

**Trial Court Budget Commission
Meeting Minutes
June 15, 2012**



Attendance – Members Present

The Honorable John Laurent, Chair
Mr. Mike Bridenback
The Honorable Catherine Brunson
The Honorable Charles Francis
The Honorable Ronald Ficarrotta
Mr. Tom Genung
Ms. Sandra Lonergan
The Honorable Mark Mahon
The Honorable Thomas McGrady
The Honorable Wayne Miller
The Honorable Gregory Parker
The Honorable Debra Nelson

The Honorable Margaret Steinbeck, Vice Chair
The Honorable Belvin Perry, Jr.
Ms. Kathy Pugh
The Honorable Robert Roundtree
The Honorable Elijah Smiley
Mr. Walt Smith
The Honorable Bertila Soto
The Honorable Terry Terrell
The Honorable Patricia Thomas
Mr. Mark Weinberg
Ms. Robin Wright

Attendance – Members Absent

The Honorable Louis Schiff

Welcome and Approval of Meeting Minutes

Judge Laurent called the Trial Court Budget Commission (TCBC) meeting to order at 8:30 a.m. The roll was taken and a quorum was present. Judge Laurent welcomed the members, recognized and welcomed Judge Soto, a new member from the 11th Circuit, and asked the guests to introduce themselves.

Judge Laurent asked if there were any revisions to the March 29, 2012, May 3, 2012 or May 16, 2012 meeting minutes. A motion was made by Judge Mahon to adopt the minutes as drafted. Judge Roundtree seconded and the motion was passed without objection.

Status of Current Year Budget

Trust Fund Cash Statements

Dorothy Wilson reviewed trust fund cash statements for May.

Administrative Trust Fund – The ending cash balance for May was \$1,055,163.70.

State Courts Revenue Trust Fund – Ms. Wilson reviewed the cash analysis for the State Courts Revenue Trust Fund and reported that the revenue for May was a little over \$21 million, a little higher than the estimate. However, with June’s estimated expenditures at \$33.1 million, the projected deficit at year end is \$3.3 million. The ending cash balance for May was \$108,087,884.80 and will carry forward to June.

Status of June 2012 Statewide Contingency Plan

Dorothy Wilson reviewed the Contingency Plan, reporting that the plan objectives have been met. As of June 14, 2012 sufficient cash was available to meet June payroll obligations and to repay the trust fund loan by the statutory deadline. Ms. Wilson stated priority invoices would be paid based on available remaining cash.

Lisa Goodner reiterated to everyone that the June Cash Analysis is based on estimates, and depending on the cash available at year end, invoices may be held and certified forward for next year.

Judge Laurent added that staff have been working with Clerks of Court and they have agreed to an early remittance of revenue collections for June. The early revenue remittance, estimated at \$4 million, should be received on June 23, 2012, which will hopefully be enough to cover the shortfall. Judge Steinbeck stated that the trust fund’s ending cash balance is significant to be able to fund items next year and it is important that we don’t end the year with a deficit.

Walt Smith inquired how the invoices would be paid. Lisa Goodner stated invoices would be paid based on priority and available cash, and the rest would be certified forward.

Dorothy Wilson reminded the members of the previous TCBC approval to freeze cost recovery expenditures as part of the contingency plan. Due to the plan objectives being met, Ms. Wilson recommended the cost recovery freeze be lifted. A motion was made by Judge Roundtree to lift the freeze. Judge Perry seconded and the motion was passed without objection.

Salary Budgets

Dorothy Wilson provided a status of the salary budgets for the trial courts. Ms. Wilson stated that the projected liability for General Revenue and State Courts Revenue Trust Fund is \$2 million under the appropriation. The adjustments through May were \$4.8 million and there is still a significant leave liability, as the biggest hit in leave payments typically occurs in June.

The Administrative Trust Fund liability was under appropriation by \$49,886 due to a vacant position in Cost Recovery. The Federal Grants Trust Fund is in good shape; however, not much lapse is generated within the FGTF.

Salary Distribution Plan

Dorothy Wilson provided the status of the salary distribution plan, stating the intent was to enhance available resources and to provide equity adjustments of up to 5%. There were 47.5 FTE established within the plan to date. Judge Laurent noted that this is the first year the trial courts have been able to address the equity issue due to the very restrictive pay policies that the trial courts have been under. These funds were available to start fixing some of the issues that have been in existence in the trial courts for some time.

Operating Budgets

Dorothy Wilson reported on the status of the State Courts Revenue Trust Fund trial court operating budgets as of May 31, 2012. She noted the data included each circuit's holdbacks.

Due Process Budgets

Ms. Wilson reviewed the due process budgets, stated that the Due Process expenditures were up about 3% over last year's expenditures overall. The Budget Office is working individually with circuits to resolve any issues/deficits due to the holdbacks.

