

Trial Court Budget Commission
Meeting Minutes
June 20, 2014



-- AMENDED AND APPROVED SEPTEMBER 18, 2014 --

Attendance – Members Present

The Honorable Margaret Steinbeck, Chair
The Honorable Mark Mahon, Vice Chair
The Honorable Catherine Brunson
The Honorable Ronald Ficarrotta
Mr. Tom Genung
Ms. Sandra Lonergan
The Honorable Thomas McGrady
The Honorable Wayne Miller
The Honorable Debra Nelson
The Honorable Gregory Parker
The Honorable Belvin Perry, Jr.

Ms. Kathy Pugh
The Honorable James McCune
The Honorable Robert Roundtree
The Honorable Olin Shinholser
Mr. Grant Slayden
The Honorable Elijah Smiley
The Honorable Bertila Soto
The Honorable John Stargel
The Honorable Terry Terrell
The Honorable Patricia Thomas
Mr. Mark Weinberg

Attendance – Members Absent

Mr. Walt Smith

Ms. Robin Wright

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

Agenda Item I: Welcome and Approval of Meeting Minutes

Judge Steinbeck called the Trial Court Budget Commission (TCBC) meeting to order at 8:30 a.m. The roll was taken with a quorum present.

Judge Steinbeck presented the draft meeting minutes from the June 4, 2014, TCBC meeting and asked if there were any changes necessary before approval. Tom Genung moved to approve the minutes as drafted, with a second from Judge Ficarrotta. The motion passed without objection.

Agenda Item II: Status of FY 2013-14 Budget

A. Reclassification Actions

Theresa Westerfield provided a report on the status of reclassifications and other personnel actions as of June 10, 2014.

B. Positions Vacant More than 180 Days

Theresa Westerfield provided a report on the status of vacancies over 180 days as of June 10, 2014.

C. Operating Budgets

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

D. Conflict Counsel Cases Over the Flat Fee

Kris Slayden provided an overview of the Conflict Counsel Cases Over the Flat Fee payments. Although the courts will no longer be responsible for these payments, Judge Steinbeck recommended the TCBC continue to monitor. Judge Mahon agreed that staff should continue to report on expenditures compared to prior years. Lisa Goodner stated that the report will continue to be distributed to chief judges.

E. Foreclosure Backlog Reduction Initiative

Alex Krivosheyev provided an overview of the Foreclosure Backlog Reduction Initiative expenditures and technology implementation status for FY 2013-14. Mark Weinberg inquired if unexpended funds will rollover to FY 2014-15. Dorothy Wilson stated that the original appropriations remaining in the State Courts Revenue Trust Fund for technology implementation will revert and unexpended FY 2013-14 funds in General Revenue will carry over.

Agenda Item III: Special Pay Issue for Court Employees Appropriated in FY 2014-15

Judge Steinbeck noted the appropriation is not sufficient to address all equity and retention issues identified and the TCBC will need to address the worst issues first. Judge Perry added that consideration should also be given to internal flexibility to address circuit unique needs. Theresa Westerfield provided a review of three basic questions raised and their interpretations, based on the General Appropriations Act back of bill language, since the initial discussions at the June 4, 2014, TCBC meeting. (1) A question was raised as to whether every position in a class could be adjusted. It appears that they could most especially for retention issues. (2) Another question was whether the adjustments could include those for reclasses that were the result of new classes being created to address equity problems and, again, it was the consensus that they could. (3) Finally, it was asked whether if one level of court was having a problem with a class or class group but another level was not, would classes in all levels have to be

adjusted. It was determined that classes/class groups could be adjusted at level of court in a limited manner based on justification. It was also reported that the chief justice wants to continue with benchmarking those classes which have traditionally been differentiated at level of court, e.g., judicial assistants, law clerks, etc.

