



## MEETING AGENDA

**8:30 a.m. to 12:30 p.m., Friday, January 8, 2016  
Tampa, Florida**

**Note: By close of business on Wednesday, January 6, materials will be posted at:**  
**<http://www.flcourts.org/administration-funding/court-funding-budget/trial-court-budget-commission/>**

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### Welcome and Roll Call

- I. Approval of July 10 and September 8, 2015, Minutes 8:30-8:35 a.m.
- II. FY 2015-16 Budget Status 8:35-9:10 a.m.
  - A. Salary Budgets
  - B. Personnel Actions
  - C. Positions Vacant More than 180 Days
  - D. Operating Budgets
  - E. Trust Fund Cash Balances
  - F. Revenue Estimating Conference Update and State Courts Revenue Trust Fund Projections
- III. Due Process Issues 9:10-9:45 a.m.
  - A. Workgroup with Commission on Trial Court Performance and Accountability
  - B. Current Expenditures, Movement of Funds, and Reserve Access
  - C. 25% Contractual Release
  - D. Sixth Circuit Request to Fund Position from Cost Recovery Allocation
- IV. Special Initiatives and Updates 9:45-10:05 a.m.
  - A. Foreclosure Backlog Status Report and Resources
  - B. Cases over the Flat Fee
- V. FY 2015-16 End-of-Year Spending 10:05-10:45 a.m.

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| Break   | 10:45-11 a.m.      |
| VI. Legislative Issues and Updates  | 11-11:45 a.m.      |
| A. <i>A Review of Florida Circuit Courts</i> by Office of Program Policy Analysis and Government Accountability |                    |
| B. FY 2016-17 Budget Request  |                    |
| C. Substantive Legislation  |                    |
| 1. Judicial Branch Legislative Agenda   |                    |
| 2. Other Bills of Interest  |                    |
| D. Session Strategies and Coverage  |                    |
| VII. Report from Designee to Florida Clerks of Court Operations Corporation                                     | 11:45 a.m.-12 p.m. |
| VIII. Judicial Branch 2016-2021 Long-Range Strategic Plan   | 12-12:10 p.m.      |
| IX. Other Business  | 12:10-12:30 p.m.   |
| Adjourn   |                    |

# Agenda Item I. Approval of Meeting Minutes

**DRAFT**

**Trial Court Budget Commission  
Meeting Minutes  
July 10, 2015  
Orlando, Florida**



**Attendance – Members Present**

The Honorable Mark Mahon, Chair  
The Honorable Robert Roundtree, Vice Chair  
The Honorable Catherine Brunson  
The Honorable Jeffrey Colbath  
The Honorable Ronald Ficarrotta  
Mr. Tom Genung  
The Honorable Frederick Lauten  
The Honorable Diana Moreland  
The Honorable Debra Nelson  
The Honorable Gregory Parker  
Ms. Kathy Pugh

The Honorable Anthony Rondolino  
Mr. Grant Slayden  
The Honorable Elijah Smiley  
The Honorable Bertila Soto  
The Honorable John Stargel  
The Honorable Margaret Steinbeck  
The Honorable Patricia Thomas  
Mr. Mark Weinberg  
Ms. Robin Wright

**Attendance – Members Absent**

The Honorable Robert Hilliard  
Ms. Sandra Lonergan

The Honorable Wayne Miller  
Mr. Walt Smith

**Special Note:** It is recommended that these minutes be used in conjunction with the meeting materials.

Chair Mahon called the Trial Court Budget Commission (TCBC) meeting to order at 8:30 a.m. The roll was taken with a quorum present.

**Agenda Item I: Approval of March 31, April 13, and June 26, 2015, Meeting Minutes**

Judge Mahon presented the draft meeting minutes from the March 31, April 13, and June 26, 2015, TCBC meetings and asked if there were any changes necessary before approval. Tom Genung moved to approve the minutes as drafted. Judge Nelson seconded and the motion passed without objection.

## **Agenda Item II: FY 2014-15 Year-End Wrap-Up**

### **A. Salary Budgets**

Dorothy Willard provided an overview of the trial court salary budgets for FY 2014-15 as of June 30, 2015, noting the year-end financial closing was not complete, which may revise the final fiscal year reports. The salary liability for the trial courts General Revenue (GR)/State Court Revenue Trust Fund was \$4.6 million under the salary appropriation. Of the \$203,467,076 GR salary appropriation, only \$18,069 will revert back to GR.

Ms. Willard reported the Administrative Trust Fund's salary liability was under by \$79,537 and the Federal Grants Trust Fund's liability was under the appropriation by \$80,429.

### **B. Personnel Actions**

Beatriz Caballero provided an overview of the status of reclassifications and other personnel actions, by circuit, as of June 30, 2015. Forty reclass requests totaling \$245,514 have been approved.

### **C. Positions Vacant More than 180 Days**

Beatriz Caballero provided a brief overview of the positions vacant for more than 180 days as of June 30, 2015.

### **D. Operating Budgets**

Dorothy Willard provided an overview of the operating budgets for FY 2014-15 as of June 30, 2015. She noted a review will likely happen in the Lease/Lease Purchase category and she will work with the trial courts administrators to determine if funds will need to be realigned during the next legislative budget request cycle. Ms. Willard also noted that an updated report of expenditures and report of reversions will be provided after the certified forward process, which closes September 30, 2015.

### **E. Trust Fund Cash Balances**

#### **1. State Courts Revenue Trust Fund (SCRTF)**

Dorothy Willard provided an overview of the SCRTF cash balance through June 30, 2015, for FY 2014-15. She noted the actual revenues received were below the Revenue Estimating Conference projection, the loan received in March, and the repayment of the loan in June. After taking action to help preserve the cash balance, the SCRTF ended with a \$2.1 million cash balance; however, the estimated 8% general revenue service charge due in July 2015 is expected to be approximately \$1.6 million.

Kris Slayden provided an overview of the Office of the State Courts Administrator's projected cash balance for FY 2014-15 and FY 2015-16 in the SCRTF. In FY 2014-15, the Legislature provided funding through back-of-the-bill appropriations for FY 2014-15 to repay the loan that was received to address the SCRTF shortfall. The estimated ending cash balance on June 30, 2015, was \$2.1 million.

The FY 2015-16 General Appropriations Act provided for an \$18.5 million fund shift from SCRTF to GR to address the projected deficit. The estimated ending cash balance, assuming the revenues come in as projected, for June 30, 2016 will be \$2.3 million.

**2. Administrative Trust Fund**

Dorothy Willard provided an overview of the trust fund cash balance through June 30, 2015 for FY 2014-15. She noted that the due process cost recovery funds collected by the circuits are deposited in this fund. The estimated ending cash carry forward to FY 2015-16 was \$1,655,997.

**F. Conflict Counsel Cases Over Flat Fee**

Kris Slayden provided an overview of the fiscal year-end expenditures for conflict counsel payments over the flat fee. Although the courts are no longer responsible for payment of these expenditures, staff continue to monitor and send reports to the chief judges.

**G. Foreclosure Backlog Reduction Initiative**

Lindsay Hafford provided an overview of the fiscal year end expenditures for the foreclosure backlog reduction initiative. Almost 90% of the funds were expended and will have final data after the certified forward process closing on September 30, 2015.

**Agenda Item III: FY 2015-16 Budget Outlook**

**A. General Appropriations Act Summary/Outcomes**

Dorothy Willard reviewed a summary of the FY 2015-16 conference report and proviso. Ms. Willard highlighted those issues specific to the trial courts, specifically, proviso directing the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct a review of circuit-level organizational and operational list assessments by December 1, 2015. Judge Mahon stated that the circuits should welcome the OPPAGA review, which he feels will show the courts are efficient and use their resources wisely.

**B. General Revenue and Trust Fund Projections**

Lindsay Hafford reported on this agenda item stating that the Revenue Estimating Conference for the General Revenue Fund last met on March 10, 2015, and are expected to meet on July 13, 2015, and revise monthly estimates.

The Article V Revenue Estimating Conference last met on February 17, 2015, and expected to meet on July 20, 2015, to review and revise revenue estimates.

**C. Salary Budget and Payroll Projections**

Dorothy Willard provided an overview of the start-up trial court salary budgets for FY 2015-16. The payroll liability for General Revenue and State Courts Revenue Trust Fund is estimated to be \$2.8 million over appropriation. Historically, the trial courts start each year in a deficit and throughout the year, lapse and other personnel actions have covered the deficit. The Executive Committee made a recommendation to re-distribute the 600,000 chief judge discretionary funds for retention and recruitment issues to the circuits based on a pro-rata FTE basis. Judge Stargel motioned to approve the Executive Committee recommendation. Tom Genung seconded, and the motion passed without objection.

The Administrative Trust Fund liability was estimated to be under appropriation. The Federal Grants Trust Fund liability is projected to be over appropriation; however, is expected to be made up with lapse.

**D. Recommendations for FY 2015-16 Budget and Pay Administration Memorandum**

Dorothy Willard provided an overview of the changes in the memorandum for TCBC review and approval. In addition to the technical adjustments, Ms. Willard noted the following revisions: section 3-recommendation to strike language holding vacant positions open; section 5-add process to consider overlap of certain positions; and section 7-clarifying language for personnel exception requests.

Ms. Willard reviewed the proposed revised Procedures for Addressing Deficits in Due Process Services Appropriation Category (Attachment V). Current procedure requires a circuit to identify any unobligated funds from the due process services category within the due process elements of expert witness, court reporting, and court reporting. The revised procedures add cost recovery to the list of due process elements.

Judge Smiley motioned to approve: the revised memorandum, revised Procedures for Addressing Deficits in Due Process Services Appropriation Category, and submission to the chief justice. Judge Stargel seconded and the motion passed without objection.

## **Agenda Item IV: FY 2015-16 Circuit Allotments**

### **A. Previously Addressed Allotment Actions**

Kris Slayden reported on this agenda item and stated that due to the timing of Special Session 2015, the regular TCBC June allocation meeting had to be cancelled and rescheduled for July 10, 2015. The TCBC planned to address a limited number of statewide allotments issues by conference call on June 7, 2015; however, that meeting had to be cancelled due to meetings by legislators negotiating the fiscal year 2015-16 budget. Allotment issues that were time sensitive in nature and unable to wait for the July meeting were addressed via conference call by the Executive Committee on June 7, 2015, per the TCBC operational procedures. The following three issues were addressed by the Executive Committee:

#### **1. Statewide Allotments – Court Workload Study**

On June 20, 2014, the TCBC approved and allocated \$186,000 in FY 2014-15 and \$184,000 in FY 2015-16 from the trial court expense reserve to fund a thorough review of the judicial workload model and case weights, which included a time study. On June 7, 2015, the TCBC Executive Committee approved the following:

**Issue 1** - As a result of changes in the study's timeline, most of the project and associated costs will occur in FY 2015-16, leaving a majority of the FY 2014-15 funds unspent; therefore, an additional \$151,055 in non-recurring funds is needed in FY 2015-16 for the Judicial Workload Study.

Judge Lauten motioned to endorse the Executive Committee approval. Judge Nelson seconded, and the motion passed without objection.

**Issue 2** - The Supreme Court authorized the Office of the State Courts Administrator to add an addendum to the contract with the National Center for State Courts (NCSC) to conduct a supplemental resource study, hold focus group meetings, conduct analyses, and create a final report. The projected NCSC contractual amount is \$73,842 and meeting and logistical estimates are \$5,000, for a total of approximately \$78,842 in non-recurring funds to be expended in FY 2015-16.

Judge Lauten made a motion to endorse the Executive Committee approval. Judge Brunson seconded, and the motion passed without objection.

**2. Statewide Allotments – Integrated Case Management System Funding Request (Eighth, Tenth, Fourteenth, and Eighteenth Judicial Circuits)**

The Eighth, Tenth, Fourteenth, and Eighteenth Judicial Circuits requested a total of \$216,440 in recurring funds for the Eighth Judicial Circuit for ongoing programming and support of Integrated Case Management System (ICMS). The Executive Committee approved the request as a non-recurring allocation.

Grant Slayden made a motion to endorse the Executive Committee approval. Judge Parker seconded, and the motion passed without objection.

**3. Statewide Allotments – OpenCourt**

The Due Process Technology Workgroup recommended for inclusion in the FY 2015-16 LBR, the continued funding of OpenCourt on a recurring basis. This funding request was not approved by the Legislature and as a result, a request for \$175,000 in recurring funds was submitted to the TCBC for consideration. The Executive Committee approved the request as a non-recurring allocation.

Grant Slayden made a motion to endorse the Executive Committee approval. Tom Genung seconded, and the motion passed without objection.

**B. Child Support Enforcement Hearing Officers and General Magistrates**

Lindsay Hafford reported on this agenda item and reviewed the procedures for determining need to reallocate resources.

**1. Child Support Enforcement Hearing Officers**

There were no resources in reserve and available for allocation. The Funding Methodology Committee (FMC) voted to direct staff to monitor vacancies and reallocate positions in accordance with the maximum sustained need.

Tom Genung made a motion to approve the recommendation. Judge Brunson seconded, and the motion passed without objection.

**2. General Magistrates**

There were no resources in reserve and available for allocation. The FMC voted to direct staff to monitor vacancies and reallocate positions in accordance with the maximum sustained need.

Judge Stargel made a motion to approve the recommendation. Tom Genung seconded, and the motion passed without objection.

**C. Maintain Existing Allotments: Court Administration, Law Clerks, and Operating Budgets**

Lindsay Hafford reported on this agenda item and stated that unless new resources are appropriated or budget reductions required, FTEs and operating budgets are typically not adjusted. The proposed FY 2015-16 allotments were based on FY 2014-15 beginning allotments, adjusted for permanent budget amendments, actions approved by the TCBC, approved personnel actions, non-recurring items, and the new case management FTEs funded and the allocation approved by the TCBC on June 26, 2015.

Judge Brunson made a motion to approve the allocations as presented. Judge Lauten seconded, and the motion passed without objection.

**D. Revise Non-Due Process Allotments: Senior Judge Days, Civil Traffic Infraction Hearing Officers, Additional Compensation to County Judges, and Mediation**

Kris Slayden reported on this agenda item and stated that each year the FMC and the TCBC review contractual allotments for any new allocations and to consider reallocations due to changes in expenditure trends and variability caused by other factors. Each circuit was provided the proposed FY 2015-16 allotments for Civil Traffic Infraction Hearing Officers, Additional Compensation to County Judges, and Mediation for review and opportunity to provide input.

**1. Senior Judge Days**

**Issue 1 – Regular Senior Judge Day Appropriations**

The FMC and the Executive Committee recommended allotments using the official methodology, based on a rate of \$355.08 per day, holding 50 days in reserve, and using a proportional distribution based on circuit judicial need as calculated during the most recent certification process and actual county judges.

**Issue 2 – \$120,000 Special Senior Judge Day Appropriation**

The Legislature appropriated an additional \$120,000 in recurring funds, which will fund approximately 337 additional senior judge days, to be used to increase efficiency. The FMC recommended placing the 337 days in reserve to be accessed on a first-come, first-serve basis. The Executive Committee recommended pro-rating out the 337 days funded by the Legislature to place the resources where they can be used.

**Issue 3 – Reverted FY 2014-15 Regular Senior Judge Day Re-appropriation**

The Legislature re-appropriated unobligated FY 2014-15 senior judge funds and unexpended funds for the compensation of retired judges in the FY 2015-16 budget, on a non-recurring basis, to continue the work to resolve the foreclosure backlog. The FMC recommended allocating the 1,700 re-appropriated senior

days based on each circuit's percent of total pending foreclosure cases, and placing any unexpended days beyond the current 1,700 in the statewide reserve. In addition, the Executive Committee recommended a review of the resources midyear, to ensure the additional resources are placed appropriately for use.

Judge Smiley made a motion to approve as recommended by the Executive Committee and to conduct a midyear review. Judge Nelson seconded, and the motion passed without objection.

**2. Civil Traffic Infraction Hearing Officers**

The FMC recommended approval of Option 3: allotments based on applying the percent of total average contractual expenditures to the total allotment using the three-year average expenditures for each circuit and including circuit requests.

Tom Genung made a motion to approve the FMC recommendation. Judge Parker seconded, and the motion passed without objection.

**3. Additional Compensation to County Court Judges**

The FMC recommended approval of Option 1: allotments based on using the current methodology, which distributes the \$75,000 appropriation (less \$100 in reserve) based on each circuit's percent of the total statewide expenditures using three years of historical expenditure data.

Judge Brunson made a motion to approve the FMC recommendation. Judge Thomas seconded, and the motion passed without objection.

**4. Mediation**

The FMC recommended approval of Option 2: allotments based on using the current methodology, circuit requests, and holding those circuits above their funding ceiling partially harmless by: 1) reducing the 6<sup>th</sup> and 13<sup>th</sup> Circuits' contractual authority by one half the amount in which they exceed their funding ceiling; and 2) providing \$38,439 in contractual funds to the 16<sup>th</sup> Circuit. This amount, in addition to the amount for salaries, benefits, and expenses, will bring the 16<sup>th</sup> Circuit's FY 2015-16 estimated budget to the funding floor (\$208,645). A 5% cushion was applied to each circuit as long as it did not cause the circuit to exceed its funding ceiling and place the remaining funds (\$338,578) in the statewide reserve.

Judge Stargel made a motion to approve the FMC recommendation. Tom Genung seconded, and the motion passed without objection.

## **E. Revise Due Process Contractual Allotments**

### **1. Due Process Management and Strategy Issues**

Kris Slayden reported on this agenda item stating that during FY 2014-15, multiple circuits with due process deficits, due to increased expenditures, sought access the due process reserve to cover expenditures through year-end. As a result, the due process reserve was depleted and the TCBC activated steps to replenish the reserve through a transfer of unobligated funds from the circuits. The chairs of the TCBC and Trial Court Performance and Accountability Commission have created a joint workgroup to perform a study on due process standards, practices, expenditures, funding, and allocation of resources, to identify any possible issues.

In the interim of the workgroup recommendations, the FMC recommended Option 1: to distribute 75% of circuit allotments at the beginning of the fiscal year and the remaining 25% at the beginning of the last quarter, on April 1, based on expenditures-to-date and assessed need. A plan for disbursing the remaining 25% and addressing deficits in advance of the April 1 distribution would need to be developed. The Executive Committee directed the Budget Management Committee to develop a plan to implement the decision.

Judge Smiley made a motion to approve the FMC recommendation and Executive Committee direction for the Budget Management Committee to develop a plan to implement the decision. Judge Lauten seconded, and the motion passed without objection.

### **2. Court Interpreting, Expert Witnesses, Court Reporting, and Cost Recovery**

Kris Slayden reported on this agenda item and provided the following:

- a. Remote Interpreting** – The Due Process Technology Workgroup determined that recurring funds in the amounts of \$15,526 for statewide network bandwidth and \$12,314 for pilot equipment ongoing maintenance and support are necessary to maintain the pilot. The FMC recommended approval of the request.

Judge Stargel made a motion to approve the FMC recommendation. Tom Genung seconded, and the motion passed without objection.

- b. Court Interpreting** – The Legislature appropriated an additional \$750,000 in due process contractual funding to support court interpreting resources as part of the FY 2015-16 budget. The FMC recommended

Option 1: to place the additional funds in the statewide reserve to be accessed as needed, due to the uncertainty of circuit-specific need for additional funding as a result of the new certification requirements.

Judge Brunson made a motion to approve the FMC recommendation. Kathy Pugh seconded, and the motion passed without objection.

- c. **Circuit Allotments** – As indicated in the prior agenda item for Due Process Management and Strategy Issues, the TCBC approved to distribute 75% of circuit allotments at the beginning of the fiscal year and the remaining 25% at the beginning of the last quarter, on April 1. Ms. Slayden reviewed the proposed allocation charts for the Court Interpreting, Expert Witness, and Court Reporting elements.
- d. **Cost Recovery** – Elizabeth Garber reported on this agenda item stating that each year, the FMC and the TCBC review the due process cost recovery contractual allotment for reallocation, due to changes in revenue collections or expenditure trends and variability caused by other factors involved within each methodology. The cost recovery allotments represent budget authority only. Spending is allowed based on the availability of cash carried forward from the prior fiscal year and revenue collected in the current fiscal year (cumulative revenue), up to the amount of the budget authority allotment.

The FMC recommended Option 1: allot the due process cost recovery based on each circuit's prorated share of the FY 2015-16 projected revenue. The allotments for the 2<sup>nd</sup>, 5<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup>, 13<sup>th</sup>, 16<sup>th</sup>, and 17<sup>th</sup> Judicial Circuits were capped at the amount of FY 2015-16 Cumulative projected revenue.

Tom Genung made a motion to approve the FMC recommendations for due process contractual allotments (circuit allotments and cost recovery) as presented for all elements. Judge Parker seconded, and the motion passed without objection.

#### **F. Statewide Allotments**

Dorothy Willard provided an overview of the statewide allotments and noted the changes from prior year, and that the senior judges will be adjusted based on the TCBC decision made during this meeting. Judge Brunson made a motion to approve the statewide allotments. Tom Genung seconded, and the motion passed without objection.

## **G. Allotments for Special Appropriations**

Eric Maclure provided an overview of special appropriations authorized by the Legislature.

### **1. Domestic Violence Active Global Positioning Satellite (GPS) Technology**

\$316,000 (recurring) for the 18<sup>th</sup> Circuit to continue its program to protect victims of domestic violence with Active Global Positioning Satellite technology.

### **2. Post-Adjudicatory Expansion Drug Courts**

\$5,000,000 (recurring) in continuation funding for treatment services in the 1<sup>st</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup>, 13<sup>th</sup>, and 17<sup>th</sup> circuits. For FY 2015-16, the 14 OPS circuit court case managers were converted to full-time equivalent (FTE) status by transferring OPS funds into the Salary and Benefits category and utilizing existing unfunded FTE in the trial courts.

Tom Genung made a motion to approve the allocations. Judge Brunson seconded, and the motion passed without objection.

### **3. Veterans' Courts**

\$1,425,000 (recurring) in new and continuation funding for veterans' treatment intervention programs in Okaloosa, Escambia, Leon, Clay, Duval, Paso, Pinellas, Alachua, and Orange counties.

### **4. Education and Training on Co-Occurring Disorders**

The courts requested \$100,000 in non-recurring funding for training and education of judges and staff on how to address co-occurring disorders in the criminal justice system. The Legislature did not fund this request; however, proviso language was included in the FY 2015-16 General Appropriations Act that specifies that \$100,000 from funds in the specific appropriation 3164 (Circuit Court Expense category) is provided for this purpose.

Judge Lauten made a motion to recommend adding language to the FY 2015-16 Budget and Pay Administration Memorandum permitting circuits to attend the Partners in Crisis Annual Conference or similar trainings. Judge Steinbeck seconded, and the motion passed without objection.

### **5. Criminal Mental Health Treatment Services**

\$250,000 (nonrecurring) for the 11<sup>th</sup> Circuit's Criminal Mental Health Project to contract with the South Florida Behavioral Health Network to provide treatment services for individuals served by the project.

## **Agenda Item V: FY 2016-17 Legislative Budget Request (LBR)**

### **A. LBR Timeline**

Dorothy Willard provided an overview of the FY 2016-17 legislative budget request timeline, noting the early submission on September 15, 2015.

### **B. Priorities/Strategies – Approved for Estimation and Consideration**

Eric Maclure reported on this agenda item stating that due to the timing of Special Session 2015, the regular Trial Court Budget Commission (TCBC) June allocation meeting had to be cancelled. Issues that were time sensitive in nature and unable to wait for the July meeting were addressed via conference call by the Executive Committee on June 7, 2015, per the TCBC operational procedures.

The Executive Committee approved the following priorities and strategies for estimation and consideration in the FY 2016-17 LBR: Employee Equity and Retention Pay; Trial Court Technology Strategic Plan; Case Management Resources; Court Interpreting Resources; Trial Court General Counsel Support; Law Clerks to Support Death Penalty Legislation; Senior Judges; Courthouse Furnishings for Nonpublic Areas; and Problem Solving Courts Education and Training.

Judge Lauten made a motion to endorse the priorities approved by the Executive Committee for estimation and consideration in the FY 2016-17 LBR. Tom Genung seconded, and the motion passed without objection.

The following were the approved issues for estimation:

#### **1. Employee Pay Issue**

Eric Maclure reviewed the issue request for \$5,902,588 in second-year implementation funding for court staff salary equity, recruitment, and retention issues. The request also authorizes staff to make adjustments in the amount, as necessary, based on any updated or revised analysis.

#### **2. Trial Court Technology Funding**

Kris Slayden reviewed the issue request for \$25,420,467 to fund the first year of a multi-year comprehensive strategy for addressing statewide technology needs of the trial courts and out-year estimated costs. The request also authorizes staff to make minor revisions to the cost estimates as the issue is finalized for presentation to the Supreme Court. The FMC recommended filing the issue.

**3. Court Interpreting Resources**

Lindsay Hafford reviewed the issue request for \$483,292 in recurring funds, which represents the difference of the requested FY 2015-16 LBR issue and the amount the Legislature funded, to comply with the requirements of Supreme Court Opinion SC13-304 amending the rules for certification and regulation of court interpreters. The FMC recommended filing the issue.

**4. Case Management Resources**

Kris Slayden reviewed the issue request for \$3,212,634 in recurring funds for an additional 52.5 FTE case managers based on the official needs assessment funding methodology to assist in the processing and management of cases through the judicial system, and to provide an adequate level of services throughout the state. The FMC recommended filing the issue.

**5. Law Clerks to Support Death Penalty Legislation**

Lindsay Hafford reviewed the issue request for \$2,095,064 in recurring funds for 28.5 FTE law clerk positions to assist trial court judges in processing the often complex and legally significant matters related to a sentence of death and to comply with the Supreme Court Administrative Order AOSC11-32 directing the chief judge of each circuit to review and supervise the preparation of quarterly reports to the Supreme Court on post-conviction matters. The FMC recommended filing the issue.

**6. Compensation to Retired Judges**

Lindsay Hafford reviewed the issue request for \$1,002,192 in recurring funds to adjust the senior judge daily rate of compensation from \$350 to \$500 to bring senior judge compensation in line with the statewide average compensation of civil traffic infraction hearing officers. The FMC did not recommend filing the issue.

**7. Senior Management Service Coverage**

Eric Maclure reported that the Executive Committee referred this issue to the Personnel Committee for further review and no action will be taken this LBR cycle.

**8. Courthouse Furnishings**

Dorothy Willard reviewed the issue request for \$203,395 in non-recurring funds for courthouse furnishing requests related to new courthouse construction or renovations in the 11<sup>th</sup> and 14<sup>th</sup> Judicial Circuits. The 2<sup>nd</sup> and 18<sup>th</sup> Judicial Circuits withdrew their requests. The Executive Committee recommended to not file an LBR issue due to the size of funding compared to end of year reversions.

(OSCA Note: The TCBC did not vote on these issues individually. However, in agenda item V.D., the TCBC ranked the issues in order of prior and only advanced issues numbered 1-4.)

### **C. Additional Requests/Priorities**

#### **1. Florida Conference of Circuit Judges' Recommendations**

Eric Maclure reviewed the Florida Conference of Circuit Judges' 2016 recommended legislative priorities.

#### **2. Education and Training on Co-Occurring Disorders**

Eric Maclure reviewed the issue request for \$150,000 submitted by Miami-Dade County Judge Steven Leifman in his capacity as chair of the Task Force on Substance Abuse and Mental Health Issues in the Court. The judicial branch requested \$100,000 in nonrecurring funds as part of its FY 2015-16 trial court LBR to provide statewide training and education for judges and court staff responsible for managing cases involving individuals with mental illnesses and substance use disorder. The Legislature did not provide new funding for this issue. However, the FY 2015-16 General Appropriations Act proviso specifies that \$100,000 from funds in the Specific Appropriation 3164 (Circuit Court Expenses category) is provided for this purpose. The Executive Committee recommended to not file an LBR for this issue.

### **D. Priority Ranking of LBR Issues**

Chapter 216, Florida Statutes requires all state entities to list their LBR issues by order of priority. The members discussed the priority ranking and offered the following:

Judge Steinbeck made a motion to approve the employee pay issue as the number one priority. Judge Nelson seconded, and the motion passed without objection.

Grant Slayden made a motion to approve the trial court technology issue as the number two priority. Judge Nelson seconded, and the motion passed without objection.

Mark Weinberg made a motion to approve the court interpreting resources issue and case management resources issue as the number three and four priorities, respectively. Tom Genung seconded. Judge Steinbeck offered an amended motion to approve the case management resources issue as the number three priority and the court interpreting resources issue as the number four priority, noting that the court interpreting resources issue was requested last year and mostly funded. Judge Nelson seconded, and the motion passed without objection.

Judge Thomas made a motion to advance the top four issues for submission as part of the FY 2016-17 LBR, enabling the trial courts to focus on the top priorities. Judge Steinbeck seconded, and the motion passed, with an objection from Judge Brunson.

**Agenda Item VI: Report from Chief Justice Designee to the Clerks of Court  
Operations Corporation Executive Council**

Judge Ficarrota reported attendance at the Clerks of Court Operations Corporation Executive Committee meetings.

**Adjournment**

With no other business before the commission, Chair Mahon adjourned the meeting at 12:32 p.m.

DRAFT

**DRAFT**

**Trial Court Budget Commission  
Meeting Minutes  
September 8, 2015  
Telephone Conference**



**Attendance – Members Present**

The Honorable Mark Mahon, Chair	The Honorable Debra Nelson
The Honorable Robert Roundtree, Vice Chair	Ms. Kathy Pugh
The Honorable Catherine Brunson	The Honorable Anthony Rondolino
The Honorable Jeffrey Colbath	The Honorable Margaret Steinbeck
The Honorable Ronald Ficarrotta	Mr. Grant Slayden
Mr. Tom Genung	The Honorable Elijah Smiley
The Honorable Frederick Lauten	The Honorable Bertila Soto
Ms. Sandra Lonergan	The Honorable John Stargel
The Honorable Wayne Miller	Mr. Mark Weinberg
The Honorable Diana Moreland	Ms. Robin Wright

**Attendance – Members Absent**

The Honorable Gregory Parker	Mr. Walt Smith
The Honorable Robert Hilliard	The Honorable Patricia Thomas

**Special Note:** It is recommended that these minutes be used in conjunction with the meeting materials.

Judge Mahon welcomed members and called the Trial Court Budget Commission (TCBC) meeting to order at 12:30 p.m.

**Agenda Item I: Reallocation of Unexpended Fiscal Year 2014-15 Regular Senior Judge Days**

Jessie Emrich reported on this agenda item stating that the Legislature appropriated an additional \$120,000 in funding and re-appropriated any unexpended funds from the FY 2014-15 senior judge appropriation as part of the trial courts' FY 2015-16 budget. At the time of the July 10, 2015, TCBC meeting, the anticipated number of FY 2014-15 regular senior judge days to be re-appropriated was estimated to be 1,700 days and the TCBC approved the allocation at that time.

Due to an unexpected high level of June expenditures submitted over the last months of the fiscal year, the actual number of re-appropriated days available for FY 2015-16 was lower (1,394 days) than what was estimated. Circuit allotments for the additional 337 days plus the actual number of re-appropriated FY 2014-15 days (1,394 days) needed to be determined. The proposed re-allocation does not impact the circuits' allotments of the 6,249 regular FY 2015-16 days.

Walt Smith made a motion to approve Option 1, to approve circuit allotments based on each circuit's percent of total pending foreclosure cases. Judge Miller seconded and the motion passed without objection.

### **Agenda Item II: Update on Fiscal Year 2016-17 Legislative Budget Request**

Eric Maclure provided an overview of the FY 2016-17 Legislative Budget Request (LBR) for the trial courts and also stated the LBR will be submitted one month earlier, on September 15, 2015, due to the early start of the 2016 Legislative Session in January.

### **Adjournment**

With no other business before the commission, the meeting adjourned at 12:45 p.m.

# Agenda Item II.A. FY 2015-16 Budget Status – Salary Budgets

## Item II.A.: Salary Budgets

**FY 2015-16 Trial Courts Salary Budget**  
**General Revenue and State Courts Revenue Trust Fund**  
**DECEMBER 2015**

<b>CIRCUIT</b>	1	Projected Full Employment Payroll Liability through June 30, 2016	272,366,470
	2	Projected DROP Liability through June 30, 2016	183,073
	3	Projected Law Clerk Below Minimum Pay Plan Liability through June 30, 2016	10,530
	4	Projected Law Clerk Incentives Pay Plan Liability through June 30, 2016	10,156
	5	Law Clerk Payroll Liability FY 16-17 through FY 20-21	899,837
	6	Court Interpreter Certification Liability	144,992
	7	Remaining Chief Judge Discretionary Funds for Retention/Equity/Recruitment Issues	488,736
	8	<b>Total Projected Payroll Liability through June 30, 2016</b>	<b>274,103,794</b>
	9	Salary Appropriation	(271,517,217)
	10	Projected Liability OVER/(UNDER) Salary Appropriation @ Full Employment	2,586,577
	11	Actual Payroll Adjustments through December 31, 2015	(1,986,717)
	12	Adjusted Liability OVER/(UNDER) Salary Appropriation @ Full Employment	599,860
	13	Estimated Leave Payouts	458,744
	14	<b>Final - Adjusted Liability OVER/(UNDER) Salary Appropriation @ Full Employment</b>	<b>1,058,604</b>
<b>COUNTY</b>	15	Projected Full Employment Payroll Liability through June 30, 2016	84,164,573
	16	Projected DROP Liability through June 30, 2016	30,904
	17	Salary Appropriation	(84,244,216)
	18	Projected Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(48,739)
	19	Actual Payroll Adjustments through December 31, 2015	(325,102)
	20	Projected Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(373,841)
	21	Estimated Leave Payouts	43,684
	22	<b>Final - Adjusted Liability OVER/(UNDER) Salary Appropriation @ Full Employment</b>	<b>(330,157)</b>
<b>Trial Court Summary</b>	23	Projected Full Employment Payroll Liability through June 30, 2016	356,531,043
	24	Projected DROP Liability through June 30, 2016	213,976
	25	Projected Law Clerk Below Minimum Pay Plan Liability through June 30, 2016	10,530
	26	Projected Law Clerk Incentives Pay Plan Liability through June 30, 2016	10,156
	27	Law Clerk Payroll Liability FY 16-17 through FY 20-21	899,837
	28	Court Interpreter Certification Liability	144,992
	29	Remaining Chief Judge Discretionary Funds for Retention/Equity/Recruitment Issues	488,736
	30	<b>Total Projected Payroll Liability through June 30, 2016</b>	<b>358,299,271</b>
	31	Salary Appropriation	(355,761,433)
	32	Projected Liability OVER/(UNDER) Salary Appropriation @ Full Employment	2,537,838
	33	Actual Payroll Adjustments through December 31, 2015	(2,311,819)
	34	Projected Liability OVER/(UNDER) Salary Appropriation @ Full Employment	226,019
35	Estimated Leave Payouts	502,428	
36	<b>Final - Adjusted Liability OVER/(UNDER) Salary Appropriation @ Full Employment</b>	<b>728,447</b>	

**Agenda Item II.A.: Salary Budgets**

**FY 2015-16 Trial Courts Salary Budget  
Administrative Trust Fund  
DECEMBER 2015**

<b>1</b>	Projected Full Employment Payroll Liability through June 30, 2016	174,547
<b>2</b>	Salary Appropriation	(194,380)
<b>3</b>	Projected Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(19,833)
<b>4</b>	Actual Payroll Adjustments through December 31, 2015	824
<b>5</b>	<b>Adjusted Liability OVER/(UNDER) Salary Appropriation @ Full Employment</b>	<b>(19,009)</b>
<b>6</b>	Estimated Leave Payouts	0
<b>7</b>	<b>Adjusted Liability OVER/(UNDER) Salary Appropriation @ Full Employment</b>	<b>(19,009)</b>

**FY 2015-16 Trial Courts Salary Budget  
Federal Grants Trust Fund  
December 2015**

<b>1</b>	Projected Full Employment Payroll Liability through June 30, 2016	5,884,164
<b>2</b>	Salary Appropriation	(6,077,194)
<b>3</b>	Projected Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(193,030)
<b>4</b>	Actual Payroll Adjustments through December 31, 2015	(7,944)
<b>5</b>	<b>Adjusted Liability OVER/(UNDER) Salary Appropriation @ Full Employment</b>	<b>(200,974)</b>
<b>6</b>	Estimated Leave Payouts	25,758
<b>7</b>	<b>Adjusted Liability OVER/(UNDER) Salary Appropriation @ Full Employment</b>	<b>(175,216)</b>

# Agenda Item II.B. FY 2015-16 Budget Status – Personnel Actions

**Agenda Item II.B.: Trial Court FY 2015-16  
Reclassifications and Other Personnel Actions  
as of December 18, 2015**

Circuit	Number of Reclasses Requested	Dollar Amount of Requests	Status of Requests as of December 18, 2015		Dollar Amount of Pending Reclass Requests
1	1*	(8,358)	1 approved	(8,358)	
2	1	17,731	1 approved	17,731	
3	1	(6,502)	1 pending classification analysis		(6,502)
4	2 (1 from FY 14/15)	9,428	2 approved	9,428	
5					
6	8	21,188	8 approved	21,188	
7					
8					
9	2 (from FY 14/15)	8,372	2 approved	8,372	
10	1	10,715	1 approved	10,715	
11	4 (1*)	16,014	4 approved	16,014	
12	1	4,312	1 approved	4,312	
13	4	23,695	4 approved	23,695	
14					
15	2	13,885	2 approved	13,885	
16					
17	1	11,035	1 approved	11,035	
18					
19	1	2,873	1 approved	2,873	
20					
<b>Total</b>	<b>29</b>	<b>124,388</b>		<b>130,890</b>	<b>(6,502)</b>
<b>Total Approved and Pending</b>				<b>124,388</b>	

Other Personnel Actions: \$3,613 for 1 Lead Worker in the 2nd (approved); \$3,172 for 1 Lead Worker in the 9th (approved); \$19,217 for 5 Lead Workers in the 11th (5 pending classification analysis); and \$1,946 for 1 Lead Worker in the 19th (approved). \$2,324 for 3 Demotion Retain Salary in the 4th; \$773 for 1 Demotion Retain Salary in the 6th; \$7,545 for 3 Demotion Retain Salary (1 partial) in the 11th; and \$668 for 2 Demotion Retain Salary in the 15th. \*The 1st Circuit requested a reclassification (downgrade of a Administrative Services Manager - pay grade 286 - \$61,291.72, to a Human Resource Manager - pay grade 272 - \$54,017.84, which resulted in a gain/save of \$8,358 in dollars); and the 11th Circuit requested a reclassification (downgrade of a Director of Administrative Services - pay grade 361 - \$80,437.00, to a Budget Services Manager - pay grade 322 - \$71,371.00, which resulted in a gain/save of \$10,418).

