

Trial Court Budget Commission
Meeting Minutes
August 3, 2013



Attendance – Members Present

The Honorable Margaret Steinbeck, 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 Mark Mahon, Vice Chair
The Honorable Robert Roundtree
The Honorable Olin Shinholser
Mr. Grant Slayden
The Honorable Elijah Smiley
Mr. Walt Smith
The Honorable Bertila Soto
The Honorable John Stargel
The Honorable Terry Terrell
The Honorable Patricia Thomas
Mr. Mark Weinberg
Ms. Robin Wright

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

Attendance – Members Absent

None

Agenda Item I.: Welcome and Approval of Meeting Minutes

Judge Steinbeck called the Trial Court Budget Commission (TCBC) meeting to order at 8:31 a.m. The roll was taken with a quorum present.

Judge Steinbeck reviewed the decision making process of the commission. At the direction of the Commission Chair, sub-committees and work groups research and evaluate options to address concerns of the commission, and provide recommended options to the commission for consideration. She asked all members to be fully engaged in the sub-committee and work group assignments. Judge Steinbeck further asked members to share the decisions of the TCBC with their colleagues and to explain the rationale behind the decisions.

Judge Steinbeck noted corrections on pages 8 and 16 to the draft meeting minutes from the June 18, 2013 TCBC meeting. Judge Mahon moved to approve the minutes as amended with a second from Judge Brunson. The motion passed without objection.

Agenda Item II. : FY 2012-13 Year End Wrap Up

A. Salary Budgets

Dorothy Wilson provided an overview of the fiscal year end salary budgets for FY 2012-13. Judge Steinbeck complimented staff for their wise management of the salary budget noting that out of \$233 million in payroll liability, the Trial Courts finished the year with \$2.4 million to the good, or roughly a 1% cushion in our salary budget.

B. Rate Distribution and Other Salary Adjustments

Theresa Westerfield provided an overview of the fiscal year end rate distribution, reclassifications, and other personnel actions for FY 2012-13.

C. Positions Vacant More Than 180 Days

Theresa Westerfield provided an overview of positions vacant longer than 180 days as of July 23, 2013.

D. Operating Budgets

Dorothy Wilson provided an overview of the fiscal year end operating budgets for FY 2012-13.

E. Trust Fund Cash Balances

Dorothy Wilson provided an overview of the fiscal year end trust fund cash balances for FY 2012-13.

F. Projected Reversions

Dorothy Wilson provided an overview of the projected reversions for FY 2012-13.

G. Global Positioning Devices in Domestic Violence Cases

Eric McClure provided an overview of the current status of the global positioning satellite (GPS) pilots and provided an overview of the report provided to the Legislature on June 28, 2013.

H. Conflict Counsel Cases Over the Flat Fee

Jessie McMillan Emrich provided an overview of the fiscal year end Conflict Counsel Cases over the Flat Fee.

Eric McClure provided an overview of Lisa Goodner's memorandum to the Trial Court Chief Judges and Trial Court Administrators dated July 22, 2013 regarding a change in the law relating to executive clemency which could affect the courts' liability for payments to private attorneys that exceed the limits established in law.

I. Foreclosure Backlog Reduction Initiative

Kris Slayden provided an overview of the fiscal year end Foreclosure Backlog Reduction Initiative for FY 2012-13.

Agenda Item III. : FY 2013-14 Budget Update

A. Update on General Revenue and Trust Fund Projections

Alex Krivosheyev provided an overview of the August 3, 2013 General Revenue Estimating Conference estimates for FY 2013-14 through FY 2016-17, and reported that the Article V Revenue Estimating Conference (REC) will meet on August 6, 2013 to review the official State Courts Revenue Trust Fund (SCRTF) projections for FY 2013-14.

B. Trust Fund Cash Balances

Dorothy Wilson provided an overview of the SCRTF cash analysis for FY 2013-14.

C. Salary Budget and Payroll Projections

Dorothy Wilson provided an overview of the Trial Court start up salary budgets.

Recommendations for the FY 2013-14 Budget and Pay Administration Memorandum

Theresa Westerfield provided an overview of the proposed changes to the Budget and Pay Memorandum for section A. and Dorothy Wilson provided an overview of the remaining sections and attachments.

