

**Trial Court Budget Commission
Meeting Minutes
Naples, Florida
June 10, 2006**



Members Present

Stan Morris, Chair	Belvin Perry, Jr., Vice Chair	Stan Blake
Mike Bridenback	Ruben Carrerou	David Demers
Joseph Farina	Charles Francis	Doug Henderson
John Laurent	Donald Moran	Wayne Peacock
Nancy Perez	James Perry	Judy Pittman
Thomas Reese	William Roby	Susan Schaeffer
Walt Smith	Patricia Thomas	Mark Weinberg

Members Absent

Paul Bryan	Mary Vanden Brook
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Others Present

Britt Beasley-4 th Circuit	David Trammell, 5 th Circuit	Jon Lin – 5 th
Gay Inskip – 6 th Circuit	Nick Sudzina – 10 th Circuit	Manuel Menendez – 13 th
Kathleen Kroll, 15 th Circuit	Shannon Ramsey – 15 th Circuit	Amy Robinson – 15 th Circuit
Sandra Taylor – 16 th Circuit	Thomas Genung – 19 th Circuit	Hugh Hayes, 20 th Circuit
Caron Jeffreys, 20 th Circuit	Lisa Kiessel, 20 th Circuit	Alice Blackwell-White, TCP&A
OSCA Staff		

Welcome and Introduction of Guests

The June 10, 2006, meeting of the Trial Court Budget Commission (TCBC) was called to order at 8:40 a.m. by Judge Morris, Chair, who welcomed members and recognized the guests in attendance.

Approval of Meeting Minutes

Judge Morris asked if there were any revisions to the draft minutes from the April 4, 2006, meeting. Minutes of the April 20, 2006 conference call, was distributed and reviewed. Judge Farina made a motion, seconded by Carol Lee Ortman, to approve the meeting minutes as drafted. The motion passed without objection.

I. Retrospective of 2006 Legislative Session

1. New Funding for FY 2006/07

Dorothy Burke reviewed the chart comparing the State Courts System LBR and the final conference report with vetoes. Items noted in detail were: 1) line six, two of the twelve new FTE from the Mediation/Arbitration Element are to be funded from the Mediation/Arbitration Trust Fund; and 2) line 14, Equipment Transfer, recurring funds were requested last year but was funded with non-recurring dollars. Another request was submitted this year for recurring dollars. This issue was partially funded with recurring dollars.

Brenda Johnson reported that the bill certifying 55 new judges became law without the Governor's signature. In his letter to the Secretary of State, the Governor questioned the legislative authority to decide whether judges are elected or appointed.

2. Article V Glitch Issues

Lisa Goodner reported that HB 7235 passed the House but not the Senate. She reviewed items in the bill supported by the courts: 1) section 7, lines 820-826 regarding state payment of benefits for county-funded personnel; 2) section 11, lines 1035-1039 requiring counties to report quarterly civil penalty funds collected and expended; and 3) court cost language on pages 44-46 to be renumbered as section 938.195.

3. Technology Issues

Judge Francis distributed copies of his memorandum addressed to the Chair of the Judicial Administration Section regarding the Trial Court Technology Strategy for Integration and Funding.

Particularly noted was HB 7235, which was passed by the House but not the Senate. HB 7235 would have established Circuit Article V Technology Advisory Councils consisting of the chief judge, state attorney, public defender, one sheriff, one clerk, one county commissioner, and one member of the Florida Bar. The primary duty of the councils would have been to develop an initial judicial circuit technology strategic plan, and the bill gave chief judges authority in leading the development of the plan.

The funding methodology proposed was to transmit all of the court technology funds (the \$2 portion only) collected under Section 28.24, F.S., to the Court Technology Trust Fund to be used to in support of the strategic plan. The bill required counties to agree to use funds in conformance with the judicial circuit technology strategic plan required by s. 29.0087, and as approved by the chief judge in order to be eligible for state financial assistance from the Court Technology Trust Fund.

In order to pursue the initiative again next year and to finally reach a resolution on the circuit technology, Judge Francis recommended a uniform position be approved by the chief judges and recommended to the Supreme Court.

