

## **Recommendations of the Trial Court Budget Commission FY 2013-14 Legislative Budget Request**

### **Issue: Employee Pay Issues**

At the June 15, 2012 meeting, the Trial Court Budget Commission (TCBC) voted to file an FY 2013-14 Legislative Budget Request (LBR) based on enhancing existing resources. Under this approach a pay plan would be filed including an across the board pay issue as well as specific pay issues to combat recruitment and retention problems.

#### **A. Pay Increase for Staff**

**TCBC Recommendation:**

File a LBR to include a 3.5% across the board pay increase for staff.

#### **B. Pay increase for Law Clerks**

**Personnel Committee Recommendation:**

If the appellate courts request to file a legislative budget request issue for law clerk minimum increases, file a companion issue to increase the trial court law clerk minimum. Base the increase either on 95% of the proposed appellate law clerk minimum or on other findings of the District Court of Appeal Budget Commission's work on the issue.

**TCBC Recommendation:**

File a LBR for increases for law clerks pending findings of the District Court of Appeal Budget Commission study.

## **Issue: Court Interpreting – Implementation of TCP&A Recommended Standards of Operations and Best Practices (Tier II Policies) and Remote Interpreting**

At the June 15, 2012 meeting, the TCBC approved an LBR issue for court interpreting to address Tier II policy recommendations in which to support the future expansion of court interpreting services to all court proceedings and court-managed activities, as directed by the Supreme Court's administrative order 11-45 approving several recommendations of TCP&A's *Recommendations for the Provisions of Court Interpreting Services in Florida's Trial Courts*.

1. The Due Process Technology Workgroup is currently assessing the viability of remote interpreting technology in which to aid in minimizing staffing costs associated with expanding court interpreting services.

Option One – File LBR issue based on a fiscal impact analysis that was conducted in October 2011 which estimated statewide circuits would need a total of \$11,598,829 in additional FTE's and direct services contractual to implement the Tier Two policy recommendations. For remote technology, file LBR issue for \$1,503,591 based on circuit requests within the approved cost model guidelines.

Option Two – File LBR issue as placeholder for both Tier Two policies and remote interpreting technology. Once the technology recommendations are finalized in November 2012, a revised LBR issue may be presented to the Funding Methodology Committee (FMC) for consideration.

### **Funding Methodology Committee Recommendation:**

File LBR issue as placeholder based on Option Two.

### **TCBC Recommendation:**

File LBR issue as placeholder until technology recommendations are finalized in November 2012.

## **Issue: Post-Adjudicatory Drug Court Continuation Funding**

In 2009, the Florida Legislature appropriated Edward Byrne Memorial Justice Assistance Grant (JAG) Program funds to expand adult post-adjudicatory drug courts in an effort to save the State of Florida money by diverting offenders from prison. This program includes eight counties and has included \$18,633,223 in funding for treatment services, drug testing, case management, probation supervision, data system development and maintenance, and OSCA program monitoring and administration. Grant funding is available through June 30, 2013 and the eight counties are interested in continuing this program once grant funding expires. Continuation of funding for FY 2013-14 is requested as follows: OPS \$540,835 and Special Category Contracted Services \$5,000,000 (total \$5,540,835).

Option One – Approve the requested \$5,540,835 of continuation funding for the current eight participating post-adjudicatory drug courts for FY 2013-14.

Option Two – Deny the Request

### **Funding Methodology Committee Recommendation:**

The FMC approved the LBR for FY 2013-14 to fund the adult post-adjudicatory drug courts as they are currently operating in the eight judicial circuits and counties based on the program's actual and projected operating costs. Continuing operations in FY 2013-14 will allow additional time for a more detailed program analysis of the costs, benefits, and outcomes to better determine the long-term value of adult post-adjudicatory drug courts to the State Courts System as a whole. Whether adult post-adjudicatory expansion drug courts continue, expand services to more counties, or is discontinued will need be determined for FY 2014-15.

### **TCBC Recommendation:**

File a LBR issue for \$5,540,835 of continuation funding for the current eight participating post-adjudicatory drug courts for FY 2013-14. However, if the issue is funded, the TCBC recommends the \$5,000,000 in treatment services funding be placed in the appropriate Executive Branch budget entity.

