

Trial Court Budget Commission
Meeting Minutes
July 29, 2011



Attendance – Members Present

The Honorable John Laurent, Chair
Mr. Mike Bridenback
The Honorable Catherine Brunson
The Honorable Joseph Farina
The Honorable Ronald Ficarrota
The Honorable Charles Francis
Mr. Tom Genung
The Honorable Thomas McGrady
The Honorable Mark Mahon
The Honorable Margaret Steinbeck, Vice Chair

The Honorable Wayne Miller
The Honorable Debra Nelson
The Honorable Gregory Parker
The Honorable Belvin Perry, Jr.
The Honorable Robert Roundtree
The Honorable Elijah Smiley
The Honorable Patricia Thomas
Mr. Mark Weinberg
Ms. Robin Wright

Attendance – Members Absent

Ms. Sandra Lonergan
Ms. Carol Ortman

Mr. Walt Smith

Welcome

Judge Laurent called the Trial Court Budget Commission (TCBC) meeting to order at 12:00 p.m. The roll was taken and a quorum was present. Judge Laurent welcomed the members and asked others in attendance to introduce themselves.

FY 2011-12 Trust Fund Projections

FY 2010-11 Ending Trust Fund Cash Statements

Dorothy Wilson briefly reviewed the ending trust fund cash statements for FY 2010-11 and stated that the remaining cash would carry forward into the new fiscal year. The ending cash balances were as follows:

\$ 186,238 – State Courts Revenue Trust Fund (SCRTF)
\$2,740,098 – Mediation Arbitration Trust Fund (MATF)
\$ 856,846 – Administrative Trust Fund

Ms. Wilson noted that the MATF carry forward balance would be rolled into the SCRTF.

Overview of Projected Deficit in the State Courts Revenue Trust Fund

Dorothy Wilson reviewed the monthly cash analysis based on OSCA revenue estimates and appropriations. A revenue deficit is expected in the amount of \$56.4 million in the first quarter

and \$221.4 total for the year. The analysis will be updated monthly after each month end closing.

Approval of \$54 Million Loan to the State Courts Revenue Trust Fund

Lisa Goodner reported that due to the projected revenue deficit in the first quarter, Chief Justice Canady wrote a letter to the Governor to access the \$54 million loan to the State Courts Revenue Trust Fund as authorized by law. She reviewed data of actual revenues to date and a comparison of projected revenues of the Article V Revenue Estimating Conference (REC) and Office of the State Courts Administrator (OSCA). The official estimate of the REC is \$431,950,000 and the OSCA estimate is \$169,598,865.

Chief Justice Canady's Letter to Governor and Legislative Leadership

Lisa Goodner informed the members that Chief Justice Canady wrote a letter to the Governor and legislative leadership to start a dialogue regarding the severity of the projected revenue shortfall for FY 2011-12. Ms. Goodner reviewed the OSCA estimated revenues and expenditures for FY 2011-12. The projected cash shortfall is \$221,428,750. In reviewing the State Courts System budget by funding source, Ms. Goodner noted that the State Courts Revenue Trust Fund currently accounts for 83% of the budget.

Update on Revenue Stabilization Workgroup

Ms. Goodner provided an update on the workgroup that was established by the legislature to stabilize the revenue streams to the State Courts Revenue Trust Fund. The workgroup is working on documents and proposals for their August 12th meeting. The final meeting is scheduled for September 15th. The workgroup is not considering new revenue but a re-allocation of current revenue.

FY 2011-12 Allocations

Request for Additional Allocation: 5th Circuit

Dorothy Wilson reviewed a request from the 5th Circuit for \$156,330 in FY 2011-12 due process reserves to purchase digital court reporting systems for newly expanded facilities. The Budget Management Committee (BMC) recommended including the request in the FY 2012-13 Legislative Budget Request (LBR).

Judge Farina asked the 5th Circuit the outcome if the funding request is not approved. Jon Lin, Court Technology Officer, replied that the six courtrooms in the expanded facility would be limited to civil and capital cases. Criminal cases would require stenography and would increase costs. Judge Steinbeck stated that the BMC had a lengthy discussion and concluded that because other circuits also have unfunded needs and due process reserves are limited, it would be prudent to not use reserves at the beginning of the fiscal year. Judge Farina inquired if the request could be re-calendared for a meeting after legislative session. Judge Francis asked if the BMC would survey the unfunded need of the circuits.

Judge Francis made the motion to include the request in the FY 2012-13 LBR. Judge Roundtree seconded and the motion passed without objection.

Request for Additional Allocation: 9th Circuit

Dorothy Wilson reviewed a request from the 9th Circuit, as part of the FY 2012-13 LBR exercise, for \$100,000 in the due process services category for a backlog in court reporting transcription production. The funding would enable the court to eliminate the backlog and keep pace with transcript requests.

The FMC approved a recommendation to not file an issue for the FY 2012-13 LBR and referred the request to the BMC for a current year allocation since this is an ongoing issue. The BMC recommended approval of the request for a current year allocation.

