

**Trial Court Budget Commission
Meeting Minutes
December 2, 2006**



Members Present

Belvin Perry, Jr., Chair
Ruben Carrerou
John Laurent
Robert Morris
Wayne Peacock
Judy Pittman
Robert Roundtree
Patricia Thomas

Charles Francis, Vice-Chair
Joseph Farina
Manuel Menendez
Stan Morris
Nancy Perez
Thomas Reese
Susan Schaeffer
Mark Weinberg

Mike Bridenback
Charles Francis
Donald Moran
Carol Lee Ortman
James Perry
William Roby
Walt Smith

Members Absent

Raul Palomino

Mary Vanden Brook

Others Present

Britt Beasley
Barbara Dawicke
Robin Wright
Lee Hayward
Ted McFetridge

Lisa Kiesel
Thomas Genung
Joette Sorcinelli
Kris Morris
OSCA staff

Alice Blackwell-White
Gay Inskeep
Kathleen Kroll
Frederick Smith

The December 2, 2006, meeting of the Trial Court Budget Commission (TCBC) was called to order at 8:30 by Judge Belvin Perry, Chair, who welcomed members and recognized the guests in attendance.

Judge B. Perry introduced two new members of the TCBC, Robert Morris and Robert Roundtree and thanked the outgoing members, Stan Morris and David Demers, for their service on the commission. The service of Wayne Peacock, Trial Court Administrator and TCBC member, was recognized. Mr. Peacock will retire from the State Courts System in February and Robin Wright will fill his position as trial court administrator in the First Circuit and will become the First Circuit representative on the TCBC.

Judge B. Perry discussed the judicial rule regarding the responsibility of the Trial Court Budget Commission. The responsibility the rule gives to TCBC members is burdensome, difficult, and sometimes not popular. He continued to describe the traits of a great leader; setting standards by example, and being firm but well respected. On behalf of the TCBC, Judge Perry recognized Judge Stan Morris for his leadership and service as chair and vice-chair of the TCBC. Judge Morris responded that his service on the TCBC and the ability to represent the judicial branch was one of his highest professional honors.

I. Approval of Meeting Minutes

Judge Perry asked if there were any revisions to the draft minutes from the August 29, 2006, meeting. Judge Francis made a motion, seconded by Judge J. Perry, to approve the meeting minutes as drafted. The motion passed without objection.

II. Appeal from the Eleventh Circuit of Executive Committee Decision on Retention of Salary Upon Reemployment

The Eleventh Judicial Circuit requested that a judicial assistant, Joette Sorcinelli, reemployed after DROP participation retain the salary she was paid at the time of her termination from DROP. She enrolled in DROP, with assurances that she would retain her salary, but prior to the change in TCBC policy regarding appointment rates after DROP participation had ended. The salary upon termination from DROP was \$54,567. Ten percent above the minimum salary is \$36,817, a difference of \$17,840. The current policy that a judicial assistant may be reemployed at his/her current salary, or 10% above the minimum, whichever is less, was established due to fiscal impact of hiring reemployed retirees at the current pay levels.

The Budget Management Committee (BMC) and Executive Committee both denied the request. Chief Judge Joe Farina appealed the Executive Committee's decision to the full commission.

Joette Sorcinelli testified before the Commission and provided the members with information regarding the impact of this decision. The members discussed at length the fiscal impact of approving the request including:

- the number of JA's already returned from DROP at the minimum salary or at 10% above
- the approximately 60 JA's currently in DROP and the fiscal impact should the policy be changed
- equity issues - DROP is available to all positions, should the policy apply to not only JA's but all positions
- consideration of JA's who did not return from DROP due to minimum salary policy
- sick leave payouts involved with DROP

Judge B. Perry asked the members to recall the causes of the salary shortfall and how prudent policies helped return some flexibility back to the circuits.

Ruben Carrerou made a motion to approve the request and allow Ms. Sorcinelli to retain her salary at the time of termination from DROP. Judge Farina seconded the motion. A vote was called and the motion failed, with 4 votes to approve and 16 opposed.

Further discussion included the following suggestions:

- allow an individual to retain their salary until retirement payment begins
- approve this individual case and conduct further research
- survey state agencies to determine their practices

Mike Bridenback made a motion to approve policy that any judicial assistant who enters DROP retain their existing salary for 11 months. Ruben Carrerou seconded and a vote was called. The motion failed, with 8 votes to approve and 12 opposed.

