

**Minutes**  
**Trial Court Budget Commission (TCBC)**  
**Wyndham Hotel, Tampa, FL**  
**April 23, 2002**

**Members Present:**

Susan Schaeffer, Chair	Randall McDonald
Don Briggs, Vice-Chair	Donald Moran, Jr.
Mike Bridenback	Stan Morris
Paul Bryan	Carol Ortman
Ruben Carrerou	Nancy Perez
Joseph Farina	Belvin Perry, Jr.
Charles Francis	Judy Pittman
Kim Hammond	Mark Van Bever
Lee Haworth	Theresa Westerfield
Paul Kanarek	Doug Wilkinson

**Members Absent:** Wayne Peacock

**Others Present:** OSCA Staff

**I Roll Call and Approval of the Minutes**

Judge Schaeffer called the meeting to order at 10:00 a.m. and asked the secretary to call the roll. A quorum was present. After self introductions by the OSCA staff, Lisa Goodner, Deputy State Courts Administrator, commented that Skip White had recently joined the OSCA staff in the Strategic Planning Unit. He is an attorney and has a wide range of experience with court related issues. Judge Schaeffer welcomed him to the Revision 7 team.

Judge Schaeffer announced that Dee Beranek, Deputy State Courts Administrator for Legal Affairs and Education, would be retiring on July 1, 2002 and thanked her for the many contributions to Florida's court system over the past two decades.

Judge Schaeffer asked if there were any corrections or deletions to the February 9, 2000 minutes. Seeing none, Judge Farina moved that the minutes be approved. Mr. Van Bever seconded the motion. The minutes were approved.

**II Meeting with Chief Justice-Elect Anstead**

Judge Schaeffer reported that she and Judge Perry had a meeting with Chief Justice-Elect Anstead recently to discuss Revision 7 issues. They reviewed the Revision 7 Objectives timetable, the current inclination of the legislature, and spoke of the possible problems they foresaw.

Judge Schaeffer said she spoke to Justice Anstead about his remarks at the last TCBC meeting. She related that many of the members interpreted his comments to mean that the Supreme Court had more overriding control of the trial courts budget, than they thought under the rule which established the TCBC, and she explained why the members had a concern with that view. Justice Anstead clarified his view that the TCBC was the most knowledgeable body to determine the budget of the trial courts and that the Supreme Court relied heavily on their determinations. When budget matters come before the Court, he explained, they come with a presumption of correctness, unless the Court were to view it as totally out of line. This has never been the case and he does not expect this will happen.

Judge Schaeffer reported that Justice Anstead had requested two things from the TCBC. First, he wants a white paper or position paper developed on Revision 7. He would like this paper to be developed so that it can be used by judges, lawyers, the press, the business community, etc. to explain Revision 7. Second, he wants the TCBC to come up with a communication plan for Revision 7. Judge Schaeffer stated she will appoint a small group to work directly with Mr. Lubitz on the white paper and communication plan. She commented that Justice Anstead was very passionate about this issue and made clear it will be the top priority of his term as Chief Justice.

Mr. Lubitz emphasized that it was clear that Revision 7 implementation was Justice Anstead's top priority. He stressed the importance of educating and energizing the local communities regarding Revision 7. Finally, he expressed his desire to have the white paper and the communication plan developed with ample input from all the various interest groups within the court system.

### **III Legislative Session Update & Overview**

Mr. Lubitz stated that there was not a whole lot to report on since the budget has not been passed by the legislature. A special session is expected to be called but we do not know exactly when or what will be the call. However, he stated he would review where the budget stood when the legislature adjourned.

Two FTEs have been allocated in the Senate and none in the House for Drug Courts (3rd & 6th Circuits). Also, in the Senate, there is a \$26 million reduction in the Article V Trust Fund (AVTF) with a corresponding increase in the general revenue for a Salaries & Benefits Fund Shift. The Senate and House have both reduced the AVTF for Small County Courthouse Facilities by \$3.3 million. The Senate reinstates this with \$3.1 million in general revenue and the House reinstates with \$2.8 million. Two FTEs are allocated in the Senate designated as Revision 7 implementation to support an automated financial system. There is funding tied to a substantive bill for the Unified Family Courts. Foster Care Review for Dade/Marion/Manatee/Duval Counties is \$375K in the Senate and \$582K in the House. Finally, the 9th Circuit's Attorney ad Litem cut was restored \$100K in the House only.