## **Issue: Court Reporting Equipment and Software: Maintenance/Refresh/Expansion**

At the June 15, 2012 meeting, the TCBC approved an LBR issue for court reporting equipment in support of the following: 1) general expansion needs; 2) general refresh needs; and 3) special hardware and software needs related to circuits changing vendors or switching to non-proprietary solutions such as OpenCourt. Also, as court reporting refresh needs of the trial courts are on-going, the TCBC directed the OSCA staff to develop estimated on-going court reporting refresh costs for consideration of requesting a recurring appropriation within the state court system's budget for on-going court reporting refresh.

For the FY 2013-14 LBR, the circuits are requesting a total of \$577,894 for expansion; \$303,238 for existing equipment maintenance needs; and \$3,675,743 for refresh.

### **1. Expansion and Maintenance on Existing Technology**

Option One – For expansion, file LBR based on those circuit requests that are within the approved cost standards. For maintenance on existing technology, file LBR based on those circuit requests that are within the approved 13% maintenance formula as applied to original hardware and software costs (previously purchased using state and/or county funds) as reported in the Due Process Technology Inventory.

Option Two – Do not file LBR.

#### **Funding Methodology Committee Recommendation:**

File LBR based on Option One (\$577,894 for expansion and \$303,238 for maintenance on existing technology).

#### **TCBC Recommendation:**

File LBR based on Option One (\$577,894 for expansion and \$303,238 for maintenance on existing technology).

### **2. Refresh**

Option One – File LBR for non-recurring funds based on those circuit requests that are within the approved refresh timeframes as applied to original purchase dates of hardware (previously purchased using state and/or county funds) as reported in the Due Process Technology Inventory.

Option Two – File LBR for recurring appropriation based on the average annual cost of refresh (2007-08 forward) using the approved refresh timeframes as applied to original purchase dates of hardware (previously purchased using state and/or county funds) as reported in the Due Process Technology Inventory.

Option Three – File LBR for recurring appropriation based on Option Two. Include non-recurring appropriation based on the remaining need as calculated between Options One and Two.

**Funding Methodology Committee Recommendation:**

File LBR based on Option Three (\$2,627,007 in recurring and \$1,048,736 non-recurring).

**TCBC Recommendation:**

File LBR based on Option Three (\$2,627,007 in recurring and \$1,048,736 non-recurring).

**Trial Court Budget Commission  
Meeting August 11, 2012**

**Court Reporting  
FY 2013/14 LBR - Expansion**

Circuit	Circuit Requests						Circuit Requests Within Standards			
	# of CR	# of HR	OCO	Expenses (Non Recurring)	FY 2014/15 Maintenance (Recurring)	Total Requests	OCO	Expenses (Non Recurring)	FY 2014/15 Maintenance (Recurring)	FMC RECOMMENDATION Option 1 Total Requests Within Standards
1	2	1	\$0	\$15,000	\$0	\$15,000	\$0	\$15,000	\$0	\$15,000
2	5	0	\$91,000	\$0	\$8,000	\$99,000	\$91,000	\$0	\$8,000	\$99,000
3	0	5	\$25,000	\$10,000	\$0	\$35,000	\$25,000	\$10,000	\$0	\$35,000
4	4	3	\$127,100	\$8,650	\$16,290	\$152,040	\$127,100	\$8,650	\$16,290	\$152,040
5	5	5	\$103,860	\$117,250	\$28,744	\$249,854	\$103,860	\$117,250	\$28,744	\$249,854
6	0	0	\$0	\$0	\$0	\$0				NA
7	2	0	\$18,000	\$6,000	\$3,000	\$27,000	\$18,000	\$6,000	\$3,000	\$27,000
8	0	0	\$0	\$0	\$0	\$0				NA
9	0	0	\$0	\$0	\$0	\$0				NA
10	0	0	\$0	\$0	\$0	\$0				NA
11	0	0	\$0	\$0	\$0	\$0				NA
12	0	0	\$0	\$0	\$0	\$0				NA
13	0	0	\$0	\$0	\$0	\$0				NA
14	0	0	\$0	\$0	\$0	\$0				NA
15	0	0	\$0	\$0	\$0	\$0				NA
16	0	0	\$0	\$0	\$0	\$0				NA
17	0	0	\$0	\$0	\$0	\$0				NA
18	0	0	\$0	\$0	\$0	\$0				NA
19	0	0	\$0	\$0	\$0	\$0				NA
20	0	0	\$0	\$0	\$0	\$0				NA
<b>Total</b>	<b>18</b>	<b>14</b>	<b>\$364,960</b>	<b>\$156,900</b>	<b>\$56,034</b>	<b>\$577,894</b>	<b>\$364,960</b>	<b>\$156,900</b>	<b>\$56,034</b>	<b>\$577,894</b>

