

Recommendations of the Trial Court Budget Commission

FY 2007-08 Legislative Budget Request

Issue: Compensation for SCS Employees

During the 2006 legislative session the Supreme Court 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 the 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. For example, an employee with three years in class would receive thirty percent (3/10) of the increase needed to bring him/her to the market salary.

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**.

Strategies for the 2007 Legislature

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

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 \$1,000,000 dollar 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. By 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 data base 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 data base identifies a cost for each position, the cost for an approved phase in can be computed from the data base.

Advantages and Disadvantages

The advantage of the first option is that it provides high increases for employees, establishes very competitive recruiting salaries, and injects a funding level for the SCS that could eliminate the salary budget shortfall while providing greater flexibility in hiring and promotion rates. The primary disadvantage is the cost which may make it difficult to win broad support.

The primary advantage of the second option is the reduced cost and what may be perceived by legislative staff as a more equitable distribution of increases as there would be no "windfall" gains. The primary disadvantage is that this may not alleviate salary compression as new employees who are hired after October 1, 2006, are further from the proposed minimum and may receive greater increases than long standing employees who are close to or above the market salary.

The primary advantage of the third option is that it takes into account that the market rate is a moving target and provides the highest increases for employees. The primary disadvantage is that it may bring the total cost to over \$20 million as new employees hired at the SCS minimum, which will increase by two percent instead of the three percent increase active employees will receive, would require higher increases to the proposed minimum salary.

The primary advantage of the fourth option is that it phases in the cost over two years which may be a better proposal to the Legislature. The primary disadvantage is that one Legislature does not bind a subsequent Legislature.

Executive Committee Recommendation:

The Executive Committee approved Option 2.

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Issue: 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.

- This retirement class provides an accrual rate of two percent per year for each year of creditable service, instead of 1.60 percent, which is the accrual rate for regular retirement class members.
- The employer's contribution rate for the SMRC is 3.27 % higher than the contribution rate for regular class membership. Therefore, the fiscal impact would be 3.27% of each employee's gross salary. For example, the additional contribution due for an employee who is paid \$75,000 annually is \$2,452. This would have to be funded by the Legislature or absorbed by each court's budget.
- There are currently 40 SCS positions participating in the SMRC. These are:

Clerk of the Appellate Courts (6)
Marshal of the Appellate Courts (6)
State Courts Administrator
Deputy State Courts Administrator
OSCA General Counsel
Trial Court Administrator (20)
Chief Deputy Court Administrator (5)

This is approximately 1% of the total number of State Courts System positions, including judges. Excluding judges, the percentage of positions is approximately 1.4%. An increase of 135 positions would bring the percentage of positions, excluding judges, to 5.8%. This is clearly in line with other state entities as described below.

In reviewing last year's pay issues, Florida Tax Watch noted that we requested a greater percentage of SCS positions be eligible for the SMRC than other branches of state government. This is true regarding the Executive Branch, which by statute limits participation to 0.5% of the total FTE. In 2004, the Executive Branch had 580 positions of a total of 113,030 positions in the SMRC. These positions include Agency Heads, Division Directors, General Counsels, and Inspector Generals.

Our research, however, indicates than other branches of government have a greater

percentage of positions in SRMC.

- The Florida Legislature has 123 positions out of 1,694 non-elected positions in the SMRC. This is 7.3%.
- In addition to management positions in Justice Administration, such as the Executive Directors of State Attorney offices, Capital and Assistant Capital Collateral Representatives, the Executive Director of the Justice Administration Commission (JAC), the Executive Director of the Statewide Guardian Ad Litem Office, Administrators of the Public Defender offices, **all** assistant state attorneys and assistant public defenders participate in the SMRC. Other JAC positions in SMRC are the Personnel Director, Finance and Accounting Director, Public Information Officer, Information Systems Director, and Victim Services Director.

Based on the number of positions participating in the SMRC in the Legislature and Justice Administration, this issue was presented as a benefits equity issue. In the circuit courts, it was also presented as a loss of benefits issue for employees who participated in SMRC while on the county payroll prior to Revision 7 implementation, but did not retain this benefit when they became state employees, though they are performing the same duties.