Mr. Lubitz commented that so far the courts have not been included in the personnel outsourcing issue. They have asked to be excluded in light of the implementation of Revision 7 and the transfer of personnel to the state courts. Certification of judges is still in the mix. The Senate has certified 12 judges and the House 9. The issue of transferring the Guardian ad Litem program out of the judiciary was in the Senate bill. It was transferred to the Office of the Public Guardian with a \$12 million appropriation and 200 FTEs. The House continues to debate the issue. It is unclear if this issue will be resolved in the special session. The trust funds for family courts and judicial education have not been recreated and will sunset in 2004, absent legislation.

Judge Pittman asked how the Small County Courthouse money would be distributed. Mr. Lubitz advised that the legislature determined that only the small counties whose courthouses are in need of repair would receive an allocation. There is no money for new or expanded facilities. Judge Schaeffer thanked Mr. Lubitz. She stated the Executive Committee would work with OSCA on budget issues during the special session and would keep the members posted.

#### **IV. Budget Allocation Policies for 2002-2003**

Judge Schaeffer called on Charlotte Jerrett, OSCA Chief of Budget Services, to review the budget allocation process. Ms. Jerrett explained that after a review of the General Appropriations Act, all funds are first allotted according to proviso language. Next, all circuits who received new positions are allocated the salaries, and the expense and operating capital outlay dollars for start up costs. Next, the budget office reviews any legislative work papers for intent or additional direction.

After allocating new funds, the base appropriation is addressed. The distribution of the base appropriation dollars is determined as follows:

- Judges, judicial assistants (110) and trial court administrators (210) allocations are evaluated by the historical usage of expense dollars, circuit geography, number of counties in the circuit and any special needs expressed by the circuit.
- The balance is distributed according to the mission of the particular activity or cost center (Drug Courts, Guardian ad Litem, etc.), i.e. and unique needs, or travel costs?
- Dollars appropriated but not allotted to the circuits are held in reserve to cover unanticipated expenses throughout the year (unemployment compensation, retirement payments, etc.). These funds are moved to the appropriate activity as used.

Ms. Jerrett reported that the Funding Methodology Subcommittee was currently reviewing the allocation process and the cost centers to determine if a funding formula could be developed to ensure a more equitable allocation of the expense dollars. That review has not been completed.

Lisa Goodner, Deputy State Courts Administrator, commented that last year the commission proposed that the cost centers for Judges/JA's and court administration be examined for a better allocation method. This proposal was made in anticipation of Revision 7 dollars

being appropriated. The issue was referred to the Funding Methodology Subcommittee; however, the committee is not ready to present a recommendation today. The question is, should the TCBC continue the current method of allocation or wait for a recommendation by the committee? Ms. Goodner explained that there are still many things the committee must look at and suggested that the current process be continued for one year. Mr. VanBever moved that the current allocation method used by OSCA be continued for one year. Judge Francis seconded. The motion passed without objection.

Judge Schaeffer asked Mr. VanBever, Chair of the Personnel Committee, if the TCBC should be involved with making a recommendation to the Supreme Court regarding the issue of year end rate allocations. She commented that she had spoken to several chief judges concerning this issue and they all indicated that any discretionary raises should be within their purview. She suggested that the commission does not want to get in a position where it is at odds with the chief judges. Mr. VanBever responded that there were certainly pros and cons regarding the commission providing input. He suggested that this would be a good time to have a discussion of the issue. The members agreed.

Judge Schaeffer related that a decision on the distribution of salary rate must be made sometime before the June meeting. The end of year rate is usually calculated late in the fiscal year, in late June, so it is conceivable that the court would turn to the Executive Committee for input. Judge Schaeffer asked the question: When the end of year rate is known, should the TCBC provide input to the Supreme Court on the allocations of these monies, such as identifying priority positions for an increase?