Agenda Item II.C. FY 2015-16 Budget  
Status – Positions Vacant More than 180  
Days

**Agenda Item II.C.: Vacancies over 180 days as of 12/18/15**

Circuit	Cost Center	Cost Center Name	Position #	Class Title	FTE	# of Days Vacant	Date Position Vacant	Base Rate
11th Circuit	122	Case Management	010295	COURT OPERATIONS MANAGER <sup>1</sup>	1.00	211	05/21/2015	\$53,028.84
11th Circuit	210	Court Administration	010304	BUDGET SERVICES MANAGER <sup>2</sup>	1.00	192	06/09/2015	\$71,371.00
11th Circuit	131	Court Interpreting Services	010365	COURT INTERPRETER <sup>3</sup>	0.50	382	12/01/2014	\$18,878.10
11th Circuit	129	Court Reporting Services	010389	DIGITAL COURT REPORTER <sup>4</sup>	1.00	190	06/11/2015	\$31,664.64
17th Circuit	210	Court Administration	009461	TRIAL COURT TECHNOLOGY OFFICER <sup>5</sup>	1.00	466	09/08/2014	\$90,250.08
17th Circuit	129	Court Reporting Services	010716	COURT OPERATIONS MANAGER <sup>6</sup>	1.00	300	02/21/2015	\$53,028.84
19th Circuit	131	Court Interpreting Services	011441	COURT INTERPRETER <sup>7</sup>	1.00	351	01/01/2015	\$37,756.20

<sup>1</sup>The 11th Circuit is currently advertising this position, which closes 12/28/2015.

<sup>2</sup>The 11th Circuit has selected a candidate for this position to start in January 2016.

<sup>3</sup>The 11th Circuit is advertising on an ongoing basis on their local website, the Florida Court's website and with the local colleges and universities that offer the Interpreting training programs. The position continue to be a challenge to fill.

<sup>4</sup>The 11th Circuit is in the process of revisiting the use of these positions to better meet the needs of the courts.

<sup>5</sup>The 17th Circuit is reviewing new applications and plans to have the position filled in early 2016.

<sup>6</sup>The 17th Circuit is meeting with the top candidate next week and plans to fill the position in early January.

<sup>7</sup>The 19<sup>th</sup> Circuit reports that it has advertised once, and re-advertised three times. It is very difficult to hire a court interpreter with an official designation due to the salary rate, and resultant restrictions. In addition, the circuit reports that it does not have a substantial pool of officially designated court interpreters from which to choose in their circuit. The salary rate is not sufficient to attract officially designated court interpreters from outside the circuit. Officially designated contract interpreters contract at a rate between 30/hr and 45/hr, with a two hour minimum, and are not restricted in their ability to provide interpreter services to other court partners or privately. The circuit states that the pay and benefit package is not attractive.

# Agenda Item II.D. FY 2015-16 Budget Status – Operating Budgets

Trial Court Budget Commission  
January 8, 2016  
Tampa, Florida

**Agenda Item II.D.: Operating Budgets**

The data below represents the status of the FY 2015-16 operating budgets as of December 31, 2015.

Category	Budget Entity	Appropriation	Expended/ Encumbered	Remaining Balance	% Expended/ Encumbered
<b>Other Personnel Services</b>	Circuit	830,751	262,357	568,394	31.58%
	County	31,000	12,453	18,547	40.17%
	<b>Total</b>	<b>861,751</b>	<b>274,810</b>	<b>586,942</b>	<b>31.89%</b>
<b>Expenses</b>	Circuit	6,628,184	2,230,299	4,397,885	33.65%
	County	3,052,912	1,519,517	1,533,395	49.77%
	<b>Total</b>	<b>9,681,096</b>	<b>3,749,816</b>	<b>5,931,280</b>	<b>38.73%</b>
<b>Operating Capital Outlay</b>	<b>Circuit</b>	<b>435,683</b>	<b>72,092</b>	<b>363,591</b>	<b>16.55%</b>
<b>Contracted Services</b>	Circuit	1,394,079	283,639	1,110,440	20.35%
	County	244,000	58,978	185,022	24.17%
	<b>Total</b>	<b>1,638,079</b>	<b>342,617</b>	<b>1,295,462</b>	<b>20.92%</b>
<b>Lease/Lease Purchase</b>	Circuit	134,574	52,678	81,896	39.14%
	County	78,792	13,717	65,075	17.41%
	<b>Total</b>	<b>213,366</b>	<b>66,396</b>	<b>146,970</b>	<b>31.12%</b>
<b>Other Data Processing Services</b>	<b>Circuit</b>	<b>314,342</b>	<b>179,363</b>	<b>134,979</b>	<b>57.06%</b>

**Trial Court Budget Commission  
January 8, 2016  
Tampa, Florida**

**Agenda Item II.D.: Operating Budgets**

The data below represents the status of the FY 2015-16 operating budgets as of December 31, 2015.

<b>Category</b>	<b>Appropriation</b>	<b>Expended/ Encumbered</b>	<b>Remaining Balance</b>	<b>% Expended/ Encumbered</b>
<b>Additional Compensation to County Judges</b>	<b>75,000</b>	<b>34,620</b>	<b>40,380</b>	<b>46.16%</b>
<b>Civil Traffic Infraction Hearing Officers</b>	<b>2,123,854</b>	<b>772,853</b>	<b>1,351,001</b>	<b>36.39%</b>
<b>Mediation Services</b>	<b>3,188,619</b>	<b>1,310,750</b>	<b>1,877,869</b>	<b>41.11%</b>
<b>Due Process - Expert Witness</b>	<b>7,637,809</b>	<b>3,004,678</b>	<b>4,633,131</b>	<b>39.34%</b>
<b>Due Process - Court Reporting</b>	<b>7,802,671</b>	<b>3,311,986</b>	<b>4,490,685</b>	<b>42.45%</b>
<b>Due Process - Court Interpreting</b>	<b>2,958,702</b>	<b>1,351,425</b>	<b>1,607,277</b>	<b>45.68%</b>
<b>Total Due Process</b>	<b>18,399,182</b>	<b>7,668,088</b>	<b>10,731,094</b>	<b>41.68%</b>

**Trial Court Budget Commission**  
**January 8, 2016**  
**Tampa, Florida**

**Agenda Item II.D.: Operating Budgets**

The data below represents the status of the FY 2015-16 operating budgets as of December 31, 2015.

<b>Legislatively Funded Projects</b>	<b>Circuit</b>	<b>Appropriation</b>	<b>Expended/ Encumbered</b>	<b>Remaining Balance</b>	<b>% Expended/ Encumbered</b>
<b>Veterans Court</b>	01	300,000	84,603	215,397	28.20%
	02	125,000	4,650	120,350	3.72%
	04	352,665	92,894	259,771	26.34%
	06	300,000	151,359	148,641	50.45%
	08	150,000	34,148	115,852	22.77%
	09	190,795	47,804	142,991	25.06%
	<b>Total</b>		<b>1,418,460</b>	<b>415,458</b>	<b>1,003,002</b>
<b>Mental Health Diversion Program</b>	<b>11</b>	<b>250,000</b>	<b>0</b>	<b>250,000</b>	<b>0.00%</b>
<b>Post Adjudicatory Drug Court</b>	01	317,000	71,570	245,430	22.58%
	05	154,877	0	154,877	0.00%
	06	823,680	64,358	759,322	7.81%
	07	286,200	75,478	210,722	26.37%
	09	905,030	91,869	813,161	10.15%
	10	492,713	80,195	412,518	16.28%
	13	795,500	216,174	579,326	27.17%
	17	1,225,000	255,174	969,826	20.83%
	<b>Total</b>		<b>5,000,000</b>	<b>854,819</b>	<b>4,145,181</b>
<b>Naltrexone - Drug Treatment</b>	<b>00</b>	<b>5,682,689</b>	<b>910,034</b>	<b>4,772,655</b>	<b>16.01%</b>
<b>GPS Monitoring</b>	<b>18</b>	<b>316,000</b>	<b>106,965</b>	<b>209,035</b>	<b>33.85%</b>

**Trial Court Budget Commission**  
**January 8, 2016**  
**Tampa, Florida**

**Agenda Item II.D.: Operating Budgets**

The data below represents the status of the FY 2015-16 operating budgets as of December 31, 2015.

<b>Senior Judge Activity Summary</b>					
<b>Regular Senior Judge Allocation</b>					
<b>December 2015</b>					
<b>Circuit</b>	<b>Allotted Days</b>	<b>Days Transferred</b>	<b>Days Served</b>	<b>Remaining Allotted Days</b>	<b>Percent Remaining</b>
1	286	0	9	226	79.02%
2	187	0	13	87	46.52%
3	101	0	2	95	94.06%
4	469	0	25	312	66.52%
5	606	0	32	396	65.35%
6	642	0	29	412	64.17%
7	359	0	8	255	71.03%
8	162	0	6	112	69.14%
9	527	0	23	345	65.46%
10	304	0	22	151	49.67%
11	1,024	0	52	722	70.51%
12	266	0	14	165	62.03%
13	573	0	11	340	59.34%
14	156	0	2	137	87.82%
15	449	0	41	273	60.80%
16	56	0	4	47	83.93%
17	755	0	35	429	56.82%
18	356	0	30	194	54.49%
19	233	0	9	165	70.82%
20	419	0	19	274	65.39%
Reserve	50	0	0	50	100.00%
<b>TOTAL</b>	<b>7,980</b>	<b>0</b>	<b>386</b>	<b>5,187</b>	<b>65.00%</b>

# Agenda Item II.E. FY 2015-16 Budget Status – Trust Fund Cash Balances

## STATE COURTS REVENUE TRUST FUND

### Cash Balance Estimates Through December 2015

FY 2015-16		
<b>1</b>	Beginning Balance July 1, 2015	2,088,732
<b>2</b>	Add: FY 2015-16 Official Revenue Projections <sup>1</sup>	75,068,675
<b>3</b>	Add: Cost Sharing Revenue Received	3,695,347
<b>4</b>	<b>Estimated Total Revenue</b>	<b>80,852,754</b>
<b>5</b>	Less: Estimated Expenditures <sup>2</sup>	<b>(81,146,779)</b>
<b>6</b>	Less: Estimated Mandatory GR 8% Service Charge	<b>(6,052,900)</b>
<b>7</b>	<b>Estimated Total Expenditures</b>	<b>(87,199,679)</b>
<b>8</b>	<b>Estimated Ending Cash Balance June 30, 2016</b>	<b>(6,346,925)</b>

FY 2016-17		
<b>9</b>	Beginning Balance July 1, 2016	0
<b>10</b>	Add: FY 2016-17 Official Revenue Projections <sup>1</sup>	75,034,940
<b>11</b>	Add: Cost Sharing Revenue Received	3,695,347
<b>12</b>	<b>Estimated Total Revenue</b>	<b>78,730,287</b>
<b>13</b>	Less: Estimated Expenditures <sup>3</sup>	<b>(81,135,839)</b>
<b>14</b>	Less: Estimated Mandatory GR 8% Service Charge	<b>(6,084,096)</b>
<b>15</b>	<b>Estimated Total Expenditures</b>	<b>(87,219,935)</b>
<b>16</b>	<b>Estimated Ending Cash Balance June 30, 2017</b>	<b>(8,489,648)</b>

<sup>1</sup> Official Article V Revenue Estimating Conference revenue projections, December 21, 2015, with FY 2015-16 adjustment for actual December 2015 revenue received.

<sup>2</sup> FY 2015-16 Estimated Expenditures are based on actual expenditures through December 2015 and the FY 2015-16 GAA, less Governor's Vetos and updated retirement costs for January through June 2016.

<sup>3</sup> FY 2016-17 Estimated Expenditures are based on the FY 2015-16 GAA, less Governor's Vetos and updated retirement costs.

**State Courts System  
State Courts Revenue Trust Fund - Monthly Cash Analysis  
Fiscal Year Reporting 2015-2016 (Official Estimates)**

Based on Actual Revenues and Expenditures for  
July - December and REC Revenues and  
Estimated Expenditures for January - June

**Article V Revenue Estimating Conference Projections**

1	February 17, 2015	8,039,637	6,947,557	6,807,650	6,807,650	6,862,401	6,412,574	6,265,253	6,476,131	7,343,390	7,591,996	7,163,314	7,290,079	84,007,632
2	July 20, 2015	6,561,983	6,828,194	6,799,712	6,354,508	6,793,505	5,955,919	6,177,546	6,446,962	6,790,973	7,101,311	6,758,100	6,531,555	79,100,268
3	December 21, 2015	6,868,704	6,719,579	6,300,345	6,087,832	6,220,803	5,683,231	5,825,111	6,085,369	6,425,501	6,732,494	6,399,132	6,174,465	75,522,566
4	<b>State Courts Revenue Trust Fund</b>	<b>July</b>	<b>August</b>	<b>September</b>	<b>October</b>	<b>November</b>	<b>December</b>	<b>January</b>	<b>February</b>	<b>March</b>	<b>April</b>	<b>May</b>	<b>June</b>	<b>Year-To-Date Summary*</b>
5	<b>Beginning Balance</b>	2,088,732	444,866	522,613	234,579	410,665	543,499	237,314	0	0	0	0	0	2,088,732
6	Fee and Fine Revenue Received*	6,878,304	6,719,629	6,278,232	6,109,945	6,229,304	5,150,568	5,825,111	6,085,369	6,425,501	6,732,494	6,399,132	6,174,465	75,008,053
7	Cost Sharing (JAC transfers/\$3,695,347 due annually)	842,914		80,924	842,903	80,924		923,842			923,842			3,695,347
8	Refunds/Miscellaneous	2,862	52,973	4,782	5									60,622
9	<b>Total Revenue Received</b>	7,724,080	6,772,602	6,363,938	6,952,852	6,310,228	5,150,568	6,748,953	6,085,369	6,425,501	7,656,336	6,399,132	6,174,465	78,764,022
10	<b>Available Cash Balance</b>	9,812,811	7,217,468	6,886,551	7,187,431	6,720,893	5,694,067	6,986,266	6,085,369	6,425,501	7,656,336	6,399,132	6,174,465	80,852,754
11	Staff Salary Expenditures	(7,769,999)	(6,693,983)	(6,651,332)	(6,685,217)	(6,177,029)	(6,655,820)	(6,750,410)	(6,750,410)	(6,750,410)	(6,750,410)	(6,750,410)	(6,750,410)	(81,135,839)
12	Staff Salary Expenditures - GR Shift				1,500,000		1,200,000						(2,700,000)	0
13	Refunds	(788)	(873)	(640)	(1,873)	(365)	(933)	(912)	(912)	(912)	(912)	(912)	(912)	(10,940)
14	<b>Total SCRTF Operating Expenditures</b>	(7,770,786)	(6,694,855)	(6,651,972)	(5,187,089)	(6,177,394)	(5,456,753)	(6,751,322)	(6,751,322)	(6,751,322)	(6,751,322)	(6,751,322)	(9,451,322)	(81,146,779)
15	<i>8% General Revenue Service Charge</i>	(1,597,159)			(1,589,677)			(1,399,185)			(1,466,878)			(6,052,900)
16	<b>Ending Cash Balance</b>	444,866	522,613	234,579	410,665	543,499	237,314	(1,164,241)	(665,953)	(325,821)	(561,865)	(352,190)	(3,276,857)	(6,346,925)

\* Note: Actual revenues received reported by REC and OSCA differ due to the timing of reporting by the Department of Revenue and FLAIR posting to the SCRTF.

Estimated 8% GRSC for July 2016 (1,544,487)

State Courts System  
 FY 2015-16 Cash Statement  
 Administrative Trust Fund  
 As of December 31, 2015

22300100-Circuit Courts	Beginning Balance	Revenue Received	Expenditures	Refunds	Ending Balance
Cost Recovery	1,666,083.95	433,566.81	(343,725.53)	0.00	1,755,925.23
Cost Recovery-Move to Expenditures	0.00	0.00	0.00	0.00	0.00
Service Charge	0.00	0.00	(33,239.27)	0.00	(33,239.27)
Prior Year Warrant Cancel/Refunds	0.00	0.00	0.00	0.00	0.00
Refunds 220020	0.00	0.00	0.00	(1,322.25)	(1,322.25)
Circuit Courts Ending Cash Balance	1,666,083.95	433,566.81	(376,964.80)	(1,322.25)	1,721,363.71

Agenda Item II.F. FY 2015-16 Budget  
Status – Revenue Estimating Conference  
Update and State Courts Revenue Trust  
Fund Projections

## Agenda Item II.F.: Revenue Estimating Conference Update and State Courts Revenue Trust Fund Projections

### Article V Revenue Estimating Conference

The Article V Revenue Estimating Conference (REC) met on December 21, 2015, to review and revise revenue estimates related to Article V funds, including those funds directed to the State Courts Revenue Trust Fund (SCRTF). During Special Session 2015, the Legislature fund shifted \$18.5 million in budget authority from the SCRTF to general revenue for FY 2015-16, in response to the revenue shortfall that has existed in the SCRTF over the last several years.

In September 2015, the State Court System filed a legislative budget request to address an additional estimated shortfall in the SCRTF of \$7,461,062 for FY 2016-17. The shortfall was calculated based on revenues continuing to come in less than expected and factoring in that the fund shift by the Legislature last session did not take into consideration the mandatory 8% service charge costs.

### State Courts Revenue Trust Fund Projections FY 2014-15 through FY 2020-21 (in Millions)

	FY 2014-15 Actual	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21
July 20, 2015 Conference (Old)	\$79.3	\$79.1	\$80.0	\$80.1	\$80.1	\$80.1	\$80.2
December 21, 2015 Conference (New)		\$75.5	\$75.0	\$74.8	\$74.5	\$74.0	\$74.0
Difference		-\$3.6	-5.0	-5.3	-5.6	-6.1	-6.2

Note: Projected Revenues from the December 21, 2015, Article V Revenue Estimating Conference.

Estimated revenues to the State Courts Revenue Trust Fund (SCRTF) for FY 2015-16 were adjusted downward from \$79.1 million to \$75.5 million. FY 2016-17 forecasted revenues for the trust fund are estimated to be \$75.0 million (down from \$80.0 million). This change largely reflects foreclosure and traffic revenues coming in lower than previously forecasted (see attached chart for a breakdown by revenue source).

At the REC, the principals adopted a forecast estimating a steady decline in foreclosure filings from FY 2015-16 through FY 2020-21. In previous forecasts, a floor of 70,000 filings have been used as a base for forecasting foreclosure filings; however, due to the steady processing of foreclosure cases and other economic factors, the REC discussed lowering this floor for future forecasts.

Note: There will a Revenue Estimating Conference to update general revenue projections on January 19, 2016.

### Decision Needed

None. The OSCA will continue to monitor GR and trust fund revenues.

**Article V Revenue Estimating Conference**  
**Revenue Projections by Source**  
**State Courts Revenue Trust Fund**  
**FY 2015-16 and FY 2016-17**  
**(in Millions)**

Source	December 21, 2015 REC Estimates			
	FY 2015-16 Projected Revenues <sup>1</sup>	Percent of Total Revenue	FY 2016-17 Projected Revenues <sup>1</sup>	Percent of Total Revenue
\$5 Civil Traffic Assessment	\$9.4	12.5%	\$9.4	12.5%
\$25 Speeding Fine Increase	\$5.8	7.6%	\$5.8	7.7%
18% Driving School Reduction	\$4.4	5.9%	\$4.4	5.9%
Real Property/Foreclosure Revenue: \$770 Portion of the Total \$1,900 Filing Fee and Timeshare Fee	\$10.8	14.3%	\$10.1	13.5%
\$115 Increase in Probate	\$7.4	9.9%	\$7.5	10.0%
\$195 Redirect/Increase in Circuit Civil (Excluding Foreclosures)	\$22.7	30.0%	\$22.7	30.2%
\$95 Redirect in Family	\$7.4	9.8%	\$7.5	10.0%
Appellate \$50 Filing Fee	\$0.3	0.4%	\$0.3	0.4%
\$10 County Civil Claims (Evictions)	\$1.3	1.8%	\$1.4	1.8%
\$15 County Civil Claims	\$1.7	2.3%	\$1.7	2.3%
\$1 Circuit and County Proceedings	\$0.8	1.1%	\$0.8	1.1%
Court Ordered Mediation Services <sup>2</sup>	\$3.4	4.5%	\$3.4	4.5%
<b>Total <sup>3</sup></b>	<b>\$75.5</b>	<b>100.0%</b>	<b>\$75.0</b>	<b>100.0%</b>

<sup>1</sup> Projected Revenues from the December 21, 2015, Article V Revenue Estimating Conference.

<sup>2</sup> Court Ordered Mediation Services includes the fee charged for Mediation Certification Licenses.

<sup>3</sup> Totals may not be exact due to rounding.

Agenda Item III.A. Due Process Issues –  
Workgroup with Commission on Trial  
Court Performance and Accountability



## **Due Process Workgroup**

*A Joint Workgroup of the Trial Court Budget Commission and the Commission on Trial Court Performance and Accountability*

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### *General Objectives – All Due Process Elements*

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Identify factors affecting the cost of providing court reporting, court interpreting, and expert witness services. Develop comprehensive fiscal and operational recommendations for the provision of due process services.

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### *Scope of Project – All Due Process Elements*

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Analyze current due process policies, practices, and costs. Examine the actual delivery of services in relation to the current standards and best practices. Review the efficiency and effectiveness of service delivery methods, given current funding levels. Develop recommendations for fair allocation of resources and containment of costs. Develop recommendations relating to statutory, rule, or other policy changes. Determine appropriate level of resources.

## **Work Plan for Court Experts**

November 2015

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### *Issues Potentially Affecting Costs*

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Variation in types of services paid for by the court – case type, case phase, type of evaluation, etc.

Variation in rates paid for services – rates of pay vary widely for the same services, flat fee v. hourly rate, compensation for testimony, depositions, travel, wait time, preparation.

Variation in service delivery model – contractual versus FTE model, number of experts consulted, use of guardianship panels, etc.

Changes in statutory requirements – have/will changes in statutes impacted service delivery or costs.

Variation in practices compared to proposed standards/best practices – need for standardized education.

Variation in practices by stakeholders – increase in requests for court-ordered evaluations.



## Due Process Workgroup



*A Joint Workgroup of the Trial Court Budget Commission and the Commission on Trial Court Performance and Accountability*

### Tasks

Phase I – Fact Finding and Analysis			
Costs/ Expenditures	Resource Demands/Drivers	Legal Parameters – Statute, Rule, AO	Delivery Methods and Practices

Catalogue due process delivery practices among the circuits to determine, by circuit, the extent to which, where there are not currently statewide due process standards, standards should be considered. Identify drivers affecting expenditures and techniques to optimize services.

1. Identify Trial Court Budget Commission policies/decisions that impact services and rates. *(Action Item: Compare policies established in memos from Judge Morris and Judge Perry to Workgroup potential recommendations)*
  
2. Identify the potential impact of the pending Commission on Trial Court Performance and Accountability report, *Recommendations for the Provision of Court Appointed Expert Witness Services in Florida’s Trial Courts*, on services provided and rates used. *(Action Item: Compare TCP&A report to Workgroup potential recommendations)*
  
3. Determine services provided (case type, phase/type of evaluation). What is currently being paid for by the courts? *(Action Item: Survey circuits)*
  
4. Determine set rates. What type of evaluations have set rates? Are they hourly or flat rates? Do they pay for travel time or per diem, time to testify in court or via telephone? What instrument sets the rates? Are there economies of scale related to urban/rural areas, circuit size, or regional practices? Are standard, statewide rates a feasible option? *(Action Item: Survey circuits; research invoices)*
  
5. Determine staffing models. What variations in staffing models exist? Are any changes needed? *(Action Item: FTE Analysis)*
  
6. Determine statutory requirements. What recent changes have affected the cost of providing expert witnesses? Are there changes needed in statutory language (e.g. Baker Act versus Marchman Act)? *(Action Item: OSCA General Counsel perform research; work with Baker-Marchman Act Workgroup)*



## Due Process Workgroup



*A Joint Workgroup of the Trial Court Budget Commission and the Commission on Trial Court Performance and Accountability*

7. Determine demands of external stakeholders – how have practices of the public defenders and state attorneys impacted the courts’ costs in providing expert witnesses? What is the impact of public guardianship offices and use of guardian advocates and guardianship examining committees? (*Action Item: Survey circuits and possibly meet with external stakeholders*)

### *Deliverables*

Phase II – Recommendations		
Best Practice/ Standard Changes	Internal Actions/ Authority	External Factors and Resource Needs

- 1) Determine need for emergency funding for the trial courts in FY 2015-16. (Ongoing)
- 2) Inventory current service delivery models, resources, and policies/procedures by circuit.
- 3) Recommend issues outside the scope of this workgroup to be referred to other commissions, committees, and workgroups, if needed.
- 4) Update existing payment obligation matrix and propose changes to current statutes, rules, or other policies to clearly define responsibility for payment of costs.
- 5) Determine cost containment strategies.
- 6) Determine sufficient resources for the trial courts in out years.
- 7) Determine the equitable distribution of resources through new funding formula.
- 8) Determine the impact of costs of alternative staffing models, if needed.
- 9) Determine the impact of costs of proposed operational/procedural structure.
- 10) Determine appropriate data measurements and method of providing data to circuits.
- 11) Prepare usage/expenditure reports for TCBC, chief judges, and trial court administrators.
- 12) Prepare status update reports and final reports.

## Trial Court Budget Commission

### January 8, 2016, Meeting

#### FY 2015-16 Due Process Allotments and Estimated Expenditures

	Allotment <sup>1</sup>	Estimated Expenditures <sup>2</sup>	Difference	Estimated % Remaining
Expert Witness	\$7,713,763	\$7,395,094	\$318,669	4.1%
Court Interpreting	\$2,944,507	\$3,072,856	(\$128,349)	-4.4%
Court Reporting	\$7,792,522	\$6,938,245	\$854,277	11.0%
<b>Total</b>	\$18,450,792	\$17,406,195	\$1,044,597	5.7%
Reserve			\$1,731,770	
<b>Estimated Available Funds</b>			<b>\$2,776,367</b>	

<sup>1</sup> Does not include allotments or expenditures for Remote Interpreting and OpenCourt. A total of \$27,840 (Remote Interpreting) and \$175,000 (OpenCourt) were allocated from Due Process funds for FY 2015-16.

<sup>2</sup> FY 2015-16 Estimated Expenditures were determined based on applying the FY 2015-16 Estimated 1st and 2nd Qtr Percent of Total Expenditures to the FY 2015-16 June - December Expenditures.

## Trial Court Budget Commission January 8, 2016, Meeting

### Expert Witness

#### Uniform Data Reporting

Expert Witness Includes State Total Competency and Other Evaluations<sup>1</sup>

Circuit	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	Percent Change from FY 2013-14 to FY 2014-15
1	201	175	205	257	752	192.6%
2	565	589	592	609	754	23.8%
3	28	40	35	25	29	16.0%
4	222	202	188	317	279	-12.0%
5	155	201	349	841	1,149	36.6%
6	1,334	1,306	1,393	1,345	1,440	7.1%
7	230	257	292	306	299	-2.3%
8	91	85	82	178	257	44.4%
9	920	982	972	1,288	1,517	17.8%
10	702	699	746	793	977	23.2%
11	4,669	4,401	4,330	4,853	4,174	-14.0%
12	453	490	509	490	448	-8.6%
13	1,398	1,843	1,849	1,652	1,821	10.2%
14	72	90	107	75	188	150.7%
15	899	1,067	1,172	1,054	1,133	7.5%
16	58	59	49	69	96	39.1%
17	2,694	3,128	3,341	3,196	3,159	-1.2%
18	420	454	416	392	462	17.9%
19	144	280	361	337	410	21.7%
20	647	574	604	568	657	15.7%
<b>Total</b>	<b>15,902</b>	<b>16,922</b>	<b>17,592</b>	<b>18,645</b>	<b>20,001</b>	<b>7.3%</b>
<b>Percent Change</b>		<b>6.4%</b>	<b>4.0%</b>	<b>6.0%</b>	<b>7.3%</b>	

#### Contractual Expenditures

Circuit	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	Percent Change from FY 2013-14 to FY 2014-15
1	\$103,189	\$106,205	\$110,388	\$142,208	\$353,000	148.2%
2	\$324,356	\$309,890	\$329,234	\$351,581	\$418,266	19.0%
3	\$17,176	\$21,730	\$18,316	\$13,744	\$20,080	46.1%
4	\$117,443	\$109,294	\$117,413	\$182,539	\$153,459	-15.9%
5	\$82,492	\$85,750	\$107,061	\$107,995	\$165,696	53.4%
6 <sup>2</sup>	\$231,000	\$288,339	\$374,424	\$305,592	\$348,779	14.1%
7	\$139,445	\$139,980	\$157,000	\$148,686	\$151,500	1.9%
8	\$51,679	\$56,607	\$55,083	\$112,147	\$151,466	35.1%
9	\$303,978	\$351,027	\$296,158	\$412,751	\$584,992	41.7%
10	\$558,359	\$589,133	\$556,140	\$590,629	\$683,223	15.7%
11	\$1,457,010	\$1,386,781	\$1,376,513	\$1,395,249	\$1,417,469	1.6%
12	\$234,683	\$295,613	\$272,285	\$311,589	\$357,181	14.6%
13	\$511,100	\$676,893	\$714,925	\$625,500	\$680,550	8.8%
14	\$47,519	\$54,144	\$66,236	\$42,850	\$139,280	225.0%
15	\$420,696	\$472,288	\$535,542	\$469,875	\$500,153	6.4%
16	\$18,950	\$24,204	\$17,525	\$24,390	\$36,670	50.3%
17	\$648,435	\$845,601	\$1,011,616	\$975,520	\$976,690	0.1%
18	\$123,845	\$147,728	\$129,793	\$132,901	\$151,475	14.0%
19	\$79,958	\$153,070	\$208,214	\$188,821	\$265,403	40.6%
20	\$284,028	\$374,463	\$352,909	\$350,839	\$405,767	15.7%
<b>Total</b>	<b>\$5,755,339</b>	<b>\$6,488,738</b>	<b>\$6,806,773</b>	<b>\$6,885,404</b>	<b>\$7,961,097</b>	<b>15.6%</b>
<b>Percent Change</b>		<b>12.7%</b>	<b>4.9%</b>	<b>1.2%</b>	<b>15.6%</b>	

Circuit	FY 2014-15 Cost per Event
1	<b>\$469</b>
2	<b>\$555</b>
3	<b>\$692</b>
4	<b>\$550</b>
5	<b>\$144</b>
6	<b>\$242</b>
7	<b>\$507</b>
8	<b>\$589</b>
9	<b>\$386</b>
10	<b>\$699</b>
11	<b>\$340</b>
12	<b>\$797</b>
13	<b>\$374</b>
14	<b>\$741</b>
15	<b>\$441</b>
16	<b>\$382</b>
17	<b>\$309</b>
18	<b>\$328</b>
19	<b>\$647</b>
20	<b>\$618</b>
<b>Total</b>	<b>\$398</b>

<sup>1</sup> Includes Adult Competency, Developmental Disabilities, Developmental Disabilities Examining Committee, Guardianship Examining Committee, Juvenile Competency, and Other Evaluations.

<sup>2</sup> Expenditures for the Sixth Judicial Circuit include the salary and benefits for 1 FTE expert witness.

Agenda Items III.B. & C. Due Process  
Issues – Current Expenditures,  
Movement of Funds, and Reserve  
Access; 25% Contractual Release

**Agenda Item III.B.-C.: Due Process Issues – Current Status and 25% Contractual Release**

**Background:**

During FY 2014-15, multiple circuits with due process deficits, due to increased expenditures, sought access to the due process reserve to cover expenditures through fiscal year-end. As a result, the due process reserve was depleted, and the Trial Court Budget Commission (TCBC) activated steps to replenish the reserve through a transfer of unobligated funds from individual circuit budgets. Additionally, the chairs of the TCBC and Trial Court Performance and Accountability Commission have created a joint workgroup to perform a study on due process standards, practices, expenditures, funding, and allocation of resources, to identify any possible issues.

In the interim of the workgroup recommendations, on July 10, 2015, the TCBC voted to approve the Funding Methodology Committee recommendation to distribute 75% of circuit allotments at the beginning of the fiscal year and the remaining 25% at the beginning of the last quarter, on April 1, based on expenditures-to-date and assessed need. The TCBC charged the Budget Management Committee to create procedures for addressing early release of the remaining 25% of the due process contractual funds should a circuit have a need for early release.

On October 22, 2015, the Budget Management Committee adopted procedures for addressing early release of the remaining 25%. As of December 31, 2015, two circuits have accessed early release of the 25% allocation, and three circuits have maximized resources among the due process categories (see attached charts for Agenda Item III.B.).

**Issue:**

The following recommendations were developed for the allocation of the remaining 25% due process contractual allocation based on expenditures-to-date and projected needs through fiscal year-end (see attached charts for Agenda Item III.C).

**Options:**

1. Allot based on projected need using an average of FY 2015-16 expenditure data for August through December and release the amount needed to meet estimated expenditures, not to exceed the circuit's 25% allocation amount. The 25% allocation not distributed would remain in the due process reserve to cover any future circuit deficits.
2. Allot based on projected need using an average of FY 2014-15 expenditure data for January through June (including certified forward expenditures) and release the amount needed to meet estimated expenditures, not to exceed the circuit's 25% allocation amount. The 25% allocation not distributed would remain in the due process reserve to cover any future circuit deficits.

**Agenda Item III.B.: Due Process Issues - Current Status**

**Trial Court Due Process Budget Allocations  
FY 2015-2016**

**Expert Witness - General Revenue Fund  
Cost Center - 127**

Circuit	July - 75% Allocation	Due Process Allocation Transfers			April - 25% Allocation Early Access	Due Process Reserve Access	Total Adjusted Allocation	Expenditures as of 12/31/15	Remaining Allocation Balance	Percent Remaining
		Expert Witness 127	Court Repotting 129	Court Interpreting 131						
1	154,592					154,592	113,162.50	41,429.50	26.80%	
2	303,482					303,482	172,133.82	131,348.18	43.28%	
3	14,968					14,968	4,175.00	10,793.00	72.11%	
4	125,831					125,831	55,419.68	70,411.32	55.96%	
5	101,528		(18,000)		33,843	117,371	82,675.00	34,696.00	34.17%	
6	194,854					194,854	100,613.30	94,240.70	48.36%	
7	127,916					127,916	76,890.00	51,026.00	39.89%	
8	84,943					84,943	37,341.24	47,601.76	56.04%	
9	355,323					355,323	188,251.25	167,071.75	47.02%	
10	498,778					498,778	336,371.33	162,406.67	32.56%	
11	1,128,532					1,128,532	457,950.00	670,582.00	59.42%	
12	257,846					257,846	110,218.21	147,627.79	57.25%	
13	549,103					549,103	324,000.00	225,103.00	40.99%	
14	64,233					64,233	52,754.08	11,478.92	17.87%	
15	412,798		(43,759)	(8,195)		360,844	217,962.50	142,881.50	34.61%	
16	22,964					22,964	16,150.00	6,814.00	29.67%	
17	795,905					795,905	362,760.00	433,145.00	54.42%	
18	106,952			(6,000)		100,952	50,675.00	50,277.00	47.01%	
19	171,761					171,761	87,097.50	84,663.50	49.29%	
20	313,016					313,016	158,077.26	154,938.74	49.50%	
<b>Total</b>	<b>5,785,325</b>	<b>0</b>	<b>(61,759)</b>	<b>(14,195)</b>	<b>33,843</b>	<b>5,743,214</b>	<b>3,004,677.67</b>	<b>2,738,536.33</b>	<b>47.34%</b>	

**Agenda Item III.B.: Due Process Issues - Current Status**

**Trial Court Due Process Budget Allocations  
FY 2015-2016**

**Court Reporting - General Revenue Fund  
Cost Center - 129**

Circuit	July - 75% Allocation	Due Process Allocation Transfers			April - 25% Allocation Early Access	Due Process Reserve Access	Total Adjusted Allocation	Expenditures* as of 12/31/15	Remaining Allocation Balance	Percent Remaining
		Expert Witness 127	Court Repotting 129	Court Interpreting 131						
1	45,137					45,137	13,833.50	31,303.50	69.35%	
2	15,088					15,088	4,204.59	10,883.41	72.13%	
3	3,912					3,912	488.78	3,423.22	87.51%	
4	970,274					970,274	663,694.63	306,579.37	31.60%	
5	84,508	18,000			28,169	130,677	96,098.20	34,578.80	40.92%	
6	330,305					330,305	184,932.34	145,372.66	44.01%	
7	124,934					124,934	69,216.50	55,717.50	44.60%	
8	37,100					37,100	2,534.70	34,565.30	93.17%	
9	78,497					78,497	78,473.06	23.94	0.03%	
10	298,727					298,727	155,323.58	143,403.42	48.00%	
11	1,548,381					1,548,381	724,623.60	823,757.40	53.20%	
12	28,980					28,980	20,998.50	7,981.50	27.54%	
13	1,052,511					1,052,511	582,727.30	469,783.70	44.63%	
14	4,209					4,209	1,397.00	2,812.00	66.81%	
15	121,535	43,759	(51,610)		40,512	154,196	122,585.75	31,610.25	26.01%	
16	18,742					18,742	18,563.71	178.29	0.95%	
17	569,145					569,145	300,423.00	268,722.00	47.22%	
18	101,789					101,789	65,878.28	35,910.72	35.28%	
19	48,340					48,340	27,211.40	21,128.60	43.71%	
20	362,279					362,279	178,777.30	183,501.70	50.65%	
<b>Total</b>	<b>5,844,393</b>	<b>61,759</b>	<b>(51,610)</b>	<b>0</b>	<b>68,681</b>	<b>0</b>	<b>5,923,223</b>	<b>3,311,985.72</b>	<b>2,611,237.28</b>	<b>44.68%</b>

\* Expenditures include encumbrances for contracts (\$89,634) and maintenance (\$96,786).