Judge Perry moved to approve the Budget and Pay Administration Memorandum with a second from Judge Miller. The motion passed without objection.

Agenda Item IV. : Conferences' Midyear Committee Meeting Request

Judge Steinbeck reported this was a follow up issue from the June meeting. The Conference of County Court Judges requested at the June meeting to have funding restored for their midyear business meeting. The TCBC requested the County Court Judges Conference as well as the Circuit Court Judges Conference research the issue to determine what level of funding would be required to resume these midyear meetings.

Judge Shinholser, President of the Conference of Circuit Court Judges, presented several funding estimates based upon the number of participants and the location of the circuit conference business meeting. Judge Roundtree motioned to approve the amount of \$33,087 with a second from Judge Ficarrota. Judge Miller proposed an amendment to add \$500 to the proposal to cover meeting room rental. The proposed amendment was accepted, and the

motion to fund the Circuit Court Judges midyear business meeting in the amount of \$33,587 passed without objection.

Judge McCune, President of the Conference of County Court Judges, presented a proposal for \$18,800 to cover the County Court Judges midyear business meeting. Judge Perry made a motion to approve and round up the proposed amount to \$20,000, with a second from Judge Roundtree. The motion passed without objection.

Agenda Item V.: FY 2013-14 Child Support Enforcement Allocation

Jessie McMillan Emrich presented options for modifying the FY 2013-14 child support enforcement grant allocations. Judge McGrady motioned and Judge Miller seconded the motion to approve Option Two (*Based on circuit net need in hearing officers, net need in administrative support, and the 1:1 ratio of hearing officer to support staff, allocate a 0.5 FTE Child Support Enforcement Hearing Office position to the 13th Circuit and 1 1.0 FTE Administrative Secretary I position to the 11th Circuit*). The motion passed without objection.

Agenda Item VI. : FY 2014-15 Legislative Budget Request

A. Enhancing Existing Resources: Employee Pay Issues

Theresa Westerfield provided an overview of the branch wide salary equity and salary flexibility issues.

Theresa Westerfield provided an overview of the Personnel Committee Workgroup's recommendations regarding trial court law clerk pay.

Personnel Committee Workgroup recommended filing an LBR issue for trial court law clerk pay benchmarked at 95% of the district courts' final LBR request for appellate law clerk pay. Judge McGrady made a motion to approve the workgroup's recommendation with a second from Judge Thomas. The motion passed without objection.

Personnel Committee Workgroup recommend filing an LBR issue to provide an additional \$3,500 incentive for trial court law clerks at the conclusion of their eighth year of service. The TCBC Executive Committee recommended approval of the additional \$3,500 incentive but recommended that it should be funded through the flexibility pay issue, if funded. Kathy Pugh motioned and Judge Nelson seconded to approve the TCBC Executive Committee's recommendation. The motion passed without objection.

General Counsels

Theresa Westerfield provided an overview of the General Counsel issue and presented options regarding funding of additional FTE and Senior Management Service (SMS) Class retirement status.

Regarding additional FTE, the Executive Committee recommended filing an LBR to provide a General Counsel position in each of the circuits that do not currently have a General Counsel. Judge Nelson motioned to approve the recommendation with a second from Tom Genung. The motion passed without objection.

Regarding a change to SMS retirement status for General Counsel positions, Judge McGrady stated there might be other positions classes that may need to be considered for SMS retirement and motioned to refer the SMS retirement issue to the Personnel Committee for additional study. Judge Roundtree seconded the motion and it passed without objection.

B. Due Process Issues

1. Remote Court Interpreting

Patty Harris provided an overview of the current status of the remote interpreting pilot projects. Next progress report to the TCBC will be provided in December, at such time the committee will consider filing a supplemental LBR issue.

2. Existing Due Process Equipment: Refresh/Maintenance

Patty Harris provided an overview of the due process equipment refresh/maintenance issue and presented LBR options.

For maintenance of existing technology, Judge Brunson motioned to approve Option Two (*File an LBR as a placeholder based on circuit requests that are within the approved 13% maintenance cost formula as developed by the DPTW (\$332,238). Allow OSCA to conduct further study based on the recommendations of the Executive Committee to determine potential alternatives to funding this issue. Once the results of the OSCA study are available submit a supplemental LBR in December, if needed*). Judge Parker seconded the motion and it passed without objection.