Judge Schaeffer asked Mr. Van Bever to provide some background on the issue of rate and dollars. He began with a review of the two circuit court pay plan issues approved by the TCBC. First was a request for funding to upgrade up to 13 Senior Deputy Court Administrator positions to Chief Deputy Court Administrator. The second was a request to fund each secretarial support position to the next higher level classification. These issues are still being considered by the legislature and, at this point, we do not know if they will be funded. An issue for this discussion is, if these pay plan issues are not funded by the legislature, should the available year end rate be used to fund these pay plan issues?

Mr. VanBever explained that “rate” is the salary level the legislature authorizes the courts to pay its employees. The total sum of the authorized salaries is the approved rate. During the year, a court’s rate may be over or under the approved rate due to actions taken during the year. One such example is the departure of an employee whose salary is above the minimum of the salary range and the hiring of a replacement at the minimum salary. This is an action which would provide more rate in a court’s budget.

“Dollars” is the actual money in the salary budget. Dollars are made available by the legislature to pay salaries for the authorized positions and the associated benefits. Dollars available do not equal rate for several reasons. Dollars are appropriated to fund salary and benefits (approximately 30-40 percent of salary). The legislature assumes that positions will be vacant for a portion of the year and therefore, reduces or “lapses” the amount of dollars needed to pay salaries and benefits for a full twelve months. The legislature also lapses the dollars authorized for across the board salary increases and special pay issues assuming that some

positions will not be filled. Positions are vacant for varying periods throughout the year. Finally, rate and dollars are appropriated and controlled separately. In order to distribute rate, you must have the dollars available to do so.

The main question is, who should be involved in determining the allocation of the end of year rate dollars. Should the TCBC or the Executive Committee make recommendations to the Chief Justice on the use of these dollars? Who should play that role? Judge Schaeffer questioned whether or not the TCBC should discuss this issue with the chief judges. Mr. Carrerou asked who had provided input on this issue in the past. Ms. Goodner responded that there has always been some informal mechanism to provide input to the court. Traditionally, the chief judges and trial court administrators have been consulted. Judge Perry commented that the TCBC should be involved in this issue. Judge Moran offered that OSCA and the Supreme Court have done a pretty good job in the past. However, the TCBC is a statewide budget committee for the trial courts, so maybe we should offer our suggestions. Judge Farina remarked that there are decisions which need to be made to bridge some gaps and it is appropriate that the TCBC make a contribution as to the use of these monies. He concurred that OSCA and the Supreme Court have done a fine job in the past. Judge Schaeffer agreed and stated that she thinks the TCBC should weigh in on this issue. Judge McDonald made the motion as stated by Judge Schaeffer that the TCBC should be part of the decision process. Judge Pittman seconded. The motion passed unanimously.

Judge Moran asked if there was still money in the budget for bonuses. Ms. Goodner explained that \$473K is appropriated for bonuses. Funding for bonuses was appropriated for this fiscal year and the distribution of bonuses will occur in June of this year. The bonus money does not change the rate of pay.

Judge Schaeffer remarked that since decisions must be made regarding the use of rate sometime in June, the Executive Committee should review the rate issue. Judge Bryan made the motion that the Executive Committee review the rate issue. Ms. Ortman seconded. The motion passed without objection. Judge Schaeffer stated that this issue would be brought back to the full committee if time allowed. However, in the meantime the Executive Committee will act.

## **V Personnel Subcommittee Recommendations and Proposed Actions**

Mr. VanBever referred to the Summary of Circuit Court 2002 Pay Plan Issues in relation to the previous discussion concerning rate. He stated that the Personnel Subcommittee decided that it was not advisable to use rate to accomplish the pay plan issue for the Chief Deputies. This issue only affects 13 circuits. However, the subcommittee did assert that the use of rate for Secretarial Support was an appropriate item for the commission or Executive Committee to look at. There are approximately 90 secretarial positions throughout all the circuits. It is a relatively small amount of money.

Judge Schaeffer stated that the use of rate will be discussed by the Executive Committee. However, she expressed the need to have some discussion on the recommendation regarding the secretarial support issue. It was asked where these secretarial positions were. Ms. Goodner stated they were mostly in court administration, and the various program offices such as

Guardian ad Litem. Judge Moran remarked that the rate money should go to the circuit and the chief judge should make the decision how to disperse. Judge McDonald made a motion that the recommendation that rate be used for the secretarial support pay plan issue not be approved. Judge Moran seconded. Judge Schaeffer called for a vote and the motion passed. Seeing a number of no votes, Judge Schaeffer asked for further discussion on the motion since no one had expressed that sentiment prior to the vote. She wanted to hear their thinking on the issue.