FY 2012-13 General Revenue and State Court Revenue Trust Fund Appropriations and Revenue Projections

Dorothy Wilson reviewed the FY 2012-13 State Courts System budget (detailed by fund and budget entities) and FY 2012-13 Trial Court budget (detailed by fund and elements) noting the fund shift from State Courts Revenue Trust Fund to General Revenue.

Kris Slayden reviewed the FY 2012-13 revenue projections and noted that the projected revenues were derived from the December 5, 2011 Revenue Estimating Conference (REC). Ms. Slayden stated the next REC is scheduled in early July and the revenue projections will be updated accordingly. Ms. Slayden further explained that the Economic and Demographic Research Committee met last month and estimates a \$1.6 billion surplus in non-recurring General Revenue (GR) funds with an approximate deficit of \$500 million in recurring GR. In total, at the end of FY 2012-13, GR is estimated to be \$1.1 billion in surplus. The next GR conference is anticipated to meet again in early August and an updated Financial Outlook Statement will be produced and adopted by the legislature in September.

FY 2012-13 Circuit Allotments

Courthouse Furnishings

Dorothy Wilson presented the non-recurring Operating Capital Outlay funding approved by the legislature in the FY 12-13 General Appropriations Act to the Fourth and Fifth Judicial Circuits in the amount of \$507,252 and \$10,500 respectively. Ms. Wilson stated these funds were

requested by the circuits as part of the FY 12-13 Legislative Budget Request. Judge Laurent noted that these were specific appropriations to the circuits.

Post Adjudicatory Drug Court Expansion Allotment

Dorothy Wilson presented the FY 2012-13 allotments for the Circuit Court ARRA grant in the amount of \$8,063,032 in Aid to Counties and \$504,834 in Other Personal Services (OPS) and noted that FY 2012-13 is the last year of the Federal funding. A motion was made by Judge Miller to approve the allotments. Judge Roundtree seconded and the motion was passed without objection.

FY 2012-13 Circuit Allotments – Maintain Existing Allotments

Jessie Emrich presented the FY 12-13 FTE allotments for Case Management, Trial Court Administration, and Trial Court Law Clerks. Ms. Emrich stated for FY 2012-13 the Legislature did not appropriate any new FTE resources to the Trial Courts; therefore, the position allocations are typically not adjusted. However, the proposed FY 2012-13 FTE allotments do take into account any personnel actions including the salary distribution plans as of April 30, 2012. The Funding Methodology Committee (FMC) recommended approval of the proposed FY 2012-13 allotments based on maintaining existing allotments. Judge Roundtree made a motion to approve the recommendation. Mark Weinberg seconded and the motion passed without objection.

FTE Re-Allocation: Child Support Enforcement Hearing Officers and General Magistrates

Child Support Enforcement Hearing Officers

Kris Slayden presented the Child Support Enforcement Hearing Officers and General Magistrates elements for an FTE re-allocation. Ms. Slayden stated for FY 10-11, the TCBC partially reallocated resources from circuits with excess need to those with unmet need. Currently in this element there is a vacant 0.25 FTE hearing officer in Reserve that can be allocated. In preparation for the FMC meeting, OSCA staff contacted DOR to get their perspective on where the most current need is, and the recommendation was compared to the current funding formula. However, at their April 27, 2012 meeting, the FMC directed OSCA staff to revise the current methodology to consider a 3 year maximum sustained need and consider reallocating resources through attrition for FY 12-13. If the funding methodology indicated a need for 0.5 FTE or greater, the number was rounded up. Otherwise, it was rounded down. In order to allocate the vacant 0.25 hearing officer in reserve, the circuits with the highest net need were evaluated. This examination indicated that the 20th Circuit had the highest need, based on the methodology and DOR's recommendation. Two decisions were presented for consideration:

Decision 1 – Allocate the 0.25 FTE hearing officer. Judge Roundtree made a motion to approve Decision 1. Judge Mahon seconded and the motion passed without objection.

Decision 2 – Direct staff to monitor vacancies in this element and reallocate hearing officer and administrative support FTE's according to the maximum sustained need in the charts approved in the FY 2012-13 allotments, the one to one ratio of hearing officer to administrative support, DOR information, and circuit information when vacancies become available.

Ms. Slayden further reported that the FMC recommended allocation of the 0.25 FTE hearing officer position in Reserve to the 20th Circuit. When vacancies occur during the year, an analysis will be provided to the Executive Committee for recommendations on reallocations.

Judge Perry made a motion to approve Decision 2. Judge Roundtree seconded and the motion passed without objection.

