

**Trial Court Budget Commission  
Executive Committee Meeting Minutes  
Telephonic Conference  
August 29, 2006**



**Members Present**

Belvin Perry, Jr., Chair  
Joseph Farina  
Judy Pittman

Charles Francis, Vice-Chair  
John Laurent  
Susan Schaeffer

Mike Bridenback  
Carol Lee Ortman

**Members Absent**

Stan Morris

**Others Present**

OSCA Staff

The August 30, 2006, meeting of the Trial Court Budget Commission (TCBC) was cancelled due to a forecasted hurricane. The TCBC members authorized the Executive Committee to proceed with the meeting on their behalf, by telephonic conference. The meeting was held on August 29, 2006 and was called to order at 2:10 p.m. by Judge Belvin Perry, Chair.

**I. Approval of Meeting Minutes**

Judge Perry asked if there were any revisions to the draft minutes from the June 30, 2006, meeting. Mike Bridenback requested the minutes be amended to reflect the attendance of the 6<sup>th</sup> Circuit Trial Court Administrator, Gay Inskip. Judge Francis made a motion, seconded by Judge Pittman, to approve the meeting minutes as amended. The motion passed without objection.

**II. Current Year Budget Update**

**A. New Budget Allocation Methodology** - Charlotte Jerrett asked if members received any feedback or concerns from the trial courts regarding the new budget allocation methodology. Mike Bridenback expressed concern over holding back new position funds and funds for circuits that chose to receive contractual funds over new positions. Charlotte Jerrett reported that the remaining allotments will be done on December 1 and not at the end of the month. She suggested that in the interim, issues may be addressed by moving funds between cost centers. Carol Ortman stated that due process costs are

very volatile and the methodology will assist in getting a handle on this issue. Dorothy Burke added that OSCA staff is closely monitoring due process costs monthly.

**B. Payroll Projection Timeline** – Staff has experienced delays with the data transfer from the Convergys system. The payroll projection completion date is anticipated for October.

**C. Use of State Funds** – Florida State’s Chief Financial Officer (CFO) is closely monitoring travel vouchers. Charlotte Jerrett recommended that more detail be used in travel vouchers to prevent delays in processing.

Charlotte Jerrett reviewed the preliminary estimates of FY 2005-06 reversions. Of the approximate \$14 million appropriation in the Expense category, close to \$5 million is estimated to revert. Of the \$16 million appropriation in the Due Process category, \$1.9 million was expected to revert.

### **III. Pandemic Influenza Funding**

Judge Perry reviewed the update on pandemic influenza funding. The TCBC had previously approved a recommendation of \$25,000 to purchase supplies and \$15,000 to fund a one day statewide training session related to pandemic influenza preparation. Concerns were raised about the emergency supplies being stored at OSCA, as opposed to storing the supplies locally. The Unified Supreme Court/Branch Court Emergency Management Group (CEMG) is working on a deployment plan and has identified a need for training on the use of respirator masks. Lisa Goodner stated that the supplies stored by OSCA are for back-up and reserved for emergencies, and is not the primary source of supplies for the courts. Judge Farina suggested taking advantage of the larger purchasing power of the state, instead of separate purchases by each circuit. Discussion ensued regarding the responsibility of the costs, whether it is the state’s responsibility or if the costs must be borne locally. Charlotte Jerrett will receive clarification from the CFO.

### **IV. Discussion of Cost Sharing Arrangement for Court Reporting and Court Interpreting Services**

#### **A. Court Reporting**

At the direction of the TCBC Executive Committee, OSCA staff held a conference call with trial court administrators in cost sharing circuits as a general information gathering session to identify and discuss issues to be addressed with the cost sharing arrangement. Generally, the confusion appears to result from circuits that are using both employees and also contract court reporters to cover some of the work, or from circuits providing disks rather than transcripts. All agreed that further direction from the TCBC is needed to resolve the following issues that were suggested for consideration:

- Should there be consistent policies regarding the services provided under cost sharing for every circuit? If so, the TCBC will need to reassess the allocation of the budget in order to implement this policy.
- Should circuits provide ALL transcripts whether they are produced by employees or contract court reporters to eliminate confusion? If so, budgetary impact must be considered. Also, how would this full-service model impact those circuits that are NOT currently participating in cost sharing?
- Should circuits that change delivery methods during the fiscal year be required to continue to provide the same level of service?
- Should an additional more discrete survey of services provided and resources (contract or employee) used be undertaken?
- Should we return to using local agreements to assist with clarifying the services to be provided?

