

**Trial Court Budget Commission  
Meeting Minutes  
July 9, 2008**



<b>Attendance - Members Present</b>		
Belvin Perry, Jr., Chair	Charles Francis, Vice-Chair	Mike Bridenback
Paul Bryan	Ruben Carrerou	Joseph Farina
Shelley Kravitz	John Laurent	Mark Mahon
Robert Morris	Stan Morris	Carol Ortman
Nancy Perez	James Perry	Judy Pittman
Thomas Reese	William Roby	Robert Roundtree
Walt Smith	Patricia Thomas	Mark Weinberg
Robin Wright		

<b>Attendance – Members Absent</b>		
Susan Schaeffer	Margaret Steinbeck	

<b>Guests Present</b>		
Kim Skievaski – 1 <sup>st</sup>	Vernon Douglas – 3 <sup>rd</sup>	Sondra Williams – 3 <sup>rd</sup>
Donald Moran – 4 <sup>th</sup>	Joe Stelma – 4 <sup>th</sup>	Vanese Brodnax - 4 <sup>th</sup>
Caroline Emery - 4 <sup>th</sup>	Mia Hiney - 4 <sup>th</sup>	Daniel Merritt – 5 <sup>th</sup>
David Trammell – 5 <sup>th</sup>	Gay Inskeep – 6 <sup>th</sup>	David Walsh – 7 <sup>th</sup>
Frederick Smith – 8 <sup>th</sup>	Ted McFetridge – 8 <sup>th</sup>	Matthew Benefiel – 9 <sup>th</sup>
David Langford – 10 <sup>th</sup>	Nick Sudzina – 10 <sup>th</sup>	Amy Negrin – 11 <sup>th</sup>
Lee Haworth – 12 <sup>th</sup>	Kim Miller – 12 <sup>th</sup>	Manuel Menendez – 13 <sup>th</sup>
Hentz McClellan – 14 <sup>th</sup>	Jan Shadburn – 14 <sup>th</sup>	Kathleen Kroll – 15 <sup>th</sup>
Barbara Dawicke – 15 <sup>th</sup>	Holly Elomina – 16 <sup>th</sup>	Jack Tuter – 17 <sup>th</sup>
Clayton Simmons – 18 <sup>th</sup>	Mark Van Bever – 18 <sup>th</sup>	Wayne Fountain – 18 <sup>th</sup>
Tom Genung – 19 <sup>th</sup>	Keith Cary – 20 <sup>th</sup>	Richard Callanan – 20 <sup>th</sup>
Lisa Kiesel – 20 <sup>th</sup>	Peter Blanc – FCCJ	OSCA Staff

The July 9, 2008 meeting of the Trial Court Budget Commission (TCBC) was called to order at 8:40 a.m. by Judge Belvin Perry, Chair.

## **I. Welcome and Introduction of Guests**

Judge B. Perry welcomed the members and the roll was called. He also welcomed Chief Justice Quince. Chief Justice Quince thanked Chief Judge B. Perry and Chief Judge Francis for their leadership on the TCBC. They have represented the Commission well before the Legislature and the Supreme Court. She stated that the Judicial Branch cannot afford further budget hold backs or reductions and meetings are already underway with the Governor's office. However, we must look at the situation realistically, look at what we can do, and decide what options are best for the Branch. The Branch is in dire straits: can we continue to carry out the constitutional mandates and how do we do that with the least amount of pain? Chief Justice Quince encouraged the members, chief judges, and trial court administrators in attendance to provide input on the budget decisions to be made during the meeting.

Judge B. Perry stated that the decisions that are made at this meeting will determine the budget direction of the trial courts and the ability to maintain the rule of law. The agenda items will be presented and each TCBC member, chief judge, and trial court administrator will have the opportunity for comment. He added that varying opinions will be expressed and asked members to pay close attention to each opinion. After all comments, the members will vote.

### **Approval of May 15, 2008 Meeting Minutes**

Judge B. Perry asked if there any revisions to the draft minutes from the May 15, 2008 meeting minutes. Judge Francis made a motion, seconded by Judge Mahon, to adopt the meeting minutes as drafted. The motion passed without objection.