Judge Moran stated he felt that the chief judge should have this discretion. Ms. Westerfield said that the TCBC's primary charge was to provide funding to all the circuits in an equitable manner. Given this, the TCBC should probably use the rate money to help the secretarial support positions. Ms. Ortman said that these positions tend to be overlooked systemically. They are the lowest paid and usually the last in line. Even when there is a raise given, they do not gain much. For these reasons, Ms. Ortman stated she supported that rate be used for these positions. Judge Schaeffer called for another vote on the motion. She explained that a yes vote meant that secretarial support not be included in the rate issue and a no vote meant they should. The motion passed by a vote of 11-7.

Judge Farina asked if this vote now means that the Executive Committee cannot consider using rate for the secretaries. Judge Schaeffer answered yes. Judge Farina asked for a reconsideration of the vote because he wanted to change his vote from yes to no. The motion was reconsidered and passed by a vote of 10-8.

## **VI Revenue Subcommittee Final Report and Recommendations**

Judge Schaeffer recognized Judge Farina to present the Revenue Subcommittee report. Judge Farina thanked each of the committee members by name for their dedication to the work of the committee. He also thanked Ms. Westerfield and Mr. Bridenback for their participation in the committee and their assistance on substantive questions. Finally, he thanked staff John Dew and Christa Ray for doing the extensive research and drafting the report. The committee met nine times during the last fourteen months, mostly by teleconference, to address the charges given by the TCBC. How those charges were addressed and the committee recommendations are as follows:

***Charge 1*** To review all statutes, ordinances and administrative orders outlining fees, add-ons, and service charges related to the judicial system.

The subcommittee was provided a list of all the statutes which assigned a fee, add-on or service charge. Where possible the amount of the associated annual revenue was noted. In addition, the circuits were surveyed to determine what local ordinances and/or administrative orders were in effect which provided for a fee, add-on, or service charge. The amount of revenue generated from the local ordinances and/or administrative orders was not surveyed

***Charge 2*** To review what trial courts are doing in assessment and collections of fines, fees, and court costs.

A survey was conducted of all 20 judicial circuits to determine how costs, fines and fees

are assessed; which counties have a collection process; and information on how each county's specific collection process operates. A report was provided to the subcommittee summarizing the results of the survey and an overview of what the court systems in several other states have instituted for the collection of fines, fees, and court costs. The report highlighted some of the elements which existed in successful collections programs and articulated policy questions. These policy questions were reviewed by the subcommittee and the conclusions are found in the report's recommendations.

**Charge 3** To make specific recommendations on increasing or decreasing statutory fines, fees, or assessments and improving the system of assessment and collections to support the court system.

Judge Farina stated that the committee made fifteen recommendations in the report the TCBC members had in front of them. Judge Schaeffer asked Judge Farina to go through each recommendation independently and a vote on all the recommendations would be taken at the end.

After presenting the recommendations, Judge Farina thanked Judge Haworth for the paper he presented to the subcommittee concerning the collection and enforcement of fines/fees/court costs. Ultimately, many of his proposals were adopted by the subcommittee and it was a great help.

Judge Schaeffer thanked Judge Farina and the subcommittee for their work. Judge Bryan moved to approve the subcommittee report and all fifteen recommendations. Judge Kanarek seconded. During the discussion Mr. Bridenback asked if the report was suggesting that the state provide funding for judicial enforcement courts since he recalled that Palm Beach County dissolved the one they had. Judge Perez commented that the dissolution of the Palm Beach court was at the recommendation of the administrative judge who was doing it all. Now, all the judges are handling the issue. One judge was not enough. Judge Farina stated that Dade County pays for their enforcement court by the additional fines and court costs they collect. Judge Francis also reported that Leon County has had a very positive experience with its enforcement program.

Judge Briggs suggested that caution was needed when describing a court as a collections court. Judge Farina stated that as recommended in the report, the courts should assess; another entity should collect; and, if delinquent, the court should enforce. The motion to approve all 15 recommendations of the subcommittee was approved.