CR = Courtroom

HR = Hearing Room

Circuit 1 is requesting \$15,000 to expand Opencourt into 2 new CR's and 1 new HR located in the Walton County Courthouse.

Circuit 2 is requesting \$91,000 to provide new DCR systems in 5 existing county criminal CR's presently covered using handheld recorders.

Circuit 4 is requesting funds to expand DCR into newly constructed CR's and HR's plus funds to purchase 4 portable systems for Duval County Courthouse.

Circuit 5 is requesting funds to expand DCR into newly constructed CR's and HR's in Sumter and Hernando Counties.

Circuit 7 is requesting funds to expand DCR into 2 new CR's located in Flagler County Courthouse.

**Trial Court Budget Commission  
Meeting August 11, 2012**

**Court Reporting**

**FY 2013/14 LBR - Maintenance on Existing Technology**

<b>Circuit</b>	<b>FY 2011/12 Estimated Maintenance Expenditures<sup>1</sup></b>	<b>FY 2013/14 LBR Maintenance Requests</b>	<b>Total Estimated Maintenance Expenditures and LBR Requests</b>	<b>13 Percent Maintenance (State Obligated)<sup>2</sup></b>	<b>FMC RECOMMENDATION Option 1 FY 2013/14 LBR for Maintenance Within Standards (State Obligated)</b>
1	\$111,722	\$50,000	<b>\$161,722</b>	\$197,827	<b>\$50,000</b>
2	\$59,281	\$20,000	<b>\$79,281</b>	\$79,555	<b>\$20,000</b>
3	\$32,008	\$0	<b>\$32,008</b>	\$95,099	NA
4	\$112,396	\$0	<b>\$112,396</b>	\$98,589	NA
5	\$128,000	\$86,406	<b>\$214,406</b>	\$347,726	<b>\$86,406</b>
6	\$137,569	\$0	<b>\$137,569</b>	\$267,606	NA
7	\$170,880	\$0	<b>\$170,880</b>	\$143,293	NA
8	\$3,516	\$0	<b>\$3,516</b>	\$177,510	NA
9	\$0	\$60,000	<b>\$60,000</b>	\$229,986	<b>\$60,000</b>
10	\$0	\$0	<b>\$0</b>	\$141,335	NA
11	\$0	\$31,650	<b>\$31,650</b>	\$212,182	<b>\$31,650</b>
12	\$16,680	\$27,000	<b>\$43,680</b>	\$211,858	<b>\$27,000</b>
13	\$54,588	\$9,000	<b>\$63,588</b>	\$464,528	<b>\$9,000</b>
14	\$83,990	\$0	<b>\$83,990</b>	\$108,387	NA
15	\$8,222	\$0	<b>\$8,222</b>	\$119,014	NA
16	\$1,556	\$12,049	<b>\$13,605</b>	\$16,099	<b>\$12,049</b>
17	\$10,284	\$0	<b>\$10,284</b>	\$225,711	NA
18	\$41,820	\$0	<b>\$41,820</b>	\$137,510	NA
19	\$112,426	\$0	<b>\$112,426</b>	\$195,007	NA
20	\$267,053	\$7,133	<b>\$274,186</b>	\$274,220	<b>\$7,133</b>
<b>Total</b>	<b>\$1,351,991</b>	<b>\$303,238</b>	<b>\$1,655,229</b>	<b>\$3,743,042</b>	<b>\$303,238</b>

<sup>1</sup> FY 2011/12 Maintenance Expenditures include dollars from cost center 129 and 267 and was provided by OSCA, Budget Office.

<sup>2</sup> Based on policy recommendations of the Court Reporting Technology Workgroup. Thirteen percent is applied to hardware and software purchased using state or county funds through fiscal year 2011/12 as reported in the Due Process Technology Inventory.

