

**Trial Court Budget Commission**  
**Meeting Minutes**  
**June 9, 2007**



**Members Present**

Belvin Perry, Jr., Chair	Charles Francis, Vice-Chair	Mike Bridenback
Paul Bryan	Ruben Carrerou	Joseph Farina
John Laurent	Manuel Menendez	Robert Morris
Carol Lee Ortman	Nancy Perez	James Perry
Judy Pittman	Thomas Reese	William Roby
Robert Roundtree	Susan Schaeffer	Walt Smith
Patricia Thomas	Mary Vandebrook	Mark Weinberg
Robin Wright		

**Members Absent**

Donald Moran	Stan Morris	Raul Palomino
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**Others Present**

Britt Beasley	Barbara Dawicke	Thomas Genung
Hugh Hayes	Gay Inskip	Lisa Kiesel
Kathleen Kroll	Jon Lin	David Trammell
Jennifer Wells	Ted McFetridge	Amy Robinson
Debra Oats-Ducram	Barbara Lussier	Rick Callanan
Nick Sudzina	OSCA Staff	

**I. Introduction and Approval of Meeting Minutes**

**A. Welcome & Introduction of Guests**

The June 9, 2007 meeting of the Trial Court Budget Commission (TCBC) was called to order at 8:30 by Judge Belvin Perry, Chair, who welcomed members and recognized the guests in attendance.

**B. Approval of Meeting Minutes**

Judge Perry asked if there were any revisions to the draft minutes from the March 13, 2007 meeting. Judge Bryan stated he was omitted from the "Members Present" and would like the minutes to reflect he attended. Additionally, Judge Perez stated she believed there needed to be a correction to page 5, Section V, adding that the \$1.2 represented was intended to be in millions. Judge J. Perry made a motion, seconded by Judge Francis, to approve the meeting minutes as amended. The motion passed without objection.

Judge Perry asked if there were any revisions to the draft minutes from the April 5, 2007 meeting. Judge Francis made a motion, seconded by Walt Smith, to approve the meeting minutes as drafted. The motion passed without objection.

## **II. Retrospective of 2007 Legislative Session**

Judge B. Perry reported that over 80 meetings were held with legislative members and their staff and at least ten presentations were made. The priority for the SCS was the pay plan issue and due a decrease in available revenue, the Legislature did not fund any pay issues statewide. The Legislature fully funded the TCBC's request for 15 FTE's and Contractual Services funds for Court Interpreting. For Case Management, 20 of the 80 FTE's requested were funded. The contractual funding request for the Court Reporting element was funded, however, the 33 FTE requests were not.

### **A. Employee Pay and Benefits Issue**

The pay plan issue was addressed by Lisa Goodner who stated that the issue did not get funded as evident by the \$1,000 bonus. Next year this issue should be presented to the Legislature again as our number one priority.

### **B. New Funding from FY 2007-08**

Dorothy Burke discussed the new funding for the circuit courts. In addition to the items discussed by Judge B. Perry, Dorothy Burke reviewed new funding and reduction issues that were not a part of the State Courts System's Legislative Budget Request. \$1 million was funded for the Hillsborough County Courthouse. \$500,000 in trust was reduced from the Child Support Hearing Officer Program and \$500,000 in General Revenue was reduced. These reduction issues should not have a negative impact due to past experience with lapse and reversions, respectively. The expenditures for these programs will be monitored throughout the year.

### **C. SB 2062**

Judge Frances discussed Senate Bill 2062 sponsored by Senator Carey Baker. Judge Frances was very appreciative of all the work that Senator Baker did to attempt to get the bill passed. The bill addressed three issues:

1. Consolidate the \$2 to be used for circuit wide use in accordance with a strategic plan, approved by the chief judge, to address the court related technology needs of each county.
2. Requires that certain county-paid employees be under the supervision and control of the chief judge and requires the county to provide certain benefits to county-funded court employees.
3. Combines all costs assessments into one statute.

