

**Trial Court Budget Commission  
Meeting Minutes  
Tampa, FL  
August 24, 2005**



**Members Present**

Stan Morris, Chair	Wayne Peacock
Belvin Perry, Vice-Chair	Nancy Perez
Stanford Blake	James E. C. Perry
Mike Bridenback	Judy Pittman
Paul Bryan	William Roby
Ruben Carrerou	Susan Schaeffer
David Demers	Walt Smith
Joseph Farina	Mary Vanden Brook
Charles Francis	Mark Weinberg
Doug Henderson	
John Laurent	
Donald Moran	
Carol Ortman	

**Members Absent** – Thomas Reese and Patricia Thomas

**Others Present**

Britt Beasley-4<sup>th</sup>, Rick Callahan-20<sup>th</sup>, Gay Inskeep-6<sup>th</sup>, Caron Jeffries-20<sup>th</sup>, Lisa Kiesel-20<sup>th</sup>, Jon Lin-5<sup>th</sup>, Elaine New-6<sup>th</sup>, Celina Rios-11<sup>th</sup>, David Trammell-5<sup>th</sup>, Mark Van Bever-18<sup>th</sup>, and OSCA Staff.

**I. WELCOME AND INTRODUCTION OF GUESTS AND APPROVAL OF MEETING MINUTES**

Judge Morris called the meeting to order at 10:05 a.m. and asked Sue Bruce to call the roll. He then welcomed Judge Stanford Blake as the new chair of the Florida Conference of Circuit Judges, and Judge Douglas Henderson as the new chair of the Florida Conference of County Court Judges. Next, he recognized the guests in attendance and asked everyone to introduce themselves.

The June 11, 2005, minutes were corrected to show that Mike Bridenback and Judge Perry objected to the general revenue proposal for FY 05/06 mediation allocations. The minutes were also corrected to show that the 13<sup>th</sup> judicial circuit will receive one new law clerk in November and the other new one in January.

Judge Morris noted the member contact information lists. Mike Bridenback pointed out that the street address for the Hillsborough County Courthouse is “800 E. Twigg Street “; Judge Demers indicated the street address for the Judicial Building is “545 First Avenue North.”

## **II. CURRENT YEAR BUDGET UPDATE**

Judge Morris informed the committee that there were several important issues to discuss regarding the current year budget.

**II. A. Payment of Expert Witnesses** – Greg Smith reported on the revised chart and corresponding memo that was compiled in response to questions concerning the payment of expert witnesses from state court budget categories. These materials have been the subject of earlier discussions and amendments since the implementation of the provisions of HB 1935. Covered in the memo are such things as the payment of expert witnesses for competence determinations, the payment of second opinion Baker Act witnesses, and the payment for examining committees in guardianship cases. Judge Morris acknowledged that some circuits had historically paid some of the witnesses the memo states should not be paid from state court funds, and it was discussed that those circuits who continued to pay those witnesses could do so as long as there was no impact to other circuits.

After much discussion and with a significant amount of material to cover, Judge Morris asked the members to follow up with Greg Smith with any additional comments they might have so that the memo could be finalized.

**II. B. Proposed Procedures for Addressing Potential Budget Shortfall in Due Process Categories** – Dorothy Burke explained the steps mandated by the legislature, and the internal processes approved by the Executive Committee for accessing the Contingency and Working Capital Funds. Judge Morris explained that this information is required in Ch. 29, F.S., and in proviso language in the GAA. He reminded members of the projected \$7 million shortfall in the expert witness category, and that local practices for paying witnesses would impact this budget.

**II. C. Status of Salary Budget** - Preliminary projections for the FY 05/06 trial court salary budget indicate that there will be approximately \$1.7 million unobligated at year end. This includes a projected \$600 thousand shortfall in the County Courts budget entity. The Executive Committee met on August 23<sup>rd</sup> and discussed possible scenarios and timing for decentralization of the salary management budget to be managed by chief judges and trial court administrators but will be meeting again in this regard to discuss the matter more thoroughly.

**II. D. Budget Amendment Issues** – Charlotte Jerrett reminded everyone that there had been significant changes in C. 216, F.S., regarding the processing of budget amendments. Lisa Goodner stated that the legislative staff took issue with the number of budget amendments that had been filed in order to conform the operating budget, to TCBC approved allocations. The staff felt that because we were processing so many amendments at the beginning of the fiscal year, that we were not being consistent with legislative intent for the budget that was passed. Next year, she suggested that we determine what was funded and work within those categories. OSCA staff can help the trial courts plan for their operating budget needs, if necessary. Judge Morris reminded everyone it's not OSCA who controls the budget - it's the legislature.

