

**Trial Court Budget Commission
Meeting Minutes
Orlando, Florida
June 14, 2003**



Members Present

Susan Schaeffer, Chair
Stan Morris, Vice Chair
Mike Bridenback
Don Briggs
Paul Bryan
Ruben Carrerou
Joseph Farina

Charles Francis
Kim Hammond
John Laurent
Donald Moran, Jr.
Carol Ortman
Wayne Peacock
Nancy Perez

Belvin Perry, Jr.
Judy Pittman
Thomas Reese
William Roby
Walt Smith
Mark Van Bever
Theresa Westerfield

Others Present

Guests in attendance were: Judge Daniel Dawson, Caron Jeffreys, Judge Nelly Khouzam, Elaine New, Judge Fred Tygart, Jennifer Dyer-Wells, two representatives from the Orange County Bar Association and OSCA Staff.

Welcome & Introduction of Guests

Judge Schaeffer called the meeting to order Saturday, June 14, 2003, at 9:00 a.m. Introductions were made and the guests were recognized as visiting. Caron Jerreys was recognized as the new Court Administrator of the 20th Circuit. Sharon Bosley of OSCA was recognized as the new administrative support for the TCBC, replacing Sue Bruce.

Approval of Minutes

Judge Schaeffer asked for approval of minutes from March 13-14, 2003 meeting and May 30, 2003 conference call. All members voted to approve the minutes as drafted.

Approval of New Committee Structure

Judge Schaeffer reviewed the new committee structure; Executive Committee, Funding Methodology Committee, Legislative Committee and Personnel Committee, explaining the charges of each committee (formerly subcommittee). Using the prefix “sub” is not necessary for committees serving under the Trial Court Budget Commission.

Mr. Van Bever made a motion to approve the new committee structure. Ms. Ortman seconded, and the motion was unanimously approved.

Report on 2003 Legislative Session & Special Session A

Overview of HB 113A

While OSCA did an excellent job at summarizing and cross-referencing the bill, Judge Schaeffer encouraged all members to read the bill in its entirety. If there are any items of concern, bring it to back to the commission so we may propose the appropriate changes for next year.

Judge Morris reiterated the importance of the reading the bill and encouraging each chief judge or TCA do the same. Very important language is included concerning fines/fees and duty shifts involving clerks and other state agencies. Also, we must educate others of the importance and purpose of court administration at both the state and local level.

The next priority is to educate criminal judges that costs must be assessed. It can be deferred but not waived. Judge Farina added that this would apply to more than just criminal.

Appropriations Conference Report: SB2-A

Judge Schaeffer recapped conference report items affecting the trial court budget, as reviewed during the May 30, 2003 conference call.

Other Bills of Interest: HB 439 & SB 940

Brenda Johnson stated staff is working on the 2003 abstracts and the post session report. They are taking a close look at legislation that would impact the judicial workload.

Operating Budget for FY 2003/04

Base Budget Allotments

Charlotte Jerrett detailed the process used in allocating the base budget, providing equitable funding per circuit based on common factors rather than historical information when possible. Funds were allotted according to proviso language in the General Appropriations Act. When possible, FTE was used as a basis of equitable distribution. Expenses were allocated based on an across the board 20% reduction to the current year base.

Some circuits with special programs received higher expense allocations. A lengthy discussion ensued regarding equitable distribution, and how county funding is not considered in the distribution. It was agreed to forward this item to the Funding Methodology Committee for study and further review.

Mr. Van Bever asked about the low OCO amount. Ms. Jerrett replied that because there were no new positions, no new OCO dollars were approved.

A question was raised about the payment of bar dues. Lisa Goodner stated the legislature allows us to use funds for this purpose, but they do not fund bar dues with an additional appropriation. The Supreme Court and OSCA pay bar dues for their staff attorneys/law clerks. It was

unanimously approved to pay the bar dues for state-funded full-time or OPS (working at least 40 hours per week) law clerks/staff attorneys.

Child Support Hearing Officer Allotments

Patricia Badland stated the monthly report data indicate a wide variety of output and time spent per circuit. She requested the commission to authorize OSCA to conduct an assessment of the Title IV-D hearing officers and the secretaries. This information will help the commission develop a proposal for the Revision 7 budget. Judge Perry asked to consider collecting data from the information we have on hand, and present the information to the Funding Methodology Committee for their recommendation. All members agreed.