General Magistrates

Kris Slayden reported on the General Magistrates stating the funding methodology approved is based on a case weighted methodology for general magistrates and a ratio of one administrative support position per magistrate. On April 27, the FMC directed OSCA staff to revise the current methodology to consider a 3 year maximum sustained need and consider reallocating resources through attrition for FY 12-13. If the funding methodology indicated a need for 0.5 FTE or greater, the number was rounded up. Otherwise, it was rounded down. Current FTE numbers were subtracted from the whole numbers identified by the funding methodology to obtain additional FTE needed.

Currently, one circuit (7th) has administrative support resources in excess of the one to one ratio. In addition, four circuits (4th, 6th, 15th and 17th) have excess general magistrate resources, as determined by the weighted workload methodology.

Ms. Slayden noted that the decision needed today is to direct staff to monitor vacancies in this element and reallocate resources according to the maximum sustained need in the charts approved in the FY 2012-13 allotments, the one to one ratio of general magistrates to administrative support, DOR information, and circuit information when vacancies become available.

The Funding Methodology Committee recommended when vacancies occur during the year, provide the same analysis to the Executive Committee for recommendations on reallocations.

Judge Perry motioned to approve the FMC recommendation. Judge Roundtree seconded and the motion passed without objection.

FY 2012-13 Circuit Allotments – Revise Contractual Authority

Senior Judge Days

Kris Slayden reported that the proposed FY 2012-13 allotments are based on a revised rate of \$355.08 per day and holding 50 days in Reserve and using a proportional distribution based on Circuit Judicial need as calculated in the most recent certification process. The reduction in days held in Reserve is to account for the FICA rate. Judge Perry expressed concerns on the allotments. Ms. Goodner stated that due to including FICA in the daily rate, the Reserve was reduced to 50 days helped absorb that increase of approximately \$30,000. The Funding Methodology Committee recommended approval of the proposed FY 2012-13 circuit allocations. Judge Mahon motioned to approve the FMC recommendation. Judge Roundtree seconded and the motion passed without objection.

Civil Traffic Infraction Hearing Officers

Alex Krivosheyev reported that at the April 27th FMC planning meeting, the committee directed staff to develop an allocation to include the current contractual authority of \$1,339,864 plus a budget amendment pending legislative approval of \$783,990 (same amount as last year) be recommended to the TCBC for a total statewide allotment recommendation of \$2,123,854 for FY 12-13.

The members considered the following options for allocation:

Option 1 – Approve proposed circuit allotments based on the current methodology of maintaining FY 2011-12 allotments.

Option 2 – Approve proposed circuit allotments based on each circuit's percent of the estimated FY 2011-12 expenditures.

Judge Mahon made a motion to approve Option 1 including the budget amendment. Judge Roundtree seconded and the motion passed without objection.

Additional Compensation to County Judges

Jessie Emrich presented the FY 2012-13 Compensation to County Judges allotments, stating they were derived using the current methodology by distributing the \$75,000 appropriation based on each circuit's percent of the total statewide expenditures using three years of historical expenditure data. Judge Steinbeck noted that this is the same methodology used as last year. Judge Roundtree motioned to approve the proposed FY 2012-13 circuit allotments. Judge Miller seconded and the motion passed without objection.

Court Interpreting

Jessie Emrich presented the FY 12-13 Court Interpreting allotments stating that in order to determine contractual authority, actual expenditures were used through April 30th and then annualized to come up with estimated expenditures for FY 11-12. Lisa Goodner commented that this is the same methodology that has been used for the past several years. Two options were presented for consideration:

Option 1 – Approve proposed FY 2012-13 allocations using the current methodology in which contractual authority is allocated based on each circuit’s current year annualized expenditures with a one year growth rate applied based on projected growth in non-English speaking population. Place the remaining balance in the reserve.

Option 2 – Distribute contractual authority based on each circuit’s percent of the statewide FY 2011-12 expenditures. Place remaining balance in the reserve.

Judge Perry expressed concerns that the proposed allocations were determined without input from the circuits, and that the current methodology does not take into account consideration for any cost savings the circuits may be implementing or any future needs that may arise due to those cost saving initiatives. Judge Perry also stated that using only one year of data may not reflect the actual trends. Concerns were also expressed that the expenditure data doesn’t take in account pending trials in the last quarter of the fiscal year.

Dorothy Wilson explained the Due Process Deficit Procedure for accessing the reserves. If a circuit has a deficit, they go before the Budget Management Committee (BMC) to request funds. The BMC then asks each circuit to look at their Due Process funds. If there are not any excess funds available, Reserve funds may be used.

Holly Elomina, Court Administrator for the Sixteenth Circuit, expressed her concern that taking expenditures through April and annualizing out does not properly reflect what circuits are spending or in need of. Ms. Elomina also stated if cost recovery funds are being used then these amounts are not being captured as well.