Judge Steinbeck provided a review of the draft distribution recommended by the TCBC Executive Committee which addresses many critical areas and allows for flexibility to fix circuit specific issues without all circuits having to implement. Each class group was discussed and resulted in the following recommendations:

- Law Clerks and Senior Law Clerks – Benchmark at 90% of the supreme court staff attorney proposed salary, provide eligibility for a promotion to senior law clerk at the end of year 5, and 3% minimum increase for all current law clerks and senior law clerks. Adjust new minimums to \$45,817.20 for law clerks and \$55,202.40 for senior law clerks.
- General Counsels – Increase minimum to \$85,915.14, utilizing the 5.6% increase proposed for new law clerk minimum increase. Anyone below the new minimum will be brought up to the new minimum of the class.
- Program Attorneys – Increase the minimum to \$47,840.72, utilizing the 5.6% increase proposed for new law clerk minimum increase. Anyone below the new class minimum will be brought up to the new minimum of the class.
- Judicial Assistants – Benchmark at 90% of the supreme court base rate of pay for circuit court judicial assistants and benchmark at 85% of the supreme court base rate of pay for county judicial assistants. Adjust new minimums to \$33,980.58 for circuit and \$32,092.77 for county, and 4% minimum increase for all judicial assistants.
- Trial Court Administrators – Increase the minimums to:
\$115,000 small circuits (2, 3, 8, 14, 16)
\$120,000 medium circuits (1, 5, 7, 10, 12, 18, 19)
\$125,000 large circuits (4, 6, 9, 13, 15, 20)
\$130,000 extra-large circuits (11, 17)
- Trial Court Technology Officers – Increase the minimum to \$90,250.08, the mid-point, based on 16 state agencies' salaries for six classifications and 30 positions: director of information services, director of information technology, chief information officer, information systems director, information system director II, and information systems and services administrator.

- Magistrates – Utilize the difference between the State Courts System average and the average salary of Department of Management Services Public Employee Relations Commission Hearing Officer, increase the minimum by 12% to \$82,650.48. Maintain current percent difference to increase administrative magistrate to \$90,915.52.
- Administrative Services Managers and Directors – Utilize the Justice Administrative Commission comparable average salary and increase administrative services director minimum to \$80,467. Decrease the current 48% difference between the administrative services manager class and administrative services manager to 24% and increase the administrative services manager minimum to \$61,291.72.
- Budget Analysts, Managers, and Specialists – Increase the minimums by 11.96%, which is the average difference between State Courts System average budget class series' salaries and that of 19 executive branch agencies reviewed. Adjust new minimums to: \$38,593.75 budget specialist; \$48,359.46 budget analyst; \$55,940.77 budget manager; and \$71,371 budget services manager.
- Chief Deputy Trial Court Administrators – Utilize the average salary of chief classes in 31 legislative branch and executive branch agencies, to increase the minimum to \$83,618.
- Administrative Assistants – Equalizes the minimum of the administrative assistant I to that of the proposed new minimum of the county judicial assistant and maintains current differences between levels of administrative assistants. Adjust new minimums to: \$32,092.77 administrative assistant I; \$34,981.12 administrative assistant II; and \$41,627.53 administrative assistant III.
- Human Resources Specialists and Analysts – Increase the minimums by 8.15%, which is the difference between State Courts System average human resources classes' salaries and those of 30 state agencies. Adjust new minimums to: \$32,791.12 personnel technician; \$35,772.30 personnel specialist; \$46,713.79 personnel management analyst; \$54,017.81 human resource manager; and \$68,942.26 chief of personnel services.
- Case Managers – No change and include in plan for FY 2015-16 legislative budget request.
- Administrative Support for Magistrates – Move all current administrative secretary I to administrative secretary II, resulting in a 3% increase. The administrative secretary II minimum is \$30,320.04.
- Administrative Support for Child Support – Increase the minimum pay to 28,349.24 or increase pay to 2.8%, whichever is greater.