**Trial Court Budget Commission**  
**Meeting August 11, 2012**  
**Court Reporting**  
**FY 2013/14 LBR - Refresh**

FY 2013/14 LBR Refresh Options								
Circuit	FY 2013/14 LBR Request (OCO and Expense)	Due Process Technology Inventory (Previously purchased with state and/or county funds.) <sup>1</sup>	Option 1 Refresh Within Standards <sup>2</sup> (Previously purchased with state and/or county funds.)	Option 2 Average Annual Refresh <sup>2</sup> (2007-08 forward)	FMC RECOMMENDATION			
					Option 3			
					Average Annual Refresh (Recurring)	Percent of Total Outstanding FY 2013/14 LBR Request	Distribution of the Total Difference Between Option 1 and Option 2 (Non Recurring)	Option 3 Total <sup>2</sup>
1	\$270,090	\$719,462	<b>\$270,090</b>	<b>\$106,692</b>	\$106,692	8.7%	\$91,403	<b>\$198,095</b>
2	\$172,995	\$479,801	<b>\$172,995</b>	<b>\$53,822</b>	\$53,822	5.6%	\$58,544	<b>\$112,366</b>
3	\$140,000	\$482,394	<b>\$140,000</b>	<b>\$67,542</b>	\$67,542	4.5%	\$47,378	<b>\$114,920</b>
4	\$190,465	\$217,253	<b>\$190,465</b>	<b>\$72,480</b>	\$72,480	6.1%	\$64,457	<b>\$136,937</b>
5	\$48,900	\$1,811,031	<b>\$48,900</b>	<b>\$261,219</b>	\$261,219	NA	NA	<b>\$261,219</b>
6	\$67,030	\$1,096,287	<b>\$67,030</b>	<b>\$156,264</b>	\$156,264	NA	NA	<b>\$156,264</b>
7	\$185,000	\$631,187	<b>\$185,000</b>	<b>\$104,831</b>	\$104,831	6.0%	\$62,607	<b>\$167,438</b>
8	\$0	\$1,133,962	NA	<b>\$185,394</b>	\$185,394	NA	NA	<b>\$185,394</b>
9	\$2,000	\$1,393,263	<b>\$2,000</b>	<b>\$199,038</b>	\$199,038	NA	NA	<b>\$199,038</b>
10 <sup>3</sup>	\$202,895	\$304,418	<b>\$202,895</b>	<b>\$60,572</b>	\$60,572	6.5%	\$68,663	<b>\$129,235</b>
11 <sup>4</sup>	\$634,900	\$1,471,455	<b>\$634,900</b>	<b>\$211,431</b>	\$211,431	20.5%	\$214,861	<b>\$426,292</b>
12	\$120,000	\$903,548	<b>\$120,000</b>	<b>\$158,402</b>	\$158,402	NA	NA	<b>\$158,402</b>
13	\$248,268	\$2,286,800	<b>\$248,268</b>	<b>\$323,343</b>	\$323,343	NA	NA	<b>\$323,343</b>
14	\$42,000	\$225,731	<b>\$42,000</b>	<b>\$68,259</b>	\$68,259	NA	NA	<b>\$68,259</b>
15 <sup>5</sup>	\$84,000	\$463,571	<b>\$84,000</b>	<b>\$75,710</b>	\$75,710	2.7%	\$28,427	<b>\$104,137</b>
16	\$21,700	\$40,231	<b>\$21,700</b>	<b>\$12,740</b>	\$12,740	0.7%	\$7,344	<b>\$20,084</b>
17	\$48,600	\$968,043	<b>\$48,600</b>	<b>\$102,800</b>	\$102,800	NA	NA	<b>\$102,800</b>
18	\$504,000	\$566,740	<b>\$504,000</b>	<b>\$98,755</b>	\$98,755	16.3%	\$170,562	<b>\$269,317</b>
19	\$487,500	\$661,487	<b>\$487,500</b>	<b>\$130,916</b>	\$130,916	15.7%	\$164,978	<b>\$295,894</b>
20	\$205,400	\$1,151,640	<b>\$205,400</b>	<b>\$176,797</b>	\$176,797	6.6%	\$69,511	<b>\$246,308</b>
<b>Total</b>	<b>\$3,675,743</b>	<b>\$17,008,303</b>	<b>\$3,675,743</b>	<b>\$2,627,007</b>	<b>\$2,627,007</b>	<b>100.0%</b>	<b>\$1,048,736</b>	<b>\$3,675,743</b>