## **II. Final Report on FY 2007-08 Budget**

### **A. Salary Budget**

Charlotte Jerrett reported that the salary budget took an \$11.4 million cut and the Legislature allowed the use of trust funds and non-recurring expense to back fill the salary reduction target. \$6.8 million of circuit salary liability was covered with the back fill, leaving a balance of \$45,440 under appropriation. The county salary liability was covered with \$2.9 million and was \$2,618 under appropriation.

Judge Perry reiterated how close the liability was to appropriations and explained that if the payroll was short by \$1, the entire payroll would not run

and no one would receive a pay check. Hiring freezes, hiring at the minimum, and other precautionary measures helped ensure that payroll obligations were met.

Ms. Jerrett stated that FY 08-09 payroll projections are not yet available. The trial courts began FY 07-08 with a salary deficit. Historically, the recurring salary deficit was covered using lapse generated by vacancies. FY 08-09 will be different because vacancies were given up for the reduction in force (RIF) and will result in significantly low lapse. No trust fund resources will be available for back fill. Trust fund cash balances are tight and must be used for the mandated purpose.

#### **B. Operating Budget**

Charlotte Jerrett reviewed the status of the FY 07-08 operating budget as of June 30, 2008. The data does not include certified forward payments for goods and services acquired before June 30<sup>th</sup> but not invoiced until after June 30<sup>th</sup>. (The remaining balances after invoices are paid will revert.)

#### **C. Due Process Budget**

Charlotte Jerrett reviewed the status of due process expenditures, summarizing that approximately 90% of the appropriation has been expended, not including certified forward payments.

#### **D. Trust Funds**

Charlotte Jerrett reported that \$10.2 million of one-time budget authority was provided by the Legislature to use unbudgeted balances to pay for general revenue salary amounts that were cut during FY 07-08. Due to extremely conservative fiscal policies, not all of the authorized amounts were used to cover payroll obligations through fiscal year end. Ms. Jerrett reviewed the trust fund cash balances, noting that all general revenue mediation positions were moved to the Mediation/Arbitration Trust Fund and the remaining cash balance of approximately \$4.3 million will be used to cover the salaries of these positions in the first quarter. Staff and the Budget Management Committee will closely monitor balances.

### **III. FY 2008-09 Budget Reductions**

Theresa Westerfield reviewed the RIF plan chart detailing the resources used to meet the target. Although 222.75 positions were cut in the plan, due to vacancies, 131 layoffs occurred.

#### **IV. FY 2008-09 Budget Outlook**

##### **A. Annual Release Plan: s. 216.192, F.S.**

Judge Perry encouraged the members to read s. 216.192, F.S. regarding release of appropriations/revision of budgets and s. 216.221, F.S. regarding adjustment of budgets to avoid or eliminate deficits. He reviewed a memorandum from the Governor's office that outlined the FY 08-09 annual release plan for appropriations. The plan releases only 24% per quarter, same as last year, and equates to a 4% hold back. Preliminary estimates show the state deficit at \$1 billion. Lisa Goodner added that the Legislature and Governor intend to use the Budget Stabilization Fund and that the 4% hold back is precautionary.

Judge Perry stated that Chief Justice Quince has a constitutional and statutory responsibility to prevent or eliminate deficits. Her authority includes the ability to submit an annual plan for quarterly releases for all appropriations as directed in s. 216.192, F.S.

##### **1. Governor's Target Reductions**

Charlotte Jerrett reviewed a chart of the trial court budget by fund, appropriations category, and the dollar equivalent of the 4% hold back. She noted that most of the discussions would be regarding the general revenue salary hold back of \$12 million. Ms. Jerrett added that staff will analyze payroll projection data to see if the Mediation/Arbitration and Operating Trust Funds can handle the hold back.

##### **2. Release Plan Options for Trial Courts**

Theresa Westerfield reported that the 1<sup>st</sup> quarter releases have been posted at 24% based on the Governor's plan. Three options as alternatives for the Chief's plan are:

- **Option One** - Request the full 25% release for all appropriations categories, reserving the equivalent of 1% of Salaries in other categories, pending the outcome of the August 08-09 General Revenue forecast.