**Agenda Item III.B.: Due Process Issues - Current Status**

**Trial Court Due Process Budget Allocations  
FY 2015-2016**

**Court Interpreting - General Revenue Fund  
Cost Center - 131**

Circuit	July - 75% Allocation	Due Process Allocation Transfers			April - 25% Allocation Early Access	Due Process Reserve Access	Total Adjusted Allocation	Expenditures as of 12/31/15	Remaining Allocation Balance	Percent Remaining
		Expert Witness 127	Court Repotting 129	Court Interpreting 131						
1	29,774					<b>29,774</b>	15,813.89	<b>13,960.11</b>	<b>46.89%</b>	
2	24,495					<b>24,495</b>	7,393.73	<b>17,101.27</b>	<b>69.82%</b>	
3	35,739					<b>35,739</b>	8,990.02	<b>26,748.98</b>	<b>74.85%</b>	
4	197,467					<b>197,467</b>	120,822.56	<b>76,644.44</b>	<b>38.81%</b>	
5	33,316				11,105	<b>44,421</b>	19,315.02	<b>25,105.98</b>	<b>75.36%</b>	
6	177,154					<b>177,154</b>	101,216.25	<b>75,937.75</b>	<b>42.87%</b>	
7	60,935					<b>60,935</b>	33,499.83	<b>27,435.17</b>	<b>45.02%</b>	
8	27,048					<b>27,048</b>	18,044.47	<b>9,003.53</b>	<b>33.29%</b>	
9	107,998					<b>107,998</b>	57,023.93	<b>50,974.07</b>	<b>47.20%</b>	
10	62,281					<b>62,281</b>	32,441.75	<b>29,839.25</b>	<b>47.91%</b>	
11	223,451					<b>223,451</b>	129,014.11	<b>94,436.89</b>	<b>42.26%</b>	
12	244,801					<b>244,801</b>	158,630.66	<b>86,170.34</b>	<b>35.20%</b>	
13	114,119					<b>114,119</b>	72,189.06	<b>41,929.94</b>	<b>36.74%</b>	
14	25,792					<b>25,792</b>	16,530.46	<b>9,261.54</b>	<b>35.91%</b>	
15	95,325	8,195				<b>103,520</b>	62,830.47	<b>40,689.53</b>	<b>42.69%</b>	
16	15,494					<b>15,494</b>	6,448.68	<b>9,045.32</b>	<b>58.38%</b>	
17	99,088					<b>99,088</b>	62,873.75	<b>36,214.25</b>	<b>36.55%</b>	
18	27,298	6,000				<b>33,298</b>	18,611.82	<b>14,686.18</b>	<b>53.80%</b>	
19	336,428					<b>336,428</b>	209,016.19	<b>127,411.81</b>	<b>37.87%</b>	
20	270,379					<b>270,379</b>	200,718.16	<b>69,660.84</b>	<b>25.76%</b>	
<b>Total</b>	<b>2,208,382</b>	<b>14,195</b>	<b>0</b>	<b>0</b>	<b>11,105</b>	<b>0</b>	<b>2,233,682</b>	<b>1,351,424.81</b>	<b>882,257.19</b>	<b>39.95%</b>

**Agenda Item III.C.: Due Process Issues - 25% Contractual Release**

**Trial Court Due Process Budget Allocations  
FY 2015-2016**

**Expert Witness - General Revenue Fund  
Cost Center - 127**

<b>Circuit</b>	<b>July-75% Allocation</b>	<b>April-25% Allocation</b>	<b>Due Process Allocation Transfers</b>	<b>Total Adjusted Allocation as of 12/31/15</b>	<b>Expenditures as of 12/31/15</b>	<b>Remaining Allocation Balance as of 12/31/15</b>	<b>Percent Remaining</b>
1	154,592	51,531	0	<b>206,123</b>	113,162.50	<b>92,960.50</b>	45.10%
2	303,482	101,161	0	<b>404,643</b>	172,133.82	<b>232,509.18</b>	57.46%
3	14,968	4,989	0	<b>19,957</b>	4,175.00	<b>15,782.00</b>	79.08%
4	125,831	41,943	0	<b>167,774</b>	55,419.68	<b>112,354.32</b>	66.97%
5	101,528	33,843	(18,000)	<b>117,371</b>	82,675.00	<b>34,696.00</b>	29.56%
6	194,854	64,951	0	<b>259,805</b>	100,613.30	<b>159,191.70</b>	61.27%
7	127,916	42,638	0	<b>170,554</b>	76,890.00	<b>93,664.00</b>	54.92%
8	84,943	28,314	0	<b>113,257</b>	37,341.24	<b>75,915.76</b>	67.03%
9	355,323	118,441	0	<b>473,764</b>	188,251.25	<b>285,512.75</b>	60.26%
10	498,778	166,259	0	<b>665,037</b>	336,371.33	<b>328,665.67</b>	49.42%
11	1,128,532	376,177	0	<b>1,504,709</b>	457,950.00	<b>1,046,759.00</b>	69.57%
12	257,846	85,949	0	<b>343,795</b>	110,218.21	<b>233,576.79</b>	67.94%
13	549,103	183,034	0	<b>732,137</b>	324,000.00	<b>408,137.00</b>	55.75%
14	64,233	21,411	0	<b>85,644</b>	52,754.08	<b>32,889.92</b>	38.40%
15	412,798	137,599	(51,954)	<b>498,443</b>	217,962.50	<b>280,480.50</b>	56.27%
16	22,964	7,654	0	<b>30,618</b>	16,150.00	<b>14,468.00</b>	47.25%
17	795,905	265,302	0	<b>1,061,207</b>	362,760.00	<b>698,447.00</b>	65.82%
18	106,952	35,651	(6,000)	<b>136,603</b>	50,675.00	<b>85,928.00</b>	62.90%
19	171,761	57,253	0	<b>229,014</b>	87,097.50	<b>141,916.50</b>	61.97%
20	313,016	104,338	0	<b>417,354</b>	158,077.26	<b>259,276.74</b>	62.12%
<b>Total</b>	<b>5,785,325</b>	<b>1,928,438</b>	<b>(75,954)</b>	<b>7,637,809</b>	<b>3,004,677.67</b>	<b>4,633,131.33</b>	<b>60.66%</b>

**Trial Court Budget Commission**  
**January 8, 2016**  
**Tampa, Florida**

**Agenda Item III.C.: Due Process Issues - 25% Contractual Release**

**Trial Court Due Process Budget Allocations**  
**FY 2015-2016**

**Court Reporting - General Revenue Fund**  
**Cost Center - 129**

<b>Circuit</b>	<b>July-75% Allocation</b>	<b>April-25% Allocation</b>	<b>Due Process Allocation Transfers</b>	<b>Total Adjusted Allocation as of 12/31/15</b>	<b>Expenditures* as of 12/31/15</b>	<b>Remaining Allocation Balance as of 12/31/15</b>	<b>Percent Remaining</b>
1	45,137	15,045	0	<b>60,182</b>	13,833.50	<b>46,348.50</b>	77.01%
2	15,088	5,029	0	<b>20,117</b>	4,204.59	<b>15,912.41</b>	79.10%
3	3,912	1,304	0	<b>5,216</b>	488.78	<b>4,727.22</b>	90.63%
4	970,274	323,424	0	<b>1,293,698</b>	663,694.63	<b>630,003.37</b>	48.70%
5	84,508	28,169	18,000	<b>130,677</b>	96,098.20	<b>34,578.80</b>	26.46%
6	330,305	110,102	0	<b>440,407</b>	184,932.34	<b>255,474.66</b>	58.01%
7	124,934	41,645	0	<b>166,579</b>	69,216.50	<b>97,362.50</b>	58.45%
8	37,100	12,366	0	<b>49,466</b>	2,534.70	<b>46,931.30</b>	94.88%
9	78,497	26,166	0	<b>104,663</b>	78,473.06	<b>26,189.94</b>	25.02%
10	298,727	99,575	0	<b>398,302</b>	155,323.58	<b>242,978.42</b>	61.00%
11	1,548,381	516,127	0	<b>2,064,508</b>	724,623.60	<b>1,339,884.40</b>	64.90%
12	28,980	9,660	0	<b>38,640</b>	20,998.50	<b>17,641.50</b>	45.66%
13	1,052,511	350,837	0	<b>1,403,348</b>	582,727.30	<b>820,620.70</b>	58.48%
14	4,209	1,403	0	<b>5,612</b>	1,397.00	<b>4,215.00</b>	75.11%
15	121,535	40,512	(7,851)	<b>154,196</b>	122,585.75	<b>31,610.25</b>	20.50%
16	18,742	6,247	0	<b>24,989</b>	18,563.71	<b>6,425.29</b>	25.71%
17	569,145	189,715	0	<b>758,860</b>	300,423.00	<b>458,437.00</b>	60.41%
18	101,789	33,930	0	<b>135,719</b>	65,878.28	<b>69,840.72</b>	51.46%
19	48,340	16,113	0	<b>64,453</b>	27,211.40	<b>37,241.60</b>	57.78%
20	362,279	120,760	0	<b>483,039</b>	178,777.30	<b>304,261.70</b>	62.99%
<b>Total</b>	<b>5,844,393</b>	<b>1,948,129</b>	<b>10,149</b>	<b>7,802,671</b>	<b>3,311,985.72</b>	<b>4,490,685.28</b>	<b>57.55%</b>

\* Expenditures include encumbrances for contracts (\$89,634) and maintenance (\$96,786).

Trial Court Budget Commission  
January 8, 2016  
Tampa, Florida

**Agenda Item III.C.: Due Process Issues - 25% Contractual Release**

Trial Court Due Process Budget Allocations  
FY 2015-2016

Court Interpreting - General Revenue Fund  
Cost Center - 131

Circuit	July-75% Allocation	April-25% Allocation	Due Process Allocation Transfers	Total Adjusted Allocation as of 12/31/15	Expenditures as of 12/31/15	Remaining Allocation Balance as of 12/31/15	Percent Remaining
1	29,774	9,924	0	<b>39,698</b>	15,813.89	<b>23,884.11</b>	60.16%
2	24,495	8,165	0	<b>32,660</b>	7,393.73	<b>25,266.27</b>	77.36%
3	35,739	11,913	0	<b>47,652</b>	8,990.02	<b>38,661.98</b>	81.13%
4	197,467	65,822	0	<b>263,289</b>	120,822.56	<b>142,466.44</b>	54.11%
5	33,316	11,105	0	<b>44,421</b>	19,315.02	<b>25,105.98</b>	56.52%
6	177,154	59,051	0	<b>236,205</b>	101,216.25	<b>134,988.75</b>	57.15%
7	60,935	20,312	0	<b>81,247</b>	33,499.83	<b>47,747.17</b>	58.77%
8	27,048	9,016	0	<b>36,064</b>	18,044.47	<b>18,019.53</b>	49.97%
9	107,998	35,999	0	<b>143,997</b>	57,023.93	<b>86,973.07</b>	60.40%
10	62,281	20,760	0	<b>83,041</b>	32,441.75	<b>50,599.25</b>	60.93%
11	223,451	74,484	0	<b>297,935</b>	129,014.11	<b>168,920.89</b>	56.70%
12	244,801	81,600	0	<b>326,401</b>	158,630.66	<b>167,770.34</b>	51.40%
13	114,119	38,040	0	<b>152,159</b>	72,189.06	<b>79,969.94</b>	52.56%
14	25,792	8,597	0	<b>34,389</b>	16,530.46	<b>17,858.54</b>	51.93%
15	95,325	31,775	8,195	<b>135,295</b>	62,830.47	<b>72,464.53</b>	53.56%
16	15,494	5,165	0	<b>20,659</b>	6,448.68	<b>14,210.32</b>	68.79%
17	99,088	33,029	0	<b>132,117</b>	62,873.75	<b>69,243.25</b>	52.41%
18	27,298	9,099	6,000	<b>42,397</b>	18,611.82	<b>23,785.18</b>	56.10%
19	336,428	112,143	0	<b>448,571</b>	209,016.19	<b>239,554.81</b>	53.40%
20	270,379	90,126	0	<b>360,505</b>	200,718.16	<b>159,786.84</b>	44.32%
<b>Total</b>	<b>2,208,382</b>	<b>736,125</b>	<b>14,195</b>	<b>2,958,702</b>	<b>1,351,424.81</b>	<b>1,607,277.19</b>	<b>54.32%</b>

**Agenda Item III.C.: Due Process Issues - 25% Contractual Release**

**Trial Court Due Process Budget Allocations**

FY 2015-2016

**Expert Witness - General Revenue Fund**

Cost Center - 127

Circuit	Remaining Allocation Balance as of 12/31/15	OPTION 1 Based on Current Year Expenditure Average (August-December)			OPTION 2 Based on Prior Year Expenditure Average (January-Certified Forward)			April-25% Allocation
		Estimated Expenditures	Estimated Remaining Allocation	Proposed Allocation	Estimated Expenditures	Estimated Remaining Allocation	Proposed Allocation	
1	41,429.50	158,427.50	(116,998.00)	51,531	236,367.25	(194,937.75)	51,531	51,531
2	131,348.18	238,257.32	(106,909.14)	101,161	225,261.19	(93,913.01)	93,913	101,161
3	10,793.00	5,845.00	4,948.00	0	7,299.95	3,493.05	0	4,989
4	70,411.32	71,743.28	(1,331.96)	1,332	89,887.00	(19,475.68)	19,476	41,943
5*	34,696.00	113,925.00	(79,229.00)	0	99,899.94	(65,203.94)	0	33,843
6	94,240.70	140,858.62	(46,617.92)	46,618	139,921.25	(45,680.55)	45,681	64,951
7	51,026.00	99,526.00	(48,500.00)	42,638	78,799.98	(27,773.98)	27,774	42,638
8	47,601.76	48,323.45	(721.69)	722	88,877.11	(41,275.35)	28,314	28,314
9	167,071.75	258,651.75	(91,580.00)	91,580	298,448.29	(131,376.54)	118,441	118,441
10	162,406.67	464,245.39	(301,838.72)	166,259	403,923.52	(241,516.85)	166,259	166,259
11	670,582.00	623,796.25	46,785.75	0	827,812.51	(157,230.51)	157,231	376,177
12	147,627.79	152,205.48	(4,577.69)	4,578	217,717.01	(70,089.22)	70,090	85,949
13	225,103.00	425,320.00	(200,217.00)	183,034	397,050.01	(171,947.01)	171,947	183,034
14	11,478.92	73,085.74	(61,606.82)	21,411	88,393.90	(76,914.98)	21,411	21,411
15*	142,881.50	292,967.50	(150,086.00)	0	273,090.02	(130,208.52)	0	137,599
16	6,814.00	18,480.00	(11,666.00)	7,654	20,699.98	(13,885.98)	7,654	7,654
17	433,145.00	507,864.00	(74,719.00)	74,719	583,015.02	(149,870.02)	149,870	265,302
18	50,277.00	68,985.00	(18,708.00)	18,708	108,150.00	(57,873.00)	35,651	35,651
19	84,663.50	114,038.75	(29,375.25)	29,376	174,219.99	(89,556.49)	57,253	57,253
20	154,938.74	207,742.15	(52,803.41)	52,804	227,801.28	(72,862.54)	72,863	104,338
<b>Total</b>	<b>2,738,536.33</b>	<b>4,084,288.18</b>	<b>(1,345,751.85)</b>	<b>894,125</b>	<b>4,586,635.20</b>	<b>(1,848,098.87)</b>	<b>1,295,359</b>	<b>1,928,438</b>

Balance to Reserve	1,034,313		633,079
Estimated Circuit Deficits	(451,627)		(552,740)
<b>Net Balance to Reserve</b>	<b>582,686</b>		<b>80,339</b>

\* The 5th and 15th Circuits requested and received early access to full 25% amount.

**Agenda Item III.C.: Due Process Issues - 25% Contractual Release**

Trial Court Due Process Budget Allocations  
FY 2015-2016

Court Reporting - General Revenue Fund  
Cost Center - 129

Circuit	Remaining Allocation Balance as of 12/31/15	OPTION 1 Based on Current Year Expenditure Average (August-December)			OPTION 2 Based on Prior Year Expenditure Average (January-Certified Forward)			April-25% Allocation
		Estimated Expenditures**	Estimated Remaining Allocation	Proposed Allocation	Estimated Expenditures	Estimated Remaining Allocation	Proposed Allocation	
1	31,303.50	19,366.90	11,936.60	0	35,492.24	(4,188.74)	4,189	15,045
2	10,883.41	11,241.44	(358.03)	359	7,390.74	3,492.67	1,863	5,029
3	3,423.22	684.32	2,738.90	0	4,220.58	(797.36)	798	1,304
4	306,579.37	694,598.10	(388,018.73)	323,424	691,050.92	(384,471.55)	323,424	323,424
5*	34,578.80	14,686.00	19,892.80	0	34,542.06	36.74	0	28,169
6	145,372.66	214,339.79	(68,967.13)	68,968	197,908.48	(52,535.82)	52,536	110,102
7	55,717.50	68,588.10	(12,870.60)	12,871	87,389.12	(31,671.62)	31,672	41,645
8	34,565.30	3,548.58	31,016.72	0	18,494.28	16,071.02	0	12,366
9	23.94	41,812.82	(41,788.88)	26,166	31,520.72	(31,496.78)	26,166	26,166
10	143,403.42	211,142.26	(67,738.84)	67,739	220,013.64	(76,610.22)	76,611	99,575
11	823,757.40	1,000,436.64	(176,679.24)	176,680	1,278,948.37	(455,190.97)	455,191	516,127
12	7,981.50	9,027.90	(1,046.40)	1,047	24,818.99	(16,837.49)	9,660	9,660
13	469,783.70	762,602.82	(292,819.12)	292,820	752,064.60	(282,280.90)	282,281	350,837
14	2,812.00	977.90	1,834.10	0	15,349.46	(12,537.46)	1,403	1,403
15*	31,610.25	150,067.96	(118,457.71)	0	176,567.09	(144,956.84)	0	40,512
16	178.29	7,019.18	(6,840.89)	6,247	4,248.72	(4,070.43)	4,071	6,247
17	268,722.00	512,248.20	(243,526.20)	189,715	448,792.26	(180,070.26)	180,071	189,715
18	35,910.72	87,422.72	(51,512.00)	33,930	90,077.82	(54,167.10)	33,930	33,930
19	21,128.60	34,862.52	(13,733.92)	13,734	33,453.91	(12,325.31)	12,326	16,113
20	183,501.70	124,562.62	58,939.08	0	124,320.84	59,180.86	59,181	120,760
<b>Total</b>	<b>2,611,237.28</b>	<b>3,969,236.77</b>	<b>(1,357,999.49)</b>	<b>1,213,700</b>	<b>4,276,664.84</b>	<b>(1,665,427.56)</b>	<b>1,555,373</b>	<b>1,948,129</b>
		Balance to Reserve		734,429			392,756	
		Estimated Circuit Deficits		(144,299)			(110,055)	
		<b>Net Balance to Reserve</b>		<b>590,130</b>			<b>282,701</b>	

\* The 5th and 15th Circuits requested and received early access to full 25% amount.

\*\* Any applicable maintenance costs paid prior year but not paid or encumbered to date were added as estimated expenditures.

**Agenda Item III.C.: Due Process Issues - 25% Contractual Release**

Trial Court Due Process Budget Allocations  
FY 2015-2016

Court Interpreting - General Revenue Fund  
Cost Center - 131

Circuit	Remaining Allocation Balance as of 12/31/15	OPTION 1 Based on Current Year Expenditure Average (August-December)			OPTION 2 Based on Prior Year Expenditure Average (January-Certified Forward)			April-25% Allocation
		Estimated Expenditures	Estimated Remaining Allocation	Proposed Allocation	Estimated Expenditures	Estimated Remaining Allocation	Proposed Allocation	
1	13,960.11	21,644.35	(7,684.24)	7,685	29,351.63	(15,391.52)	9,924	9,924
2	17,101.27	10,351.25	6,750.02	0	27,011.81	(9,910.54)	8,165	8,165
3	26,748.98	10,041.50	16,707.48	0	24,385.13	2,363.85	0	11,913
4	76,644.44	169,151.57	(92,507.13)	65,822	146,391.00	(69,746.56)	65,822	65,822
5*	25,105.98	26,749.17	(1,643.19)	0	46,424.28	(21,318.30)	0	11,105
6	75,937.75	140,099.75	(64,162.00)	59,051	153,230.14	(77,292.39)	59,051	59,051
7	27,435.17	46,390.68	(18,955.51)	18,956	36,857.73	(9,422.56)	9,423	20,312
8	9,003.53	25,262.23	(16,258.70)	9,016	23,309.44	(14,305.91)	9,016	9,016
9	50,974.07	78,167.53	(27,193.46)	27,194	72,161.88	(21,187.81)	21,188	35,999
10	29,839.25	45,097.36	(15,258.11)	15,259	42,352.52	(12,513.27)	12,514	20,760
11	94,436.89	174,799.24	(80,362.35)	74,484	142,412.06	(47,975.17)	47,976	74,484
12	86,170.34	222,082.91	(135,912.57)	81,600	170,382.87	(84,212.53)	81,600	81,600
13	41,929.94	101,064.67	(59,134.73)	38,040	76,361.81	(34,431.87)	34,432	38,040
14	9,261.54	23,142.63	(13,881.09)	8,597	23,419.13	(14,157.59)	8,597	8,597
15*	40,689.53	86,912.63	(46,223.10)	0	73,723.37	(33,033.84)	0	31,775
16	9,045.32	9,028.18	17.14	0	11,830.91	(2,785.59)	2,786	5,165
17	36,214.25	88,023.25	(51,809.00)	33,029	82,762.05	(46,547.80)	33,029	33,029
18	14,686.18	24,824.52	(10,138.34)	9,099	30,554.72	(15,868.54)	9,099	9,099
19	127,411.81	281,036.70	(153,624.89)	112,143	259,056.84	(131,645.03)	112,143	112,143
20	69,660.84	275,913.89	(206,253.05)	90,126	223,785.94	(154,125.10)	90,126	90,126
<b>Total</b>	<b>882,257.19</b>	<b>1,859,784.01</b>	<b>(977,526.82)</b>	<b>650,101</b>	<b>1,695,765.26</b>	<b>(813,508.07)</b>	<b>614,891</b>	<b>736,125</b>

Balance to Reserve	86,024	121,234
Estimated Circuit Deficits	(327,426)	(198,617)
<b>Net Balance to Reserve</b>	<b>(241,402)</b>	<b>(77,383)</b>

\* The 5th and 15th Circuits requested and received early access to full 25% amount.

Agenda Item III.D. Due Process Issues –  
Sixth Circuit Request to Fund Position  
from Cost Recovery Allocation

**Trial Court Budget Commission**  
**January 8, 2016**  
**Tampa, Florida**

**Agenda Item III.D.: Sixth Judicial Circuit Request to Fund Position from Cost Recovery Allocation**

The Sixth Judicial Circuit requests approval to fund one full-time FTE utilizing their revenue collected through cost recovery funds.

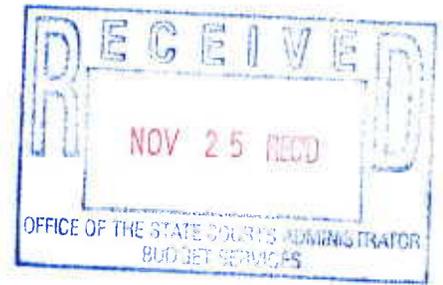
Based on a letter from Chief Judge Anthony Rondolino (attached), the circuit, if approved, would hire a full-time Certified Court Interpreter, indicating that due process contractual expenditures will be reduced by utilizing this position.

On August 26, 2014, the Trial Court Budget Commission approved a similar request to hire the Sixth Circuit's first full-time certified Spanish court interpreter. However, the circuit states with over 3,000 Spanish language requests in their two counties in a typical year, they are unable to meet their needs with a single staff interpreter. The circuit plans to establish a video remote interpreting system so that the two staff interpreters may provide services through the circuit.

The circuit indicates its historical revenue collections and anticipated future revenue collections for cost recovery are sufficient to fund this request. Based on an analysis completed by OSCA Budget Services, the average revenue collected in the circuit for the past 5 fiscal years (\$245,199) is sufficient to fund this request, in addition to the two positions currently funded from cost recovery funds, and would leave a remaining balance to cover the 8% General Revenue Service Charge and other due process-related expenditures. The total salary and benefit cost for the position is estimated at \$65,015, which assumes the position is hired at the minimum for the class and elects family health insurance coverage (to anticipate the maximum liability). There are currently 3.5 unfunded FTE in reserve within the trial court budget that could be utilized if this request is approved.

**Options:**

1. Approve the request to utilize one unfunded FTE from reserve to be funded through the Sixth Judicial Circuit's cost recovery funds.
2. Do not approve.



State of Florida  
Sixth Judicial Circuit of Florida

COUNTIES OF PINELLAS AND PASCO  
545 - 1ST AVENUE NORTH, ROOM 400  
ST. PETERSBURG, FLORIDA 33701  
(727) 582-7272

**ANTHONY RONDOLINO**  
CHIEF JUDGE

**PEGGY HUGHES**  
JUDICIAL ASSISTANT

November 20, 2015

Dorothy Willard, Chief of Budget Services  
Office of the State Court Administrator  
500 South Duval Street  
Tallahassee, FL 32399-1900

Dear Ms. Willard:

I am requesting that the Trial Court Budget Commission (TCBC) approve the allocation of (1) full-time position (FTE) from the statewide reserve of unfunded FTE to the Sixth Judicial Circuit. If this unfunded FTE is allocated to us, we will utilize our Cost Recovery allocation to fund it. The purpose of this request is to allow us to hire an additional Court Interpreter for our circuit.

Last year, at its August 26, 2014, meeting, the TCBC approved a similar request from my predecessor, Judge J. Thomas McGrady, which enabled us to hire our first full-time certified Spanish Court Interpreter. We filled the position in December 2014, and now, after nearly a year's experience with having a staff interpreter, we find we have a need for a second staff interpreter. With over 3,000 Spanish language requests in our two counties in a typical year, our needs cannot be met with a single staff interpreter. We plan to establish a video remote interpreting system so that our two staff interpreters may provide services throughout the circuit.

The Sixth Circuit has a well-established and successful history with cost recovery. Our spending authority is currently \$377,507. We currently have a balance of \$220,832.08 in our cost recovery account. Even with the two other FTE we fund from that account (one FTE Court Interpreter and one FTE Digital Court Reporter), our cost recovery should be sufficient to cover an additional Court Interpreter position.

Page Two  
Letter to Dorothy Willard re: Court Interpreter FTE

The estimated costs for the new FTE are as follows:

**Court Interpreter**

Full-time salary:	\$41,268
Benefit Factor	14.91%
Health Insurance	\$11,133
Total Estimated FTE Cost:	\$58,554

In addition to better serving the needs of our judges for hearings where a Spanish interpreter is required, this proposal, if granted, will also enable us to better comply with changes to the Florida Rules for Certification and Regulation of Spoken Language Court Interpreters. The new rules state a preference for certified interpreters; by hiring staff interpreters with this designation, we increase the odds of being able to provide a certified Spanish interpreter for court proceedings. Finally, this proposal is expected to be cost effective since it is more expensive to utilize contractors who make \$60.00 per hour with a 2 hour minimum, plus \$35 for daily travel.

Thank you for considering our request. Should you have any questions or require further information, please contact me.

Sincerely,



Anthony Rondolino  
Chief Judge  
Sixth Judicial Circuit

cc: PK Jameson, State Courts Administrator  
Gay Inskeep, Trial Courts Administrator, Sixth Judicial Circuit  
William Newton, Administrative Services Manager, Sixth Judicial Circuit

# Agenda Item IV.A. Special Initiatives and Updates – Foreclosure Backlog Status Report and Resources

**FY 2014/15 Foreclosure Initiative  
June 2015 Status Report  
Number of Foreclosure Initiative Pending Cases  
By Circuit**

Circuit	Pending Cases as of June 2012 <sup>1</sup>	Pending Cases as of June 2013 <sup>2</sup>	Pending Cases as of June 2014 <sup>3</sup>	Pending Cases as of May 2015	Foreclosure Initiative Statistics <sup>4</sup> (Run date: October 28, 2015)			
					Data Amendments since the May 2015 Status Report	June 2015 Filings	June 2015 Dispositions	Pending Cases as of June 2015 <sup>5</sup>
1	9,929	9,556	4,930	2,631	20	223	404	2,470
2	3,463	3,689	1,840	1,333	-12	113	149	1,285
3	1,260	1,236	631	584	-4	44	52	572
4	19,742	19,828	9,252	5,094	-29	375	722	4,718
5	14,686	13,640	8,849	7,625	-23	474	553	7,523
6	28,806	28,611	16,261	9,564	-25	515	936	9,118
7	18,462	17,867	7,185	3,921	1	288	610	3,600
8	1,902	1,836	1,287	1,066	-8	89	101	1,046
9	33,512	27,336	11,584	5,342	42	537	1,548	4,373
10	9,171	8,977	4,727	2,726	-11	230	330	2,615
11	52,211	36,389	17,303	11,309	29	693	1,327	10,704
12	16,629	14,109	6,337	3,506	-3	173	458	3,218
13	27,939	21,992	13,470	8,636	-19	353	527	8,443
14	3,400	3,359	1,790	1,205	-10	98	123	1,170
15	32,977	27,651	11,671	5,096	7	414	816	4,701
16	1,723	1,533	500	311	-1	32	43	299
17	45,118	40,373	20,206	8,160	22	579	1,184	7,577
18	27,723	25,391	8,079	4,018	27	273	565	3,753
19	13,699	10,791	4,370	2,191	2	195	341	2,047
20	15,355	15,007	9,219	4,319	-27	255	600	3,947
<b>Total</b>	<b>377,707</b>	<b>329,171</b>	<b>159,491</b>	<b>88,637</b>	<b>-22</b>	<b>5,953</b>	<b>11,389</b>	<b>83,179</b>

<sup>1</sup> Pending cases as of June 2012 was determined by subtracting the number of SRS Real Property/Mortgage Foreclosure dispositions from the number of filings from August 2006 through June 2012.

<sup>2</sup> Pending cases as of June 2013 was determined by subtracting the number of SRS Real Property/Mortgage Foreclosure dispositions from the number of filings from August 2006 through June 2013.

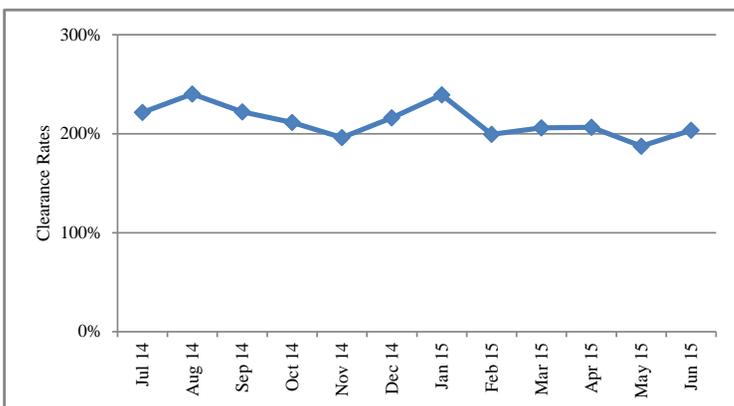
<sup>3</sup> Pending cases as of June 2014 was determined by subtracting the number of SRS Real Property/Mortgage Foreclosure dispositions from the number of filings from August 2006 through April 2014. Pending cases for May and June 2014 are based on dynamic data reported as outlined in the FY 2013/14 Foreclosure Initiative Data Collection Plan.

<sup>4</sup> Foreclosure initiative statistics are based on dynamic data reported by each Clerk of Court to the Office of the State Courts Administrator as outlined in the FY 2013/14 Foreclosure Initiative Data Collection Plan and do not include reopen or inactive cases. Included are commercial, homestead residential, and non-homestead residential foreclosure cases. Foreclosure initiative statistics are also based on Summary Reporting System filings and dispositions data for other real property actions (i.e., quiet title, condemnation, ejectment, and similar matters). Additionally, these statistics are subject to amendments by the Clerk of Court. The result of these amendments are provided in the column labeled Data Amendments since the March 2015 Status Report.

<sup>5</sup> Pending cases as of June 2015 was determined by subtracting the number of June 2015 dispositions from the sum of pending cases as of May 2015, June 2015 filings, and Clerk of Court amendments.

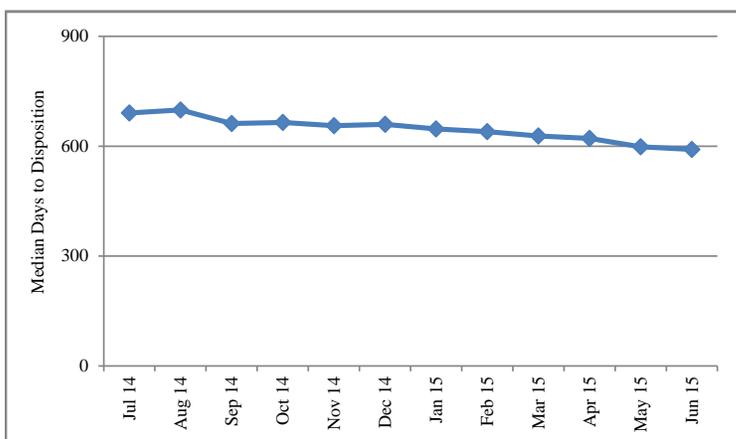
**FY 2014/15 Foreclosure Initiative  
June 2015 Status Report  
State Total  
(Run Date: October 28, 2015)**

**Clearance Rates** (does not include reopened and inactive cases)



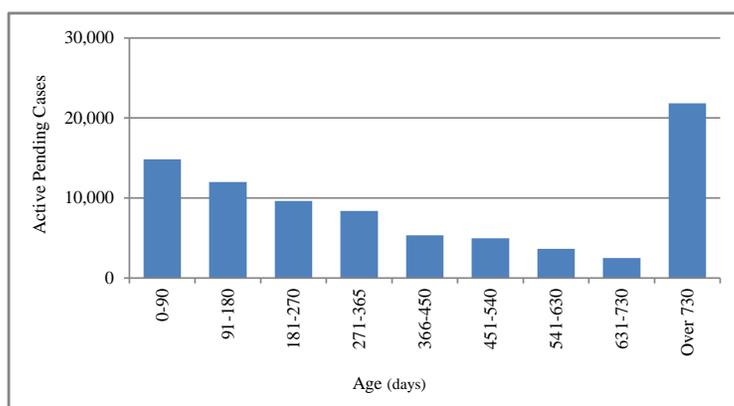
Report As of	Clearance Rate
7/31/2014	222%
8/31/2014	240%
9/30/2014	222%
10/31/2014	211%
11/30/2014	196%
12/31/2014	216%
1/31/2015	239%
2/28/2015	199%
3/31/2015	206%
4/30/2015	206%
5/31/2015	187%
6/30/2015	203%

**Mean Days to Disposition** (does not include reopened and inactive cases)



Report As of	Mean Days to Disposition
7/31/2014	691
8/31/2014	699
9/30/2014	662
10/31/2014	665
11/30/2014	665
12/31/2014	656
1/31/2015	659
2/28/2015	647
3/31/2015	639
4/30/2015	628
5/31/2015	621
6/30/2015	598

**Age of Active Pending Cases** (does not include reopened and inactive cases)



Age (days)	Active Pending Cases	Percent of Total
0-90	14,826	18%
91-180	12,010	14%
181-270	9,650	12%
271-365	8,399	10%
366-450	5,343	6%
451-540	4,982	6%
541-630	3,652	4%
631-730	2,496	3%
Over 730	21,821	26%
<b>Total</b>	<b>83,179</b>	<b>100%</b>

Note: Foreclosure initiative statistics are based on dynamic data reported by each Clerk of Court to the Office of the State Courts Administrator as outlined in the FY 2013/14 Foreclosure Initiative Data Collection Plan and do not include reopen or inactive cases. Included are commercial, homestead residential, and non-homestead residential foreclosure cases. Foreclosure initiative statistics are also based on Summary Reporting System filings and dispositions data for other real property actions (i.e., quiet title, condemnation, ejectment, and similar matters). Additionally, these statistics are subject to amendments by the Clerk of Court.

**FY 2014/15 Foreclosure Initiative  
June 2015 Status Report  
Clearance Rates<sup>1</sup>**

**By Circuit (Run Date: October 28, 2015)**

Circuit	Jul-14	Aug-14	Sep-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	Jun-15
1	229%	198%	181%	138%	135%	166%	155%	145%	155%	118%	127%	181%
2	143%	112%	149%	118%	164%	147%	170%	176%	171%	92%	114%	132%
3	100%	87%	164%	99%	90%	122%	109%	91%	90%	146%	98%	118%
4	144%	179%	189%	147%	182%	224%	235%	161%	187%	231%	195%	193%
5	167%	169%	165%	189%	160%	160%	194%	139%	160%	138%	146%	117%
6	202%	202%	185%	190%	175%	220%	266%	253%	243%	264%	240%	182%
7	207%	234%	219%	170%	162%	168%	177%	197%	165%	193%	163%	212%
8	80%	162%	168%	81%	125%	145%	68%	113%	136%	96%	138%	113%
9	213%	247%	261%	220%	172%	191%	258%	223%	278%	253%	202%	288%
10	160%	173%	148%	172%	166%	187%	177%	133%	177%	146%	134%	143%
11	176%	269%	228%	195%	159%	219%	135%	146%	143%	155%	180%	191%
12	219%	173%	199%	348%	228%	186%	228%	187%	285%	250%	203%	265%
13	203%	245%	207%	196%	221%	206%	248%	203%	206%	188%	176%	149%
14	144%	228%	206%	124%	188%	170%	87%	150%	85%	187%	130%	126%
15	314%	243%	291%	215%	224%	240%	267%	222%	197%	199%	169%	197%
16	118%	150%	156%	241%	272%	112%	177%	188%	148%	107%	167%	134%
17	316%	325%	241%	256%	218%	311%	329%	222%	240%	228%	201%	204%
18	245%	271%	220%	262%	228%	171%	309%	227%	165%	236%	162%	207%
19	184%	209%	175%	174%	189%	164%	207%	182%	171%	130%	140%	175%
20	200%	214%	212%	246%	248%	221%	276%	231%	255%	226%	232%	235%
<b>Total</b>	<b>222%</b>	<b>240%</b>	<b>222%</b>	<b>211%</b>	<b>196%</b>	<b>216%</b>	<b>239%</b>	<b>199%</b>	<b>206%</b>	<b>206%</b>	<b>187%</b>	<b>203%</b>

<sup>1</sup> Foreclosure initiative statistics are based on dynamic data reported by each Clerk of Court to the Office of the State Courts Administrator as outlined in the FY 2013/14 Foreclosure Initiative Data Collection Plan and do not include reopen or inactive cases. Included are commercial, homestead residential, and non-homestead residential foreclosure cases. Foreclosure initiative statistics are also based on Summary Reporting System filings and dispositions data for other real property actions (i.e., quiet title, condemnation, ejectment, and similar matters).