For refresh of existing technology, Judge Brunson motioned to approve Option Four (*File an LBR as a placeholder based on figures as shown in Option 3(\$2,251,125 recurring OCO/Expense and \$2,223,562 Non-Recurring OCO/Expense) and allow OSCA to conduct further study based on the recommendations of the Executive Committee to determine potential alternatives to funding this issue. Once the results of the OSCA study are available submit a supplemental LBR in December, if needed*). Judge Parker seconded the motion and it passed without objection.

3. Expansion of Due Process Equipment and Maintenance

Patty Harris provided an overview of the due process equipment refresh/maintenance issue and presented LBR options.

Judge Brunson motioned to approve Option Two (*File an LBR placeholder based on those circuit requests that are within the approved cost standards as developed by the Due Process Technology Workgroup (\$1,093,488 OCO; \$352,626 Expense Non-Recurring; and \$105,240 contractual maintenance for FY 2015-16). Allow OSCA to conduct further study based on the recommendations of the Executive Committee to determine potential alternatives to funding this issue. Once the results of the OSCA study are available submit a supplemental LBR in December, if needed*). Judge Mahon seconded and the motion passed without objection.

4. Moving Cost Sharing to Court's Budget

Dorothy Wilson provided an overview of the cost sharing issue and presented LBR options. Judge Brunson made a motion to approve Option One, (*File an LBR for the FY 2014/15 to move the full cost sharing budget of \$3,695,347 from the Justice Administration Commission (JAC) to the court's budget.*) with a second from Judge Miller. The motion passed without objection.

5. Conflict Counsel Cases Over the Flat Fee

Alex Krivosheyev provided an overview of the conflict counsel cases over the flat fee issue. Judge McGrady motioned to approve the FMC's recommendation (*File a placeholder LBR for \$1,211,877 and consider revising the amount during the supplement LBR process based on additional information received from the circuits regarding the Capital Murder, RICO, and Life Felony pipeline cases.*) with a second from Judge Miller. The motion passed without objection.

C. Other Issues

1. Law Clerks to Support Death Penalty Legislation

Alex Krivosheyev provided an overview of the Law Clerks to Support Death Penalty Legislation and presented LBR options.

Judge Perry motioned to approve Option Two, (*Using methodology developed based on 10 years of cumulative capital murder conviction data, the official judicial Delphi case weight for Capital Murder cases, and a ratio of law clerk workload associated with these cases to the FTE equivalent judicial workload, and a ½ ratio of law clerk workload to judicial workload associated with capital murder cases, filing a LBR issue for 27 law clerk positions for a total of \$1,746,442 (\$76,064 Non-Recurring.)*) with a second from Judge Roundtree. The motion passed without objection.

2. Foreclosure Backlog Reduction Initiative

Alex Krivosheyev provided an overview of the Foreclosure Backlog Reduction Initiative and LBR recommendations. Walt Smith motioned to approve the FMC recommendations, *(File an LBR placeholder in the amount of \$3,837,624 to fully fund the Foreclosure Backlog Reduction Initiative in FY 2014-15. The LBR amount is based on the difference between the funds available to fund the initiative in FY 2014-15 and the full funding recommended by the TCBC Foreclosure Initiative Workgroup for FY 2014-15. Directs staff to evaluate program performance during the fall of 2013 and determine if the amount of the LBR placeholder should be revised.)* with a second from Judge Mahon. The motion passed without objection.

3. Additional Compensation for County Judges

Judge Roundtree provided an overview of the Additional Compensation for County Judges LBR issue and a status report of the TCBC Additional Compensation Subcommittee. The Subcommittee was established by Judge Steinbeck based on discussions of this issue at the June 18, 2013 TCBC meeting.

4. Courthouse Furnishings

Dorothy Wilson provided an overview of LBR requests for courthouse furnishings. Judge Steinbeck reported that the Ninth and Eleventh Circuits had withdrawn their requests for inclusion in the LBR. The Executive Committee recommends that as a policy, only new or expansion projects be considered for inclusion as a LBR issue. Judge Roundtree motioned to approve the policy recommendation of the Executive Committee with a second from Judge Brunson. The motion passed without objection.