Discussion ensued regarding the need for uniform guidelines and statewide consistency, the underlying legal considerations with providing a disk versus transcription, and the budgetary impact of digital models having to provide transcription from disk. The members agreed that there was no time for a committee and a work group was needed now to review these issues. Mike Bridenback suggested including the public defenders and state attorneys. Mike Bridenback and Carol Ortman volunteered to participate in the work group and will update Judge Perry and Lisa Goodner on the progress.

## **B. Court Interpreting**

The 11<sup>th</sup> Judicial Circuit is the only circuit funded for a cost sharing model for court interpreting. The 2006 Legislature funded the trial court's LBR issue for increased funding for court interpreting services. This issue was based upon a projected growth rate percentage, applied against the FY 05-06 base budget. The local public defender contends that his office is responsible for this funding increase and that a portion of these funds should be dedicated for additional resources in support of his office. The issue of increased funding for the public defender was raised during session, and legislative staff was informed that the increase we received in the courts' budget was large enough to cover the additional workload needs for the public defender. The 11<sup>th</sup> Circuit ran a deficit in their court interpreting services budget for last fiscal year, and will need an adequate allocation in December to cover judicial workload and increased services to the Public Defender.

In this scenario for the budget to be administered consistent with the cost sharing arrangement, the legislature would need to fund shift the 11<sup>th</sup> Circuit's general revenue to the public defender, and increase our trust authority to account for the sharing of the resources.

## **V. Discussion, Testimony and Vote on Fiscal Year 2007-08 Legislative Budget Request**

## **A. Employee Pay and Benefits Issues**

- 1. Recommendations on Compensation Issue for SCS Employees** – During the 2006 legislative session the State Courts System requested \$19 million for pay increases for SCS employees guided by the findings and recommendations of an independent classification and pay study conducted by Management Advisory Group (MAG). This funding would provide an increase to the minimum salary for existing classes of positions within the SCS. Employees who are paid below the proposed minimum salary would be raised to the new minimum. MAG also recommended “time in class” adjustments based on the time that an employee was in his/her current position. The adjustment would raise the salaries of these employees to the “market” salary as determined by a survey of salaries paid comparable positions by competing employers in state and local government and the private sector. MAG proposed that an employee with ten years of time in class should be paid at the market salary. Employees paid over market for their class would not receive an increase. Employees with less than ten years of service in their current class would receive a prorated increase.

During the 2006 session, adjustments were made to the funding request to bring the cost down. The final plan placed a cap on the proposed increases. No employee would receive an increase to the minimum salary greater than \$7,500 and no employee would receive a time in class increase greater than \$7,500. In addition, no employee would receive a combined minimum and time in class increase greater than \$10,000. Funding for the eventually approved three percent across-the-board increase would also be applied to the cost for implementing the proposal. Employees would receive the 3% increase, or increases based on the study, whichever was higher. Using these parameters, the total estimated cost was \$13,574,000.

The following options for the SCS pay request to the 2007 Legislature was presented:

- 1) Use the original proposed 2006 increases to the minimum and market salary with no capped increases. The actual final estimated cost will be updated using the current data base which reflects personnel changes that occurred since August 2005. Considering the \$1 million rate allocation in June 2006, the estimated cost is \$18 million.
- 2) Use the original proposed increases to the minimum and market salary with the caps on employee increases described above. After applying the \$1 million June rate allocation, the estimated cost is \$12.574 million
- 3) Increase the proposed minimum and market salaries by the 3% across-the-board increase (as most state and county government employees received at least a 3% increase since the study was completed). Request the full amount or the amount with the capped increases as described above. The final actual cost will be

determined when the database update is completed, but it is anticipated to be about the same cost, or only slightly greater, as the above scenarios.

- 4) Phase in the proposed increases over a two year period by requesting funding for increases to the minimum salaries during the 2007 session and requesting funding for time in class increases in 2008. The phase in can also be accomplished by identifying the most critical positions for increases in 2007 and the remaining positions in 2008. Identifying critical classes of positions would require the assistance of the trial court judges and court administrators. Critical needs may vary among the circuits, but a consensus would need to be reached and approved by the TCBC. Since the final database identifies a cost for each position, the cost for an approved phase in can be computed from the database.

The members discussed the options in terms of what would most likely be funded. Judge Francis made the motion to approve Option #2 and authority to negotiate if necessary. Mike Bridenback seconded and the motion passed without objection.

2. **Senior Management Retirement** – During the 2006 legislative session the State Courts System filed a budget request for funding to provide up to five positions in each of the courts and OSCA (a total of 135 positions) to be eligible for participation in the Senior Management Retirement Class (SMRC) of the Florida Retirement System, at the discretion of the chief judge.

Judge Schaeffer moved to approve the request but further break down the allocation by circuit size as follows: 2 SMS positions for small, 3 for medium, 5 for large, and 7 for Miami-Dade. Judge Perry seconded and the motion passed without objection.