III. Report from the Joint Meeting of the Funding Methodology Committee (FMC) and Budget Management Committee (BMC)

- A. Recurring Expense, OCO, and OPS** – Dorothy Burke reported that for FY 2006-07 allotments, the TCBC voted on June 10, 2006 to allot ½ (or six months) of the FY 2005-06 beginning allotments in the Other Personal Services (OPS) category; in the Expense category (less those amounts circuits transferred as part of the operating capital outlay and contracted services transfer exercises); and in the Operating Capital Outlay (OCO) category in the due process and mediation/arbitration services elements.

These operating allotments, which are attached to FTE, are necessary for expenditures related to employees and are not having an impact on the due process contractual services. Therefore, it is proposed that the remaining ½ of the allocations in each operating category be allotted pursuant to the manner in which the first half of the fiscal year was allotted. It is further proposed that all operating categories be allotted in full at the beginning of next fiscal year.

The BMC and FMC joint recommendation was to approve the allotments as proposed and that all operating categories be allotted in full at the beginning of the year. Wayne Peacock made the motion, seconded by Carol Lee Ortman, to approve the allotments as proposed. The motion passed without objection.

- B. Due Process Cost Recovery** – Dorothy Burke reported that for FY 2006-07 Due Process Cost Recovery allotments, the TCBC voted on June 10, 2006 to allot ½ (or six months) of the FY 2005-06 beginning allotments in the due process cost recovery category.

The purpose of the six-month allotment was to allow for further information to be gathered and reviewed by the FMC for proposals on improving or changing allotment policy regarding the due process cost recovery category.

\$300,000 of the total \$600,000 budget remains for allocation and two allocation options are available:

Option A – Allot the remaining due process cost recovery allocation based on each circuit's pro rata share of revenues collected over the twelve-month period beginning October 1, 2005 through September 30, 2006.

Option B – Allot the remaining due process cost recovery allocation based on each circuit's pro rata share of actual expenditures over the twelve-month period beginning October 1, 2005 through September 30, 2006.

Commission members were also asked to consider the following policies:

- Should there be a limitation on the type of due process expenditure?
- Should due process cost recovery expenditures be allowed for the purchase of digital court reporting equipment, software, etc.?
- Should due process cost recovery expenditures be allowed for contracted services, including equipment maintenance?

The BMC and FMC joint recommendation was to approve Option A, and to limit the due process cost recovery expenditures to contracted services, including equipment maintenance, and the coverage of due process category deficits in any of the due process elements. Due process cost recovery expenditures should not be allowed for the purchase of digital court reporting equipment, software, furniture, training, travel, etc., until a review of expenditures through the 3rd quarter is completed and the policy may be revisited at the end of the year.

Wayne Peacock made the motion to approve the joint recommendations of the BMC and FMC. Judge J. Perry seconded and the motion passed without objection.

C. Expert Witness – Sharon Buckingham reported that during the 2005 Legislative Session, HB 1935 (the “glitch bill”) altered how expert witnesses are paid, making the court system responsible for payment of experts that were formerly paid for by state attorneys, public defenders, and the Justice Administrative Commission. With the statutory change, it was projected that the need for expert witness funds could increase exponentially. For FY 2005-06, approximately \$5.3 million was appropriated for the expert witness element. Additional funds were not appropriated by the Legislature for FY 2006-07.

In August, the last two quarters of FY 2005-06 expenditures exhibited an increase of 77% over the first two quarters of FY 2005-06 with approximately \$1.5 million spent statewide in each the third and fourth quarters. It was projected that \$6,600,000 would be spent statewide in FY 2007-08 (\$1.5 million multiplied by 4 quarters with a 10% growth factor for issues such as changing practices and increasing rates). The FMC recommended a LBR be filed for \$1,278,280 based on this projected increase in FY 2007-08 expenditures. The FMC also recommended that additional analysis be performed in December when FY 2005-06 expenditures are closed out and the first several months of FY 2006-07 expenditure data are available. The FY 2007-08 LBR could then be adjusted if needed. The Executive Committee approved these recommendations.

