

August 1, 2001 (11:58AM)

Minutes
Trial Court Budget Commission (TCBC)
June 16, 2001 - Marco Island

Members Present

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

Members Absent: Paul Bryan and Wayne Peacock

Others Present: Office of State Courts Administrator (OSCA) Staff
Judge Alice Blackwell White
Jim Boyd, Inspector General, Supreme Court
Fred Hooten, 5th Circuit Court Administrator
Nick Sudzina, 10th Circuit Court Administrator

I. Welcome and Introduction of Guests, Approval of May 22-23 Minutes

Judge Schaeffer called the meeting to order at 9:00 a.m. and asked the secretary to call the roll. A quorum was present. The members agreed to postpone approval of the May minutes until the next TCBC meeting in order to allow more time for review.

II. Communications with Legislative and Executive Branch Regarding the Strategy Direction for the TCBC and Revision 7 Implementation

Communications with Legislature and Executive Branch

Judge Schaeffer reported on her conversations with members of the Legislature and staff from the Governor's Office since the May 2001 TCBC meeting. From these conversations it appears that

Revision 7 will not be a priority for either the Legislature or the Governor next legislative session. Judge Schaeffer asked if any other commission member had any other communications to report.

Mark VanBever stated he had spoken with a member of his local delegation who stated he did not see a lot happening in the 2002 Session on implementing Revision 7. Judge Schaeffer stated that her sense from all these conversations was that little will happen next legislative session on Revision 7; therefore, it would not be an efficient use of the TCBC's time to present a funding proposal for Revision 7 implementation during the next session.

Governor's Veto of Article V Trust Fund

Judge Schaeffer reported that on June 15th the Governor vetoed most of the money out of the Article V Trust Fund. The veto was unexpected and the loss of funds will affect all trial courts to some degree since this money was provided to counties to offset some of the expense of court costs. The veto took away approximately \$20 million from the counties. The cuts directly impacted funding for the conflict attorney pilot projects in 3 counties; offsets court reporter's cost; and the formula driven allocations to all counties.

III. Long Range Program Plan (LRPP) Presentation

Judge Schaeffer stated that the information on the LRPP is important because of its impact on Revision 7 implementation. Lisa Goodner, OSCA Deputy State Courts Administrator, stated that the LRPP should be approved by the TCBC at the July meeting along with the Legislative Budget Request.

Brett Rayman, OSCA Senior Court Analyst, Strategic Planning Unit, provided a presentation on the history of state planning, the requirements for planning, how the judicial branch is approaching this issue, how the OSCA is preparing the LRPP, and specifically, what the LRPP means to the trial courts. (To see a copy of the slide show presented you can click on the Supreme Court's webpage. Go to Judicial Administration, Article V/Revision 7, Slide Shows, and then June 16, 2001 Presentation.)

IV. Discussion of FY 2001-2002 Trial Court's Operating Budgets

Carol Ortman, TCBC Funding Methodology Subcommittee Chair, stated that with the implementation of Revision 7, it is necessary for the TCBC to examine the current state expense budgets along with any proposed additional funding. This approach will allow allocation policies and procedures to be developed in a manner that meets the needs of the circuits in an equitable fashion and maximizes the use of existing expense funds. The Funding Methodology subcommittee discussed this with the trial court administrators in a meeting on June 6th in Tallahassee. From this discussion, a proposed strategy on how to address expense allocations for the current year as well as the future years was developed. The following are the recommendations Ms. Ortman presented to the TCBC.

Funding Methodology Subcommittee Recommendations:

! Expense Allocation for Cost Centers in Base Trial Court Budget:

- During the next fiscal year the OSCA staff should perform an analysis of the types of expenditures that are made from the two major cost centers #110-Judges and Judicial Assistants and #210-Trial Court Administration. This information will be reviewed by the Funding Methodology Subcommittee to guide the development of proposed policies, procedures and guidelines for future allocations of expense funds.
- The OSCA should develop proposed allocation formulas for the various cost centers. The Funding Methodology Subcommittee recommends the following considerations in the development of the formulas:
 - Factors that **should** influence the formula:
 - % Number of positions
 - % Geographics (e.g. multi-county circuits)
 - % The market conditions for a geographic region
 - Factors that **should not** influence the formula:
 - % Expenditure history
 - % Local expenditure practices
- The OSCA staff should review the various cost centers associated with court administration, staff attorneys, etc. and determine if the historical spending practices will provide for sufficient funds to be set aside at the state level to be used for training and education for the court staff.
- The balance of the base expenses for the various cost centers should be allocated as they have been in the past year.