Adding up to 135 positions to the Senior Management Retirement Class would bring the total SCS positions to 176. This is 4.4% of the total SCS positions, which is below the percentage of positions in the Legislature and Justice Administration participating in the Senior Management Retirement Class of the Florida Retirement System.

Recommend: The TCBC approve a request to provide funding for up to 5 positions per court, at the discretion of the chief judge, to participate in the SMRC. These positions would need to satisfy the criteria that they be primarily policy making and essentially managerial. Recommended positions include the General Counsel and Trial Court Technology Officer. In the circuit courts this is a total of 100 positions at an estimated cost of **\$245,250**.

Executive Committee Recommendation:

The Executive Committee approved to include a request for Senior Management Retirement benefits for managerial positions based on the circuit size as follows:

| | |
|---------|---|
| Small: | 2 |
| Medium: | 3 |
| Large: | 5 |
| Dade: | 7 |

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Issue: 100% State Paid Health Insurance

Many court employees previously paid by the county, especially those in mid-management positions and above, received health insurance benefits that were fully paid by the county. The State Courts System did not have the funding to provide this benefit to those employees who were retained in state funded positions upon the implementation of Revision 7 on July 1, 2004. There are also equity issues to consider. Several years ago, the Executive Branch implemented Service First and 16,000 career service positions were assigned to the Selected Exempt Service. As of December 31, 2004, there were 20,096 positions assigned to the Selected Exempt Service. In addition, The Florida Legislature (1,854) and the Department of the Lottery (447) provide 100 percent paid state benefits to all its employees. Justice Administration has over 3,300 positions receiving paid benefits. Criteria are that the position was managerial, supervisory, or confidential (e.g., personnel staff). Paid benefits include health insurance, term life insurance at twice an employee's annual salary, and a short term disability policy.

All attorney positions in the Executive Branch are also assigned to the Selected Exempt Service and receive 100% state paid benefits. In fact, the State Courts System is the only branch of Florida Government that does not have the authority to provide this benefit to all its attorney positions.

Recommend: The TCBC approve a request to provide funding to provide 100% paid benefits up to 5 management level positions per court, at the discretion of the chief judge, and all attorney positions. In the circuit courts this has an estimated cost of \$967,680 for family coverage.

Executive Committee Recommendation:

Executive Committee approved to include a request for 100% state paid health insurance benefits for managerial positions based on the circuit size as follows:

| | |
|---------|---|
| Small: | 2 |
| Medium: | 3 |
| Large: | 5 |
| Dade: | 7 |

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Issue: Due Process - Expert Witnesses

The TCBC has identified the payment of expert witnesses as a FY 2007-08 LBR priority.

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 initially projected that the need for expert witness funds could increase by \$7.7 million. 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 early 2006, staff researched issues related to expert witness expenditure trends and circuit practices that impact these expenditures. The findings of this research indicated that outside factors such as the state attorneys/public defenders failure to change their practices after the statutory change appear to be contributing to a slower than expected increase in expert costs for the trial courts. Further, it was determined that best practices should be examined in several areas such as: the number and type of expert appointments, tracking of cases, and standardizing of fee structures.

For FY 2006-07, the TCBC allocated 6 months of contractual funding to the circuits for the payment of expert witnesses. In December, after the FY 2005-06 expenditures are closed out; the second 6 months of contractual funding will be allocated. The last 6 months of FY 2005-06 expenditures show a significant increase with approximately \$1.5 million spent statewide in each the third and fourth quarters. It is currently projected that \$6,600,000 will 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).

Circuit requests for FY 2007-08 are as follows:

| Circuit | Contractual |
|----------------|--|
| 13 | \$310,000 (includes \$110,000 for child custody evaluations) |
| 17 | \$785,000 |
| Total | \$1,095,000 |

Funding Methodology Committee Recommendation:

File expert witness LBR for \$1,278,280 based on a projected increase in FY 2007-08 expenditures. 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 are available. Adjust LBR if needed.