The BMC and FMC joint recommendations were:

- FY 2006-07 Allotments – Allot based on taking the average of the last two quarters of FY 2005-06 non-custody evaluation expenditures multiplied by 3 (quarters) and then added to the first quarter of FY 2006-07 expenditures. Circuits are allotted the balance between this projected figure and their first six-month allotment for FY 2006-07. Also consider the use of excess FY 2006-07 funding from other due process cost centers to cover the possible shortfall.
- FY 2007-08 LBR – Adjust the LBR based on the highest annualized quarter of FY 2005-06 or FY 2006-07 non-custody evaluation expenditures for each circuit, with exception to the 19th and 20th Circuits in which an average quarterly expenditure was used due to spikes in the monthly data.

The members discussed custody evaluations and how they are not a constitutional requirement. In the past, the TCBC agreed that when the circuits are facing deficits in the constitutional required elements, they should reduce custody evaluations.

Judge Roundtree made the motion, seconded by Carol Lee Ortman, to approve the joint recommendations of the BMC and FMC. The motion passed without objection.

- D. Court Interpreting** – Sharon Buckingham reported that for FY 2006-07, the Legislature fully funded the court interpreting LBR of 4 new positions and over \$1 million in additional contractual funding. Funding was requested based on circuit requests and the projected growth in non-English speaking population since Revision 7 (FY 2003-04). Further, positions requested by the circuits were approved for the LBR if caseload demands justified the need, provided the positions would be performing direct services or related supervisory functions. Another consideration was whether circuits were willing to reduce their contractual allocation to cover new positions. The 9th and 10th Circuits' position requests were approved for inclusion in the LBR under the condition that they reduce their contractual allotment to cover the newly requested positions. The 19th Circuit's position request was approved for inclusion in the LBR above and beyond their contractual allotment.

In June 2006, the TCBC allotted 4.0 new positions (2.0 Court Interpreter FTEs to the 9th Circuit and 1.0 Court Interpreter FTE each to the 10th and 19th Circuits) and 6 months of existing contractual funding to the circuits for FY 2006-07. The \$1,049,387 in newly appropriated FY 2006-07 contractual funding was held in reserve for allocation in December. In August 2006, the FMC reviewed circuit requests and the projected growth in non-English speaking population in developing recommendations for the FY 2007-08 LBR.

For positions, the FMC recommended a LBR be filed for 15.0 FTE per the circuit requests with the exception to the 11th Circuit (FTE in the 11th Circuit were requested for use in family cases which are not currently a state due process responsibility). The FMC also recommended that if new positions are appropriated by the Legislature for FY 2007-08, that a circuit's ability to reduce contractual expenditures be analyzed prior to the

allocation of new positions. For contractual funding, the FMC recommended a LBR be filed for \$463,957 based on the projected FY 2007-08 growth in non-English speaking population. The FMC also recommended that additional analysis be performed in December when FY 2005-06 expenditures are closed out and the first several months of FY 2006-07 expenditure data are available. The FY 2007-08 LBR could then be adjusted if needed. Finally, for equipment, the FMC did not recommend a LBR but did recommend the prioritization of FY 2006-07 year-end funds to cover OCO and expense requests. The TCBC Executive Committee approved these recommendations.

The BMC and FMC joint recommendations were:

- FY 2006-07 Allotments – Allot based on the higher projection between actual FY 2005-06 expenditures or annualized FY 2006-07 expenditures (August & September) with a one year growth rate applied based on the increase in non-English speaking population. Circuits are allotted the balance between this projected figure and their first 6 month allotment, with exception to the 9th and 10th Circuits which would have reductions for new positions received for FY 2006-07. Any remaining unallocated funds may be held in reserve.
- FY 2007-08 LBR – Maintain the LBR as previously filed.

Judge Farina made the motion, seconded by Judge J. Perry, to approve the joint recommendations of the BMC and FMC. The motion passed without objection.

- E. Court Reporting** – Sharon Buckingham reported that for FY 2006-07, the Legislature appropriated 10.0 new positions, \$714,903 in OCO for equipment purchases, and \$709,440 in additional contractual funding (\$488,883 recurring and \$220,557 non-recurring). Also \$185,445 was permanently realigned from expense to the court reporting contractual services category and an additional \$350,301 in due process reserve has been placed in the court reporting contractual services category. Further, approximately \$4.7 million in FY 2005-06 year-end funds were allotted for the purchase of court reporting equipment based on the FY 2006-07 LBR (in addition to the \$3.2 million allotted with FY 2004-05 year-end funds).