Despite the work of the subcommittee being completed, Judge Schaeffer stated that the subcommittee would not be sunset. She recommended that the committee should work in conjunction with the Trial Court Technology Committee on the implementation of these recommendations. Mr. Dew stated that the forms were being developed and the Technology Committee was also developing some strategies. Judge Farina offered that, if necessary, he would meet with the subcommittee via teleconference, along with Judge Francis, to begin developing an implementation plan.

## VII Nonjudicial Due Process Subcommittee Report and Recommendations

Judge Schaefer called on Judge Perry to present the Nonjudicial Due Process Subcommittee report and recommendations. Judge Perry stated that the responsibility of the subcommittee was to identify and recommend the proper state entity to be assigned budgeting responsibility for select Revision 7 elements.

Judge Perry presented the subcommittee’s recommendation, and a discussion ensued regarding the costs associated with the elements ordered (incurred) by Conflict Counsel and the budget entity responsible for these costs. Judge Perry mentioned that Revision 7 was initiated because of the cost of conflict cases. Judge Schaeffer suggested that the TCBC begin a dialogue with both the Public Defenders and the State Attorneys regarding this and other issues. Mr. Dew mentioned that he had heard the Public Defenders were studying the possibility of overseeing the conflict attorney issue and taking on that budget. Judge Farina and Judge Schaeffer recommended a slight change to some of the wording in the subcommittee’s recommendations. The members agreed. Judge Perry moved the adoption of the subcommittee’s recommendations as edited. Judge McDonald seconded. The motion passed unanimously. The adopted recommendations are provided in the table below.

<b>Elements and Recommended State Entities for Budgeting Purposes</b>	
<b>Elements</b>	<b>Recommended State Entity</b>
<b>1) Court Reporters</b>	
Ordered (incurred) by the SA	Justice Administration: SA-
Ordered (incurred) by the PD	Justice Administration: PD
Ordered (incurred) by Conflict Counsel	Independent Commission or Justice Administration: PD
<b>2) Court Interpreters</b>	
Ordered (incurred) by the SA	Justice Administration: SA
Ordered (incurred) by the PD	Justice Administration: PD
Ordered (incurred) by Conflict Counsel	Independent Commission or Justice Administration: PD
<b>3) Clinical Evaluations (Psychological’ Medical)</b>	
Ordered (incurred) by the SA	Justice Administration: SA
Ordered (incurred) by the PD	Justice Administration: PD
Ordered (incurred) by Conflict Counsel	Independent Commission or Justice Administration: PD
<b>4) Expert Witness Costs</b>	
Ordered (incurred) by the SA	Justice Administration: SA
Ordered (incurred) by the PD	Justice Administration: PD

Ordered (incurred) by Conflict Counsel	Independent Commission or Justice Administration: PD
<b>5) Witness Costs</b> (Including Associated Coordination & Management)	
Ordered (incurred) by the SA	Justice Administration: SA
Ordered (incurred) by the PD	Justice Administration: PD
Ordered (incurred) by Conflict Counsel	Independent Commission or Justice Administration: PD
<b>6) State Attorney Conflict Costs</b>	Justice Administration: SA

## VIII Funding Methodology Subcommittee Update - Defining Essential Elements

Ms. Ortman, Chair of the Funding Methodology Subcommittee, reported that the subcommittee met on April 15 to develop and refine proposed budgets for the essential elements, to develop the 2003 budget strategy recommendations, and to consider changes in the operating policies and procedures for state expense allocations. Following that meeting, the subcommittee held a workshop with the trial court administrators. The purpose of the workshop was to keep the TCA's involved in the development of proposed Revision 7 budgets. With regard to the development of proposed budgets for the essential elements the subcommittee focused on the following:

### 1) Court Interpreting

- The need for language interpreters will be further analyzed using updated data from the 2000 census.
- More discrete information/data will be collected about the number of proceedings and time spent in the circuits for language interpreters.
- More information needs to be collected concerning the contracts and fees for court interpreter services.
- A workshop is planned in the fall to help develop more uniform procedures for the management and administration of language interpreters.