Executive Committee Recommendation:

File issue as recommended for \$1,278,280 in contractual funding. 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 are available. Adjust LBR if needed

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Issue: Due Process - Court Interpreting

The TCBC has identified court interpreting as a FY 2007-08 LBR priority.

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.

For FY 2006-07, the TCBC allocated 4.0 new positions and 6 months of existing contractual funding to the circuits for court interpreting services. In December, after the FY 2005-06 expenditures are closed out; the second 6 months of existing contractual funding will be allocated along with \$1,049,387 in new contractual funding.

Circuit requests for FY 2007-08 are as follows:

| Circuit | Positions | Contractual | OCO | Expense |
|----------------|---------------------------------------|--|-----------------|------------------------|
| 8 | 1.0 FTE Court Program Specialist II | | | |
| 9 | 1.0 FTE Court Interpreter | | | |
| 10 | 2.0 FTE Court Interpreter | | | |
| 11 | 2.0 FTE Court Interpreter | | | |
| 13 | 2.0 FTE Court Interpreter | \$38,034 (including maintenance) | \$25,000 | \$26,500 (software) |
| 16 | 1.0 FTE Supervising Court Interpreter | | | |
| 17 | 3.0 FTE Court Interpreter | | | |
| 18 | 1.0 FTE Court Interpreter | | | \$2,500 |
| 20 | 4.0 FTE Court Interpreter | | | |
| Total | 17.0 FTE | \$38,034 | \$25,000 | \$29,000 |

Funding Methodology Committee Recommendation:

Positions

File court interpreting LBR for 15.0 FTE per circuit requests with exception to the 11th Circuit (FTE in the 11th 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.

Contractual Funds

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 (including \$1,049,387 in new contractual funding). Adjust LBR if needed.

Equipment

Do not file LBR. Prioritize the use of FY 2006-07 year-end funds to cover OCO and expense requests.

Executive Committee Recommendation:

File issue as recommended for 15.0 FTE and \$463,957 in contractual funding. Perform additional analysis in December when the full year of FY 2006-07 contractual funding is allocated (including \$1,049,387 in new contractual funding). Adjust LBR if needed.

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Issue: Due Process - Court Reporting Services

Issue: The TCBC has identified court reporting as a FY 2007-08 LBR priority. The Funding Methodology Committee has also been asked to review and possibly recommend an adjustment to the existing unit cost threshold.

Over the last two fiscal years, the Legislature has appropriated 35 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 category and an additional \$350,301 in due process reserve has been placed in the court reporting contractual category. Further, an additional 11 positions were allocated from the due process contingency fund and approximately \$7.9 million in year-end funds has been allocated for the purchase of court reporting equipment. Most of these resources have gone towards the implementation of digital court reporting per each circuit's court reporting plan inline with the *Statewide Plan for Effective Use and Management of Court Reporting Services*.

While most circuits have been able to purchase the necessary amount of digital equipment to implement their court reporting plans, a significant need still remains for positions. These positions are required to replace clerk of court staff, provide coverage for new judgeships, and reduce the amount of hearings simultaneously covered by staff. Additionally, covering maintenance costs has become and will continue to be an issue in developing the LBR each year.

In June 2006, the TCBC allocated 10.0 *new* positions and 6 months of *existing* contractual funding to the circuits for FY 2006-07 court reporting services. In December, after the FY 2005-06 expenditures are closed out; the second 6 months of *existing* contractual funding will be allocated along with *new* contractual funding and \$714,903 in *new* OCO. As of July 1, 2006, court reporting equipment maintenance may no longer be paid from general expense and must be paid from the court reporting contractual category. Thus, equipment maintenance costs will now be included entirely in the contractual category when calculating unit cost.

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 allocations have yet to be determined; the remaining balance has been estimated for unit cost calculations.