Judge Francis then summarized HB 1503, relating to accessibility of information and technology. The technology committee will analyze the bill further. No funds are allocated to the counties, and the budgetary impact to the courts is not known at this time.

4. Outlook for 2007

Brenda Johnson presented the 2006-2012 Legislative Strategy in anticipation of major changes to all aspects of the Florida government and anticipated structural reform at all levels of government. The State Courts System will have a new chief justice, new court committees, and merit retention and judicial elections. New cabinet members, leadership, and structure within the executive agencies are anticipated with the election of a new governor. There will be new members in the 2007 Legislature. Local government elections may produce potential new policy direction and new administration. A strategic plan for the TCBC should be developed and implemented to make the work of the TCBC efficient, effective, and successful.

II. Final Report on FY 2005-06 Budget

1. Salary Budget/Rate Allocation

Judge Morris reported that due to the fiscal policies that were instituted by the TCBC during the last few years to resolve the salary shortfall, the shortfall was resolved and the TCBC has determined that there is \$1,000,000 salary rate available for allocation to circuit court staff to address equity issues, and \$55,000 available for county court judicial assistants. Each court will receive a pro-rated share based on its total FTE, excluding judges. The TCBC anticipates a possible distribution of additional salary rate during fiscal year 2006-07. A memorandum outlining the distribution of additional salary rate was distributed to chief judges. Judge Morris stated that this distribution is the first step in salary management decentralization and hopes this initial distribution addresses local needs and reduces the number of salary exception requests that come before the Budget Management Committee.

2. Due Process Expenditures

- Dorothy Burke reported that in the Expert Witness element, of the current appropriation of \$4,913,165, \$4,201,568 or 85.5% of the budget has been expended/encumbered in the due process category.

As of June 6, 2006, the 1st, 7th, 9th, 10th, 11th, 13th, 15th, and 16th Circuits have implemented or initiated *Procedures for Contingency Fund Access for Deficits in Due Process Services Appropriation Categories* affecting this element. A deficit was

projected because of the responsibility shift for expert witness costs. The expenses have doubled from last year, but did not reach the projected deficit amount.

- In the Court Reporting element, of the current appropriation of \$7,101,896, \$5,952,326 or 83.8% has been expended/encumbered in the due process category.

As of June 6, 2006, the 4th, 6th, 10th, 13th, and 19th Circuits have implemented or initiated *Procedures for Contingency Fund Access for Deficits in Due Process Services Appropriation Categories* affecting this element.

- In the Court Interpreting element, of the current appropriation of \$2,763,071, \$2,487,627 or 90% has been expended/encumbered in the due process category.

As of June 6, 2006, the 2nd, 3rd, 4th, 5th, 6th, 10th, 11th, 12th, 14th, 18th, 19th, and 20th Circuits have implemented or initiated *Procedures for Contingency Fund Access for Deficits in Due Process Services Appropriation Categories* affecting this element.

All deficits were covered with transfers from other categories or funds earmarked for the year end spending plan. Judge Morris asked that members pay attention to trends locally, lag time of receipt of bills, etc., and report to Dorothy Burke, any inconsistencies.

3. Year End Spending Plan

Charlotte Jerrett reported that the year end spending plan was a joint effort of the Budget Management Committee and the Funding Methodology Committee and was approved by the TCBC on April 20, 2006. The approved allocation amounts, along with guidance on encumbering/spending the funds, were sent to the chief judges and trial court administrators. \$4.6 million was distributed back out to the circuits for the purchase of court reporting equipment, in order to advance the circuits' local court reporting plans. Additional funds were earmarked for OSCA to purchase supplemental supplies and to fund a one-day statewide training session related to pandemic influenza planning for the trial courts.

4. Summary of Actions Taken by Executive Committee

A summary of personnel actions taken by the Executive Committee was included in the materials for information purposes only.

III. Tabled Recommendations from Funding Methodology Committee

Carol Ortman summarized that the TCBC tasked the Funding Methodology Committee with completing a review of the trial court funding methodologies (funding formulas) every three years, with the first review taking place in the development of the FY 2007-08 Legislative Budget Request. The committee was also tasked with reviewing the policy prohibiting grant project requests (local innovation projects).

