

**Trial Court Budget Commission
Meeting Minutes
September 22, 2011**



Attendance – Members Present

The Honorable John Laurent, Chair
The Honorable Catherine Brunson
The Honorable Joseph Farina
The Honorable Ronald Ficarrota
Mr. Tom Genung
Ms. Sandra Lonergan
The Honorable Mark Mahon
The Honorable Thomas McGrady
The Honorable Wayne Miller
The Honorable Debra Nelson

The Honorable Margaret Steinbeck, Vice Chair
The Honorable Gregory Parker
The Honorable Belvin Perry, Jr.
Ms. Kathy Pugh
The Honorable Robert Roundtree
The Honorable Elijah Smiley
Mr. Walt Smith
The Honorable Patricia Thomas
Mr. Mark Weinberg
Ms. Robin Wright

Attendance – Members Absent

Mr. Mike Bridenback
The Honorable Louis Schiff

The Honorable Charles Francis

Welcome and Approval of Meeting Minutes

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

Article V Revenue Estimating Conference Results

The Article V Revenue Estimating Conference (REC) met on September 12, 2011 to review the official revenue projections for the Article V trust funds. Kris Slayden reported the REC decreased the revenue projections for the State Courts Revenue Trust Fund (SCRTF) for Fiscal Year (FY) 2011/12 and FY 2012/13, by \$159.1 million and \$14.1 million dollars respectively, due to foreclosure filing revenues falling significantly below earlier estimates from the February 14, 2011 REC meeting. The Office of the State Courts Administrator's (OSCA) estimate, which was based on the last 15 months of actual foreclosure filings, was \$55 million below the official estimate approved by the REC. SCRTF estimates from the REC increased by \$21 million for FY 2013/14, and by \$100,000 for FY 2014/15. REC estimates for the Court Education Trust Fund (CETF) were also revised downward by \$200,000 for FY 2011/12 and \$100,000 for FY 2012/13. The estimates remained unchanged for FY's 2013/14 and 2014/15.

Ms. Slayden also noted the dominate source of revenue for the SCRTF is foreclosure filing revenue and is estimated to provide 70% of the total. The REC expects revenues to be lower for the first few months, then gradually ramping up through the remainder of FY 2011/12. The anticipated ramp up in revenues is encouraging, but the forecasts still show a deficit of \$108.5 million for FY 2011/12 if revenues are received as projected. The deficit includes the \$54 million needed to repay the loan received during the first quarter of the fiscal year.

Lisa Goodner reported that at the beginning of the fiscal year the State Courts System (SCS) has known that a revenue deficit for FY 2011-12 was expected. The Chief Justice, Ms. Goodner, and representatives from across the judicial branch have met with Senator Alexander, Representative Grimsley, other members of the legislature, legislative staff, and Governor's Office staff to keep the legislature informed of the situation and to discuss loans to support the SCS approved budget. Chief Justice Canady is expected to file a plan requesting a \$45.6 million loan to cover deficits for the 2nd and 3rd quarters. The 4th quarter deficit will be addressed during the legislative session.

Legislative Budget Request for Copy Machines in the 2nd and 18th Circuits

During the July 29, 2011 TCBC meeting, staff were asked to research the issue of whether the Legislative Budget Requests (LBR) by the 2nd and 18th Circuits for copier purchases were a county funding responsibility. Charlotte Jerrett reported that the Executive Committee reviewed an opinion dated August 25, 2011 from Susan Dawson, in OSCA's General Counsel's Office, which stated the requested copiers were not "stand alone" copiers and therefore should be purchased by the respective counties. Judge Laurent informed the commission the 2nd Circuit had withdrawn their request during a TCBC Executive Committee meeting on September 16, 2011, and the Executive Committee made a recommendation to not file the remaining request.

Judge Nelson stated that the county will not provide the machines and the circuit is in desperate need. Mark Van Bever, Trial Court Administrator for the 18th Circuit, added that the circuit's intent from the beginning was to purchase the machines without the network component. He offered another option to purchase stand alone copiers without the fax attachment for \$4,000 each, or a total of \$60,000. Charlotte Jerrett reported that traditionally these types of purchases have been made using Operating Capital Outlay (OCO) funds, but those funds were vetoed in this year's budget by Governor Scott. Judge Perry asked if the 18th could transfer money to the appropriate category, and Ms. Jerrett explained that a transfer would be prohibited due to the Governor's line item veto of the category. Copier leasing was discussed and dismissed due to the expense and limited funds in the Contracted Services category.

Judge Nelson made a motion to add \$60,000 to the OCO category for the FY 2012/13 supplemental LBR and Judge Farina seconded and the motion failed. Ms. Goodner offered to work with the 18th Circuit to develop an alternative plan to obtain copiers.