Circuit requests for FY 2007-08 are as follows:

| Circuit | Positions | Contractual | OCO | Expense |
|----------------|--|--------------------------------------|------------------|------------------------|
| 2 | 1.0 FTE Digital Court Reporter | | | |
| 3 | 1.0 FTE Digital Court Reporter | | | |
| 4 | 2.0 FTE Electronic Court Reporting Manager | | | |
| 6 | 5.0 FTE Court Reporter I 3.0 FTE Digital Court Reporter | | | |
| 9 | 1.0 FTE Court Reporter I 1.0 FTE Digital Court Reporter | | | |
| 10 | 5.0 FTE Digital Court Reporter | | | |
| 13 | | \$217,413 (including maintenance) | \$439,930 | |
| 14 | 2.0 FTE Digital Court Reporter | | | |
| 19 | 10.0 FTE Digital Court Reporter | | \$97,500 | \$52,500 (software) |
| 20 | 8.0 FTE Digital Court Reporter | | | |
| Total | 39.0 FTE | \$217,413 | \$537,430 | \$52,500 |

Funding Methodology Committee Recommendation:

Target Unit Cost Threshold

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 (including new contractual funding) and the impact of the equipment maintenance change is examined through the technology inventory; review updated unit cost calculations.

(Note: The court reporting technology inventory has been a joint effort between the OSCA Information Systems Services and Court Services Units to assist in supporting the trial court budget request. The inventory is an accounting of a circuit's equipment including: location, unit count, unit cost, vendor, and maintenance information. OSCA will be working with the circuits to update this inventory over the next several months).

Positions

File LBR 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 a 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 (including new contractual funding) 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.

Contractual Funds (including maintenance per statutory change)

File LBR for \$217,413 based on 13th Circuit request. Perform additional analysis in December. When the full year of FY 2006-07 contractual funding is allocated (including new contractual funding), 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 13th Circuit will be above or below the target threshold with new funding. Adjust LBR for contractual funding if needed.

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.

Executive Committee Recommendation:

Target Unit Cost Threshold

Update target unit cost to \$20.56 (statewide median of \$18.69 with a 10% 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 (including new contractual funding) and the impact of the equipment maintenance change is examined through the technology inventory; review updated unit cost calculations.

Positions

File LBR for 32.0 FTE as requested by the circuits with exception to positions that cause a circuit to exceed the target unit cost (\$20.56). Also consider circuit justifications (becoming a 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 (including new contractual funding) 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.

Contractual Funds (including maintenance per statutory change)

File issue as recommended for \$217,413 in contractual funding. Perform additional analysis in December. When the full year of FY 2006-07 contractual funding is allocated (including new contractual funding), 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 13th Circuit will be above or below the target threshold with new funding. Adjust LBR for contractual funding if needed.

Equipment

As recommended, do not file issue. 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.

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Issue: Adjudication – 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 (45.0 FTE), 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). A total of 11.0 FTE were requested, with only 8.0 FTE appropriated by the Legislature. The new positions were allocated in June 2006.

Most requests for new positions appear to be related to family/UFC, criminal, and drug court cases. Circuit requests for FY 2007-08 are as follows:

| Circuit | Positions |
|--------------|---|
| 2 | 1.0 FTE Court Program Specialist I 2.0 FTE Court Program Specialist II |
| 3 | 1.0 FTE Administrative Assistant II 2.0 FTE Court Program Specialist II |
| 4 | 3.0 FTE Court Program Specialist II |
| 5 | 7.0 FTE Court Program Specialist II 1.0 FTE Program Coordinator |
| 6 | 9.0 FTE Court Program Specialist I 3.0 FTE Court Program Specialist II |
| 8 | 2.0 FTE Program Coordinator |
| 9 | 1.0 FTE Court Program Specialist I |
| 10 | 3.0 FTE Court Program Specialist I |
| 11 | 1.0 FTE Administrative Assistant I 7.0 FTE Court Program Specialist I 3.0 FTE Court Program Specialist II |
| 13 | 5.0 FTE Court Program Specialist II 4.0 FTE Senior Court Program Specialist |
| 15 | 2.0 FTE Secretary Specialists 6.0 FTE Court Program Specialist II |
| 17 | 2.0 FTE Senior Court Program Specialist 3.0 FTE Court Program Specialist I |
| 19 | 6.0 FTE Court Program Specialist II |
| 20 | 4.0 FTE Court Program Specialist II |
| Total | 78.0 FTE |

Note: Circuit 1, 7, and 12 did not submit individual circuit requests. However, if funding formulas indicate a need for additional resources for their circuit, they ask that those resources be included in the FY 2007-08 LBR.

