

**Minutes**  
**Trial Court Budget Commission (TCBC)**  
**Wyndham Westshore Hotel, Tampa, FL**  
**August 7, 2002**

**Members Present:**

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

**Members Absent:** Kim Hammond, Wayne Peacock and Doug Wilkinson

**Others Present:** OSCA Staff; Jim Boyd and Ed Flannery for the 20<sup>th</sup> circuit

Judge Schaeffer asked Sue Bruce to call the roll and all members were present except: Judge Hammond, Wayne Peacock, and Doug Wilkinson. Ed Flannery sat in for Doug Wilkinson.

The minutes were approved with one amendment: on page 2, paragraph 2, the words “drug court” were changed to “drug court treatment services.”

**Revision 7 Legislative Issues**

Judge Schaeffer reported that she had added Judge Moran and Judge Francis to the TCBC Executive Committee. She also stated that Representative Dudley Goodlette and Senator Rod Smith were assuming more responsibility for Revision 7 in the legislature. Judge Schaeffer also reported that several members of the Executive Committee met with Representative Goodlette recently and Judge Morris would be setting up a meeting with Senator Smith soon.

Mike Bridenback reported on a meeting he and Chief Judge Menendez held with Representative Johnnie Byrd. Representative Byrd said he intended on writing every county judge to let them know he was supportive of the courts and that he supports the TCBC.

Rob Lubitz introduced Debby Kearney as the new General Counsel and said she was coming from the Department of State to start with OSCA on August 12. Judge Schaeffer also took a moment to recognize the guests present: Jim Boyd, Inspector General and Ed Flannery from the 20<sup>th</sup> circuit.

Judge Schaeffer reported that at the Executive Committee meeting on Tuesday, they discussed funding for the essential elements and language needed for local requirements. Both issues will be addressed at the next commission meeting.

#### House Interim Projects/Survey

Peggy Horvath reported on the House interim projects and the House surveys. One survey was on specialty courts. The second survey is a cost inventory and is due on August 12. Ms. Horvath also stated that conference calls have been set up to help answer any questions regarding the surveys. The major issue is the enormity of the task for the court administrators and conveying good information to the House staff to increase their understanding of court operations.

Judge Farina asked if there had been any contact with the Senate staff. Lisa Goodner said they weren't involved in the House projects but they asked OSCA to keep a list of everything that is being provided to the House that they could access if necessary.

#### Status of Request for Proposal

Mr. Lubitz said the legislative request for proposal for Revision 7 consultants went out in June and three vendors bid. The Joint Legislative Committee on Article V will be meeting on August 15 and a vendor selection should be made by August 19. The consultant's final report is due by August 1, 2003. He also stated that by January 6, 2003 vendor's first deliverable is due and the second by February 6, 2003. Judge Perry asked if we could achieve those same things by January, 2003. Judge Schaeffer said we hope to be ahead of them. Mr. Lubitz also said that our work plan takes us to the summer of 2003. Mike Bridenback said it will take a group working consistently to get finished by the deadline.

Judge Farina asked what we would be able to give them. Mr. Lubitz said we will provide descriptions of the elements and other work we have accomplished.

Judge Moran said we're putting a bigger burden on ourselves than we should. Judge Schaeffer said she agreed and that we need to be able to give the legislature an idea of what we need. She then asked Mr. Lubitz if OSCA could do that. Mr. Lubitz said we need to be very cautious in developing numbers to insure everything is covered and growth is taken into account.

Judge Briggs said many counties don't have the financial people to support the state functions that are now done by the counties. Judge Schaeffer said positions for that are in the budget request for next year. Judge Schaeffer asked for a motion to direct OSCA to develop some cost estimates. Judge Farina made the motion and Theresa Westerfield seconded it. Judge Farina

stated that those counties without a minimum number of staff should be addressed. Carol Ortman suggested letting the Funding Methodology Subcommittee refocus and work with OSCA and come back with a number. Judge Farina said he would amend his motion to allow Funding Methodology to look at it first. Judge Perez then seconded it and the group agreed unanimously.

#### Status of Article V Monthly Meeting

Mr. Lubitz reported he attended the monthly Article V meeting with Representative Benson and they were focusing on budgetary and technology issues. Representative Goodlette also attended and said this would be the last meeting of this group for now.

#### **Update from Communications Advisory Group**

Judge Schaeffer asked Judge Perry to update the group on the recent Communications Advisory Group meeting. Mr. Lubitz passed out the most current revision of the themes and messages. Judge Perry stated that there was a discussion of hiring a professional group to do a study, but the money isn't available. The messages will be finalized at the next meeting of the advisory group. The general consensus was that message 5 needed to be reworded. Judge Schaeffer said the last two are the best and recessed the meeting until 11:25.