Sharon Buckingham reported that the Committee held a meeting on March 2, 2006 to formulate recommendations pertaining to these issues as follows:

1. Recommendation for Criteria to be used in Reviewing Funding Methodologies

The overriding factor to determine if a methodology may be changed is whether the Committee has additional information or more valid and reliable data that are available to improve upon the current methodology. The Committee recommended that the criteria used in reviewing funding methodologies should be closely aligned with the guiding principles used during Revision 7. The recommended criteria are whether there is a methodology that:

- More accurately represents workload or the need for resources;
- More equitably distributes resources across the circuits;
- Better supports a minimum level of service provided across the state;
- Better supports flexibility in delivery of services across the circuits;
- Better demonstrates accountability; and/or
- Appears to be more reasonable given the current political environment.

In the upcoming months, the Committee intends to review the thresholds used in the methodologies for court reporting and case management and possibly mediation.

2. Recommendation for Deferring the Review of General Magistrate and Hearing Officer Funding Methodologies

The Commission on Trial Court Performance & Accountability, Judicial Resource Study Workgroup has been charged with conducting research to update existing judicial case weights and develop, if possible, case/event weights for general magistrates, Title IV-D child support hearing officers, and civil traffic infraction hearing officers. The results of this research will be presented to the Funding Methodology Committee in spring 2007. The Committee recommended that a review of the funding methodologies for these elements be deferred until such a time that these results are available.

3. Recommendation for the Continued Prohibition of Grant Project Requests

Since Revision 7 implementation, grant projects where the State Courts System acts as the fiscal agent, have not been permissible. Carol Ortman reminded the members that previously, when state budget cuts have been necessary, the State Courts System was forced to cut a percentage of the total court budget. As grant projects are not state funded but are still considered in the total state budget, a disproportionate share of non-grant funded resources lost funding. This created an inequity in the impact of the budget cuts on the State Courts System. The Committee recommends the continuation of the policy prohibiting the State Courts System from acting as the fiscal agent for grant projects.

Wayne Peacock made a motion to approve the recommendations of the Funding Methodology Committee. Judge Francis seconded, and the motion passed without objection.

IV. FY 2006-07 Operating Allotments

➤ New FTE Received for FY 2006-07

1. **Court Reporting** - Sharon Buckingham reported that the Legislature appropriated 10.0 of the 22.0 requested FTEs. Circuits with positions approved for inclusion in the LBR were contacted and asked to prioritize the order in which they would like the positions funded. They were also asked if they would prefer receiving additional contractual funding over positions.

In developing a proposed allocation methodology, a review of which circuits have yet to become a full-service court was conducted. A review of staffing ratios was conducted to determine those circuits that appear to be the most understaffed. The appropriation of new judgeships over the past two years was also analyzed as an indicator of increased workload.

The Budget Management and Funding Methodology Committees recommended allocating the 10.0 FTEs only to those circuits that requested and were approved for inclusion in the LBR in the priority order designed by the circuit with each circuit allocated at least 1.0 FTE. For those circuits requesting more than one position, give proportional consideration to the number of positions included in the LBR for the circuit. Also give consideration to the continued use of clerk staff, staffing ratios above 2:1, and the allocation of new judgeships.

All new positions will be classified as Digital Court Reporters. The recommended circuit allocation is:

- 2nd – 1.0
- 6th – 2.0
- 11th – 1.0
- 17th – 1.0
- 18th – 1.0
- 20th – 4.0

Judge Francis made the motion to approve the recommendation of the Budget Management and Funding Methodology Committees. Carol Lee Ortman seconded and the motion passed without objection.

2. **Court Interpreting** - Sharon Buckingham reported that the Legislature appropriated all 4.0 positions requested in the LBR. The recommendation of the Budget Management and Funding Methodology Committees is to allocate the 2.0 Court Interpreter FTEs to the 9th Circuit and 1.0 Court Interpreter FTE each to the 10th and 19th Circuits.

Judge Francis made the motion to approve the recommendation of the Budget Management and Funding Methodology Committees. Carol Lee Ortman seconded and the motion passed without objection.