In June 2006, the TCBC allotted 10.0 new positions and 6 months of contractual funding to the circuits for FY 2006-07 court reporting services. Newly appropriated contractual and equipment funding for FY 2006-07 was held in reserve for allocation in December. In August 2006, the FMC reviewed circuit requests in comparison to unit cost calculations in developing recommendations for the FY 2007-08 LBR.

Unit cost for court reporting is calculated by dividing recurring salaries/benefits/expenses for positions plus contractual allocations (less applicable shared costs) divided by the most recent frozen fiscal year of filings (FY 2004-05). As the full FY 2006-07 contractual allotments had yet to be determined in August, contractual figures were estimated based on FY 2005-06 allotments plus any additional contractual funds request

in the FY 2006-07 LBR. Another unknown in August was the impact of the change in how equipment maintenance is paid. As of July 1, 2006, court reporting equipment maintenance is to be paid from the court reporting contractual category (as opposed to being paid from general expense).

The FMC recommended that the target unit cost for court reporting be increased to \$19.62 (statewide median of \$18.69 with a 5% margin of error) generally based on increased workload demands and in consideration of state employee raises over the last two years. The FMC recommended a LBR be filed for 30.0 FTE as requested by the circuits with the exception to positions that cause a circuit to exceed the target unit cost (\$19.62). The FMC also recommended a LBR be filed for \$217,413 in additional contractual funding based on the 13th Circuit's request. The FMC recommended that additional analysis be performed in December when FY 2005-06 expenditures are closed out, the first several months of FY 2006-07 expenditure data are available, and the impact of the equipment maintenance change is examined through the technology inventory. The FY 2007-08 LBR for positions and contractual funding could then be adjusted if needed. The FMC did not recommend a LBR be filed for equipment purchases, but instead recommended a reassessment of equipment needs through the technology inventory and the allotment of the \$714,903 in new OCO funds in December. Similar to the last two years, FY 2006-07 year-end funds were recommended for covering any outstanding court reporting equipment needs.

The TCBC Executive Committee approved the FMC recommendations with two adjustments. The Executive Committee approved a new target unit cost of \$20.56 (statewide median of \$18.69 with a 10% margin of error) and approved 32.0 FTE for the FY 2007-08 LBR. TCBC leadership has also requested another review of the unit cost methodology to take into consideration a possible modifier for new judgeships and/or the number of counties in a circuit.

The BMC and FMC joint recommendations were:

- FY 2006-07 Contractual Allotments – The circuits receive FY 2006-07 contractual allotments that are within the target unit cost of \$20.56. Recommend that circuit contractual allotments be based on FY 2005-06 and FY 2006-07 expenditures plus equipment maintenance costs with a 5% growth factor. Circuits are allotted the balance between this projected figure and their first 6 month allotment. Any remaining unallocated contractual funds may be held in reserve.
- FY 2006-07 Equipment Allotments – Allot OCO funds per the 13th Circuit's FY 2007-08 LBR request for the purchase of court reporting equipment. Recommend that the remaining unallocated OCO funds (\$274,973) be held in reserve for possible use at year-end to address other circuit equipment needs, including the 19th Circuit's equipment request. Prior to the allocation of year-end funding, staff may perform an analysis using the court reporting technology inventory to evaluate circuit equipment needs.

FY 2007-08 LBR

- Option One – The target unit cost threshold of \$20.56 be maintained. Adjust the LBR based on those FTE and contractual funds that do not cause a circuit to exceed the target unit cost. Request that the \$220,557 non-recurring contractual appropriation for FY 2006-07 be continued as recurring funding.
- Option Two – A new target unit cost be used based on the updated statewide FY 2006-07 or FY 2007-08 median unit cost multiplied by 10%. Adjust the LBR based on those FTE and contractual funds that do not cause a circuit to exceed the target unit cost. Request that the \$220,557 non-recurring contractual appropriation for FY 2006-07 be continued as recurring funding.
- Option Three – One or more positive modifiers be applied in the unit cost calculation and a new target unit cost be used based on the modified statewide FY 2006-07 or FY 2007-08 median multiplied by 10%. Adjust the LBR based on those FTE and contractual funds that do not cause a circuit to exceed the target unit cost. Request that the \$220,557 non-recurring contractual appropriation for FY 2006-07 be continued as recurring funding.

The TCBC also was asked to consider permanently moving Cost Center 313 equipment transfer funds (\$377,615) to the Cost Center 129 court reporting contractual category.

