

## Recommendations of the Trial Court Budget Commission

### FY 2009-2010 Legislative Budget Request

#### Issue: Expert Witnesses

The total FY 2007-08 contractual appropriation for the expert witness element was \$7,102,812. During the FY 2007-08 allocation process, \$355,141 of the contractual budget was placed in reserve. This reserve was reduced by \$221,165 during Special Session C. For FY 2007-08, a total of \$5,923,852 has been spent as of June 30, 2008 (\$228,606 on custody evaluations). This amount does not include certified forwards.

The total FY 2008-09 expert witness contractual appropriation is \$6,881,647. In July 2008, the TCBC approved contractual allotments based on maintaining existing FY 2007-08 allocations, less an across-the-board 4% holdback for each circuit. The TCBC also approved contributing the remaining reserve for this element towards the 4% holdback for trial court positions. After the holdback and elimination of the reserve, \$6,477,764 in contractual funding remains.

It should be noted that in July 2008, the TCBC also approved a new policy related to expert witness funding. This policy states that circuits are prohibited from using general revenue funds in the expert witness element to perform custody evaluations. However, circuits are still permitted to use due process cost recovery funds to perform custody evaluations.

Circuit requests for the FY 2009-10 LBR are reflected in the table below.

<b>Circuit</b>	<b>Contractual</b>	<b>Justification</b>
<b>8</b>	\$20,000	Anticipated increases in vendor services
<b>12</b>	\$37,000	Overspent FY 2007-08 allotment, lost good competency evaluators with change to flat fee
<b>13</b>	\$33,326	Need additional funds to meet demand (excluding custody evaluations)
<b>14</b>	\$17,000	Need additional funds to meet demand
<b>17</b>	\$217,000	Existing allotment is insufficient to meet projected demand
<b>18</b>	\$50,000	Anticipated growth in competency evaluations
<b>Total</b>	<b>\$374,326</b>	

#### Funding Methodology Committee Recommendation:

Do not file LBR.

#### Trial Court Budget Commission Recommendation:

Do not file LBR.

## Recommendations of the Trial Court Budget Commission

### FY 2009-2010 Legislative Budget Request

#### Issue: Court Interpreting

The total FY 2007-08 appropriation for the court interpreting element included 120.0 FTE and \$4,020,436 in contractual funding. During the FY 2007-08 allocation process, \$510,108 of the contractual budget was placed in reserve. This reserve was reduced by \$317,671 during Special Session C. For FY 2007-08, a total of \$3,211,617 in contractual funds has been spent as of June 30, 2008 (not including certified forwards).

Also during Special Session C, 11.0 FTE from the 11<sup>th</sup> Circuit were fund shifted to cost sharing trust and 2.0 FTE (1.0 FTE in each the 9<sup>th</sup> and 13<sup>th</sup> Circuits) were eliminated as a part of the reduction-in-force plans. These reductions were approved based on the condition that if the circuits experience a shortage of FTE or contractual resources in the court interpreting element (prior to any additional resources being made available by the legislature), these shortages must be covered within existing circuit resources.

The total FY 2008-09 court interpreting contractual appropriation is \$3,702,765. In July 2008, the TCBC approved contractual allotments based on maintaining existing FY 2007-08 allocations, less an across-the-board 4% holdback for each circuit. The TCBC also approved contributing the remaining reserve for this element towards the 4% holdback for trial court positions. After the holdback and elimination of the reserve, \$3,369,915 in contractual funding remains.

Circuit requests for the FY 2009-10 LBR are reflected in the table below. On the LBR forms, circuits were asked to estimate the amount of contractual funding they would no longer need to offset the cost of requested positions, which is also shown below.