- **Option Two** - Request the full 25% release for the Salary and Benefits category only, leaving the remaining category releases at 24%, reserving the equivalent of 1% of Salaries in other categories, pending outcome of the August 08-09 General Revenue forecast.
- **Option Three** - Request some other variation of a full 25% or partial release for appropriations categories.

The Executive Committee recommended Option Two as the alternative release plan. Both Options One and Two suggest a contingency, reserving 1% or \$3 million of Salaries in other categories.

Ms. Westerfield reviewed a chart representing various appropriations categories with reduction tolerance for assisting in determining the amounts from each category that could be held back to cover a 1% reduction to Salaries. Prior to calculating reduction tolerance, a precautionary 4% reduction was applied to each category. Should the 4% hold back for all categories in FY 08-09 become a permanent reduction, either these operating category reductions would become permanent or an additional 1% cut in salaries would have to be sustained. Lisa Goodner added that these options are looking at the 1<sup>st</sup> quarter only until the outcome of the August general revenue estimating conference. The meeting has not yet noticed.

Judge Perry stated that the Executive Committee recommended allotting OCO to a central pool instead of allotment at the circuit level. The funds would be distributed based on need and justification. Priority would be given to new court house needs versus furniture replacement.

Walt Smith asked why more of the hold back was not taken from the Expense category given that only about 50% was expended in FY 07-08. Judge Perry stated that all circuits participated in very conservative spending due to the budget reductions and funds needed to cover salaries.

Judge Bryan asked if Civil Traffic Infraction Hearing Officers were eliminated. Judge Perry acknowledged the funding for Civil Traffic Hearing Officers was being held in reserve and added that as a result, the 9<sup>th</sup> Circuit can only do 30% of the case load before the reduction.

### **3. Salary Reduction Options**

#### **a. Reduction in Force (RIF)**

Charlotte Jerrett reviewed a chart detailing the Salaries and Benefits breakout of the RIF option using a 4% or \$12 million reduction and a 3% or \$9 million reduction. She added that an October 1, 2008 implementation would equate to roughly 209 FTE versus 277 on July 1, 2009.

Ms. Jerrett reviewed a chart detailing by circuit and element the total FTE available to cut in FY 08-09 using the same methodology in the FY 07-08 RIF, the maximum reduction thresholds.

#### **b. Furloughs**

Charlotte Jerrett reviewed the options for each reduction scenario.

To reach a 4% target salary reduction amount of \$12,031,779, two options were presented. Option One would furlough all circuit and county staff excluding judges. The impact would equate to 28 days (5 weeks and 3 days or 10.8% salary reduction). Option Two would furlough all staff excluding judges and judicial assistants. The impact would equate to 43.5 days (8 weeks, 3 days, and 4 hours or 16.7% salary reduction).

To reach a 3% target salary reduction amount of \$9,023,834, two options were presented. Option One would furlough all circuit and county staff excluding judges. The impact would be 21 days (4 weeks and 1 day or 8.1% salary reduction). Option Two would furlough all staff excluding judges and judicial assistants. The impact would be 33 days (6 weeks and 3 days or 12.7% salary reduction).

#### **c. Other Options**

Charlotte Jerrett reviewed an example of other salary reduction options using variables: a combination of reserve operating dollars, pay cuts, furloughs, and layoffs, then spread out through the remaining quarters. She reminded the members that if the State accesses the Budget

Stabilization Fund, it will be a one-time fix. She also reminded them that the trial courts must cover a beginning salary deficit each year.

The members discussed furloughs versus layoffs. Gary Phillips reported on the implications of the policy options.

Judge Francis stated that after lengthy debate, the Executive Committee voted and are recommending:

**Release Plan – Option Two:** Request the full 25% release for the Salary and Benefits category only, leaving the remaining category releases at 24%, reserving the equivalent of 1% of Salaries in other categories, pending outcome of the August Revenue Estimating Conference.