3. **Mediation** - Sharon Buckingham reported that the Legislature appropriated 12.0 positions of the total 29.50 positions requested in the LBR, with 2.0 of those positions funded through trust. Those circuits with positions approved for inclusion in the LBR were contacted and asked to prioritize the order in which they would like the positions funded. They were also asked if they would prefer receiving additional contractual funding over positions.

In order to determine those circuits that might be able to afford to pay for one of the new FTE out of trust, a review of mediation trust allotments (authority), collections, and expenditures was conducted. Attention was given to those circuits that have enough spending authority and are collecting enough funds, yet are not spending most of their collections. Charlotte Jerrett added that circuits funding the FTEs from trust are guaranteeing to cover the salaries from collections.

The Budget Management and Funding Methodology Committees recommended to allocate the 12.0 FTEs only to those circuits that requested and were approved for inclusion in the LBR in the priority order designated by the circuit with ADR Director FTE's allocated first and then allocating the rest of the positions based on the percent that each circuit is under-funded in the model. Circuits (2nd and 10th) requesting contractual funds in lieu of a position should be given priority consideration for receiving a higher allocation of contractual funds at the time that new contractual funding is allocated.

The Committees recommended the following circuit allocation:

- 1st – 1.0 Administrative Assistant I (Trust)
- 4th – 2.0 Mediator (1.0 GR, 1.0 Trust)
- 5th – 1.0 ADR Director
- 12th – 1.0 ADR Director, 1.0 Mediation Services Coordinator
- 14th – 1.0 ADR Director, 1.0 Program Assistant
- 16th – 1.0 Mediator
- 19th – 2.0 Mediator, 1.0 Mediation Services Coordinator

Judge Francis made the motion to approve the recommendation of the Budget Management and Funding Methodology Committees. Judge B. Perry seconded and the motion passed without objection.

4. **Case Management** - Sharon Buckingham reported that the Legislature appropriated 8.0 of the 11.0 positions requested in the LBR. The recommendation of the Budget Management and Funding Methodology Committees is to allocate the 8.0 FTEs only to those circuits that requested new positions according to their calculated need as follows:

- 6th – 1.0 Court Program Specialist II
- 13th – 2.0 Court Program Specialist II
- 15th – 1.0 FTE Court Program Specialist I
- 17th – 1.0 Court Program Specialist II
- 18th – 1.0 Court Program Specialist II
- 20th - 2.0 Court Program Specialist II

Mike Bridenback made the motion to approve the recommendation of the Budget Management and Funding Methodology Committees. Wayne Peacock seconded and the motion passed without objection.

5. **Law Clerks** - Sharon Buckingham reported that the Law Clerk LBR was based on the increasing need to provide law clerk support for post-conviction matters and county appeals to circuit court. County criminal and civil filings, prison admission, and prison population data were used to project where additional law clerks would be justified. The FTEs were distributed based on each circuit's percentage of the total for the three elements.

42.0 law clerk positions were requested in the LBR. The request included an additional 1.0 FTE for the 2nd Circuit to address suits against the Department of Corrections and the Florida Parole Commission (which must be filed in Leon County regardless of their sentencing court or the location of the prison facility) and an additional 1.0 FTE for the 12th Circuit to address Jimmy Ryce cases. The Legislature appropriated 36.0 positions in relation to the LBR and also appropriated an extra 2.0 FTE above the certification formula for new judges, making 38.0 positions available for allocation. This allocation does not include the new positions in the certification bill that maintain the current three-to-one ratio.

The recommendation of the Budget Management and Funding Methodology Committees is to allocate 36.0 FTEs statewide using the same workload formula utilized for the LBR, and then allocate an additional 1.0 FTE each to the 2nd and 12th Circuits. Charlotte Jerrett pointed out that new positions included in the judicial certification bill are effective January 1, 2007. The other 36.0 positions are effective July 1, 2006. Thus, it was recommended that the additional 1.0 FTE allocated each to the 2nd and 12th Circuits become effective January 1, 2007. The Committees recommended the following circuit allocations:

- 1st – 2.0
- 2nd – 3.0
- 3rd – 2.0
- 4th – 2.0
- 5th – 2.0
- 6th – 2.0
- 7th – 2.0
- 8th – 2.0
- 9th – 2.0
- 10th – 2.0
- 11th – 3.0
- 12th – 2.0
- 13th – 2.0
- 14th – 2.0
- 15th – 2.0
- 16th – 0
- 17th – 3.0
- 18th – 1.0
- 19th – 1.0
- 20th – 1.0

Judge B. Perry made the motion to approve the recommendation of the Budget Management and Funding Methodology Committees. Judge Pittman seconded and the motion passed without objection.