<sup>1</sup> Based on policy recommendations of the Court Reporting Technology Workgroup. The amount includes refresh dollars from fiscal year 2009/10 through fiscal year 2013/14 based on the hardware replacement schedule (recommended by the Workgroup), less refresh expenditures for fiscal year 2008/09 and 2009/10.

<sup>2</sup> The amounts were produced by circuit as an exercise to determine the statewide Legislative Budget Request amount. These figures **do not** represent the proposed allocation to individual circuits.

<sup>3</sup> Circuit 10 is requesting \$202,895 to simultaneously refresh outdated equipment and transition to Opencourt.

<sup>4</sup> Circuit 11 is requesting funds to simultaneously refresh outdated equipment and expand DCR into newly constructed courthouse (Children's courthouse and Caleb courthouse).

<sup>5</sup> Circuit 15 is requesting \$84,000 to replace outdated mixers with new mixers that will support both DCR and remote interpreting.

## Issue: Foreclosure Backlog Reduction Initiative

During the 2012 Session, the Legislature appropriated \$4.0 million in non-recurring funds for the FY 2012-13 Foreclosure Backlog Reduction Initiative. These funds were allocated to the circuits based on the proportion of the statewide foreclosure cases that are pending in each circuit. To sustain the annual dispositions in foreclosure cases that are estimated to be achieved with resources associated with the Foreclosure Backlog Reduction Initiative and eliminate the backlog of foreclosure cases, resources will be required for the next three fiscal years.

Option One – Approve LBR for non-recurring funds for the next three fiscal years.

FY 2013-14	\$4,000,000
FY 2014-15	\$4,000,000
FY 2015-16	\$2,000,000

Option Two – Do not approve

### **Funding Methodology Committee Recommendation:**

Approve filing a LBR for FY 2013-14 for the Foreclosure Backlog Reduction Initiative in the amount of \$4.0 million and note in the LBR narrative that \$4.0 million and \$2.0 million in resources will be needed in FY 2014-15 and FY 2015-16 respectively.

### **TCBC Recommendation:**

Approve filing a LBR for FY 2013-14 for the Foreclosure Backlog Reduction Initiative in the amount of \$4.0 million and note in the LBR narrative that \$4.0 million and \$2.0 million in resources will be needed in FY 2014-15 and FY 2015-16 respectively.

## **Issue: Court Reporting Cost Sharing**

In 2010, the TCBC approved a new cost sharing methodology and approved filing a Supplemental LBR for FY 2011-12 for \$2,097,578 in funding. The Commission also recommended that the total cost sharing funding be part of the court's budget. Additionally, the Commission recognized the current situation with the Regional Counsels and absent approval by the Legislature to move the full cost sharing budget to the court's budget, the Commission recommended seeking a statutory revision to allow the courts to directly bill the Regional Counsels. At the July 29, 2011 meeting, the TCBC approved requesting additional funds in the same manner as the prior year and to file a LBR in the amount of \$2,493,790 for FY 2012-13. At the June 15, 2012 meeting, the Commission once again approved requesting additional funds for cost sharing in the same manner with the understanding the \$2,493,790 amount from last year's LBR will be updated with more recent data.

Option One – File a LBR for FY 2013-14 for the additional cost sharing budget. Using the approved funding methodology and updated UDR data for FY 2011-12, the additional funding needed is \$2,677,648.

Option Two – Do not file LBR.

### **Funding Methodology Committee Recommendation:**

File a LBR for FY 2013-14 for additional cost sharing budget in the amount of \$2,677,648.

### **TCBC Recommendation:**

File a LBR for FY 2013-14 for additional cost sharing budget in the amount of \$2,677,648.