### 2) Court Administration

- More discrete information has been obtained from the circuits regarding the duties and responsibilities of personnel involved in the administrative functions of the court.
- The TCA's have provided further information to help separate out the personnel that perform basic administrative functions such as personnel, planning and budgeting, finance and accounting, and purchasing.
- Work on the categorization of the other court management positions involved in judicial operations, such as monitoring jail population, coordinating/scheduling of courtrooms, calendar coordination, ADA coordination, coordination of disaster preparedness measures, space and facilities planning, coordination of security issues, etc., continues.

### 3) Court Reporting / Recording

The Committee on Trial Court Performance and Accountability has established a workgroup to review this function. Mr. Bridenback and Judge Kanarek are participating in the workgroup. One of the issues discussed was the potential to improve the efficiency and effectiveness of recording court proceedings and preparing the transcripts using advanced technology. This was also discussed at the Funding Methodology Subcommittee meeting and with the trial court administrators. The subcommittee recommends:

Recommendation #1: The TCBC should consider advancing a 2003-2004 budget proposal to provide for one time funding for digital recording equipment in the court rooms.

Priority for the installation of this equipment would be as follows:

1. Court rooms used for criminal felony proceedings;
2. Court rooms used for juvenile proceedings; and
3. Court rooms used for county criminal proceedings.

Recommendation #2: One time funding should also be considered to upgrade the Computer Aided Transition (CAT) recording equipment and to provide portable equipment to be used for Baker and Marchman Act proceedings.

Recommendation #3: Information should be solicited from the circuits to determine the needs.

Funding for the circuits would be contingent on a commitment that the circuits would use the technology for recording proceedings. If funding were provided, then the circuits would be required to redirect the current funding for court reporting to provide electronic court reporters, other support staff, and on-going maintenance for the equipment.

Recommendation #4: The development of equipment specifications and standards and the bidding process should be coordinated with the Court Technology Commission.

The goal would be to improve the recording of court proceedings and reduce the on-going operating costs.

Judge Schaeffer commented that her circuit used court reporters all the time and offered that this model may not be affordable. Judge Moran expressed that the subcommittee should not force this model on the circuits. Mr. Bridenback responded that this would be a pot of money out there for the circuits who were interested in going forth with the technology. Ms. Horvath commented that there is not one model that fits all circuits. She suggested that this one time pot of money would be an effort to reduce costs. Mr. Lubitz remarked that information will be collected to identify the outliers and it will be reported to these circuits for their decision. If the Article V Trust Fund money is restored, Mr. Bridenback suggested that be the first place to look for funding. Next, he remarked, would be the general revenue.

Vote: Judge Farina moved the adoption of the subcommittee recommendations. Judge Hammond seconded. Judge Schaeffer asks why the priority recommendation on

particular courtrooms? Ms. Horvath responds that these are the courtrooms where Article V costs are the highest. This is an effort to reduce the costs the state will assume once Revision 7 is implemented. The question was called and the motion passed without objection.

#### **4) Interrelationship of Functions and Services with State Attorney and Public Defender**

In working through the funding requirements for court interpreter service and court reporter services with the trial court administrators the Funding Methodology Subcommittee determined that there is significant overlap with the state attorneys and public defenders. This is particularly true when the personnel are court employees but it also exists to some extent in the contract models. The difficulty is determining exactly how much of the employees time is devoted to work that is strictly within the purview of the courts and how much is devoted to supporting the needs of the other stakeholders. This becomes a budget issue. It also becomes an operational issue for the future to determine how state funds should be managed and pooled and what types of interlocal agreements may be required. There are also some ethical issues that need to be resolved as to when it is appropriate and when it is not appropriate for the personnel to be shared.

Recommendation: This issue should be discussed with the state attorneys and public defenders.

Vote: Judge Schaeffer asked if any of the members had a problem with this recommendation. They did not. The recommendation passed. Judge Schaeffer stated that she would put together an ad hoc committee and work in concert with the Conference of Circuit Judges leadership – Judge Moran, Judge Farina, Judge Perry. Ms. Goodner suggested this process should begin as soon as possible.