Judge Morris suggested keeping work statistics of the new law clerks and how the additional support has helped. This data can be used for incremental requests. Judge Pittman added that it may be helpful to explain to the chief judge the reasons for obtaining the new positions, and distinguishing these from certification law clerks.

➤ **Due Process Allotments**

Dorothy Burke informed the members that two exercises took place that affected the use of beginning allotments across the board.

- Circuits were asked to review their OCO needs on an ongoing basis and establish a base to reduce the number of budget amendments required. The funds were permanently transferred from Expense to OCO in the FY 06-07 LBR.
- Due to a statutory change prohibiting the payment of contracts from the Expense categories, circuits were asked to identify all funds used for contractual services. These funds were moved to the legislatively mandated Contractual Services category. Charlotte Jerrett added that to date, staff has no guidance from the CFO on what can be paid from the Contractual Services category.

Dorothy Burke reported that the original proposal for funding the Due Process elements and Cost Recovery was an allotment of ½ or six months of the FY 05-06 beginning allotments. Some circuits had actual expenditures in the Due Process Contractual Services category during the first six months of this fiscal year which exceeded the proposed amount. To alleviate the problem, the current 05/31/06 allotment, which takes into account transfers made to cover deficits, was reviewed for all circuits against the original allotment. The allotment that would yield the higher amount for each circuit was then used to calculate the first six months' allotment for FY 06-07.

The remaining Due Process funding is recommended to be placed in Reserve to be allotted by the TCBC in December. This will allow for further information to be gathered and reviewed by the Funding Methodology Committee for proposals on improving or changing policy regarding the Due Process allotments before final recommendations are approved by the TCBC in December.

At the December TCBC meeting, allotments for Due Process elements and categories can be made for the remainder of the fiscal year or just through the third quarter. Since the Due Process elements are the most unpredictable, allocating only through the third quarter would allow the TCBC the flexibility to move allotments between circuits and to plan for year-end purchases without "taking funds back" from each circuit. This proposal would allow the TCBC to address any deficits internally, and maximize the use of the Due Process funds.

The Budget Management and Funding Methodology Committees recommended:

- Funding the Due Process elements and Cost Recovery for the first six months based on FY 05-06 beginning allotments in the Expense and OCO categories;
- Approve the proposal for funding the first six months of the Due Process Contractual category based on either the FY 05-06 beginning allotment or the 05/31/06 allotment balance (reflecting deficit transfers), whichever would yield the higher amount for each circuit; and
- Approve the proposal for holding the remaining Due Process funding in Reserve to be allotted by the TCBC in December.

Judge Morris added that holding 50% of the allocation would reduce the risk of overspending while further information is gathered.

Ruben Carrerou made the motion to approve the recommendation of the Budget Management and Funding Methodology Committees. Walt Smith seconded and the motion passed without objection.

➤ **Adjudication and Governance**

1. **Senior Judge Days** – Kris Slayden reported that a new distribution should be calculated to reallocate the budget, incorporating the judicial need as calculated in the FY 2006-07 certification process and the judges received in special session 2005 and session 2006.

No new funds were requested for FY 2006-07. In previous fiscal years, 5% of the allotted amount was held in reserve for any unanticipated additional need by a circuit. Last year, the TCBC decided to reduce the amount of reserve to 200 days and approve an increase in allotted days for the 20th Circuit, and approved an increase in the daily rate of pay from \$300 per day to \$350 per day. As of May 31, 2006, the circuits had spent \$2,005,420 of the \$2,664,927 total budget amount, although there is a significant lag time between days served and reimbursement paid.

The recommendation of the Budget Management and Funding Methodology Committees is to maintain the \$350 dollar per day rate, to maintain the allotment held in reserve to 200 days, and to equalize the distribution among the circuits based on the judicial need as calculated in the FY 2006-07 certification and new judges.