Option 1 and Option 2 of the Child Support Enforcement Budget worksheets were reviewed. Additional FTE were authorized by the legislature to convert OPS to FTE. Option 1 keeps the current status, leaving the position as OPS. Option 2 converts OPS to FTE and dramatically cuts expenses. Salaries must also start at the minimum. Judge Schaeffer commented that there is a risk in losing the FTE if they are not used. Ms. Jerrett will contact each affected circuit to see if they want to convert to FTE. The FTE will be used but not in increments of less than .5.

Civil Traffic Hearing Officer Allotments

The Civil Traffic Infraction Hearing Officer Program spreadsheet, showing the county match, was reviewed.

Senior Judge Allocations

Charlotte Jerrett asked that senior judge requests for payment be turned in by June 30, 2003. \$500,000 was cut in the current year budget due to reversions. Judge Perry stated the individual circuits should be held more accountable for days they are allotted but do not use. Judge Moran recalls former State Courts Administrator Ken Palmer helping the circuits through monthly monitoring. Some areas are experiencing a shortage of senior judges and travel expenses have been limited. Judge Schaeffer stated the issue should be addressed and suggested bringing this item to the Judicial Administration Section.

Family Courts Trust Fund Shortfall

Patricia Badland reported that budgeted expenditures must be reduced by a minimum of \$745,003 to meet the FY 2003/04 budget obligations. The worksheet listed several reduction options and two combinations of options. One possible option combination was not listed and consists of A, B, C, D, E1, F, for a total reduction of \$684,232. FTE's would be lost taking option F.

Judge Schaeffer moved to choose the second option combination listed, A, B, C, D, E1, E3. Mr. Van Bever seconded and the motion was unanimously approved. This option reduces expense and OPS amounts in unbudgeted reserve, provides for the conversion of the family law handbook to electronic format, reduces the training budget, eliminates the expense and OPS budgets within the OSCA, and eliminates the Unified Family Courts pilots, effective December

also agreed that as a contingency, revenues would be monitored and depending on actual collections, the pilots would be eliminated September 30, 2003, if shortages were greater than currently projected.

Guardian ad Litem/Attorney ad Litem Funding

Patricia Badland reported that three issues need to be addressed to finalize the Guardian ad Litem budget for the six-month period ending December 31, 2003:

1. The first issue is the possibility of reallocating positions to the Osceola County GAL due to the loss of 10.5 FTE positions after elimination of the Attorney ad Litem Pilot Project. Three options were proposed.
 - Option A reallocates 4 of the 6 secretary positions, originally designated to be held in reserve for the GAL state office, to the 9th Circuit.
 - Option B reallocates 4 of the 12.5 vacant secretary positions (six are designated for the GAL office) from the 8th, 15th, 17th, and 19th circuits, who did not give a secretary position. The vacancies were newly allocated positions that were never filled.
 - Option C reallocates positions based on number of petitions filed.

Judge Dawson gave testimony and began by informing the members that he has been approached by leadership in the legislature and governor's office regarding the possibility of seeking the statewide director position for the newly established GAL state program office. He offered this information to explain the context of his inquiry with the TCBC in soliciting their support in asking the legislature to allow for an extension of the GAL pilot project that would continue the employment of staff associated with the Osceola County GAL Program. Judge Dawson explained that he had information from legislative staff that the court could seek a special consideration to continue the FTE positions funded by the pilot as it may not have been their intent to apply the budget cut in its entirety. Ms Goodner reported to the TCBC that she had not been provided the same information as reported by Judge Dawson when she attempted to obtain confirmation from legislative staff on how to proceed. Mr. Bridenback motioned that since this could not be confirmed by Ms. Goodner, the TCBC would not ask the court to pursue this clarification from the legislature.

Judge Perry gave testimony and asked the commission to consider choosing option A. After discussion, Ms. Ortman made a motion to approve Option A. Judge Farina seconded and the motion was unanimously approved.

2. The second issue is to determine the amount of funding to be allocated to the Orange County Bar Association (OCBA) from the GAL budget for their part of the pilot project. The 2002/03 budget currently allocates \$719,226.08. Two options were proposed.

