

Trial Court Budget Commission
Meeting Minutes
August 18, 2008



Attendance - Members Present		
Hon. Belvin Perry, Jr., Chair	Hon. Charles Francis, Vice-Chair	Hon. Alice Blackwell
Mike Bridenback	Hon. Paul Bryan	Ruben Carrerou
Hon. Joseph Farina	Hon. John Laurent	Hon. Robert Morris
Hon. Stan Morris	Carol Ortman	Hon. Nancy Perez
Hon. James Perry	Hon. Judy Pittman	Hon. Thomas Reese
Hon. William Roby	Hon. Robert Roundtree	Walt Smith
Hon. Patricia Thomas	Robin Wright	

Attendance – Members Absent		
Hon. Carroll Kelly	Hon. Mark Mahon	Hon. Susan Schaeffer
Mark Weinberg		

The August 18, 2008 meeting of the Trial Court Budget Commission (TCBC) was called to order at 12:10 p.m. by Judge Belvin Perry, Chair.

I. Welcome and Attendance Roll

Judge B. Perry welcomed the members and the roll was called.

Approval of July 9, 2008 Meeting Minutes

Judge B. Perry asked if there any revisions to the draft minutes from the July 9, 2008 meeting minutes. Judge Perez stated that Barbara Ceryak was listed as a guest in attendance from the 15th Circuit, which is incorrect. Ms. Ceryak is employed in the 3rd Circuit and was not in attendance. Judge Bryan made a motion, seconded by Judge Perez, to reflect the correction in the final meeting minutes. Ruben Carrerou made a motion to adopt the meeting minutes as amended. The motion was seconded by Carol Ortman and passed without objection.

II. Update and Discussion of Outcome of General Revenue Estimating Conference

Lisa Goodner reported that an executive summary from the August 15 General Revenue Estimating Conference was distributed to all members Friday afternoon after the meeting. The official estimate of the shortfall for FY 2008-09 is \$1.5 billion. The shortfall carried forward from FY 2007-08 is \$326 million, for a total of \$1.8 billion. For FY 2009-10, a \$2.2 billion cumulative shortfall is expected, which is inclusive of \$400 million for FY 2009-10 and \$1.8 billion FY 2008-09. Ms. Goodner stated that economic indicators are not favorable and Florida is experiencing the highest unemployment rate in the country.

Ms. Goodner and Chief Justice Quince have been meeting with key staff in the House, Senate, and the Governor's office, and Senators Crist and Carlton. Although the meetings were met with understanding and sympathy, no offer of direct help has yet been offered. The size of the deficit is of great concern to all parties.

III. Adjudication Elements Covered by the Reduction in Force Plans (no action required – information only)

Sharon Buckingham briefly reviewed tables for General Magistrates, Law Clerks, and Case Management. The tables reflect where each element's allotments fall within existing methodologies.

Judge Reese stated that in comparing General Magistrate projected filings with the 10th and 12th Circuits; he feels the number of projected filings for the 20th Circuit is understated. Ms. Buckingham replied that projected filings data from Judicial Certification was used. Lisa Goodner stated that staff will review the data.

IV. Recommendations from the Funding Methodology Committee on 2009-2010 Legislative Budget Request

A. Expert Witness

Patty Harris stated that in July 2008, the TCBC approved contractual allotments based on maintaining the existing FY 2007-08 allocations less an across-the-board 4% holdback for each circuit. The TCBC also approved contributing the remaining reserve for this element towards the 4% holdback for trial court positions. After the holdback and elimination of the reserve, \$6,477,764 in contractual funding was allotted for FY 2008-09. The TCBC

also approved a new policy related to Expert Witness funding that circuits are prohibited from using General Revenue funds in the Expert Witness element to perform custody evaluations. The circuits are still permitted to use due process cost recovery funds to perform custody evaluations. Ms. Harris reviewed the individual circuit requests for FY 2009-10, which totaled \$374,326.

The Funding Methodology Committee recommended this issue not be approved. Mike Bridenback made a motion to not file this issue. Judge Reese seconded, and the motion was passed without objection.

B. Court Interpreting

Patty Harris stated that in July 2008, the TCBC approved contractual allotments based on maintaining the existing FY 2007-08 allocations less an across-the-board 4% holdback for each circuit. The TCBC also approved contributing the remaining reserve for this element towards the 4% holdback for trial court positions. After the holdback and elimination of the reserve, \$3,369,915 in contractual funding was allotted for FY 2008-09.

As part of the reduction in force (RIF) plans 2.0 FTE were eliminated. These reductions were approved based on the condition that if the circuits experience a shortage of FTE or contractual resources in the Court Interpreting element (prior to any additional resources being made available by the legislature), these shortages must be covered within existing resources.

Ms. Harris reviewed the FY 2009-10 individual circuit requests, which totaled 15.0 FTE at \$790,668 with a contractual savings of \$341,135, \$111,155 Contractual Services, and \$3,500 non-recurring Expense.