<b>Circuit</b>	<b>Positions</b>	<b>Contractual Savings</b>	<b>Contractual Requests</b>	<b>Expense Non-Recurring</b>	<b>Justification</b>
5	5.0 FTE Court Interpreter Total cost = \$259,775	\$50,000			Rapid growth in Hispanic population, highest ethnic growth rate in the state, problems with recruiting certified interpreters, scheduling difficulties, overspent FY 2007-08 allotment
7	3.0 FTE Court Interpreter Total cost = \$155,865	\$25,000			Second highest ethnic growth rate in the state, increased utilization of freelance interpreters, increased competition, increased rates for certified interpreters, overspent FY 2007-08 allotment, ability to maintain quality services
9	2.0 FTE Court Interpreter Total cost = \$103,910	\$76,179			Increased need in all languages, need staff interpreter for Creole as 25% of contract funds spent on this language, need staff interpreter for Spanish
12			\$60,000		Projected increase in demand, overspent FY 2007-08 allotment, struggling to hire certified interpreters
14			\$38,000	\$3,500	Increased demand, changing demographics, need an interpreter at every first appearance in larger counties, need to purchase computer equipment
15	1.0 FTE Supervising Court Interpreter Total cost = \$62,559		\$13,155		Need supervisor for 13 staff and contractors in 5 locations, increase in criminal filings, increase in population, increase in ethnic population, dramatic increase in sign language interpretations, increase in contract rates
19	3.0 FTE Court Interpreter Total cost = \$155,865	\$120,000			13% of population is Hispanic, St. Lucie County's largest industry is agriculture making it a magnet for Spanish speaking workers, Martin County has largest Mexican and Guatemalan population in the area, steadily increasing interpreting events, need for certified staff
20	1.0 FTE Court Interpreter (2 Part-time) Total cost = \$52,714	\$69,956			118% increase in Hispanic/Latino population in one county, average over 3,000 interpreting events per month, would like to eliminate need for 2 part-time contractors
<b>Total</b>	<b>15.0 FTE at \$790,688</b>	<b>\$341,135</b>	<b>\$111,155</b>	<b>\$3,500</b>	

**Funding Methodology Committee Recommendation:**

File LBR for 15.0 FTE and \$111,155 in contractual funding based on circuit requests and the percent increase in non-English speaking population (growth rate must exhibit a minimum 8.5% increase). If new positions are appropriated by the Legislature for FY 2009-10, reduce each circuit's contractual allotment by the contractual savings amount indicated. Do not file LBR for 14<sup>th</sup> Circuit's request for \$3,500 in non-recurring expense funds.

**Trial Court Budget Commission Recommendation:**

File LBR as recommended for 15.0 FTE and \$111,155 in contractual funding based on circuit requests and the percent increase in non-English speaking population (growth rate must exhibit a minimum 8.5% increase). If new positions are appropriated by the Legislature for FY 2009-10, reduce each circuit's contractual allotment by the contractual savings amount indicated. Do not file LBR for 14<sup>th</sup> Circuit's request for \$3,500 in non-recurring expense funds.