Judge Perry made a motion to approve Option 2. Judge Roundtree seconded the motion. A roll call vote was called, resulting in a 10/10 vote and the motion failed.

Mark Van Bever, Court Administrator for the Eighteenth Circuit, spoke to the current methodology as it relates to cost savings. Mr. Van Bever stated that circuits that actively seek ways to save costs should not lose money. Mr. Van Bever further stressed that it gives no incentive to circuits to limit spending. Judge Steinbeck commented that the current methodology may not be the best way, but that the FMC recommendation is the best estimate at what circuits need.

Judge Roundtree made a motion to approve Option 1. Judge Steinbeck seconded the motion and a roll call vote was requested. The motion passed with a vote of 16/5 in favor.

Expert Witness

Alex Krivosheyev presented the FY 12-13 allotments for the Expert Witness element, stating there were two options for the members consideration:

Option 1 – Approve proposed FY 2012-13 circuit allotments using the current methodology of placing 5% of the statewide allotment in reserve and allocating the remaining contractual authority to the circuits based on each circuit's percent of current year annualized expenditures.

Option 2 – Do not approve and consider an alternative.

The Funding Methodology Committee recommended Option 1. Judge Mahon made a motion to approve Option 1. Mike Bridenback seconded and the motion passed without objection.

Court Reporting

Alex Krivosheyev presented two options for the FY 12-13 allotments for the Court Reporting element for consideration by the TCBC:

Option 1 – Approve proposed circuit allocations based on annualized expenditure data for July 2011 through May 2012 and including estimates for June expenditures and certified forwards, with the remainder placed in reserve.

Option 2 – Approve proposed circuit allocations based on maintaining FY 2011-12 contractual allotments.

The Funding Methodology Committee recommended a third option to allocate funds by placing 10% of the statewide allotment in reserve and allocating the remaining contractual authority based on each circuit's percent of current year annualized expenditures.

Mike Bridenback stated the third option was a compromise to base proposed circuit allocations on expenditures, not put as much in to reserve but instead distribute that between the circuits based on each circuit's percent of expenditures.

Judge Perry stated that the 9th Circuit had not been contacted to verify if the special allocation received in FY 2011-12 was needed for FY 2012-13. Judge Perry stated that the 9th Circuit did require the special allocation to continue to pay for the transcript backlog and that overtime would be his only option if contractual dollars were not received.

Judge Steinbeck made a motion to approve Option 3 with the stipulation to give \$115,573 from Reserve to the 9th Circuit for FY 12-13. Judge Roundtree seconded and the motion passed without objection.

ADR/Mediation

Jessie Emrich stated the methodology for the Mediation element utilizes a funding ceiling applied to each circuit, calculated by using a standard cost per mediation session held with modifiers applied for coordination, multiple facilities, and the use of volunteers. The proposed contractual authority allocation is based on annualized current year expenditures, as long as total budget does not exceed the funding ceiling. A cushion was not applied due to using the 3 year maximum number of sessions held in calculating funding instead of a projected number of sessions. The members considered the following options for allocation:

Option 1 – Approve contractual authority based on the above funding methodology. Place remaining funds in the statewide reserve. This option does not hold circuits exceeding their funding ceiling harmless and reduces their proposed contractual allotment. FTE’s were held harmless for all circuits.

Option 2 – Approve contractual authority based on the above funding methodology; however, hold those circuits above their funding ceiling partially harmless by:

- 1) Reducing the 6th Circuit’s contractual authority by one half the amount in which they exceed their funding ceiling; and
- 2) Providing one half of FY 11-12 estimated contractual expenditures to the 12th Circuit and the 14th Circuit.

Place remaining funds in the statewide reserve.

The Funding Methodology Committee recommended to approve Option 2. The Committee also recommends that OSCA staff meet with the circuits over the ceilings to identify and address the factors that are causing the circuit to exceed their funding ceiling.

Mike Bridenback made a motion to approve Option 2. Judge Nelson seconded and the motion passed without objection.

Due Process – Cost Recovery

Dorothy Wilson presented the options for the FY 12-13 Cost Recovery allotments, stating that the FY 11-12 projected expenditures did not take into account the freeze on the cost recovery funds. Ms. Wilson stated that for FY 11-12 the allotments were based on each circuit’s prorated share of the FY 11-12 projected revenue. The following options were presented for consideration:

Option 1 – Allot the Due Process Cost Recovery category based on each circuit's prorated share of the FY 2012-13 projected revenue. The allotments for the 2nd, 7th, and 13th Circuits are capped at the amount of the FY 12-13 cumulative projected revenue.

Option 2 – Allot the Due Process Cost Recovery category based on each circuit's prorated share of the FY 2012-13 cumulative projected revenue (FY 2011-12 carry forward cash plus FY 2012-13 projected revenue.)