3. **100% Paid Health Insurance for Selected Employees** – Judge Farina made a motion to provide 100% paid benefits to management level positions per court, at the discretion of the chief judge and with the following allocation: 2 SMS positions for small, 3 for medium, 5 for large, and 7 for Miami-Dade. Judge Pittman seconded and the motion passed without objection.

## **B. Funding Methodology Recommendations**

### **1. Due Process Recommendations**

- a. **Expert Witnesses** – The TCBC has identified the payment of expert witnesses as a FY 2007-08 priority. The last six months of FY 2005-06 expenditures show a significant increase. It is currently projected that \$6,600,000 will be spent statewide in FY 2007-08.

The Funding Methodology Committee recommended to file the expert witness LBR for \$1,278,280 based on a projected increase in FY 2007-08 expenditures and to perform additional analysis in December when the full year of FY 2006-07

contractual funding is allocated and the first several months of FY 2006-07 expenditure data is available.

Mike Bridenback made a motion to file the request as recommended by the Funding Methodology Committee. Judge Pittman seconded and the motion passed without objection.

**b. Court Interpreting** – The TCBC has identified court interpreting costs as a FY 2007-08 priority. The Funding Methodology Committee recommended:

- 1) FTE - File the court interpreting LBR for 15.0 FTE per circuit requests with the exception of the 11<sup>th</sup> Circuit (FTE in the 11<sup>th</sup> Circuit are requested for use in family cases which are not currently a state due process responsibility). If new positions are appropriated by the Legislature for FY 2007-08, analyze a circuit's ability to reduce contractual expenditures prior to the allocation of new positions.
- 2) Contractual - Request \$463,957 in contractual funding based on projected growth in non-English speaking population for FY 2007-08. Perform additional analysis in December when the full year of FY 2006-07 contractual funding is allocated.
- 3) Equipment - Prioritize the use of FY 2006-07 year end funds to cover OCO and expense requests.

The members discussed use of services for family cases, which is not currently a state due process responsibility, and concerns of not being fully funded on the criminal side.

Judge Laurent made a motion to approve the recommendation of the Funding Methodology Committee. The motion was seconded and passed without objection.

**c. Court Reporting Services** – The TCBC has identified court reporting as a FY 2007-08 priority. The Funding Methodology Committee has also been asked to review and possibly recommend an adjustment to the existing unit cost threshold.

The Funding Methodology Committee recommended:

- 1) Update target unit cost to \$19.62 (statewide median of \$18.69 with a 5% margin of error) based on increased workload demands as represented by updating the formula with FY 2004-05 filings; the allocation of new judgeships; and in consideration of state employee raises over the last two years. When the full year of FY 2006-07 contractual funding is allocated and

the impact of the equipment maintenance change is examined through the technology inventory; review updated unit cost calculations.

- 2) FTE - File request for 30.0 FTE as requested by the circuits with exception to positions that cause a circuit to exceed the target unit cost (\$19.62). Also consider circuit justifications (becoming full-service court, new judgeships, and/or staffing ratios) and the number of existing court reporting managers in a circuit. Perform additional analysis in December. When the full year of FY 2006-07 contractual funding is allocated and the impact of the equipment maintenance change is examined through the technology inventory; review updated unit cost calculations and determine those circuits that will be above or below the target threshold with the new positions. Adjust LBR for positions if needed.
- 3) Contractual – File issue for \$217,413 based on 13<sup>th</sup> Circuit request. Perform additional analysis in December. When the full year of FY 2006-07 contractual funding is allocated, the \$714,903 in new OCO is allocated, and the impact of the equipment maintenance change is examined through the technology inventory; review updated unit cost calculations and determine if the 13<sup>th</sup> Circuit will be above or below the target threshold with new funding. Adjust LBR for contractual funding if needed.
- 4) Equipment – Do not file LBR. Reassess equipment needs through the completion of the technology inventory. Allocate \$714,903 in new OCO funds in December. Similar to the last two years, prioritize the use of FY 2006-07 year end funds to cover outstanding court reporting equipment needs. Revisit issue for FY 2008-09 LBR.

Discussion regarding the target unit cost ensued and agreement was reached that \$19.62 is inadequate for producing transcripts. Consideration was given to the following factors: maintenance costs included in the unit cost, the unit cost does not address the number of judges, and that currently there are not enough court reporters to cover judges in criminal cases.

Mike Bridenback made a motion to approve the Funding Methodology Committees recommendation amended with a new target unit cost of \$20.56 (statewide median of \$18.69 with a 10% margin of error), and using the new target unit cost of \$20.56, updating the FTE request to 32.0. Judge Farina seconded and the motion passed without objection.