### **III. UPDATE ON CLASSIFICATION AND PAY STUDY**

Walt Smith reported that the consultants for the classification and pay study, Management Advisory Group (MAG) had been in Tallahassee and had also conducted phone and conference call meetings with the oversight committee. The Administrative Issue Forms were sent to the circuits and 140 responses were received. Out of all branch employees, 87% completed the Job Analysis Questionnaire. David Pepper, Mary Vanden Brook, Caron Jeffreys, Judge Laurent, Judge Charles Kahn, and Ruben Carrerou are on the oversight committee. The goal of the study is to develop an appropriate classification and compensation system that provides for both internal equity and external equity with similar public sector employees, agencies, state government municipalities, counties and other market competitors.

Walt said that site visits will be scheduled soon, and the deadline to receive the draft report from MAG is September 30. The purpose of the site visits is to discuss issues within individual circuits and look more closely at specific circuit positions. The group is also looking at small, medium and large circuits for various geographical information, in order to analyze market rates.

Judge Morris encouraged circuits to make time for these important site visits, as MAG is already behind schedule one week. He also thanked those members of the oversight committee for the large task they have undertaken. He acknowledged the importance of the outcome of the study, as some Funding Methodology and Budget Management exception issues have been tabled, pending the results.

Walt Smith informed the members that the District Courts of Appeal are also participating in the classification and pay study. He asked if there were any questions, and there were none.

**IV. DISCUSSION, TESTIMONY AND VOTE ON FISCAL YEAR 2006/07  
LEGISLATIVE BUDGET REQUEST**

Judge Morris opened this discussion by reminding members that the key philosophy behind the formula-driven models for trial court funding, was to provide an equal opportunity for access around the state.

The Funding Methodology Committee (FMC) based their analysis of the issues for the FY 06/07 Legislative Budget Request on these models. Judge Schaeffer informed the members that the Executive Committee proposed reviewing the funding formulas every 3 years. If this policy is adopted, then the current funding formulas will be up for review when determining the FY 07/08 Legislative Budget Request. Judge Morris indicated that the TCBC would continue to work with the Trial Court Performance & Accountability Commission (TCP&A) to determine best practices for the various elements. Judge Francis made a motion to approve the review of funding formulas every three years, and Wayne Peacock seconded.

Judge Morris asked for feedback from the circuits on the existing formulas in regards to their validity for the funding allocation processes. Circuits may address comments to Judge Morris or OSCA staff. He added that there may be exceptions that arise outside of the formulas, but these would only be considered on an emergency basis. An example of this exception might be funding for expert witness payments, and the current projected funding shortage.

**IV.A. Funding Methodology Committee Recommendations** – Carol Ortman explained that the members of the FMC worked very hard and had to make some tough decisions regarding the budget recommendations. Formulas were applied to allow for the most up-to-date data, i.e., filings, population, etc.

Judge Morris stated that Carol Ortman & John Laurent's committees do an excellent job. He further indicated that if a circuit had an issue with a formula or a circuit-specific emergency need, they would have an opportunity to be heard. Lisa Goodner explained that the TCBC rule allows for a 10 day appeal period, whereby chief judges could express their concerns. Walt Smith asked if the formulas were comprehensively listed in any document. Peggy Horvath said that the TCP&A Commission is working on a resource guide that will include best practices and formulas for all elements of the State Courts System.

**IV.A. 1.a. Operational Recommendations – Cost Recovery** - This discussion was deferred until the end of the LBR recommendations.

Dorothy Burke reviewed the Cost Recovery Allotments chart and explained that Revision 7 legislation authorizes the trial court administrator of each circuit to recover expenditures for any service for which state funds are used to provide a product or service, to a user of the State Courts System who possesses the present ability to pay (with the exception of SA's, PD's, or

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conflict counsel). Funds collected must be deposited in the State Courts System Grants & Donations Trust Fund.

Revenues collected from court reporting services for last fiscal year were analyzed to determine approximately how much budget authority each circuit would require, in order to spend current year collections. A budget amendment was filed with the legislature to authorize \$600,000 for cost recovery, and will be filed as an issue in the legislative budget request, to permanently authorize the amendment as a continuing appropriation. The FMC recommended allocating cost recovery funds to each circuit based upon their pro rata share of last year's collections. Judge Francis moved to accept the recommendation and Wayne Peacock seconded. The motion was approved without objection.