Mike Bridenback stated that the allocation is not adequate for the 13th circuit's fixed price contracts and for the support of new judgeships. Judge Perry asked that more information be gathered. Judge Laurent made a motion to approve the methodology from Option 3 for the FY 2007-08 LBR, apply a "new judge" modifier to the FY 2007-08 unit cost figures, and allow the Executive Committee to provide final approval once the exact unit cost figures for the LBR are finalized. Carol Lee Ortman seconded and the motion passed without objection.

Court Reporting Budget Tied to Certification – During a recent meeting between the OSCA and Legislative staff, a suggestion was posed by Legislative staff that the "true cost of a judge," incorporating the cost of court reporting resources, should be submitted in the LBR for the certification of judgeships. It was clarified during this discussion that if court reporting resources were automatically considered in our request for new judgeships, the court system could still have a separate court reporting LBR request (based on the existing unit cost methodology) to address other workload issues such as replacing clerk staff or requesting additional maintenance funding for equipment. Subsequently, OSCA staff developed some possible methodologies that could be used to link court reporting resources to the certification of judgeships.

The advantages and disadvantages were discussed and staff will continue to refine the possible methodologies to bring back to the commission.

F. Mediation – Since Revision 7, the mediation model has never been fully funded. For FY 2006-07, funding was requested based on the mediation model calculation using projected FY 2006-07 filings which is then added to an allocation for coordination functions based on circuit size. Funding was requested based on requests for positions and contractual funding that did not cause a circuit to exceed the amount allowed under the model calculation. The Legislature appropriated 12.0 positions out of the 29.50 requested. The Legislature did not appropriate any new contractual funds, but did approve additional trust authority of \$308,713, taking the statewide total up to \$2,538,005.

The TCBC did not identify mediation services as a FY 2007-08 LBR priority. However, the FMC did recommend the review of the mediation model methodology in developing the FY 2008-09 LBR in recognition that a temporary adjustment may be required until best practice standards are developed by the Commission on Trial Court Performance & Accountability. The TCBC Executive Committee approved these recommendations.

The BMC and FMC joint recommendations were:

- Per existing policy, maximize the use of cost recovery collections and allot resources within the amount allowed under the estimated FY 2006-07 mediation model
- Allot FY 2006-07 trust based on total cost recovery collections during FY 2005-006 with a 10% growth factor
- Allot GR based on deducting FY 2005-06 trust expenditures (including the cost of trust positions) and FY 2005-06 GR expenditures from the FY 2006-07 cost recovery allotment. If this calculation results in a deficit, the deficit amount would become the GR contractual allotment for FY 2006-07 within the amount allowed under the estimated FY 2006-07 mediation model. For those circuits that already have a GR allotment (for the first half of FY 2006-07) that is higher than what they would receive as described above, they would be held harmless with the amount allowed under the estimated FY 2006-07 mediation model. Any remaining unallocated funds or trust authority would be held in reserve.

The TCBC was also asked to consider directing the FMC to review the mediation model as early as spring 2007 following the publication of mediation circuit profiles, and to consider for the FY 2008-09 LBR, requesting salary trust authority for the payment of existing mediation FTEs (currently funded through GR).

Gay Inskeep stated that the 6th Circuit has insufficient spending authority to fully utilize cost recovery funds and has insufficient contractual funds in general revenue. The members discussed that mediation is not a LBR priority this year. However, the trial courts have flexibility to share spending authority and that additional spending authority may be obtained through a budget amendment. Currently the 6th Circuit has a pending budget amendment for contractual funds.

Judge Francis made the motion, seconded by Judge Roundtree, to approve the joint recommendation of the BMC and FMC. The motion passed without objection.

IV. Discussion of Additional Rate Allocation for FY 2006-2007

For informational purposes, Charlotte Jerrett reviewed the memorandum dated November 2, 2006 from Judge B. Perry regarding Salary Rate Allocation and Policy Changes. Child support hearing officers and their support staff are excluded from receipt of this rate allocation, as decided by the Executive Committee. The BMC will monitor the usage of the rate allocation. This allocation may be used for special pay increases; however, the request must be approved by the chief justice. The June distribution was a one-time distribution of excess rate. The intended use of this allocation is for personnel actions throughout the remainder of the year. By allocating funding to provide greater flexibility, it is expected that the need to request approval for exceptions to TCBC personnel policy will be greatly reduced.