#### **Discussion of Auxiliary Aids & Services Element**

Carol Ortman provided an overview of the Funding Methodology Subcommittee's recommendation for the auxiliary aids and services element. The subcommittee recommended to advance the proposed \$305,000 budget request for state funding, in compliance with the current statutory provisions. However, they also recommended that the legislature amend section 29.004, Florida Statutes to exclude auxiliary aids and services as an essential element for state funding of the trial courts, and that it be included under chapter 29.008 as a requirement for county funding. Mike Bridenback moved to approve the subcommittee's recommendation and the motion was seconded by Mark VanBever.

Judge Farina asked the commission if chapter 29.008 should be amended to just add auxiliary aids and services, or should we just make the section broader to include other local requirements. Judge Schaeffer suggested that before we amend chapter 29.008, that we might need to revisit the entire county obligation issue. Judge Schaeffer suggested that these proposed amendments be referred to the Local Requirements/Obligations & Standards Subcommittee for review and further recommendation. Judge Briggs indicated that his subcommittee could have options for recommendations within 30 to 45 days. Mike Bridenback amended his motion to advance the

\$305,000 budget issue, and refer legislation to the subcommittee for a recommendation. The motion was seconded and approved.

## **Fiscal Year 2003/04 Legislative Budget Request & Long Range Program Plan**

### Issue Update from June 22<sup>nd</sup> Meeting

Ms. Goodner provided an overview of the work the commission had previously directed staff to complete for the budget process. In light of the funding required to implement Revision 7, the commission decided not to submit any new budget issues for funding, but to go with last year's issues that were not funded. Chief judges were also given the opportunity to submit to the commission any critical budget issues that were not previously addressed. The Funding Methodology Subcommittee subsequently reviewed each issue and reworked the justifications using the messages developed by Judge Perry's committee. The issues were rewritten to be framed around the key messages and a 3<sup>rd</sup> paragraph was added which characterized the benefit to the State Courts System.

Judge Perez asked about the formula used for trial court staff attorneys. Ms. Goodner stated that there has not been a change in the 1:3 ratio of trial court staff attorneys to circuit judges at this point. Judge Farina asked that the ratio of staff attorneys to judges be added to the next agenda of the TCBC meeting. Ms. Horvath indicated that she would gather the latest information on staff attorneys from the Trial Court Performance & Accountability Committee. However, their study of staff attorneys would not be complete by the December meeting.

Judge Schaeffer said that Judge Miner has proposed to the legislature a need for more staff attorneys for capital cases. There is also a proposal being discussed to pay capital staff attorneys more money rather than getting additional positions. Judge Schaeffer asked Judge Perry and Judge Pittman if Judge Miner had talked to them regarding this issue and they both said no. Judge Perry said he thought it would cause a morale problem. Judge Moran said he had talked with Judge Miner and that he told him that he has a staff attorney that handles capital cases. Judge Schaeffer asked for a motion to notify Judge Miner and Representative Goodlette in writing that the TCBC thinks paying staff attorneys who handle capital cases more than the others is going to cause problems. Judge Perry so moved and Judge Kanarek seconded. It was then decided that Judge Schaeffer should call Representative Goodlette instead of writing. Judge Schaeffer will notify Judge Miner and Representative Goodlette that the TCBC would like their support for its budget issue.

Ms. Goodner reported that last year court administration and chief deputies were separate issues but this year they were rewritten into one issue. She also said that the pay issue for chief deputies was part of this issue. Judge Schaeffer asked for a motion to support this change. Judge Farina so moved and Judge Pittman seconded and all were in favor.

Charlotte Jerrett reported that at the June meeting it was decided that hearing officers that were OPS needed to be in regular positions, and it was recommended at the Funding Methodology meeting that a new issue be filed to establish these positions.

### Technology Issues

Judge Francis discussed the technology issues proposed by the Florida Courts Technology Commission. He also discussed the JNET system for the single browser for which funding was provided by the legislature. The issue for a statewide financial system has been dropped due to the state moving ahead on developing a new statewide system. Mark VanBever moved approval of the proposed technology issues. Theresa Westerfield seconded, and all were in favor.

### Court Reporter Budget Issue

Carol Ortman presented the recommendation of the Funding Methodology Subcommittee on the court reporting budget issue. The subcommittee recommended a request of \$11,968,000 to provide digital recording equipment to circuits to improve the efficiency of recording court proceedings.