Currently, the trial courts have 350 case management positions statewide. Keeping the existing ratio of 1:6,760 would equate to an approximate need of only 15 positions, compared to the 78 positions requested by the circuits. Dividing the applicable projected filings for FY 2007-08 (2,359,236) by the 428 existing and requested positions (350 + 78) equates to 5,512 filings per position.

Funding Methodology Committee Recommendation:

File LBR 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.

Executive Committee Recommendation:

File issue as recommended for 80.0 FTE.

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Issue: Adjudication – Trial Court Law Clerks

For FY 2006-07, the TCBC approved the law clerk LBR based on the increasing need to provide law clerk support for post-conviction matters and county appeals to circuit court. County criminal and civil filings, prison admission, and prison population data were used to project where additional law clerks would be justified. The TCBC also retained the policy that support staff for law clerks not be included in the LBR.

A total of 42.0 additional law clerk positions were requested in the FY 2006-07 LBR. The Legislature appropriated 38.0 new positions. These positions were allocated to the circuits in June 2006.

Circuit requests for FY 2007-08 are as follows:

| Circuit | Positions | OPS |
|----------------|-------------------------------------|-------------------------------|
| 4 | | \$25,000 (for legal services) |
| 5 | 8.0 FTE Law Clerk | |
| 16 | | \$10,000 (for legal services) |
| 19 | 1.0 FTE Administrative Assistant II | |
| Total | 9.0 FTE | \$35,000 |

Funding Methodology Committee Recommendation:

Do not file FY 2007-08 LBR for law clerks.

Executive Committee Recommendation:

As recommended, do not file issue.

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Issue: Adjudication – General Magistrates

For FY 2006-07, the TCBC approved a LBR based on “Total Need” per the ratio of 1:3000 projected FY 2006-07 filings (domestic relations, probate, guardianship, mental health and pre-TPR dependency). A ratio of 1:1 administrative support was also approved for the LBR. A total of 6.0 FTE were requested (3.0 FTE general magistrates and 3.0 FTE support positions). However, the Legislature did not appropriate any new resources.

The use of general magistrates is currently being researched as a part of the Judicial Resource Study. Findings and recommendations from this research will be available in spring 2007.

Circuit requests for FY 2007-08 are as follows:

| Circuit | Positions |
|----------------|--|
| 6 | 1.0 FTE General Magistrate- Dependency 1.0 FTE Administrative Secretary I |
| 9 | 1.0 FTE General Magistrate- Domestic Relations/Mental Health 1.0 FTE Administrative Secretary I |
| 11 | 2.0 FTE General Magistrate- Family 2.0 FTE General Magistrate- Juvenile 4.0 FTE Administrative Secretary I |
| Total | 12.0 FTE |

Funding Methodology Committee Recommendation:

Do not file FY 2007-08 LBR for general magistrates. Pursuant to the approach approved by the TCBC in June 2006, await results of Judicial Resource Study and revisit issue for FY 2008-09 LBR.

Executive Committee Recommendation:

As recommended, do not file issue. Pursuant to the approach approved by the TCBC in June 2006, await results of Judicial Resource Study and revisit issue for FY 2008-09 LBR.

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Issue: **Adjudication – Child Support Hearing Officers**

Issue: For FY 2006-07, the TCBC did not approve a LBR. Further, the Department of Revenue (DOR) did not request additional hearing officers for FY 2006-07 and does not appear to be filing a hearing officer LBR for FY 2007-08. The use of child support hearing officers is currently being researched as a part of the Judicial Resource Study. Findings and recommendations from this research will be available in spring 2007.

Only one circuit request has been received for FY 2007-08. The 6th Circuit is requesting a 0.5 FTE Administrative Secretary.