**Trial Court Budget Commission  
Conference Call August 18, 2008**

**Court Interpreting  
Fiscal Year 2009/10 LBR**

<b>Circuit</b>	<b>FY 2007/08 FTE</b>	<b>FY 2008/09 FTE</b>	<b>FY 2009/10 Requested FTE</b>	<b>FY 2008/09 Contractual Allotment</b>	<b>Estimated FY 2007/08 Contractual Expenditures<sup>1</sup></b>	<b>1 year Growth Rate based on Ethnic Growth<sup>2</sup></b>	<b>Projected FY 2009/10 Contractual Expenditures<sup>3</sup></b>	<b>FY 2009/10 Contractual Request</b>	<b>Total (FY 2008/09 Allotment plus FY 2009/10 Request)</b>	<b>FY 2009/10 Contractual Savings<sup>4</sup></b>
1	0	0	0	\$65,550	\$70,369	11.0%	\$86,702	\$0	\$65,550	\$0
2	0	0	0	\$22,878	\$29,595	9.8%	\$35,680	\$0	\$22,878	\$0
3	0	0	0	\$16,719	\$29,780	14.9%	\$39,316	\$0	\$16,719	\$0
4	0	0	0	\$199,456	\$190,888	16.1%	\$257,302	\$0	\$199,456	\$0
5	0	0	5	\$92,118	\$183,365	17.7%	\$254,021	\$0	\$92,118	\$50,000
6	0	0	0	\$250,898	\$186,625	12.6%	\$236,617	\$0	\$250,898	\$0
7	1	1	3	\$104,761	\$151,642	14.5%	\$198,806	\$0	\$104,761	\$25,000
8	1	1	0	\$70,194	\$46,992	9.1%	\$55,934	\$0	\$70,194	\$0
9	10	9	2	\$186,910	\$232,381	12.9%	\$296,202	\$0	\$186,910	\$76,179
10	6	6	0	\$179,455	\$112,026	14.2%	\$146,100	\$0	\$179,455	\$0
11	52	52	0	\$443,744	\$468,407	3.8%	\$504,682	\$0	\$443,744	\$0
12	0	0	0	\$334,963	\$373,452	11.1%	\$460,960	\$60,000	\$394,963	\$0
13	10	9	0	\$122,478	\$111,181	9.6%	\$133,552	\$0	\$122,478	\$0
14	0	0	0	\$56,318	\$56,289	16.2%	\$76,004	\$38,000	\$94,318	\$0
15	13	13	1	\$139,228	\$155,412	8.9%	\$184,306	\$13,155	\$152,383	\$0
16	2	2	0	\$23,305	\$26,540	0.7%	\$26,913	\$0	\$23,305	\$0
17	15.5	15.5	0	\$105,495	\$113,298	8.4%	\$133,131	\$0	\$105,495	\$0
18	1	1	0	\$103,161	\$62,649	11.9%	\$78,447	\$0	\$103,161	\$0
19	2	2	3	\$312,923	\$286,761	16.0%	\$385,866	\$0	\$312,923	\$120,000
20	7	7	1	\$539,361	\$554,129	14.2%	\$722,675	\$0	\$539,361	\$69,956
<b>Total</b>	<b>120.5</b>	<b>118.5</b>	<b>15.0</b>	<b>\$3,369,915</b>	<b>\$3,441,782</b>		<b>\$4,313,216</b>	<b>\$111,155</b>	<b>\$3,481,070</b>	<b>\$341,135</b>
<b>TCBC Recommended Fiscal Year 2009/10 LBR</b>			<b>15.0</b>					<b>\$111,155</b>		

<sup>1</sup> Based on fiscal year 2007/08 expenditures (as of June 30, 2008) provided by OSCA, Budget Office and estimated certified forward dollars.

<sup>2</sup> The growth rate was derived from the percentage increase in the ethnic population by county from CY 2004 to CY 2006 (averaged over 2 years), published by the RAND and FedStats. Ethnic statistics are used as a proxy for "Percent of People in Florida who speak a language other than English at home". That statistic is only available by county for CY 2000.

<sup>3</sup> The projection applies the compounded ethnic growth rate to the FY 2007/08 estimated contractual expenditures. Totals may not be exact due to rounding.

<sup>4</sup> Proposed fiscal year 2009/10 contractual savings if requested FTE are allocated, as reported by circuits.

## Recommendations of the Trial Court Budget Commission

### FY 2009-2010 Legislative Budget Request

#### Issue: Court Reporting

The total FY 2007-08 appropriation for the court reporting element included 342.75 FTE and \$11,552,895 in contractual funding. During the FY 2007-08 allocation process, \$526,987 of the contractual budget was placed in reserve. This reserve was reduced by \$328,181 during Special Session C. For FY 2007-08, a total of \$8,973,664 in contractual funds has been spent as of June 30, 2008 (not including certified forwards). Also during Special Session C, 46.0 FTE from the cost sharing circuits were fund shifted to cost sharing trust and 1.0 FTE from the 9<sup>th</sup> Circuit and \$504,930 in contractual funds were shifted to due process trust.

Additionally, 15.5 FTE (5<sup>th</sup>-2.5 FTE, 6<sup>th</sup>-1.0 FTE, 7<sup>th</sup>-3.0 FTE, 8<sup>th</sup>-2.0 FTE, 11<sup>th</sup>-1.0 FTE, 15<sup>th</sup>-4.0 FTE, 18<sup>th</sup>-1.0 FTE, and 20<sup>th</sup>-1.0 FTE) were eliminated as a part of the reduction-in-force plans. These reductions were approved based on the condition that if the circuits experience a shortage of FTE or contractual resources in the court reporting element (prior to any additional resources being made available by the legislature), these shortages must be covered within existing circuit resources.

The total FY 2008-09 court reporting contractual appropriation is \$10,689,784. In July 2008, the TCBC approved contractual allotments based on maintaining existing FY 2007-08 allocations, less an across-the-board 4% holdback for each circuit. The TCBC also approved contributing most of the remaining reserve for this element towards the 4% holdback for trial court positions. After the holdback and reduction in the reserve, \$10,114,587 in contractual funding remains.