- Court Operations Analysts, Managers, and Consultants – Increase the minimums by 6.17%, which is the difference between the State Courts System average salary of operations analyst series and those of operations and business analysis in 32 legislative and executive branch agencies. Adjust new minimums to: \$38,343.64 court analyst; \$53,028.86 court operations manager; \$55,680.64 court operations consultant; and \$64,457.12 senior court operations consultant.
- Certified Court Interpreters – Increase minimums by 5%, including certified supervisory positions. Adjust new minimum to: \$43,331.15 certified court interpreter; \$47,568.91 assistant supervising court interpreter; and \$55,067.04 supervising court interpreter.
- Specific Retention and/Recruitment Issues – The remaining funds after implementation of the approved class groups will be distributed to the individual circuits, based on current FTE, to address specific retention and recruitment issues at the circuit level.

Tom Genung motioned to approve the distribution plan for submission to the chief justice. Judge Stargel seconded and the motion passed without objection. Judge Stargel motioned to give staff the authority to make technical adjustments as needed. Judge Miller seconded and the motion passed without objection.

Agenda Item IV: FY 2014-15 Circuit Allotments

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

Jessie Emrich-McMillan reported that a 0.75 FTE administrative secretary I position in reserve is available for allocation in the child support enforcement hearing officer element. Based on need, the Funding Methodology Committee (FMC) recommended allocating to the 10th Circuit and continue to monitor vacancies in this element and in the general magistrates element for possible reallocation. Judge Brunson made a motion to approve the FMC recommendation. Judge Roundtree seconded and the motion passed without objection.

B. Maintain Existing Allotments: Court Administration, Case Management, Law Clerks, and Operating Budgets

Alex Krivosheyev reported on this agenda item stating that the proposed allocations maintains FTE as no new FTE resources were appropriated. The proposed operating budget allotments are based on the FY 2013-14 beginning allotments and adjusted for: permanent budget amendments, actions approved by the TCBC, non-recurring items, and approved personnel actions. The Funding Methodology Committee (FMC) recommended as proposed. Judge Ficarrota made a motion to approve the FMC recommendation. Judge Soto seconded and the motion passed without objection.

C. Revise Non-Due Process Allotments: Senior Judge Days, Civil Traffic Infraction Hearing Officers, Additional Compensation to County Judges, and Mediation

Jessie Emrich-McMillan reported on this agenda item stating that the proposed allotments were enhanced to include the use of a three year average of expenditures, contacting circuits with proposed allotments for review and comment, and maintaining a 10% target for reserve. The Funding Methodology Committee (FMC) made the following recommendations:

Senior Judge Days – Allot based on rate of \$355.08 per day, holding 50 days in reserve, and using a proportional distribution based on circuit judicial need as calculated during the most recent certification process and actual county judges. Judge Nelson motioned to approve the FMC recommendation. Judge Brunson seconded the motion passed without objection.

Civil Traffic Infraction Hearing Officers – Allot based on maintaining the FY 2013-14 allotments. Judge McGrady motioned to approve the FMC recommendation. Judge Roundtree seconded and the motion passed without objection.

Additional Compensation to County Court Judges – Allot using the current methodology which distributes the \$75,000 appropriation (less \$100 in reserve) based on each circuit's percent of the total statewide expenditures using three years of historical expenditure data. Judge Miller motioned to approve the FMC recommendation. Sandra Lonergan seconded and the motion passed without objection.

Mediation – Allot based on: a three year average expenditures; a funding floor and ceiling applied to each circuit; holding circuits above their funding ceiling partially harmless by reducing the 6th Circuit's contractual authority by one half the amount in which it exceeds its funding ceiling; and a 5% cushion applied to each circuit as long as it did not cause the circuit to exceed its funding ceiling. Judge Perry motioned to approve the FMC recommendation. Sandra Lonergan seconded and the motion passed without objection.