V. Report from Cost Sharing Workgroup

Charlotte Jerrett reported that the Cost Sharing Workgroup asked for a survey to be distributed to the trial court administrators requesting detailed information on cost sharing in each circuit. The survey collected information separately for the State Attorneys (SA), Public Defenders (PD) and the Justice Administrative Commission (JAC) representing Conflict or Court-Appointed Attorneys (CAC). The Workgroup decided to collect information from all circuits that provide services to these entities, even those that weren't part of the official cost sharing arrangement.

A Workgroup conference call was held in November to discuss the results of the survey, and the variation in individual circuit practices and whether it was feasible to develop policies for a consistent application across circuits.

A. The Workgroup made the following general recommendations:

- A statewide definition of cost sharing should be developed and shared with all entities
- *Statement of Services Provided* should be issued by each circuit, detailing where (division/case type), what type of transcripts (appellate v. non-appellate), when, and how (format) transcripts and/or CD's will be provided to SA, PD, and JAC.
- Due to statutory restrictions, circuits are NOT allowed to collect cost recovery funds from SA, PD, or JAC for court reporting activities, pursuant to 29.0195, f.s.

B. The Workgroup recommended the following options for funding of the cost sharing portion of the court reporting budget:

- Option 1 – Maintain current funding mechanism of quarterly payments from each entity (SA, PD, JAC)

- Option 2 – Fund shift cost sharing portion of the court reporting budget from each entity's (SA, PD, JAC) budget to the trial court's general revenue budget.

The members discussed that factors outside of the judiciary's control can affect costs and the accountability of users. Mike Bridenback made the motion, seconded by Judge Roundtree, to approve Option 1 and maintain the current funding structure of quarterly payments from each entity. The motion was passed without objection.

C. The Workgroup recommended the following options for the type and mechanism of services provided as part of the cost sharing structure:

- Option 1 – Maintain current structure, with wide variation among circuits in type and mechanism of services provided. Continue to conduct more analysis on the appropriate structure of cost sharing for court reporting.
- Option 2 – Modify current structure (back to original philosophy) of cost sharing only applying to transcripts/CD's produced by employees (non-contractual) for other entities (SA, PD, JAC). This option has budgetary implications.
- Option 3 – Modify current structure, requiring all circuits to provide transcripts (for all appeals and stenographic recordings) and CD's (for non-appeal digital recordings) to other entities (SA, PD, JAC) (employees or contractual). This option has significant budgetary implications and requires circuits that are not part of the official cost sharing arrangement to become involved in the process.

All options above should be considered for their potential impact on the operations of individual circuits. Options 2 and 3 have budgetary impacts that will need to be identified in mid-January. Data required to determine fiscal impact may not be readily available.

Mike Bridenback made a motion to approve Option 1 to maintain the current structure and continue to conduct more analysis on the appropriate structure of cost sharing for court reporting. Judge Bryan seconded and the motion was passed without objection.

VI. Update on Trial Court Performance and Accountability Initiatives

- A. **Workgroup on Court Appointed Counsel and Indigent Due Process** – Judge Blackwell While reported that no additional funding was received in FY 2006-07 for the trial courts or the JAC to alleviate the operational and administrative workload related to court-appointed counsel support functions. A proviso was also included that the OSCA and JAC provide a joint report to the Legislature with recommendations for improving the governance and operations of publicly funded court-appointed counsel and due process services provided for indigent individuals.

Branch consensus was reached that: strong leadership is needed on this issue; a statewide coordinator is needed to advocate the budget and pay bills; and a statewide board is needed to oversee the governance and operations.

The TCP&A proposal was well received. The Public Defenders provided a position paper and if provided adequate funding, many appear willing to house the function. The State Attorneys Association recommended that the courts be removed from the function and it be placed with the Public Defenders. Strategic Planning staff did a good job of looking at other models nationally and defining problems. A joint report should be filed by mid-January.

B. Judicial Resources Study – Mike Bridenback reported that during the summer, 60 training sessions were provided by OSCA statewide to circuit and county court judges to inform them about the case weight update survey. 389 of the 866 judges (45%) participated in the training. Surveys were collected from judges for four weeks and closed on September 8th.