! Allocations for New Funds Appropriated in the 2001 Legislative Session

Ms. Ortman presented the Funding Methodology Subcommittee recommendations regarding allocation of new funds which were appropriated in the 2001 Session. She suggested that all allocation recommendations be presented prior to any votes by the TCBC. The TCBC was then presented with the following allocation issues and recommendations:

A. Senior Judge Days

Ms. Goodner presented the proposed allocations for senior judge days for all the circuits.

There was no discussion on the allocation issue. However, several members had questions concerning the proposed Supreme Court guidelines for senior judges. Ms. Goodner explained that the new guidelines, effective July 2001, will provide that money associated with travel by senior judges be held at the state level, that the policy will define "headquarters" as the courthouse in the county of residence of the senior judge as determined by the Trial Court Administrator, and that the senior judge will need approval from OSCA prior to any out of state travel.

Ms. Ortman explained the methodology used by the subcommittee. This recommendation provides that additional senior judge days should be allocated proportionately, using the total judicial need of the circuits (as measured for the certification process) as the basis for allocation. This was based on the Delphi weighted formula recommended by the Committee on Trial Court Performance and Accountability in the 2000 Senior Judge Report. The committee recommended that the senior judge expense funds should be maintained at the state level and travel reimbursement should be made following the guidelines that were included in the 2000 Senior Judge Report of the Committee on Trial Court Performance and Accountability.

Peggy Horvath, OSCA Chief of Strategic Planning, reported that the Supreme Court last week created a Senior Judge Committee to review the qualifications and assignment practices for senior judges. The committee is chaired by Senior Judge Gilmore Goshorn, Fifth District Court of Appeal, and Justice Harding is the Court liaison. A report is due in February 2002. Judge Farina commented that in the future it would be helpful if the Chief Judges and the Trial Court Administrators were copied on all administrative orders that establish committees.

B. Model Dependency Court Program Allocation

The committee recommended that funding for the Model Dependency Court Pilot Projects be allocated to the circuits based on the Appropriations Act and the legislative intent language. The allocations are recommended as follows:

- 13th Circuit Eight FTEs and \$499,736
- 18th Circuit Eight FTEs and \$499,736
- 5th Circuit Two FTEs and \$154,054
- 17th Circuit Five FTEs and \$420,200
- 10th Circuit Three FTEs and \$315,000

\$168,500 is allocated for the development of an integrated information system for dependency and other court cases.

C. New Law Clerk Allocations

The committee recommended that the six new law clerk positions approved by the 2001 Legislature be allocated to the circuits where the addition of circuit judges requires the addition of a law

clerk to maintain the ratio of 1 law clerk to 3 judges. The circuits who should receive an additional law clerk are: the 2nd, 5th, 7th, 10th, 17th and 18th circuits.

D. Guardian Ad Litem (GAL) Staff Attorney and Support Allocations

The Funding Methodology subcommittee recommended the twenty-eight new guardian ad litem positions provided by the 2001 Legislature be allocated to the circuits in accordance with the strategy proposed by the Children’s Court Improvement Committee. OSCA staff provided an allocation sheet which took into account each circuit’s number of filings and the number of GAL attorneys in that circuit. The formula provided there be one full time attorney for every 100 cases. The recommendation provides that the 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 10th, 12th, 14th, 15th, 19th, and 20th circuits would each receive funding for 1 attorney and a half-time secretary. The 13th and 17th, and 18th, would each receive funding for 1 attorney and one full-time secretary. The 16th circuit would receive funding for a half-time attorney and a half-time secretary. Finally, the 9th and the 11th would not receive any positions.

E. Title IV-D Child Support Hearing Officer Allocation

The committee recommended: 1) the OSCA staff request input from each of the circuits as to what their local needs are before making this year’s allocations, and 2) the hourly cap for hearing officers be increased to \$50 to allow the circuits greater flexibility in contracting for these services.

TCBC Vote: Judge Perry made the motion to accept all allocation recommendations by the subcommittee. The motion was seconded by Judge Francis. All recommendations were approved.