Funding Methodology Committee Recommendation:

Do not file FY 2007-08 LBR for child support hearing officers. Pursuant to the approach approved by the TCBC in June 2006, await results of Judicial Resource Study and revisit issue for FY 2008-09 LBR. Consider allocating OPS funds to the 6th Circuit from the child support enforcement cost center for coverage of a 0.5 FTE Administrative Secretary.

Executive Committee Recommendation:

As recommended, do not file issue. Pursuant to the approach approved by the TCBC in June 2006, await results of Judicial Resource Study and revisit issue for FY 2008-09 LBR. For FY 2007-08, consider allocating OPS funds to the 6th Circuit from the child support enforcement cost center for coverage of a 0.5 FTE Administrative Secretary.

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Issue: Adjudication – Mediation Services

The Funding Methodology Committee has been asked to consider a possible adjustment to the existing mediation model methodology. Previously, the Committee has stressed that the overriding factor in determining whether a methodology may be changed is whether additional information or more valid and reliable data are available in which to improve the current methodology. In conjunction with efforts of the Commission on Trial Court Performance and Accountability, staff has been working on the development of circuit profiles in order to provide a snap shot of the provision of model mediation services. The profiles are scheduled for completion around the first of the year. Additionally, there are many questions regarding circuit practices, especially related to trust collections, which are still in need of further research.

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 (\$4 multiplied by applicable filings) for service delivery GR and trust which is then added to an allocation for coordination functions based on circuit size (\$250,000 small, \$375,000 medium, \$475,000 large, and \$600,000 very large). 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 (with 2 positions funded through trust). 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.

In June 2006, the TCBC allocated 12.0 new positions and 6 months of contractual funding and trust authority to the circuits for FY 2006-07 mediation services. In December, after the FY 2005-06 expenditures are closed out; the second 6 months of contractual funding and trust authority will be allocated.

Circuit requests for FY 2007-08 are as follows:

| Circuit | Positions | Contractual |
|----------------|--|--------------------|
| 3 | 1.0 FTE Family Mediator | |
| 5 | 1.0 FTE Mediation Services Coordinator 2.0 FTE Mediator- Circuit Family | |
| 6 | 2.0 FTE Court Program Specialist I | \$150,000 |
| 15 | 1.0 FTE Mediator- Circuit Family 1.0 FTE Administrative Assistant | |
| 17 | 1.0 FTE Administrative Assistant | |
| Total | 9.0 FTE | \$150,000 |

Funding Methodology Committee Recommendation:

Do not file FY 2007-08 LBR for mediation services. Prioritize the review of the mediation model methodology in developing the FY 2008-09 LBR.

Executive Committee Recommendation:

As recommended, do not file issue. Prioritize the review of the mediation model methodology in developing the FY 2008-09 LBR.

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FY 2007-08 Legislative Budget Request

Issue: Governance – Court Administration

For FY 2006-07, the TCBC did not approve a LBR. The current funding methodology for court administration is based on a minimum level of support necessary to provide executive direction, general administration and judicial operations in small (9 FTEs), medium (14 FTEs), large (27 FTEs) and very large circuits (42 FTEs). The formula includes one trial court administrator and one court technology officer per circuit and 2 court counsel positions (one general counsel and one support staff) for the large circuits and Miami-Dade.

Circuit requests for FY 2007-08 are as follows:

| Circuit | Positions | OPS |
|--------------|---|---------------------------------|
| 2 | 1.0 FTE Senior Court Analyst II 1.0 FTE Chief Deputy Court Administrator | |
| 5 | 1.0 FTE Accountant II 1.0 FTE Court Analyst 1.0 FTE Court Operations Manager 1.0 FTE Chief Deputy Court Administrator | |
| 6 | 1.0 FTE Administrative Assistant (Senior Judge Support) 1.0 FTE Administrative Secretary (CTO Support) 1.0 FTE Program Assistant 1.0 FTE Administrative Services Manager 1.0 FTE Personnel Technician 1.0 FTE Senior Attorney II | \$75,000 (for Court Counsel) |
| 8 | 1.0 FTE Administrative Assistant | |
| 14 | 1.0 FTE Administrative Secretary | |
| 15 | 3.0 FTE Secretary Specialist 4.0 FTE Administrative Assistant II 1.0 FTE Court Education Program Coordinator 1.0 FTE Court Communications Coordinator 1.0 FTE Chief Deputy Court Administrator | |
| 19 | 1.0 FTE Accountant IV | |
| 20 | 1.0 FTE Personnel Services Specialist | |
| Total | 26.0 FTE | \$75,000 |