Judge Morris stated that the Supreme Court is reviewing the use of senior judges, and the Executive Committee requested the Supreme Court speak with them before making any changes. It is recommended that the Conference of Circuit Court Judges also discuss the need for senior judges with the Supreme Court. Discussion ensued regarding senior judge usage and possible pay increase to \$400. Judge Laurent stated that increasing the pay will decrease the days available by 1,000, thereby increasing the risk of experiencing deficits.

Wayne Peacock made the motion to approve the recommendation of the Budget Management and Funding Methodology Committees. Judge Francis seconded and the motion passed without objection.

2. **Civil Traffic Hearing Officers** – Kris Slayden reported that a new threshold needs to be developed to reallocate the budget, incorporating the new county judges received in special session 2005 and session 2006. A policy was recommended by the Funding Methodology Committee and approved by the Executive Committee to postpone any changes to the existing funding formula methodology for this element until the results of the Judicial Resource Study are completed in June 2007.

No new funds were requested in FY 2006-07. In FY 2005-06, a methodology was utilized to bring all counties with 3 or more judges (or if requested) up to a threshold level of \$7,299 per judge based on the number of existing county judges. Counties with existing higher allocations per county judge were held harmless. As of May 31, 2006, the circuits had spent \$1,303,576 of the \$2,892,848 (\$500,000 in reserve) total budget amount.

The Budget Management and Funding Methodology Committees recommended allocating based on the threshold used last year (\$7,299 per county judge), taking into account the new county judges appropriated during special session 2005 and session 2006. Counties with existing allocations higher than the \$7,299 threshold would receive their full allocation. This option would hold all circuits harmless from last year, but would require that \$131,375 be used from the reserve of \$500,000. The remaining reserve would be \$368,625.

Carol Lee Ortman made the motion to approve the recommendation of the Budget Management and Funding Methodology Committees. Judge Francis seconded and the motion passed without objection.

Lisa Goodner asked the members to review the allocation chart and to note where funds are being underutilized. Mike Bridenback suggested that the TCBC consider this item as a future issue and consider using underutilized funds elsewhere. Kris Slayden reported that the Judicial Resource Management Committee is currently reviewing this issue.

3. **Mediation and Mediation Cost Recovery Allotments** – Dorothy Burke reported that the funding for Mediation and the Mediation Cost Recovery allotments is proposed to be allocated at ½ or 6 months of the FY 05-06 beginning allotments. The remaining Mediation funding would be placed in Reserve, along with the remaining Mediation Cost Recovery budget authority, to be allocated in December by the TCBC. Since it became apparent during FY 05-06 that mediation services and revenue collections were not always predictable, allocating only the first six months' worth of funding and budget authority would allow the TCBC the flexibility to address any deficits internally, and maximize the use of the Mediation and Mediation

Cost Recovery Funds. This will also allow for further information to be gathered and reviewed by the Funding Methodology Committee for proposals on improving or changing policy regarding Mediation allotments and Mediation Cost Recovery budget authority.

The Budget Management and Funding Methodology Committees recommended the allocation of funding for Mediation and the Mediation Cost Recovery allotments at ½ or 6 months of the FY 05-06 beginning allotments, with the remainder placed in reserve for allocation by the TCBC in December.

Wayne Peacock made the motion to approve the joint recommendation of the Budget Management and Funding Methodology Committees. Judge Laurent seconded and the motion passed without objection.

4. Remaining Adjudication and Governance Allotments

The funding for the following elements are allocated based on the FY 05-06 beginning allotments in all categories except salaries:

- Judges and JA's
- Child Support Hearing Officers
- Law Clerks
- Case Management
- Case Management – Drug Courts
- Magistrates
- Court Administration
- Equipment Transfer

The funding in each element was adjusted accordingly for FY 05-06 non-recurring Expense, for the FY 05-06 transfer of Expense to Operating Capital Outlay (those dollars were permanently transferred to OCO in the FY 06-07 Legislative Budget Request, and for the new legislatively mandated Contracted Services category. The new recurring and non-recurring expense dollars associated with new FTE's are, to be allotted with the respective position.