**D. HB 448**

Lisa Goodner explained that the bill requires that certain county-paid employees be under the supervision and control of the chief judge and requires the county to provide certain benefits to county-funded court employees. The Legislative Team has worked for 3 years to get this bill passed. The Governor has been presented the bill but it has not yet been signed. Ms. Goodner encouraged all chief judges to read the bill.

**E. SB 1088**

Greg Smith, OSCA, explained Senate Bill 1088, establishing the Office of Criminal Conflict and Civil Regional Counsel within the jurisdiction of each District Court of Appeal. Each office will be staffed with state employees who will take appointments where the public defender has a conflict and for certain civil cases. A section-by-section analysis was provided to assist in analyzing the entire bill. There was quite a bit of discussion and anyone with questions or concerns related to this issue should contact Greg Smith. Judge B. Perry explained there would more than likely be a follow-up bill to SB 1088.

**III. Final Report on FY 2006-07 Budget**

**A. Salary Budget/Rate Allocation**

Dorothy Burke reported that as of April 30, 2007, total projected payroll expenditures for Circuit Courts (General Revenue) are under appropriation by \$5.4 million. Approximately \$3.9 million has been generated in lapse. Annual leave/sick leave payouts through April 30, 2007 are \$695,334 and an additional \$139,067 is estimated to be paid in leave payouts through June 30, 2007.

In County Court, as of April 30, 2007, total projected payroll expenditures are approximately \$298,036 over appropriation. Lapse in the amount of \$430,246 has been generated and annual leave/sick leave payouts through April 30, 2007 are \$126,671. An additional \$51,964 is estimated to be paid in leave payouts through June 30, 2007. Funds in the amount of \$350,000 will need to be transferred from Circuit Court to cover payroll through year end.

**B. Due Process Expenditures**

Dorothy Burke reported that as of May 31, 2007, the percent of budget expended should be less than or equal to 91.6% based on 11 months' of expenditures (assuming an average monthly amount). An increase in expenditures is expected to occur due to billings in arrears and certified forward payments.

**Expert Witness Element**

The Due Process category is below the 91.6% target with \$5,095,992 (82% of the current \$6,215,090 appropriation) expended/encumbered. Of the total expenditures/encumbrances, \$4,835,058 (95%) has been expended/encumbered for contractual services and \$260,889 (5%) has been expended for custody evaluations.

### **Court Reporting Element**

The Due Process category is below the 91.6% target with \$7,592,643 (84% of the current \$9,042,601 appropriation) expended. Of the total expenditures, \$6,982,061 (92%) has been expended for contractual services and \$610,582 (8%) has been expended for maintenance.

### **Court Interpreting Element**

The Due Process category is below the 91.6% target with \$2,914,405 (77% of the current \$3,767,175 appropriation) expended. All of the expenditures have been expended for due process contractual services.

## **C. Year End Spending Plan**

Dorothy Burke reported that as of June 1, 2007, five circuits (6<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup>, 13<sup>th</sup> and 16<sup>th</sup>) have submitted purchase requisitions for court reporting equipment in conjunction with the year-end spending plan. The deadline for submitting a purchase order or requisition is June 15, 2007.

## **IV. FY 2007-08 Operating Allotments**

### **A. Due Process**

#### **1. Court Interpreting**

Dorothy Burke discussed the expense, contracted services and operating capital outlay funding for this element and stated it was based on FY 06-07 beginning allotments. Additionally, the category funding has been adjusted accordingly for FY 06-07 non-recurring Expense and for the FY 06-07 transfer of Expense to Contracted Services (those dollars were permanently transferred to the 100777 Contracted Services category in the FY 07-08 Legislative Budget Request). New recurring and non-recurring Expense amounts associated with the new FTE's to be allotted with the respective positions are shown at the "Circuit 0" level and will be allocated upon approved distribution of the FTE's.