- Option A provides attorneys to the OCBA consistent with Statewide GAL allocations. Six months funding for 4 attorneys' salaries and benefits is \$131,837.47.
- Option B provides funding to contract for legal services. Funding for six months is \$37,440.

Ms. Sally Kest, President of the Legal Aid Society Board of Trustees for the Orange County Bar Association, presented information on the number of children who have been served by their volunteer GAL advocacy program since 1978. Because the Orange County Bar Association lost their GAL project funding with the legislature's elimination of the pilot, Ms. Kest was seeking funds to continue their provision of services. Judge Schaeffer asked Judge Perry if the option to continue the bar association at the funding level in accordance with the formula applied to the provision of legal services to the GAL programs across the board was acceptable. Judge Perry agreed. Ms. Ortman motioned to accept Option A. Mr. Bridenback seconded and the motion was unanimously approved.

3. The third issue is to continue funding of OSCA support of GAL Transition Team until September 30, 2003 for \$30,000. Mr. Bridenback moved to continue the funding. Ms. Ortman seconded and the motion was unanimously approved.

Continuation of Hiring Freeze

Lisa Goodner reported that OSCA staff needs more time to analyze the budget to make an educated recommendation regarding the current year payroll budget. She suggested keeping the hiring freeze in place until October 31, 2003, except for judicial assistant and law clerk positions. Judge Schaeffer recommended that GAL positions be frozen through December 31, 2003. Judge Farina moved to accept the recommendations. Mr. Van Bever seconded, and all unanimously approved the motion. The exception to the freeze would be for Judicial Assistant and Law clerk positions, which may be filled July 1, 2003, and advertisements placed now.

Issues for FY 2004-05 Legislative Budget Request

Process for Developing Budget Request

The 2004/05 Legislative Budget Request Time Line was reviewed.

Role of OSCA and Local Court Administration in General Administration

The Role of OSCA and Local Court Administration in General Administration worksheets were reviewed.

Adjournment

Due to the nature of the agenda, more time was needed to cover the materials and make the policy decisions. Judge Schaeffer temporarily adjourned the meeting at 2:00 p.m., to reconvene

Meeting Called to Order

Judge Schaeffer called the meeting to order at 3:30 p.m.

Policy Issues Related to Enumerated Elements

Peggy Horvath reviewed the background of the budget strategy and funding methodology recommendations. The commission discussed each issue and defined the following strategy:

Court Administration Funding Strategy

1. The Revision 7 budget request will include funding to ensure that all circuits have an adequate level of support staff necessary to accommodate the threshold level of support for executive court management, general administration, and judicial operations management based on a formula developed in consideration of the duties and responsibilities required to be performed and the relative size of the circuit. (This may require the addition of a few positions to circuits to accommodate duties previously provided by the county).
2. Funding to shift additional court administrative county-funded positions to the state for circuits who have special needs and specific justification will be considered.

A suggestion was made that the Funding Methodology Committee review the Court Administration/OSCA positions and duties required to provide the courts with administration support. Also, it was suggested that an additional size category be added to accommodate Miami and Dade County.

Case Management Funding Strategy

1. The budget request will provide funding to bring current county-funded positions to state funding at a threshold level.
2. The budget request will include GR funding for case management positions currently funded by Family Court Trust Fund.
3. The budget request will bring circuits who are below the threshold up to the threshold.
4. The TCBC will review the requests to hold harmless the circuits whose county staffing exceeds the threshold.
5. The budget request will provide case management staff to ensure all circuits have 2 staff for felony drug court.

Masters and Hearing Officers Funding Strategy

1. The budget request will include funding to provide traffic infraction hearing officers to meet circuit needs and to provide for the county match for the state funding of traffic infraction hearing officers.
2. The budget request will provide funding to bring current county-funded general masters to state funding at a threshold level.
3. The TCBC will review the circuit requests who are below the threshold to bring them up to the threshold.
4. The TCBC will review the circuit requests to hold harmless those whose county staffing exceeds the threshold.
5. The budget request will expand the state trial court budget to include the child support hearing officers currently funded in concert with the county.