The Funding Methodology Committee recommended to approve Option 1.

Judge Perry made a motion to approve Option 1. Mike Bridenback seconded and the motion passed without objection.

Operating Budget

Dorothy Wilson presented the FY 12-13 Operating Budget allotments and stated that they are based on FY 11-12 beginning allotments and adjusted for permanent budget amendments, actions approved by the TCBC, and approved personnel actions, including the salary distribution plans. The proposed FY 12-13 allotments were also adjusted for two legislative actions; the FY 12-13 GAA included recurring Operating Capital Outlay funding and a realignment of appropriations from the Expense category to a new special category, Lease/Lease Purchase of Equipment. Ms. Wilson stated that we will have to continue to work on this category throughout the year. The proposed allotments for the OCO are included in the Court Administration element and are based on the FY 2010-11 beginning OCO allotments. The proposed allotments for the Lease/Lease Purchase category are prorated, based on each circuit's FY 2010-11 expenditures of this type, and are reflected in the cost centers where these funds were expended.

Judge Roundtree made a motion to approve the proposed operating budget allotments. Mike Bridenback seconded and the motion passed without objection.

Statewide Allotments

Dorothy Wilson presented the FY 12-13 Statewide allotments, stating the chart now includes the reserves for Court Reporting, Court Interpreting, Mediation Arbitration Services, Expert Witness, and Compensation to Senior Judges based on the recommendations from the FMC. The final chart will reflect all decisions made by the TCBC. Ms. Wilson reviewed other changes in allotments from FY 11-12 resulting from an increase to the National Center annual dues plus a decrease in the State Court Network lines due to a Suncom adjustment.

Judge Mahon made a motion to approve the proposed allotments. Judge Perry seconded and the motion passed without objection.

Open Court

Fred Buhl, 8th Circuit Court Technology Officer, provided a brief history and progress report on the OpenCourt project. On April 6, 2012, OpenCourt was re-certified as being compliant with the revised Digital Court Reporting standards. As of May 17th, the 8th Circuit has migrated all of its courtrooms to the program. OpenCourt is currently being used in production by the 3rd, 10th, 18th, and 19th Circuits in various capacities. The "Beta" version will be available by the end of June, 2012. For FY 2012-13, the 8th Circuit has the following two requests for OpenCourt funding:

Priority 1 – The 8th Circuit requests \$111,000 in one-time funding to continue the contract with the developer to fix bugs, add new features, and deal with updated hardware and software as new systems and equipment appear. Fred Buhl identified that the requested amount is comprised of \$100,000 in continued funding and \$11,000 for an increase from \$45 to \$50 per hour to the developer.

Judge Francis asked if there was a final product, what its cost would be, and if a work group has been established to monitor the progress. Mr. Buhl responded that continued modifications are needed depending on the circuit and their requirements and that a Governance Committee has been established. Lisa Goodner commented that the Governance Committee objectives are to monitor the implementation of the project and to provide to the TCBC a plan of action and recommendations at the December TCBC meeting. Walt Smith asked what the estimated savings were and asked how the tracking of the estimated savings compared to actual cost for the service. Fred Buhl responded that the savings is in the maintenance contracts which are no longer needed once a circuit transitions to OpenCourt and the hardware cost which are less expensive than other companies. Tom Genung stated that the 19th Circuit recently installed 5 court rooms with no license fee. Judge Mahon expressed his concern for the rate increase for the developer, stating that at this stage in the development, his concern was that the workload would not be as heavy as the beginning of development.

Mike Bridenback made a motion to approve \$100,000 in continued funding. Judge Mahon seconded and the motion passed without objection. Judge Mahon asked Mr. Buhl to express to the developer that the \$11,000 could be revisited in December once the workgroup developed its recommendations.

Priority 2 – The 8th Circuit is requesting \$120,000 to create a statewide OpenCourt support position to provide tier one technical support and on-site assistance for demonstrations, training, and installation assistance. This request includes any travel associated with the support position.

Judge Steinbeck requested to wait on this request until after the Governance Committee provided their recommendations. Mr. Buhl stated he was concerned about the number of

circuits that are beginning to use the OpenCourt system (currently 63 courtrooms) and expressed the importance of having the additional position to assist the circuits. Judge Steinbeck inquired what type of position would be added. Mr. Buhl stated it would be a contracted position. Mark Van Bever commented that the 18th Circuit had plans to move over more courtrooms to the system in the near future. Tom Genung asked how many courtrooms were in the queue to come online. Mr. Buhl responded, that 27 courtrooms are scheduled to come online next month.

Judge McGrady made a motion to table the request until the December TCBC meeting and recommendations from the workgroup are received. Judge Miller seconded and the motion passed without objection.