The Funding Methodology Committee's recommendations were:

- File LBR for 15.0 FTE and \$111,125 in contractual funding based on circuit requests and the percent increase in non-English speaking population (growth rate must exhibit a minimum 8.5% increase).
- If new positions are appropriated by the Legislature for FY 2009-10, reduce each circuit's contractual allotment by the contractual savings amount indicated by the circuits.

- Do not file LBR for 14th Circuit's request for \$3,500 in non-recurring Expense funds.

The Executive Committee approved the Funding Methodology Committee's recommendation. Judge Perry clarified that the one FTE eliminated in the 9th Circuit was not an interpreter. The position was an administrative support position and scheduled events.

Carol Ortman made a motion, seconded by Judge Perez, to approve the Funding Methodology Committee's recommendation. The motion was passed without objection.

C. Court Reporting

Sharon Buckingham stated that in July 2008, the TCBC approved contractual allotments based on maintaining the existing FY 2007-08 allocations less an across-the-board 4% holdback for each circuit. The TCBC also approved contributing the remaining reserve for this element towards the 4% holdback for trial court positions. After the holdback and elimination of the reserve, \$10,114,587 in contractual funding was allotted for FY 2008-09.

As part of the reduction in force (RIF) plans 15.5 FTE were eliminated. These reductions were approved based on the condition that if the circuits experience a shortage of FTE or contractual resources in the court reporting element (prior to any additional resources being made available by the legislature), these shortages must be covered within existing resources.

The Court Reporting Technology Workgroup, established by the TCBC, has been charged with developing policy recommendations including: a reasonable standard cost per courtroom/hearing room; whether circuits should be able to migrate between DCR vendors, transfer equipment to other circuits, or develop their own software; whether circuits should perform in-house maintenance or contract with different vendors (a la carte); and a life-cycle management plan for court reporting technology. The workgroup will provide their recommendations by December 2008 and will be considered for the supplemental LBR.

Ms. Buckingham reviewed the individual circuit requests for FY 2009-10, which totaled 33.0 FTE at \$1,743,768 with a contractual savings of \$687,600, and \$384,780 direct service Contractual Services. The 5th Circuit's \$20,000

request was withdrawn, and the revised total for direct service Contractual Services was reduced to \$364,780.

The circuit requests for maintenance or refresh of existing equipment was \$310,985 for maintenance need above the current allocation; \$1,005,142 OCO and \$80,500 non-recurring Expense for hardware; \$10,064 recurring Expense for software; and \$156,800 for recurring Contracted Services. The circuit requests for expansion (DCR implementation or the addition of new courtrooms or hearing rooms) was \$928,197 OCO and \$468,995 non-recurring Expense for hardware; \$500,425 for software; and \$74,842 for non-recurring Contracted Services.

Ms. Buckingham noted that the 8th Circuit is requesting \$150,000 in Contracted Services funding in order to hire contract programmers to modify existing “open source” software for digital recording. They are requesting this funding on a recurring basis for a two-year period. Their justification for this request is to develop software that is compatible with existing CourtSmart hardware, thus reducing the need for software updates and the need to purchase new servers. According to the circuit, this “open source” software could be used by other circuits and could potentially save the State millions in software licensing and maintenance costs. Also, the 18th Circuit is requesting \$6,800 in recurring Contracted Services funding for the maintenance of two stand-alone copiers dedicated to court reporting services.

The Funding Methodology Committee’s recommendations were:

- File LBR for 33.0 FTE and \$364,780 in direct services contractual funding based on circuit requests within the target unit cost (all requests are within the target unit cost).
- If new positions are appropriated by the Legislature for FY 2009-10, reduce each circuit’s contractual allotment by the contractual savings amount indicated by the circuits.
- For equipment, file LBR for OCO (\$1,933,339), Expense (\$549,495 non-recurring; \$510,489 recurring), Contracted Services (\$74,842 non-recurring; \$150,000 recurring), and maintenance contractual funding (\$310,985) based on circuit requests.
- Perform additional analysis based on the policy recommendations of the Court Reporting Technology Workgroup and adjust the LBR accordingly during the supplemental LBR process.

- Do not file LBR for the 18th Circuit's request for \$6,800 in Contracted Services as maintenance for copiers is an unallowable due process expense.

The Executive Committee approved the Funding Methodology Committee's recommendation. Judge Farina asked if OSCA would play a role in overseeing the 8th Circuit's "open source" software project. Ms. Buckingham stated that the Court Technology Workgroup and OSCA ISS are supportive of the project. Judge Roundtree added that during Funding Methodology Committee, the recommendation was that development would be considered a statewide project with a pilot in the 8th Circuit. Judge Farina was concerned that the pilot may not be able to migrate to other circuits as with some past projects and was assured the software could be shared.

Mike Bridenback made a motion to approve the Funding Methodology Committee's recommendation. The motion was seconded by Judge Farina and passed without objection.

Adjournment

Judge Perry thanked Lisa Goodner and her staff, and Chief Justice Quince for working tirelessly behind the scenes in Tallahassee. He asked the TCBC members to share the meeting information with their chief judges and other judges in their circuits.

With no other business before the commission, Judge Perry adjourned the meeting at 12:45 p.m.