**IV.A. 1.b. Operational Recommendations – Resource Management System** - This discussion was deferred until the end of the LBR recommendations.

Sharon Buckingham explained there was no standard, statewide method of collecting and reporting data for the state funded elements of the court. Some circuits have internal systems that help with data reporting and management, while others do not. On July 1, 2004, the State Courts System implemented the Uniform Data Reporting system for due process, mediation, and Title IV-D child support hearing officers. While this system is currently maintained by the OSCA, it has minimally satisfied the needs of the courts for workload measurement, policy making, resource allocation, and accountability.

The FMC recommended filing a budget issue for funding to purchase the basic technology infrastructure component needed to begin building a statewide resource management system. They also recommended utilizing existing data warehousing and reporting systems developed in other circuits and sharing these systems across the state. This issue would be filed in the OSCA budget request.

Judge Francis moved the recommendation and Wayne Peacock seconded the motion. The motion was approved without objection.

**IV.A. 1.b. Operational Recommendations – Individual Circuit Requests** - This discussion was deferred until the end of the LBR recommendations.

Dorothy Burke explained to the members that several circuit-specific requests had been received for items outside of the TCBC established budget priorities or funding elements. The 2<sup>nd</sup> circuit requested funds to establish a new Chief Deputy Court Administrator position. Currently 13 circuits do not have this position class on staff. The FMC recommended deferring a decision on this request until the completion of the Classification & Pay Study. Ruben Carrerou made a motion to accept the recommendation and Judge Francis seconded.

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Requests for funding to award lump sum bonuses were received from the 2<sup>nd</sup>, 6<sup>th</sup>, 10<sup>th</sup>, and 18<sup>th</sup> judicial circuits. The FMC recommended referring this issue to the TCBC

Executive Committee as an option to consider in their discussions regarding decentralization of trial court salary and rate management. Mark Van Bever explained the 18<sup>th</sup> circuit's request and suggested that all circuits would benefit from this issue. Judge Morris discussed the salary decentralization issue and the impact it would have on circuit salary management. Mike Bridenback mentioned that there is currently a classification and pay study underway that would be given top priority by the TCBC. He was concerned that filing an issue for lump sum bonuses would compete with the pay study issue. However, he did say that in theory, he didn't disagree with Mark. Judge Demers expressed that the lump sum issue was different than a classification and pay study issue. Lump sum bonuses would give the circuits flexibility to retain quality people. Judge B. Perry agreed with Mike Bridenback in that this issue would compete with the overall pay issue. Judge Schaeffer asked if it was possible for "bonuses" to be considered as part of the scope of the classification & pay study. Walt Smith said it was possible. Ruben Carrerou motioned to accept the FMC recommendation with the addition that the issue of "bonuses" be referred to the consultants for consideration within the classification and pay study. Walt Smith seconded and the motion carried without objection.

Dorothy Burke explained the 14<sup>th</sup> judicial circuit's request for increased OPS funding. Funds were requested to provide for emergency judicial assistant support throughout the (6 county) circuit. The FMC recommended that this issue be addressed during the FY 06/07 allocation process rather than as a legislative budget request issue. Judge B. Perry motioned to accept the recommendation and Judge Francis seconded. The motion carried without objection.

The 4<sup>th</sup> judicial circuit submitted requests for additional funds for OPS and Expenses, but the requests were withdrawn by Judge Moran.

The 10<sup>th</sup> & 18<sup>th</sup> judicial circuits submitted requests for vehicles for intra-circuit and other travel use. Judge Laurent withdrew the 10<sup>th</sup> circuit's request. Mark Van Bever pointed out to the members that the state attorneys (SA) and public defenders (PD) have cars, so the state must allow this expenditure, since their offices are state funded. Mark said it wasn't right to ask employees to use their own vehicles when transporting equipment on behalf of the circuit. He suggested that we seek authority to purchase vehicles out of our existing budget. Lisa Goodner explained that a "special category" appropriated by the legislature was necessary in order to spend any state funds on vehicles. Judge Schaeffer reminded the members that during the first inventory that was taken for Article V costs, vehicles were defined as a county responsibility. Mark suggested that this policy be changed. Judge Schaeffer responded that if a policy change is made, it should be applied to all circuits.