**FY 2014/15 Foreclosure Initiative**  
**June 2015 Status Report**  
**Age of Active Pending Cases and Percent of Cases Over 730 Days<sup>1</sup>**  
**By Circuit (Sorted by percent of cases over 730 days), Run Date: October 28, 2015**

Circuit	Number of Cases										Percent of Cases Over 730 Days
	0 to 90 Days	91 to 180 Days	181 to 270 Days	271 to 365 Days	366 to 450 Days	451 to 540 Days	541 to 630 Days	631 to 730 Days	Over 730 Days	Total Cases	
13	951	790	666	576	415	443	404	288	3,910	8,443	46%
20	680	488	399	366	205	189	128	84	1,408	3,947	36%
4	1,030	691	378	286	188	209	142	115	1,679	4,718	36%
12	403	367	319	284	167	220	190	134	1,134	3,218	35%
6	1,205	985	945	962	578	572	450	305	3,116	9,118	34%
17	1,358	1,002	868	752	513	451	336	257	2,040	7,577	27%
9	1,052	731	536	378	206	194	134	84	1,058	4,373	24%
15	866	695	571	504	339	290	196	125	1,115	4,701	24%
11	1,737	1,404	1,282	1,285	832	796	556	334	2,478	10,704	23%
18	716	612	459	405	262	221	158	80	840	3,753	22%
5	1,345	1,288	970	836	576	491	409	302	1,306	7,523	17%
14	221	188	173	151	100	80	34	31	192	1,170	16%
19	447	368	321	219	127	106	92	35	332	2,047	16%
16	62	51	44	36	24	16	11	7	48	299	16%
3	128	122	91	66	32	25	18	12	78	572	14%
2	324	233	164	118	68	72	40	103	163	1,285	13%
10	621	532	373	319	170	149	98	66	287	2,615	11%
7	819	677	515	463	299	242	136	82	367	3,600	10%
1	624	569	410	237	136	143	73	40	238	2,470	10%
8	237	217	166	156	106	73	47	12	32	1,046	3%
<b>Total</b>	<b>14,826</b>	<b>12,010</b>	<b>9,650</b>	<b>8,399</b>	<b>5,343</b>	<b>4,982</b>	<b>3,652</b>	<b>2,496</b>	<b>21,821</b>	<b>83,179</b>	<b>26%</b>

<sup>1</sup> Foreclosure initiative statistics are based on dynamic data reported by each Clerk of Court to the Office of the State Courts Administrator as outlined in the FY 2013/14 Foreclosure Initiative Data Collection Plan and do not include reopen or inactive cases. Included are commercial, homestead residential, and non-homestead residential foreclosure cases. Foreclosure initiative statistics are also based on Summary Reporting System filings and dispositions data for other real property actions (i.e., quiet title, condemnation, ejectment, and similar matters).

**FY 2014/15 Foreclosure Initiative**  
**June 2015 Status Report**  
**Mean Number of Days from Filing to Disposition<sup>1</sup>**  
**By Circuit (Run Date: October 28, 2015)**

Circuit	Jul-14	Aug-14	Sep-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	Jun-15
1	523	516	491	525	445	477	410	496	381	461	384	378
2	467	418	418	536	477	492	509	510	455	484	486	440
3	332	334	333	428	332	320	359	331	297	431	319	290
4	475	502	565	481	526	556	514	584	508	586	518	443
5	560	522	487	527	548	550	495	488	512	524	538	546
6	719	708	736	730	766	718	715	658	695	683	740	792
7	591	681	551	583	586	569	518	579	556	526	503	536
8	353	372	352	342	329	341	320	352	390	357	348	323
9	796	781	788	731	732	739	696	739	740	649	596	582
10	513	518	527	485	528	437	496	482	407	432	415	389
11	546	568	553	555	552	590	550	561	546	548	569	565
12	721	668	733	724	675	652	586	644	599	559	559	672
13	828	850	813	817	868	836	814	855	862	773	795	845
14	513	518	560	593	456	581	548	552	682	492	458	494
15	774	742	716	762	738	707	712	724	658	658	649	641
16	639	641	475	468	626	659	694	587	560	619	460	425
17	978	1,077	919	967	884	899	900	814	820	833	737	723
18	787	787	775	644	635	714	660	596	594	567	572	548
19	476	465	444	451	478	455	464	445	455	447	474	459
20	529	589	582	593	598	557	621	602	605	624	583	552
<b>Total</b>	<b>691</b>	<b>699</b>	<b>662</b>	<b>665</b>	<b>656</b>	<b>659</b>	<b>647</b>	<b>639</b>	<b>628</b>	<b>621</b>	<b>598</b>	<b>591</b>

<sup>1</sup> Foreclosure initiative statistics are based on dynamic data reported by each Clerk of Court to the Office of the State Courts Administrator as outlined in the FY 2013/14 Foreclosure Initiative Data Collection Plan and do not include reopen or inactive cases. Included are commercial, homestead residential, and non-homestead residential foreclosure cases. Foreclosure initiative statistics are also based on Summary Reporting System filings and dispositions data for other real property actions (i.e., quiet title, condemnation, ejectment, and similar matters).

**FY 2014/15 Foreclosure Initiative  
June 2015 Status Report  
Number of Foreclosure Initiative Filings<sup>1</sup>  
By Circuit (Run Date: October 28, 2015)**

Circuit	Jul-14	Aug-14	Sep-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	Jun-15
1	257	251	273	308	243	247	237	255	262	240	251	223
2	108	114	98	119	85	101	100	88	101	134	116	113
3	74	63	44	67	39	50	44	46	60	48	48	44
4	513	452	462	493	382	399	341	407	407	379	374	375
5	508	575	567	615	465	519	464	561	564	612	420	474
6	617	582	578	626	451	462	412	430	436	448	425	515
7	364	348	302	338	291	308	266	295	300	319	303	288
8	100	111	90	123	71	88	88	92	81	97	74	89
9	781	646	598	700	543	539	498	535	515	512	529	537
10	326	258	255	261	225	228	223	283	243	257	235	230
11	863	776	797	817	622	701	616	536	689	658	624	693
12	260	228	230	210	205	218	172	181	156	144	165	173
13	430	373	413	457	325	397	329	325	408	400	337	353
14	131	81	93	119	81	88	82	84	92	87	82	98
15	478	450	441	497	370	375	354	407	406	458	404	414
16	34	22	25	22	18	34	22	25	27	30	18	32
17	708	671	671	704	580	570	472	594	585	648	565	579
18	367	338	313	346	254	312	251	278	304	287	281	273
19	333	301	295	321	225	236	190	194	223	246	166	195
20	418	373	361	380	283	320	271	258	287	297	286	255
<b>Total</b>	<b>7,670</b>	<b>7,013</b>	<b>6,906</b>	<b>7,523</b>	<b>5,758</b>	<b>6,192</b>	<b>5,432</b>	<b>5,874</b>	<b>6,146</b>	<b>6,301</b>	<b>5,703</b>	<b>5,953</b>

<sup>1</sup> Foreclosure initiative statistics are based on dynamic data reported by each Clerk of Court to the Office of the State Courts Administrator as outlined in the FY 2013/14 Foreclosure Initiative Data Collection Plan and do not include reopen or inactive cases. Included are commercial, homestead residential, and non-homestead residential foreclosure cases. Foreclosure initiative statistics are also based on Summary Reporting System filings and dispositions data for other real property actions (i.e., quiet title, condemnation, ejectment, and similar matters). Additionally, these statistics are subject to modification by the Clerk of Court.

**FY 2014/15 Foreclosure Initiative**  
**June 2015 Status Report**  
**Number of Foreclosure Initiative Dispositions<sup>1</sup>**  
**By Circuit (Run Date: October 28, 2015)**

Circuit	Jul-14	Aug-14	Sep-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	Jun-15
1	588	498	495	425	327	410	368	370	405	283	319	404
2	154	128	146	140	139	148	170	155	173	123	132	149
3	74	55	72	66	35	61	48	42	54	70	47	52
4	741	807	873	727	694	894	801	655	760	874	729	722
5	849	973	935	1,161	744	832	900	780	902	842	612	553
6	1,244	1,176	1,067	1,189	788	1,017	1,097	1,089	1,059	1,182	1,020	936
7	752	815	662	576	472	518	472	581	495	615	495	610
8	80	180	151	100	89	128	60	104	110	93	102	101
9	1,661	1,593	1,558	1,543	933	1,028	1,283	1,193	1,433	1,296	1,069	1,548
10	523	447	378	450	373	427	394	377	430	376	314	330
11	1,517	2,088	1,819	1,591	989	1,533	834	781	982	1,023	1,121	1,327
12	569	395	457	730	467	406	393	338	444	360	335	458
13	873	915	855	898	719	819	817	661	839	752	592	527
14	188	185	192	147	152	150	71	126	78	163	107	123
15	1,499	1,093	1,282	1,069	830	901	946	905	801	912	682	816
16	40	33	39	53	49	38	39	47	40	32	30	43
17	2,237	2,181	1,620	1,800	1,263	1,774	1,552	1,320	1,406	1,477	1,137	1,184
18	899	916	688	905	579	534	775	632	502	677	456	565
19	614	630	516	560	426	386	394	353	382	321	233	341
20	834	799	765	936	702	706	749	595	733	670	664	600
<b>Total</b>	<b>15,936</b>	<b>15,907</b>	<b>14,570</b>	<b>15,066</b>	<b>10,770</b>	<b>12,710</b>	<b>12,163</b>	<b>11,104</b>	<b>12,028</b>	<b>12,141</b>	<b>10,196</b>	<b>11,389</b>

<sup>1</sup> Foreclosure initiative statistics are based on dynamic data reported by each Clerk of Court to the Office of the State Courts Administrator as outlined in the FY 2013/14 Foreclosure Initiative Data Collection Plan and do not include reopen or inactive cases. Included are commercial, homestead residential, and non-homestead residential foreclosure cases. Foreclosure initiative statistics are also based on Summary Reporting System filings and dispositions data for other real property actions (i.e., quiet title, condemnation, ejectment, and similar matters). Additionally, these statistics are subject to modification by the Clerk of Court.

**Trial Court Budget Commission**  
**January 8, 2016, Meeting**  
**Foreclosure Backlog and Resource Analysis**

**Progress Made in Backlog**

Circuit	Foreclosure Initiative Pending Cases (as of June 2015)	SRS Filings (July to October 2015)	SRS Dispositions (July to October 2015)	Foreclosure Initiative Pending Cases (as of October 2015)	Percent Change in Pending Cases (June 2015 to October 2015)
1	2,470	932	879	2,523	2%
2	1,285	397	464	1,218	-5%
3	572	180	208	544	-5%
4	4,718	1,484	1,688	4,514	-4%
5	7,523	1,401	1,981	6,943	-8%
6	9,118	1,769	2,806	8,081	-11%
7	3,600	1,130	1,413	3,317	-8%
8	1,046	338	366	1,018	-3%
9	4,373	2,126	2,273	4,226	-3%
10	2,615	864	963	2,516	-4%
11	10,704	2,734	2,774	10,664	0%
12	3,218	660	973	2,905	-10%
13	8,443	1,349	2,016	7,776	-8%
14	1,170	364	349	1,185	1%
15	4,701	1,600	2,120	4,181	-11%
16	299	84	115	268	-10%
17	7,577	2,433	3,564	6,446	-15%
18	3,753	1,123	1,525	3,351	-11%
19	2,047	666	797	1,916	-6%
20	3,947	1,069	1,484	3,532	-11%
<b>Total</b>	<b>83,179</b>	<b>22,703</b>	<b>28,758</b>	<b>77,124</b>	<b>-7%</b>

**Senior Judge Days Used<sup>1</sup>**

(as of December 17)

Initial Days Allotted	Current Month Ending Allotment Balance	Days Used	Percent Used
286	235	51	17.8%
187	87	100	53.5%
101	95	6	5.9%
469	337	132	28.1%
606	427	179	29.5%
642	412	230	35.8%
359	243	116	32.3%
162	112	50	30.9%
527	357	170	32.3%
304	162	142	46.7%
1,024	747	277	27.1%
266	161	105	39.5%
573	350	223	38.9%
156	138	18	11.5%
449	291	158	35.2%
56	47	9	16.1%
755	448	307	40.7%
356	204	152	42.7%
233	169	64	27.5%
419	293	126	30.1%
<b>7,930</b>	<b>5,315</b>	<b>2,615</b>	<b>33.0%</b>

<sup>1</sup> Senior Judge Days Used includes additional information, as reported by court administration on usage not yet included in the system.

Note: Green highlights indicate circuits with higher backlogs remaining, relative to circuit size.

## Agenda Item IV.B. Special Initiatives and Updates – Cases over the Flat Fee

## Trial Court Budget Commission January 8, 2016, Meeting

Amount Paid Over the Flat Fee for Conflict Counsel Criminal Cases  
FY 2008-09 through FY 2015-16 Annualized

Circuit	Total Amount Paid Over the Flat Fee FY 2008-09	Total Amount Paid Over the Flat Fee FY 2009-10	Total Amount Paid Over the Flat Fee FY 2010-11	Total Amount Paid Over the Flat Fee FY 2011-12	Total Amount Paid Over the Flat Fee FY 2012-13	Total Amount Paid Over the Flat Fee FY 2013-14	Total Amount Paid Over the Flat Fee FY 2014-15	Total Amount Paid Over the Flat Fee FY 2015-16 Annualized*	Difference between FY 2015-16 and FY 2014-15
1	\$37,405	\$32,048	\$148,368	\$296,281	\$243,023	\$180,179	\$253,645	\$80,328	(\$173,317)
2	\$9,328	\$46,778	\$2,250	\$25,370	\$22,310	\$0	\$18,860	\$18,029	(\$831)
3	\$14,880	\$3,345	\$4,215	\$99,388	\$12,623	\$40,069	\$0	\$19,500	\$19,500
4	\$175,782	\$508,102	\$1,082,531	\$569,386	\$418,630	\$642,221	\$570,389	\$868,632	\$298,244
5	\$23,240	\$64,141	\$71,200	\$445,559	\$93,359	\$396,199	\$358,568	\$497,788	\$139,220
6	\$6,058	\$72,676	\$186,588	\$112,345	\$219,744	\$430,558	\$472,023	\$226,188	(\$245,835)
7	\$126,160	\$69,819	\$76,698	\$178,148	\$282,231	\$173,850	\$403,725	\$204,084	(\$199,641)
8	\$21,363	\$68,572	\$98,770	\$48,669	\$67,165	\$44,373	\$123,492	\$0	(\$123,492)
9	\$10,104	\$45,547	\$18,828	\$72,658	\$29,235	\$47,664	\$149,715	\$166,753	\$17,039
10	\$50,735	\$62,727	\$221,063	\$616,746	\$62,162	\$339,451	\$42,660	\$269,658	\$226,998
11	\$161,635	\$526,888	\$1,008,927	\$1,410,618	\$1,644,640	\$2,160,616	\$2,915,212	\$3,265,688	\$350,476
12	\$37,034	\$38,087	\$96,825	\$167,775	\$263,017	\$247,416	\$60,669	\$6,054	(\$54,615)
13	\$14,705	\$113,070	\$502,964	\$571,502	\$356,374	\$258,900	\$782,120	\$321,286	(\$460,835)
14	\$34,527	\$10,203	\$66,055	\$93,279	\$85,469	\$2,280	\$21,668	\$0	(\$21,668)
15	\$65,875	\$154,345	\$454,039	\$1,039,109	\$498,671	\$353,865	\$206,316	\$108,996	(\$97,320)
16	\$0	\$0	\$1,078	\$0	\$0	\$7,141	\$750	\$0	(\$750)
17 <sup>1</sup>	\$232,890	\$504,275	\$572,326	\$974,248	\$410,698	\$647,871	\$910,479	\$2,097,213	\$1,186,734
18	\$1,500	\$11,491	\$5,028	\$50,398	\$17,527	\$56,319	\$106,466	\$203,993	\$97,527
19	\$16,283	\$75,354	\$23,708	\$123,060	\$211,494	\$388,841	\$90,376	\$157,956	\$67,580
20	\$30,855	\$197,284	\$239,775	\$174,358	\$419,605	\$391,395	\$212,844	\$287,417	\$74,573
<b>Total</b>	<b>\$1,070,356</b>	<b>\$2,604,750</b>	<b>\$4,881,233</b>	<b>\$7,068,895</b>	<b>\$5,357,975</b>	<b>\$6,809,207</b>	<b>\$7,699,975</b>	<b>\$8,799,563</b>	<b>\$1,099,588</b>

Source: Data provided by the Justice Administrative Commission.

\* Annualized using data from July 2015 through November 2015.

<sup>1</sup> The annualized figure for Circuit 17 was adjusted for outlier expenditures (July 2015).

**Trial Court Budget Commission**  
**January 8, 2016, Meeting**  
 Amount Paid Over the Flat Fee for Conflict Counsel Criminal Cases  
 FY 2015-16 Monthly

Circuit	Total Amount Paid Over the Flat Fee July 2015	Total Amount Paid Over the Flat Fee August 2015	Total Amount Paid Over the Flat Fee September 2015	Total Amount Paid Over the Flat Fee October 2015	Total Amount Paid Over the Flat Fee November 2015	Total Amount Paid Over the Flat Fee December 2015	Total Amount Paid Over the Flat Fee January 2016	Total Amount Paid Over the Flat Fee February 2016	Total Amount Paid Over the Flat Fee March 2016	Total Amount Paid Over the Flat Fee April 2016	Total Amount Paid Over the Flat Fee May 2016	Total Amount Paid Over the Flat Fee June 2016	Total Amount Paid Over the Flat Fee FY 2015-16 YTD
1	\$0	\$0	\$3,478	\$29,993	\$0								\$33,470
2	\$0	\$7,512	\$0	\$0	\$0								\$7,512
3	\$0	\$0	\$0	\$8,125	\$0								\$8,125
4	\$23,280	\$153,620	\$33,123	\$42,658	\$109,250								\$361,930
5	\$101,420	\$20,544	\$24,032	\$52,810	\$8,606								\$207,412
6	\$0	\$48,937	\$1,700	\$43,608	\$0								\$94,245
7	\$0	\$21,752	\$0	\$49,366	\$13,918								\$85,035
8	\$0	\$0	\$0	\$0	\$0								\$0
9	\$19,120	\$45,608	\$0	\$0	\$4,753								\$69,481
10	\$0	\$80,458	\$0	\$23,750	\$8,150								\$112,358
11	\$314,338	\$315,213	\$253,282	\$348,751	\$129,120								\$1,360,704
12	\$0	\$2,523	\$0	\$0	\$0								\$2,523
13	\$41,963	\$18,756	\$47,044	\$16,583	\$9,525								\$133,869
14	\$0	\$0	\$0	\$0	\$0								\$0
15	\$0	\$0	\$18,070	\$3,880	\$23,465								\$45,415
16	\$0	\$0	\$0	\$0	\$0								\$0
17	\$702,870	\$151,950	\$81,884	\$83,360	\$189,840								\$1,209,904
18	\$37,525	\$0	\$36,150	\$0	\$11,322								\$84,997
19	\$0	\$0	\$8,395	\$26,850	\$30,570								\$65,815
20	\$0	\$11,210	\$76,620	\$7,920	\$24,007								\$119,757
<b>Total</b>	<b>\$1,240,515</b>	<b>\$878,081</b>	<b>\$583,776</b>	<b>\$737,652</b>	<b>\$562,526</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$4,002,549</b>

Source: Data provided by the Justice Administrative Commission.

**JAC - Criminal Conflict Attorney  
 Payments Over the Flat Fee  
 FY 2015-16  
 July 2015 - November 2015**

<b>Expenditure Summary</b>				
<b>CIRCUIT</b>	<b>Capital Cases</b>	<b>RICO Cases</b>	<b>Other Cases</b>	<b>TOTAL*</b>
1	\$29,780	\$0	\$3,690	<b>\$33,470</b>
2	\$7,512	\$0	\$0	<b>\$7,512</b>
3	\$0	\$0	\$8,125	<b>\$8,125</b>
4	\$235,445	\$0	\$126,485	<b>\$361,930</b>
5	\$201,494	\$0	\$5,918	<b>\$207,412</b>
6	\$92,545	\$0	\$1,700	<b>\$94,245</b>
7	\$53,381	\$0	\$31,653	<b>\$85,033</b>
8	\$0	\$0	\$0	<b>\$0</b>
9	\$64,728	\$0	\$4,753	<b>\$69,481</b>
10	\$112,358	\$0	\$0	<b>\$112,358</b>
11	\$1,139,961	\$21,853	\$198,890	<b>\$1,360,704</b>
12	\$0	\$0	\$2,523	<b>\$2,523</b>
13	\$0	\$55,709	\$78,161	<b>\$133,869</b>
14	\$0	\$0	\$0	<b>\$0</b>
15	\$34,785	\$0	\$10,630	<b>\$45,415</b>
16	\$0	\$0	\$0	<b>\$0</b>
17	\$1,042,712	\$0	\$167,192	<b>\$1,209,904</b>
18	\$0	\$0	\$84,997	<b>\$84,997</b>
19	\$0	\$26,850	\$38,965	<b>\$65,815</b>
20	\$17,560	\$0	\$102,197	<b>\$119,757</b>
<b>TOTAL*</b>	<b>\$3,032,260</b>	<b>\$104,411</b>	<b>\$865,877</b>	<b>\$4,002,547</b>
<b>Percent of Total</b>	<b>75.8%</b>	<b>2.6%</b>	<b>21.6%</b>	

**FY 2014-15  
 July 2014 - November 2014**

<b>Expenditure Summary</b>				
<b>CIRCUIT</b>	<b>Capital Cases</b>	<b>RICO Cases</b>	<b>Other Cases</b>	<b>TOTAL*</b>
<b>TOTAL*</b>	<b>\$1,811,299</b>	<b>\$136,698</b>	<b>\$823,393</b>	<b>\$2,771,389</b>
<b>Percent of Total</b>	<b>65.4%</b>	<b>4.9%</b>	<b>29.7%</b>	

Note: Data provided by the Justice Administrative Commission.

\*Totals may not be exact due to rounding.

# Agenda Item V. FY 2015-16 End-of-Year Spending

**Agenda Item V.: FY 2015-16 End-of-Year Spending Plans**

**Issue:**

As the Judicial Branch moves into the second half of the fiscal year, the Trial Court Budget Commission (TCBC) may want to consider planning for a statewide year-end spending plan. In past years the TCBC has utilized year-end funding to address critical due process equipment replacement needs. To maximize resources and meet the statewide due process equipment replacement needs, resources were pooled together by using remaining funds in the statewide reserves and unobligated funds received by the circuits. The funds then were then reallocated out to the circuits based on due process equipment replacement needs at that time.

When considering a year-end spending plan, it is important to take into consideration which funds can be utilized and transferred via budget amendment to maximize available resources. The following appropriation categories may be used: Other Personnel Services (OPS), Expenses, Operating Capital Outlay (OCO), Civil Traffic, Contracted Services, Lease Purchase, Mediation Services, and Due Process Services. There are other funds that were designated by the Legislature for a specific purpose that cannot be used toward a year-end spending plan, such as Veterans Court, Child Advocacy Centers, 24x7 Sobriety, Grand Jury, Post Adjudicatory Drug Court, Naltrexone-Drug Treatment, and Domestic Violence GPS funding.

A critical step in planning for potential end-of-year spending is to identify priorities as far in advance as possible, so that once a final decision is made on the availability of dollars, circuits have sufficient time to obligate the money before the end of the fiscal year.

**Discussion:**

- Possible spending plan needs to be addressed
- Plan for determining available resources
- Budget Management Committee (BMC) and Funding Methodology Committee (FMC) roles



## Office of Chief Judge

14<sup>th</sup> Judicial Circuit • State of Florida

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December 28, 2015

Hon. Mark Mahon, Chair  
Trial Court Budget Commission  
501 West Adams Street, Room #7007  
Jacksonville, FL 32202  
[mmahon@coj.net](mailto:mmahon@coj.net)

Re: TCBC Funding for “*non-public space*” furniture for new courthouse- 14<sup>th</sup> Circuit

Dear Chair Mahon:

Thank you for your service to the Trial Court Budget Commission. I am writing regarding funding for our “*non-public space*” furniture for our new courthouse and renovation scheduled for completion in April 2016. We have been in communications with Eric Maclure and Dorothy Willard regarding this issue. Traditionally “*non-public space*” furniture for new courthouses has been funded by the state. We submitted a “*non-public space*” furniture request for \$66,003.00. As I understand it, the Executive Committee recommended against filing a furniture LBR with the thinking that sufficient reversion funds would likely be available to fund this request given its relative size in comparison to historical year end reversions. Additionally this issue did not make the list of priority items that were submitted as a part of the 2016/17 budget request.

Our dilemma is that we are scheduled for completion in April 2016 and there is an eight to ten week lead time for ordering furniture. We need to order our furniture in February to have it available for our April 2016 completion.

Our request is that we be permitted to proceed with ordering our furniture in February 2016 from expense/OCO reserves instead of waiting until the end of FY 16-17. This would greatly assist us in our ability to serve the public.

I would note that we are working with the county to fund our "public space" furniture.

Thank you for considering this request.

Sincerely,



**Elijah Smiley**  
**Chief Judge**

**Xc:** Eric Maclure, OSCA  
Dorothy Willard, OSCA

**FY 2016-17 LBR FURNITURE REQUEST TEMPLATE**

Circuit: 14th  
 County: Bay  
 Facility:  New or  Renovation

Location/Room Type	# of Rooms	Item	Unit Cost	# of Units	Expense	Operating Capital Outlay (OCO)	Totals	Notes (clarification, justification if over standard amounts, etc.)
Level 2								
Judge's Office	1	Desk	922	1	922		922	
		Two-Drawer Lateral File	674	1		1,106	1,106	The two-drawer lateral file cabinet and hutch will be considered one unit for OCO. (\$674 + \$432 = \$1,106)
		Bookcase for Two-Drawer File	432	1				
		Kneespace Credenza	872	1		1,124	1,124	The kneespace credenza and keyboard tray will be considered one unit for OCO. (\$872 + \$252 = \$1,124)
		Keyboard Tray	252	1				
		Executive Chair	607	1	607		607	
		Guest Chair	365	2	730		730	
Judicial Assistants' Offices	4	Desk	792	4		5,796	5,796	The desk and return will be considered one unit for OCO. (\$792 + \$657 = \$1,449)
		Return for Desk	657	4				
		Two-Drawer Lateral File	674	4	2,696		2,696	
		Delivery, Assembly, Installation	900		900		900	
<b>Totals</b>	<b>5</b>				<b>5,855</b>	<b>8,026</b>	<b>13,881</b>	

**FY 2016-17 LBR FURNITURE REQUEST TEMPLATE**

Circuit: 14th  
 County: Bay  
 Facility:  New or  Renovation

Location/Room Type	# of Rooms	Itemx	Unit Cost	# of Units	Expense	Operating Capital Outlay (OCO)	Totals	Notes (clarification, justification if over standard amounts, etc.)
Level 3							-	
Judge's Office	1	Desk	922	1	922		922	
		Two-Drawer Lateral File	674	1		1,106	1,106	The two-drawer lateral file cabinet and bookcase will be considered one unit for OCO. (\$674 + \$432 = \$1,106)
		Bookcase for Two-Drawer File	432	1			-	
		Kneespace Credenza	872	1		1,124	1,124	The kneespace credenza and keyboard tray will be considered one unit for OCO. (\$872 + \$252 = \$1,124)
		Keyboard Tray	252	1			-	
		Executive Chair	607	1	607		607	
Judges' Offices	5	Guest Chair	365	10	3,650		3,650	
Judicial Assistant's Office	1	Desk	792	1		1,449	1,449	The desk and return will be considered one unit for OCO. (\$792 + \$657 = \$1,449)
		Return for Desk	657	1			-	
		Two-Drawer Lateral File	674	1	674		674	
Judicial Assistants' Offices	4	Guest Chair	365	8	2,920		2,920	
Judicial Conference Room	5	10' Conference Table	1,080	5		5,400	5,400	
		Conference Chair	380	55	20,900		20,900	
		Executive Chair	607	5	3,035		3,035	
		Computer Desk	687	5	3,435		3,435	
		Delivery and Installation			6,900		6,900	
<b>Totals</b>	<b>16</b>				<b>43,043</b>	<b>9,079</b>	<b>52,122</b>	

**3. Court Interpreting Resources**

Lindsay Hafford reviewed the issue request for \$483,292 in recurring funds, which represents the difference of the requested FY 2015-16 LBR issue and the amount the Legislature funded, to comply with the requirements of Supreme Court Opinion SC13-304 amending the rules for certification and regulation of court interpreters. The FMC recommended filing the issue.

**4. Case Management Resources**

Kris Slayden reviewed the issue request for \$3,212,634 in recurring funds for an additional 52.5 FTE case managers based on the official needs assessment funding methodology to assist in the processing and management of cases through the judicial system, and to provide an adequate level of services throughout the state. The FMC recommended filing the issue.

**5. Law Clerks to Support Death Penalty Legislation**

Lindsay Hafford reviewed the issue request for \$2,095,064 in recurring funds for 28.5 FTE law clerk positions to assist trial court judges in processing the often complex and legally significant matters related to a sentence of death and to comply with the Supreme Court Administrative Order AOSC11-32 directing the chief judge of each circuit to review and supervise the preparation of quarterly reports to the Supreme Court on post-conviction matters. The FMC recommended filing the issue.

**6. Compensation to Retired Judges**

Lindsay Hafford reviewed the issue request for \$1,002,192 in recurring funds to adjust the senior judge daily rate of compensation from \$350 to \$500 to bring senior judge compensation in line with the statewide average compensation of civil traffic infraction hearing officers. The FMC did not recommend filing the issue.

**7. Senior Management Service Coverage**

Eric Maclure reported that the Executive Committee referred this issue to the Personnel Committee for further review and no action will be taken this LBR cycle.

**8. Courthouse Furnishings**

Dorothy Willard reviewed the issue request for \$203,395 in non-recurring funds for courthouse furnishing requests related to new courthouse construction or renovations in the 11<sup>th</sup> and 14<sup>th</sup> Judicial Circuits. The 2<sup>nd</sup> and 18<sup>th</sup> Judicial Circuits withdrew their requests. The Executive Committee recommended to not file an LBR issue due to the size of funding compared to end of year reversions.



(OSCA Note: The TCBC did not vote on these issues individually. However, in agenda item V.D., the TCBC ranked the issues in order of prior and only advanced issues numbered 1-4.)

### **C. Additional Requests/Priorities**

#### **1. Florida Conference of Circuit Judges' Recommendations**

Eric Maclure reviewed the Florida Conference of Circuit Judges' 2016 recommended legislative priorities.

#### **2. Education and Training on Co-Occurring Disorders**

Eric Maclure reviewed the issue request for \$150,000 submitted by Miami-Dade County Judge Steven Leifman in his capacity as chair of the Task Force on Substance Abuse and Mental Health Issues in the Court. The judicial branch requested \$100,000 in nonrecurring funds as part of its FY 2015-16 trial court LBR to provide statewide training and education for judges and court staff responsible for managing cases involving individuals with mental illnesses and substance use disorder. The Legislature did not provide new funding for this issue. However, the FY 2015-16 General Appropriations Act proviso specifies that \$100,000 from funds in the Specific Appropriation 3164 (Circuit Court Expenses category) is provided for this purpose. The Executive Committee recommended to not file an LBR for this issue.

### **D. Priority Ranking of LBR Issues**

Chapter 216, Florida Statutes requires all state entities to list their LBR issues by order of priority. The members discussed the priority ranking and offered the following:

Judge Steinbeck made a motion to approve the employee pay issue as the number one priority. Judge Nelson seconded, and the motion passed without objection.

Grant Slayden made a motion to approve the trial court technology issue as the number two priority. Judge Nelson seconded, and the motion passed without objection.

Mark Weinberg made a motion to approve the court interpreting resources issue and case management resources issue as the number three and four priorities, respectively. Tom Genung seconded. Judge Steinbeck offered an amended motion to approve the case management resources issue as the number three priority and the court interpreting resources issue as the number four priority, noting that the court interpreting resources issue was requested last year and mostly funded. Judge Nelson seconded, and the motion passed without objection.

Agenda Item VI.A. Legislative Issues  
and Updates – *A Review of Florida  
Circuit Courts* by Office of Program  
Policy Analysis and Government  
Accountability

THE FLORIDA LEGISLATURE  
**OPPAGA**



OFFICE OF PROGRAM POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY

December 2015

Report No. 15-13

# A Review of Florida Circuit Courts

## *at a glance*

Florida's 20 circuit courts use various nationally-recognized practices to facilitate efficient case management, including technology such as e-filing. The courts' transition to a technology-driven environment has encountered challenges.

The 67 clerks of court each maintain the court's official records in a case maintenance system (CMS). The circuit courts are developing software systems that import data from these CMSs, display it uniformly within the circuit, and add functions such as the ability to search, notate, and sign records, and monitor cases and caseloads. The Office of the State Courts Administrator (OSCA) is building a statewide system to import data from these local systems and the clerks' centralized case information system for the courts' use in monitoring and improving case management and court performance.

Nationwide, there is no standard formula for determining the appropriate number of court staff; Florida's Trial Court Budget Commission uses a variety of methods to determine staffing levels. While a need for additional case managers and staff attorneys has been identified, the commission may wish to refine its approach to staffing need projections.

Judicial and court staff training is designed to meet statutory and professional standards and occurs almost exclusively in-state through structured conferences. Like other states, Florida may wish to increase its distance education opportunities.

## Scope

[Chapter 2015-232](#), *Laws of Florida*, directs OPPAGA to conduct a review of the state courts system at the circuit level, including staffing; an evaluation of the efficiency and effectiveness of court administration; an assessment of the court's case processing and recommendations to improve efficiency; and to examine the use of training and travel funds for judges and staff.<sup>1</sup>

## Background

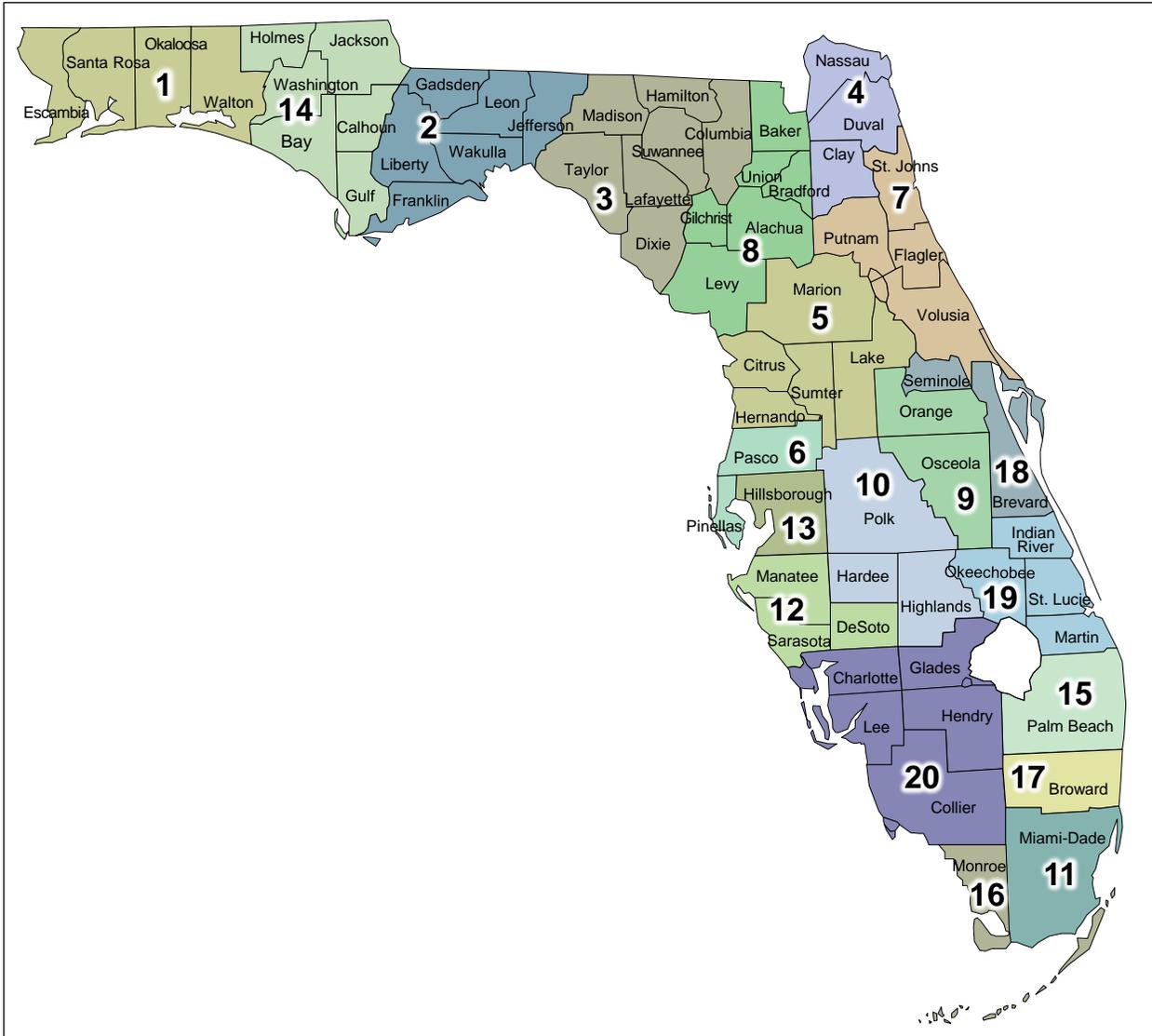
Article V of the *Florida Constitution* establishes the state courts system.<sup>2</sup> The system is composed of the Supreme Court, district courts of appeal, and circuit and county courts. The Supreme Court and the district courts of appeal have primarily appellate jurisdiction; circuit and county courts conduct hearings and trials and dispose of other cases.

This review addresses the 20 circuit courts, which consist of one or more counties. (See Exhibit 1.) Circuit courts have general trial jurisdiction over matters not assigned by statute to the county courts. Circuit courts also hear appeals from county court cases. The jurisdiction of circuit courts includes, in part, civil disputes involving more than \$15,000, cases relating to juveniles, criminal prosecutions for all felonies, family law, probate, and tax disputes.

<sup>1</sup> See proviso language pertaining to funds in Specific Appropriations 2667 and 2668. This proviso also directs OPPAGA to assess the structure, function, and effectiveness of the Judicial Qualifications Commission, which we address in OPPAGA [Report No. 15-12](#).

<sup>2</sup> [Article V](#), *Florida Constitution*.

**Exhibit 1  
Florida is Divided Into 20 Judicial Circuits**



Source: OPPAGA analysis.