Judge Farina made a motion to approve the \$100,000 request using funds from the FY 2011-12 statewide court reporting contractual reserve and address the issue during the FY 2012-13 allocation process, to be approved by the TCBC, if funds are needed in FY 2012-13 to continue in the elimination of the transcription production backlog. Judge Steinbeck seconded and the motion passed without objection.

FY 2012-13 Legislative Budget Request

Case Management Element

Kris Slayden reviewed the issue and stated that the approved funding methodology is based on a ratio of one position per every 5,500 applicable filing and a floor of 8 positions. The FMC approved a recommendation to file a request for 144 FTEs for a total of \$8,353,385 based on the official methodology.

Judge Parker made a motion to approve FMC's recommendation. Judge Roundtree seconded and the motion passed without objection.

General Magistrates Element

Kris Slayden stated that the approved funding methodology is based on a case weighted methodology for general magistrates and a ratio of one administrative support position per magistrate. She noted that the methodology does not expand on the use of these resources within the judicial system to divisions where general magistrates are not used statewide.

The FMC approved a recommendation to file a request for 9.5 magistrates and 22 administrative support positions for a total of \$2,144,690 based on the official methodology.

Judge Perry made a motion to approve FMC's recommendation. Judge Miller seconded and the motion passed without objection.

Law Clerks Element

Kris Slayden reviewed the issue and stated that the approved funding methodology is based on a ratio of one law clerk per every two judges. The FMC approved a recommendation to file a request for 107.5 FTEs for a total of \$7,208,893 based on the official methodology.

Judge Farina made a motion to approve FMC's recommendation. Judge Perry seconded and the motion passed without objection.

Cost Sharing

Kris Slayden reported that at the June 23, 2011 TCBC meeting, the Commission approved the request of additional funds in the same manner as last year, which was: to update the request from the previous year with more recent data; the total cost sharing funding be part of the court's budget; and seek a statutory revision to allow the courts to directly bill the Regional Counsels.

The FMC approved a recommendation to file a request for additional cost sharing budget in the amount of \$2,493,790 using the approved funding methodology and updated UDR data for FY 2010-11.

Judge Mahon made a motion to approve FMC's recommendation. Judge Perry seconded and the motion passed without objection.

Due Process Equipment

Court Interpreting – Patty Harris reviewed charts detailing the request by circuit and reported that circuits are requesting a total of \$403,537 for expansion and \$5,600 for existing equipment maintenance needs.

The FMC approved a recommendation to file a request for expansion based on circuit requests that are within the approved cost model guidelines. They also recommended to file a request for maintenance on existing equipment based on those circuit requests that are within the approved 13% maintenance formula as applied to original hardware and software costs (previously purchased using state and/or county funds) as reported in the Due Process Technology Inventory.

Judge Steinbeck made a motion to approve FMC's recommendation. Judge Farina seconded and the motion passed without objection.

Court Reporting – Ms. Harris reviewed charts detailing the request by circuit and stated that the circuits are requesting a total of \$729,749 for expansion, \$257,662 for existing equipment maintenance needs; and \$3,708,613 for refresh.

The FMC approved a recommendation of the following:

- File a request based on those circuit requests that are within the approved cost standards.
- For maintenance on existing technology, file request based on those circuit requests that are within the approved 13% maintenance formula as applied to original hardware and software costs (previously purchased using state and/or county funds) as reported in the Due Process Technology Inventory.
- For refresh, file issue based on those circuit requests that are within the approved refresh timeframes as applied to the original purchase dates of hardware.
- Include the 3rd Circuit's \$66,494 request for existing maintenance.
- Include the 11th Circuit's \$61,786 request for maintenance on expansion equipment.
- Include the 11th Circuit's \$622,815 request to refresh/upgrade existing equipment to centralized recording.
- Include the 3rd Circuit's \$67,000 non-recurring special request approved by the Commission last year.

Ms. Harris stated that the issue will also include the 5th Circuit's request in the amount of \$156,330 as approved by the Commission earlier this meeting. The FMC further recommended that to provide continued funding to the trial courts for the replacement of outdated court reporting equipment, that OSCA staff work with the circuits during the upcoming fiscal year to determine estimated annual court reporting refresh costs for consideration of requesting a recurring appropriation in future years and provide the results of this refresh analysis for the TCBC's consideration for the FY 2013-14 LBR.

Judge Farina made a motion to approve FMC's recommendation. Judge Miller seconded and the motion passed without objection.

Courthouse Furnishings

Dorothy Wilson reported that as part of the FY 2012-13 Trial Court Legislative Budget Request strategies, the TCBC approved circuits to submit requests for non-recurring issues. The following requests were received:

- The 4th Circuit requested \$507,252 in non-recurring funding to furnish the various non-public spaces of the new Duval County Courthouse.

The FMC approved a recommendation to file the issue as requested. Judge Perry made a motion to approve FMC's recommendation. Judge Miller seconded and the motion passed without objection.