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The FMC recommended funding should be sought through the appropriate county. Judge Farina suggested that staff conduct further research on the use of and budgeting for vehicles by the SA's and PD's, and revisit the issue at the December meeting. Judge Demers moved Judge Farina's suggestion, and Judge B. Perry seconded. The motion was approved without objection.

**IV.A. 2.a. Due Process Recommendations: Court Reporting -** Sharon Buckingham reviewed the FY 06/07 funding request for court reporting, and reminded the members that they had determined this issue to be a priority for funding during the 2006 legislative session. In the current fiscal year, the legislature funded 25.0 new FTE, and the TCBC approved accessing another 11.0 FTE from the contingency fund, to further trial court efforts to convert to digital court reporting. Sharon explained the tables in the materials. The first table listed existing budget allocations and the second table listed new resources requested by individual circuits. She said the shading on the second table indicate those items the FMC did not recommend for funding, such as user technology support positions, stenographic positions or other positions and contractual funds that caused a circuit to be above the \$17 target unit cost.

Judge B. Perry asked if FMC's recommendation was to do away with stenographic court reporting. Carol Ortman said no. Sharon explained that the addition of the stenographic positions cause the circuits to be over the \$17 approved unit cost. Mike Bridenback indicated that their recommendation didn't single out stenographic reporters, but applied to any position that caused a circuit to be over the unit cost. Judge B. Perry said his concern was in the large urban circuits where you need real time court reporting and hoped that was being taken into consideration. Peggy Horvath said the guidelines acknowledged and preferred real time and stenographic services for capital cases. Mark Weinberg said the committee made a distinction for stenographers, but only as it related to the 2-year transition plan. Judge Demers asked why a particular circuit couldn't give up digital court reporters for stenographers. Judge Morris replied that the policy is that as long as you stay within your unit cost, it does not matter how you deliver the service.

Sharon Buckingham explained that the FMC budget request recommendations were approved based on the court reporting transition plans submitted by each circuit, with the goal of reaching a \$17 unit cost. Judge Roby asked how the target unit cost figure was derived. Peggy Horvath indicated that the committee analyzed circuits that were using steno and digital delivery models, and providing all services as defined by TCP&A to create the record. In other words, the circuits used to determine the benchmark, provide the full range of court reporting services. Sharon also explained that unit cost is calculated by taking recurring staffing and contractual costs (less any shared costs), divided by applicable filings.

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Walt Smith asked if staff could provide members with a list of filings. Mike Bridenback responded that the filings data is gathered from SRS data. Judge Pittman commented that 11 of the 20 circuits did not receive approval for any new funding. Sharon Buckingham explained that not all circuits asked for new resources. Sharon further explained that the amounts on the chart do not include any funds for maintaining equipment purchased or transferred prior to Revision 7. However, an issue was filed in the FY 05/06 LBR to account for this cost, and is recommended that the same issue be filed again this year.

The commission also approved the 6<sup>th</sup> and 18<sup>th</sup> judicial circuits to replace a requested digital court reporter positions with a stenographic position if they so choose.

Judge Francis made a motion to accept the FMC recommendation of 22.0 FTE and associated funding, recurring contractual funds, non-recurring equipment funds, recurring maintenance for newly purchased equipment, and maintenance for previously purchased/transferred equipment, as filed in last year's LBR. Judge Pittman seconded. The motion was approved without objection.

**IV.A.2.a. Due Process Recommendations: Expert Witness** - Sharon Buckingham reminded members that the TCBC had voted to make this a priority issue for the 2006 session. Preliminary estimates of expenditures indicate that the FY 05/06 budget will be approximately \$7.7 million short. The current year allotments for custody evaluations and expert witnesses were combined to provide more resources towards this potential shortage. HB 1935 significantly changed the law regarding what entity is responsible for payment (the courts), but the legislature did not appropriate additional funding to support this change in law. Lisa Goodner stated that if in fact the circuits run short, procedures will be followed to access the contingency fund and working capital fund.

Judge Farina informed members that based on the numbers provided, each circuit has received only 40% of their projected need. All circuits will be in the same posture at the end of the year, so prudent fiscal management is required. Lisa Goodner noted that if circuits continue to provide for custody evaluations, resources will be even more limited. Judge Morris indicated that the TCBC will recommend that chief judges refrain from providing custody evaluations, and reserve funds for expert witnesses. This is only a recommendation to chief judges and not a mandate.