Reflecting these responsibilities, the legal work of the circuit courts is grouped into four main categories, or divisions: family, civil, criminal, and probate. As shown in Exhibit 2, there were over 770,800 filings in Florida circuit courts during Fiscal Year 2013-14.<sup>3</sup> The highest percentage of cases, 36.5%, was filed in family court, which includes domestic relations, juvenile delinquency, juvenile dependency, and termination of parental rights.

<sup>3</sup> Filings are the commencement of judicial proceedings by entering a charging document, complaint, or petition into the official record of a court.

**Exhibit 2  
There Were Over 770,800 Filings in Florida Circuit Courts in Fiscal Year 2013-14**

Case Type	Total Filings	Percentage of All Filings
Family	281,168	36.5%
Civil	198,858	25.8%
Criminal	176,768	22.9%
Probate	114,046	14.8%
<b>Total</b>	<b>770,840</b>	<b>100%</b>

Source: *Florida's Trial Courts Statistical Reference Guide*. Fiscal Year 2013-14, Office of the State Courts Administrator.

Each circuit is headed by a circuit judge who is selected by a majority of the circuit and county court judges to serve a two-year term as chief judge.<sup>4</sup> The chief judge is responsible for court administration, including setting circuit policy consistent with judicial branch policy, assigning judges to divisions, assigning cases to divisions, and regulating the use of all court facilities. Chief judges also serve as liaisons to the county commissions.

Chief judges delegate many duties to their court administrators. Every circuit has a court administrator who is selected and removed by the chief judge subject to concurrence by a majority vote of the circuit and county judges of the circuit.<sup>5</sup> In most (14) circuits, the chief judge delegates to the court administrator, supervision of all court employees except the judges and the general counsel, if there is one. In the other circuits, chief judges also oversee other lawyers such as magistrates, hearing officers, and staff attorneys.<sup>6,7</sup>

Court administrators have many responsibilities. They manage operations such as courtroom scheduling, facilities management, case flow, statistical analysis, inter-branch and intergovernmental relations, technology planning, jury oversight, public information, and emergency planning. They also oversee court business operations, including personnel, planning and budgeting, finance and accounting, purchasing, property, and records. Court administrators also manage court reporting, court interpreters, expert witnesses, staff attorneys, magistrates and hearing officers, mediation, and case management.

The county clerks of court maintain all official court-related documents. In addition to their other duties, these 67 elected constitutional officers keep court dockets and records of court proceedings, orders, and final judgments.<sup>8,9</sup>

<sup>4</sup> [Article V](#), s. 2(d), *Florida Constitution*; see also Rule 2.215(c), *Florida Rules of Judicial Administration*. A chief judge may serve up to a total of four terms, or eight years.

<sup>5</sup> Rule 2.215(d), *Florida Rules of Judicial Administration*.

<sup>6</sup> In Circuit 10, the organization chart shows the chief judge supervising all staff.

<sup>7</sup> Every judge selects, hires, and supervises his or her own judicial assistant.

<sup>8</sup> [Chapter 28](#), *F.S.*

To review circuit court administration and case management practices we conducted site visits to 8 judicial circuits and phone interviews with the remaining 12 circuits.<sup>10</sup> We spoke with and received information from chief judges and court staff, including court administrators, case managers, staff attorneys, and technology staff. We also surveyed the circuit judges and received responses from 469, an 80% response rate.

## Court and Case Administration

### *Florida circuits use many nationally recognized practices for court administration*

National literature identifies several practices for allocating judicial time and workload efficiently and effectively. These include using judges and court staff in ways that optimize judicial time and facilitate efficient case management and using technology to deliver court services. Florida circuits are using many of these practices.<sup>11</sup>

Florida circuits use practices to optimize judicial time and facilitate efficient case management. For example, chief judges in 17 of the 20 circuits designate administrative judges to lead divisions or oversee the circuit work within one of the circuit's counties. These administrative judges assume responsibility for ensuring that cases within their assigned area are resolved efficiently.<sup>12</sup>

<sup>9</sup> The clerks may also serve as clerk and accountant to the board of county commissioners, county auditor, and as an agent of the Florida Department of Revenue. Clerks also collect money for certain services, such as filing fees, fines, and child support payments.

<sup>10</sup> We conducted site visits to circuits 2, 3, 4, 8, 11, 12, 18, and 20.

<sup>11</sup> Additional practices discussed in national literature for increasing efficiency and effectiveness will be discussed in later sections of the report, including adopting and adhering to case time standards, using proactive case management to move cases, and assisting self-represented litigants.

<sup>12</sup> Three circuits do not use administrative judges: Circuit 3 (with 7 circuit judges who cover 7 counties), Circuit 14 (with 11 circuit judges who cover 6 counties), and Circuit 16 (with 4 circuit judges who cover 3 courthouses in the Florida Keys and Monroe County). Due to these small numbers, the chief judge performs this function.

Also, chief judges in 19 circuits assign judges to work in more than one division.<sup>13</sup> Assigning judges across divisions facilitates workload management and is particularly useful in smaller circuits. Circuits also use retired judges to help with backlogs or lengthy trials and county judges in cases of absence, conflict of interest, or scheduling problems as another way to provide backup for circuit judges.

All twenty Florida circuits use magistrates, hearing officers, and mediators to assist the circuit judges. Under the supervision of a judge, magistrates and hearing officers perform quasi-judicial functions such as hearing cases and providing recommended orders for judicial review. Final orders are signed by the judge. Mediators are neutral parties that help litigants resolve their own cases through agreements signed by the judge.

Florida circuits use technology to deliver court services. Two mandated court services, court reporting and court interpreting, have been changed through the use of technology. For the past 10 years, Florida has used digital court reporting, which allows one reporter to monitor recording units in multiple courtrooms instead of having one stenographer in each courtroom. Circuits rely on this technology, although stenographers are still used in some cases, such as those involving the death penalty. In 2009, the 8<sup>th</sup> Circuit developed in-house, free software called OpenCourt that is currently being used by 9 circuits to digitally record court proceedings.<sup>14</sup> Sharing of this software is a promising practice that may be advantageous to other circuits.

Another mandated court service that benefits from technology is interpreting, which provides speech and written interpretive services to defendants who are hearing-impaired or need help understanding court proceedings conducted in English. Several circuits reported a shortage of interpreters.

Remote interpreting through a video link allows courts to use the services of an interpreter in another location. Six circuits are conducting a remote interpreter pilot project in which they share interpreters.<sup>15</sup> For example, the 9<sup>th</sup> Circuit (Orange and Osceola counties) may have local interpreters who can remotely serve Key West, in the 16<sup>th</sup> Circuit, saving time and travel expenses. Depending on the results of the pilot, this approach could be a promising practice that shares limited interpreting resources and reduces costs.

### ***Court transition to a technology-driven environment has encountered challenges***

In Florida, the legislative mandate to electronically file court records accelerated the court and clerks' transition to an electronic environment, which has the potential to improve the efficiency of daily court and clerk operations and to provide the data needed to assess court performance. The county clerks manage court documents through electronic case maintenance systems, but these systems vary across the 67 counties and do not provide all of the functionality needed to conduct judicial activities. To address these limitations, courts have purchased or developed software known as Court Application Processing Systems (CAPS) or judicial viewers, that are in various stages of development and implementation across the state. In addition, the Office of the State Courts Administrator (OSCA) is building a statewide data management system of clerk, court, and other data designed to allow the state and circuits to uniformly access court activity and case information for process improvement and court operations management.

E-filing is transitioning courts to electronic documents. In e-filing, parties to a case use an official web portal to electronically file court

<sup>13</sup> Circuit 4 (Clay, Duval, and Nassau counties) has 55 judges, and they are not assigned across divisions.

<sup>14</sup> The 9 circuits that use OpenCourt are circuits 2, 3, 6, 7, 8, 10, 14, 18, and 19.

<sup>15</sup> Virtual remote interpreting pilot participants include Circuit 3 (Columbia and Suwannee counties), Circuit 7 (Flagler, Putnam, and Volusia counties), Circuit 9 (Orange and Osceola counties), Circuit 14 (Bay County), Circuit 15 (Palm Beach County), and Circuit 16 (Monroe County).

documents.<sup>16</sup> The transition to electronic filing began in 2009 when the Legislature directed the clerks of court to implement an e-filing process with direction from the Supreme Court. E-filing was phased in over the next few years, with the portal opening in 2011 and the court gradually requiring that attorneys in each division use it. Now all divisions use the portal, and the types of users have expanded to include judges, mediators, mental health providers, process servers, law enforcement, and self-represented litigants. As of August 2015, over 94,500 users had filed more than 45 million submissions through the portal.

As each document is filed in the portal, it is also electronically delivered to the other parties in the case. The filed document goes to the receiving clerk's office to be docketed and entered into the clerk's case maintenance system. E-filing provides several benefits to users, including the ability to submit documents from any location at any time of day and reduced costs for paper, printing, transport, and storage. For the clerks and court, electronically filed records increase processing speed and accuracy and provide similar savings in printing and storage costs.

The Florida Courts E-Filing Authority, comprised of eight county clerks and the Clerk of the Supreme Court, continues to refine and improve e-filing by adding users and addressing technical issues. For example, it addressed the lack of standardization in civil case types from county to county and made upgrades to make filing easier for users.

Clerks manage court-related data through case maintenance systems. Accurate and reliable case data is critical to the court's ability to track, process, and manage cases and caseloads. The 67 elected county clerks are responsible for maintaining the records of the court. However, the proliferation of electronic documents and the implementation of varying systems to transfer and manage these records

have made the sharing of information between the clerks and the courts an ongoing challenge.

As records became electronic, county clerks of court developed or acquired electronic case maintenance systems (CMSs). These systems help clerks perform their ministerial duties for the courts, the state (such as collecting court-ordered child support, fines, and fees), and their counties (such as recording deeds and serving as clerk and accountant to the county commission).

The CMSs maintain all official court documents and records, including filings, dispositions, assigned judges, motions, and parties to a case and are used to generate judges' court dockets. When court documents are filed electronically, the actual record or image resides within the clerk's CMS. When paper records are presented to the clerk, the clerk scans them so that they too become electronic and are stored in the CMS.

Clerks use CMSs to report data on filings and dispositions to OSCA and to provide electronic documents and reports to judges and other staff for their case work. Judges in some counties use periodic reports provided by their clerk to monitor their caseloads, whereas judges in other counties voiced concern about the accuracy of the case data, including improperly assigned cases, backlogs in document scanning, and varying definitions between clerks and courts on how re-opened cases should be designated in the system.

Data from the clerks' CMSs are sent to the clerks' Comprehensive Case Information System (CCIS), a secure, single point of search for statewide court case information. Additionally, information that may be accessed through CCIS includes official records, and information used by multiple entities, such as traffic citations. Users of CCIS include OSCA, state and local law enforcement, and state agencies. The clerks are currently implementing a major system upgrade to CCIS, which is scheduled for completion in the spring of 2016. According to the Florida Association of Court Clerks and Comptrollers,

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<sup>16</sup> [Florida Courts E-Filing Portal](#).

this upgrade will provide real-time updates, add data elements, and improve data quality.

Each clerk designed or purchased a CMS prior to the implementation of e-filing, and although each clerk needed to collect and provide the same types of court information, there was no statewide approach for purchasing the equipment or standardized technical criteria the systems were required to meet.<sup>17</sup> There are now 14 different kinds of CMS software in use across the 67 counties, some developed in-house and the majority purchased from vendors.

Each CMS may store, code, and present case data in different ways. The lack of standardization among the systems can be a problem for judges and court staff in multi-county circuits who must use data and records from multiple CMSs. Since the courts are dependent on the clerks for access to these official electronic case records, the circuits may have inconsistent access to the data they need for case management and other purposes.

Further, CMSs were designed so that each document can be viewed and labeled, functions clerks need to fulfill their obligation to record and archive each court record, but they do not have all the functions that the court needs to manage cases and judicial workloads. For example, judges generally cannot view multiple case records at a time, and cannot search the files, make notes in documents, use filed documents to create orders, or use electronic signatures to complete orders at the bench. Some judges have limited ability to use links, search, or annotate electronic documents because of the way in which clerks store files that are submitted through the portal.<sup>18</sup>

Judicial viewers are being implemented across circuits with varying levels of functionality. In response to the need for consistent access to case data and additional functionality to manage cases and judicial workload, the circuits purchased or developed the Court Application Processing Systems (CAPS), also referred to as judicial viewers. CAPS is a software application that extracts data from the different clerks' CMSs and displays it electronically in a uniform fashion. In a multi-county circuit, such as the 8<sup>th</sup> Circuit, a judicial viewer accesses electronic files and case data from CMSs in six counties and displays information in a standardized format.<sup>19</sup> Viewers also provide additional functionality for the courts, allowing them to create, revise, annotate, or search documents, as well as generate reports on topics such as the age of a case or the last action taken, instead of relying on periodic case printouts from clerks.

The national housing crisis accelerated CAPS development. In response to the mounting number of foreclosure cases, the Legislature allocated a portion of National Mortgage Foreclosure Settlement funds to the court for staff and CAPS technology to identify and track backlogged cases. Using these funds, 10 circuits purchased CAPS software and associated technical support from a vendor and 10 used software developed in-house to monitor foreclosure cases in the civil division.<sup>20</sup> While this approach allowed circuits to choose an approach appropriate to their technical capabilities and facilitated the advancement of the software, it resulted in eight different viewers (six developed in-house and two developed by vendors).

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these document functions; at the time of our review, a date for completion had not been set.

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<sup>17</sup> According to officials from the Florida Association of Court Clerks and Comptrollers, clerks have drafted functional requirements for new and revised case maintenance systems.

<sup>18</sup> When court documents were paper records, the court authorized the clerks to scan them to create an electronic image. This imaging format does not work well with electronic documents submitted through e-filing because it does not retain links and other features included in the submitted files. The clerks are researching ways to change the format to retain

<sup>19</sup> The first judicial viewer was developed in the multi-county Circuit 12 by the court administrator and the Manatee clerk of court collaborating with Mentis, a vendor who supplied the court other software, with the understanding that the product would be made available to other circuits as freeware. The vendor honored the agreement but went on to enhance the product and sell the improved version to other circuits.

<sup>20</sup> Some circuits have used or modified in-house viewers developed by Circuits 8 and 13.

To provide standardization, the court developed minimum functional CAPS' standards, including the requirement that every viewer must be certified as meeting the standards every two years. The standards continue to be upgraded to reflect the evolution of the viewers to meet circuit needs. The first generation of viewers gave judges the capability to view and search documents electronically. Later standards required more features. For example, the 2014 CAPS re-certification requirements include

- electronic signatures with a date, time stamp, and case number, making it possible to e-file court orders from the bench;
- the ability to populate case management forms with existing data to save data entry time and reduce the potential for error;
- performance reporting, including data on timeliness; and
- improved court calendaring.

Some viewers already have these features, but in only 9 circuits are all counties' viewers fully certified as having met the new standards. The judges in our survey who used viewers reported some specific benefits. For example, 76% of respondents who used viewers reported that they were able to obtain data reports about their cases. However, almost half of responding judges said they had experienced some problems using the viewers; the most common issues identified were that documents were slow to load to the viewer and the software was not user-friendly.

As of November 2015, not all judges had access to a CAPS viewer. In our survey, 63% of respondents reported using a viewer. OSCA reports that 223 additional software licenses are needed to cover all judges and 86 more to include all magistrates and hearing officers.<sup>21</sup> Judges without viewers are not able to create, revise, annotate, or search electronic court records; pull up multiple records at once on the bench; or generate their own reports for monitoring cases.

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<sup>21</sup> Since viewers were initially provided to the civil divisions, in some circuits viewers are still not available in other divisions. The 10 circuits that designed in-house software were able to provide it to all judges in their circuit.

Technology provides promising practices that some circuits are using and others may wish to consider. For example, the 12<sup>th</sup> Circuit is using an electronic calendaring function to set blocks of court time and allow litigants to book them online; this practice allows the judicial assistants to focus more time on performing other functions for judges.

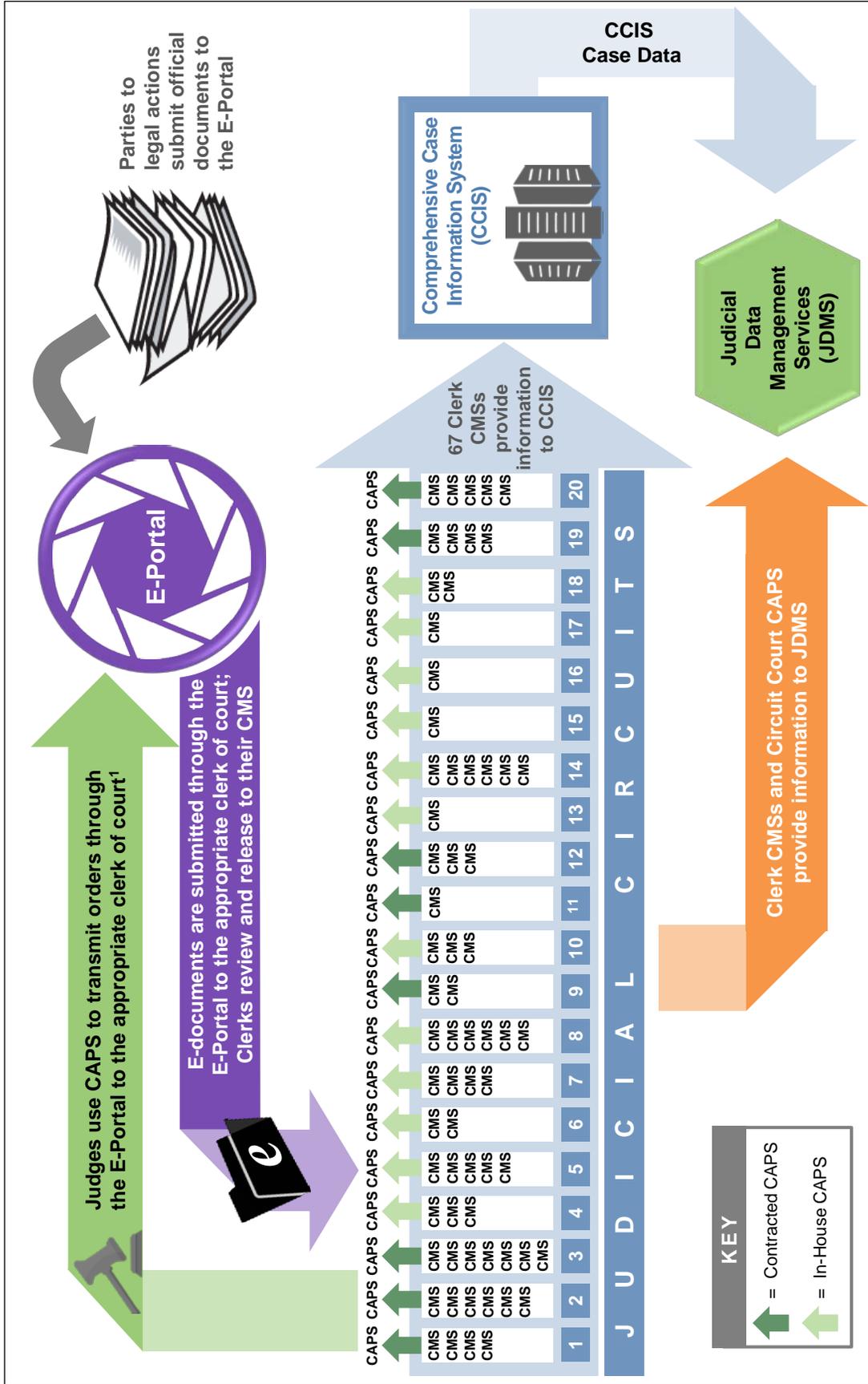
Also, some circuits have purchased portable technology, such as laptops or tablets, that allows judges to use one piece of equipment as they move from their desk to the bench to home, thereby reducing the need to pay for and maintain multiple computers. In addition, some circuits use this portable technology or other remote access to allow judges to work at other locations, such as juvenile detention facilities for hearings, or to work from home after regular hours. Remote access can be useful when judges are taking their turn as duty judge to respond to requests from law enforcement during nights and weekends. With remote access that provides e-signatures, a judge can receive a warrant request at home, draft, sign, and return it to the officer without the officer driving to the judge.<sup>22</sup>

Since CAPS are limited to accessing circuit-level information, OSCA is building a statewide judicial data management system. OSCA is in the process of developing a statewide data management system to further enable circuits and the state to attain consistent access to court information they believe is necessary to improve case processing and court performance. The Judicial Data Management Services (JDMS) project will create a database of case-specific information by importing data from the clerks' CCIS, CMSs, as well as other relevant data sources. JDMS is designed to incorporate data from the judicial viewers and information that is not included in the clerk's data, such as the use of court reporters, interpreters, and experts. OSCA staff reported that when implemented, JDMS will include a correction feedback feature to help address any discrepancies or inaccuracies in the imported data.

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<sup>22</sup> Sections [901.02\(3\)\(a\)](#) and [933.07\(3\)\(a\)](#), *F.S.*

**Exhibit 3  
Court Records Are Used in Many Data Systems**



<sup>1</sup> Not all Court Application Processing Systems (CAPS) have this capability yet.  
Source: OPPAGA analysis of court and clerk information.

OSCA staff reported that having a court-operated system will allow them to access or provide court-related data at any time at both the circuit and the state level. This would allow the courts to identify potential problems and take corrective actions; to evaluate case efficiency and performance; and make data-driven management and policy decisions. Whereas CMSs generally provide data for a point in time, OSCA staff plan to use JDMS to build a historical database to facilitate comparisons and analysis over time.

According to the JDMS Project Plan, the project currently is consolidating existing data sources and expanding the technology the court developed to track and manage foreclosure cases to include all case types.<sup>23</sup> That technology enabled the court to measure the age of pending cases, time to disposition, and clearance rate; and analyze data by case, judge, and circuit.<sup>24</sup>

***Statewide use of performance data is limited***

National literature encourages courts to assess their performance to improve operations and identify and address emerging issues. The efficiency of case management is generally measured by three key metrics: clearance rates, age of pending caseloads, and time to case disposition. While the Office of the State Courts Administrator measures clearance rates, it does not have the statewide case-by-case data needed to measure the age of pending caseloads and time to case disposition, except for foreclosure cases. Some circuits have begun using this kind of data to manage their court processes but many circuits do not yet have that data management capability.

Performance measures assess efficiency and support data-driven management and policy decisions. Court performance measures assess efficiency, effectiveness, and productivity. Performance data provides empirical information to court staff, justice system partners,

policymakers, and the public and allows judges and court administrators to identify and implement best-practices.

The National Center for State Courts developed CourTools, a model set of performance measures to assist courts in evaluating their core functions. CourTools measure several aspects of court administration; however, implementing all these metrics requires considerable resources and statewide data. Most states limit their focus to those measures pertaining to efficient case management.

OSCA tracks statewide filings, dispositions, and clearance rate information. Three CourTools metrics for measuring the efficiency of case management are clearance rates, time to disposition, and age of pending caseload. OSCA tracks case filings and dispositions and uses them to determine clearance rates.<sup>25</sup> However, on a statewide basis, the courts system generally does not yet have the capacity to measure time to disposition and age of pending caseload, which require case-specific information, across divisions and circuits.

Clearance rates measure whether the court is keeping up with its incoming caseload. This rate is calculated as the number of outgoing cases as a percentage of the number of incoming cases. Courts aspire to dispose of as many cases as they take in and thereby achieve a clearance rate of 100% or higher. Otherwise, a potential backlog is being created and an accumulation of unresolved cases may lead to delay. Clearance rates can be compared within and among courts for all case types, from month to month or from year to year, although annual rates should be compared over a period of five or more years to identify trends.

As shown in Exhibit 4, the statewide clearance rate for Fiscal Year 2013-14 (the most recent data) shows the courts disposing of slightly more cases than were filed.

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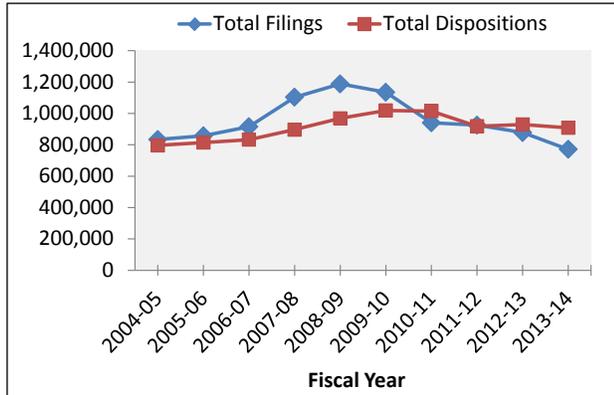
<sup>23</sup> In Fiscal Year 2015-16, the Legislature appropriated OSCA \$341,000 in recurring funds for four full-time staff for data management development and support and \$140,000 in non-recurring funds for contracted services. OSCA is not requesting additional funding for the JDMS project in its Fiscal Year 2016-17 Legislative Budget Request.

<sup>24</sup> OSCA's [JDMS Project Plan](#) and timeline is available on its [website](#).

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<sup>25</sup> OSCA reports annually on these statistics, as well as type of disposition (i.e., plea, disposed before hearing, jury trial) in its *Florida's Trial Courts Statistical Reference Guide*, published in February of each year on its website.

**Exhibit 4  
Circuit Courts Disposed Slightly More Cases Than Were Filed<sup>1</sup>**



<sup>1</sup> Data prior to 2010 does not include termination of parental rights cases.

Source: Florida Trial Courts Statistical Reference Guide 2013-14.

Over the past 10 years, the statewide clearance rate has varied by the type of case. While the annual clearance rates have remained relatively stable for criminal, family, and probate cases, rates for civil cases have varied, from a low of 54% during the start of the mortgage foreclosure crisis in Fiscal Year 2007-08 to a high of 172% for Fiscal Year 2013-14.

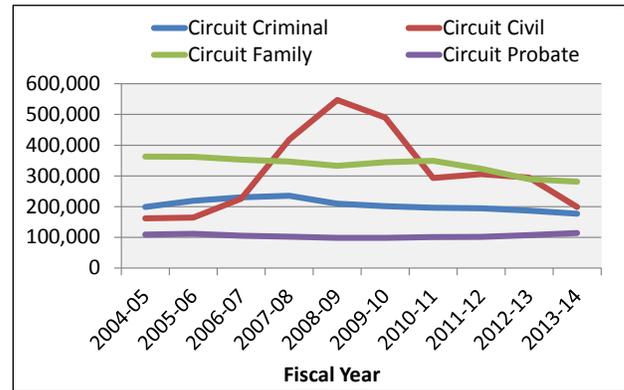
Clearance rates are important, but they do not provide a complete picture. It is possible to have a good clearance rate but in fact be processing the easier cases while harder cases linger. Additionally, clearance rates do not indicate the age of specific cases, thus circuits with similar clearance rates may vary greatly in terms of the time it takes to move a case from filing to final disposition. This may have significant impact, in both fiscal and social costs, such as defendants awaiting trial in local jails or families resolving child custody cases. That is why monitoring timeliness is a best practice.

One way that clearance rates can improve is if the number of filings decreases. Over the past 10 years, the overall number of circuit court filings has declined by 7.5%, from 833,730 in Fiscal Year 2004-05 to 770,840 in Fiscal Year 2013-14.<sup>26</sup> However, this trend has varied by the type of case and the circuit. Exhibit 5

<sup>26</sup> Data prior to 2010 does not include termination of parental rights cases.

presents court filings by division over the past 10 years. During this period, statewide family and criminal filings decreased by 22.6% and 11.2% respectively. However, probate filings increased by 4.1% and civil filings increased by 22.7%, reaching a historic high of 547,194 in Fiscal Year 2008-09 at the height of Florida’s foreclosure crisis.

**Exhibit 5  
Filings Varied by Division and Are Generally Decreasing<sup>1</sup>**



<sup>1</sup> Data prior to 2010 does not include termination of parental rights cases.

Source: Florida Trial Courts Statistical Reference Guide 2013-14.

Filings by circuit have varied as well. For example, from Fiscal Year 2004-05 to Fiscal Year 2013-14, total circuit court filings in the 13<sup>th</sup> Judicial Circuit (Hillsborough County) decreased by 16%, whereas in only one circuit, the 16<sup>th</sup> Circuit (Monroe County), did total case filings increase. The 16<sup>th</sup> Circuit is the smallest in the state with only four circuit judges.

Although the total number of filings has decreased over the last four years, other issues also affect workload. For example, some activities that are not counted as court filings may require a significant amount of court staff time, including reopened cases, post-conviction motions for relief, and probation revocation hearings. Judges also reported that some types of cases take longer due to revisions to the law that require additional judicial processes such as hearings, review of additional motions, and legal research.<sup>27</sup>

<sup>27</sup> In 2015, OSCA contracted with the National Center for State Courts, which is in the process of conducting a judicial time study that should provide additional information on case processing times.

OSCA currently cannot track statewide timeliness measures. CourTools recommends two measures for assessing the timeliness of case management: age of active caseload and time to disposition. The first, age of active caseload, measures how long individual cases have been in the court system at any given time. While this is a measure that chief judges in many circuits said they actively monitor, OSCA reports that it does not have the statewide capability to accurately track this case-level data, except in foreclosure cases.

The second timeliness metric, time to disposition, assesses whether the length of time from when a case is filed to when it is resolved meets established timeframes.<sup>28</sup> Clerks provide OSCA with reports of aggregated numbers of cases by circuit and division that exceed time standards. However, without case-specific data, the reports do not provide sufficient information to allow for in-depth data analysis.

If implemented as designed, JDMS could help OSCA use empirical evidence to identify circuits and divisions that are operating efficiently in terms of time to disposition. This information could be used to identify best practices in case processing. The Florida Supreme Court's Commission on Trial Court Performance and Accountability has established a work group to address several aspects of performance measurement. For the JDMS data to be effective in improving court management, performance, and accountability, this work group should continue to develop a plan to integrate performance measures into policies and management practices.

## Staffing

Florida's circuit courts are largely funded by the state, with some funding provided by the counties. States use a variety of methods to

<sup>28</sup> The Florida Supreme Court has adopted time to disposition standards that mirror those of the National Center for State Courts and National Bar Association. For example, civil non-jury cases should be disposed within 12 months from filing, and civil cases with a jury should be disposed within 18 months.

determine court staffing needs, but standard staffing ratios do not exist. The courts have a mix of state- and county-funded staff that performs functions related to trial court operations and case processing. The Trial Court Budget Commission (TCBC), is charged by the Supreme Court to make budget and funding recommendations. The TCBC uses staffing models to identify needs for some state-funded positions. To more accurately identify the magnitude of staffing needs, the TCBC may need to consider revising its staffing models for some state-funded positions.

The state is responsible for funding most of the staff of the court system. Section 29.004, *Florida Statutes*, sets 14 elements of the state courts system that are funded from state revenues.<sup>29</sup> These elements include several functions that are provided through staff, including judges and their judicial assistants, magistrates, hearing officers, mediators, court administrators, staff attorneys, case managers, court reporters, and court interpreters. In some cases, circuits use contracted staff for various functions, such as court reporting and court interpreting, in lieu of full-time employees.

Florida statutes define state and local funding responsibilities for the courts.<sup>30</sup> Counties are required to fund the cost of communications services, existing radio systems, existing multiagency criminal justice information systems, and costs associated with the construction or lease, maintenance, utilities, and security for circuit and county court buildings. Counties also pay for the staff and expenses associated with local requirements, which refers to staff and expenses associated with specialized

<sup>29</sup> These elements are judges; juror compensation and expense; court reporting and transcription services; construction or lease of facilities and related costs for the district courts of appeal and the Supreme Court; court interpreters and translators; expert witnesses appointed by the court pursuant to an express grant of statutory authority; judicial assistants, staff attorneys, and resource materials; general and special magistrates and hearing officers; court administration; case management; some mediation and arbitration; basic publicly accessible legal materials; the Judicial Qualifications Commission; and offices of the appellate clerks and marshals and appellate law libraries.

<sup>30</sup> Section 29.008, *F.S.*

local court programs, and any resources required as a result of special factors or circumstances within the county. Legal aid programs and alternative sanctions coordinators are both designated by law as local requirements.<sup>31</sup> There is also a provision in law that allows counties to enter into agreements with chief judges to fund personnel positions to assist in the operation of the circuit.<sup>32</sup> This provision does not require that these agreements be based on specialized local requirements, but it does provide that the Office of the State Courts Administrator cannot count positions funded through this section against any formula or similar process used to determine the personnel needs of a judicial circuit.

OSCA reported 3,541 personnel positions within the trial courts as of October 2015. OSCA reports that there were 3,541 state-funded full-time equivalent (FTE) positions in the circuit and county courts as of October 2015, including 921 judicial positions. (See Appendix A for a complete list of position totals by circuit.)

Florida statutes set the number of circuit court judges at 599 and the number of county court judges at 322.<sup>33</sup> It is the practice in Florida for each judge to have one judicial assistant position who is typically responsible for maintaining the judge’s calendar and for scheduling hearings, motions, and conferences. Judges and judicial assistants account for 52% of the state-funded positions.

The court assigns the remaining 1,699 positions to one of six groupings: court administration, magistrates and hearing officers, mediation, staff attorneys, case management and due process.<sup>34</sup> (See Exhibit 6.)

<sup>31</sup> For example, Pinellas County provides an alternative sanctions coordinator in Circuit 6 to attend court proceedings in order to make requested alternative sanctions recommendations, provide information to families in unusual or difficult delinquency cases, and connect juveniles found incompetent to proceed on misdemeanor cases to appropriate services.

<sup>32</sup> Section [29.0081](#), *F.S.*

<sup>33</sup> Sections [26.031](#) and [34.022](#), *F.S.*

<sup>34</sup> Staff attorneys are often called law clerks in the Legislative Budget Requests and other official documents.

### Exhibit 6 State-Funded Staff in the Trial Courts Perform a Variety of Functions

State-Funded Staff	Full-Time Equivalent Circuit Positions Statewide
<b>Court Administration</b> manages the court operations and business processes of each circuit, including fiscal, human resources, and technology.	299.5
<b>Magistrates and Hearing Officers</b> are quasi-judicial officers who hold hearings and recommend orders to supervising judges.	252.75
<b>Mediators</b> assist the court by working with litigants to resolve disputes without judicial intervention.	127.5
<b>Staff Attorneys</b> , also called law clerks, provide legal support to the judges through legal research, assistance in drafting orders, and assisting with complex cases.	204.5
<b>Case Managers</b> assist the court in some cases by scheduling, monitoring, and coordinating cases between judicial appearances.	354.5 <sup>1</sup>
<b>Due Process</b> positions include court reporters and interpreters who perform tasks associated with ensuring the constitutional rights of defendants.	460.25
<b>Total</b>	<b>1,699</b>

<sup>1</sup> These positions include 14 case managers assigned to post-adjudicatory drug courts.

Source: OPPAGA analysis of data provided by the Office of the State Courts Administrator.

As provided by law, counties fund positions within the circuit courts to meet their statutory obligations, local requirements, and any agreements established between the county and the circuit court. For example, Pinellas County in the 6<sup>th</sup> Circuit funds 40 positions; these include constitutionally and statutorily required support for technology, guardianship monitoring, and alternative sanctions, as well as local options. The local options include four staff attorney positions who serve the same judges as the state-funded attorneys, and one case manager who works with three state-funded case managers in the drug court. Pasco County, also in the 6<sup>th</sup> Circuit, funds 12 positions. The total number of county-funded staff in 14 circuits for which information was available ranged from 3 in the 3<sup>rd</sup> Circuit (six small counties around Lake City) to 78 in the 13<sup>th</sup> Circuit (Hillsborough County).

States use a variety of methods to determine court staffing levels. There are three basic methods that states use for determining staffing need. The first method is a ratio model, in which the number of staff needed for a position is based on a ratio in relation to the number of judicial positions. For example, using one judicial assistant for every judge is a ratio model. The second method is to base the need for staffing on some measure of the size of the court, such as population served or the number of case filings. In Florida, circuits are grouped into four categories (small, medium, large and extra large) based on the number of case filings. The third method is a caseload or weighted caseload model, in which staffing need is determined by multiplying the number of cases of a given type (i.e., criminal or civil) by the average time each case is expected to take (based on a time study) to calculate how many staff are needed to complete the work. Caseload models can include performance measures to determine the effect of staff increases or decreases on case processing times.

States tend to use unique approaches to determine court staffing levels, partly because the structures of the state court systems vary widely, in the levels and divisions of court, the extent of state centralization, and the functions performed by court staff. For example, Ohio has a non-unified court system in which the lower courts, which are primarily locally funded, have a large degree of independence; Utah has a centralized system but a population so small that it has only one court of appeal. Staffing structures also vary. For example, some states assign the supervision of offenders on probation to an office within the courts, making the probation officers of those states court staff. As a result, we did not find staffing standards or ratios from other jurisdictions that could be applied in Florida.

A number of factors contribute to circuit staffing levels. Florida's 1,699 state-funded staff are allocated among the circuits based on a variety of methods. The result is that the number of staff in each circuit is not always similar to other circuits of similar size. While local factors, such as the number of counties in

the circuit or the number of courthouse locations may contribute to this, much of the variation is reflected in the difference within specific categories of staff.

For example, the 4<sup>th</sup> Circuit (Duval, Clay, and Nassau counties) has 55 judges and the 15<sup>th</sup> Circuit (Palm Beach County) has 54 judges, but the 15<sup>th</sup> circuit has 122 staff positions, 47% more staff than the 83 state-funded positions in the 4<sup>th</sup> circuit. However, this difference is mostly explained by the fact that the 15<sup>th</sup> Circuit employs 36.75 staff as court reporters and interpreters, whereas the 4<sup>th</sup> Circuit employs a single court reporter and uses state funds to contract for court reporter and interpreter services.

Florida's process for identifying staffing needs mixes size-based models, ratio models, and caseload models with historic staffing levels. The TCBC also uses additional information from circuits to establish need priorities. The TCBC is comprised of 14 trial court judges and 7 trial court administrators, representing all 20 circuits, and is charged with making budgeting and funding recommendations to the Supreme Court.

For each of the state-funded positions, the TCBC has established a staffing formula that is used in considering staff allocations or requests. These formulas are just one component of the TCBC process for developing recommendations for the annual Legislative Budget Request. The TCBC also considers requests that are presented by various circuits and committees within the court system. For example, for its Fiscal Year 2015-16 budget request, the TCBC considered a technology budget request that originated from the Trial Court Technology Funding Strategies Workgroup and a request to adjust the rate of pay for senior judges from the Conference of Circuit Court Judges. The TCBC also considered a request for additional court reporters from a single circuit, but this request was deferred to its Funding Methodology Committee since the TCBC had historically reviewed these kinds of issues on a statewide rather than an individual circuit basis. The TCBC decides which requests to recommend for inclusion in the court's Legislative Budget

Request and adopts a priority ranking for the issues that are submitted. As a result of this process, the TCBC may choose not to recommend requesting more staff, recognizing that with limited resources available, other issues may have higher priority.