V. The FY 2002-2003 Planning and Budgeting Process

The strategy for the FY 2002-2003 Legislative Budget Request (LBR) as recommended by the Funding Methodology Subcommittee is to have the TCBC address five areas listed below. The TCBC recommendations for the five areas would then be sent for input to the chief judges, trial court administrators, and chairs of each court committee involved in trial court issues. The Chief Judges, trial court administrators, and chairs will be offered the opportunity for input in writing or to speak to the TCBC personally at the TCBC budget meeting on July 30-31, 2001.

The five areas recommended to the TCBC by the Funding Methodology Subcommittee for consideration in the FY 2002-2003 legislative budget request are:

- funding that should be requested for cost centers within the nine elements that have been designated as “essential” or “reasonably necessary;”
- funding that should be requested for technology needs;

- funding that should be requested for the other activities and services provided by the trial courts (non-Revision 7 elements);
- funding for new activities or services that should be advanced; and
- funding cuts or resource realignments that should be advanced as part of the Long Range Program Plan.

Area 1: Essential Elements

For budget year 2002-2003, the Funding Methodology Subcommittee recommended that budget proposals should be advanced to the chief judges and trial court administrators for five of the nine essential elements. (The nine essential elements are trial court administration, case management, masters and hearing officers, legal, auxiliary aids and services, mediation, court reporters, court interpreters, and judges/judicial assistant support.) The five elements to be advanced this year are: trial court administration; case management; masters and hearing officers; legal; and auxiliary aids and services. For the first three, the strategy should be to bring courts up to a minimum level of support. For legal, the strategy is to build from our current level of staffing. For auxiliary aids and services, the strategy is to move this funding to the state in advance of the Revision 7 budget.

- A. Trial Court Administration Recommendation - It was recommended that small circuits at a minimum have three positions available to perform critical administrative functions and medium sized circuits should have at least four positions. Based on this methodology there are 11 new positions recommended by the Subcommittee: two positions each to the 3rd, 14th, and 16th circuits, three new positions to the 5th Circuit, and one new position to the 10th and 19th circuits were recommended.

In addition, expense funding of \$40,000 should be requested to provide for court administrative staff training and coordination.

Judge Schaeffer inquired why the subcommittee recommended the 3rd circuit get only two new positions when the formula appeared to call for three. Ms. Horvath said that may be due to an error in one of the columns and OSCA would correct it if so. Mr. VanBever asked if it was the subcommittee's assumption that when we go to state funding that we may need more resources to accomplish the additional functions we gain in the transition. Ms. Goodner responded that this budget proposal is simply to raise the floor for small and medium circuits so that when we do go through the Revision 7 transition we will have the resources in place to make the transition. However, she pointed out that what was being presented here was only a proposal for each of the circuits to look at. Just because a circuit qualified for additional staff under the proposal, it did not mean they would request such staff. Judge Schaeffer asked if the 3rd circuit was the smallest circuit then why do they need 2-3 positions? Ms. Horvath responded that the third circuit consists of 7 counties. Ms. Goodner said the court administrator there now does a lot of the various administrative duties, but after transition with the

increase of management duties, she will not be able to do everything she did before. Ms. Horvath pointed out that you need to have at least 2 people because of the fiscal responsibility for check and balances.

- B. Case Management Recommendation- Nine new case management positions were recommended. This was based on reviewing the average number of case management functions in high priority areas in each of the small, medium, and large circuits. For those circuits with less than the average numbers, it is recommended they get one additional case manager. The 1st, 2nd, 3rd, 4th, 5th, 6th, 12th, 14th, and 15th circuits were recommended to receive one new case manager each.

Additionally, \$150,000 in expense funding for case management education was recommended.

Judge Schaeffer said she had two questions for subcommittee members or staff: 1) Why are we asking for new positions in a specific area such as court administration for the 16th circuit, when at the same time that circuit is well above the average number of staff in the case management area? Ms. Goodner pointed out that we will be dealing later with the transition to Revision 7 and when we do, we may find that the average now is really way below the standard we will use for Revision 7. Theresa Westerfield, TCBC member and Court Administrator from the 16th Circuit, stated that they have three different courthouses and eight drug courts. The large number of drug courts and the geographical problem creates a need for those additional case management staff.