Court Reporting  
FY 2012/13 Cost Sharing Comparison

Circuit	State Attorneys			Public Defenders			Justice Administrative Commission (JAC)*			Regional Counsels**			Total		
	FY 2012/13 Cost Sharing Contribution from State Attorneys	FY 2013/14 Estimated Transcript/ Media Production Costs	Additional Cost Sharing Contribution Needed	FY 2012/13 Cost Sharing Contribution from Public Defenders	FY 2013/14 Estimated Transcript/ Media Production Costs	Additional Cost Sharing Contribution Needed	FY 2012/13 Cost Sharing Contribution from JAC	FY 2013/14 Estimated Transcript/ Media Production Costs	Additional Cost Sharing Contribution Needed	FY 2012/13 Cost Sharing Contribution from Regional Counsels	FY 2013/14 Estimated Transcript/ Media Production Costs	Additional Cost Sharing Contribution Needed	FY 2012/13 Cost Sharing Contribution from Cost Sharing Entities	FY 2013/14 Estimated Transcript/ Media Production Costs	Total Additional Cost Sharing Contribution Needed
1	\$18,232	\$27,136	\$8,904	\$190,611	\$436,647	\$246,036	\$25,032	\$94,134	\$69,102	\$0.00	\$80,572	\$80,572	\$233,875	\$638,489	\$404,614
2	\$16,650	\$19,319	\$2,669	\$323,698	\$217,747	(\$105,951)	\$6,880	\$32,665	\$25,785	\$0.00	\$10,137	\$10,137	\$347,228	\$279,868	(\$67,360)
3	\$10,456	\$6,842	(\$3,614)	\$52,251	\$33,516	(\$18,735)	\$13,276	\$24,343	\$11,067	\$0.00	\$13,597	\$13,597	\$75,983	\$78,297	\$2,314
4	\$0	\$61	\$61	\$0	\$0	\$0	\$0	\$0	\$0	\$0.00	\$0	\$0	\$0	\$61	\$61
5	\$0	\$34,798	\$34,798	\$0	\$29,244	\$29,244	\$0	\$1,417	\$1,417	\$0.00	\$4,024	\$4,024	\$0	\$69,483	\$69,483
6	\$25,443	\$54,882	\$29,439	\$103,493	\$299,754	\$196,261	\$22,181	\$143,411	\$121,230	\$0.00	\$36,672	\$36,672	\$151,117	\$534,719	\$383,602
7	\$12,818	\$10,848	(\$1,970)	\$37,310	\$56,833	\$19,523	\$4,967	\$22,539	\$17,572	\$0.00	\$32,690	\$32,690	\$55,095	\$122,910	\$67,815
8	\$21,937	\$19,769	(\$2,168)	\$83,798	\$97,256	\$13,458	\$26,342	\$37,233	\$10,891	\$0.00	\$36,033	\$36,033	\$132,077	\$190,291	\$58,214
9	\$26,007	\$60,117	\$34,110	\$481,878	\$341,406	(\$140,472)	\$23,849	\$52,360	\$28,511	\$0.00	\$16,358	\$16,358	\$531,734	\$470,240	(\$61,494)
10	\$3,980	\$19,811	\$15,831	\$68,975	\$404,610	\$335,635	\$1,152	\$23,512	\$22,360	\$0.00	\$24,592	\$24,592	\$74,107	\$472,525	\$398,418
11	\$0	\$41,260	\$41,260	\$0	\$34,464	\$34,464	\$0	\$224,326	\$224,326	\$0.00	\$194	\$194	\$0	\$300,244	\$300,244
12	\$19,650	\$46,507	\$26,857	\$153,205	\$163,635	\$10,430	\$15,322	\$28,142	\$12,820	\$0.00	\$18,531	\$18,531	\$188,177	\$256,816	\$68,639
13	\$45,716	\$78,957	\$33,241	\$784,106	\$514,860	(\$269,246)	\$45,221	\$50,417	\$5,196	\$0.00	\$34,839	\$34,839	\$875,043	\$679,072	(\$195,971)
14	\$0	\$31,674	\$31,674	\$134,089	\$67,406	(\$66,683)	\$759	\$79,842	\$79,083	\$0.00	\$43,317	\$43,317	\$134,848	\$222,239	\$87,391
15	\$61,252	\$37,002	(\$24,250)	\$93,646	\$183,122	\$89,476	\$25,929	\$251,985	\$226,056	\$0.00	\$111,753	\$111,753	\$180,827	\$583,862	\$403,035
16	\$4,315	\$4,460	\$145	\$74,983	\$102,796	\$27,813	\$1,303	\$11,458	\$10,155	\$0.00	\$2,279	\$2,279	\$80,601	\$120,992	\$40,391
17	\$20,081	\$141,057	\$120,976	\$60,851	\$339,569	\$278,718	\$4,721	\$182,156	\$177,435	\$0.00	\$44,239	\$44,239	\$85,653	\$707,021	\$621,368
18	\$0	\$30,147	\$30,147	\$0	\$13,671	\$13,671	\$0	\$3,786	\$3,786	\$0.00	\$351	\$351	\$0	\$47,955	\$47,955
19	\$0	\$10,762	\$10,762	\$0	\$11,073	\$11,073	\$0	\$62	\$62	\$0.00	\$2,633	\$2,633	\$0	\$24,530	\$24,530
20	\$0	\$11,762	\$11,762	\$0	\$10,470	\$10,470	\$0	\$1,153	\$1,153	\$0.00	\$1,015	\$1,015	\$0	\$24,400	\$24,400
State	\$286,537	\$687,169	\$400,632	\$2,642,894	\$3,358,078	\$715,184	\$216,934	\$1,264,941	\$1,048,007	\$0.00	\$513,825	\$513,825	\$3,146,365	\$5,824,013	\$2,677,648

