

**Trial Court Budget Commission  
Meeting Minutes  
Wesley Chapel, FL  
June 11, 2005**



**Members Present**

Stan Morris, Chair  
Belvin Perry, Vice Chair  
Mike Bridenback  
Paul Bryan  
Ruben Carrerou  
David Demers  
Joseph Farina  
Charles Francis  
John Laurent  
Donald Moran  
Carol Ortman  
Wayne Peacock

Nancy Perez  
James E. C. Perry  
Judy Pittman  
Thomas Reese  
William Roby  
Susan Schaeffer  
Walt Smith  
Patricia Thomas  
Fred Tygart  
Mary Vanden Brook  
Mark Weinberg

**Members Absent**

A. B. Majeed

**Others Present**

Britt Beasley-4<sup>th</sup>, Justice Ken Bell-Supreme Court, Stanford Blake-11<sup>th</sup>, Robin Hatcher-14<sup>th</sup>, Gay Inskeep-6<sup>th</sup>, Caron Jeffreys-20<sup>th</sup>, Lisa Kiesel-11<sup>th</sup>, Elaine New-6<sup>th</sup>, Nick Sudzina-10<sup>th</sup>, David Trammell-5<sup>th</sup>, Jennifer Wells-14<sup>th</sup>, and OSCA Staff

**WELCOME AND INTRODUCTION OF GUESTS**

Judge Morris called the meeting to order at 8:30 a.m. and asked Sue Bruce to call the roll. He then recognized the guests in attendance. Charlotte Jerrett introduced her new assistant, Xiomara Gonzalez.

Judge Bryan shared his experience with a sudden illness and asked that his last two absences be excused due to the seriousness of his condition. Judge Morris asked for a vote and it was unanimous that the records reflect this excusal.

## **I. RETROSPECTIVE OF 2005 LEGISLATIVE SESSION**

Judge Morris reported on the recent legislative session and trial court accomplishments. He also indicated that he was disappointed about the lack of funding for law clerks. He complimented OSCA staff for their hard work, support, and long hours during session.

Judge Farina observed that judges' health insurance and law clerks are items that still need to be addressed. Judge Pittman agreed that the courts need to focus on the issues remaining from last session such as law clerks, health insurance for the judges, and per diem for all state employees.

Carol Ortman commented that it was difficult to get issues brought up for discussion in legislative conferences. Judge Francis added that the legislators listen to the chief judges. He reported that \$3 million was received for the Judicial Inquiry System. Judge Laurent said that Judge Francis deserved credit for that funding, which was provided through the Jessica Lunsford Act.

Judge Belvin Perry said that given the success we had with the glitch bill, he thought overall it was a good year. He also complimented the OSCA as well as Judges Francis, Morris, Laurent, Farina, and Pittman, and Carol Ortman for their dedication and hard work during the legislative session. Lisa Goodner agreed with the prevailing consensus that it was generally a good year for the courts.

Judge Morris noted that when judges are in the Capitol, a lot of questions arise that are unrelated to the topics they intend to work on. For instance, Senator Smith inquired about a mandatory sentencing issue involving 107 cases, which was noted by the Department of Corrections. Les Garringer coordinated the response on behalf of the courts regarding application of the chemical castration law.

Walt Smith suggested that the courts could submit a guest editorial to newspapers on particular topics or reports that have resulted in negative publicity. Judge Morris thought that was a good idea. He added that the manner in which the courts respond to issues that arise during legislative session impacts on what we are trying to accomplish. Judge Francis suggested the TCBC follow up with the chief judges because the chemical castration law and judicial leave policies could be interim legislative projects. The Governor's office, OPPAGA, and Fox News have expressed interest in one or both of those subjects.

Judge Perez offered that the local bar association wrote letters to the editors when the court received negative publicity in their circuit. Judge E. C. Perry reported that their circuit's public information officer alerts all the judges when a subject comes up that may result in negative publicity because it is important for judges to understand the impact of public perception.

**Approval of April 5, 2005, Meeting Minutes** - Judge Belvin Perry moved to approve the minutes as drafted, Judge Morris seconded, and the minutes were unanimously approved. Judge Perry also

thanked the staff of OSCA for the service they provide to the Executive Committee when they are in Tallahassee during the legislative session, as well as everything else OSCA does for the trial courts.

**New Funding for FY 05/06** - Dorothy Burke reported that the Final Conference Report worksheet had been e-mailed to the members and it reflected two vetoes by the Governor: line 5-the Supreme Court Maintenance and Repair issue of \$65,000 and line 38-the Dade County Courthouse Courtroom Restoration Project of \$75,000.