Judge Schaeffer's second question was why don't we delete from our current formulas both the low end and high end numbers from those circuits that are the outliers? Staff said they would look at the possibility and see what differences it might make.

- C. General Master Recommendation- The subcommittee recommended two alternatives. The first would provide a request for nine new general master positions and nine support staff positions, which was based on adding not more than one general master for every circuit that is substantially over the average of 3,000 related cases per general master. The second alternative would provide for thirteen new general master positions and 13 support staff positions, which would provide an additional two general master positions to those circuits in order to bring the resulting ratio of cases to masters closer to 3,000.

Additionally, it was recommended that there be a request for \$65,000 in expense funding to support a two-day education conference for general masters and hearing officers.

TCBC members agreed that the alternative they should consider approving would call for **only one new general master** position for those nine circuits over the average of 3,000 related cases per general master.

- D. Legal Recommendation- The subcommittee recommended that there be funding for 19 new trial court staff attorney positions. This was based on three components: the need for 5 new staff attorney positions based on an estimated 15 new judgeships that may be justified in the next judicial certification opinion; the need for at least five new capital cases staff attorneys; and, the first year phase-in of 9 out of a total of 41 attorneys needed to provide for one staff attorney shared by all county court judges in small circuits, two staff attorneys shared by all county court judges in medium circuits, and three staff attorneys shared by all county court judges in large circuits.

The TCBC members suggested that staff review the capital cases staff attorney numbers and bring these back at the next meeting. It was suggested that potentially having only 5 new staff attorneys for this area may be too low.

- E. Auxiliary Aids and Services Recommendation- The subcommittee recommended a funding request for \$305,000 for auxiliary aids and services. This would consist of \$217,500 for sign language interpreting services; \$29,100 for real-time transcription services for persons who are deaf or hard of hearing; \$38,400 for equipment; and \$20,000 for training.

Call for Question: Judge Schaeffer asked if there was a motion to approve the subcommittee recommendations for the proposed budget. Judge Farina asked if the approval of these recommendations would simply mean that the budget instructions would contain the proposals and would be again addressed by the TCBC at the July meeting. Judge Schaeffer replied that approval of these recommendations meant these proposals would be the TCBC recommendations to the circuits and their responses would be included for deliberation at the July meeting. Mike Bridenback made a motion to accept the subcommittee recommendations. The motion was seconded by Ruben Carrerou. The motion passed.

Area 2: Funding Recommendations for Technology Needs

The TCBC approved the Funding Methodology Subcommittee recommendation that there be a request of \$600,000 to conduct an assessment of court data needs statewide; that there be a request for \$75,000 for Internet access; that there be a request for \$250,000 for rate increases, and that there be a request for \$978,145 to acquire Oracle's Financial and Procurement System Software to coordinate the administrative processes within the judicial branch.

Areas 3 & 4: Funding Recommendations for Guardian ad Litem

The TCBC approved the Funding Methodology Subcommittee recommendation that there be a request for 28 new GAL positions for FY 2002-2003.

Area 5: Trial Court Input on Proposed Budget Reductions

The TCBC members approved providing information to each of the circuits that will accompany the budget request instructions and ask each circuit to identify budget reductions in their areas. The Commission discussed the budgets for the Statewide Grand Jury, Judicial Nominating Commissions, Juror Meals/Lodging, Pre-indictment Witness Fees, Small County Courthouse Facilities, Indigence Examination, Juvenile Sanctions Coordinator, Jury Management area, Attorney ad Litem program, and Guardian ad Litem as areas to be evaluated for potential reductions. The TCBC recommended that a list of each of these areas accompany the budget instructions. The reductions will then be addressed at the next TCBC meeting on July 30-31.

VI. Legislative Pay Plan Development

Theresa Westerfield made a motion to approve to have OSCA develop the following pay plan requests: creating more Chief Deputy Court Administrators state funded positions; provide 100% state paid insurance benefits for all attorney positions in the State Courts System comparable to benefits provided to all attorneys in the executive branch, the Florida Legislature, and to all Assistant State Attorneys and Assistant Public Defenders; and finally, to reclassify all secretarial support positions to the next highest secretarial class, making the Senior Secretary the entry level secretarial position. The motion was seconded by Carol Ortman and passed. Staff then provided to the Commission a timetable for review of judicial assistant salary.

Having no new business the meeting was adjourned.