- 1. Certification Case Weight Update Survey Results** – The survey data will be analyzed by OSCA and presented to the Judicial Resources Workgroup on December 14th. A 78 member judges' focus group meeting will be held in January. Representatives from all 20 circuits and all divisions of circuit and county court will review summary data and narrative comments from the survey. The two day meeting will incorporate a general session and breakout sessions by division of court to discuss the viability of the survey data and recommendation of new case weights to the Workgroup.
- 2. General Magistrates/Hearing Officers Training and Time Study** – Training on the time study data collection for all general magistrates, child support hearing officers and civil traffic infraction hearing officers was conducted by OSCA in October. Time sheets were provided to the participants and they were able to enter the information over the internet daily. The time study data will be analyzed by OSCA and presented to the Judicial Resource Study Subgroup in February. A general magistrate/hearing officer focus group will meet in March to discuss the viability of the time study data and make recommendations of case weights to the Workgroup.

VII. Child Support Enforcement Hearing Officer Budget

For informational purposes, Charlotte Jerrett reported that the Florida Department of Revenue (DOR) has notified OSCA that the Child Support Enforcement (CSHO) Program has been affected by major federal legislation which impacts their ability to draw down federal funds. DOR budget staff was instructed by their Executive Director to look for reductions in areas that they could apply towards this federal funding deficit. DOR has proposed a reduction issue in their LBR for FY 2007-08 in the amount of \$4,411,765 and noted that they will identify another \$1,470,588 for further reductions in FY 2008-09. As

part of the FY 2007-08 reductions DOR is proposing that based on the past two years of reversions, the State Courts contract could be reduced by \$500,000 without reducing the level of service. OSCA was asked to determine whether this reduction will allow the trial courts' Child Support Hearing Officers program to continue to provide current services levels.

The largest expenditure in the CSHO program is in the Salaries and Benefits category. In FY 2005-06, actual expenditures in this category totaled \$4,671,072. This is \$350,262 under the contract amount. In the Other Personal Services (OPS) category, \$149,074 of the contract amount was reverted as were \$100,600 in the Expense category.

Based on expenditures through October 30, 2006, an extrapolation was calculated to estimate FY 2006-07 spending through year-end by appropriation category. The estimate reveals that for the OPS category, \$145,243 is estimated to be reverted on the end of the fiscal year, and in the Expense category, the reversion amount is estimated to be \$74,471. Estimated payroll liability for FY 2006-07 is \$499,899 under the contract amount. With lapse generated through October 30, 2006, payroll liability is currently under the contract amount by \$548,409.

In this analysis, it appears that the DOR contract for the CSHO program could sustain the proposed \$500,000 reduction. If there is an issue in the future, this could be accomplished by some combination of freezing vacancies, reducing Other Personal Services (OPS), reducing Expenses, and instituting a mandatory lapse period when positions become vacant.

VIII. Legislative Issues

A. Overview of Changes in House and Senate – Brenda Johnson reviewed the changes in the legislature, new committees and structures, and protocol for issues that may impact the budget. December committee meetings were cancelled and a special session is scheduled for January. Chief Justice Lewis and Lisa Goodner have met with the Governor-elect and his legal counsel and chief of staff, to discuss Judicial Branch issues.

B. Proposed Legislation

1. Employee Benefits for County-Paid Employees - Greg Smith reviewed three versions of language that would provide that counties offer employee benefits to those employees paid by the county and employed by the court. He recommended the language as proposed by the county:
 - Amends section 29.0081, F.S. County Funding of Additional Court Personnel. This section provides for an interlocal agreement between the court and the county.
 - States that the county shall provide benefits to county funded court employees in the same manner as other county employees.

Mike Bridenback made a motion, seconded by Judge J. Perry, to approve the language as proposed by the county. The motion passed without objection.

2. Court Technology \$2 Fee – Language was drafted to clarify issues related to the \$2 fee for court technology. Provides that the clerk of court deposit the \$2 designated for court-related technology needs to a discrete county fund in the headquarter county, or the county within the circuit designated by the chief judge, to be expended on a circuit-wide basis in conformance with a strategic plan approved by the chief judge.

IX. Briefing Materials for Use in Supporting the Legislative Budget Request – Lisa Goodner distributed a draft fact sheet to assist in discussions with legislators. Members were asked to review and give feedback to improve the product. The fact sheet will be distributed to all members when finalized.

X. Other Business

The next meeting of the TCBC will be held Tuesday, March 13, 2007, in Tallahassee.

Adjournment

With no other business before the commission, Judge Perry adjourned the meeting at 2:05 p.m.