Walt Smith asked how the \$13 million total projected need was calculated. Peggy Horvath informed the committee that the numbers were based on circuits who were able to provide good data regarding previous expenditures and case filings. Judge Moran asked if the courts could require the state attorneys and public defenders to pay, since the funds still reside in their budget. Judge Morris responded that the legislature is not receptive to more substantive changes to Revision 7 legislation, and that action

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would require a change in law. Judge Perry confirmed Judge Morris' understanding of the legislature's position that there would not be another glitch bill. Judge Schaeffer reminded the committee of the recent 4<sup>th</sup> DCA ruling regarding the courts' obligation to pay for expert witnesses.

Judge Laurent made a motion to file an LBR issue for the approximate shortfall of \$7.7 million dollars. Judge Frances seconded the motion, and it was approved without objection.

**IV.A.2.b. Due Process Recommendations: Court Interpreters** - Sharon Buckingham reminded the committee that this was not a priority issue as previously defined by the TCBC. However, individual circuits requested additional funding for court interpreters.

In FY 04/05, the TCBC allocated funds to meet each circuit's existing FTE and contractual requirements, including increases in need that had materialized subsequent to legislative appropriations. In FY 2005/06, contractual allotments were adjusted to reflect annualized expenditures from FY 2004/05 for each circuit.

The FMC recommended transferring contractual funds for those circuits willing to reduce their contractual allotments in FY 06/07, to cover the new FTE request; request a percentage increase in base budget funds that is proportionate to the average yearly growth in ethnic population times a multiplier of 3 years, to represent the workload growth since FY 03/04; and maintain existing policy of allocating FTE only if caseload demands justify the need and if the positions requested will perform direct services or supervisory functions. FTE requested to perform coordination functions should not be allocated unless this impact is considered statewide. The total issue proposed was \$1,022,197 and 4.0 FTE.

Ruben Carrerou asked if the growth rate that was applied, considered FTE. Sharon responded that the calculations were applied to both FTE and contractual services funding.

Judge Farina stated that he had recently attended a meeting with Representative Rubio regarding legislation for certification of court interpreters. Representative Rubio will try and find a Senate sponsor during the 2006 session to pursue this legislation. Judge Farina pointed out that this is a statewide issue with statewide implications.

Mike Bridenback made a motion to approve the FMC recommendation, and Carol Ortman seconded the motion. The motion was approved without objection.

**IV.A.3.a. Due Process Recommendations: Alternative Dispute Resolution**

**Recommendations** - Sharon Buckingham explained that in accordance with the “Access to Justice” goal of the branch, a mediation model was developed for Revision 7 implementation so that mediation programs would be uniformly provided regardless of where a case is filed in the state. Although approximately \$10 million in GR funding was requested, the 2004 legislature provided funding of only approximately \$7 million, and an additional \$2.2 million in trust authority, to collect mediation fees pursuant to Ch. 44.108, F.S. Because the legislature did not fund the model in full, and because not all programs have been able to collect a sufficient level of cost recovery funds, this leaves a disparity in mediation programs across the state.

Sharon Buckingham reviewed charts that depicted the level of mediation services provided by circuit and county as of July 2005. She also explained the additional charts in the materials, which included an update of the model with forecasted FY 2006/07 filings, the current year budget allocations, and new requests submitted by individual circuits.

Negative amounts in the FY 06/07 request column indicate that with the new funding request, the circuit has exceeded the TCBC approved model. The 5<sup>th</sup> circuit appears to be over the model, but the \$150,000 amount they are over, is due to funding that the legislature appropriated for dependency mediation. The FMC felt that they should not be penalized for this funding since they didn’t request it. It was also noted that the 18<sup>th</sup> circuit would be within the model, if they were able to downgrade a position. Judge Demers asked if he could reduce his contractual expense request by \$115,000, to bring his circuit more in line with the funding model. Peggy Horvath responded that he could, and that it was up to the individual circuit to determine how they perform their delivery of service.

The FMC recommended that the FY 06/07 funding request should be developed so that circuits do not exceed the model; that new resources are used to optimize the model for mediation programs including coverage for all counties in a circuit and coverage of the appropriate case types; funding priorities should be limited to those mediation functions within the model;

ADR positions must primarily perform model functions; expenditures from GR contractual mediation allocations (special category) should be limited to the procurement of contract mediation services included in the model; and additional GR requests should be minimized by maximizing the use of cost recovery (within the amount allowed under the model.) The FMC updated the model using forecasted filings for the service delivery GR amount allowed for each circuit under the mediation formula (\$4 multiplied by applicable filings).