The Budget Management and Funding Methodology Committees recommended to approve the allocation of funding for the Adjudication and Governance elements based on the FY 05-06 beginning allotments in all categories except salaries, and include adjustments made for FY 05-06 non-recurring Expense, for funds permanently transferred from Expense to OCO in the FY 06-07 LBR, and for the new legislatively mandated Contracted Services category.

Judge Laurent made the motion to approve the recommendation of the Budget Management and Funding Methodology Committees. Mark Weinberg seconded and the motion passed without objection.

5. Other: Expenses – Proposed Reserve Allotments

Dorothy Burke reported that before allocations are made to individual circuits, specific expense amounts that provide benefit 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 Budget Management and Funding Methodology Committees recommended approving the allotment for Reserve and Statewide Expense allocations as shown in the meeting materials. \$61,250 represents legal representation for circuits that was moved from Expense to the legislatively mandated Contractual Services category.

Judge Schaeffer questioned whether the TCBC voted in the past to move the funds from the Families and Children in the Court Committee to OSCA, to remove the appearance that the TCBC is allocating funds to one court committee over another. Lisa Goodner stated the reasoning for placement in the Circuit Courts budget entity was that it was funded by the Family Courts Trust Fund. Carol Lee Ortman asked that staff review previous minutes for the TCBC vote. Judge Morris asked staff to review and study the issue further and bring back for discussion at the August TCBC meeting.

Judge Perez made the motion to approve the total allotment of the Reserve and Statewide Expense. Carol Lee Ortman seconded and the motion passed without objection.

V. Update from Commission on Trial Court Performance & Accountability

1. Study of Governance and Operations of Court Appointed Counsel

Judge Morris stated that the Court was concerned regarding the apparent lack of consensus on this issue; the lack of consensus on how to resolve the issues regarding court-appointed counsel operations likely impacted the legislature's failure to provide additional funding to either JAC or the trial courts. A unified position needs to be established.

Judge Alice Blackwell White reminded the members of the background on these issues, specifically, that the Revision 7 transition failed to create the operational and administrative infrastructure necessary to ensure accountability and adequate support for court-appointed counsel functions. This failure created unanticipated workload issues for the trial courts in support of the circuit Article V indigent services committees and in support of the day-to-day legal, operational and administrative support for local court-appointed counsel function. Continued support for these activities by the trial courts was generally accepted to be not only inappropriate, but not feasible within existing resources. Judge White referred the members to the summary document in the materials, which

summarized principles which were first set forth in the 1991 Article V Report of the Judicial Council of Florida:

- Court-appointed counsel should not be an element of the trial court funding structure as it is not a core function of the courts; and
- For budgeting purposes, the State Courts System should include the organizational entities under the direct administrative control of the Florida Supreme Court and the chief justice.

The position of the TCBC was that this function was not a court element but approved a FY 2006-07 LBR for additional court administration staff in the event that these activities were not going to be supported elsewhere.

In January 2006, for purposes of discussion and moving the issue forward, the TCP&A developed statutory language that was based on the GAL model within the JAC. The current status after review by the chief judges is as follows:

- The chief judges were in agreement that the oversight and adequate continuous support for court-appointed counsel functions should be an executive branch function within the JAC.
- The chief judges were not in agreement as to whether the chief judge could properly serve as chair of the circuit Article V indigent services committee operations. The primary concern was that absent the strong hand of the chief judge, there would be a vacuum in accountability and leadership that would lead to avoidable shortfalls in the circuits' Article V indigent services budgets within the JAC.

Discussion ensued on the impact of this issue to the courts and the goal of reaching a decision that is endorsed by the judicial branch. Judge Morris requested an October 1, 2006 deadline for the draft TCP&A report, to allow sufficient time to prepare for legislative meetings.

2. Court-Based Services for Self-Represented Litigants

Judge Alice Blackwell White reported that in January 2006, the TCP&A was tasked with developing a framework for ensuring meaningful access for self-represented litigants. She distributed to the members information summarizing the basic principles and assumption, purpose, and scope of the court-based service framework being developed by the workgroup.

