, 2014.

Status:

As of May 29, 2014, the appropriation has not been posted in the state budgeting system. The electronic mass load, consisting of required information on each State Courts System bonus awardee, has been sent to the Department of Management Services (DMS). This, and all the agencies' mass loads, are being held by DMS until the appropriation is posted. At the state Human Resource Officers' meeting on May 21, 2014, DMS representatives noted that until the appropriation is posted, announcements regarding awardees should not be made. Once the appropriation is posted, DMS will forward all the mass loads to the Bureau of State Payroll. A special supplemental payroll for the awards is scheduled to run on June 19, with a warrant date of June 25. Therefore, it is expected that the appropriation will be posted shortly. At that time, assuming the appropriation is sufficient to cover the number of bonuses, awardees can be notified. Please note that there is no language in the FY 2013-14 General Appropriations Act that includes the state's payment of the employee portion of taxes or FICA.