- The 5th Circuit requested \$63,530 to furnish the private areas within the five judicial chambers of the new courthouse facilities in Hernando and Sumter Counties.

The FMC approved a recommendation to file the issue as requested. Judge Miller made a motion to approve FMC's recommendation. Judge Thomas seconded and the motion passed without objection.

Other Non-Recurring Issues

Dorothy Wilson reviewed requests submitted by the circuits for other non-recurring issues. The following requests were received:

- The 2nd Circuit requested \$23,438 for the replacement of six stand-alone copy machines.

The FMC approved a recommendation to file the issue as requested. Judge Perry made a motion to approve FMC's recommendation. Judge Roundtree seconded and the motion passed without objection. Due to the

- The 4th Circuit requested \$23,700 to replace five mobile presentation display units used for trials and other administrative purposes. Ms. Wilson noted that the units would not be an approved purchase if they were used solely for the courtroom.

The FMC approved a recommendation to file the issue as requested. Judge Roundtree made a motion to approve FMC's recommendation. Judge Brunson seconded and the motion passed without objection.

- The 9th Circuit requested \$30,000 to replace furniture and cubicles for the Office of Court Reporter Services.

The FMC approved a recommendation to not file the issue. Judge Roundtree made a motion to approve FMC's recommendation. Judge Brunson seconded and the motion passed without objection. Judge Farina asked why this request did not qualify for approval. FMC Chair Mark Weinberg responded that the 9th Circuit's request was for Expense funding. The trial courts generally has sufficient Expense funds available without seeking a special request and most needs are met by seeking funds from other circuits.

- The 18th Circuit requested \$70,665 to replace 15 stand-alone copy machines. After staff review of the quote, it was determined that the expenditure was not consistent with provisions in Florida Statutes, Chapter 29.008. The quote included a facsimile component and therefore the machine would not be considered a stand-alone copier and would not be a State-funded responsibility.

The FMC approved a recommendation to not file the issue and that staff contact the circuit to determine if they wished to amend the request for consideration by the TCBC. The 18th Circuit amended the request and provided a revised quote without the facsimile component. The amended request is \$75,000. Judge Farina noted the increase in the amount of the request. Ms. Wilson stated that the original quote was dated approximately 18 months ago.

Judge Roundtree made a motion to approve the amended request for \$75,000. Judge Brunson seconded and the motion passed without objection.

Judge Perry asked if the purchase of a stand-alone copy machine that has a built-in plug for a telephone line would be in violation of statute. Lisa Goodner replied that communications is a county responsibility and most new copy machines, as a standard, have the ability to communicate. She will ask legal staff to research the issue. The issue for the 2nd Judicial Circuit and the 18th Judicial Circuit will be filed pending outcome of the research.

Priority Listing of Budget Issues

Lisa Goodner reported on this agenda item and stated that the filing of the Legislative Budget Request requires numerous schedules. One of the schedules, Schedule VIIIA, requires the ranking of requests by order of priority. Judge Laurent asked for Ms. Goodner's recommendation of ranking and is as follows:

1. Courthouse Furnishings for Non-Public Areas
2. Statewide Due Process Equipment (Court Interpreting and Court Reporting)
3. Statewide Case Managers
4. Statewide Law Clerks
5. Statewide General Magistrates
6. Other Non-Recurring Issues-Replacement Equipment
7. Statewide Additional Cost Sharing Budget

Judge Farina inquired why furnishings would be ranked first. Ms. Goodner replied that if this issue is not funded, that a lot of spaces of new courthouse facilities would not be able to be used. The request is small and is for non-recurring funds, which is more likely to be funded. Judge Steinbeck made a motion to approve the priority ranking as recommended. Judge Perry seconded and the motion passed without objection.

Schedule VIII-B Reduction Exercise

Dorothy Wilson stated that a Schedule VIIIB-2 is required as part of the submission of the Legislative Budget Request each year. The purpose of the schedule is to identify recurring budget reductions that can be made in FY 2012-13 in the event that budget reductions are necessary. Agencies and the judicial branch are required to submit reduction issues totaling at

least 10 percent of the recurring general revenue funds and at least ten percent of recurring state trust funds, for consideration in developing the FY 2012-13 budget.

Staff has estimated the ten percent reduction amount by utilizing the FY 2011-12 General Appropriations Act recurring appropriations less Risk Management and the Human Resources Services Assessment appropriations (pass-through items). Ms. Wilson reviewed a chart detailing the total target reduction for the trial courts. The estimated ten percent target amount was \$36 million and 564 FTE. She stated that because the trial courts do not have programs, most of the reductions would be taken from FTE. The General Revenue appropriation funds judges' salaries only and if cuts from this fund are absorbed by the State Courts Revenue Trust Fund, the total target FTE reduction for the trial courts would increase to 621.5.

Adjournment

Lisa Goodner informed the members that the next in person meeting will likely be held in November, however; the Commission will need to meet by conference call to approve recommendations for the FY 2011-12 Budget and Pay Administration Memorandum.

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