

**Trial Court Budget Commission
Meeting Minutes
Tallahassee, Florida
July 1, 2004**



Members Present

Susan Schaeffer, Chair	Nelly Khouzam	Belvin Perry
Stan Morris, Vice Chair	John Laurent	Judy Pittman
Mike Bridenback	Carol Ortman	Mark Van Bever
Joseph Farina	Nancy Perez	Theresa Westerfield
Charles Francis		

Members Absent

Jeffery Arnold	Kim Hammond	Thomas Reese
Don Briggs	Donald Moran, Jr.	William Roby
Paul Bryan	Wayne Peacock	Walt Smith
Ruben Carrerou		

Others Present

Chief Justice-elect Pariente, Chief Judge Hayes-20th, Chief Judge Menendez-13th, Jennifer Wells-14th, and OSCA staff.

WELCOME & INTRODUCTION OF GUESTS

Judge Schaeffer called the meeting to order Thursday, July 1, 2004, at 11:15 a.m. Introductions were made and guests were recognized.

The Trial Court Budget Commission's operating procedures states that fourteen members must be present to constitute a quorum for the transaction of business. Eleven members were in attendance, thus a quorum was not present. Judge Schaeffer identified that all Executive Committee members were present, and directed the Executive Committee members to vote on behalf of the full commission.

Remarks and Presentations by Chief Justice-Elect Pariente

Chief Justice-elect Barbara Pariente thanked all members for their hard work and accomplishments. A resolution signed by all Supreme Court Justices was presented to each member in appreciation for their service. Justice Pariente noted that she had delayed the Passing of the Gavel Ceremony by one day in order to allow for the proper recognition of the historic significance of July 1, 2004, by hosting a Revision 7 Commemoration ceremony.

Judge Farina thanked Chief Justice Pariente for the appointments of Judge Stan Morris as the new TCBC Chair, and Judge Belvin Perry as Vice-Chair.

OPERATIONAL ISSUES

5th Circuit Request: Court Reporting Allocation

Peggy Horvath reported that in preparing the budget summary for court reporting for the 5th circuit, an OSCA oversight inadvertently subtracted cost savings of \$179,887 from the contractual expense figure of \$716,657, rather than a recording cost figure of \$553,500. Consequently, this error must be reconciled before the budget is finalized.

In addition, a second adjustment is necessary to fully reconcile this issue. As a part of its initial budget request, the 5th circuit submitted a proposed "recording budget" of \$553,500 to be used to reimburse clerks of court for operating court reporting equipment. In light of the allocation of 14 FTEs, the OSCA factored this money out of its budget summary. However, the requested positions will not completely offset the circuit-wide need to maintain the recording budget. In particular, the \$179,887 in cost savings related to the reduction in monies paid to the clerks of court in Hernando and Marion counties must be subtracted from the circuit-wide recording budget of \$553,500. Hence, monies to be paid to the clerks of court in the 5th circuit for operation of court reporting equipment should be reduced from \$553,500 to \$373,613.

Consequently, the 5th circuit requests an additional allocation of \$373,613 to establish a recording budget from which clerks of court are to be paid for operating court reporting systems in Lake, Citrus, and Sumter counties. This estimated need is based upon agreements reached between court administration and the clerks of court for the above-noted counties, whereby court administration will pay clerks \$75 per day to support each non-felony judge for a total of 246 working days.

Mark Van Bever expressed concern with the \$75 fee paid to the clerks of court. Judge Laurent made the motion to increase the 5th circuit's total contracted expenditures from \$536,770 to \$716,657, and allocate \$373,316 from remaining funds in the due process bank. Judge Farina seconded, and the motion was approved without objection.

14th Circuit Request: July 1, 2004 Emergency Allocation

Kristine Slayden, of the OSCA, reported that the TCBC, at their June 18-19, 2004 meeting, voted to approve an emergency allocation of 2.0 FTE court administration positions for the 14th circuit to be effective three months earlier than the rest of the state's allocation of new positions. The two positions approved by the TCBC were an Administrative Services Manager and an Administrative Assistant II.

The 14th circuit is requesting to swap the effective dates of two of their new court administration positions. They would like to exchange the Administrative Services Manager (base salary is \$43,544) position for a Court Operations Consultant position (base salary is \$50,408) that is scheduled to be allocated to the circuit on October 1, 2004. The Administrative Services Manager would then become effective on October 1, 2004. Less salary and benefit dollars will be generated to apply to the salary shortfall for the three months that the manager position is held vacant. An anticipated provision of this exchange is to promote an existing state employee into the consultant position at 10% above her current salary, which is \$50,075.88. The full impact of the exchange is that a reduction of \$8,053 salary and benefit dollars will be generated that would have helped cover the salary shortfall. The circuit has a frozen Senior User Support Specialist position which could be advertised and hired effective July 1, 2004. The circuit has proposed to hold this position frozen until October 1, 2004, generating \$12,624 in salaries and benefits to be applied to the salary shortfall, which would cover the \$8,053 reduction created by the requested exchange of positions.