In addition to the staffing needs formula, for developing the budget request, the TCBC also uses an allocation methodology for each position that sets out the method for distributing any new positions that may be provided by the Legislature. For some positions, this allocation methodology starts with the premise that existing FTE are generally maintained; in other words, the TCBC does not routinely shift positions from one circuit to another, but seeks to maintain stability within each circuit. In times of budget reduction, such as those that occurred in Fiscal Years 2008-09 and 2009-10, circuits determine which individual staff to cut. As a result, circuit staffing levels in each category of staff were affected differently by the cuts, often dependent on which positions were vacant. For example, of the 249 positions that were cut over those two fiscal years, circuits lost 87.75 case managers, 72 court administration staff, and 31.5 staff attorneys, as well as smaller numbers of magistrates, court reporters and interpreters, and drug court staff.

In our survey of circuit judges, the lack of sufficient staff was most commonly identified (53%) as an impediment to efficient and effective court operations. The lack of case managers and staff attorneys were the two positions the responding judges mentioned most frequently and were the highest-rated positions in terms of importance to judicial efficiency. We reviewed job responsibilities, the court's budget requests, and the legislative allocation history for case managers and staff attorneys over the past 10 years.

The case manager staffing standard is not directly relevant to the work that case managers do for the courts. Case managers help ensure parties are ready for court appearances or trials and help keep cases moving, thus allowing judges to function more efficiently by eliminating delays and

continuances. Case managers are used in every type of court division: civil, criminal, family, and probate, as well as problem solving courts such as drug court, though their assignments vary across circuits.

Case managers help judges move the cases through the various stages of the judicial process to a timely disposition and support the administration of justice for individuals and businesses. Case managers

- assist at the beginning of a case by answering questions (without giving legal advice) or reviewing the initial filing to ensure it is complete;
- screen cases to identify those that may be expeditiously resolved and those that require more judicial attention;
- monitor cases to ensure that the parties obtain required documents or perform required tasks, such as participating in court-ordered treatment;
- track case progress to ensure that it meets applicable time standards;
- coordinate with others, for example to ensure service of process has been completed or to address issues across cases; and
- schedule court dates when required activities or documents have been completed, thereby keeping the case moving.

The majority of circuits use case managers for cases in which one or both of the parties are not represented by attorneys, also referred to as pro se litigants. This is particularly prevalent in the family court division. Courts have only recently begun to track the number of pro se cases, so there is not reliable statewide or national data on their prevalence; the 4<sup>th</sup> Circuit (Duval, Nassau, and Clay counties) reported over 21,000 pro se litigants during the first 10 months of 2015. National literature reflects state efforts to address the particular needs of pro se litigants for assistance.

The courts have included additional case managers in the Legislative Budget Request in four of the past seven years. The basis for this request has been a ratio of one case manager to every 5,500 cases filed, with a minimum of

eight case managers per circuit.<sup>35</sup> This ratio was established for the Fiscal Year 2007-08 budget request, when requests for additional case managers in the circuits led the courts to amend the case manager need from a ratio of one case manager for every 6,760 cases filed, to one for every 5,500 cases filed.

During Fiscal Year 2007-08, the state had 370 case manager positions. Budgets cuts in the following two years resulted in the loss of case manager positions down to 275 positions in Fiscal Years 2009-10 through 2011-12. As a result of subsequent changes, including 38 new positions added in Fiscal Year 2015-16, the state now has 340 case managers.<sup>36</sup> Documents

<sup>35</sup> Filings do not include traffic cases.

<sup>36</sup> In Fiscal Year 2015-16, the Legislature transferred 14 case manager positions in the post-adjudicatory drug courts from part-time (OPS) to full-time equivalent (FTE) status, bringing the total number of state-funded case manager positions to 354.5.

provided by OSCA show that, based on current projected case filing data, the state would need a total of 392 case managers using the 1:5,500 ratio and thus the Fiscal Year 2016-17 Legislative Budget Request has asked for 52.5 more case manager FTEs.

This ratio model gives the TCBC an equitable basis on which to distribute case manager positions among the 20 circuits. However, our circuit interviews found that the one case manager to 5,500 cases was not a meaningful number for evaluating the need for case managers. Case managers are not assigned to 5,500 cases. Rather, the case managers were usually assigned to divisions, such as a family court, where they help litigants unrepresented by attorneys, or to specialty courts where they monitor the participants' compliance with obligations like drug testing and family counseling between court appearances. The need for case managers appears to be more dependent upon how they are used in each circuit.

**Exhibit 7**

**Based on the Filings Standard, the Need for Additional Case Managers is Highest in the Larger Circuits**

Circuit	Number of Projected Filings	Case Manager FTE Needed Based on 1:5,500	Number of Case Manager FTEs <sup>1</sup>	Projected Need	
Small	16 <sup>th</sup> Circuit	9,572	8	8	0
	3 <sup>rd</sup> Circuit	18,172	8	7	1
	14 <sup>th</sup> Circuit	36,605	8	8	0
	8 <sup>th</sup> Circuit	41,036	8	7	1
	2 <sup>nd</sup> Circuit	39,684	8	6	2
Medium	19 <sup>th</sup> Circuit	54,866	10	9	1
	12 <sup>th</sup> Circuit	64,922	12	12	0
	1 <sup>st</sup> Circuit	69,198	13	13	0
	10 <sup>th</sup> Circuit	80,057	15	12.5	2.5
	7 <sup>th</sup> Circuit	91,063	17	17.5	0
	5 <sup>th</sup> Circuit	84,214	15	12	3
Large	18 <sup>th</sup> Circuit	93,876	17	14.5	2.5
	20 <sup>th</sup> Circuit	108,111	20	18	2
	15 <sup>th</sup> Circuit	143,383	26	22	4
	4 <sup>th</sup> Circuit	145,054	26	22	4
	13 <sup>th</sup> Circuit	160,579	29	23	6
	9 <sup>th</sup> Circuit	151,299	28	21	7
Extra Large	6 <sup>th</sup> Circuit	145,174	26	24	2
	17 <sup>th</sup> Circuit	226,935	41	34	7
	11 <sup>th</sup> Circuit	311,998	57	50	7

<sup>1</sup> In Fiscal Year 2015-16, the Legislature also transferred 14 case manager positions in the post-adjudicatory drug courts from part-time (OPS) to full-time equivalent (FTE) status, bringing the total number of state-funded case manager positions to 354.

Source: OPPAGA analysis of data from the Office of the State Courts Administrator.

In our survey of circuit judges, 74% of respondents that worked with case managers rated case managers as very important to their own efficiency. Chief judges and court administrators in interviews commonly reported the need for more case managers. The TCBC recommended additional case managers as a high priority for the Fiscal Year 2016-17 budget request, asking for 52.5 additional case managers. However, the total number of filings per circuit does not sufficiently represent a defined need for case managers. In some circuits, adding additional case managers may be useful for improving the efficient disposition of cases, and could lead to more timely case closure. In circuits with drug treatment courts, veterans’ courts, and mental health courts, case managers may have more of an effect on participant outcomes than on case timeliness, as they guide participants through treatment steps and frequent court appearances. Thus, the TCBC could consider revisiting the case manager staffing formula to develop a more refined approach taking into account the specific types of cases and types of courts where the case managers would be best used.

Although a need for staff attorneys has been identified, this need has not consistently emerged as a top priority for limited resources. Staff attorneys assist judges with legal research, drafting orders, and handling complex cases. While they can be used in all divisions,—civil, criminal, family, probate, and problem solving courts—they are predominantly used in criminal divisions and for complex cases. In the criminal division, they assist judges with research and drafting motions and orders, particularly in cases where the state is seeking the death penalty. Judges also assign staff attorneys to respond to post-conviction motions for relief submitted by prisoners. These motions are requests to vacate, set aside, or correct sentences and represent a significant workload. For example, in the 6<sup>th</sup> Circuit (Pasco and Pinellas counties) receives about 1,700 of these motions a year.

Staff attorneys also assist judges with county-to-circuit appeals. When county court litigants appeal their cases, they generally rise to the circuit courts. Staff attorneys review the

notices that are filed and make sure they are ready to move forward; generally, pro se litigants need more assistance. The attorney then researches the case and may assist the judge in drafting orders or other documents.

Staff attorneys are sometimes available to judges on a 1:1 basis, but more typically are shared by several judges. Part of this staffing decision is related to the size of the post-conviction workload, but there are other considerations as well. For example, some attorneys work in multiple counties, such as in the 19<sup>th</sup> Circuit where one staff attorney serves four judges in three courthouses that are several hours apart from each other.

The staffing formula for staff attorneys uses the ratio model and proposes one staff attorney for every two circuit judges. As of October 2015, the state had 204.5 staff attorney positions, 95 positions less than the 299.5 that would be required to meet the need identified by the formula. Exhibit 8 shows the current number of judges and staff attorneys in each circuit, as well as the current attorney to circuit judge ratio.

**Exhibit 8  
Ratio of Staff Attorneys to Judges Varies Across the Circuits**

Circuit		Number of Staff Attorneys	Number of Circuit Judges	Current Ratio
Small	16 <sup>th</sup> Circuit	1	4	1:4
	3 <sup>rd</sup> Circuit	3	7	1:2.3
	14 <sup>th</sup> Circuit	6	11	1:1.8
	8 <sup>th</sup> Circuit	6	13	1:2.2
	2 <sup>nd</sup> Circuit	8	16	1:2
Medium	19 <sup>th</sup> Circuit	5	19	1:3.8
	12 <sup>th</sup> Circuit	7	21	1:3
	1 <sup>st</sup> Circuit	9	24	1:2.7
	10 <sup>th</sup> Circuit	10	28	1:2.8
	7 <sup>th</sup> Circuit	8.5	27	1:3.2
	5 <sup>th</sup> Circuit	10	31	1:3.1
	18 <sup>th</sup> Circuit	9	26	1:2.9
Large	20 <sup>th</sup> Circuit	10	31	1:3.1
	15 <sup>th</sup> Circuit	11.5	35	1:2.3
	4 <sup>th</sup> Circuit	13.5	35	1:2.6
	13 <sup>th</sup> Circuit	16	45	1:2.8
	9 <sup>th</sup> Circuit	14	43	1:3.1
	6 <sup>th</sup> Circuit	15	45	1:3
Extra Large	17 <sup>th</sup> Circuit	17	58	1:3.4
	11 <sup>th</sup> Circuit	25	80	1:3.2

Source: OPPAGA analysis of data from the Office of the State Courts Administrator.

Prior to 2005, the court used a ratio of one staff attorney for every three circuit judges. The TCBC increased this ratio to one staff attorney for every two circuit judges in Fiscal Year 2005-06 and as a result, requested 95 new staff attorneys in the Legislative Budget Request. The Legislature provided 59 new staff attorney positions over the next two years, including 21 positions associated with increases in the number of circuit judges. Budget cuts in subsequent years resulted in the loss of 31.5 staff attorney positions. The courts have been at the staffing level of 204.5 staff attorneys statewide since Fiscal Year 2012-13.

The one staff attorney to two circuit judge ratio was not used as the basis for the Legislative Budget Request for additional staff attorneys in Fiscal Years 2014-15 and 2015-16. Instead, the TCBC cited special workload considerations related to death penalty cases for Fiscal Year 2014-15 and 2015-16.

In our survey of judges, 76% of respondents that worked with staff attorneys rated staff attorneys as very important to their own efficiency. In interviews, some chief judges and court administrators said additional staff attorneys were needed to assist with workload due to the volume of post-conviction motions from inmates; death penalty cases; complex civil cases, particularly related to tobacco and asbestos litigation; and new rules regarding the qualification of expert witnesses.

Our review suggests that the circuit courts may have a need for additional staff attorneys, but the magnitude of that need is not clearly defined with data. The numbers of death penalty cases, complex civil cases, and post-conviction motions are more relevant measures of need than the ratio of attorneys to judges. A ratio of one staff attorney for two judges may not be sufficient for criminal court judges but for other divisions, a lower ratio may be sufficient. Seventeen percent of the judges responding to our survey said that staff attorneys are either not used or not important in their current assignment. Therefore, the TCBC could consider continuing to focus the staff attorney staffing formula on

methods that directly measure the work of the staff attorneys.

County-funded technology staff may not be sufficient to manage the increased technology workload within the courts. As the courts have gone paperless and the courtrooms require more technology, including not only computers in offices and at the bench but also due process items such as digital court recorders and access to remote interpreting, the workload of information technology staff has increased.

The state provides a chief technology officer in each circuit, but any additional staff has been funded by each county. As a result, the court must rely on county commission appropriations for its technology operations. Further, a position funded by one county cannot respond to needs for technical assistance in another county in a multi-county circuit.

The level of technology support from the counties varies widely. For example, Pinellas County funds 12 technology staff for the 6<sup>th</sup> Circuit, whereas the 4<sup>th</sup> Circuit has two county technology staff positions, one full-time and one temporary. Some circuits have programmers to respond to court technology needs, while others focus more on keeping equipment running smoothly.

Technology staff performs many functions, both general and court-specific. They conduct general functions, including responding to daily computer and software questions and problems as a help desk; installing new hardware and software or software updates; maintaining and supporting the server infrastructure and the network. They also perform court-specific functions, such as assisting users with digital recording equipment and fixing it when it is broken; and assisting with integrating technology, such as linkage with clerk data systems. Some of these duties require travel to courthouses in neighboring counties or in different locations in the city, adding a travel time component to the work.

The role of technology has expanded since the county funding responsibilities were defined in 2004. Because technology has become integral to the operation of the court, the Legislature may wish to consider technology staff when it reviews court staffing needs.

## Judicial and Staff Training

***Judicial and staff training is designed to meet statutory and professional standards and occurs almost exclusively in-state***

The Florida Court Education Council (the council) and OSCA provide training for judges and court personnel. Judges are required to receive 30 hours of continuing judicial education every three years and new judges have additional training requirements. Training for judges and staff is provided through in-person conferences and online materials.

The council and OSCA develop training for judges and court staff. Training is provided to judges and court staff on legal issues, administrative skills, and ethical standards to help judges meet their continuing judicial education requirements.<sup>37</sup> Most states have mandatory training requirements for judges.<sup>38</sup> In Florida, court rules specify that circuit judges must satisfy continuing education requirements by completing a minimum of 30 hours of approved judicial training every three years, including 4 hours of ethics training.<sup>39, 40</sup>

<sup>37</sup> Training described in this section generally applies to the county, circuit, and appellate levels.

<sup>38</sup> States have varying judicial training requirements. For example, judges in Minnesota, North Dakota, and Oregon must complete 45 hours of training every three years, which exceeds Florida's required 30 hours every three years. Other states require hours over a different number of years. For instance, Wisconsin requires 180 hours over six years, Ohio requires 40 hours every two years, and Missouri requires 15 hours every year. Finally, at least two states, Virginia and Connecticut, require judges to attend annual conferences to meet continuing education requirements.

<sup>39</sup> In addition to requirements in the *Florida Statutes* and the *Florida Rules of Judicial Administration*, the Florida Supreme Court issues an administrative order every two years that governs training for the period.

In addition, newly elected or appointed judges are required to complete a two-week orientation and training program.

To help provide these programs, the Supreme Court established the Florida Court Education Council in 1978 to oversee educational programs for Florida judges and certain court support personnel.<sup>41</sup> The council administers training through the Court Education Trust Fund.<sup>42</sup> Funded through a \$3.50 fee on initial civil court filings, the trust fund balance was \$1.2 million as of June 30, 2015.<sup>43</sup> The council is currently composed of 20 members, appointed by the Chief Justice of the Supreme Court, and includes appellate, circuit, and county judges and a magistrate and a trial court administrator.

OSCA's Court Education Section provides staffing for the council.<sup>44</sup> The staff helps manage the trust fund and is responsible for budgeting, record keeping, and processing travel reimbursements and other budgetary items. Staff also assists in planning and developing training and works with other entities to help judges meet their educational requirements.<sup>45</sup>

<sup>40</sup> Rule [2.320](#), *Florida Rules of Judicial Administration*, also outlines continuing education requirements for all Florida county and appellate judges and Florida Supreme Court justices.

<sup>41</sup> The council and OSCA also work with other entities to provide training opportunities for court personnel; most court personnel do not have statewide mandatory continuing education requirements.

<sup>42</sup> According to s. [25.384\(2\)\(a\)](#), *F.S.*, the Supreme Court, through its Florida Court Educational Council, shall adopt a comprehensive plan for the operation of the trust fund and the expenditure of the moneys deposited in the trust fund. The plan shall provide for travel, per diem, tuition, educational materials, and other related costs incurred for educational programs, in- and out-of-state, which will be of benefit to the judiciary of the state.

<sup>43</sup> According to s. [25.384\(3\)](#), *F.S.*, the trust fund shall be funded with moneys generated from fees assessed pursuant to ss. [28.241\(1\)](#), *F.S.* and [28.2401\(3\)](#), *F.S.*

<sup>44</sup> The Courts Education Section has 17 FTEs in Fiscal Year 2015-16.

<sup>45</sup> These entities include judicial conferences, such as the Florida Conference of Circuit Court Judges, Inc., judicial circuits, and other associations for judicial and court personnel.

Judicial training for circuit judges is primarily provided through in-state education programs. The council and OSCA work with other entities to provide training to new and current circuit court judges through three conferences. The education programs range from 3 to 4.5 days and take place in locations across the state.

- **Florida Judicial College.** Also known as New Judges College, newly elected or appointed judges are required to attend this orientation training soon after they take office.<sup>46</sup> Through a two-phase process, the program aims to ensure that new judges have the necessary skills and knowledge for their new role. The first phase is a week-long comprehensive orientation that covers the fundamentals of being a judge, including trial skills through a mock trial and other classes. The second phase covers division-specific courses over one week of training for new judges and three days of training for judges who are switching divisions, such as moving from criminal to civil.<sup>47</sup> The college also offers general courses relevant to all judges such as ethics, contempt of court, and evidence. Training that new judges receive from the Florida Judicial College program does not count towards the 30 hours of required continuing education, but training that division switching judges receive does count towards continuing education requirements.

In Fiscal Year 2014-15, the first phase of the Florida Judicial College had 144 participants, and the second phase had 219 participants.<sup>48</sup> In our survey of circuit

judges, 94% of respondents rated the Florida Judicial College as Florida Court Education Trust Fund good or excellent training.

In addition to the college, new judges are assigned a mentor judge within 48 hours of selection by appointment or election. The mentorships last for one year and require an initial meeting within the first week and observations in the court room.

- **Annual Circuit Court Judges Conference.** This conference is one of several programs where judges can earn continuing education credits.<sup>49</sup> The conference is organized by the Florida Conference of Circuit Court Judges, Inc., which is a membership organization of active and retired Florida circuit judges.<sup>50, 51</sup> The organization works with the council and OSCA staff to develop approved courses for the annual training. Typically, judges who attend the conference take courses related to their assigned division, such as courses about juvenile or criminal law. Additionally, the conference typically includes courses to help judges meet the four hours of required ethics training. This conference is usually 2.5 days long and in Fiscal Year 2014-15, had 559 participants.<sup>52</sup> Eighty-eight percent of circuit judges responding to our survey reported that the Circuit Court Judges Conference was good or excellent. Circuit judges we interviewed

<sup>46</sup> Since the Florida Judicial College occurs only once per year in two phases, in January and March, judges appointed by the Governor during the year to fill vacant judge positions may wait up to 12 months before they attend the orientation program. If a new judge is appointed several months before the Florida Judicial College programs, the new judge is assigned a mentor, has access to online materials, and can observe other judges in court to receive the necessary training for his or her new role.

<sup>47</sup> Judges who switch divisions may attend the second phase of the Florida Judicial College, which usually is held in March.

<sup>48</sup> Of the participants in the Florida Judicial College, 140 received travel reimbursements from the Florida Court Education Trust Fund for Phase I and 171 received reimbursement for Phase II.

<sup>49</sup> According to OSCA staff, judges can usually earn about 15 continuing education hours each year at the conference, so attending the conference two out of three years is sufficient to meet the continuing education requirement.

<sup>50</sup> Per Rules [2.220](#) and [2.320](#), *Florida Rules of Judicial Administration*, the purpose of the Florida Conference of Circuit Judges, Inc. is to improve Florida's judicial system and to assist judges in more effectively and efficiently meeting their constitutional and statutory duties and responsibilities. To accomplish this purpose, the conference has 12 standing committees, including a Judicial Education Committee which is responsible for educational presentations at the annual Circuit Court Judges Conference.

<sup>51</sup> Section [26.55](#), *F.S.* establishes the Conference of Circuit Judges of Florida.

<sup>52</sup> Of the 559 participants in the Annual Circuit Court Judges Conference, 460 received travel reimbursements from the Florida Court Education Trust Fund.

reported that the conference is the main source of training to earn continuing judicial education credits and, they saw it as an opportunity to meet and discuss topics with other judges and stay up-to-date on emerging legal trends.

- **Florida College of Advanced Judicial Studies.** Circuit judges can also receive continuing education credit from the Advanced Judicial Studies Program. The program occurs once per year and is four and one half days of in-depth training. Each year, the curriculum usually includes 20 or more courses, each varying in length. The program covers advanced topics and changes to Florida law, such as capital cases, jury selection, gangs, and new laws in Florida for expert witness testimony.<sup>53</sup> Judges can register for one or more courses on a first-come, first-served basis. However, each course has a defined capacity, which ranges from 16 to 40 judges, and limits the number of judges who can participate.

In Fiscal Year 2014-15, the Florida College of Advanced Judicial Studies had 281 participants.<sup>54</sup> In our survey of circuit judges, 93% of respondents reported that Advanced Judicial Studies was good or excellent training. However, they also reported that it is difficult to get into the program due to space restrictions.

In addition to the Annual Circuit Court Judges Conference and the Florida College on Advanced Judicial Studies, judges can earn continuing education credit from other state-sponsored, in-person, specialized trainings. (See Exhibit 9 for a list of in-state trainings in Fiscal Year 2014-15.) Some circuits get approval from OSCA to offer local training that allows judges to earn continuing judicial education

credit.<sup>55</sup> Examples of approved trainings include a course on cultural competence, a poverty simulation, diversity training, and a course on ethics and fairness.

Regional or local education offers a cost effective alternative to statewide conferences. While statewide conferences provide the opportunity for judges and court personnel to interact directly with faculty and with each other in the conference environment, regional events provide opportunities to bring instructors to a specific area of the state where judges and court personnel can attend the training without incurring travel expenses. For example, California increased its use of regional education in light of budget reductions in judicial education.

The courts make limited use of opportunities for out-of-state judicial training. In Fiscal Year 2014-15, funds for out-of-state travel came from the Florida Court Education Trust Fund monies that were not spent on programs held earlier in the fiscal year.<sup>56, 57</sup> The council has developed a priority system to allocate these funds to individuals who are directly involved in providing judicial education to others in Florida. To be considered for out-of-state travel, judges must apply to OSCA for funding and fall within one of six priority categories.<sup>58</sup> The first priority level includes deans and associate deans of the Florida Judicial College; Florida College of Advanced Judicial Studies; DUI Adjudication Lab; and chairs of the

<sup>53</sup> Judges appointed to preside over capital cases are required to take the capital case course and, with the approval of their chief judge, are given priority in their enrollment in this course.

<sup>54</sup> Of the 281 participants in the Florida College of Advanced Judicial Studies, 192 received travel reimbursements from the Florida Court Education Trust Fund.

<sup>55</sup> For a circuit course to be approved for continuing judicial education credit, the circuit must submit an application to OSCA that includes a description of specific learning objectives, recognizable and competent faculty, a detailed and timed agenda, and an evaluation instrument.

<sup>56</sup> According to s. 26.52 F.S., each circuit judge shall be reimbursed for travel expenses as provided in s. 112.061, F.S.

<sup>57</sup> Judges can also receive funds to travel both in-state and out-of-state from OSCA's Office of Court Improvement. This office receives grant funding from several sources, including the federal government. In Fiscal Year 2014-15, the Office of Court Improvement provided funds for three judges and five staff to travel out-of-state. Additionally, six judges and seven court staff traveled out-of-state using post-adjudicatory drug court general revenue funds.

<sup>58</sup> Magistrates or court administrators may also qualify in one of OSCA's priority categories for out-of-state travel.

education committees of each judicial conference. The second priority category includes judges who have taught at judicial conferences at least two times during the past three years. The remaining categories include certain other representatives of the Florida Judicial College, the Florida College of Advanced Judicial Studies, and the Education Committee of each judicial conference; judicial conference education committee members, and members of the Florida Court Education Council.<sup>59</sup> In Fiscal Year 2014-15, nine judges who met these criteria attended an out-of-state training. OSCA expended a total of \$24,410 from the Florida Court Education Trust Fund for tuition and travel expenses for these nine judges to attend training provided by The National Judicial College.<sup>60</sup>

There are some state-funded training opportunities for court staff. Court staff in Florida may attend the Florida Court Personnel Institute. The institute provides training organized around skills relevant to all types of court personnel. The core curriculum covers topics such as ethics and professional conduct, interpersonal skills, writing skills, communication, and the court workplace. Some courses are targeted for specific personnel, for example, substantive legal knowledge for appellate law clerks. The number of attendees has ranged from 80 to approximately 120 employees, with 99 employees attending in Fiscal Year 2014-15. Trial court administrators in each circuit are responsible for determining which employees can attend the institute.

Court staff may also access training through the Florida Court Personnel Foundation. The foundation is a grant system administered by the Florida Court Education Council to which

various court-related entities may apply for funding to provide training programs. Entities that may apply include circuits, District Courts of Appeal, OSCA, and other groups such as the Judicial Assistants Association of Florida.<sup>61</sup> Scheduled programs under this system may be provided at the circuit, regional, or state level. In Fiscal Year 2014-15, 144 court employees received travel reimbursements from the Florida Court Personnel Foundation for training.

OSCA provides some distance education opportunities and materials for judges and court personnel; other states have increased distance education opportunities due to budget constraints. OSCA provides several distance education opportunities for judges and staff through the Florida State Courts System Intranet. Many of these trainings are specific to substantive areas. For example, the Virtual Domestic Violence Court offers courses on issues judges and court personnel may face when working with domestic violence cases. Judges are able to earn continuing judicial education hours from the Virtual Domestic Violence Court.

OSCA also provides other distance education specific to family court judges. Newly appointed judges to the family division must take a course on family fundamentals within 60 days of their assignment. Judges who cannot attend the Florida Judicial College for family court can meet this requirement by taking OSCA's online course, Fundamentals for Family Court Judges. This program, offered through Florida State University, is an interactive course that teaches judges about challenges and issues in family court. In Fiscal Year 2014-15, five judges registered for the online course; at the time of our review, nine judges had registered for Fiscal Year 2015-16.

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<sup>59</sup> Judges who meet one of the priority categories, but have received funds to go to a nationally provided training course from the Florida Court Education Trust Fund in the previous year, fall to the bottom of the priority list.

<sup>60</sup> The National Judicial College provides judicial education to judges nationwide. The topics of the trainings that judges from Florida attended were logic and opinion writing, evidence in a courtroom setting, and advanced evidence.

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<sup>61</sup> In order to receive a grant from the Florida Court Personnel Foundation, applicants must complete an application form that a subcommittee reviews to award funding based on a set of criteria including total program cost and cost per participant.

In addition to training on specific topics, judges can access archived and recorded webinars from the National Judicial College and other entities. These webinars cover a wide array of topics, including contempt and judicial ethics and effective use of courtroom interpreters. Some of the online trainings allow judges to receive continuing education hours. For example, a self-study DVD option, the *Senior Judge as Mediator*, provided 2.5 hours of continuing judicial education.

Court personnel also have access to online training resources. For instance, the introduction to the state court system module is available to all judicial branch staff. This interactive module informs court staff about the structure and functions of state courts and the judicial branch. Additionally, OSCA provides webinars for court staff. For example, in July 2014, 95 court staff participated in a webinar titled Social Media Issues for Florida Court Personnel.

OSCA also has a resource library for court publications that contains online publications including benchguides, resource guides, statistical publications, and case law summaries. The benchguides provide detailed guidance for judges serving in various judicial divisions. Judges are not able to earn continuing judicial education hours from reading publications.

Finally, other states offer online and distance education programs for both judges and court personnel. California restructured its training program to include more online education in response to budget cuts. During the transition, California maintained its in-person training for new judges but shifted some of the training for experienced judges from in-person to online. California's distance education program includes webinars with video components, recorded training films, broadcasts, publications, and blended learning.<sup>62</sup>

Missouri also established a judicial distance education system. It has conducted e-learning since 2001 using both instructor-led live e-classrooms and self-paced videos. Through its online training system, Missouri provided almost 200 webinars to approximately 2,000 judges and court staff in 2014. In 2015, Missouri webcast its in-person judicial college, allowing approximately 30 judges who were unable to attend due to budget constraints to earn continuing education hours.

OSCA should continue to integrate online education as part of its overall training; for example, offering similar sessions such as those available for Family Court judges, for other divisions. OSCA could also consider incorporating components of online learning models from other states, such as blended learning, to develop an in-house, online learning infrastructure. This would require staff with technical expertise as well as resources such as webinar services and audio visual equipment.

### ***Funding for judicial and court personnel training is provided through the Florida Court Education Trust Fund***

The Florida Court Education Council administers the Florida Court Education Trust Fund, which is the primary funding source for judicial and staff training. Funding from the trust fund is limited by statute and Florida Court Education Council travel policies. In Fiscal Year 2014-15, the council expended \$1.3 million for in-state training costs.

Florida statutes and travel policies set by the council determine the parameters for fund use. The council sets limitations on the use of the Florida Court Education Trust Fund based on s.112.061, *Florida Statutes*, and council travel policies to help ensure that the fund is used responsibly. These limitations include a maximum of \$135 per night for lodging costs (including taxes and other fees); meals up to \$36 per day; and other restrictions on airfare, rental cars, and parking. Additionally, s. 25.384(4), *Florida Statutes*, requires the council to submit a report each year to the President of the Senate and the Speaker of the

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<sup>62</sup> Blended learning combines an online and in-person component for one training course. These courses provide trainees with information online prior to the in-person event and are intended to shorten the in-person event by providing information beforehand.

House of Representatives detailing the use of the Florida Court Education Trust Fund.

The Florida Court Education Trust Fund expended \$1.3 million for in-state training costs in Fiscal Year 2014-15. In Fiscal Year 2014-15, the most trust fund dollars were spent on the Circuit Court Judges Conference (\$286,076) which also had the most reimbursed participants (460). Additionally, funds were spent on faculty planning and training to

prepare instructors for the training programs for circuit judges and court personnel. The Florida Judicial College spent \$8,022 for 28 instructors, Advanced Judicial Studies spent \$5,155 for 21 instructors, and the Florida Court Personnel Institute spent \$10,768 for 24 instructors. Exhibit 9 provides a list of Florida Court Education Trust Fund expenditures for in-state training provided to judges and staff from the county, circuit, and appellate levels in Fiscal Year 2014-15.

**Exhibit 9**

**In-State Activities and Expenditures From the Florida Court Education Trust Fund in Fiscal Year 2014-15**

Program	Duration	Location	Participants Reimbursed <sup>1</sup>	Total Cost
Circuit Court Judges Conference	07/21/14 – 07/23/14	Rosen Shingle Creek Resort	460	\$286,076
Florida Judicial College, Phase I (judges only)	01/04/15 – 01/09/15	Lake Buena Vista South	140	157,650
Florida Judicial College, Phase II <sup>2</sup>	03/15/15 – 03/20/15 04/08/15 – 04/10/15	Lake Buena Vista South	171	163,577
Florida Judicial College Faculty Planning	09/18/14 – 09/19/14	Florida Hotel and Conference Center	28	8,022
College of Advanced Judicial Studies <sup>3</sup>	06/08/15 – 06/12/15	Omni Orlando at Champions Gate	192	89,806
Advanced Judicial Studies Faculty Planning	09/18/14 – 09/19/14	Florida Hotel and Conference Center, Orlando	21	5,155
Florida Court Personnel Institute	02/05/15 – 02/06/15	Florida Hotel and Conference Center, Orlando	99	37,438
Florida Court Personnel Faculty Training	11/18/14 – 11/19/14	Lido Beach Resort	24	10,768
Florida Court Personnel Foundation Education Programs	07/01/14 – 06/30/15	Various statewide locations	144	89,068
County Judges Education Conference	07/08/14 – 07/10/14	Ponte Vedra Beach	262	176,003
Trial Court Administrators Education Program	07/21/14 – 07/23/14	Rosen Shingle Creek Resort	41	13,073
Appellate Judges Education Conference	09/07/14 – 09/10/14	Jupiter Beach	75	54,017
Appellate Clerks and Marshals Education Program	09/07/14 – 09/10/14	Jupiter Beach	21	11,151
Appellate Law Clerks Faculty Training	02/15	Lido Beach Resort/Florida Hotel and Conference Center, Orlando	32	17,376
DUI Adjudication Lab	11/17/14 – 11/21/14	Lido Beach Resort	40	35,486
Florida Judicial College, Phase I and II: General Magistrates and Child Support Hearing Officers Program	01/04/14 – 01/09/14 03/15/15 – 03/20/15	Lake Buena Vista South	18	23,622
Faculty Training Specialty Course	11/14 02/15	Lido Beach Resort/Florida Hotel and Conference Center, Orlando	39	17,358
Chief Judges and Trial Court Administrators Program	06/15	Omni Orlando at ChampionsGate	14	6,660
Florida Partners in Crisis	07/14	Renaissance Orlando at Seaworld	10	1,990
Florida Partners in Crisis	05/15	Renaissance Orlando at Seaworld	50	9,950
Florida Association of Family and Conciliation Courts Conference	10/14	Holiday Inn, Tampa Westshore	63	45,244
<b>Total</b>				<b>\$1,259,516<sup>4</sup></b>

<sup>1</sup> Reimbursed participants include faculty, staff, and participants. Some participants may have attended, but did not incur travel expenses.

<sup>2</sup> Florida Judicial College Phase II includes the New Trial Judges College, Fundamentals for Division Switchers, and New Appellate Judges College.

<sup>3</sup> The College of Advanced Judicial Studies participants may also include general magistrates and child support hearing officers.

<sup>4</sup> Total includes \$26 related to the Florida Judicial College Mentor Program and may not include some certified forward payments.

Source: OPPAGA analysis of OSCA's 2014-2015 Annual Report on Activities Sponsored through the Court Education Trust Fund.

## Agency Response ———

In accordance with the provisions of s. 11.51(2), *Florida Statutes*, we submitted a draft of our report to the Office of the State Courts Administrator for their review and response. Their response has been reproduced in Appendix B.

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OPPAGA supports the Florida Legislature by providing data, evaluative research, and objective analyses that assist legislative budget and policy deliberations. This project was conducted in accordance with applicable evaluation standards. Copies of this report in print or alternate accessible format may be obtained by telephone (850/488-0021), by FAX (850/487-9213), in person, or by mail (OPPAGA Report Production, Claude Pepper Building, Room 312, 111 W. Madison St., Tallahassee, FL 32399-1475). Cover photo by Mark Foley.

**OPPAGA website:** [www.oppaga.state.fl.us](http://www.oppaga.state.fl.us)

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R. Philip Twogood, Coordinator

## Appendix A

# State-Funded Circuit Court Staff

State-funded court staff are assigned to elements, or funding groups, within the circuits. Some circuits contract for court reporters, interpreters, magistrates, hearing officers, and mediation. Using state funds to contract for these services may reduce the number of staff employed within the element in the circuit. Exhibit A-1 presents Fiscal Year 2015-16 staffing by circuit and by element. Exhibits A-2 through A-7 describe the number of specific types of staff in each circuit relative to circuit size.

### Exhibit A-1

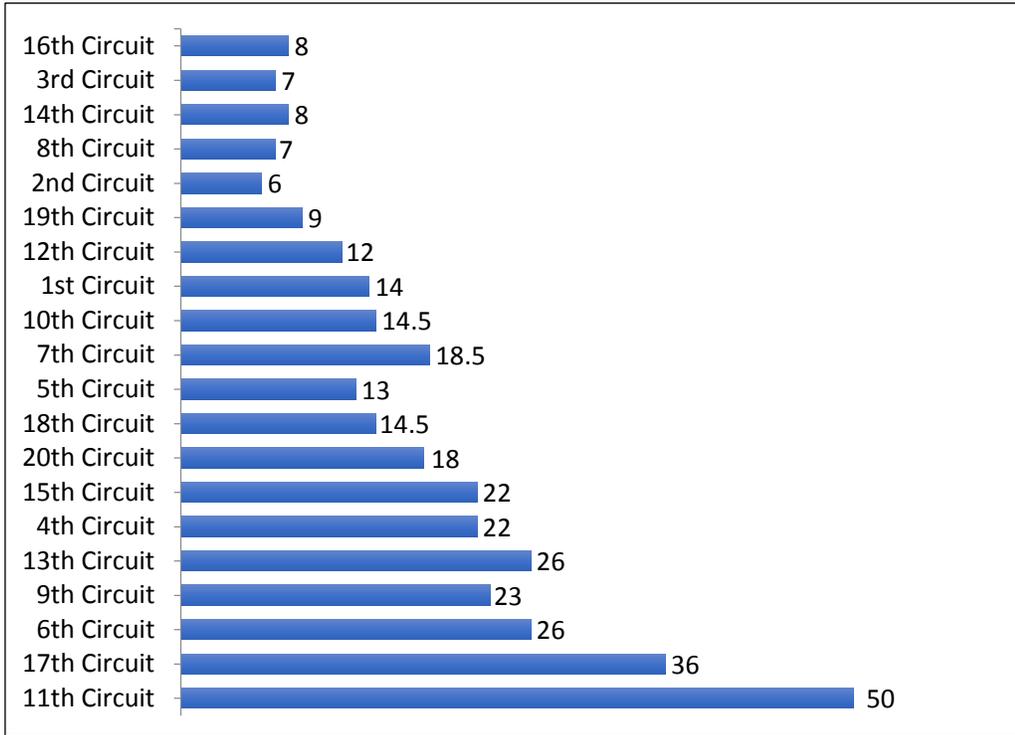
#### Staff by Circuit and Element

Circuit		Case Management	Court Administration	Court Interpreting	Court Reporting	Hearing Officers	Law Clerks	Magistrate	Mediators	Circuit Total
Small	16 <sup>th</sup> Circuit	8	5	2	5	0	1	0	3	24
	3 <sup>rd</sup> Circuit	7	8	0	6	1.5	3	1	3	29.5
	14 <sup>th</sup> Circuit	8	6	0	7	2.5	6	3	4	36.5
	8 <sup>th</sup> Circuit	7	8	1	16	4	6	3	4	49
	2 <sup>nd</sup> Circuit	6	9.5	0	15	2.5	8	4	4.5	49.5
Medium	19 <sup>th</sup> Circuit	9	8	2	13	2	5	6	5	50
	12 <sup>th</sup> Circuit	12	12	0	18	5	7	7	5	66
	1 <sup>st</sup> Circuit	14	12	0	22	4.5	9	6.5	3	71
	10 <sup>th</sup> Circuit	14.5	13	6	14	3.75	10	7	6	74.25
	7 <sup>th</sup> Circuit	18.5	11	3	14	2	8.5	7.5	3	67.5
	5 <sup>th</sup> Circuit	13	14	5	16	4.5	10	10	5	77.5
	18 <sup>th</sup> Circuit	14.5	12.25	1	12	4	9	7	6.5	66.25
Large	20 <sup>th</sup> Circuit	18	12	7	15	2.25	10	10	6	80.25
	15 <sup>th</sup> Circuit	22	25	13	23.75	4	11.5	13	9.5	121.75
	4 <sup>th</sup> Circuit	22	19	0	1	5.5	13.5	13	9	83
	13 <sup>th</sup> Circuit	26	21	10	14	5	16	14	11	117
	9 <sup>th</sup> Circuit	23	20	10	45	7	14	10	9.5	138.5
	6 <sup>th</sup> Circuit	26	23.75	1	39	6	15	14.25	7.5	133.5 <sup>1</sup>
Extra	17 <sup>th</sup> Circuit	36	22	15.5	31	4	17	17.5	12	155
Large	11 <sup>th</sup> Circuit	50	38	52	4	7	25	22	11	209
<b>Grand Total</b>		<b>354.5</b>	<b>299.5</b>	<b>128.5</b>	<b>330.75</b>	<b>77</b>	<b>204.5</b>	<b>175.75</b>	<b>127.5</b>	<b>1,699</b>

<sup>1</sup> The 6<sup>th</sup> circuit has one state-funded staff member assigned to the expert witness element, which is counted with the other due process elements, court reporting, and court interpreting in Exhibit A-7.