\* By circuit contribution for the JAC is estimated

\*\* The court system does not have statutory authority for cost recovery

## **Issue: Criminal Conflict Counsel Payments Over the Flat Fee**

During the 2011 and 2012 sessions, the Florida Legislature raised concerns that the expenditures for criminal conflict cases paid in excess of the statutory flat fee have increased significantly over the last 3 years. Statewide, the total number of cases appointed and the total amount paid to private conflict counsel over the flat fee have been climbing. However, detailed analysis of the payment information from the Justice Administrative Commission revealed that the majority of the payments over the flat fee (68% in FY 2011-12) were attributable to payments for capital and RICO cases that span multiple years and which have come due more recently.

The 2012-13 General Appropriations Act (GAA) included a special category appropriation in the JAC budget of \$3,000,000 for court ordered payments for attorney fees in criminal conflict cases in excess of the flat fee. Proviso language for the appropriation specified that “if funds in this category are insufficient to pay the amounts ordered by the court above the flat fees, the amounts ordered above the flat fees shall be paid from the due process funds or other funds as necessary appropriated to the state courts system in the General Appropriations Act.” Senate Bill 1960, a conforming bill to the FY 2012-13 GAA, passed during the 2012 legislative session. It includes language similar to the proviso and further states that: “Funds from the state courts system must be used in a manner approved by the Chief Justice and administered by the Trial Court Budget Commission.

It was determined that certain cases are so complex and the current statutory flat fees are so low that costs for those case types cannot be contained any lower. These case types are Capital Murder and RICO (Racketeer Influenced and Corrupt Organizations Act) cases. However, in order to control costs, where possible, a proposed methodology was developed for all other case types to determine a circuit specific “expenditure allowance” based on a “reasonable” number of conflict cases that would warrant a payment of fees above the flat fee.

The TCBC approved a methodology to determine the total amount of expenditures expected for FY 2012-13 for payments over the flat fee. The methodology assumed that non-Capital and non-RICO conflict cases will be constrained through expenditure allowances for each circuit based on a statewide median number of conflict cases being approved for payment over the flat fee. Utilizing the methodology and historical payment information, an estimate for FY 2013-14 was developed. The estimate assumes that the growth in capital cases will slow and that the expenditure allowances will also slow growth in FY 2013-14.

Option One - File an LBR for \$4,404,984 (does not include the \$3,000,000 base appropriation to JAC) based on a preliminary analysis as described above. Revise the LBR during the supplemental process, if needed, based on actual data from the Justice Administrative Commission that provides information on cases currently in the pipeline that will be expected to be submitted for payment during FY 2013-14.

Option Two – Do not file a LBR.

**Funding Methodology Committee Recommendation:**

File LBR issue based on Option One (\$4,404,984).

**TCBC Recommendation:**

File LBR issue based on Option One (\$4,404,984).