**Salary Reduction Plan – Reduction in Force (RIF):** 209 layoffs effective October 1, 2008, to meet 3% reduction target of \$9,023,834. Give the chief judge of each circuit as much flexibility as possible. The circuits would not be bound by a minimum floor, but elements cannot be totally eliminated. Each element must have at least 1 FTE. Current vacancies may be filled and other positions may be used for the RIF plan.

Mark Weinberg asked if any position classes were exempt from the plan. Judge Francis stated that due process positions may be used if truly not needed, with the caveat that no extra resources will be received. Judge Laurent added that no state funds are available to bail out due process.

Judge Rountree asked why not choose the furlough option. Judge Laurent stated that furloughs do not fill the hole permanently. Furloughs spread the pain to all employees and at the end of the year layoffs would still occur. Judge Francis added that furloughs are equal to pay cuts; further decreasing morale, and then the employees would still have to worry about their jobs at the end of the year.

Lengthy discussion ensued with members and chief judges in attendance regarding furloughs and court closures versus layoffs and whether to include judicial assistants in the options. Walt Smith asked how other Judicial Branch budget entities were handling the budget situation. Lisa Goodner stated that the District Court of Appeal Budget Commission (DCABC) is meeting next week and they are faced with the same decisions as the TCBC. The trial courts are unique in that roughly half of

their budget is judges. OSCA has no judges and are able to control vacancies. No results were produced from ongoing discussions with the Legislature about the disproportionate share of salary due to judges and the effect on staff from salary reductions.

The members further discussed the legislative and public perception of the courts and the inequities between the branches of government. Judge S. Morris stated that judges are in a unique position and that actions must be taken accordingly.

Judge B. Perry stated that the TCBC chair is a very difficult position. He has been trial judge, chief judge, worked on Revision 7 and been part of TCBC since its inception, and worked many legislative sessions. The Legislature does not see that a reduction of 4% across all categories will have a resounding effect: delays getting transcripts, civil traffic dismissals, etc. The choices to be made, furloughs or layoffs, are not easy.

Judge Laurent, seconded by Judge R. Morris, made a motion to approve the Executive Committee recommendation. A vote was called and the motion passed with 11 yeas and 9 nays.

Judge R. Morris made a motion, seconded by Judge Roby, to include judicial assistants in RIF plan considerations. The members discussed whether chief judges have any authority to select those positions for RIF because judicial assistants are personal staff to judges. A vote was called and the motion failed with 9 yeas and 11 nays.

## **V. FY 2008-09 Budget Allotments**

### **A. Operating Reserve**

Theresa Westerfield stated that at the May 15, 2008 meeting, the TCBC approved the allotments for Reserve and Statewide operating expenses. She reviewed the adjusted reserve allotments to include:

- Increase in the Operating Reserve Expense category due to unemployment expenses being less than projected
- Increase in Operating Reserve Expense and Operating Capital Outlay (OCO) categories due to the placement of RIF plan operating reductions from circuits, needed to cover salary reduction
- Reduce the Operating Reserve Contracted Services category by 4%

Judge Laurent made a motion to approve the revised Reserve and Statewide expense allocations. The motion was seconded by Carol Ortman and passed without objection.

## **B. Expenses, Contract Services, OCO**

Theresa Westerfield reported that at the May 15, 2008 TCBC meeting, the members approved the Expense, Contracted Services, and OCO allotments for: Circuit and County Judges and Judicial Assistants, Case Management, Magistrates, Court Administration, Drug Court, Post-Conviction Law Clerks, and Law Clerks.

The allocations have been adjusted to reflect the reductions in operating expenses as provided by the circuits in their RIF plans. A 4% reduction has also been applied due to the hold back 4% of appropriations based on the Governor's Office release plan. Charts detailing the adjusted allocations were reviewed.

Judge Perry added that the Executive Committee recommended that the OCO allocation be placed in a central pool instead of allocating at the individual circuit level. Access to the central pool will be based on need and justification. Priority would be given to new courthouse needs versus furniture replacement.

Mike Bridenback made a motion to approve the operating allotments charts as amended, and placing the OCO allocation in a central pool. Judge Reese seconded, and the motion passed without objection.