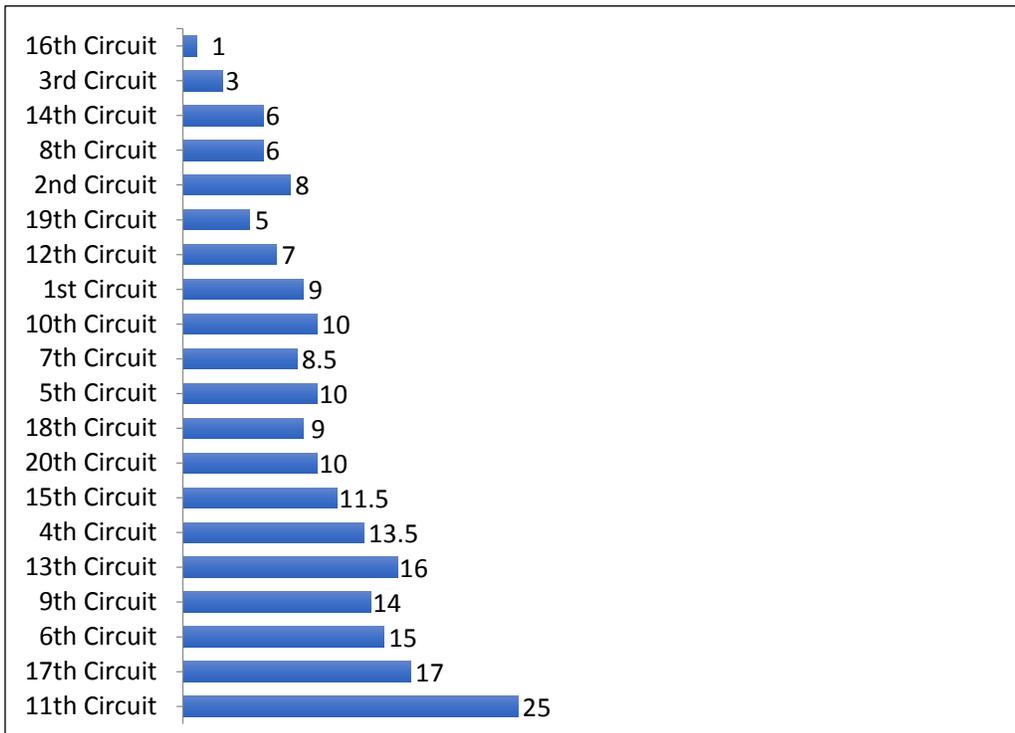
Source: Office of the State Courts Administrator, October 2015.

**Exhibit A-2  
Number of Case Managers by Circuit**



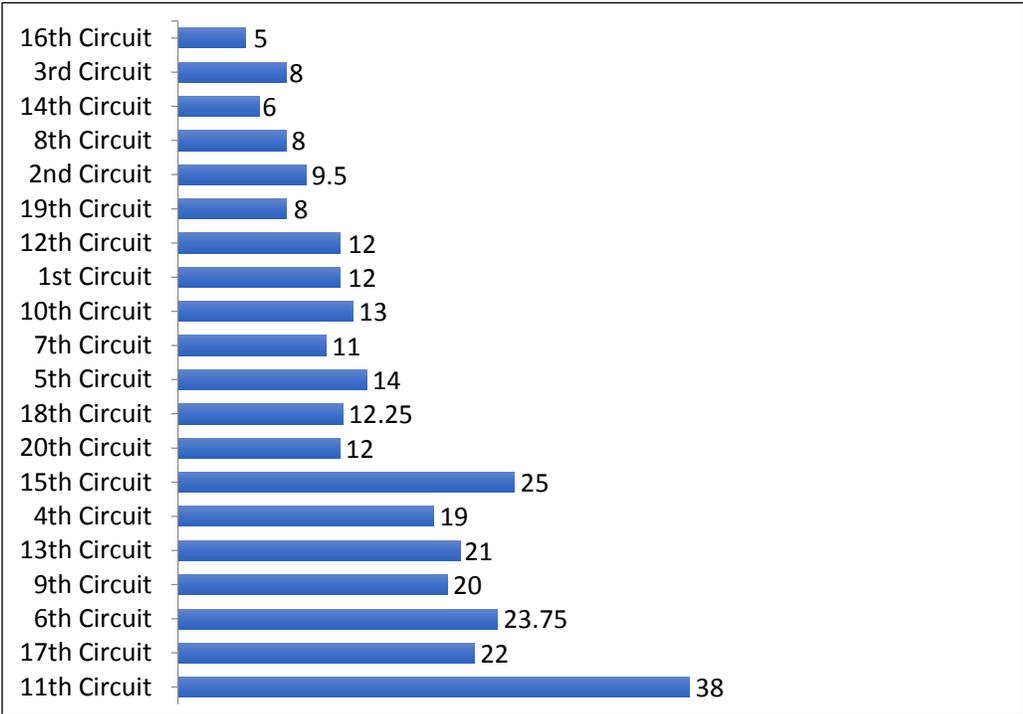
Source: Office of the State Courts Administrator, October 2015.

**Exhibit A-3  
Number of Staff Attorneys by Circuit**



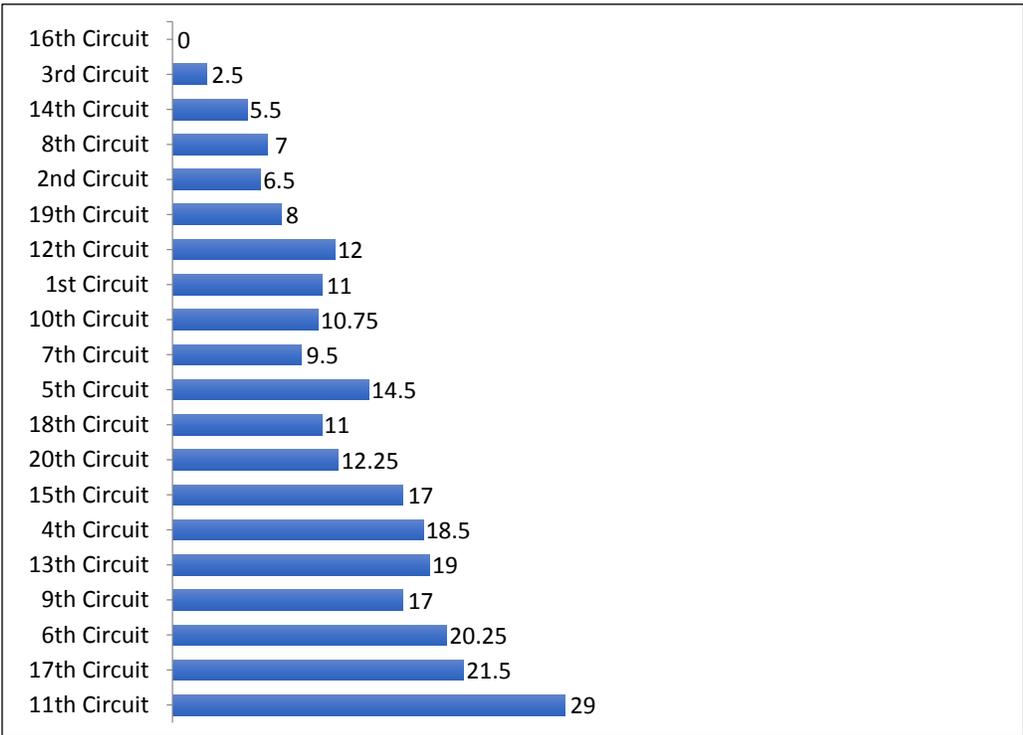
Source: Office of the State Courts Administrator, October 2015.

**Exhibit A-4**  
**Number of Court Administration Staff by Circuit**



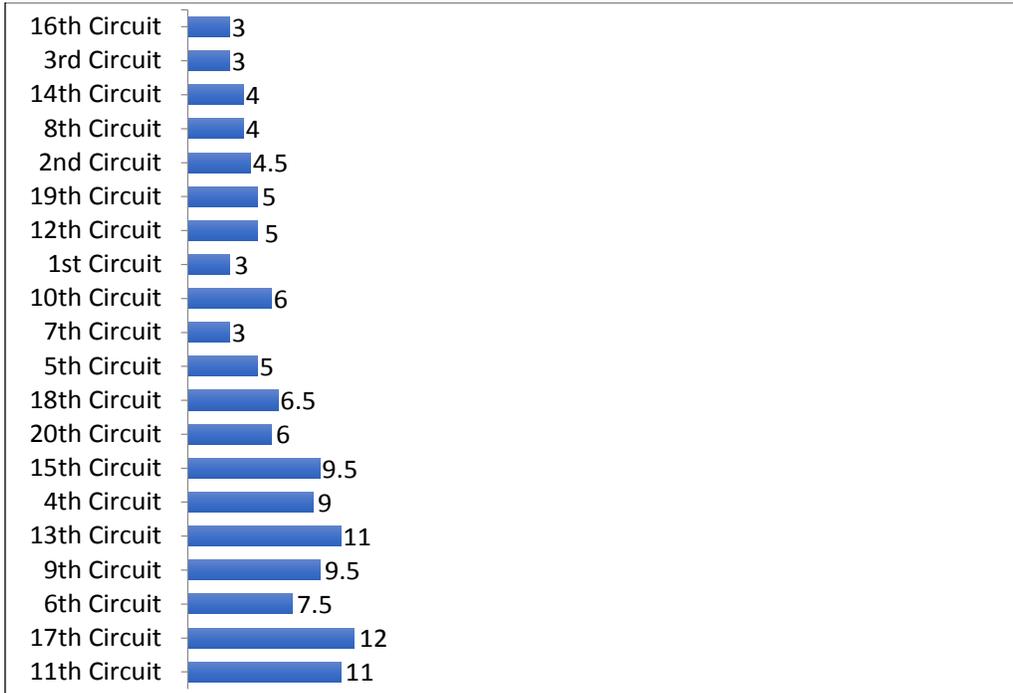
Source: Office of the State Courts Administrator, October 2015.

**Exhibit A-5**  
**Number of Quasi-Judicial (Magistrates and Hearing Officers) Staff by Circuit**



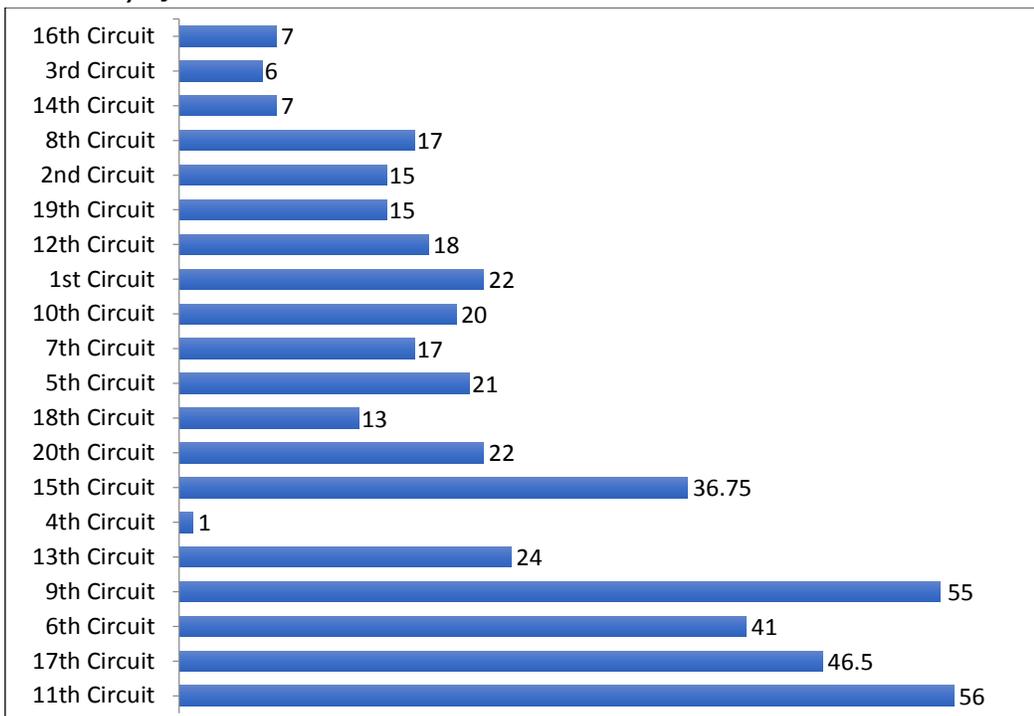
Source: Office of the State Courts Administrator, October 2015.

**Exhibit A-6  
Number of Mediators by Circuit**



Source: Office of the State Courts Administrator, October 2015.

**Exhibit A-7  
Number of Due Process Staff (Court Reporters, Court Interpreters, and Expert Witnesses) by Circuit<sup>1</sup>**



<sup>1</sup> Many circuits use a mix of employees and contracts to provide court reporting and court interpreting services. Circuit 4 provides the services almost exclusively through contracts. Circuit 6 is the only circuit that has an expert witness as a court staff member.

Source: Office of the State Courts Administrator, October 2015.

## Appendix B

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Jorge Labarga  
Chief Justice



Patricia (PK) Jameson  
State Courts Administrator

### Office of the State Courts Administrator

Phone: (850) 922-5081 Fax: (850) 488-0156  
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December 1, 2015

R. Philip Twogood, Ph.D.  
Coordinator  
Office of Program Policy Analysis and Government Accountability  
The Florida Legislature  
111 West Madison Street, Room 312  
Tallahassee, Florida 32399-1475

Dear Dr. Twogood:

Thank you for the opportunity to respond to *A Review of Florida Circuit Courts* as prepared by the Office of Program Policy Analysis and Government Accountability (OPPAGA). On behalf of the State Courts System, I commend staff of OPPAGA on the thoroughness and breadth of its review, especially considering the short timeframe. The Office of the State Courts Administrator (OSCA) generally concurs with the findings and observations in the report and will work, under direction from leadership of the judicial branch and its judicial circuits, to implement enhancements consistent with the report. The report identifies several issues that are also of great concern to the judiciary and are reflected in the courts' legislative budget request.

In conducting a review of this scope, inevitably there are some important distinctions that may not be clear. For example, while the report focuses on the operations of the circuit courts and the perspectives of circuit court judges, in accordance with the legislative proviso, I note that county court is an indispensable part of each of the 20 judicial circuits. Therefore, many of the activities related to court administration, technology, resource allocation, performance measurement, and judicial and staff training addressed in the report also support the efficient and effective operations of county courts.

I offer the following comments to complement the findings and observations.

#### ***Transition to a Technology-Driven Environment***

OSCA appreciates the report's recognition of the expanding and now integral role of technology in the efficient management and adjudication of cases, particularly since county funding responsibilities for "communications services" were defined more than 10 years ago during the implementation of Revision 7 to Article V of the state constitution. Among the challenges the judicial circuits have faced in transitioning to a technology-driven environment are insufficient funding for staffing and equipment. While a challenge on a statewide basis, this is of critical concern in circuits containing smaller counties with limited revenue. To further exacerbate the problem, circuits must integrate different case maintenance systems of the independent clerks of court. Nevertheless, working cooperatively with the counties and the

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clerks, the courts system has made tremendous strides – from case filing to case management. Further success in this area depends upon having sufficient funding to fully implement and maintain case management systems, refresh and maintain court reporting and court interpreting equipment, and ensure a minimum level of technology services across the state. Facilitating efficient adjudication of cases for courts system users is the basis for the judicial branch’s fiscal year 2016-17 legislative budget request for comprehensive trial court technology. For example, the report notes that county-funded technology staff may not be sufficient to manage the increased court technology workload. As well, county-funded technology staff can only be used in the county that funds them, further challenging a circuit to service smaller counties in its jurisdiction. Among other things, the budget request includes state funding for additional staff for circuit-level technology planning and support.

With respect to the Court Application Processing System (CAPS), in particular, I acknowledge the report’s finding that some judges express frustration with the pace at which documents load or the degree to which this case management and processing technology is user-friendly. This feedback is very helpful and, hopefully, is attributable in part to the comparative newness of this technology, the natural learning curve for a new technology, and the paradigm shift associated with the filing, review, production, and exchange of court documents electronically. The Supreme Court’s Florida Courts Technology Commission uses this kind of feedback in its regular review and updating of the functional requirements governing CAPS.

I also would like to use this opportunity to emphasize important distinctions between CAPS and the Judicial Data Management Services (JDMS) project discussed in the report. Both are critical components in an integrated technology vision for the trial courts; however, they serve different purposes. CAPS allows judges and court staff to electronically view and respond to documents filed with the local clerk of court and thereby manage specific cases within the circuit. JDMS, by comparison, is a state-level system that will receive data from CAPS, clerks, and other sources, and allow for reporting on and analysis of court-activity data statewide, including key performance measures of interest to policymakers, the courts system, and the public.

***Enhancement of Performance Data***

OSCA shares the concerns about current limitations in performance measurement reporting for the trial courts. However, I am pleased that the recent initiative to reduce the backlog of foreclosure cases is “proof of concept” of the courts system’s plan to develop and deploy enhanced performance-measurement capabilities. With multi-year funding from the Legislature, including a portion of Florida’s share of the National Mortgage Settlement, the trial courts employed additional senior judges, magistrates, and case managers to process foreclosure cases. The circuit courts thereby disposed of more than 378,000 cases, reducing the pending caseload from 329,000 to 83,000 and also reducing the percentage of foreclosure cases that are more than two years old from 42% to 26% of all cases.

Critical to the success of the foreclosure backlog reduction initiative was the development of a web-based “dashboard” as a prototype performance measurement system to provide judges,

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quasi-judicial officers, and court staff with timely and accurate information on age of pending cases, time to disposition, and clearance rates for foreclosure cases. Continued implementation of CAPS and development of JDMS will make this kind of robust performance measurement possible for all case types.

### ***Staffing Need Projections***

The report offers constructive advice to enhance methodologies underlying legislative budget requests, as well as allocation of appropriations, in support of trial court staffing needs. OSCA recognizes that, in particular, the ratio of one case manager to every 5,500 cases filed is not a staffing ratio. Rather, the Trial Court Budget Commission (TCBC) uses this methodology as more of a threshold for determining resource needs and, importantly, allocating resources equitably among the circuits. The technology initiatives discussed in the report and in this response letter will enhance the ability of the courts system to gather case-specific information, including the level of involvement of staff such as case managers in different case types, which in turn can assist in the effort to develop more targeted staff funding methodologies such as ones using weighted caseloads.

Some of the existing differences in staffing ratios among similarly sized circuits may be due to decisions individual circuits made about how to implement budget reductions in fiscal year 2008-09. Reduction amounts were identified proportionally based on the total budget for each circuit; however, each circuit had flexibility to decide which budget elements were reduced. In addition, it is important to emphasize, as the report recognizes, that circuits use different staffing models (i.e., full-time equivalent positions versus contractual arrangements) and different service delivery models that can account for differences in staffing. The TCBC also employs detailed methodologies to equitably request and allocate the substantial contractual services funds that are part of the trial court budget.

I am confident the TCBC will welcome the suggestion to explore methodologies for case managers, staff attorneys, and other staffing resources that consider differences in case types handled or that measure the work of the particular staff. The TCBC's commitment to identification of alternative methodologies for identifying resource needs is reflected in the case-specific methodologies that it employed for recommending positions in past legislative budget requests to assist with foreclosure and death penalty cases. The TCBC also has refined methodologies to address unique circuit needs – such as creating floors in some elements for smaller circuits.

The judicial branch's fiscal year 2016-17 legislative budget request reflects the emphasis on equitable identification and allocation of both staffing and contractual resource needs for the trial courts, as well as achievement of the efficiencies in case management and processing cited in the report. In addition to the comprehensive technology request discussed previously, the budget request includes funding for 52.5 additional case managers (using currently available but unfunded full-time equivalent positions) and additional due process contractual funding to support the provision of court interpreting services.

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**Judicial and Staff Training**

OSCA agrees that it should continue to integrate online education as part of its overall education and training curriculum and program design. We also note that reasons for increasing online and distance learning opportunities are not limited to possible cost savings during times of budget constraints, but also are related to application of sound adult education principles. More and more, blended learning, which combines the best attributes of traditional classroom instruction with emerging technology and online learning tools, is proving to be extremely effective in both acquisition of learning and transfer of learning from the classroom to practical application in the workplace. Face-to-face educational opportunities – long and well-established through the Florida judicial colleges and conference education programs – while still preferred for best accomplishing many learning goals and objectives, can and should be supplemented and complemented with online and blended solutions to enhance retention and transfer of learning. Classroom education, combined with distance and electronic learning, broadens access, offers opportunities for individualized, differentiated instruction on demand, and personalizes learning. Utilizing a variety of distance learning approaches before and after class – for example, to convey information or pose thought provoking questions in advance or as follow-up – can often allow for better use of faculty and participant time when in the traditional classroom environment.

Not only are there efficiencies, but also, as noted by OPPAGA, at least in the longer term, there are potential cost savings. This recognition has led to the judicial branch’s current legislative budget request in which the Court Education Unit of OSCA is requesting general revenue funding for a full-time education technologist to build and enhance electronic and distance learning capacity so that educational content is fully integrated and delivered in an efficient and cost-effective manner both in the classroom and by other means. We note, as other states have also noted, that there are a number of factors in achieving cost savings with distance education and blended learning and that, while these cost savings may come, they will not always be evident initially. Moreover, this transition to online and blended learning requires initial investments in technology, new staff, and training of current staff to develop expertise and a new skill set.

On behalf of the State Courts System, thank you for OPPAGA’s commitment to exploring the important issues affecting circuit court operations. The courts system welcomes the opportunity to work with the Legislature to continue to enhance those operations. Please do not hesitate to contact me if you require additional information.

Sincerely,  
  
 Patricia (PK) Jameson

PKJ:ewm  
 cc: Chief Justice Jorge Labarga

THE FLORIDA LEGISLATURE  
**OPPAGA**



OFFICE OF PROGRAM POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY

December 2015

Report No. 15-12

# Review of Florida's Judicial Qualifications Commission

## *at a glance*

Judges in Florida are subject to investigation and discipline by the Judicial Qualifications Commission (JQC) and the Florida Supreme Court. The vast majority of the complaints received by the JQC are dismissed because they do not allege conduct in violation of the Code of Judicial Conduct.

During the last five years, the JQC typically received between 600-700 complaints, with fewer than 5 complaints per year resulting in formal charges against judges. However, the number of complaints received in Fiscal Year 2014-15 was 13% higher than the prior fiscal year and the number of cases in which formal charges were filed doubled.

There has also been an increase in the number of cases in which the Supreme Court has rejected the JQC's recommendation for discipline and imposed a more severe sanction.

The commission is similar to judicial discipline bodies in other highly populated states. Some differences involve what entity ultimately administers sanctions and the scope of work.

The Judicial Qualifications Commission could enhance access to available information on its process and outcomes. In addition, while commission members believe the process generally works well, some possible improvements were suggested.

## Scope

[Chapter 2015-232](#), *Laws of Florida*, directs OPPAGA to conduct a review of the structure, function, and effectiveness of the Judicial Qualifications Commission in reviewing and

disciplining the conduct of judges and justices.<sup>1</sup>

## Background

Most states in the U.S. established judicial discipline bodies between 1960 and 1980. Florida's Judicial Qualifications Commission (JQC) was established by amendment to *The Constitution of the State of Florida* in 1968 to investigate allegations against Florida judges or justices of misconduct or mental or physical disability that seriously interfere with the performance of judicial duties.<sup>2</sup> To be reviewed by the commission, complaints must allege conduct that violates the Code of Judicial Conduct or incapacity.<sup>3</sup> The commission may issue private admonishments to judges found to have committed judicial misconduct and, when appropriate, may formally charge a judge and recommend public disciplinary action to the Florida Supreme Court.

<sup>1</sup> See proviso language pertaining to funds in Specific Appropriations 2667 and 2668. This proviso also directs OPPAGA to review the state courts system at the circuit level, including staffing; an evaluation of the efficiency and effectiveness of court administration; an assessment of the court's case processing and recommendations to improve efficiency; and to examine the use of training and travel funds for judges and staff. See *A Review of Florida Circuit Courts*, [OPPAGA Report No. 15-13](#).

<sup>2</sup> The commission's authority only includes Florida's 992 appellate, circuit, and county judges and does not include federal judges or judges in other states.

<sup>3</sup> The [Code of Judicial Conduct for the State of Florida](#) establishes standards for the ethical conduct of judges and is designed to provide guidance to judges and candidates for judicial office. In addition, it provides a structure for regulating judges' conduct through disciplinary agencies.

The commission is an independent entity and is not part of the Supreme Court or the state courts system and establishes its own rules.<sup>4</sup> The commission is composed of 15 members: six judges (two from the district courts of appeal, two from the circuit courts, and two from county courts), four attorneys, and five laypeople.<sup>5</sup> The judges are chosen for membership on the commission by all the judges of the courts of appeal, circuit courts, or county courts, respectively, by not less than a majority of the membership. The Board of Governors of the Florida Bar chooses the attorney members and the Governor appoints laypeople. All commission members serve six-year terms and must be registered voters.<sup>6</sup>

The Legislature appropriated \$891,416 in general revenue funds, which included funds for four staff, to the Judicial Qualifications Commission for Fiscal Year 2015-16.<sup>7</sup> The four commission staff are the executive director/general counsel, an assistant general counsel, and two support staff. Contracted investigators and private attorneys perform most of the investigatory and litigation work of the commission.

## Findings

### ***The Judicial Qualifications Commission complaint and hearing process has multiple steps***

Complaints about judges are initially received and reviewed by Judicial Qualifications Commission staff. Staff sends complaints within the commission’s jurisdiction to the commission for review. The commission itself is divided into

two investigative panels and one hearing panel. A complaint may move from staff to an investigative panel and then to a hearing panel if it is determined at each stage to merit further consideration. However, very few complaints move beyond the investigative panel.

Most complaints received by the JQC are summarily dismissed; complaints falling within the commission’s jurisdiction that allege ethical misconduct are investigated. The commission relies on complaints from the public, attorneys, and members of the judiciary to begin an investigation of a judge for alleged misconduct.<sup>8</sup> Complaints must be filed in writing with the JQC.<sup>9</sup> The complainant must provide his/her name, address, and telephone number(s); the judge’s name, address, and judicial level; a statement of facts; whether the complaint arises from a court case and related case information; and a list and copies of supporting documents. In Fiscal Year 2014-15, the commission received 771 complaints.<sup>10</sup>

Commission staff screens all complaints to determine whether they fall within the commission’s jurisdiction. Staff will screen out complaints against a federal judge or a judge from another state because the commission does not have jurisdiction over these judges. If a complaint falls within the commission’s jurisdiction, staff will review the complaint to determine if it alleges ethical misconduct by a judge. Those complaints that staff determines do not allege ethical misconduct are summarized and referred to an investigative panel of the commission for summary dismissal. All complaints that do allege ethical misconduct or incapacity due to mental or physical illness are referred to a commission investigative panel for consideration. (See Exhibit 1.)<sup>11</sup>

<sup>4</sup> Per s. 12(a)(4), *The Constitution of the State of Florida*, the commission’s rules, or any part of the rules, may be repealed by general law enacted by a majority vote of the membership of each house of the Legislature, or by the Supreme Court, five justices concurring.

<sup>5</sup> Section 43.20(4), *F.S.*, sets the membership selection requirements.

<sup>6</sup> Section 43.20(5), *F.S.*, allows for members to be reimbursed for travel, transportation, and per diem expenditures to attend commission meetings; however, members are not compensated for their service on the commission.

<sup>7</sup> Forty-one percent of the funds are appropriated for salaries and benefits, 42% for the work of contracted investigators and litigation attorneys, and 17% for expenses of commission members and staff.

<sup>8</sup> The JQC may initiate complaints; however, commission members reported this is rare and usually involves cases that have received media attention.

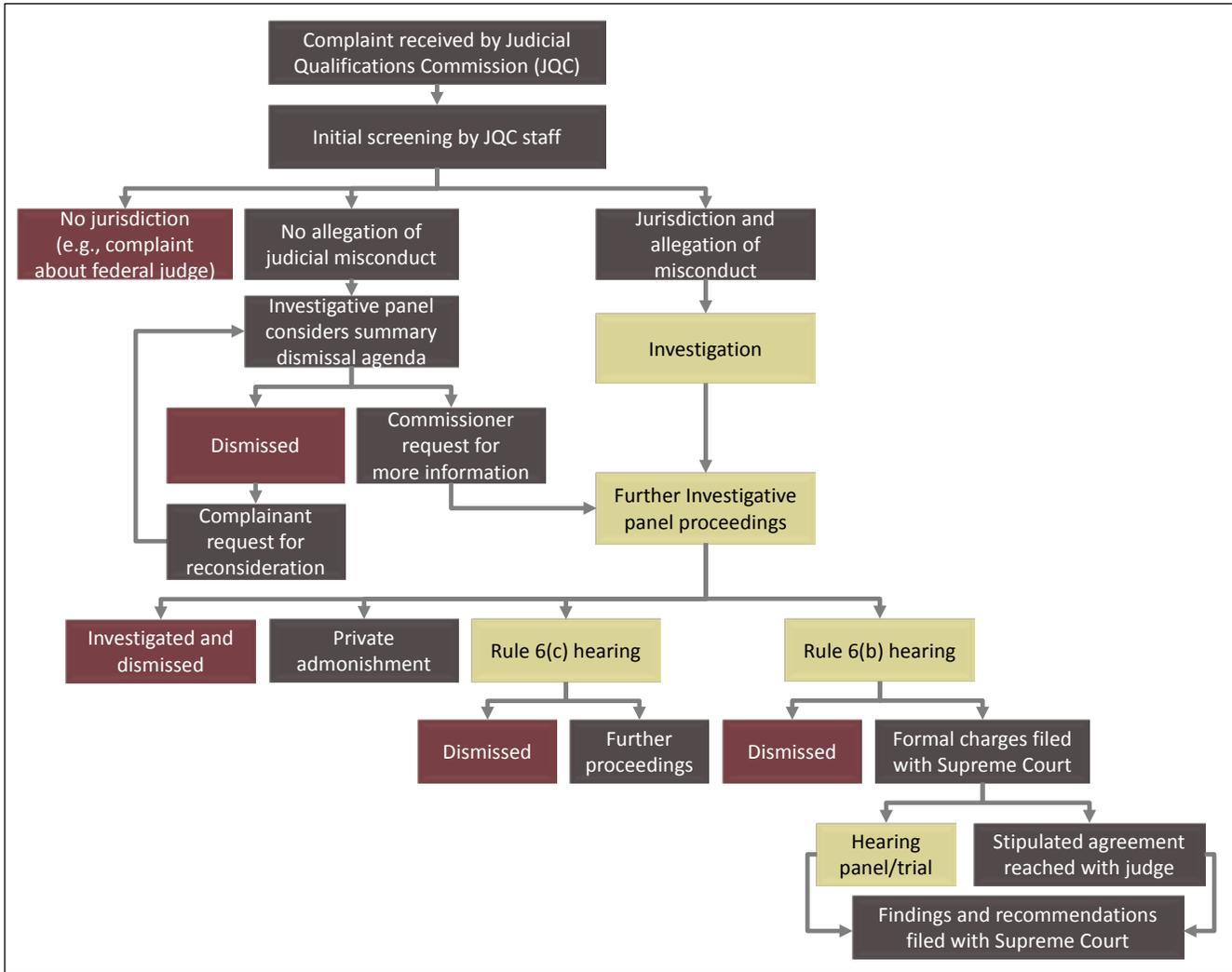
<sup>9</sup> The complaint form must be typed or legibly hand printed, signed, and dated.

<sup>10</sup> This number excludes complaints submitted involving federal judges, magistrates, hearing officers, or attorneys that fall outside the commission’s jurisdiction.

<sup>11</sup> Commission staff report that the majority of complaints received by the commission involve judicial decisions or rulings and are outside the commission’s jurisdiction.

**Exhibit 1**

**The Judicial Qualifications Commission Process is Complex and Involves Multiple Steps**



Source: OPPAGA analysis of information from the Judicial Qualifications Commission.

The commission convenes two investigative panels that are each made up of nine commissioners. As required by *The Constitution of the State of Florida*, four judges, two lawyers, and three non-lawyers comprise the investigative panel.<sup>12</sup> These panels meet approximately every six weeks, depending on the volume of cases scheduled.<sup>13</sup> Staff provides panel members materials in advance so they can review them before

<sup>12</sup> Section 12(f)(2)b., *The Constitution of the State of Florida*.

<sup>13</sup> Investigative panel meetings are held on Thursdays and Fridays and are normally four to five hours long.

scheduled meetings. The role of the investigative panel is to receive or initiate complaints, conduct investigations, dismiss complaints, and submit formal charges to the commission’s hearing panel, if warranted. The panel’s determination to proceed with formal charges is analogous to a finding of probable cause.

As described above, the panel reviews the recommendation of staff to summarily dismiss a group of complaints that do not allege ethical misconduct. Panel members may request that any complaint on the summary dismissal

agenda be further investigated. In the vast majority of cases, the investigative panel votes to follow the staff recommendation. For example, 570 complaints, or 74% of complaints received, were summarily dismissed by the investigative panel in Fiscal Year 2014-15.

Commission investigative panels have several options for handling cases that allege ethical misconduct. The investigative panel also reviews complaints that the staff find to be within the commission’s jurisdiction. Prior to the panel’s review, staff opens a file and begins an investigation, usually conducted by an investigator under contract with the commission. The panel may also review video recordings of court proceedings if the alleged misconduct occurred during open court.

The investigative panel has several options for handling alleged misconduct.

- *Dismissal*—Some complaints are dismissed by the investigative panel after initial investigation reveals insufficient evidence of misconduct. Fourteen complaints were dismissed after investigation in Fiscal Year 2014-15.
- *Private admonishment*—If the investigative panel determines that the judge’s conduct does not rise to the level of formal sanctions, the commission may call or send a letter to the judge cautioning him/her that the conduct should be avoided in the future. Five cases were resolved this way in Fiscal Year 2014-15.
- *Rule 6(c) hearing*—In some instances, the investigative panel may require the judge to appear before it to respond to the commission’s concerns about the judge’s behavior. This is known as a Rule 6(c) hearing, or Notice of Required Appearance, and is typically used when the commission does not anticipate filing formal charges in cases where the judge’s misconduct is not egregious.<sup>14</sup> If the panel is satisfied with

the judge’s response at this hearing, the panel dismisses the complaint without further action. If the panel is not satisfied with the judge’s response or the hearing reveals evidence of other misconduct, the panel will require further investigation of the complaint and further proceedings. One 6(c) hearing was held in Fiscal Year 2014-15.

- *Rule 6(b) hearing*—If an initial investigation suggests a basis for the complaint and the alleged conduct is sufficiently serious that it would merit sanction if true, the panel conducts a Rule 6(b) hearing, or Notice of Investigation. The judge is invited to attend a 6(b) hearing but is not required to do so. In some cases, the panel may dismiss the case after a 6(b) hearing. For example, if a judge appears at the hearing and satisfies the panel that the complaint is unfounded, the panel will dismiss the case. The panel may also decide to dismiss the case at this stage if the judge has violated an ethical canon but has taken measures to prevent future occurrences.

If the investigative panel determines that there is probable cause to believe the judge has violated the Code of Judicial Conduct, after a simple majority vote of the panel, the commission will file formal charges with the Clerk of the Supreme Court.<sup>15</sup> The commission’s Notice of Formal Charges is prepared by the JQC’s counsel and notifies the judge of its finding of probable cause to institute formal proceedings. The filing contains the findings of the investigative panel, the specific judicial canons violated, and notice to the judge of his/her right to file a written response to the charges with the Clerk of the Supreme Court within 20 days of receiving the formal charges.

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<sup>15</sup> When filing formal charges, the investigative panel can request that the Supreme Court suspend the judge from office, with or without pay, pending final determination of the inquiry. However, suspension pending the outcome of the case is a rarely used sanction.

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<sup>14</sup> The terms 6(b) and 6(c) are the rule reference in the Florida Judicial Qualifications Commission Rules, which govern JQC proceedings.

The commission held 23 6(b) hearings in Fiscal Year 2014-15 and nine cases resulted in formal charges.