Judge Laurent stated that the funds for due process cost sharing with the Justice Administrative Commission were not transferred to the courts' budget. JAC received \$3.6 million for cost sharing for FY 05/06. Proviso language requires that they transfer those funds to us and also eliminates the courts' requirement to do depositions.

**HB 1935 Glitch Bill** - Greg Smith reported that the bill has been presented to the Governor for consideration. Greg reviewed the highlights of the bill and the possible budgetary implications. He also conveyed that Representative Simmons indicated this would be the final glitch bill.

Judge Morris encouraged everyone to read HB 1935 and said that the 3<sup>rd</sup> DCA opinion on expert witnesses should not have a significant fiscal impact. He recommended that he send a memo, as TCBC chair, to the chief judges giving guidance on how these changes should be handled in the circuits since the bill has budgetary implications.

Judge Morris reported that the clerk in Seminole County is suing Judge E. C. Perry because the chief judge asked the clerk's office to distribute forms to litigants. The clerk refused, saying that office is not required to do so. Major Harding is representing Judge Perry in the litigation, including a counter suit. Hopefully the new law will prevent these conflicts in the future, given the language regarding the authority of the chief judge. Judge Morris also observed that HB 1935 contains a list of court-related functions, but not all of the functions are listed. The courts lobbied for a new statute whereby the clerks are now required to provide notice of their intent not to perform functions on behalf of the court and then maintain those functions for one year, which would allow the TCBC to request funding for those functions the clerk is no longer providing.

Judge Francis reported on information technology and JIS. With CCIS, 40 out of 67 counties are making their case information available. The court will continue developing the JIS system and CCIS will be available through it.

## **II. FINAL REPORT ON FY 04/05 BUDGETS**

**Salary Budget** - Charlotte Jerrett discussed Chart II.H.A in the materials, and stated that \$4 million of the salary budget will remain unspent primarily due to vacancies. She reminded the commission

that keeping positions open is only a temporary savings. She also reported that the \$6.4 million shortfall in the circuit courts and the \$.8 million shortfall in the county courts were covered for this fiscal year.

Judge Demers asked whether the funds not spent by June 30, 2005, will revert to the state, and the answer was yes. Ruben Carrerou asked if this was the largest amount we have ever reverted, and Lisa Goodner responded that the amounts returned by the courts are very small in terms of the overall state budget.

Judge Belvin Perry noted that leave payouts and sick payouts are hard to plan for, and Lisa commented that they can be budget busters. Charlotte noted that OSCA has to manually input new positions into the system to make projections for the next payroll. Judge Laurent asked if they would be ready at the end of August, and Charlotte responded that on July 1<sup>st</sup> the Governor's office would make technical adjustments. Last year these adjustments were not complete until October. Judge Laurent indicated the TCBC will be analyzing salary management practices in regard to some sort of decentralization to individual circuits.

**Cost Sharing with State Attorneys, Public Defenders, and JAC** - Charlotte Jerrett discussed Chart II.B. in the materials. She said the chart covers cost sharing payments from JAC. Depositions will no longer be provided as part of the service in 05/06. She asked if there were any questions and there were none.

**Use of Positions** – Charlotte Jerrett then began reviewing Chart II.C. in the materials. She stated that on May 18, 2005, the TCBC reviewed the list of vacant positions and asked OSCA staff to contact the circuits regarding vacancies exceeding 180 days. She said we will have more savings this year than in the next year based on the circuits' responses. Judge Morris responded by thanking the trial court administrators for their quick response when asked about vacancies.

**Year End Spending Plans** - Charlotte Jerrett called members' attention to Chart II.D. and stated that circuits were polled for the availability of unobligated funds to be used for statewide benefit. Court reporting issues were referred to Funding Methodology and will be covered under the Due Process agenda item. Several issues that were considered for the use of unobligated funds were ultimately not funded using these funds, including JIS and the on-line sentencing system. The Asset Tracking System, in the amount of \$45,000, which would comply with section 29.008, F.S., was approved for purchase with these funds.

Judge Schaeffer thanked the Funding Methodology Committee and the Budget Management Committee for all their fine work. Carol Ortman and Charlotte Jerrett reminded everyone that Funding Methodology develops policy and Budget Management is responsible for operational functions.

### **III. FY 05/06 OPERATING ALLOTMENTS**

**Expenses** - Dorothy Burke reviewed proposed expense reserve allotments. There are two new proposed reserve allotments: line 10 adds \$80,000 for registration fees for the National Association for Court Management conference, and line 11 adds \$140,000 for an updated Weighted Caseload Study. Judge Laurent moved approval of the registration fees, Mike Bridenback seconded the motion, and it was approved without objection. Judge Perry moved approval of funds for the Weighted Caseload Study, Judge Farina seconded the motion, and it was approved without objection.