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Mike Bridenback made a motion to accept the FMC's proposal with the exception that the 6<sup>th</sup> and 18<sup>th</sup> circuits' budgets be adjusted to bring their proposed allocation within the model. Judge Francis seconded the motion and it was approved without objection.

**IV.A.4.a. Case Processing Recommendations – Trial Court Law Clerks - Peggy Horvath** reviewed the history of funding requests for trial court law clerks. Ratios of 1 law clerk for every circuit judge and 1 law clerk for every 2 circuit judges have been requested during prior legislative sessions. Since these issues have not been successful, the TCBC directed the FMC to develop a new funding strategy. The TCP&A and DCP&A have been analyzing post conviction workload issues. Currently, 45% of all state funded trial court law clerks are dedicated to post conviction work. Depending on circuit size, every circuit should have at least 1, 2, or 3 law clerks to supplement their existing resources. This would allow law clerks to be available for other uses, since they have currently been diverted to handle post conviction cases. The family division is one area that would greatly benefit from a redirection of this resource.

The FMC recommended an issue be filed for 41 FTE and corresponding funding. FTE are distributed based on each circuit's percentage of the total for three elements: county filings, prisoner admissions, and prisoner population. The proposed distribution includes one additional FTE for the 2<sup>nd</sup> circuit to address suits against the DOC and Florida Parole Commission, which must be filed in Leon County, regardless of the sentencing court or the location of the prison facility.

Judge Roby suggested that 1 additional law clerk be requested for each circuit and added to the proposed 41 FTE, to handle prisoner litigation. He said this would be a good strategy to sell to the legislature. Walt Smith stated that his circuit has a civil commitment center and that it takes 1 law clerk to just deal with the Jimmy Ryce cases. Judge Perry agreed with Walt and said that was an excellent point, and that staff might want to research the issue further. Judge Moran said that since the appellate courts have a ratio of 2 law clerks for every judge, and a pool of central staff at their disposal, it makes it an even harder issue to sell for the trial courts. Judge Morris said it's a hard issue to even get funded for a ratio of 1:3, especially now that we're asking for 55 new judges, which is the other half of the funding we didn't receive last year (the remaining amount unfunded from last year's request).

Judge B. Perry moved the recommendations proposed by the FMC, but with one additional law clerk for the 12<sup>th</sup> circuit (42 total FTE). Judge Morris seconded the motion and it was approved without objection.

**IV.A.4.a. Case Processing Recommendations –Child Support Enforcement Hearing Officers -** Sharon Buckingham reviewed the funding that was received during the 2005 legislative session. In June, the TCBC allocated 8 of the total 16 positions funded in the current year. As the Department of Revenue has decided not to pursue any new funding for child support hearing officers in FY 06/07, the FMC recommends that any individual circuit requests be considered as part of the allocation for the 8 remaining positions currently unallocated. No new funding should be requested.

Judge Farina moved to accept the recommendation, and Ruben Carrerou seconded. The motion was approved without objection.

**IV.A.4.b. Case Processing Recommendations – Case Management -** Sharon Buckingham reviewed the individual circuit requests with the members, which totaled 45.0 new FTE. Due to the overwhelming number of these requests, the FMC recommended further study should be conducted to determine if the methodology should be changed in future years, to take into consideration increased workload for certain divisions of court.

Judge B. Perry asked how the formula was applied. Sharon explained that the current methodology is to evaluate the need for additional positions using a ratio of 1.0 FTE case manager per every 6,760 filings (with a base of 7.0 FTE). Consistent with other issues, the FMC updated the existing formula using forecasted FY 06/07 filings, and maintained the 1:6,760 ratio. Judge Demers asked if it would create problems if we waited a year to study the formula. Mark Weinberg responded that the decision to wait is based on the overall policy of examining all funding formulas during the FY 07/08 LBR (every 3 years) submission. Judge J. Perry asked if the workload for his circuit indicated a .9 need, was that enough to receive 1 new position? Mike Bridenback said that during Revision 7, the committee rounded down in determining case management allocations.

