

Meeting Minutes
Trial Court Budget Commission (TCBC)
Tallahassee, Florida
March 13-14, 2003

Members Present:

Susan Schaeffer, Chair	Carol Ortman
Stan Morris, Vice Chair	Wayne Peacock
Don Briggs	Nancy Perez
Paul Bryan	Belvin Perry, Jr.
Ruben Carrerou	Judy Pittman
Joseph Farina	Thomas Reese
Charles Francis	William Roby
Kim Hammond	Walt Smith
John Laurent	Mark Van Bever
Donald Moran, Jr.	Theresa Westerfield

Members Absent: Mike Bridenback - excused

Others Present: Judge Gene Turner, OSCA Staff

Welcome & Introduction of Guests

Judge Schaeffer called the meeting to order on Thursday, March 13, 2003 at 10:00 a.m. Introductions were made and Judge Gene Turner, Chair, Article V Budget Commission of County Court Judges of Florida, was recognized as visiting.

Judge Schaeffer asked for approval of minutes from December 7, 2002 and conference call minutes of January 8, 2003. Mark Van Bever so moved, Judge Laurent seconded, and the motion was approved unanimously.

Overview of Revision 7 Legislative Issues

House Presentations and Panels

Judge Schaeffer asked Judge Morris to begin by discussing an overview of the presentations given before the House Judicial Appropriations Subcommittee and Select Committee on Article V.

Judge Morris stated that a presentation was made on January 14, 2003, to the Judicial Appropriations Subcommittee, chaired by Representative Joe Negron. He said that the Judges were treated with courtesy, and the members asked good questions and were attentive. This

presentation was to orient the subcommittee members about the Judicial Branch. He was also able to present the essential elements of the trial courts to the subcommittee.

Carol Ortman attended the presentation with Judge Morris and was very helpful with providing the trial court perspective.

Senate Presentations

Judge Schaeffer said she presented to the Senate Appropriations Subcommittee on Article V Implementation & Judiciary, chaired by Senator Rod Smith, on January 14, 2003, while Judge Morris presented before the House Subcommittee. She said that she felt she had developed a good rapport with the Senate members of that committee and had established herself as a knowledgeable advocate for the trial courts. She also noted that this was the first time she was able to present the State Courts' position on Revision 7 implementation issues.

TCBC/FACC Workgroup

Judge Schaeffer gave an overview of the major legislative issues that have developed. Court administration is being perceived in a negative way. She said they are having a hard time "selling" the essential elements to the House members because they do not understand case management and what that really means. More specifically, they are trying to understand what trial court administration does in the way of case management, versus what services the clerks of court provide in the way of case management. The House is trying to eliminate the terminology "essential elements." She asked Judge Perry to comment further on the workgroup formed between the clerks and the courts to sort out the various functions and by whom they are performed.

Judge Perry began by saying that there is a school of thought that court administration functions could be handled by the clerks. Based on an agreement made in a December meeting of representatives of the trial courts and the clerks, Mike Bridenback, Peggy Horvath, Skip White, Wayne Peacock, and himself recently met with representatives of the Florida Association of Court Clerks (FACC) to come to an agreement on functions and duties. Judge Perry said that they had come to some agreements which are as follows:

1. The chief judge of the circuit is responsible for running the administrative functions of the court for that circuit. Further, court administration is the legs and arms for the chief judge in performing those functions.
2. The clerk agreed that they do not do case management, but rather they perform "case maintenance," which involves filing, tracking, etc.

A formal agreement of the Trial Court/Clerks of Court Joint Workgroup was provided to Senator Smith and his Subcommittee on Article V Implementation.

TCBC Position Paper

Judge Schaeffer asked the commission to review the TCBC - Interim Report: Positions on Revision 7 Related Issues as of March 13, 2003, and asked if there were any questions, corrections, or suggested changes.

Theresa Westerfield asked that on page 2, section D, 4th line, concerning “services for victims of crime” be struck.

Carol Ortman stated that on page 3, section B, in the Commentary, that the word “case managers” needed to be changed to “staff.”

Judge Schaeffer asked for a motion to approve the report and the two changes, Judge Farina so moved, Mark Van Bever seconded, and the motion was approved unanimously. Judge Schaeffer asked Lisa Goodner to add to the report language that discusses assessment, collection, and enforcement of fines, fees, and court costs.

After some draft work, Lisa Goodner presented an addition to the Interim Report, section F, entitled “Assessment, Collection, and Enforcement of Fines, Fees, and Court Costs,” with commentary. Judge Schaeffer asked for a motion to include section F in the Interim Report, Judge Perry so moved, Judge Bryan seconded, all approved.