FY 2012-13 Legislative Projects

Conflict Counsel Payments Over the Flat Fee

Kris Slayden reported that during the 2011 and 2012 sessions, the Florida Legislature raised concerns that the expenditures for criminal conflict cases paid in excess of the statutory flat fee have increased significantly over the last 3 years. However, detailed analysis of the payment information from the Justice Administrative Commission revealed that the majority of the payments over the flat fee were attributable to payments for capital and RICO cases that span multiple years and which have come due more recently. It was determined that certain cases are so complex and the current statutory flat fees are so low that costs for those case types cannot be contained any lower. These case types are Capital Murder and Racketeer Influenced and Corrupt Organizations Act (RICO) cases. During the legislative sessions in 2012, the Executive Committee of the TCBC approved a methodology to determine the amount of additional funding needed for payments over the flat fee.

1. Total non-Capital and non-RICO conflict case payments in FY 2011-12 were weighted based on case type, identifying those cases that had payments over the flat fee, and then the percentage of those total appointed cases that were paid over the flat fee was calculated.
2. Once there was a circuit-level perspective of non-Capital and non-RICO conflict cases that are being paid over the flat fee, the statewide median percentage of non-Capital and non-RICO conflict cases paid over the flat fee in FY 2011-12 was calculated (2.4%). The median percentage is used as a normative percentage of conflict cases expected to be paid over the flat fee. It ignores: a) those circuits that have unusually high number of cases that are paid over the flat fee and b) those circuits that have unusually low number of cases that are paid over the flat fee.
3. The number of non-Capital and non-RICO conflict cases that may be paid over the flat fee by circuit in FY 2012-13 was calculated using the statewide median. Those circuits

that were under the statewide median were held to the number of non-Capital and non-RICO conflict cases that were paid over the flat fee in FY 2011-12.

4. Expenditure allowances were calculated for non-Capital and non-RICO conflict cases based on each circuit's proportion of the statewide total weighted non-Capital and non-RICO conflict cases that were paid over the flat fee, assuming that \$2.0 million would be spent on these types of cases. Circuits that received amounts significantly exceeding their FY 2011-12 expenditures were held to their FY 2011-12 expenditures. A 10% cushion was applied to each circuit's proposed FY 2012-13 allowance.

In order to implement the proposed methodology, a process flow chart was developed that would be performed by the OSCA Office of Budget Services and the Office of Finance and Accounting, with oversight by the Budget Management Committee. Kris Slayden reviewed the flow chart and explained how the conflict attorney payments over the flat fee would be processed.

Judge Soto commented that it was her understanding there was going to be an appellate process, however, she did not see that process in the flow chart. Judge Laurent responded that there would not be an appellate process since the TCBC is not an appellate court and should not be reviewing judicial decisions. Judge Mahon stated that it is known there is not enough money so the allocations will never be fair or adequate. Judge Steinbeck stated another way to look at the methodology is that it is a way to allocate a cut and spread the pain more equably. Judge Terrell asked what the commission does if there is no money to pay the invoices. Judge Laurent stated the legislature could possibly make an appropriation during session in the back of the bill.

The Funding Methodology Committee recommended to approve the methodology.

Judge Steinbeck made a motion to approve the proposed methodology. Judge Parker seconded and the motion passed.

FY 2012-13 Budget and Pay Policies

Modification to Budget and Pay Memorandum

Dorothy Wilson reviewed the proposed changes to the Budget and Pay Memorandum. Other than technical changes, the following revisions were proposed:

- Travel – Timeliness of Reimbursement Requests language to be deleted. The purpose of this language was to try to have the travel reimbursements submitted to OSCA timely for processing. However, statutorily OSCA is required to process these reimbursements and this language potentially created an audit criticism for those vouchers not received in the timeframe listed in the Budget and Pay memo.

- Senior Judge Guidelines and Allocations –
 - Allocation – Additional language added: Please note that an additional allocation of senior judge days has been appropriated by the legislature to provide for backlogs associated with real property/mortgage foreclosure cases.
 - Utilization and Management – Additional language added: All senior judges shall submit requests for payment through Court Administration to allow for segregation of resources for real property/mortgage foreclosure cases. Designated court administration staff will request payment from the appropriate allocation (regular vs. foreclosure) through the automated web-based reporting and tracking system. The senior judge web-based payment system has been enhanced to allow for the segregation of funds.
 - Travel Expenses – Additional language added: Expenses for senior judge travel have been budgeted and allocated by the TCBC to your local circuit for work provided from the regular allocation of senior judge days. Expenses for senior judge travel for mortgage foreclosure caseload have been budgeted and allocated by the TCBC to your local circuit (Cost Center 375).
The Timeliness of Reimbursement Requests language was deleted for the same reason as stated for the travel section.