Judge Schaeffer reminded the members of the Budget Management Committee recommendation, which the TCBC approved, that based on the need for small circuits to provide essential court services, they could hire as of July 1, if they found an alternative to make up the salary shortfall.

Mark Van Bever moved to approve the 14th circuit's request to swap the effective dates of the Administrative Services Manager to October 1, 2004, and the Court Operations Consultant to July 1, 2004. Judge Laurent seconded, and the motion was approved without objection.

11th Circuit Request: Pending Merit Increases

Judge Farina explained that the intention of the TCBC was to hold county employees who are appointed to state positions on July 1, 2004, harmless by retaining the salaries that they were paid while on county payroll upon their new hire into state positions. Final salary approval was contingent upon legislative funding and the projected salary shortfall for fiscal year 2004-05. Based on legislative funding approved by the 2004 General Appropriation Act, the TCBC determined that all documented salaries would be retained. Final county salary data was submitted to the OSCA in April 2004 by each circuit to determine the final payroll cost, to assess the salary shortfall, and to prepare data transmission for the July payroll.

The Executive Committee met on May 10, 2004. Using its authority to make emergency decisions, the committee voted to adopt that effective May 11, 2004, no prospective salary increases will be brought across to the state budget. This action was communicated to all chief judges and trial court administrators on May 11, 2004. This action was determined to be necessary due to the projected continuing salary shortfall for the upcoming fiscal year. Additionally, the TCBC separately addressed increases to county employees' salaries made after the Legislative Budget Request was filed, but prior to May 11, and approved the retention of those increases. However, personnel actions made after May 11 that would increase the shortfall would

not be permitted. These actions included merit raises, cost of living increases, and position upgrades.

County employees of the 11th circuit received an across-the-board cost of living increase approved by the Board of County Commissioners, and were eligible to receive merit increases on the employee's anniversary date. The salary data and payroll documentation submitted by the 11th circuit in April 2004 included the across-the-board raise each county employee received in July 2003, and merit raises processed before May 11. Merit raises anticipated through June 30, 2004, but not processed, were written on the payroll documents.

Ten employees of the 11th circuit were eligible to receive the merit increases prior to May 11, 2004, but these increases were not processed before the cutoff due to internal operating procedures and schedules. The nine remaining employees were scheduled to receive merit increases after May 11, 2004. Judge Farina requested that the TCBC consider a two percent increase to the salaries of the 19 employees. The cost, including benefits, is \$21,715.

Judge Farina withdrew the request for the employees with anniversary dates after May 11, making the request for the 10 employees with anniversary dates before May 11, citing the delay of processing was not the employees fault.

Mark Van Bever made a motion that the 10 employees with anniversary dates before May 11 be given a 2% increase. Theresa Westerfield seconded the motion, and discussion followed. Judge Schaeffer called for a vote and the motion failed.

Additional Budget Allocation

Charlotte Jerrett reviewed the table detailing the non-recurring general revenue expense for new employee allocation. The table represents the additional non-recurring expense of \$3,853 per employee, in addition to the \$4,194 recurring expense per employee. Non-recurring expense is used for the new employees' office furniture, equipment, etc. The figures do not include Child Support Enforcement Hearing Officers. Due process FTEs allocated from the due process bank will receive recurring and non-recurring expenses from the due process bank.

Carol Ortman motioned to approve the non-recurring general revenue expense per new employee allocation as presented. Judge Francis seconded, and the motion was approved without objection.

Next Meeting

Judge Schaeffer announced that the Executive Committee will meet August 4, 2004, in Tampa, with the full commission meeting scheduled for August 5, 2004.

OTHER BUSINESS

A revised 2005-06 Legislative Budget Request Time Line was included in the meeting packet. August 23, 2004, is the tentative date for a joint meeting of leadership of the Supreme Court Budget Oversight Committee, the OCA, the District Court of Appeal Budget Commission, and the Trial Court Budget Commission, and the Judicial Qualifications Commission to review the Legislative Budget Request.

Carol Ortman announced the Funding Methodology Committee would meet July 2, 2004, tomorrow from 8:30 a.m. to 10:30 a.m.

Chief Justice Pariente invited all members to the Passing of the Gavel Ceremony tomorrow. Judge Schaeffer reported that plaques will be given to Justice Anstead, Justice Wells, and former Justice Harding for their grassroots effort and support of Revision 7. She also reported that she and Judges Farina, Perry, and Morris presented the Governor with a plaque. Judge Schaeffer stated that the plaques were from the TCBC and that no state funds were used. Judge Schaeffer asked the members to ratify the approval of obtaining and presenting plaques to the Revision 7 heroes, named above.

ADJOURNMENT

With no other business before the commission, Judge Schaeffer adjourned the meeting at 12:10.