Payroll Projections

Theresa Westerfield reviewed the status of the salary budgets through August 31, 2011 for the Trial Courts and reported that the salary budgets look good, and currently, there are no over salary appropriation issues. The GR and SCRTF final adjusted payroll liability at full employment was under the salary appropriation by \$3,813,655 for the circuit courts and \$52,355 for the county courts. In total, the final adjusted liability for the trial courts was under the salary appropriation for GR and SCRTF by \$3,866,009. In the Administrative Trust Fund, the final adjusted liability was under the salary appropriation by \$5,705. The Federal Grants Trust Fund had an adjusted liability under the salary appropriation of \$32,348. Judge Laurent noted this positive report was due to prior actions implemented by the TCBC, including restrictions, and salary management.

Recommendations for Annual Budget and Pay Administration Memorandum

Salary Management

Charlotte Jerrett reported that this is the first year the courts have been in a positive posture since 2007. The Executive Committee made the following recommendations to give circuits relief from restrictions in place for the last four years.

1. **Salary Management Schedule:** Update the Salary Management Schedule to “0” days for Trial Court Administrators, Judicial Assistants, internal promotions, Administrative Trust Fund positions, and Federal Grant Trust Fund positions. After commission discussion, Trial Court Technology Officers were added to the “0” days requirement. All other remaining positions will be vacant for 30 days.
2. **Pay Equity:** Address pay equity issues and provide for increases of up to 5% for affected positions. These positions include inequities caused by actions associated with the 2008 Reduction in Force (RIF), inequities caused by hiring or promoting employees at lower salaries due to restrictions that began in 2007, and lagging inequity issues from Revision 7. The recommendation distributed salary rate amounts to circuits prorated by number of FTE.

3. **Enhance Available Resources:** Utilize FTE from reserve and fund needed positions. This included allowing circuits flexibility in choosing positions needed as long as the number of positions does not exceed the funding methodology in an element. No less than 1.0 FTE can be requested except to bring a partial FTE to a whole FTE. This recommendation also distributed salary rate amounts to circuits prorated by number of FTE.

Request each circuit to submit a plan for utilizing available salary dollars and apply the following parameters to the plan:

- a. In order to limit the number of personnel actions, no more than 50% of the salary dollars made available to a circuit may be utilized for equity issues.
 - b. No actions addressing equity will be made retroactively.
 - c. There is no limit to the number of new positions that may be requested by a circuit as long as they stay within their salary dollars. However, the number of positions added to an element may not exceed the funding formula and no exceptions will be considered.
 - d. No less than 1.0 FTE can be funded; a .25, .50 or .75 FTE can only be requested if it will bring an existing partial FTE to a whole FTE.
 - e. The salary dollars available are for State Courts Revenue Trust Fund positions only and do not extend to Federal Grant funded positions (Child Support Hearing Officer program) or the position funded in the Administrative Trust Fund.
 - f. Allocations not used by June 30, 2012, revert to statewide budget management.
4. **Personnel Management:**
- Restore 5% authority on promotions if the increase to the minimum is less than 5% of current salary
 - Continue hiring at the minimum until pay equity issues have been addressed
 - Allow Judicial Assistants demoting from Circuit to County to maintain current pay
 - Allow 5% for Lead Workers, with State Courts Administrator approval
 - Continue to restrict overlapped positions
 - Allow reclassifications with pay increases to the minimum or 5%, with State Courts Administrator approval
 - Allow 5% for an acting appointment into a managerial class

Lisa Goodner stated that the salary management schedule and revised personnel policies will be in effect upon approval of the Budget and Pay Memorandum by the Chief Justice. She added

that individual Circuit plans will be evaluated when the plans are received by OSCA. Judge Perry made a motion to approve the salary management recommendations. Judge Roundtree seconded and the motion was approved without objection.

Judge Brunson made a motion to add magistrate support to the zero day category of the salary management schedule. The motion failed. Tom Genung advised that most vacancies remain open for at least 30 days due to time required to advertise, screen applications, and conduct interviews.

There was a discussion about implementing a floor, or minimum amount of \$75,000 for the smallest circuits. The Executive Committee discussed the issue and recommended that the small circuits may submit their plan and exception request to the Executive Committee. Ms. Goodner and Judge Laurent both stated any issues going outside the guidelines would be presented to the Executive Committee.

Travel Policies

The Judicial Administration Section appointed a workgroup of trial court administrators to review travel policies and make recommendations to the TCBC for inclusion in the Budget and Pay Administration Memorandum. The workgroup members considered the current economic climate, attendance authorizations for prior travel events, impact to local circuit budgets, and the need to be good stewards of state funds.

The workgroup recommended attendance of the following mission critical education programs: Judicial Assistants Summer Education Conference; Florida Trial Court Staff Attorneys Annual Conference; Annual Dependency Summit; and Marital & Family Law Certification Review. Also recommended were the following mission critical national education programs when they are held in-state: National Association for Court Management Annual Conference; Annual Court Technology Conference; Conference of Court Public Information Officers Annual Conference; and National Conference of Metropolitan Courts Annual Conference.

FY 2012-13 Supplemental LBR Issue for Drug Court Enhancement Continuation

Judge Laurent withdrew this item and referred it to the Funding Methodology Committee.

Adjournment

With no other business before the commission, the meeting was adjourned at 1:07 p.m.