Judge Perry made a motion to approve the revisions. Judge Mahon seconded and the motion passed without objection.

FY 2013-14 Legislative Budget Request

Strategies/Priorities for FY 2013-14 LBR

For FY 2013-14 LBR two different approaches were presented to address circuit needs.

Approach 1 – Request New Recurring Resources:

Kris Slayden provided background information and stated that for the last 2 years, with little change in caseload and the low probability that the court system would receive additional funding, the TCBC used a streamlined approach to the LBR process. This approach allowed circuits to submit requests for non-recurring requests that fall within specified guidelines. Recurring issues applied the official statewide funding methodologies to determine if they were a priority and a request would be submitted.

Approach 2 – Enhance Existing Resources:

Lisa Goodner cited that promoting an LBR issue related to pay provides a focus on attracting, hiring and retaining highly qualified and competent employees, a goal of the Judicial Branch's Long Range Strategic Plan issue of supporting competency and quality. Under this approach a pay plan would be filed that could include an across the board pay issue as well as specific pay issues to combat recruitment and retention problems.

The TCBC was presented with the following four options:

Option 1 – Request new recurring resources using the official funding methodologies to address additional needs in select elements.

Option 2 – File a request based on enhancing existing resources.

Option 3 – File an LBR using a combination of requesting new recurring resources for select elements and enhancing existing resources for other elements.

Option 4 – Do not file an LBR.

The Funding Methodology Committee recommended to file a request based on enhancing existing resources.

Kathy Pugh made a motion to approve Option 2. Judge Perry seconded and the motion passed without objection.

FY 2013-14 LBR Request – Special LBR Issues

Court Interpreting

- A. Funding Request for Implementation of TCP&A Recommended Standards of Operation and Best Practices: Kris Slayden reported that the TCP&A developed a priority strategy which includes four tiers for the implementation for the proposed standards and best practices from TCP&A's *Recommendations for the Provision of Court Interpreting Services in Florida's Trial Courts* . Tier One includes those standards and recommendations that have no fiscal impact and were approved in AOSC11-45. Tier Two includes those policies related to expanding court interpreting services to all court proceedings and court-managed activities. Tier Three includes those policies that are related to implementation of remote interpreting technology systems. Tier Four includes all other remaining policies with a fiscal impact, such as, appointment of certified interpreters and attendance for interpreter training, seminars, and workshops.

The Funding Methodology Committee recommended to approve a LBR issue for Tier Two policies in which to address court interpreting services to all court proceedings and court-managed activities. Judge Steinbeck made a motion to approve a Tier Two issue. Judge Mahon seconded and the motion passed without objection.

- B. Remote Interpreting Study Directive: Kris Slayden presented this item for informational purposes only. A Due Process Technology Workgroup has been established with a

December 2012 deadline to provide recommendations to the TCBC. Walt Smith suggested there be judicial involvement as part of the workgroup.

Post-Adjudicatory Drug Court Expansion Program Continuation Funding

Kris Slayden presented the following options for consideration related to filing an issue in FY 13-14 Legislative Budget Request for Post-Adjudicatory Drug Court Expansion Program. This program includes eight counties. The program has included \$18,633,223 in funding for treatment services, drug testing, case management, probation supervision, data system development and maintenance, and OSCA program monitoring and administration.

Option 1 – Approve submission of a legislative budget request for fiscal year 2013-2014 to provide continuation funding for the eight current adult post-adjudicatory drug courts.

Option 2 – Do not approve submission of a legislative budget request for fiscal year 2013-2014 to provide continuation funding for the eight current adult post-adjudicatory drug courts.

The Funding Methodology Committee recommended to approve Option 1, to continue the adult post-adjudicatory drug courts for FY 2013-14 with the current eight participating counties. It was decided that continuing operations in FY 2013-14 will allow additional time for a more detailed program analysis of the cost benefits and outcomes to better determine the long-term value of adult post-adjudicatory drug courts to the state courts system as a whole. Whether adult post-adjudicatory drug courts continue, expand services to more courts, or shut down should be determined for the 2014-2015 fiscal year.

Judge McGrady made a motion to approve Option 1. Mike Bridenback seconded and the motion passed without objection.

Due Process Equipment: Maintenance/Refresh/Expansion

Kris Slayden reported that OSCA staff have been reviewing historical costs associated with refresh to identify an average annual cost that can be used to request a statewide recurring appropriation. This issue would help in securing funds permanently within the State Court System's budget in support of refreshing equipment in annual increments. The results from this analysis will be provided at the August 2012 meeting for approval.

The Funding Methodology Committee recommended to approve a LBR issue for due process equipment in support of the following: 1) General expansion needs; 2) General refresh needs; and 3) Special hardware and software needs related to circuits changing vendors or switching to non-proprietary solutions such as OpenCourt. Robin Wright made a motion to approve the FMC recommendation. Kathy Pugh seconded and the motion passed without objection.