D. Revise Due Process Contractual Allotments: Court Interpreting, Expert Witness, Court Reporting, and Cost Recovery

Jessie Emrich-McMillan reported on this agenda item stating that the proposed allotments were enhanced to include the use of a three year average of expenditures with modifications applied where appropriate, contacting circuits with proposed allotments for review and comment, and placing the remaining funds in the statewide due process reserve. The Funding Methodology Committee (FMC) made the following recommendations:

Court Interpreting – Allot based on current methodology and allocate using each circuit's three year average expenditures with a one year growth rate applied, include a 5% cushion,

adjustments for the 2nd, 4th, 5th, 6th, 13th, 14th, and 19th circuits, and placing remaining funds in the statewide due process reserve. Judge Thomas motioned to approve the FMC recommendation. Judge McGrady seconded and the motion passed without objection.

Remote Interpreting – Allot the recommendation of the Due Process Technology Workgroup and allocate \$81,428 from FY 2014-15 due process reserve to support continuation of the regional pilot into FY 2014-15. Tom Genung motioned to approve the FMC recommendation. Judge Soto seconded and the motion passed without objection.

Expert Witness – Allot based on the average expenditures over three years, include a 5% cushion, an adjustment for the 4th and 14th circuits for increase in expenditures, and place remaining funds in the statewide due process reserve. The FMC approved recommendation of the proposed methodology with the exception of the adjustment for the 14th circuit, with the understanding that the 14th circuit may request additional expert witness funds from the due process reserve once they determine that they will exhaust their allocation. The 1st circuit subsequently submitted a request for additional funding and consistent with the 14th circuit decision, the FMC recommended the 1st circuit may request additional expert witness funds from the due process reserve once they determine that they will exhaust their allocation. The 1st circuit withdrew their request. Judge Roundtree motioned to approve the FMC recommendation. Judge Smiley seconded and the motion passed without objection.

Court Reporting – Allot based on the average expenditures over three years, include a 5% cushion, and place remaining funds in the statewide due process reserve. Kathy Pugh motioned to approve the FMC recommendation. Judge Mahon seconded and the motion passed without objection.

Open Court – Approve the recommendation of the Due Process Technology Workgroup and maintain the existing allocation in the 8th Circuit (\$100,000 contractual for the software developer and \$75,000 contractual for the user support analyst). Tom Genung motioned to approve the FMC recommendation. Judge Thomas seconded and the motion passed without objection.

Due Process Cost Recovery – Elizabeth Garber reported on this agenda item stating that The proposed allotments were based on: each circuit's prorated share of FY 2014-15 projected revenue; cap allotments for the 2nd, 13th, 16th, and 17th Circuits at the amount of FY 2014-15 cumulative projected revenue and the excess redistributed; and adjust the 9th Circuit to reflect the cash needed to cover the Salaries and Benefits for 1.0 FTE for FY 2014-15. Judge Miller motioned to approve the FMC recommendation. Judge Brunson seconded and the motion passed without objection.

E. Statewide Allotments

1. **Continuing Allotments** – Dorothy Wilson provided an overview of the statewide allotments for informational purposes only.
2. **National Center for State Courts Projects** – Kris Slayden reported on this agenda item stating that the Office of the State Courts Administrator (OSCA) occasionally enlists the help of the National Center for State Courts (NCSC) as a consultant on a range of issues. The OSCA requests the following from operating reserves:

Review of the Judicial Workload Model and Case Weights - \$370,000 (\$186,000 for FY 2014-15 and \$184,000 for FY 2015-16) to conduct a time study, hold focus group meetings, conduct analyses, and create a final report.

Information Technology Strategic Plan - \$40,262 to develop a draft strategic plan and pay for a two-day workshop for court administration staff.

Judge Smiley motioned to approve the requests. Judge Nelson seconded and the motion passed without objection.

3. **Integrated Case Management System Funding Request (Eighth, Tenth, Fourteenth, and Eighteenth Judicial Circuits)** – Alex Krivosheyev reviewed a request on behalf of the Eighth, Tenth, Fourteenth, and Eighteenth Circuits for additional FY 2014-15 contractual services allocation in the amount of \$259,000. The funds will be used to continue to support the development of the Integrated Case Management System (ICMS).