Dorothy Burke went over options for proposed circuit expense allotments. Option A would allow more flexibility; the expenses are divided by FTEs and there is no distinction between judges and staff. Option B is the same methodology that was utilized in FY 04/05. The Executive Committee recommended option A. Ruben Carrerou moved, Judge Perry seconded, and option A was approved without opposition.

**OPS** – Dorothy Burke explained the recommendation to maintain the current methodology for OPS allotments, which is to maintain existing methodology but adjust to account for the new judges funded for 05/06. Wayne Peacock moved the OPS allotments, Judge Francis seconded, and the motion was approved without objection

**Operating Capital Outlay** – Dorothy Burke explained there is a \$136,600 appropriation for OCO. The recommendation is to prepare a budget amendment to move any necessary additional funds from expense to OCO and establish a permanent OCO base for the circuits. Charlotte Jerrett noted that the statutory change in SB 2610 requires budget amendments to be approved by the Legislative Budget Commission, which meets quarterly. Judge Francis moved the recommendation, Carol Ortman seconded, and the motion was approved without objection.

**Senior Judge Days** - Kris Slayden reviewed the senior judge day allotment recommendation, which was option 3. This option would increase the daily rate from \$300 to \$350. Judge Morris explained that the 20<sup>th</sup> Circuit did not receive any judges in the certification bill. Option 3 lowers the allotment held in reserve to 200 days, but gives the 20<sup>th</sup> Circuit an additional 100 days to compensate for their lack of new judicial resources. This methodology would reduce the allocations from last fiscal year and would equalize the distribution among the circuits based on the needs as calculated in the FY 05/06 certification process.

Judge Roby asked if a senior judge gets \$350 per day, would the lodging expenses come out of the judges' expense allotment? Carol replied that it would be paid from the circuit budget. Judge Demers stated that he thought senior judges were critical to the trial courts

and the 6<sup>th</sup> Circuit could not do without them. Judge Reese said he was okay with option 3. Justice Bell indicated that he could contact the DCA judges to see if they would be willing to donate some of their allocation to help with the senior judge shortage, if needed.

Walt Smith said the 12<sup>th</sup> Circuit's usage exceeds option 3, and Judge Perry said the 9<sup>th</sup> Circuit's does, as well. Lisa Goodner reported that two years ago the Legislature cut \$500,000 from the senior judge allocation, but restored it last year. Judge Farina moved approval of option 3, Judge Perry seconded, and the motion was approved without objection.

**Civil Traffic Infraction Hearing Officers** - Kris Slayden said the Executive Committee recommended approval of the Joint Budget Management Committee's and Funding Methodology Committee's recommendation. Walt Smith asked about the glitch bill and the \$50 cap. Mike Bridenback observed there was an inconsistent rate across the state. Lisa Goodner responded, indicating that the circuits spent \$1.9 million out of the allotted \$2.7 million last year, and this would give the courts more flexibility. She also said the \$50 cap was removed since these resources are no longer a county responsibility. It may be advisable to have the Funding Methodology Committee review fees across the state. Judge Farina said he thought the study was justified. Judge Demers said he thought there should be a standard rate for everyone the courts are paying, but Judge Farina disagreed. Judge Farina moved that the matter be referred to the Funding Methodology Committee for a survey of fees each circuit is paying, Judge Perry seconded the motion, and it was approved without objection.

**Mediation** - Dorothy Burke reviewed the mediation allotment proposal. She began by explaining the difference between the two charts in the materials, one is general revenue funding and the other is for cost recovery. Mike Bridenback opined that the proposal reduces the incentive for cost recovery. Carol Ortman said she thought the current allotment methodology would hold for another year. Walt Smith asked if the allotment is not being spent whether it could be reallocated to other circuits. Carol Ortman answered no. Judge Farina asked whether the courts should increase the trust authorization, and Dorothy Burke said yes. Judge Roby moved the general revenue proposal, Walt Smith seconded, and it was approved without objection. Mike Bridenback moved the cost recovery proposal, Judge Francis seconded and the motion was approved with Mike Bridenback and Judge B. Perry objecting to the cost recovery allotments.

**Due Process/Court Reporting** – Sharon Buckingham distributed revised materials. She reviewed the seven policy recommendations that established a framework for the development of the court reporting budget. One policy recommendation was that each circuit will have no more than 1.0 FTE Manager of Court Reporting Services and 1.0 FTE

Digital Court Reporting Manager. Walt Smith asked what happens if a circuit already has two managers? The response was that, according to the policy recommendation, those circuits would need to reevaluate their staffing complement to be comparable with other circuits. Judge Demers suggested that the focus should only be on unit cost and not the number of managers. Judge Morris pointed out that the Funding Methodology Committee approved all seven policy issues and asked what the full Commission thought. The Commission approved all seven policies, with five to six members voting against a few of the policy recommendations.