Sharon Buckingham discussed that in August 2006, the TCBC approved 15.0 court reporting positions for the LBR consistent with circuit requests with the exception of the 11<sup>th</sup> Circuit (these FTE were requested for use in family cases which are not currently a state due process responsibility). For contractual funding, the TCBC

approved a statewide LBR for \$463,957 based on the projected FY 2007-08 growth in non-English speaking population. Additional analysis was performed in December when FY 2005-06 expenditures were closed out, the first several months of FY 2006-07 expenditure data was available, and the full year FY 2006-07 allotments were finalized. This analysis demonstrated that contractual expenditures were not growing at as high a rate as originally anticipated. However, the TCBC decided to maintain the FY 2007-08 LBR as originally filed. This issue was fully funded by the Legislature.

The Recommendation of the Joint Executive Committee and Funding Methodology Committee is to allot Expense, Operating Capital Outlay and Contracted Services funding based on FY 2006-07 beginning allotments as adjusted. Allot the new FTE as approved in the LBR. Allot contractual funding based on annualized FY 2006-07 expenditures with the non-English speaking population growth rate applied and place the remaining statewide balance of \$510,108 in reserve. Additionally, monitor expenditures to determine if an additional statewide allotment is required from reserve later in FY 2007-08.

Mark Weinberg stated a concern with the 20<sup>th</sup> Circuit's addition of 4 new FTEs and an increase in their Contractual Services funding. Judge Perry stated they had many new judges.

Mike Bridenbeck moved the recommendation of the Joint Executive Committee and the Funding Methodology Committee. The motion was seconded by Judge Reese and was approved, with Mark Weinberg opposed.

## **2. Expert Witness**

Dorothy Burke explained that the Expense funding for this element was based on the FY 2006-07 beginning allotments and there were no adjustments made to the allotments.

Sharon Buckingham explained that in August 2006, the last two quarters of FY 2005-06 expenditures reflected an increase of 77% over the first two quarters of FY 2005-06 with approximately \$1.5 million spent statewide in each of the third and fourth quarters. It was projected that \$6,600,000 would be spent statewide in FY 2007-08 (\$1.5 million multiplied by 4 quarters with a 10% growth factor for issues such as changing practices and increasing rates). The TCBC approved an expert witness LBR for \$1,278,280 based on this projected increase in FY 2007-08 expenditures.

Additional analysis was performed in December 2006 when FY 2005-06 expenditures were closed out, the first several months for FY 2006-07 expenditure data was available, and the full year of FY 2006-07 allotments were finalized. With this analysis, the TCBC approved adjusting the LBR based on the highest

annualized quarter of FY 2005-06 or FY 2006-07 non-custody evaluation expenditures for each circuit, with the exception of the 19<sup>th</sup> and 20<sup>th</sup> Circuits in which an average quarterly expenditures were used due to spikes in the monthly data. The LBR was increased to a request for \$1,616,177. The Legislature fully funded this request.

The Recommendation of the Joint Executive Committee and Funding Methodology Committee is to allot Expense funding based on FY 2006-07 beginning allotments as adjusted and hold \$355,141 in Reserve.

Judge Roundtree moved the recommendation of the Joint Executive Committee and the Funding Methodology Committee. Judge Pittman seconded, and the motion passed without objection.

### **3. Court Reporting**

Dorothy Burke explained that the Expense, Contracted Services and OCO funding for this element was based on the FY 2006-07 beginning allotments. Category funding had been adjusted accordingly for FY 2006-07 non-recurring Expense; for the FY 2006-07 transfer of Expense to Contracted Services (those dollars were permanently transferred to the 100777 Contracted Services category in the FY 07-08 Legislative Budget Request); and for the transfer of Expense from cost center 128 to Due Process Services (those dollars were permanently transferred to the 105420 Due Process Services category in the FY 2007-08 LBR.)