Judge Smiley motioned to ~~defer the issue for consideration of any unused National Mortgage Foreclosure Settlement Funds, if they come available from other circuits during FY 2014-15~~ approve the 8th Circuit's request for \$259,000 to continue to support the development of the ICMS program through FY 2014-15, using trial court Expense category reserve funds. This action will require a budget amendment to transfer the Expense category reserve funds to the Contracted Services category. Judge Nelson seconded and the motion passed without objection.

F. Allotments for Special Appropriations

Eric Maclure provided an overview of special appropriations authorized by the legislature and status report of continuation programs.

1. Post-Adjudicatory Expansion Drug Courts – \$5,000,000 (recurring) in continuation funding for treatment services and \$540,835 for other personal services in the 1st, 5th, 6th, 7th, 9th, 10th, 13th, and 17th circuits.
2. Veterans' Courts – \$1,000,000 (recurring) in continuation funding for veterans' treatment intervention programs in Okaloosa, Clay, Duval, Pasco, Pinellas, Alachua, and Orange counties.
3. Problem-Solving Courts Education and Training – \$100,000 (nonrecurring) in new funding for training and education of judges and staff on how to address co-occurring disorders in the criminal justice system.
4. Criminal Mental Health Treatment Services - \$250,000 (nonrecurring) for the 11th Circuit's Criminal Mental Health Project.
5. Vivitrol/Naltrexone to Treat Alcohol- or Opioid-Addicted Offenders - \$3,000,000 (\$2,000,000 nonrecurring) in new funding to contract with a non-profit entity for the purposes of distributing naltrexone extended-release injectable medication to treat alcohol- or opioid-addicted offenders in the court-ordered, community-based drug treatment programs.
6. 24x7 Sobriety Monitoring Program - \$75,000 (nonrecurring) in new funding to implement an around the clock sobriety monitoring program pilot in the 4th Circuit.
7. Domestic Violence Active Global Positioning Satellite (GPS) Technology - \$316,000 (recurring) for the 18th Circuit to continue its program to protect victims of domestic violence with Active Global Positioning Satellite technology.
8. Courthouse Furnishings - \$65,000 (nonrecurring) funding for the 4th Circuit's newly built Duval County Courthouse.

Agenda Item V: FY 2014-15 Budget and Pay Policies: Payroll Projection Timeline

Dorothy Wilson provided an overview of the payroll projection timeline and communicated that a draft of the annual budget and pay administration memorandum will be available at the next TCBC meeting on August 26, 2014.

Agenda Item VI: Trial Court Technology Funding Strategies Workgroup Status Report

Kris Slayden provided an overview of the draft status report of the TCBC Trial Court Technology Funding Strategies Workgroup. Tom Genung motioned to approve the status report. Judge Stargel seconded and the motion passed without objection.

Agenda Item VII: FY 2015-16 Legislative Budget Request (LBR)

A. LBR Timeline

Dorothy Wilson provided an overview of the FY 2015-16 legislative budget request timeline.

B. Priorities/Strategies

Kris Slayden reviewed the Funding Methodology Committee recommendations for FY 2015-16 legislative budget request issue priorities. Judge Mahon motioned to approve the following issues in priority order: (1) second year funding of the retention and equity pay issue and to include case managers (in addition to any state across the board pay increases); (2) technology issues for due process equipment and maintenance, and electronic transmission of judicial order to clerk of court; and (3) court interpreting resources to comply with supreme court order. The motion included for staff to gather data for all other FY 2014-15 LBR issues not funded and present at the August meeting. Judge Mahon seconded and the motion passed without objection.

Agenda Item VIII: Report from Chief Justice Designee to Clerks of Court Operations Corporation

Judge McGrady reported the clerks' are expecting a \$20 million revenue shortfall. The group will meet in June to discuss stabilization of clerk revenue.

Agenda Item IX: Other Business

No other items were discussed.

Adjournment

With no other business before the commission, the meeting adjourned at 12:11 p.m.