## **C. Senior Judge Days**

Sharon Buckingham stated that the TCBC approved the Senior Judge allocation in May 2008. She reviewed an updated proposed allocation to include a hold back of 4% or 677 days.

Judge Perez made a motion, seconded by Judge Pittman, to approve the Senior Judge allocation as revised with the 4% hold back. The motion passed without objection.

## D. Due Process

1. **Operating Allotments** - Theresa Westerfield stated that the operating allotments for Expense and Contracted Services categories are based on the FY 07-08 beginning allotments and adjusted for FY 07-08 non-recurring Expense and FY 07-08 and FY 08-09 legislative budget reductions. The allotments were also adjusted for the 4% hold back and the OCO allocation will be moved to the central pool. Ms. Westerfield presented a technical consideration for the members. In FY 07-08, the FTE in the Expert Witness element that were not associated with providing expert witness services were transferred to the Case Management element. The TCBC may wish to transfer the Expense allotments associated with the transferred positions from the Expert Witness element to the Case Management element.

Carol Ortman made a motion to approve the due process operating allocations and to transfer the Expense allocation associated with the transferred positions to the Case Management element. Judge Roby seconded, and the motion passed without objection.

2. **Due Process Contractual Services** – Sharon Buckingham stated that as a result of FY 07-08 Special Session C, the Legislature authorized a fund shift from General Revenue to Trust for the salary dollars associated with the court interpreting and court reporting “cost sharing” model. Also, 1.0 FTE and contractual for court reporting was fund shifted to trust based on a review of due process cost recovery collections. As a result of further FY 07-08 Legislative budget reductions, the TCBC approved a reduction to the statewide due process contractual reserve.

The due process elements were not identified by the TCBC for FY 08-09 Legislative budget reductions; however, the TCBC approved the transfer of 5.75 FTE from the expert witness element to the case management element. In addition, the Budget Management Committee approved circuit exception requests to reduce 2.0 FTE from the court interpreting element and 15.5 FTE from the court reporting element in the RIF plans. These exceptions were approved based on the condition that if these circuits experienced any shortages of FTE or contractual resources in these elements prior to the appropriation of new resources by the Legislature, those shortages would have to be covered within existing circuit resources.

Ms. Buckingham presented several options for the members including:

a. **Court Interpreting**

- **Option One** – Maintain existing FY 07-08 contractual allotments less an across-the board 4% reduction for each circuit and the statewide reserve.
- **Option Two** – Reduce total statewide contractual appropriation by 4%. Apply the same allocation methodology used in FY 07-08 by allotting contractual funds based on applying one year projected growth rate in non-English speaking population to annualized FY 07-08 expenditures. Place 5% or \$175,547 of total contractual appropriation in the statewide reserve.

The Executive Committee recommended Option One. Judge Farina made a motion to approve Option One and Carol Ortman seconded. The motion was passed without objection.

b. **Expert Witness**

- **Option One** – Maintain existing FY 07-08 contractual allotments less an across-the-board 4% reduction for each circuit and the statewide reserve.
- **Option Two** – Reduce total statewide contractual appropriation by 4%. Apply the same allocation methodology used in FY 07-08 by allotting contractual funds based on each circuit's percent of the statewide total FY 07-08 non-custody evaluation annualized expenditures. Maintain existing statewide reserve at \$128,617 or 2% of total contractual appropriation.

The Executive Committee recommended Option One. Judge Mahon made a motion, seconded by Judge Reese, to approve Option One. The motion passed without objection.

Ms. Buckingham presented the members with a policy consideration regarding custody evaluations. Since 2005, the TCBC has discussed issues regarding the use of state resources for custody evaluations and in 2005, the TCBC recommended that circuits refrain from

providing custody evaluations and reserve funds for expert witnesses. In 2006, the TCBC again discussed custody evaluations and how they are not a constitutional requirement. In the past, the TCBC agreed that when the circuits are facing deficits in the constitutional required elements, they should reduce custody evaluations.

With the recent reductions to the expert witness reserve and the overall cuts faced by the trial courts, the TCBC may now wish to completely prohibit the use of expert witness resources to perform custody evaluations.