Sharon Buckingham explained that in August 2006, the TCBC approved 32.0 FTE and \$217,413 in additional contractual funding for court reporting in the LBR based on those circuit requests that were within the target unit cost of \$20.56 (Statewide median of \$18.69 with a 10% margin of error.) Unit cost for court reporting was calculated by dividing recurring salaries/benefits/expenses for positions plus contractual allocations (less applicable shared costs) divided by the most recent frozen fiscal year of filings (FY 2004-05). As the full FY 2006-07 contractual allotments had yet to be determined in August; contractual figures were estimated based on FY 2005-06 allotments plus any additional contractual funds requested in the FY 2006-07 LBR. Another unknown in August was the impact of the change in how equipment maintenance is paid. As of July 1, 2006, court reporting equipment maintenance is paid from the court reporting contractual category (as opposed to being paid from general expense.)

Additional analysis was performed in December when FY 2005-06 expenditures were closed out, the first several months of FY 2006-07 expenditure data were available, and the impact of the equipment maintenance change was examined through the court reporting technology inventory. A review of the unit cost methodology was also undertaken in order to consider the possible application of a modifier. Subsequently, the TCBC approved the application of a "new judge"

modifier to the unit cost methodology and maintained the target unit cost at \$20.56. In February 2007, based on the adjusted methodology, the LBR was increased to a request for 33.0 FTE and \$1,669,274 in additional contractual funding. While the Legislature did not fund additional FTE, the contractual request was fully funded. For FY 2007-08, the total statewide contractual budget (including maintenance) is \$11,522,895.

As the requested FTE were not appropriated, the impacted circuits (4<sup>th</sup>, 6<sup>th</sup>, 10<sup>th</sup>, 14<sup>th</sup>, 19<sup>th</sup>, and 20<sup>th</sup>) were contacted to determine any change in their contractual needs. Adjusted unit cost calculations were then performed based on this information. Allotments include these adjustments and \$526,987 that will be placed in reserve.

The Recommendation of the Joint Executive Committee and Funding Methodology Committee is to allot Expense and OCO funding based on FY 2006-07 beginning allotments as adjusted. Allot contractual funding as approved in the LBR and adjusted for circuits not receiving positions. Additionally, place the remaining statewide balance of \$526,987 in reserve and monitor expenditures to determine if an additional statewide allotment is required from reserve later in FY 2007-08.

Funding included adjustments to the 10<sup>th</sup>, 19<sup>th</sup> and 20<sup>th</sup> Circuits due to impact of not receiving additional FTE's in FY 2007-08.

Judge Laurent moved the recommendation of the Joint Executive Committee and the Funding Methodology Committee. Carol Ortman seconded and the motion was passed without objection.

#### **4. Due Process Cost Recovery**

Dorothy Burke explained that for FY 2006-2007, Due Process Cost Recovery was allotted in two parts. The first six months' were allotted based on ½ of the FY 2005-2006 beginning allotments in the due process cost recovery category. The remaining six months were allotted based on each circuit's pro rata share of revenues collected over a twelve-month period beginning October 1, 2006, through September 30, 2006.

As the trial courts had been collecting more cash for state-funded services cost recovery than what had previously been projected, the TCBC Executive Committee approved filing a supplemental Legislative Budget Request for FY 2007-2008. The request was to increase trust fund authority by \$400,000 in the State-Funded Services Cost Recovery category in the Operating Trust Fund for a total of \$1,000,000 trust fund authority in order that the trial courts would be able to spend the additional cash received for due process services. However, the Legislature did not fund the request.

The Recommendation of the Joint Executive Committee and Funding Methodology Committee is to approve the proposal to allot the due process cost recovery appropriation of \$600,000 based on each circuit's pro rata share of revenues collected for FY 2006-2007 as of April 30, 2007. As of that date, the circuits had collected more than the appropriation of \$600,000.

Walt Smith asked about the policy decision to allowing circuits to swap due process funds for other resources. It was stated that, yes, it was allowed but would continue to be monitored. Mark Weinberg inquired if those circuits with remaining balances had been notified and asked why the funds had not been used. Dorothy Burke stated that circuits are offered the option to use the cost recovery funds if they get in a situation where they need additional due process funds.