After the policy decision, Judge Mahon motioned to approve the remaining requests for courthouse furnishings from the First (\$30,728), Fourth (\$32,119), and Fourteenth (\$53,760) Circuits with a second from Judge Ficarrota. The motion passed without objection.

5. Post Adjudicatory Drug Court

Kris Slayden reported that a letter had been received by Judge Steinbeck from Judge Steve Leifman, Chair of the Task Force on Substance Abuse and Mental Health Issues. The letter requested the TCBC reconsider its decision at the June 18, 2013 meeting not to file a LBR issue for the Post Adjudicatory Drug Court. Judge Stargel motioned to add the issue to the TCBC agenda and Judge Mahon seconded. The motion passed without objection.

Judge Leifman's letter recommended that the TCBC consider filing a LBR issue for only the trial court OPS portion of the issue which is \$540,835. Judge Stargel motioned to approve filing a LBR issue for the OPS portion in the amount of \$540,835 with the opportunity to revisit the issue after the release of the OPPAGA report. Judge Roundtree seconded the motion and it passed without objection.

D. Priority Ranking of LBR Issues

Judge Steinbeck stated that it is required as part of the LBR instructions to rank the LBR issues in priority order. The Executive Committee recommended the following rankings: 1) Employee Pay Issues; 2) Conflict Counsel Cases over the Flat Fee; 3) Due Process Refresh of Equipment and Maintenance; 4) Due Process Expansion of Equipment and Maintenance; 5) Law Clerks to Support the Death Penalty; 6) Foreclosure Backlog Reduction Initiative; 7) General Counsels in all Circuits; 8) Moving Cost Sharing to the Court's budget; 9) Courthouse Furnishings; 10) Drug Courts. Judge Brunson motioned to approve and Judge Parker seconded the motion and it passed without objection.

Agenda Item VII. : Update on FY 2013-14 Issues

A. Post Adjudicatory Drug Court

Rose Patterson provided an overview of the current status of the post adjudicatory drug courts.

B. Veterans Court

Rose Patterson provided an overview of the current status of the veteran court funding.

C. Foreclosure Initiative

1. Update on Rule regarding Use of General Magistrates in Foreclosure Cases

Susan Dawson provided an overview of the draft response from the TCBC to the Supreme Court in regards to the comments filed regarding the rule amendments to Florida Rule of Civil Procedure 1.490. Judge Roundtree motioned to approve the response with a second from Judge Nelson. The motion passed without objection.

2. Implementation/Monitoring

Kris Slayden provided a status update on foreclosure training and developments with the web based data tracking system.

3. Third Circuit Request for Technology Funds and Budget Amendment Approval for the Deficit

Kris Slayden reported that Judge Steinbeck had received a letter from Judge Greg Parker, Chief Judge of the Third Judicial Circuit, requesting \$40,000 in supplemental funding for their aiSmartBench implementation. Judge Stargel motioned and Judge Perry seconded to add the item to the agenda. The motion passed without objection.

Kris Slayden reported the TCBC had previously approved filing a budget amendment to use operating reserves to cover the deficit amount needed to fully fund the circuit's foreclosure technology needs. The approval of the Third Circuit's request would increase the amount needed to cover the deficit to \$127,309.

Judge McGrady motioned to approve the Third Circuit's request for \$40,000, and to submit a budget amendment to transfer \$127,309 from the operating reserve. Walt Smith seconded the motion, and it passed the commission without objection.

D. Referral from the Supreme Court regarding Trial Court Technology Funding Strategies

Kris Slayden reported that Judge Steinbeck received a letter from Chief Justice Ricky Polston regarding recommendations of the Florida Courts Technology Commission (FCTC) related to a report provided by the National Center for State Courts regarding funding strategies to modernize technology in Florida's trial courts. Judge Steinbeck stated that a subcommittee was needed to provide expertise and she was looking for court technology officers from different size circuits, and from urban and rural locations to participate.

Agenda Item VIII. : Report from the Chief Justice's Designee to the Clerk of the Court Operations Corporation Executive Council

Judge McGrady reported the Clerks are changing to the county budget year and are operating under an interim plan from July 1, 2013 to September 30, 2013. Judge McGrady also reported the Clerks have concerns about the Supreme Court's requirement for data reporting until the viewers are online.

Adjournment

With no other business before the Commission, the meeting adjourned at 12:59 p.m.