The members discussed a court's ability to continue custody evaluations. Mike Bridenback offered the option of having the parties pay by fee, which could be placed in cost recovery. Judge Farina agreed if the dollars could be tracked. Judge B. Perry also agreed, provided that state General Revenue funds are not used.

Judge Roundtree made a motion, seconded by Judge Mahon, to prohibit the use of state General Revenue and cost recovery funds, thus eliminating custody evaluations. The motion failed.

Judge Laurent made a motion that no expert witness funds be used for custody evaluations. Mike Bridenback amended the motion to include that cost recovery funds may be used for custody evaluations. Judge Mahon seconded, and the motion was passed. Three negative votes were noted.

c. **Court Reporting**

Sharon Buckingham reviewed a table depicting the overall court reporting budget across four cost centers, 129-Court Reporting and 128-Court Reporting Paid to Clerks in General Revenue, and 729-Cost Sharing and 267-Cost Recovery in Trust. She presented the following options for FY 08-09 allocations:

- **Option One** – Maintain the existing FY 07-08 contractual allotments in cost centers 128 and 129, less an across-the-board 4% reduction for each circuit and the statewide reserve.

- **Option Two** – Reduce the total statewide contractual appropriation by 4% in cost center 129 and allot by applying a 15% growth rate to annualized FY 07-08 expenditures with exception to circuits above target unit cost. For circuits above unit cost, maintain the same allotment as FY 07-08. Place 3%, or \$301,003, in the statewide reserve. For cost center 128, maintain existing FY 07-08 contractual allotments less a 4% reduction for each circuit.
- **Option Three** - For cost center 129, reduce the total statewide contractual appropriation by 4%. Allot contractual funds by applying a 5% growth rate to annualized FY 07-08 expenditures with exceptions to circuits above target unit cost and circuits that cut direct service positions in their FY 08-09 RIF plans. For these circuits, maintain the same allotment as FY 07-08. Place remaining \$58,852 or 1% of total contractual appropriation in statewide reserve. For cost center 128, maintain existing FY 07-08 contractual allotments less a 4% reduction for each circuit.

For consistency, the Executive Committee recommended Option One. Judge Francis made a motion, seconded by Judge Reese, to approve Option One. The motion passed without objection.

#### **E. Due Process Cost Recovery**

Theresa Westerfield stated that for FY 08-09, the budget authority remains the same as FY 07-08 at \$600,000 for allotment in State-Funded Services Cost Recovery less a 4% hold back of the. Available for allocation is \$576,000.

As a result of FY 07-08 Special Legislative Session C, the Legislature authorized a fund shift from General Revenue to Cost Recovery in the Operating Trust Fund. This shift included 1.0 FTE, \$67,979 in the Salaries and Benefits category, \$3,928 in the Expense category, and \$504,930 in Due Process Contractual Services.

Due to the volatility experienced with FY 08-09 budget cuts, the Executive Committee determined that maintaining allocations at the same level of funding as FY 07-08 for due process would be preferable, less a 4% hold back of the appropriation.

Judge Farina made a motion to approve the allocations as presented. Carol Ortman seconded, and the motion was passed without objection.

## F. Mediation

1. **Operating Allotments** - Theresa Westerfield stated that the operating allotments for Expense, OCO, and Contracted Services categories are based on the FY 07-08 beginning allotments and adjusted for FY 07-08 budget reductions and fund shift from General Revenue to the Mediation Arbitration Trust Fund (MATF). The allotments were also adjusted for the 4% hold back of appropriations and the OCO allocation will be moved to the central pool.

Judge Francis made a motion to approve the allocations as presented. Mike Bridenback seconded, and the motion passed without objection.

2. **Contractual Services** – Sharon Buckingham stated that as a result of FY 07-08 Special Session C, the Legislature authorized a fund shift from General Revenue to Trust. As a result of the FY 08-09 Legislative Session, general revenue appropriations were all fund shifted to trust. The TCBC approved these fund shifts based on all collections being pooled for statewide use as recommended by the ADR Performance and Accountability Workgroup. All revenue collections will be managed at the state level and circuits will no longer manage circuit specific budget authority against cash balances. However, circuits will be allotted spending authority to cover the cost of mediation positions, expense, and contractual services.