Mike Bridenback moved the recommendation of the Joint Executive Committee and the Funding Methodology Committee. The motion was seconded by Judge Roundtree and passed without objection.

## **B. Adjudication and Governance**

- 1. Judges and Judicial Assistants**
- 2. Law Clerks**
- 3. Magistrates**
- 4. Court Administration**
- 5. Child Support Hearing Officers**

Dorothy Burke explained that the Expense, Contracted Services, Operating Capital Outlay (OCO) and other Personal Services (OPS) funding for the following elements are allocated based on the FY 06-07 beginning allotments.

The funding in each element has been adjusted accordingly for FY 06-07 non-recurring Expense, for the FY 06-07 transfer of Expense to Contracted Services (those dollars were permanently transferred to Contracted Services [category 100777] in the FY 07-08 Legislative Budget Request), for the FY 07-08 reduction in OPS, and for the FY 07-08 reduction in the Child Support Hearing Officer Program.

The recurring and non-recurring Expense amounts associated with new FTE's are to be allotted with the respective position, and are shown separately at the "Circuit 0" level. The contracted services funds in the Equipment Transfer Cost Center 313 were placed in the Court Administration Contracted Services category, as this cost center was only needed to track expenditures during the first year of Revision 7 implementation.

The recommendation of the Joint Executive Committee and Funding Methodology Committee is to approve the proposal to allocate funding for the Adjudication and Governance elements based on the FY 06-07 beginning allotments, and include adjustments made for FY 06-07 non-recurring expense, for the FY 06-07 transfer of

Expense to Contracted Services, for the FY 07-08 reduction in OPS, and for the FY 07-08 reduction in the Child Support Hearing Officer Program. The recurring and non-recurring Expense amounts associated with new FTE's are to be allotted with the respective position.

Walt Smith inquired about the OPS cut and what the decrease in funds would affect. Dorothy Burke explained that the cut affected all non-judicial cost centers. Mark Weinberg inquired about the requirement to keep cost centers 257 and 258 separate and why they couldn't be rolled into one cost center. Ms. Burke explained that the cost centers are kept separate for certification purposes and combining the two cost centers would inflate numbers and cause a decrease in what each circuit would be entitled to.

Carol Ortman moved the recommendation of the Joint Executive Committee and the Funding Methodology Committee. The motion was seconded by Judge Roundtree and was passed without objection.

## **6. Case Management**

Sharon Buckingham explained that for the FY 2006-07 LBR, case management positions were approved based on circuit "need" per the ratio of 1:6,760 eligible filings (rounded down), with a floor of 7.0 FTE. Circuit requests were not considered as part of the methodology. A total of 11.0 additional positions were requested in the LBR statewide. The Legislature appropriated 8.0 of the 11.0 positions. The TCBC approved the allotment of these 8.0 positions based on a circuit's calculated need. However, since all of the positions were not appropriated, if a circuit did not request a position, they were not allotted positions.

In August 2006, the TCBC approved a FY 2007-08 LBR based on circuit "need" per the ratio of 1:5,500 projected FY 2007-08 eligible filings (rounded down), with a floor of 8.0 FTE. Again, circuit requests were not considered in the methodology. A total of 80.0 FTE were requested statewide. The Legislature appropriated 20.0 of the 80.0 positions.

The recommendation of the Joint Executive Committee and Funding Methodology Committee is to allot positions at the Court Program Specialist I and II levels as these were the most consistently requested type of positions statewide. Match the position classification allotted to the positions classification requested, as closely as possible while remaining within the amount of funding appropriated by the Legislature.

Additionally, they recommended allotting the new FTE based on each circuit's percentage of the total statewide need up to the amount of FTEs requested by the circuits. Circuits 1, 7, and 12 are also included per their request to be considered in the LBR if the funding methodology indicated a need.