Technology Issues

Judge Schaeffer asked Judge Francis to comment on testimony given to the appropriations subcommittees regarding technology issues. Judge Francis stated that they had been working with the clerks on these issues. He said their strategy is to ask the legislature to require technology consistent with the strategic plan set forth by the Supreme Court. He said they emphasized to the members that systems need to be compatible. The court should not have to pay for access to the records or copies of the records. Judge Francis said that currently in Chapter 28, FS., there are no exemption for court administration paying for documents. He said he was drafting statutory language for exemptions, and would be submitting them to the legislature.

MGT Reports

Peggy Horvath gave an update concerning the MGT Reports. She stated that Phase 1 of the report had been presented to the legislature, and there was nothing particularly troublesome about the report. Ms. Horvath said there was concern though, that they used data from the Uniform Chart of Accounts, instead of using data from the House Cost Inventory survey.

Ms. Horvath informed the TCBC that Phase 2 of the MGT report was completed and would be presented to the House the following week. She noted that this part of the report tracked more closely the model the TCBC is using. Ms. Horvath said the report gave credence to the role of

the Technology Commission and recommended the State pick up technology funding. She said MGT looked at JAC and stated that JAC should not be used as an option for handling court administrative processing functions. MGT reported to Representative Benson that this option would not save the State money. MGT does suggest implementing changes such as the deployment of court reporting digital equipment. Ms. Horvath said the report suggests “centralizing the jury management system,” and taking a closer look at funding for mediation. She said that they also recommend centralizing personnel and purchasing, and having a monthly budget or periodic reports, which would be used as an accountability mechanism.

Automated Sentencing Form Projects

Clyde Conrad, as project manager, reported on the automated sentencing form project. He said they were working on creating a system where sentencing forms could be generated in the courtroom. This automated system would help guide the judges with the criminal history of the defendant, sentencing guidelines, and Florida Statutes. Mr. Conrad stated that the system can generate forms, allow the judge to sign them, and copies could be given to the SA’s and PD’s at the time of sentencing. Mr. Conrad said that they hope to pilot the system in four counties soon. He noted that once the concept is proven, they could even submit the forms electronically to Department of Corrections and other involved agencies, to cut down on time and paperwork.

There were questions whether this automated system would be faster or slower for the judges. Mr. Conrad answered that this is their biggest concern, and they would be monitoring this closely in the counties where the pilots are deployed.

Draft Implementing Legislation

Greg Smith presented an overview of legislation and the amended changes for Revision 7 implementation. Judge Schaeffer asked for a motion to adopt, Theresa Westerfield so moved, Judge Bryan seconded, all voted unanimously to adopt the bill with changes as presented.

Budget Update

Charlotte Jerrett told the commission that legislators were wrapping up their 2nd week in session. She directed them to the worksheet in Tab 3 that provided a side by side comparison of the Governor’s proposed budget and Senate Bill 1034. She noted that there was a net reduction of 391 FTE, but most of that was for Guardian Ad Litem and their proposed transfer to JAC. Ms. Jerrett reported that there were 10 FTE positions slated to be transferred from OSCA in support of GAL, however, OSCA had less than 2 FTE that were actually supporting GAL.

Judge Schaeffer commented that the chief judges had been contacted and were asked if they would allow 6 vacant GAL secretary positions to be converted to program office positions, since OSCA did not have the positions to transfer. The chief judges agreed with this proposal. Judge

Schaeffer then proposed to the TCBC that if the legislature required a transfer of positions for the new GAL program office, that OSCA would give up their 2 positions first, and then the trial courts would give up the remaining secretarial positions. She asked for a motion to approve the proposal, Wayne Peacock moved, Judge Perry seconded, Mark Van Bever opposed. Mr. Van Bever commented that the trial courts were going to lose those positions anyway and recommended that the trial courts give up their 6 positions first, and then OSCA, since OSCA's positions were filled and not vacant. Judge Schaeffer asked for a motion based on Mr. Van Bever's comments. Wayne Peacock so moved, Mark Van Bever seconded, and all members voted unanimously to adopt that proposal.

Ms. Jerrett told the commission there is a predicted revenue shortfall of \$5 billion next year from a \$50 billion statewide budget. She asked the TCBC for direction as to where potential cuts could be taken in the trial courts. Judge Schaeffer asked the commission if they wanted the TCBC Executive Committee to make those recommendations. Mark Van Bever so moved, Wayne Peacock seconded, and the motion passed unanimously.

The meeting was adjourned for the day at 2:30 p.m. to allow members to attend the meeting of the Senate Subcommittee on Article V Implementation and Judiciary.

Presentation by Representative Holly Benson

Judge Schaeffer called the meeting to order Friday, March 14, 2003, at 8:30 a.m. She introduced Representative Holly Benson, Chair, House Select Committee on Article V.

Representative Benson began by thanking the TCBC for inviting her to speak to them. She advised the commission that Judge Schaeffer and Judge Morris had been very good advocates for the trial courts and had represented them well. She talked about her own committee, their ability, and commitment to ensuring that the third branch of government remain intact and operational. She talked about the challenges that face the committee and their awareness that they are stewards of the taxpayers' dollars.