With FY 08-09 collections projected to be at approximately the same level as the total FY 07-08 appropriation, the Executive Committee determined that allocating spending authority to cover cost of positions, expenses, and contractual services at the same level as last year until such time that revenue projections exhibit an expected increase. The proposed FY 07-08 contractual authority allotments include a 4% across-the-board reduction for all circuits.

The 5<sup>th</sup> Circuit has an additional trust appropriation which has been tracked through a separate cost center (513). The proposed allocation is \$138,240 and includes FY 07-08 legislative reductions and the 4% hold back of appropriations based on the Governor's Office release plan.

Ms. Buckingham presented a technical consideration for the members. The funding source for mediation is now entirely in trust. Should the trust authority continue to be allotted separately for cost centers 430 and 513

(5<sup>th</sup> Circuit Dependency Mediation)? The Executive Committee recommended the approval of the allocations and to combine both cost centers.

Mike Bridenback made a motion, seconded by Judge Francis, to approve the allocation and to consolidate the two cost centers. The motion passed without objection.

For informational purposes, Ms. Buckingham reported that the Trial Court Performance and Accountability Commission will issue a report on proposed standards of operation and best practices targeted at improving existing alternative dispute resolution services, including the funding model. These recommendations will be presented to the TCBC in August 2008.

#### **G. Child Support Enforcement Hearing Officers**

Sharon Buckingham stated that as a result of FY 07-08 legislative reductions, the Department of Revenue (DOR) negotiated a reduction to the Title IV-D Child Support Hearing Office contract by \$200,000. An impact analysis of this modification indicated that the reduction could be absorbed within current operations with no change in the level of service provided. The total appropriation for FY 08-09 is \$6,028,151. For FY 08-09, the DOR has indicated that they would not support further reductions to the contract and they have not recommended any changes to circuit allotments for FY 08-09.

Judge Perez made a motion to approve the proposed allotments. Ruben Carrerou seconded, and the motion passed without objection.

#### **H. Civil Traffic Infraction Hearing Officers**

This item was withdrawn as the total civil traffic infraction hearing officer appropriation was applied to the statewide 4% salary reduction.

### **VI. Recommendations for FY 2008-09 Budget and Pay Policies**

Lisa Goodner reviewed the proposed changes to the annual Budget and Pay Administration memorandum for FY 08-09. She noted the major changes to include:

- All appointment salary rates, including promotions and DROP participants, must be at the minimum of the pay range. The chief judge may request an exception by the TCBC Executive Committee.

- Lead worker designation was eliminated.
- The trial court administrator minimum salary tier was revised to include a circuit size designation for Miami-Dade. The same circuit size designation is used for funding methodologies for trial court resources.
- An acting position appointment may receive up to a ten percent pay increase.
- Upward reclassifications are prohibited.
- Out-of-state travel is prohibited.
- The chief judge may approve intra-state travel necessary for case-related activities or administrative matters.
- Travel will be reimbursed for judges and court staff who are serving as chair or vice chair of selected committees and sections of the Florida Bar.
- Travel for moot court competitions will no longer be reimbursed.
- Travel for staff attendance at any of the sections or committee will no longer be reimbursed.
- Travel for attendance at conferences or meetings of national associations will no longer be reimbursed.

Judge Roby made a motion to include the Judicial Independence Committee to the list of selected committees and sections of the Florida Bar. Judge Farina seconded, and the motion passed without objection.

Judge Farina made a motion to approve the revisions to the proposed FY 08-09 Budget and Pay Administration Memorandum as amended, and to forward the recommendations to Chief Justice Quince for approval. Judge Roby seconded, and the motion passed without objection.

The members discussed the status of the hiring freeze. Judge Roundtree asked if the freeze would apply to the RIF plans. Mark Weinberg stated that the commission may want to exclude child support hearing officers from the hiring freeze. Lisa Goodner replied that if magistrates are cut, circuits may want to use vacant hearing officer positions for placement after layoffs.