Mark Weinberg moved to amend the proposed allocation to the following: change the 8<sup>th</sup> Circuit's Court Program Specialist II to a Court Program Specialist I; change the 4<sup>th</sup> and 13<sup>th</sup> Circuits from 2 Court Program Specialist IIs to 1 Court Program Specialist I and 1 Court Program Specialist II; and give the 3 Court Program Specialist IIs to the 1<sup>st</sup>, 7<sup>th</sup> and 12<sup>th</sup> Circuits. The motion was seconded by Robin Wright. Judge B. Perry called for a vote and 4 members approved the amendment, 17 opposed. The amendment failed.

Judge Perez asked if the forecasted filings information considered mandatory judge appearances in county cases. Forecasted filings excluded civil traffic. The Funding Methodology Committee may want to address this issue next fiscal year.

Judge Roundtree moved the recommendation of the Joint Executive Committee and the Funding Methodology Committee. The motion was seconded by Mike Bridenback and was passed without objection.

The members further discussed that the budget request instructions should clarify that circuits MUST make a request for positions and not rely on the methodologies/formulas.

## **7. Mediation**

Sharon Buckingham explained the mediation model and that it is based on the concept that mediation services should be uniformly available across all circuits for small claims, residential/commercial, evictions, other county, civil, dependency and family (combined income less than \$100K) cases. The model allows flexibility in the use of volunteers, employees, and contractors to provide administrative support, coordination and direct services. Funding for the model is based on 1) a circuit size formula for coordination and 2) a filings formula for direct services.

Generally, circuit GR allotments have not been permitted to exceed the GR model threshold calculated for each circuit. In December 2006, the TCBC approved trust authority for FY 2006-07 based on FY 2005-06 trust collections with a 10% growth rate applied. Per existing policy, the TCBC also approved maximizing the use of trust collections. GR allotments were approved based on deducting FY 2005-06 trust expenditures (including the cost of trust positions) and FY 2005-06 GR expenditures from the FY 2006-07 trust allotment. If this calculation resulted in a deficit, the deficit amount became the GR contractual allotment within the amount allowed under the FY 2006-07 model calculations. However, circuits with an existing GR allotment for the first half of FY 2006-07 that exceeded the model were held harmless. The remaining statewide balance for GR and trust authority was placed in reserve. The TCBC did not approve a FY 2007-08 LBR issue for mediation. Further, the Legislature reduced the statewide trust authority by \$308,713 leaving \$2,229,292 available for allotment.

Trust authority is allotted based on a proportional distribution of annualized FY 2006-07 trust collections. Contractual GR is allotted based on deducting annualized FY 2006-07 trust expenditures (15 months) and annualized FY 2006-07 GR expenditures (15 months) from the FY 2007-08 trust allotment. If this calculation results in a deficit, GR is allotted to cover the deficit within the amount allowed under the FY 2007-08 model calculation. The remaining statewide GR balance of \$33,197 is placed in reserve (approximately 4% of the total contractual budget of \$934,040.)

Judge B. Perry asked if ADR could review and formulate the model for consistency statewide. A consistent model would assist in arriving at a formula that can be easily explained to the Legislature. Mike Bridenback stated the objective would be to have a recommendation by year-end from the Alternative Dispute Resolution Rules and Policy Committee.

Judge Roundtree moved to approve the allotments as proposed. Carol Ortman seconded the motion and was passed without objection.

## **8. Senior Judge Days**

Sharon Buckingham explained that for FY 2006-07, senior judge days were allotted based on each circuit's percentage of the statewide judicial need calculated during the FY 2006-07 certification process and a \$350 per day rate, with a statewide reserve of 200 days. The 11<sup>th</sup> Circuit was held harmless at their FY 2005-06 allotment of 1,429 days. Of the total 7,467 days available, 5,130 days have been used statewide as of April 30, 2007.

The recommendation of the Joint Executive Committee and Funding Methodology Committee is to maintain \$350 per day rate and 200 day statewide reserve and allot the remaining day based on using updated judicial need calculated during the FY 2007-08 certification process, holding the 11<sup>th</sup> Circuit harmless. Additionally, review the funding methodology during FY 2007-08 for possible modification.