### **IX Trial Court Technology Committee Report**

Judge Schaeffer called on Judges Francis, Chair of the Trial Court Technology Committee (TCTC) and asked if he could provide an update to the TCBC. Judge Francis reported that the TCTC has hired a consultant and is in the process of assessing the information and technology needs of judges. Additionally, the Supreme Court has established a strategic goal to achieve an Enterprise Judicial Intelligence System (EJIS) by 2010. This would be a statewide information system that integrates existing technology and data sources, such as Florida Department of Law Enforcement (FDLE), Department of Juvenile Justice (DJJ), Department of Corrections (DC), Department of Children and Families (DCF), local sheriffs, etc., to improve the operational efficiency of the courts.

Recently, the TCTC has learned that the State of Pennsylvania has established such a system. Pennsylvania has 17 state organizations, several federal agencies, 20+ counties, the Cities of Philadelphia and Pittsburgh, a small number of municipalities, and more than 500+ district justice offices sharing critical justice information. Mike Love, OSCA Director of Information Services, has been teleconferencing with their technology personnel to gain more

insight on the technology and programming used.

Upon hearing of this statewide system, the TCTC expressed interest in presenting it for Florida. It is estimated that the costs of beginning this endeavor would be about \$5 million. The candidates for partner agencies are FDLE, Clerks of Court/CCIS, the sheriffs, DJJ, DHSMV, DCF and DOC. A pilot project would be established and deployment of the pilot functions could begin 6 - 9 months after the start.

This system would provide information on demand from each of these agencies. The users could access all participating data sources with a single query. Each agency would retain autonomy and control of their data. Query access would be secured with multiple levels. It would be available to all users at all levels through a simple web browser.

All the agencies mentioned would like to see this happen and are in support of this proposal. Judge Francis stated that the TCTC is asking for permission from the TCBC to request the \$5 million during the special session to begin this endeavor. He stated that Justice Wells and Justice Anstead are supportive of this request. It is in the public's interest to leverage technology and share information effectively, especially as it relates to security. This system will begin to reduce the cost of administering the courts prior to the implementation of Revision 7. For these reasons, Judge Francis asked for a favorable recommendation on this request.

Judge Francis continued to explain that this funding was not a judicial initiative and would not be out of our budget. The effort is at the Criminal Justice Information System (CJIS) Council level and it is hoped that either they or an executive branch agency, such as FDLE, will take over. The clerk of courts have been contacted and this does not conflict with what they are doing with their case filings and public records. Judge Francis commented that the 14th Circuit is working on a data warehouse to connect the counties and may be the best place for a pilot site. This funding does not include money for the wiring of local courthouses.

Judge Schaeffer asked what happens when and if there is a request to cut our budget? Judge Francis stated this would be a one time funding request; however, there would be some recurring maintenance money. But again, he commented, it is anticipated that another agency will take this system on. He said he will be meeting to discuss the issue with the Governor's office tomorrow. Judge Farina moved that the TCTC be allowed to explore and attempt to secure the \$5 million for this project. However, this funding should not have any impact on the budget of the branch, and should be moved to another agency's budget next year. Judge Hammond seconded. The motion passed without objection.

## **X Linking the Judicial Branch 2 Year Operational Plan with the Budget Priorities for 2002-2004**

Judge Farina explained that six years ago the state courts wrote a Strategic Long Range Plan. At that time the Revision 7 amendment had not passed and there was no judicial budget committee in place. Every two years, an Operational Plan is written with the objectives and priorities identified to attain each long range goal. The Chief Judges and the Judicial Management Council (JMC) have been working on the 2002-2004 Operational Plan. Judge Farina then reviewed each of the long range plan goals and the proposed priority operational plan objectives for each goal.

Judge Farina stated that the JMC and the chief judges thought that the TCBC's vision should be included in the operational plan. The proposed objectives cannot be accomplished without a means (funding) to accomplish them. Ms. Horvath remarked that all the JMC was looking for today was a yes or no on the stated objectives and have they missed anything in particular. Judge Farina commented that a budget perspective is needed to accomplish these objectives.

Judge Moran suggested that the Executive Committee handle this issue. Judge Farina said that he would put together an ad hoc committee with a few members of the JMC and the TCBC and work on this issue. Therefore it would probably not be necessary to bring this back before the TCBC in June. Judge Schaeffer thanked him for his plan and agreed.