## **2. Adjudication Recommendations**

- a. **Case Management** – The TCBC identified case management as a FY 2007-08 LBR priority. Due to the overwhelming number of requests for positions during FY 2006-07, the Funding Methodology Committee has also been asked to review

and possibly recommend an adjustment to the existing methodology to take into consideration increased workload for certain divisions of court, especially in terms of statutory changes or other systemic demands.

For FY 2006-07, the TCBC approved a LBR based on "Total Need" per the ratio of 1:6,760 projected FY 2006-07 filings (with a floor of 7 FTE). Currently, the trial courts have 350 case management positions statewide. Keeping the existing ratio of 1:6,760 would equate to an approximately needs of only 15 positions, compared to the 78 positions requested by the circuits. Dividing the applicable projected filings for FY 2007-08 by the 428 existing and requested positions equates to 5,512 filings per position

The Funding Methodology Committee recommended to file the issue for 80.0 FTE based on "Total Need" (rounded down) per the ratio of 1:5,500 projected FY 2007-08 filings, with a floor of 8 FTE.

Mike Bridenback moved to approve the Funding Methodology Committee recommendation. Carol Ortman seconded and the motion passed without objection.

- b. Trial Court Law Clerks** – The Funding Methodology Committee recommended that an FY 2007-08 issue for law clerks not be filed.
- c. General Magistrates** – The Funding Methodology Committee recommended that an FY 2007-08 issue for general magistrates not be filed. Pursuant to the approach approved by the TCBC in June 2006, await results of the Judicial Resource Study and revisit issue for FY 2008-09 LBR.
- d. Child Support Hearing Officers** - The Funding Methodology Committee recommended that an FY 2007-08 issue for child support hearing officers not be filed. Pursuant to the approach approved by the TCBC in June 2006, await results of the Judicial Resource Study and revisit issue for FY 2008-09 LBR. Consider allocating OPS funds to the 6<sup>th</sup> Circuit, from the child support enforcement cost center for coverage of a 0.5 FTE administrative secretary.
- e. Mediation Services** - The Funding Methodology Committee recommended that an FY 2007-08 issue for mediation services not be filed. Prioritize the review of the mediation model methodology in developing the FY 2008-09 LBR.

Judge Laurent made a motion, seconded by Carol Ortman, to not file an issue for law clerks, general magistrates, child support hearing officers, and mediation services, as recommended by the Funding Methodology Committee. The motion passed without objection.

### **3. Governance Recommendations**

- a. **Court Administration** – The Funding Methodology Committee recommended that an FY 2007-08 issue for court administration not be filed.
- b. **Management of Court Appointed Counsel** – The Trial Court Performance and Accountability Commission is working to achieve branch consensus on a proposed model. This process will be completed by December 2006. Two circuits have submitted FY 2007-08 requests.

The Funding Methodology Committee recommended deferring a decision regarding the FY 2007-08 LBR until the TCP&A presents the consensus recommendations to the TCBC in December.

Mike Bridenback moved to approve the Funding Methodology Committee recommendations. Carol Ortman seconded and the motion was passed without objection.

#### **4. Other Circuit Requests**

- 1) Judge Francis withdrew the 2<sup>nd</sup> Circuit's request for \$40,000 to fund lump sum bonuses in FY 2007-08.
- 2) The Funding Methodology Committee recommended that a request from the 5<sup>th</sup> Circuit for \$17,000 to purchase a vehicle, and from the 10<sup>th</sup> Circuit for \$8,500 for operation and maintenance for a vehicle, not be approved.

Judge Francis made a motion to approve the Funding Methodology Committee recommendation not to file the issue. Judge Pittman seconded and the motion passed without objection.

### **VI. Performance and Accountability Projects Update**

Lisa Goodner stated the white papers included in this section are for the members to read at their leisure. Judge Farina thanked Jo Suhr for her work on the document.

### **VII. Legislative Issues for 2007 Session**

1. A proposal was considered for statutory language to provide that counties must pay employee benefits to those court employees who are funded by the county. Judge Farina made a motion to adopt the proposal as a 2007 legislative issue. Judge Francis seconded and the motion passed without objection.
2. A proposal was considered to move court costs to the court costs statute.

3. A proposal was considered to change reporting requirements of s. 318.18 to mandate reporting from the counties.
4. A proposal was considered to change reporting requirements included in s. 939.185.

Judge Francis made a motion, seconded by Judge Pittman, to adopt the proposal #2-4 as 2007 legislative issues. The motion was passed without objection

## **VIII. Other Business**

### **Adjournment**

Lisa Goodner reminded the members that the appeal process shall be commenced within 10 days after the summary of the TCBC decisions is distributed. The next meeting of the TCBC will be December 2, 2006, in Orlando.

With no other business before the commission, Judge Perry adjourned the meeting at 4:45 p.m.