In February 2008, the TCBC established a Court Reporting Technology Workgroup to assist in the development of a long-term budgetary framework for the future course of digital court recording technology (DCR). The workgroup has been charged with developing policy recommendations including: a reasonable standard cost per courtroom/hearing room; whether circuits should be able to migrate between DCR vendors, transfer equipment to other circuits, or develop their own software; whether circuits should perform in-house maintenance or contract with different vendors (a la carte); and a life-cycle management plan for court reporting technology, including time standards aimed at defining refresh parameters. The Workgroup's recommendations are due to the TCBC by December 2008 and will be considered for the supplemental LBR.

Circuit position and direct services contractual requests for the FY 2009-10 LBR are reflected in the table below. On the LBR forms, circuits were asked to estimate the amount of contractual funding they would no longer need to offset the cost of requested positions, which is also shown below.

<b>Circuit</b>	<b>Classification</b>	<b>Contractual Savings</b>	<b>Direct Service Contractual Requests</b>	<b>Justification</b>
<b>4</b>	1.0 FTE ECR Manager Total cost = \$65,052	\$40,000		Existing Ct. Reporting Manager covers 6 locations in 3 counties, will allow consistency across all counties, will be able to eliminate reliance on clerk
<b>6</b>	3.0 FTE Court Reporter I Total cost = \$195,156	\$277,000		Reduce need for contractors, flexibility in scheduling, ensure timely appellate transcript production, 36.7% increase in circuit filings over last 7 years
<b>9</b>	2.0 FTE Court Reporter I 3.0 FTE Digital Court Reporter Total cost = \$280,488			Increase in judges, magistrates, & hearing officers, only 1 new position since 1997, increasing transcript demand, elimination of overtime, workload at full capacity, appellate transcript production time increased from 30 days to over 90 days
<b>10</b>	7.0 FTE Digital Court Reporter Total cost = \$350,896			Current staff monitoring up to 7 courtrooms at a time, quality of work is suffering, increased workload demand
<b>11</b>	1.0 FTE Digital Court Reporter Total cost = \$50,128		\$266,310	1,342 first appearance sessions per year over 365 days, increased motion to vacate hearings, county funding for contract position cut, increased competition, increase in contract rates
<b>12</b>	2.0 FTE Digital Court Reporter Total cost = \$100,256			Understaffed, overall monitoring ratio is 3:1, not able to meet 1:1 trial ratio, 2 <sup>nd</sup> DCA now requiring court to prepare transcripts in juvenile cases
<b>14</b>			\$38,270	Overspent FY 2007-08 allotment, frozen DCR position, existing staff spread thin
<b>15</b>			\$10,700	Expansion to South County courthouse, expanded use of digital
<b>18</b>	3.0 FTE Digital Court Reporter Total cost = \$150,384		\$49,500	12.6% growth in Brevard population since 2000 & has 25 <sup>th</sup> fastest growing city, Seminole is 13 <sup>th</sup> most populous county in Florida, increased demand, problems achieving monitoring ratio standards, 11% increase in digital recording requests, conducting review of recordings before release, increased overtime need, may need to reduce DCR for several divisions, taken over recording from Seminole clerk, lost contract position due to cuts, CD & transcript production delay, increase in contract rates
<b>19</b>	2.0 FTE Digital Court Reporter Total cost = \$100,256	\$25,000		FY 2007-08 & FY 2008-09 new FTE not funded, need to meet monitoring ratio standards, increasing caseloads, has 7 <sup>th</sup> fastest growing city in the nation
<b>20</b>	9.0 FTE Digital Court Reporter Total cost = \$451,152	\$345,600		Current 5:1 monitoring ratio, new courtrooms in Lee & Collier Counties. CD/DVD & appellate transcript production delay
<b>Total</b>	<b>33.0 FTE at \$1,743,768</b>	<b>\$687,600</b>	<b>\$364,780</b>	

Circuit equipment requests for the FY 2009-10 LBR are reflected in the following tables. The first table reflects requests for maintenance or refresh of existing equipment. The second table reflects requests for expansion, such as continued DCR implementation or the addition of new courtrooms/hearing rooms.