The Commission then went through each circuit's allocation requests in comparison to the Funding Methodology Committee's recommendations. All of the allocation recommendations were approved except for the 6<sup>th</sup>, 11<sup>th</sup>, 14<sup>th</sup>, and 17<sup>th</sup> circuits. The 6<sup>th</sup> Circuit requested 1.0 FTE Digital Court Reporter, which did not take them above the target unit cost. Carol Ortman stated that this position was not recommended because they are the only circuit with five administrative support positions for court reporting and that one of these positions could be reclassified to a Digital Court Reporter. After some discussion, Mike Bridenback moved to approve the position for the 6<sup>th</sup> Circuit and Judge Demers seconded. All were in favor except for 4 nays. The 11<sup>th</sup>, 14<sup>th</sup> and 17<sup>th</sup> circuits asked for higher contractual allotments, instead of reducing the allotments based on FY 04/05 expenditures, as was recommended by Funding Methodology. The Commission approved the increased contractual allotment for those circuits.

**Court Interpreting** – Dorothy Burke reviewed the proposed allotment. Walt Smith inquired about the difference from last year, and Dorothy said it is based on a percentage of usage. Judge Farina had a question about the 7<sup>th</sup> and 16<sup>th</sup> circuits. Walt Smith moved that all allotments be based on the same methodology and the reserve pool available to all, Carol Ortman seconded, and it was approved without objection.

**Expert Witness/Custody Evaluation** – Dorothy Burke explained the proposed allotment for custody evaluations and expert witnesses. The projected shortfall, which is based on the difference between the projected need and the amount available for all allocations, is \$7,763, 963. Judge Roby asked about the process for obtaining additional funding. Judge Laurent explained how the working capital fund is accessed and that if the courts were to seek funding to cover our shortfall, it would have to be well justified. There was a brief discussion between Judges Farina and Moran regarding the responsibility for paying different witnesses. Judge Farina recommended that OSCA legal staff look at the due process costs. Judges Laurent and Francis moved and seconded the combining of the custody evaluation and expert witness categories, and that was approved without objection.

**Child Support Enforcement Hearing Officers** – Kris Slayden reviewed the proposed allotment, and said the Department of Revenue asked for hearing officers in order to

improve its statistics in collecting child support. To accomplish this, additional staff are needed along with the appropriate funding. The Executive Committee recommended option 2. Wayne Peacock moved that the additional positions be allocated as proposed, Carol Ortman seconded, and the motion was approved without objection.

**Trial Court Law Clerks** – Dorothy Burke reviewed the proposed allotment and said that in order to maintain the current 1:3 ratio of law clerks per judge, three additional law clerks are needed but were not funded. The recommendation of the Budget Management Committee and the Funding Methodology Committee is to transfer three FTEs either held in reserve or from other vacant positions. Dorothy also stated that most of the positions would be effective November 2005, except for the positions in the 4<sup>th</sup>, 10<sup>th</sup> and 13<sup>th</sup> circuits which would start in January 2006. The 13<sup>th</sup> circuit will receive 1 law clerk in November and another one in January. Judge Demers moved to accept the recommendation, Judge Perry seconded, and it was approved without objection.

**Equipment Transfer Pursuant to Section 29.008** – Dorothy Burke discussed the proposed allotment regarding equipment transfers, which was to distribute the \$500,000 appropriated based on a proportionate share of each circuit's total need. Judge Francis moved acceptance of the recommendation, Judge Perry seconded, and it was approved without objection.

**Appropriations to Individual Circuits** – Judge Morris said that in regard to these allotments the appropriations to the individual circuits' courthouse funds were not requested by the courts, and the record should reflect that. Judge Bryan moved approval of the appropriations, Judge Farina seconded, and the motion was approved without objection.

#### **IV. RECOMMENDATIONS FOR 05/06 BUDGET AND PAY POLICIES**

This agenda item was deferred due to time constraints.

#### **V. ISSUES FOR FY 05/06 LEGISLATIVE BUDGET REQUEST**

**New Budget Timelines** – The following issues were discussed and recommended for inclusion in the FY 06/07 legislative budget request:

- Classification and Pay Study Recommendations
- Support for Indigent Services Committees

- Trial Court Law Clerks
- Mediation
- Resource Management System
- Court Reporting Services
- Cost Recovery
- Expert Witnesses
- Individual Circuit Requests

### **ADJOURNMENT**

The next Commission meeting will be held August 24, 2005, in Orlando; arrangements have not been finalized for the actual location. Judge Morris asked if there was any further business and, there being none, the meeting was adjourned at 1:55 p.m.