Judge Francis moved the recommendation to file an issue for 11.0 FTE and corresponding funding, based on the updated filings information, and Judge Laurent seconded. The motion passed without objection.

**IV.A.4.b. Case Processing Recommendations – General Magistrates -** Sharon Buckingham reviewed the history of the funding for general magistrates. The methodology applied was a ratio of 1:3,000 eligible cases. Eligible cases are defined as domestic relations, probate, guardianship, mental health and pre-TPR dependency. Sharon reminded the members that this issue was not identified as a priority for funding for the 2006 session. The FMC recommended to update the existing formula using forecasted FY 06/07 filings and maintain the 1:3,000 ratio. This calculates to a total need of 3.0 FTE statewide, with 3.0 FTE support positions. Judge Francis moved the recommendation and Wayne Peacock seconded. All were in favor.

**IV.A.4.b. Case Processing Recommendations – Civil Traffic Infraction Hearing**

**Officers** - Sharon Buckingham explained the funding methodology for the FY 05/06 allocation, which is based on a minimum threshold of \$7,299 per county judge. Judge Farina withdrew the 11th circuit request for an additional \$35,000, which was the only request received.

Since the \$50 cap per hour was removed in statute during the 2005 session, the FMC was instructed by the TCBC to review this issue and determine what each circuit is paying hearing officers. Survey results were included in the materials. Several members expressed concern that hearing officers were being paid more than sr. judges. Judge Moran said even though we've raised the senior judge pay to \$350, hearing officers are being paid more. Judge Schaeffer said she agreed. Mike Bridenback said his circuit is the only one that has raised the pay, and while he is sensitive to the judicial pay issue, as long as they stay within their allocation, there should not be a problem.

The FMC did not reach consensus on a recommendation regarding the rate cap. As such, Judge Morris indicated an issue would not be filed for additional funding.

**IV.A.5.a. Court Administration Recommendations – Court Appointed Counsel -**

Sharon Buckingham explained that with the implementation of Revision 7, work related to court appointed counsel is a state funding responsibility. During FY 04/05 the Justice Administration Commission received 50 positions to manage its increased responsibility including this function. However, the trial courts have been forced to absorb other administrative, operational, and legal tasks in support of the workload.

Judge Morris explained that Lisa Goodner has sent written correspondence to JAC regarding court appointed counsel, and the burden that has been placed on the trial courts to absorb the extra workload, but JAC has taken no action to address the issue. Mark Weinberg asked if the branch is dropping their objection to handling these responsibilities. Peggy Horvath explained that the TCP&A Commission has taken the position that these functions belong in an Executive Branch agency. However, in order to relieve court administration workload for some of these functions, they concluded that an LBR issue should be filed to alleviate workload associated with the administrative and operational functions associated with court appointed counsel management. The TCP&A did not consider those functions that are legal in nature. They felt strongly that it is a conflict of interest for the courts to provide legal support to entities that essentially oversee legal counsel for indigent parties.

The FMC recommended requesting up to 1 position (court program specialist II) for each small and medium circuit (without exceeding the circuit's total requested FTE's). They also recommended up to 1 court operations manager and 1 administrative assistant II for each large circuit (without exceeding the circuit's total requested FTE's.)

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Judge Bryan asked if his circuit could request 1.0 FTE, since the chart in the materials indicated no FTE had been requested. Judge Perry asked if the workload data could be rounded up to 2.0 FTE for all large circuits. Judge Morris asked if this change would effect the underlying data used for the methodology. Peggy Horvath indicated it would not, because the model only takes into account resources that the circuit requested. Judge Farina suggested that if funding is received and it is less than the total budget request, that the circuits who asked for more resources, be considered to receive proportionately more resources when funds are allocated.

Judge Perry made a motion to accept the methodology with the following changes: add 1.0 FTE for the 3<sup>rd</sup>, round all large circuits up to 2.0 FTE, and allocate resources proportionately based on the circuit's request for resources. Judge Pittman seconded, and the motion passed without objection.

**IV.A.5.b. Court Administration Recommendations – Individual Circuit Requests -**

Sharon Buckingham reviewed the chart of individual circuit requests for court administration resources. She explained that the TCBC had previously decided not to make this a priority issue for funding. The current funding formula is based on 9 positions for small circuits, 14 positions for medium circuits and 27 positions for large circuits. Accommodating the individual requests of the circuits' would have a significant impact on the existing formula.