Accommodating the above circuit requests would require a revision to the existing formula for allocating court administration staff. For instance:

- ▶ General Counsel - The 6th Circuit is requesting a senior attorney for their General Counsel's Office. If approved, the formula for large circuits and

Miami-Dade would increase General Counsel staff by one position, with a total impact of 7.0 FTEs.

- ▶ Court Technology Officer – The 6th Circuit is requesting an administrative secretary for support of the court technology officer. If approved, the formula would increase staff for all circuits by one position, with a total impact of 20.0 FTEs. However, technology support positions other than the CTO are considered a county responsibility.

- ▶ Operations/Administration Positions - Based on the trial court requests, the formula for the operations and administration positions would increase for small circuits by 1.0 to 2.0 FTEs, for medium circuits by 1.0 to 4.0 FTEs, and for large circuits by 5.0 to 10.0 FTEs.

Overall, the impact of revising the formula could equate to the total statewide need for over 100 positions.

Funding Methodology Committee Recommendation:

Do not file FY 2007-08 LBR for court administration.

Executive Committee Recommendation:

As recommended, do not file issue.

Recommendations of the Trial Court Budget Commission

FY 2007-08 Legislative Budget Request

Issue: Governance – Management of Court-Appointed Counsel

Issue: Revision 7 identified work related to the support of court-appointed counsel as a state responsibility. In FY 2004-05, the Justice Administrative Commission (JAC) received 50 positions to absorb increased workload as a result of Revision 7 to include the management of the budget and compensation of court-appointed counsel for the state. However, several tasks and responsibilities remain for which the trial courts have been forced to absorb without the appropriation of additional funding. Some of these tasks are administrative and/or operational in nature while other tasks require legal analysis and support.

For FY 2006-07, the TCBC approved a LBR for 1.0 FTE Court Program Specialist II for each small and medium circuit and 1.0 FTE Court Operations Manager and 1.0 FTE Administrative Assistant II for each large circuit. This request was based on administrative/operational (non-legal) support functions identified by the Commission on Trial Court Performance and Accountability (TCP&A) and a circuit survey regarding associated workload and recommended position classifications that should perform these duties.

In January 2006, the TCP&A developed statutory language related to this issue similar to that used to transfer Guardian Ad Litem functions from the judicial branch to the executive branch. This language was subsequently presented to the chief judges for discussion. The chief judges were in agreement that the oversight and adequate continuous support for court-appointed counsel functions should be an executive branch function within the JAC. However, the chief judges were not in agreement as to whether the chief judge could properly serve as chair of the circuit Article V indigent services committee operations. The primary concern was that absent the strong hand of the chief judge there would be a vacuum in accountability and leadership that would lead to avoidable shortfalls in the circuits' Article V indigent services budgets within the JAC.

After being briefed on the proposed language and the concerns of some of the chief judges, the supreme court justices requested that the TCP&A consider methods by which trial court chief judges could retain some significant degree of control over the indigent services budgets while providing some appropriate level of separation between the courts and the lawyers hired through the indigent services committees. Further, the TCP&A was asked to review the assumptions from the 1991 Article V Report of the Judicial Council of Florida that the administration of the indigent services attorneys is an executive function rather than a judicial function.