## **XI Budget Strategy for 2003-2004**

Ms. Goodner framed the discussion by outlining the structure used to determine the budget strategy for FY 2002-03.

- The FY 2002-03 budget request was based on issues developed by the Funding Methodology Subcommittee and approved by the TCBC. Proposals for budget reductions were also adopted.
- The trial court administrators were engaged in the process and the circuits were given the opportunity to agree or disagree with the proposal, or submit an alternative issue, or request an issue which had not been proposed.
- The Chief Judges and Supreme Court Committee Chairs provided input.
- A Revision 7 budget was not advanced.
- The budget strategy was limited to those circuits well below statewide averages, considering state and county support.
- Statewide issues for technology were submitted based on the current technology definition in chapter 29 (no individual circuit requests).

Ms. Ortman, chair of the Funding Methodology Subcommittee, reported that the subcommittee has recommended that the TCBC follow the same budget strategy as FY 2002-2003. Those recommendation are as follows:

- Continue to pursue funding for “have nots.”
- Prepare issues and submit to circuits for input.
- Allow for other Supreme Court committees’ input.
- Do not advance a Revision 7 budget request.
- No new technology issues should be filed; allow current analysis of trial court technology needs to be completed by the TCTC, and file issue from previous year if funding is not provided for a financial management infrastructure system.
- Funding Methodology Subcommittee should make recommendations to the TCBC on trust fund budgets.

Ms. Ortman remarked that the trial court administrators related two primary concerns with the budget process last year. First, they felt that it eliminated the opportunity for an individual circuit’s needs to be addressed. Second, the input which was provided was not considered appropriately. Ms. Ortman commented that another issue is how these complaints could be mitigated.

Ms. Goodner recapped, stating that the primary issue is whether the TCBC should use the same process in developing budget instructions as last year or is there a better strategy which can be used? Judge Farina remarked that the TCBC should not ask the TCA’s and the chief judges to go through this budget exercise, if the request was going to be the same. We were not successful last year, so let’s re-package and try again. If anybody has a particular burning issue, they can raise it. Judge Schaeffer suggested that the TCBC go for at least something relating to Revision 7. She asked for the TCA’s comments. Mr. Bridenback stated that he felt it wasn’t necessary to go through this process if it is not going forward. There are so many circuits out there that need more case managers and court administration personnel, etc.

The question was posed as to when the final request was due. Ms. Goodner replied September 15, 2002. A discussion followed concerning if there should be a concerted effort this year to request Revision 7 funding or wait until the 2004-05. The pros and cons of each were given, however it was decided that for now it would be best to go with the subcommittee’s recommendation.

Mr. Van Bever made the motion to keep the same budget strategy as last year with some minor adjustments. In particular, to keep the same issues as last year and add court reporting; 2) build a new marketing strategy as it relates to Revision 7 implementation, and 3) if there is any other burning issue, it can be brought forward. Judge Farina seconded. During the discussion it was decided that the TCBC Funding Methodology Subcommittee would not have to revisit budget strategies prior to next session and that if there was a need to look at budget cuts, the chief judges could help address those. The motion passed without objection. It was emphasized that while we would not be requesting Revision 7 implementation dollars this session, that if there were issues that were brought forward and it made sense to seek funding, then it might be moved forward.

## **XII Other Business**

Judge Schaeffer noted that a vote was needed on the proposed addition of an essential element. She drew the members attention to the February 19 Minutes, top of page 7, where Mr. Lubitz explained the addition of Court Expert and Witness Expenses as a new essential element added by the Executive Committee. Judge Perry made the motion to accept Court Expert and Witness Expenses as an essential element. Judge Francis seconded. The motion passed without objection.

Judge Schaeffer reminded the members that the TCBC would hold a joint meeting with the Trial Court Performance and Accountability Committee (TCP&A) on Friday, June 21, the day prior to the TCBC meeting on Saturday, June 22. She recognized that this meeting conflicts with the Florida Bar's meeting but it cannot be helped. The meeting will be from 11:00 a.m. until 4:00 p.m. It was decided that the Executive Committee would meet shortly after the conclusion of the joint meeting.

Judge Schaeffer thanked everyone for their hard work and the meeting was adjourned at 3pm.