Judge Francis asked several questions regarding the budget issue: whether there had been any study of the use of digital court reporting; whether a cost benefit analysis had been performed; and how the technology costs had been developed. Ms. Horvath briefed the Commission on the court reporter workgroup of the Commission on Trial Court Performance and Accountability. This work group is comprised of appellate and trial judges, trial court administrators and court reporters. The workgroup has addressed a number of policy issues and also the various methods of recording court proceedings and preparing transcripts. One of the recommendations of this workgroup was to increase the availability of digital court reporting technology to circuits who have a desire to use it. Based on this recommendation the Funding Methodology Subcommittee surveyed the trial courts to determine which circuits wanted to request the technology as part of the 2002 budget. The staff of the OSCA Information Systems Division then worked with the technology officers and court reporting staff in the circuits to determine the specific equipment needs and the associated costs. The costs were derived from research of the current court reporting technologies that will meet the needs of Florida's trial courts. Carol Ortman noted that a cost benefit analysis had not been performed for this budget issue. However, individual circuits have implemented the technology and can provide information on the cost savings and cost containment.

Judge Francis suggested that an alternate approach might be to pilot the use of the technology in several circuits. Judge Farina and Judge Perry both commented that the technology has already been implemented in a number of circuits and has proven to be very successful. Judge Kanarek

noted that the nineteenth circuit has been using electronic court reporting for almost twenty years. They have found it to be very efficient and have been able to produce transcripts in a timely fashion.

The Commission voted to approve the budget request. Some of the members expressed concern that their circuits may not have included a complete listing of the technology needs. Judge Schaeffer asked the staff to do a supplemental inquiry to ensure that all the circuits had provided a complete listing of their need, and to make adjustments to the final request based on these findings.

#### Family Court Pilot Extension Issue

Lisa Goodner explained the current status of the \$500,000 pilot projects underway in the 6th and 20th circuits. The 6th circuit has implemented a "reviewing/coordinating" case management model, that focuses on services provided to children and families within a one-family/one-judge model. The 20th circuit's pilot can best be described as "active management" case management using proactive monitoring and case status conferences to ensure that issues are identified and resolved as early as possible. The commission voted to continue the base funding of \$500,000 for FY 2003/04 from the family court trust fund, but require an assessment and evaluation of the pilots, and make recommendations on their continuation for the 2004/05 LBR. The commission also requested OSCA to study the issue of expansion to the remaining 18 circuits and make recommendations for the 2004/05 LBR submission.

#### Budget Request Wrap-Up

Ms. Goodner said we do not have to file budget reductions again and the LBR instructions have been approved by the Governor and the legislature. She said agencies are being asked to do a 25% workforce reduction and also stated that we want approval not to do a workforce reduction, and if we have to identify cuts we will go back to the previous list. Judge Farina motioned to accept, Mr. VanBever seconded, and all were in favor.

Ms. Jerrett said changes to the budget issues will be posted for the 10 day appeals period, and that technical adjustments may be made to the dollars before submitting the budget. Judge Bryan asked where OSCA was on the judicial assistant survey and Judge Schaeffer said we won't get the results back in time for the September 15 submission. Ms. Goodner said we will file a formal pay plan issue that is separate from the LBR. Judge Moran said he thought we should file a placeholder for the pay issue. So, the question was asked do we do a placeholder issue in the budget, and all were in favor.

### **Update on Rate Distribution**

Lisa Goodner said a letter went out in June indicating there would be no year end rate distribution due to concerns about payroll shortage. The longer term problem is that the budgeting practices have changed in recent years, and will affect rate distribution in the future

Judge Schaeffer said the Executive Committee discussed the previous decision of the full commission which was that any rate distributed would be at the discretion of the chief judge. She said the commission's recommendation to the chief justice would be that a proportionate amount go to the 20 circuits to be distributed at the discretion of the chief judge. The question was asked if circuit and county rate could be combined. Ms. Goodner clarified that county court rate can only be given to county judicial assistants. Judge Kanarek moved to accept, Judge Perry seconded and all were in favor.

Mike Bridenback asked Ms. Goodner to remind the commission of the discussion that took place by the Executive Committee regarding hiring new GAL positions at the minimum. She said the legislature only provided funding at the minimum for these positions.

Judge Schaeffer stated that she, Judges Morris, Francis and Perry would be meeting with the state attorneys and public defenders to talk with them about items proposed to be transferred into their budget, and issues dealing with communications and technology.

Judge Perez reported that at the county judges conference concerns were raised that programs county courts depend on would be lost. Judge Schaeffer said that should not happen. Judge Schaeffer told Judge Perez to relay to the county conference that the committee is addressing issues that impact the county courts, that they are willing to work with them and it's essential that both be together on this issue. Judge Perez indicated they were concerned about funding for their business meeting, for which the counties currently pay. Judge Schaeffer indicated that the commission would also be working on that issue.

Judge Schaeffer asked if there was any further business and seeing none, the meeting was adjourned at 2:30 p.m.