<b>Existing Technology</b>					
<b>Circuit</b>	<b>Maintenance Need Above Current Allocation</b>	<b>Hardware</b>		<b>Software</b>	<b>Contracted Services Recurring</b>
		<b>OCO</b>	<b>Expense Non-Recurring</b>	<b>Expense Recurring</b>	
<b>1</b>		\$38,400			
<b>4</b>	\$15,886				
<b>5</b>	\$10,660	\$73,800			
<b>6</b>		\$41,600			
<b>7</b>		\$10,000			
<b>8</b>	\$75,000	\$75,000			\$150,000
<b>10</b>		\$173,850	\$15,500		
<b>11</b>			\$42,500		
<b>12</b>	\$130,000	\$155,000			
<b>13</b>		\$149,600			
<b>14</b>	\$38,270	\$95,302			
<b>15</b>		\$21,250		\$4,500	
<b>16</b>	\$8,784	\$10,000		\$5,564	
<b>18</b>	\$32,385	\$39,740	\$22,500		\$6,800
<b>19</b>		\$53,000			
<b>20</b>		\$68,600			
<b>Total</b>	<b>\$310,985</b>	<b>\$1,005,142</b>	<b>\$80,500</b>	<b>\$10,064</b>	<b>\$156,800</b>

<b>Expansion Technology</b>				
<b>Circuit</b>	<b>Hardware</b>		<b>Software</b>	<b>Contracted Services Non-Recurring</b>
	<b>OCO</b>	<b>Expense Non-Recurring</b>	<b>Expense Recurring</b>	
<b>4</b>	\$236,974	\$1,590	\$3,600	
<b>5</b>	\$293,160	\$242,496	\$183,600	
<b>6</b>	\$20,041	\$2,139	\$10,485	
<b>7</b>	\$9,000	\$825	\$10,000	
<b>10</b>		\$7,200	\$60,000	
<b>13</b>	\$106,100		\$94,500	
<b>15</b>	\$64,350	\$48,806		
<b>19</b>	\$44,600	\$49,851		
<b>20</b>	\$153,972	\$116,088	\$138,240	\$74,842
<b>Total</b>	<b>\$928,197</b>	<b>\$468,995</b>	<b>\$500,425</b>	<b>\$74,842</b>

There are two circuit requests that require special attention. First, the 8<sup>th</sup> Circuit is requesting \$150,000 in contracted services funding in order to hire contract programmers to modify existing “open source” software for digital recording. They are requesting this funding on a recurring basis for a 2 year period. Their justification for this request is to develop software that is compatible with existing

CourtSmart hardware, thus reducing the need for software updates and the need to purchase new servers. According to the circuit, this “open source” software could be used by other circuits and could potentially save the state millions in software licensing and maintenance costs. Second, the 18<sup>th</sup> Circuit is requesting \$6,800 in recurring contracted services funding for the maintenance of two stand-alone copiers dedicated to court reporting services.

**Funding Methodology Committee Recommendation:**

File LBR for 33.0 FTE and \$364,780 in direct services contractual funding based on circuit requests within the target unit cost. If new positions are appropriated by the Legislature for FY 2009-10, reduce each circuit’s contractual allotment by the contractual savings amount indicated.

For equipment, file LBR for OCO (\$1,933,339), expense (\$549,495 non-recurring; \$510,489 recurring), contracted services (\$74,842 non-recurring; \$150,000 recurring), and maintenance contractual funding (\$310,985) based on circuit requests. Perform additional analysis based on the policy recommendations of the Court Reporting Technology Workgroup and adjust the LBR accordingly during the supplemental LBR process. Do not file LBR for 18<sup>th</sup> Circuit’s request for \$6,800 in contracted services as maintenance for copiers is an unallowable due process expense.

**Trial Court Budget Commission Recommendation:**

File LBR as recommended for 33.0 FTE and \$364,780 in direct services contractual funding based on circuit requests within the target unit cost. If new positions are appropriated by the Legislature for FY 2009-10, reduce each circuit’s contractual allotment by the contractual savings amount indicated.

For equipment, file LBR as recommended for OCO (\$1,933,339), expense (\$549,495 non-recurring; \$510,489 recurring), contracted services (\$74,842 non-recurring; \$150,000 recurring), and maintenance contractual funding (\$310,985) based on circuit requests. Perform additional analysis based on the policy recommendations of the Court Reporting Technology Workgroup and adjust the LBR accordingly during the supplemental LBR process. Do not file LBR for 18<sup>th</sup> Circuit’s request for \$6,800 in contracted services as maintenance for copiers is an unallowable due process expense.