Representative Benson noted that concerning Article V there was continuing dialog on the revenue side, and that there would be some changes to the current committee recommendations. She said there were some disagreements but assured the commission that they could reach a reasonable position. She said their main charge this year is setting up the funding structure and fine tuning of the implementation of Revision 7, which would happen next year. Representative Benson encouraged the commission to send her their ideas, comments, and questions. She opened the floor to questions and comments.

There was some discussion concerning technology. Representative Benson said they are looking at the process of standardization of technology. The TCBC expressed concerns that masters/hearing officers not be eliminated and emphasized to the Representative the important

role they play within the State Courts System. Representative Benson said she had every expectation that masters/hearing officers would be part of the system and agreed that they were cost effective.

Judge Schaeffer expressed her gratitude to Representative Benson for speaking to the TCBC.

FY 2003/2004 Budget Update (cont'd)

Charlotte Jerrett informed the TCBC there was a projected funding shortfall of approximately \$120,000 in the current budget year for the payment of invoices for Conflict Counsel for Jimmy Ryce cases. She asked the commission for approval to redirect circuit base appropriations to cover invoices for the remainder of the FY 2002-2003. The TCBC proposed that funds be transferred from the Juror/Witness appropriation funds to cover the remaining invoices up to \$120,000. Judge Schaeffer called for a motion to adopt this proposal, Judge Perry so moved, Walt Smith seconded, and the commission approved the motion unanimously.

Update from Revision 7 Communications Advisory Workgroup

Judge Perry said that Chief Justice Anstead had spoken with the St. Pete Times, Daytona Beach News Journal, and will speak to all of the major news journals regarding Revision 7 and its impact on the State Courts System.

Rob Lubitz provided the commission with copies of the most recent editorials.

Status of Guardian Ad Litem (GAL) Program Transfer

Deborah Lacombe updated the commission on HB 439 and SB 1974 saying that should this legislation pass, the Guardian Ad Litem program would be transferred to JAC effective July 1, 2003. Ms. Lacombe said that the Guardian Ad Litem directors had been involved in this legislation and sensed that they were pleased with the bills.

Ms. Lacombe told the commission that HB 1201, which essentially allowed for the privatization of the Guardian Ad Litem programs, did not provide for a transfer of the program out of the courts. HB 569 has also been filed which allows for privatization of GAL and appointments of Attorney Ad Litem.

Electronic Court Reporting Feasibility Study Update

Greg Youchock provided an overview of the status for this study. He told the commission that the results of the survey were significant, with 716 electronic court reporting systems requested. He noted that current annual court reporting costs are \$31 million. Mr. Youchock told the

commission that the deployment of these systems would be phased in over a three-year period with an approximate cost of \$5,892,600 for hardware/software, maintenance and installation in the first year. There was much discussion concerning staffing needs and the ratio as to how many electronic court reporters that would be needed per judge. Judge Schaeffer recommended that his matter be deferred to the Funding Methodology Subcommittee for further refinement.

Personnel Subcommittee Report

Theresa Westerfield asked the TCBC for direction and approval for the following subcommittee recommendations.

1. Do not create new payroll deductions for current county supplemental insurance providers. Carol Ortman so moved the motion, Mark Van Bever seconded, all members approved unanimously.
2. Reclassify positions through an OSCA Personnel-led classification board made up of TCA's and circuit personnel representatives. Carol Ortman so moved, Judge Farina seconded, all members approved.
3. Five previously unclassified county funded legal secretary positions were matched to a state comparable classification. Remaining unclassified judicial assistant positions would be assigned to a Court Administration or Case Management class if necessary. Judge Francis so moved the motion, Carol Ortman seconded, all members approved.
4. The commission approved the Personnel Subcommittee's determination that the issue of using the "magistrate" title for general master was beyond the scope of the committee.

Presentation of Report on the Effectiveness of Current Jury Management Practices

Greg Cowan presented to the commission findings of an analysis that OSCA had completed, as follows:

1. Only two counties are adhering to the standards.
2. A substantial amount of savings would be realized if counties adhered to the standards.

Mr. Cowan asked the commission to recommend to the Supreme Court a more detailed review of current standards for panel sizes. Judge Perry so moved the motion, Judge Bryan seconded, and all the commission voted in favor of the recommendation.

Wrap-Up on Legislative Activities

Each of the commission members reported on their circuit's legislative activities and various contacts with legislators. Many reported that they were asked questions concerning the role of the trial court administrator's office, clerk's office, and the OSCA. They said that not only do the legislators need to be educated on the role of the courts' administrative offices, but the judges need to be educated as well.

With no other business, Judge Schaeffer adjourned the meeting at noon.