Judge Farina moved the recommendation of the Joint Executive Committee and Funding Methodology Committee and Judge Laurent seconded the motion. The motion was passed without objection.

## **9. Civil Traffic Infraction Hearing Officers**

Sharon Buckingham explained that for FY 2006-07, civil traffic infraction hearing officer funding was allotted based on a threshold of \$7,299 per county judge. Counties with an existing allotment higher than the \$7,299 threshold calculation were held harmless. A balance of \$368,625 was placed in reserve. Additional funding was not requested for FY 2007-08. As of May 14, 2007, approximately \$1.4 million of the \$2.8 million total budget has been expended statewide. Circuits

have been permitted to increase rates paid to civil traffic infraction hearing officers as long as they remain within their allocation.

During the 2007 Legislative Session, additional county judgeships were not appropriated and the base budget for civil traffic infraction hearing officers was reduced by \$500,000 leaving \$2,392,848 remaining for allotment.

The recommendation of the Joint Executive Committee and Funding Methodology Committee is to allot funding based on same methodology used in FY 2006-07. As less funding is available, counties with an existing allotment higher than the threshold are still held harmless, however, these counties will receive a reduced allotment from last year.

Judge Roundtree moved the recommendation of the Joint Executive Committee and Funding Methodology Committee and Carol Ortman seconded the motion. The motion was passed without objection.

## **C. Other**

### **1. Operating Reserve**

Dorothy Burke explained that before allocations are made to individual circuits, specific expense amounts that provide benefits to all circuits, such as Florida Bar Dues, Unemployment Compensation, and Circuit/County Business Meetings, etc., have historically been placed in reserve for centralized administration.

The recommendation of the Joint Executive Committee and Funding Methodology Committee is to approve the allotment for Reserve and Statewide Expense as allocated.

Carol Ortman moved the recommendation of the Joint Executive Committee and Funding Methodology Committee. Judge Roundtree seconded, and the motion was passed without objection.

### **2. Circuit Specific Appropriations**

Dorothy Burke explained the appropriations to the specific circuits and pass-through issues.

## **V. Recommendation for 2007-08 Budget and Pay Policies**

Charlotte Jerrett explained the changes to the 2006-07 Budget and Pay memo, which were recommended for the 2007-08 Budget and Pay memo. The following additions or strikethroughs were made during the discussion:

*On page 5, add “j.” to read, “any rate can be carried forward...any unused rate allocated to your circuit.”*

*On page 5, OPS-primarily for JA coverage but may be used for other elements with Chief Judge approval, but must stay within allocated budget.*

*On page 10, add to D2, Circuit court and county court judges, **“and other court staff”***

*Mark Weinberg recommended striking b. on page 12.*

Judge Roundtree moved to approve and submit the budget and pay memo as amended to the Chief Justice. Mike Bridenback seconded the motion and was passed without objection.

## **VI. Funding Methodology Committee Report**

### **A. Recommendations Regarding Circuit Size Categories**

Sharon Buckingham explained that the 20<sup>th</sup> Circuit (currently a medium circuit) has requested a review of circuit size designations to possibly include other factors such as the number of judges and/or number of weighted filings. Having received 9 new judgeships and based on the need for additional staff to support daily operations, the 20<sup>th</sup> circuit has requested to be designated as a large circuit. Thus, the Funding Methodology Committee was asked to review the circuit size designations for all circuits and provide a recommendation to the TCBC.

The Funding Methodology Committee reviewed several options and the possible fiscal impact for redefining circuit size designations based on:

- The number of circuit and county judges in each circuit;
- The number of FY 2005-06 filings (exclude civil traffic) in each circuit; and,
- The number of FY 2005-06 weighted case filings (excluding civil traffic) in each circuit.