The framework will include:

- Preservation of the Revision 7 principle that requires services be uniformly available, promote statewide equity, allow flexibility in delivery at the local level, and demonstrate efficiencies and accountability;

- Clear establishment as the court's duty, oversight and direct court-based self-help program operations; and
- The court-based program should incorporate the state-funded ministerial assistance provided by the clerks.

A basic model providing a minimum level of statewide service will need to be proposed, without duplicating services that are already available within the community. Judge Morris stated that the courts have an obligation to provide certain services, access to courthouses, and accounting for funds using the most efficient means possible. Jo Suhr gave an example that forms are produced by each of the 67 clerks. Therefore, cost savings will occur if forms are produced once, statewide. Judge Morris requested that the TCP&A provide a status report at the August TCBC meeting.

VI. Recommendations for the 2006-07 Budget and Pay Policies

Charlotte Jerrett reviewed the draft 2006-07 Budget and Pay Memorandum highlighting changes from fiscal year 2005-06.

- Legislatively authorized 3% across-the-board pay increase
- New judicial salaries
- Management of trial court budget salary on statewide level until decentralization
- Judicial assistant reinstatement salary after terminating from DROP
- Requests for exceptions to pay policies
- Due process services budget management definition
- Budget category adjustments procedures addition
- Due process contingency fund procedures addition
- Lodging room rate limits increase
- Senior judge guidelines and allocations FY date revisions

Wayne Peacock made the motion to approve 2006-07 Budget and Pay Policies. Carol Lee Ortman seconded and the motion passed without objection.

VII. Issues for FY 2007/08 Legislative Budget Request

1. **New Budget Timelines** – Lisa Goodner reviewed the 2007-08 Legislative Budget Request Timeline and noted one revision. The August 7, 2006 Funding Methodology Committee meeting was changed to August 6, 2006.
2. **Priorities for 2007/08 Legislative Budget Request** – Judge Morris reported that the TCBC Executive Committee proposed priorities for the trial courts.
 - Pay and Benefits – Funding to increase minimum salaries and provide increases toward the market rate for trial court employees as well as to provide senior management retirement and paid health benefits for selected classes should be the focus of the request and the number of other issues should be limited. It is also

proposed that the trial courts track employees who separate from the system to document the adverse effect of inadequate pay and benefits. Also proposed is that the Personnel Committee be tasked to re-evaluate the current proposal for amending section 121.055(1)(h)1., F.S. (Senior Management Service Class in the Florida State Retirement System) as it relates to requesting "up to five additional managerial positions in each judicial circuit."

- Due process elements should be of special concern due to the number of circuits that instituted *Procedures for Contingency Fund Access for Deficits in Due Process Services Appropriation Categories* and also all of the due process elements have been affected.
- Case management should be given priority consideration due to the overwhelming number of requests for case managers during the planning for FY 2006-07 LBR. It is also proposed that the Funding Methodology Committee review the current formula and determine if the ratio needs to be increased and/or if the funding methodology be changed to take into consideration increased workload for certain divisions of the court, especially in terms of statutory changes or other systemic demands.
- Individual circuit requests should be limited so that any priorities approved by the TCBC can be given full attention necessary for successful legislative results.

Judge Francis made the motion to approve the proposal of the Executive Committee for Priorities for FY 2006-07 Legislative Budget Request. Carol Lee Ortman seconded and the motion passed without objection.

VIII. Other Business

Judge Morris reported that today's meeting will be his last in attendance as the Chair of the TCBC. He resigned as chair and has recommended to the Chief Justice that the new chair's term start in conjunction with the start of the new chief justice's term. The new chair will be appointed by the chief justice. Judge Morris will remain on the TCBC as an ex-officio member.

Judge Morris thanked the TCBC members and stated that the TCBC is a great organization and has accomplished many wonderful things. He thanked the trial court administrators, adding that they are very important, providing information to the TCBC, and are an invaluable resource. He also thanked Lisa Goodner and OSCA staff for their tremendous support to the TCBC.

IX. Adjournment

The next meeting of the TCBC will be August 30, 2006, in Tampa. The primary purpose of the meeting is to vote on the FY 2007-08 Legislative Budget Request.

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With no other business before the commission, Judge Morris adjourned the meeting at 12:30 p.m.