Judge Laurent made a motion to make a recommendation to Chief Justice Quince to maintain the hiring freeze with the exception of the RIF plan implementation time period. Judge R. Morris seconded, and the motion passed without objection. Judge Perry reminded members that the current hiring freeze exceptions are: hold judicial assistant vacancies for 30 days and due process positions for 60 days.

## **VII. Issues for FY 2009-10 Legislative Budget Request**

### **A. Legislative Budget Request Timeline**

Charlotte Jerrett stated that the Judicial Branch still has an obligation to identify needs and requests. She reviewed the FY 09-10 Legislative Budget Request timeline.

### **B. Critical Due Process Needs**

Judge B. Perry stated that budget request instructions will be distributed shortly. Requests should be limited to legitimate and critical due process needs. These may be court interpreting and court reporting positions that were reduced. Circuits should document the effect of reductions, actual occurrences, and functions that can no longer be completed and include in the budget request.

Judge Perry stated that the Executive Committee has canceled the TCBC meeting scheduled in August in anticipation of the need to meet after the August Revenue Estimating Conference.

Judge Mahon made a motion to approve that only critical due process needs be submitted for the FY 09-10 legislative budget request. Judge Roby seconded, and the motion was passed without objection.

### **C. Supplemental LBR Issues**

#### **1. Cost Sharing Policy Implementation**

Kris Slayden reported that many of the policies approved by the TCBC which would have become effective July 1, 2008, will have a negative budgetary impact and be difficult to implement after sustaining several rounds of budget cuts. The Executive Committee recommended postponing implementation of these policies until the economic picture improves.

Walt Smith made a motion, seconded by Judge R. Morris, to postpone the implementation. The motion passed without objection.

## **2. Court Reporting Policy Implementation**

Kris Slayden stated that the implementation timeline was revised due to the resources needed for the budget crisis. The Executive Committee agreed that given the current budget situation the timeline is unreasonable, and has postponed the fiscal impact analysis until the budget situation has stabilized.

## **3. Update from Court Reporting Technology Workgroup**

Mark Weinberg provided the commission with an update from the Court Reporting Technology Workgroup. In March 2008, in anticipation of legislative budget cuts, the TCBC suspended the workgroup due to the limited availability of staff support resources. However, upon hearing concerns from court technology officers on the need to resolve DCR policy issues, the workgroup opted to perform the necessary work with limited staff support from OSCA.

Due to the time involved in completing several major tasks, the workgroup requested an extension of the deadline for submitting their final recommendations to the TCBC until December, for consideration in the Supplemental FY 09-10 LBR process.

Judge Perry stated that the work of this group is very important and the outcome may have big budget implications.

## **Adjournment**

Judge Perry thanked the Executive Committee, members, and OSCA staff. He stated that OSCA suffered staff reductions as well and to be mindful of turnaround times when making requests.

Judge B. Perry stated that the third branch of government will be measured by how we stand in change and challenge. The Judicial Branch will meet every challenge and there will be no disagreement in resolve for the welfare of the third branch. He asked the members to resolve work with blood, sweat, and tears at home as well as in Tallahassee. Judge Perry thanked Chief Justice Quince for setting aside time to attend the TCBC meeting. As head of the third branch of government, she gives the orders and it is our responsibility to carry them out.

Chief Justice Quince thanked Judge Perry, the TCBC members, trial court administrators, chief judges, and court staff. She was enlightened by hearing all the voices, not only from the members but the audience as well. The Branch is faced with very difficult decisions on how to proceed. One thing is for sure, decisions will be made based on what is best for all. The Chief Justice expressed her appreciation for the thoughts and comments, and assured the group they will not be taken lightly. She stated that the Judicial Branch has reached a turning point and it is our duty and responsibility to preserve and carry out mandates. The Judicial Branch will need to continue to engage other branches of government and the public. We must stress that resources are needed to carry out our responsibilities. She also stressed that the Branch needs to carry out their responsibilities as one. Chief Justice Quince noted the close votes of several decisions made during the meeting and she asked that the trial courts take what was decided and go with it. She ended by expressing her willingness to listen to considerations.

With no other business before the commission, Judge Perry adjourned the meeting at 1:10 p.m.