# Trial Court Budget Commission Conference Call August 18, 2008

## Court Reporting Fiscal Year 2009/10 LBR and Estimated Unit Cost

Circuit	Direct Services FTE	Direct Services FTE Classification	Direct Services Estimated Salaries, Benefits, and Expenses <sup>1</sup>	Direct Services Contractual <sup>2</sup>	Equipment Maintenance Contractual	Equipment Non-Recurring OCO	Equipment Non-Recurring Expense	Equipment Recurring Expense	Equipment Non-Recurring Contracted Services	Equipment Recurring Contracted Services	FY 2008/09 Unit Cost <sup>3</sup>	Estimated FY 2009/10 Unit Cost <sup>3</sup>
1	0.0		\$0			\$38,400					\$18.04	\$18.04
2	0.0		\$0								\$19.87	\$19.87
3	0.0		\$0								\$20.81	\$20.81
4	1.0	Mgr. Electronic Ct. Rpt.	\$65,052	-\$40,000	\$15,886	\$236,974	\$1,590	\$3,600			\$8.80	\$9.13
5	0.0		\$0		\$10,660	\$366,960	\$242,496	\$183,600			\$13.31	\$15.62
6	3.0	Court Reporter I	\$195,156	-\$277,000		\$61,641	\$2,139	\$10,485			\$15.68	\$15.17
7	0.0		\$0			\$19,000	\$825	\$10,000			\$12.06	\$12.17
8	0.0		\$0		\$75,000	\$75,000				\$150,000	\$22.19	\$28.73
9	2.0	Court Reporter I	\$280,488								\$16.90	\$19.14
	3.0	Digital Court Reporter										
10	7.0	Digital Court Reporter	\$350,896			\$173,850	\$22,700	\$60,000			\$13.42	\$18.58
11	1.0	Digital Court Reporter	\$50,128	\$266,310			\$42,500				\$11.27	\$12.67
12	2.0	Digital Court Reporter	\$100,256		\$130,000	\$155,000					\$16.55	\$20.26
13	0.0		\$0			\$255,700		\$94,500			\$14.06	\$14.74
14	0.0		\$0	\$38,270	\$38,270	\$95,302					\$10.98	\$12.90
15	0.0		\$0	\$10,700		\$85,600	\$48,806	\$4,500			\$9.85	\$9.99
16	0.0		\$0		\$8,784	\$10,000		\$5,564			\$37.79	\$40.14
17	0.0		\$0								\$15.67	\$15.67
18	3.0	Digital Court Reporter	\$150,384	\$49,500	\$32,385	\$39,740	\$22,500			\$6,800	\$12.97	\$15.73
19	2.0	Digital Court Reporter	\$100,256	-\$25,000		\$97,600	\$49,851				\$17.73	\$18.92
20	9.0	Digital Court Reporter	\$451,152	-\$345,600		\$222,572	\$116,088	\$138,240	\$74,842		\$10.61	\$12.44
<b>Total</b>	<b>33.0</b>		<b>\$1,743,768</b>	<b>-\$322,820</b>	<b>\$310,985</b>	<b>\$1,933,339</b>	<b>\$549,495</b>	<b>\$510,489</b>	<b>\$74,842</b>	<b>\$156,800</b>		
<b>TCBC Proposed FY 2009/10 LBR</b>												
	<b>33.0</b>		<b>\$1,743,768</b>	<b>\$364,780</b>	<b>\$310,985</b>	<b>\$1,933,339</b>	<b>\$549,495</b>	<b>\$510,489</b>	<b>\$74,842</b>	<b>\$150,000</b>		

<sup>1</sup> Salaries, benefits, recurring expenses, and non-recurring expenses provided by OSCA, Budget Services.

<sup>2</sup> Direct Services Contractual has been offset by proposed contractual savings achieved if the circuits are allotted their new position requests.

<sup>3</sup> Unit Costs are derived by dividing the amount of Court Costs (less FY 2007/08 shared costs and cost recovery collections) by the number of relevant case filings in FY 2006/07, with the judge modifier applied.