The recommendation of the Funding Methodology Committee was to maintain the current circuit size designations. Mark Weinberg moved to approve the Funding Methodology Committee recommendation and Judge Roundtree seconded the motion. The motion passed without objection.

### **B. Discussion of Funding Methodology for Mediation**

Sharon Buckingham explained that the Legislature has never provided full GR funding for the mediation model. The reluctance by the Legislature to fully fund mediation may be attributed to the complexity of the funding model. The TCBC and the circuits have also expressed difficulty in understanding the model. Thus, along with a review of funding methodologies for other trial court elements, the TCBC requested that the FMC

review the mediation model. The Funding Methodology Committee conducted this review in August 2006. However, due to the need for additional information regarding mediation services across the state, the Funding Methodology Committee recommended revisiting the model when the *Mediation Service Circuit Profiles* were completed by the OSCA. The profiles were published in February 2007 and reflect that there is still:

- A disparity in the level of mediation services being provided across the state;
- A wide variation in the level of cost recovery being collected across the state; and,
- A wide range of costs among circuits with similar service level coverage.

With these wide variations across the state, the Funding Methodology Committee attempted to determine a methodology that would be easier for the Legislature to understand and more likely to fund while also staying true to the original operational piece of the model. The Committee considered modifying the funding methodology based on applying an average “allotment per filing” with a proportional distribution of total estimated need. The Committee also considered using a “threshold budget” calculation and a distribution based on circuit sizes. Lastly, the Committee considered postponing a review of the funding methodology until standards of operation and best practices are developed.

The Funding Methodology Committee recommends postponing an adjustment to the mediation funding methodology until standards of operation and best practices are developed. The Committee recommends that the TCBC officially request the Alternative Dispute Resolution Rules and Policy Committee develop these standards and best practices prior to the development of the FY 2009-10 LBR so that another review of the funding methodology may be undertaken at that time.

## **VII. Update from Commission on Trial Court Performance & Accountability**

### **A. Recommendations for the Provision of Court Reporting Services in Florida’s Trial Courts**

Judge B. Perry discussed the challenges of Court Reporting funding. Sharon Buckingham stated that the Report on Court Reporting prepared by the TCP&A focuses on three issues: 1) legal challenges; 2) efficiency and quality of the court reporting process; and 3) the desire for accountability of appropriations funded. She also discussed the recommendations made in the report.

### **B. Court Reporting Workshop: June 11-12, 2007**

Judge Perry reviewed the goals of the court reporting workshop scheduled for June 11 and 12.

### **C. Judicial Resource Study**

Mike Bridenback provided an update on the Judicial Resource Study. The report with amended changes will be finalized by the TCP&A and then submitted to the Supreme Court.

## **VIII. Issues for FY 2008-09 Legislative Budget Request**

### **A. Priorities**

Judge B. Perry thanked the OSCA staff for all their hard work.

Formal input on the next LBR from each circuit will be solicited at a later time. The members discussed possible LBR priorities that should be considered including:

- Pay Package
- Court Interpreting
- Court Reporting
- Case Managers
- General Magistrates

### **B. Proposed Timeline**

Dorothy Burke reviewed the Legislative Budget Request Timeline. Individual circuit budget requests are due to OSCA by July 6 and the TCBC will meet for approval of the final LBR for submission to the Supreme Court.

### **C. Strategy Regarding Employee Pay and Benefits**

The pay plan will remain as the top priority of the judicial branch. Lisa Goodner reviewed the strategy for the 2008 session. Most importantly, the MAG study is several years old and current information is required to generate updated costs for the 2008 session. Under the supervision of the TCBC Personnel Committee, staff will collect data and update the study.

### **D. Process for Reviewing Due Process Rates Pursuant s. 27.425**

A grid showing rates for all circuits was reviewed. The rates were vastly different and the TCBC will need to address this issue before the final LBR.

## **IX. Other Business**

The next meeting of the TCBC will be held Tuesday, August 14, 2007 in Jacksonville.

### **Adjournment**

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