Walt Smith stated that the Classification and Pay Study Oversight Committee has been getting a lot of feedback for adjustments to deputy court administrator positions with requests for reclassifying current positions to "chiefs", or the addition of new resources for a chief deputy court administrator. He is concerned that the pay study will not address the issue of chiefs for those circuits who don't already have them, since pay equity is being analyzed and not workload.

The FMC recommended maintaining the existing formula and requesting no new resources for the FY 2006/07 LBR. Judge B. Perry moved the motion to accept, and Mike Bridenback seconded. The motion was approved without objection.

**IV.B. Trial Court Technology Committee Recommendations for Trial Court Technology –**

Mike Love reminded members that during the 2005 legislative session, funding was appropriated to support the implementation of the Jessica Lunsford Act. The implementation includes installation of the 22 county connections remaining to complete the State Courts Network. The implementation of this network infrastructure will be completed by December 2005, and will support the network access needed to provide critical information at the offender's first appearance hearing. Funding was provided to cover the installation of network lines and monthly line charges of \$1,500 per location, but does not include recurring funds for FY 2006 and beyond. Judge Frances noted that this funding was a step in the right direction in getting the legislature to recognize there is a state need for technology

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connections. The Trial Court Technology Committee (TCTC) recommended filing a budget request for recurring funding of \$396,000 to cover the monthly line charges for the 22 connections, at a cost of \$18,000 annually per connection. Judge Roby motioned to accept the TCTC recommendation and Wayne Peacock seconded. The motion was approved without objection.

The second issue Mike Love reviewed was funds for the expansion of the automated On-Line Sentencing System (OLSS). The OLSS, which is a secure web-based application, is designed to enhance the court sentencing processes, not replace them. The OLSS will provide sentencing data electronically to entities such as the state attorneys, judges, clerks of court, and the Department of Corrections. The OSCA plans to pilot the system using federal grant funding in one circuit location by early 2006. While the courtroom equipment to support and expand OLSS will be provided by the counties, the server infrastructure in support of the system, is a state responsibility. The TCTC recommended filing an issue for \$191,400 to purchase of the necessary servers and software to implement the OLSS. Judge Perez noted in the materials that Miami-Dade was scheduled for 2 servers and asked why. Mike Love responded that it was necessary to provide a link to the jails. FDLE is working with the courts to make these connections happen. Mike Bridenback moved the recommendations of the TCTC and Judge Francis seconded the motion. The motion carried without objection.

**V. Other Legislative Issues for the 2006 Session** – Greg Smith reviewed the suggestions for legislation submitted by the TCA's and chief judges and informed members that there would be no "glitch" bill next year. Many technical legislative issues were discussed, but the consensus was that the most important legislative issue involved the \$2 recording fee for court technology.

Additional discussion of those issues brought forth other suggestions from the members. Judge Demers suggested legislation for county funded court employees, and the re-instatement of sr. management benefits for county funded employees who lost this benefit with state employment. He also suggested legislation to clarify payment of expert witnesses associated with the Baker Act. Mark Weinberg suggested language to allow the TCA discretion for what services circuit courts charge parties for. Walt Smith suggested legislation that would remove the courts from the certification of process servers.

Since these issues are complex and require further analysis, Wayne Peacock made a motion to allow the TCBC Executive Committee to draft all legislation during the 2006 session. Judge Bryan seconded the motion, and it passed without objection.

Charlotte Jerrett explained one final issue to the committee. The Work Group on Standards for Jury Panel Sizes is analyzing the possible need for an upward adjustment to the current standards. A higher number of jurors will translate into an increase in juror per diem

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expenditures. It is anticipated the Work Group will finalize their report and submit it to the court in late 2005 or early 2006. If the Court should support the recommendations a supplemental budget issue may need to be filed. This information was provided as a status update, and no vote was necessary.

**VI. Other Business** – Lisa Goodner reported that the Senate Appropriations Staff are conducting a phone survey of all TCA's regarding the outcome of Revision 7 implementation. Mike Love asked if the survey addresses the JIS. Lisa indicated that it was a possibility. Mike stressed the importance of the legislature understanding this issue. Lisa encouraged TCA's to make time to talk with senate staff.

**VII. Adjourn** - The next TCBC meeting will be held December 3, 2005 in Marco Island in conjunction with the Unified Judicial Conference being held at the Marco Island Marriott Resort. Judge Morris asked if there was any further business and being none, the meeting was adjourned at 2:50 p.m.