Legal / General Counsel Funding Strategy

1. The budget request will include a court counsel and secretary for each circuit to provide general counsel support.
2. The budget request will include funding so all circuits are funded at a ratio of 1 staff attorney per circuit judge.
3. A budget issue will be developed to provide for "basic legal materials" as provided in HB 113A.

Court Interpreting Budget Strategy

1. The budget request will include funding to meet the projected needs of the circuits.
2. The current court interpreter contract fees will be used to calculate the projected costs pending recommendations from the Article V Indigent Services Advisory Board.

Court Reporting Budget Strategy

1. The budget request will be based on the current projected expenditures for each circuit.
2. The current contract prices will be used to develop the circuit budgets pending recommendations from the Article V Indigent Services Advisory Board.

3. The transcript costs be limited to those of judges and court staff.
4. A funding request be included to cover the cost for clerks of court to perform digital recording of proceedings.
5. The budget request will not include a request for digital court reporting.

Court Appointed Expert Witnesses Budget Strategy

1. Funding will be requested to cover the current projected expenditures for expert witnesses.
2. A threshold formula will be established for expert witness funding based on small, medium, large, and mega circuits.
3. Funding will be requested for custody evaluations based on current circuit expenditures.
4. Funding will be requested for home studies based on current circuit expenditures.

Mediation Budget Strategy

- A. **Background.** The preliminary Revision 7 funding proposal included state funding to move the current fee based funded programs to state funding in anticipation that the present revenue stream might not be retained. The Revision 7 legislation has eliminated the local funding source so that state funding will be required. Since the mediation programs have been funded by optional local funding, there is substantial variation in the organizational models, staffing, fee recovery policies, etc. This applies to both county court and family mediation programs.

An effort is now underway to develop a more uniform framework for county and family mediation programs through the use of subject matter focus groups of court mediators and trial court administration staff. Consultants have been hired to assist in this effort.

B. Funding Strategy

1. The preliminary budget request will provide a placeholder for mediation funding at the current level of service.
2. A supplemental budget request will be filed pending the study.

Expense Funding Strategy

1. The budget request will include expense funding associated with each county position to be state funded, based on the current state formula of \$6,854 per position.
2. The budget will also include a request of approximately \$10.9 million to cover the projected proportion of expense funding currently provided by the county to accommodate state funded activities and services.
3. The budget will include funding for:
 - Printing forms for adjudication function
 - County judges business meeting
 - Conference dues

Resource Management Accounting System Funding Strategy

The Revision 7 funding proposal will provide for \$1,500,000 to accommodate the development of an automated resource management system to meet the performance and accountability data reporting requirements of the state mandated Long Range Program Plan (LRPP) and associated legislative budget information. The LRPP requires performance measurement data for the staff/contract resources for each of trial court budget elements (activities).

Contingency Fund Budget Strategy

The Revision 7 funding proposal will provide for a contingency fund consistent with HB 113A for due process costs.

Other Funding Requests

- The budget request will not include funding for individual court projects.
- The budget request will not include funding for pay plan issues.

Other Funding Issues

- The 8 technology positions currently funded by the state in the 4th, 6th, 10th, 14th, 17th, and 20th circuits should be shifted to county funding.
- The Foster Care Citizen Review Board in the 11th circuit will be retained as a recurring state funded initiative, as appropriated by the legislature, but may be subject to cut in the 2004-05 session.

Current State Funded Items Outside of Enumerated Elements

Judge Schaeffer requested that the members ask chief judges to pass this year on special project requests since we are already making many requests. It was agreed to hold on any special pay

plan requests. A placeholder will be on the budget for new judgeships.

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Continuation of Family Court Trust Fund

The trust fund is scheduled to sunset November 2004. If this trust fund is retained, an outstripped funding level and fees are needed. As indicated above, general revenue will be requested to fund positions currently funded from the Family Courts Trust Fund.

Update on Personnel Committee Activities

The handout outlining the committees activities was reviewed. Ms. Westerfield asked if a Chief Deputy Court Administrator class should be retained and all agreed.

Other Business

Judge Schaefer asked for volunteers to serve on the Article V Indigent Services Advisory Board.

Adjournment

With no other business before the Trial Court Budget Commission, Judge Schaeffer adjourned the meeting at 4:45 p.m.