The General Appropriations Act for FY 2006-07 provides no additional funding to either the trial courts or the JAC to alleviate the operational and administrative workload related to court-appointed counsel support functions. However, the following proviso was included:

From funds in Specific Appropriation 3238, the Office of State Courts Administrator in cooperation with the Justice Administrative Commission shall jointly provide a report to the chair of the Senate Ways and Means Committee and the chair of the House Fiscal Council by January 31, 2007, with recommendations for improving the governance and operations of publicly funded court-appointed counsel and due process services provided for indigent individuals. The report shall describe any advantages and disadvantages of the current circuit Article V indigent services committees and their administrative support arrangements, and describe, analyze, and, if justified, recommend alternative models for governing and providing these functions. Criteria used shall include but not be limited to the degree to which the models assign responsibilities which are appropriate for the entities involved, avoiding conflicts of interest; ensure the adequate provision of the court-appointed counsel and related due process services; facilitate oversight of and control over costs; and are cost-effective. The report shall also detail any other statutory changes that might enhance the governance and provision of these services.

In June 2006, the TCBC requested that TCP&A work to achieve branch consensus on the model by September 2006 so that the consensus can be reflected in the FY 2007-08 LBR. A TCP&A workgroup was reestablished in July 2006 to include chief judges selected by Judge Kim Skievaski, chair of Judicial Administrative Section, FCCJ. A three phase process designed to accommodate the development of the branch consensus and the report the Legislature proposed has begun including a study and review phase, a branch consensus phase, and finally a phase for collaborating with the JAC to develop consensus recommendations. This process will be completed by December 2006.

Two Circuits have submitted FY 2007-08 LBR requests per this issue. The 2nd and 15th Circuits have each requested a Court Program Specialist II position.

Funding Methodology Committee Recommendation:

Defer a decision regarding the FY 2007-08 LBR until the TCP&A presents the consensus recommendations to the TCBC in December.

Executive Committee Recommendation:

As recommended, defer a decision regarding the FY 2007-08 LBR until the TCP&A presents the consensus recommendations to the TCBC in December.

Recommendations of the Trial Court Budget Commission

FY 2007-08 Legislative Budget Request

Issue: Other Circuit Requests

Issue 1: The 2nd Judicial Circuit requests \$40,000 to fund lump sum bonuses in FY 2007-08 to those employees who have greater than 6 months of service. The 2nd Circuit noted that an average bonus of \$1,200 is necessary to meet the increase in the cost of living adjustment.

This issue was requested in FY 2006-07 and was referred to the TCBC Executive Committee. It was decided by the Executive Committee to refer the issue to the MAG consultants for consideration within the classification and pay study.

Funding Methodology Committee Recommendation:

Do not request a specific amount for bonuses in the LBR but seek legislative authority pursuant to Section 110.1245(2), Florida Statutes, to provide for bonuses within the Judicial Branch in the event year-end salary dollars are available.

Executive Committee Recommendation:

This request was withdrawn. No action required.

Issue 2: A) The 5th Judicial Circuit requests \$17,000 to purchase a new state vehicle to replace a 1993 Dodge Intrepid. The 5th Circuit notes that the purchase of the new vehicle will save the state maintenance costs on the current vehicle and travel expenditures for those employees who utilize their personal vehicles.

There was a similar issue requested by the 18th Judicial Circuit for FY 2006-07. (The 10th Judicial Circuit had made a FY 2006-2007 request for a vehicle but subsequently withdrew the request at the TCBC meeting in August, 2005.) The FMC recommended the appropriate county fund the vehicle rather than the state. At the direction of the TCBC, staff conducted research on the funding for vehicles within the State Attorney's and Public Defender's budgets. It was determined that there are no general revenue funds appropriated for the purchase of vehicles by the State Attorney or the Public Defender, but they are granted trust fund authority to purchase vehicles from their various trust funds, if there is sufficient cash to support their request. Senate and House staff were also consulted on this issue for input and it is their view that the purchase of vehicles for the trial courts is a local funding responsibility.

B) The 10th Judicial Circuit requests \$8,500 for operation and maintenance for a van it is receiving from Polk County Sheriff's Office for in-state business related travel. The funds are requested specifically to provide fuel and maintenance costs for the vehicle.

Funding Methodology Committee Recommendation:

Do not approve request.

. Executive Committee Recommendation:

As recommended, do not file issue.