Courthouse Furnishings

Dorothy Wilson presented two options for consideration:

Option 1 – Circuits submit requests for non-recurring costs for furnishings of non-public spaces in new/expanded courthouses and courthouse facilities, which are the state’s responsibility pursuant to 29.008, Florida Statutes.

Option 2 – Do not file an LBR.

The Funding Methodology Committee recommended Option 1, circuit requests for non-recurring costs for furnishings of non-public spaces in new/expanded courthouses and courthouse facilities, which are the state’s responsibility pursuant to 29.008, Florida Statutes, similar to the traditional LBR process.

Walt Smith made a motion to approve Option 1. Judge Mahon seconded and the motion passed without objection.

Foreclosure Backlog Reduction Initiative

Alex Krivosheyev presented the following options for consideration:

Option 1 – File a Legislative Budget Request (LBR) for FY 2013-14 using updated data to calculate the amount of funding that will be necessary for this initiative (during 2012 session, this amount was estimated to be \$4,551,447). Request the additional funds for FY 2013-14 using the same methodology as was used to request funding for FY 2012-13.

Option 2 – Do not file an LBR.

The Funding Methodology Committee recommended Option 1, to file a Legislative Budget Request (LBR) for FY 2013-14 using the same methodology as was used to request funding for FY 2012-13.

Judge Mahon made a motion to approve Option 1. Judge Roundtree seconded and the motion passed without objection.

Court Reporting Cost Sharing

Jessie Emrich presented the members with the following two options:

Option 1 – File a Legislative Budget Request (LBR) for FY 2013-14 for the additional cost sharing budget. The \$2,493,790 amount from last year’s LBR will be updated with more recent data. Request the additional funds for FY 2013-14 in the same manner as last year.

Option 2 – Do not file an LBR.

The Funding Methodology Committee recommended Option 1, to file a Legislative Budget Request (LBR) for FY 2013-14 for the additional cost sharing budget.

Judge Perry made a motion to approve Option 1. Judge Roundtree seconded and the motion passed without objection.

Red Light Cameras

Alex Krivosheyev reviewed this agenda item stating that due to the implementation of red light cameras, there may be an increase in workload within the Civil Traffic Infraction Hearing Officers (CTIHO) element. An examination of FY 2011-12 expenditure trends within the CTIHO element did not reveal any increases that may be associated with increased workload. OSCA staff also reached out to the Department of Highway Safety and Motor Vehicles to determine if there is an impact/increase in workload. Mr. Krivosheyev presented two options for consideration:

Option 1 – File an LBR.

Option 2 – Do not file an LBR.

The Funding Methodology Committee recommended Option 2, to not file an LBR and to continue monitoring expenditures for possible impact from increases in workload. Judge Miller made a motion to approve Option 2 and to keep track of the data for next year's LBR. Judge Roundtree seconded and the motion passed without objection.

Cases over the Flat Fee

Judge Roundtree made a motion to include an LBR issue for the cases over the flat fee to cover the anticipated expenditures over the \$3 million that is appropriated to JAC. Mark Weinberg seconded and the motion passed without objection.

Revenue Stabilization Initiative

Kris Slayden reviewed the Revenue Stabilization Initiative and presented two options for consideration. In 2011, the Chief Justice created the Revenue Stabilization Workgroup to provide recommendations to the Legislature for stabilizing the revenue for the courts and clerks. Those recommendations recognize that fines, fees, and costs generated through operation of the courts should fund the court system before being diverted to other purposes and that some court functions are of such critical importance that they should be funded with general revenue. The 2012 Legislature adopted a structure that returned the courts' budget to a greater reliance on general revenue.

Option 1 – Recommend to court leadership to revise the current Revenue Stabilization Workgroup Recommendations and work with the Clerk of Court Operation Corporation (CCOC)

and Florida Association of Court Clerks (FACC) to develop a proposal for the 2013 legislative session.

Option 2 – Do not pursue the Revenue Stabilization proposal for the 2013 legislative session.

Judge Roundtree made a motion to work with the CCOC and FACC on revenue stabilization proposals in the 2013 session. Judge Miller seconded and the motion passed without objection.

Special Acknowledgement

Upon return from break, prior to resuming agenda business, Lisa Goodner introduced Chief Justice Canady. Chief Justice Canady made remarks regarding Judge Laurent's service to the TCBC, and acknowledged and thanked Judge Laurent for his leadership, service and dedication to the TCBC and the State Courts System. Judge Steinbeck and Judge Mahon echoed Chief Justice Canady's remarks and extended their thanks for his leadership.

Adjournment

With no other business before the Commission, the meeting adjourned at 12:35 p.m.