If the commission cannot reach a stipulated agreement with the judge about discipline after formal charges are filed, a hearing panel may be convened. In some cases, the JQC will reach agreement with a judge about what discipline to recommend to the Supreme Court after the investigative panel 6(b) hearing. In this situation, the JQC will file formal charges and a stipulation for recommended sanctions with the Supreme Court at the same time. However, in many cases the judge is not in agreement with the investigative panel's decision to file formal charges and is unwilling to stipulate to recommended discipline. In these cases, a hearing panel is convened for a full hearing in a formal trial-like setting, usually within three to six months, after which the commission may make a recommendation for sanctions to the Supreme Court. These hearings are open to the public.

The six members of the hearing panel are selected by the chair of the JQC, who also selects one hearing panel member to be the chair of the panel. The members of the hearing panel cannot be the same commissioners who were on the investigative panel that found probable cause. Two judges, two lawyers, and two non-lawyers comprise the hearing panel pursuant to *The Constitution of the State of Florida*.<sup>16</sup>

Hearing panel proceedings are similar to a trial and often take place in the judge's home circuit. Both the hearing panel and the judge are represented by attorneys who present the evidence and arguments to the hearing panel members, who function as a jury and sit in the jury box during the trial. The proceedings are recorded by a court reporter. Although a hearing panel is more formal than an investigative panel, the Rules of Evidence are not strictly applied. For example, the panel can consider hearsay evidence and may question

witnesses during the hearing. The commission held four hearing panels in Fiscal Year 2014-15.

The hearing panel deliberates after the presentation of the evidence and advises the hearing panel attorney of its decision. The hearing panel may recommend discipline short of removal by a simple majority vote, but must recommend removal by at least a two-thirds vote. The panel's attorney prepares the order, which includes findings and recommendations, and circulates the order among the members of the panel for approval. The chair of the panel will sign the order after all members have reviewed and approved it. The hearing panel attorney then files the order with the Supreme Court.

The commission may recommend several types of sanctions. The hearing panel, or the investigative panel when agreement is reached with the judge, may recommend any or all of the following types of sanctions: removal, public reprimand, fine, or suspension with or without pay.

An analysis of JQC disciplinary recommendations from Fiscal Years 2010-11 through 2014-15 found that public reprimand was the most frequent recommendation (eight cases). In four cases the JQC recommended involuntary retirement due to a permanent disability. In an additional four cases judges resigned before discipline was imposed by the Supreme Court. In three cases the JQC recommended disciplinary actions that coupled public reprimand with other sanctions, such as letters of apology and counseling. There were also three cases in which the JQC recommended public reprimand with a fine and suspension, two cases where it recommended public reprimand with a fine, and one case where it recommended a public reprimand and suspension. In only two cases did the commission recommend removing the judge from the bench.<sup>17</sup> See Appendix A for detailed

<sup>17</sup> One case was dismissed due to the judge's resignation and one case resulted in removal by the Supreme Court.

<sup>16</sup> Section 12(f)(2)c., *The Constitution of the State of Florida*.

information on the 26 cases in which formal charges were filed in the last five fiscal years.

The Florida Supreme Court makes the final decision in all judicial disciplinary cases. Formal charges filed by the Judicial Qualifications Commission are treated as high profile by the Supreme Court clerk’s office. This case designation means that all the pleadings filed in the case and the docket can be viewed by the public on the court’s website.<sup>18</sup> If a stipulated discipline agreement is filed at the same time that formal charges are filed with the court, the case will be scheduled for the next court conference.

The Supreme Court may accept, reject, or modify the findings, conclusions, and recommendations of the commission. The court then issues an order with its final decision that details the facts in the case, a review of the JQC’s case, whether they agree with the commission’s recommended discipline, and what sanctions will be imposed.

***The number of complaints and formal charges has increased recently***

The number of complaints received by the Judicial Qualifications Commission has increased over the last two fiscal years, as has the number of formal charges filed by the commission with the Florida Supreme Court. As a result of the increased workload, the commission is requesting additional funding for Fiscal Year 2016-17. On average, JQC cases take 15 months from receipt of a complaint to making a recommendation for judicial discipline to the Supreme Court. A number of factors affect the length of cases, including scheduling issues and requests for continuances by accused judges.

Complaints received by the Judicial Qualifications Commission have increased. As shown in Exhibit 2, the number of complaints received in Fiscal Year 2014-15 is the highest in the last five years. The 771 complaints

represent an almost 13% increase over the prior year. Additionally, formal charges were filed in nine cases in Fiscal Year 2014-15, after an average of four cases in the preceding four years.

**Exhibit 2  
Complaints to the Judicial Qualifications Commission Increased During the Last Two Fiscal Years**

Actions	Fiscal Year				
	2010-11	2011-12	2012-13	2013-14	2014-15
Complaints	621	659	618	684	771
Summarily Dismissed	573	569	548	610	570
Formal Charges	4	4	2	4	9

Source: OPPAGA analysis of Judicial Qualifications Commission data Fiscal Year 2010-11 through Fiscal Year 2014-15.

Variability in the commission’s workload has budget implications. For example, in Fiscal Year 2012-13, when the number of complaints declined, the commission reverted \$256,521 in funding that was not used for investigatory and litigation expenses. However, in its Fiscal Year 2016-17 Legislative Budget Request, the commission is requesting additional funds to address the increase in the number of complaints that may require additional meetings of the investigative panels and the hearing panels, as well as more hours of work from contracted investigators and attorneys. Specifically, the commission is requesting an additional \$115,671 in general revenue for expenses and contracted services for operational and investigatory costs and increased travel costs for commission members and staff.

The Supreme Court has rejected the commission’s recommendations for discipline in several recent cases. Recently, there has been an increase in the number of cases in which the Supreme Court has rejected the commission’s recommendation and returned the case for further proceedings. The final result in most of these cases was a harsher sanction than was originally recommended. Since 2007, the court rejected the commission’s

<sup>18</sup> The [Florida Supreme Court’s](#) website provides all documents of JQC cases pending before the court.

recommendation in only seven of the cases where formal charges were filed; however, six of the seven rejections occurred between 2013 and 2015.

Members of the commission we interviewed acknowledged that the court is rejecting their recommendations more often. Although the commission typically makes recommendations that are consistent with the sanctions that have been imposed in the past for similar conduct, commissioners expressed an intention to have future recommendations reflect the current direction of the court. Several commissioners believe this trend is in line with the current court's stricter approach to attorney discipline cases.

The length of time required for a case to move through the commission process varies greatly and depends on many factors. On average, it took 395 days, or about 13 months, for a case to move from the commission's receipt of a complaint to a recommendation being made to the Supreme Court.<sup>19</sup> However, the length of time varies, ranging from 1 to 911 days. Commission members reported several factors that contribute to the length of time a case takes during the commission process, including<sup>20</sup>

- the schedules of the judge, the judge's attorney, and the contract attorneys hired by the JQC;
- the extent to which the judge challenges the proceedings; and
- the commission practice to let criminal cases conclude before beginning the investigative and hearing process.<sup>21</sup>

<sup>19</sup> The average length of cases from the commission's receipt of complaint to final disposition by the Supreme Court is 522 days, but this includes the time during which the Supreme Court has control of the case.

<sup>20</sup> Fourteen cases moved from complaint to recommendation in less than 400 days.

<sup>21</sup> This recognizes that judges with criminal charges related to the JQC complaint are unlikely to agree to participate in the JQC process until the criminal case is resolved.

### ***The investigative and hearing proceedings of the Judicial Qualifications Commission are confidential***

As a constitutional entity, the JQC operates under stricter confidentiality requirements than state agencies. *The Constitution of the State of Florida* specifies that all proceedings of the Judicial Qualifications Commission are confidential until the investigative panel files formal charges with the Clerk of the Supreme Court.<sup>22</sup> Once the commission files formal charges, the constitution specifies that the charges and all further proceedings, such as hearing panels, shall be public. Furthermore, all documents filed with the Supreme Court are available on the Supreme Court's website.

However, since all proceedings before formal charges are filed are confidential, little of the Judicial Qualifications Commission's process is visible to the public. For example, in Fiscal Year 2014-15, the commission held 16 meetings, none of which were open to the public; filed nine formal charges with the Supreme Court that are posted on the court's website; and held four hearing panels (i.e., trials) for accused judges that were open to the public. Over the past five fiscal years, 23 cases involved filing formal charges, with seven hearing panels held. In addition, the JQC is not required by the constitution, rule, or statute to produce an annual report of its activities. The commission has produced two annual reports and currently has the 2014 report posted on its website. This report provides limited information on the JQC process, commission members, and process-related data such as the number of formal charges filed.<sup>23</sup>

Confidentiality of the judicial discipline process is not unique to Florida. We examined

<sup>22</sup> Section 12(a)(4), *The Constitution of the State of Florida*.

<sup>23</sup> In contrast, a number of the states we reviewed provided detailed annual reports that included descriptions of the disciplinary body's staff and budget; the state's judicial system; the number and type of judges under the judicial disciplinary body's jurisdiction; description of the disciplinary process; and data over time pertaining to complaints, type of complainant, and dispositions.

nine states (California, Georgia, Illinois, Michigan, New York, North Carolina, Ohio, Pennsylvania, and Texas), all of which specify that the proceedings of the judicial discipline entity are confidential at least until formal charges are filed.

Commission members stressed the importance of maintaining confidentiality during the complaint and investigative phases of JQC proceedings in order to

- encourage complaints by protecting the complainant's anonymity;
- ensure that complainants will not face reprisal or retaliation by the judge as a result of the complaint;
- protect the judge's independence and reputation from baseless complaints such as those filed by defendants displeased with a judge's decision in their case, attorneys trying to have a judge recused from a case, or individuals involved in judicial election campaigns;
- protect a judge's due process rights during the investigative phase of the process; and
- protect the public's view of the judiciary by encouraging judges to acknowledge and remediate their conduct or behavior to the commission.

However, the confidentiality provision in *The Constitution of the State of Florida* somewhat limited our access to key components of the commission's processes and our ability to assess the efficiency and effectiveness of commission processes, as well as the consistency of its decisions and actions. The commission documents we were unable to review included complaints screened out by staff, cases dismissed by the commission either summarily or after investigation, and letters of private admonishment. In addition, consistent with the confidentiality requirements in *The Constitution of the State of Florida*, we were not permitted to attend investigative panel meetings.<sup>24</sup>

***The Judicial Qualifications Commission is similar in many ways to other states' judicial discipline entities, though some differences exist***

We examined the judicial discipline bodies in nine other highly populated states and found that the JQC is similar to these entities in terms of general makeup of the disciplinary body and size of staff. However, we also found differences, especially in terms of the entity that has the ability to impose sanctions, the scope of work, and whether a judge can be disciplined for conduct regardless of how long ago it occurred.

The commission is similar to judicial discipline entities in other states in terms of general makeup, numbers of judges within its jurisdiction, and the size of staff. As described in Appendix B, the number of members of judicial discipline bodies in the other states we examined ranges from a low of 7 in Georgia to a high of 28 in Ohio. However, the Ohio board has broader jurisdiction as it also handles attorney discipline (addressed in Florida by the Florida Bar Association). The entities are also similar to Florida's commission in that they include a mixture of judges, attorneys, and laypeople.

The number of judges within the entity's jurisdiction ranges from 500 in North Carolina to 3,677 in Texas. Six of the nine entities in other states have jurisdiction over at least some judges who do not have to be members of the bar, which may expand the work of the discipline entity by increasing the number of judges under its jurisdiction.

The size of the staff of judicial discipline entities in the nine other states ranges from a low of 4 in Georgia to a high of 45 in New York, with five states having fewer than 10 staff.

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Sunset Commission access to confidential documents, records, meetings, and proceedings of the state's judicial disciplinary body.

<sup>24</sup> In 2013, Texas Senate Bill 209 and S.J.R. 42 gave the Texas

Judicial disciplinary entities in other states differ in terms of the role of the Supreme Court, the entities' scope of work, and statutes of limitations. The role of the Supreme Court in the judicial discipline process in other states varies. In five of the nine states, the state Supreme Court is not the final authority for imposing sanctions as it is in Florida. In New York, for example, a judge may request that the state's highest court review the sanctions determined by the disciplinary body, but the court is not otherwise involved.

Judicial disciplinary bodies in some states have a broader scope of work than Florida's commission. In three states (California, Texas, and New York) the judicial disciplinary entity not only investigates complaints but also administers the sanctions. Three states' entities (Georgia, North Carolina, and Ohio) also issue formal advisory opinions and give informal advice to judges, in addition to their other work. This broader scope of work may be reflected in the larger number of staff in these states.

Florida does not have a statute of limitations on the period of time for filing a complaint against a judge. However, California and North Carolina have a formal time limitation. For example, California will not generally consider any complaint where the alleged misconduct took place more than six years before the commencement of the judge's current term. North Carolina has a three-year limitation in most cases. However, cases involving campaign violations have a three-month limitation.

## Suggestions for Improvements

The Judicial Qualifications Commission could increase access to available process and outcome information. While *The Constitution of the State of Florida* specifies that all proceedings of the Judicial Qualifications Commission are confidential until the

investigative panel files formal charges with the Clerk of the Supreme Court, the commission could make improvements to increase access to available information. Our review found that since so few of the in-person proceedings take place in public, the process seems somewhat hidden from view. The commission could ameliorate this by making more information readily and regularly available to the public. For example, the commission should consider amending its rules to require the publication of an annual report. Several other states produce comprehensive annual reports that include such information as statistical information about cases and descriptions of cases in which formal charges were filed.<sup>25</sup> Many of these reports are required by the entities' rules or laws.

The commission should also consider improving its website to provide additional information about its activities. Currently, Florida's website provides minimal information, such as a brief description of the commission's structure, a copy of its rules, and the complaint form. The commission's website provides a link to the Supreme Court's website for information about cases and related filings. However, in addition, the commission could provide basic data on the number of complaints received, formal charges filed, and the number of hearing panels held, and also emphasize the availability of case documents for public review on the Supreme Court's website.

Two states, California and Pennsylvania, have undertaken recent initiatives to improve their websites. For example, the California Commission on Judicial Performance began updating its website to make it more accessible and searchable, including providing access to the commission's annual reports dating back to 1983, as well as providing 10-year and 20-year summaries of discipline statistics. In Pennsylvania, the Judicial Conduct Board also increased the functionality of its website by providing information about the judicial

<sup>25</sup> Examples of other state judicial disciplinary bodies' annual reports include [California](#), [Colorado](#), [Hawaii](#), [Kansas](#), [New York](#), [Ohio](#), [Pennsylvania](#), and [Texas](#).

complaint process, a description of the range of decisions that can be made, and links to other websites dealing with judicial conduct.

Judicial Qualifications Commission members identified other potential improvements. According to commission members, recent changes, such as the addition of an assistant general counsel to the staff; increasing the number of investigative panels from one to two; and conducting certain business by e-mail, such as voting on the approval of recommended sanctions, have increased the efficiency of the JQC process.

A few other potential improvements were mentioned.<sup>26</sup> These suggestions included

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<sup>26</sup> Some of the suggested changes could be made by a change to the commission's rules, while others could require an

automatically suspending a judge without pay pending the outcome if he/she is unnecessarily delaying the process, creating a statute of limitations on filing complaints, and revealing the identity of the complainant once formal charges are filed.

## Agency Response ---

In accordance with the provisions of s. 11.51(2), *Florida Statutes*, we submitted a draft of our report to the Executive Director of the Florida Judicial Qualifications Commission for his review and response. The Executive Director's written response has been reproduced in Appendix C.

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amendment to *The Constitution of the State of Florida*.

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OPPAGA supports the Florida Legislature by providing data, evaluative research, and objective analyses that assist legislative budget and policy deliberations. This project was conducted in accordance with applicable evaluation standards. Copies of this report in print or alternate accessible format may be obtained by telephone (850/488-0021), by FAX (850/487-9213), in person, or by mail (OPPAGA Report Production, Claude Pepper Building, Room 312, 111 W. Madison St., Tallahassee, FL 32399-1475). Cover photo by Mark Foley.

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## Appendix A

# Formally Charged Judicial Disciplinary Cases, Fiscal Years 2010-11 Through 2014-15

The majority of Judicial Qualification Commission cases in which formal charges are filed typically involve circuit court judges and most frequently result in a public reprimand by the Florida Supreme Court. In addition to a public reprimand, many cases also involve a fine and suspension from the bench without pay. Exhibit A details judicial disciplinary cases for the past five fiscal years.

### Exhibit A

#### Several Cases Have Resulted in the Judicial Qualifications Commission Filing Formal Charges With the Supreme Court

Name of Judge	Formal Charges Filed	Judicial Level	Alleged Misconduct/Disability	Judicial Qualifications Recommendation to Supreme Court	Supreme Court Action
Colodny	July 2010	Circuit Court	Improper campaign finance activities	Public reprimand and \$5,000 fine	Public reprimand and \$5,000 fine
D. Cohen	March 2011	Circuit Court	Refusal to recuse in cases where there was a personal conflict of interest	Public reprimand	Public reprimand
Singbush	May 2011	Circuit Court	Tardiness, proclaiming religious beliefs in court	Public reprimand, letters of apology, and documenting timeliness	Public reprimand, letters of apology, and documenting timeliness
Hawkes	May 2011	District Court of Appeals	Destroying public documents, using a court employee for a private matter, requesting gifts from private vendors, and using a coercive and intimidating leadership style	N/A	Resigned prior to Judicial Qualifications Commission hearing
Shea	June 2011	Circuit Court	Rudeness towards attorneys in his courtroom and sentencing a defendant without his lawyer present	Public reprimand. The Supreme Court rejected this recommendation and required a hearing, resulting in recommendation of public reprimand, letters of apology, and counseling	Public reprimand, letters of apology, counseling, and a 60 day suspension without pay
Pando	March 2012	County Court	Wrote a letter to the Florida Department of State, Division of Corporations requesting reinstatement of corporation status for a campaign contributor	N/A	Resigned prior to Judicial Qualifications Commission recommendation
Nelson	May 2012	County Court	Driving under the influence	Public reprimand	Public reprimand
B. Cohen	October 2012	County Court	Public statement about a pending case and involvement in a partisan political campaign	Public reprimand	Public reprimand
Hawkins	December 2012	County Court	Using her judicial office to promote her private business, including selling or attempting to sell her products in the courthouse, using court property and staff to promote the business, and using time while not on the bench to run the business	Public reprimand, 3-month suspension without pay, and \$17,000 fine	Removal
Simpson	December 2012	Circuit Court	Permanent disability	Involuntary retirement due to a permanent disability	Involuntary retirement due to a permanent disability
Glant	June 2013	Circuit Court	Permanent disability	Involuntary retirement due to a permanent disability	Involuntary retirement due to a permanent disability
Watson	July 2013	Circuit Court	Misconduct during settlement negotiation in a civil trial while still an attorney	Removal	Removal

Name of Judge	Formal Charges Filed	Judicial Level	Alleged Misconduct/Disability	Judicial Qualifications Recommendation to Supreme Court	Supreme Court Action
Krause	December 2013	County Court	Improper campaign donations	Public reprimand and \$25,000 fine	Public reprimand, \$25,000 fine (first incident); 30-day suspension without pay (second incident)
	September 2014		Improper campaign statements	Public reprimand	
Kautz	December 2013	Circuit Court	Improper demeanor in court and appearance on behalf of her sister in a criminal matter	Public reprimand	Public reprimand
Sheehan	January 2014	Circuit Court	Driving under the influence	Public reprimand	Public reprimand
Decker	February 2014	Circuit Court	Improper campaign behavior, expressing how his religious beliefs would determine his judicial behavior, conflict of interest in several matters handled while an attorney	Public reprimand and 90-day suspension without pay	Pending
Pollack	May 2014	County Court	Driving under the influence and under the influence on the bench	Removal	Dismissed due to judge's resignation
Flood	July 2014	County Court	Improper relationship with a bailiff	Public reprimand	Public reprimand
Schoonover	August 2014	Circuit Court	Unstable and disruptive pattern of behavior including unfounded allegations of mistreatment by other judges, installation of cameras to record behavior of other judges, false reports to the Florida Department of Law Enforcement about other judges, making Facebook friend request to party in divorce case	N/A	Resigned prior to recommendation
Murphy	August 2014	County Court	Belittling a public defender, challenging him to a fight, grabbing and punching the public defender outside the courtroom, called 7 cases on the calendar without the attorney present and prompted waivers of a speedy trial from each defendant	Public reprimand, 120-day suspension without pay, \$50,000 fine, repeat phase one of the judicial education curriculum, and continue in mental health therapy program	Pending. Suspension and 20 days to show cause why he should not be removed from the bench permanently
Coker	November 2014	Circuit Court	Permanent disability	Involuntary retirement due to a permanent disability	Involuntary retirement due to a permanent disability
Recksiedler	February 2015	Circuit Court	Misrepresented driving record to the Judicial Nominating Commission	Public reprimand	Public reprimand
Schwartz	February 2015	County Court	Verbally assaulted convenience store owner for refusing to display her campaign sign, wrote on originals from the court file making them unusable and removed them from the case file	Public reprimand and letter of apology	Public reprimand, letter of apology, \$10,000 fine, and 30-day suspension without pay
Imperato	March 2015	Circuit Court	Driving under the influence (convicted in a criminal proceeding)	Public reprimand, \$5,000 fine, 20-day suspension without pay, alcohol evaluation and treatment contract with Florida Lawyers Assistance Program (investigative panel). Supreme Court rejected JQC recommendation, sent case back to JQC for a hearing. This panel recommended public reprimand, \$20,000 fine, 3-month suspension without pay, and alcohol evaluation and treatment as above	Pending. Supreme Court rejected Judicial Qualifications Commission's proposed sanctions on 4/30/15; hearing panel held on 9/10/15
Fulford	April 2015	Circuit Court	Using her judicial office to influence attorneys, for the appearance of impropriety caused by her close friendship with a county sheriff, for opposing a candidate publicly during elections, and for interjecting herself in a domestic battery case involving the son of her significant other	Involuntary retirement due to a permanent disability	Involuntary retirement due to a permanent disability
Griffin	May 2015	Circuit Court	Election campaign violations including opening a campaign account and lending money to her campaign prior to filing qualifying paperwork	Public reprimand	Public reprimand

Source: OPPAGA analysis of Judicial Qualification Commission data and Florida Supreme Court discipline rulings.

**Appendix B**

**Judicial Discipline Commissions in Other States**

We examined the judicial discipline bodies in nine other populous states and found that the Judicial Qualifications Commission is similar to these entities. Information in the table is based on the most recent available from a particular state and may represent different fiscal years or combinations of fiscal and calendar years depending on the state’s reporting practices.

**Exhibit B-1**

**The Florida Judicial Qualifications Commission Is Similar to the Judicial Disciplinary Entities in Other Populous States**

State	Name of Judicial Disciplinary Body	Commission Membership	Number of Staff and Roles	Fiscal Year 2013-14 Budget	Number of Complaints Received in 2014 <sup>1</sup>	Number of Judges Under Authority of Commission
Florida	Judicial Qualifications Commission	<b>15</b> 6 judges 4 attorneys 5 laypeople	<b>4</b> 1 executive director/general counsel 1 assistant general counsel 2 support staff	\$891,416	771	992
California	Commission on Judicial Performance	<b>11</b> 3 judges 2 attorneys 6 laypeople	<b>22</b> 1 director/chief counsel 1 trial counsel 3 intake attorneys 6 investigating attorneys 1 commissioner legal advisor 9 administrative staff	\$4.2 million	1,212	1,825 Judicial  332 Subordinate judicial officers (commissioners and referees)
Georgia	Judicial Qualifications Commission	<b>7</b> 2 judges 3 attorneys 2 laypeople	<b>4</b> 1 director 1 chief investigator 1 case manager 1 administrative assistant	\$518,504	412	1,800
Illinois	Judicial Inquiry Board and Independent Courts Commission	<b>9</b> Board 2 judges 3 attorneys 4 laypeople	<b>5</b> 1 executive director/general counsel 2 investigators 2 administrative staff	\$679,500	500	956
		<b>7</b> Commission 5 judges 2 laypeople				
Michigan	Judicial Tenure Commission	<b>9</b> 5 judges 2 attorneys 2 laypeople	<b>6</b> 1 executive director 3 staff attorneys 2 support staff	\$1.1 million (expenditures)	568	1,259

State	Name of Judicial Disciplinary Body	Commission Membership	Number of Staff and Roles	Fiscal Year 2013-14 Budget	Number of Complaints Received in 2014 <sup>1</sup>	Number of Judges Under Authority of Commission
North Carolina	Judicial Standards Commission	<b>13</b> 5 judges 4 attorneys 4 laypeople	<b>1</b> 1 executive director 1 commission counsel	\$323,078	250	500
New York	Commission on Judicial Conduct	<b>11</b> 4 judges 1 attorneys 6 laypeople	<b>46</b> 1 administrator/counsel 4 deputy administrators 21 administrative staff 13 attorneys 7 investigators	\$5.5 million	1,767	3,300
Ohio	Board of Professional Conduct	<b>28</b> 7 judges 17 attorneys 4 laypeople	<b>5</b> 1 director 1 senior counsel 1 counsel (part-time) 1 deputy clerk 1 administrative secretary	\$2.4 million (expenditures)	136	730
Pennsylvania	Judicial Conduct Board	<b>12</b> 3 judges 3 attorneys 6 laypeople	<b>11</b> 1 chief counsel 1 deputy chief 2 deputy counsels 3 field investigators 4 support staff	\$1.6 million	793	1,034
Texas	Commission on Judicial Conduct	<b>13</b> 6 judges 2 attorneys 5 laypeople	<b>14</b> 1 executive director 1 general counsel 5 attorneys 1 legal assistant 3 investigators 3 administrative staff	\$954,227	1,136	3,677

Source: OPPAGA analysis of annual reports and communication with staff of disciplinary bodies in other states.

## Appendix C

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HON. KERRY I. EVANDER  
CHAIR

HON. JAMES A. RUTH  
VICE - CHAIR

MICHAEL L. SCHNEIDER  
EXECUTIVE DIRECTOR  
GENERAL COUNSEL

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STATE OF FLORIDA  
JUDICIAL QUALIFICATIONS COMMISSION

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TALLAHASSEE, FLORIDA 32317  
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November 30, 2015

R. Philip Twogood  
Coordinator  
Office of Program Policy Analysis and  
Government Accountability  
111 West Madison Street, Room 312  
Claude Pepper Building  
Tallahassee, Florida 32399-1475

Dear Mr. Twogood:

The Judicial Qualifications Commission (JQC) strives to be responsive and transparent to the public and welcomes this review of its operations and procedures. Legislative analysts Laurie Scott and Drucilla Carpenter did a wonderful job of researching and compiling the *Review of Florida's Judicial Qualifications Commission*. I hope the JQC has been responsive to them in their endeavor. The suggestions for improvement are consistent with the internal discussion within the JQC.

In regard to the suggestion that the JQC website be improved, it certainly can and should provide richer detail about the policies and procedures of the Commission, and, to the extent possible the outcomes of complaints.

As background, in March 2010 the Office of State Courts created the JQC website. The website provided links to the annual report and the Florida Supreme Court website where frequently asked questions, rules, cases, and outcomes could be found. This was done without cost to the JQC.

However, there is no doubt that a more robust webpage with more information is needed. Within the JQC there is an ongoing discussion about what information and in what form can its actions be published.

And to be fair, other jurisdictions with similar workloads have more staff to devote to compiling and collating the information.

In addition to improving its website, the JQC is actively reviewing its procedural rules to promote efficiencies in its procedures while preserving due process for the responding judges.

Although it may be beyond the scope of this review, an additional area of concern lies with the ongoing litigation against the JQC. This litigation is ancillary to the judicial disciplinary process and takes several forms. First, there are dissatisfied complainants who refuse to accept that the JQC is not an appropriate forum to review and overturn decisions with which they disagree. They file suit in both state and federal courts seeking to require the JQC to discipline judges for rulings or decisions.

Next, death sentenced inmates routinely involve the JQC in collateral attacks on their sentences by attempting to obtain constitutionally protected records from the JQC. This has required the JQC to appear and resist those requests in circuit courts around the state.

Finally, judges against whom charges have been filed often attempt to derail the disciplinary process. These challenges are outside the ordinary litigation and typically occur in the federal court system.

While none of this collateral litigation has been particularly successful, it does divert resources and attention away from the JQC's primary mandate to investigate allegations of judicial misconduct. And this activity is not reflected in the work product encompassed by the report.

Again, thank you for this opportunity to enhance the JQC's important service to the State of Florida.

Sincerely yours,



Michael L. Schneider  
Executive Director and  
General Counsel

MLS/mc

# Agenda Item VI.B. Legislative Issues and Updates – FY 2016-17 Budget Request

JUDICIAL BRANCH  
LEGISLATIVE BUDGET REQUEST  
FY 2016-17

Updated 11/30/15

			Judicial Branch					Governor's Recommended Budget				
Budget Entity/Issues	Issue Code	Category (FCO)	FTE	General Revenue	GR Non-Recurring	Trust	Total GR and Trust	FTE	General Revenue	GR Non-Recurring	Trust	Total GR and Trust
1	<b>BRANCH WIDE - PAY ISSUES</b>											
2	Equity and Retention Pay Issue for State Courts System Employees	4401A80		5,524,009		378,579	5,902,588					-
3	<b>SUPREME COURT - 22010100</b>											
4	Appellate Judiciary Travel	4600620		209,930			209,930					-
5	Supreme Court - Security Support	6800610		78,414	9,445		78,414					-
6	Interior Building Space Refurbishing	7000260		237,360			237,360					-
7	<b>TOTAL SUPREME COURT</b>		<b>0.0</b>	<b>525,704</b>	<b>9,445</b>	<b>-</b>	<b>525,704</b>	<b>0.0</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
8	<b>EXECUTIVE DIRECTION - 22010200</b>											
9	Operational Support for the Judicial Branch	3003015	6.0	707,789	25,650		707,789					-
10	Supreme Court - Annex Building Lease	7000100		63,236			63,236					-
11	<b>TOTAL EXECUTIVE DIRECTION</b>		<b>6.0</b>	<b>771,025</b>	<b>25,650</b>	<b>-</b>	<b>771,025</b>	<b>0.0</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
12	<b>DISTRICT COURT OF APPEAL - 22100600</b>											
13	Appellate Judiciary Travel	4600620		241,310			241,310					-
14	Building, Facilities Maintenance and Operational Upkeep	7000210		400,000			400,000					-
15	2nd DCA Additional Lease Space - Tampa	7000220		293,800	114,500		293,800					-
16	CIP - 3rd DCA Court Remodeling for ADA, Security and Building Systems Upgrades	990M000	080179	6,482,222	6,482,222		6,482,222		6,482,222	6,482,222		6,482,222
17	CIP - 4th DCA Courthouse Construction	990S000	080071	4,775,757	4,775,757		4,775,757		4,775,757	4,775,757		4,775,757
18	CIP - 2nd DCA Facility Space Study	990S000	080171	100,000	100,000		100,000		100,000	100,000		100,000
19	<b>TOTAL DISTRICT COURT OF APPEAL</b>		<b>0.0</b>	<b>12,293,089</b>	<b>11,472,479</b>	<b>-</b>	<b>12,293,089</b>	<b>0.0</b>	<b>11,357,979</b>	<b>11,357,979</b>	<b>-</b>	<b>11,357,979</b>
20	<b>TRIAL COURTS - 22300100/22300200</b>											
21	Case Management Support (funding for 52.5 unfunded FTE requested)	3001610		3,470,377	124,950		3,470,377					-
22	Trial Court Technology Comprehensive Plan	36250C0	65.0	25,299,973	8,494,247		25,299,973					-
23	Court Interpreting Resources	5303100		483,292			483,292					-
24	<b>TOTAL TRIAL COURTS</b>		<b>65.0</b>	<b>29,253,642</b>	<b>8,619,197</b>	<b>0</b>	<b>29,253,642</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
25	<b>JUDICIAL QUALIFICATIONS COMMISSION - 22350100</b>											
26	Judicial Qualifications Commission Operational Increases	3000070		115,671	3,804		115,671		115,671	3,804		115,671
27	<b>TOTAL JUDICIAL QUALIFICATIONS COMMISSION</b>		<b>0.0</b>	<b>115,671</b>	<b>3,804</b>	<b>0</b>	<b>115,671</b>	<b>0.0</b>	<b>115,671</b>	<b>3,804</b>	<b>0</b>	<b>115,671</b>
28	<b>TOTAL JUDICIAL BRANCH</b>		<b>71.0</b>	<b>48,483,140</b>	<b>20,130,575</b>	<b>378,579</b>	<b>48,861,719</b>	<b>0.0</b>	<b>11,473,650</b>	<b>11,361,783</b>	<b>0</b>	<b>11,473,650</b>



**STATE COURTS SYSTEM**  
**FY 2016-17 LEGISLATIVE BUDGET REQUEST**

December 2, 2015

➤ **State Courts System Pay Issues (Issue #4401A80) – Judicial Branch #1 Priority**

1. The Supreme Court requests the second-year funding of \$5,902,588 in recurring salary dollars branch wide, effective July 1, 2016, to continue addressing a wide range of staff salary issues affecting the State Courts System (SCS).

In Fiscal Year 2014-15, the first-year funding request in order to retain highly skilled employees and to experience more equity with other government salaries, the SCS requested \$18,828,193 in recurring salary appropriation. However, recognizing the considerable size of such a request, the SCS proposed a two-year implementation period. The 2014 Legislature provided \$8,132,614 for the first-year implementation period. That funding is assisting the judicial branch in making significant headway in addressing retention and salary equity between the branch and other governmental entities for similar positions and duties.

Although positively impacted by the 2014 legislative funding, the branch must continue its progress in reaching its Long Range Strategic Plan goal of supporting competency and quality. Success in this regard continues to depend on the branch's ability to attract, hire, and retain highly qualified and competent employees. As Florida's economy continues to improve, the employment environment is sure to become increasingly competitive. The SCS needs to be able to retain and recruit top talent in all of its elements to ensure that justice is served in the most efficient and effective manner to the people of Florida.

2. For many of the same reasons, judicial salaries also top the judicial branch list of priorities. Although a specific dollar amount is not being requested as part of this LBR, it is imperative that the State of Florida be able to recruit and retain quality judges. It only makes sense that the quality of justice for Florida citizens is directly impacted by the quality of the men and women that Florida elects or appoints as judges. In turn, competitive salaries are essential to the ability to attract a high number of highly qualified attorneys willing to run and apply for judicial openings -- or willing to stay on the bench for a full judicial career after their election or appointment. There have already been a number of qualified jurists who have left the bench early -- as well as a demonstrable drop in qualified applicants -- as salaries for Florida judges have seriously lagged behind inflation and behind attorney salaries in Florida, federal judicial salaries, and judicial salaries in comparable states.

The SCS respectfully requests that the Legislature implement a multi-year strategy to fully restore judicial salaries to a competitive level, while continuing to benchmark judicial salaries in Florida consistent with Florida Rule of Judicial Administration 2.244(b).

**STATEWIDE PAY ISSUE TOTAL: \$5,902,588 (recurring)**

**STATE COURTS SYSTEM**  
**FY 2016-17 LEGISLATIVE BUDGET REQUEST**

December 2, 2015

**SUPREME COURT**

➤ **Supreme Court Security Support (Issue #6800610): \$78,414 (\$9,445 non-recurring)**

To add three OPS Deputy Marshals to assist in effectively safeguarding and protecting Florida Supreme Court justices, court employees, visitors, and facilities by providing adequate law enforcement protection during Florida Supreme Court operations, travel, and events.

➤ **Interior Building Space Refurbishing (Issue #7000260): \$237,360 (recurring)**

To allow the Supreme Court to maintain a five-year refresh cycle for space and finishes refurbishing to keep the Supreme Court Building in appropriate and safe working order, protecting the taxpayers' investment in this facility asset.

➤ **Appellate Judiciary Travel (Issue #4600620): \$209,930 (recurring)**

To support travel by Supreme Court justices whose residence is outside of his or her official headquarters to and from Tallahassee, as part of the official business of the Court. To recognize geographic diversity, promote equity for sitting justices, and foster recruitment of experienced individuals to serve on the Supreme Court.

**SUPREME COURT TOTAL: \$525,704**  
**(\$9,445 non-recurring)**  
**General Revenue**

**STATE COURTS SYSTEM**  
**FY 2016-17 LEGISLATIVE BUDGET REQUEST**

December 2, 2015

**DISTRICT COURTS OF APPEAL (DCA)**

➤ **Fixed Capital Outlay: \$11,357,979 (non-recurring)**

- **3<sup>rd</sup> DCA Court Remodeling for Security and Building Systems Upgrades (Issue #990M000/080179): \$6,482,222 (non-recurring)**

To complete the multi-year, interlocking, phased security, ADA, and core systems upgrade and renovation project for which partial funding was provided by the Legislature in 2014 and 2015. The funding will facilitate the completion of court security remodeling and upgrading the core building systems.

- **4<sup>th</sup> DCA Courthouse Construction (Issue #990S000/080071): \$4,775,757 (non-recurring)**

To complete construction of a new courthouse and a new parking garage, for which partial funding was provided by the Legislature in 2014 and 2015, to serve the court and seven executive branch departments currently operating on the state-owned property on which the courthouse is being constructed.

- **2<sup>nd</sup> DCA Facility Space Study (Issue #990S000/080171): \$100,000 (non-recurring)**

For Department of Management Services managed program analysis to identify the court's current and future space needs, site selection, and other professional services necessary to accurately plan and budget for a consolidated courthouse facility in Tampa.

➤ **Statewide Building, Facilities Maintenance, and Operational Upkeep (Issue #7000210): \$400,000 (recurring)**

To address operational needs for ongoing facilities maintenance and repairs, emergency expenditures, and/or critical failure of building system components for the four facilities located in Lakeland, Miami, West Palm Beach, and Daytona Beach. To keep the buildings in appropriate and safe working order, protecting the taxpayers' investment in these facility assets.

➤ **2<sup>nd</sup> DCA/Tampa Branch Lease (Issue #7000220): \$293,800 (\$114,500 non-recurring)**

To acquire and secure additional space at the current leased facility for additional staff and to provide additional judicial offices in the Tampa courthouse.

➤ **Appellate Judiciary Travel (Issue #4600620): \$241,310 (recurring)**

To support travel by district court of appeal judges whose residence is outside of his or her official headquarters, as part of the official business of the court. To recognize geographic diversity, promote equity for sitting judges, and foster recruitment of experienced individuals for appellate court judge positions.

**DISTRICT COURTS OF APPEAL TOTAL: \$12,293,089**  
**(\$11,472,479 non-recurring)**  
**General Revenue**

**STATE COURTS SYSTEM**  
**FY 2016-17 LEGISLATIVE BUDGET REQUEST**

December 2, 2015

**TRIAL COURTS**

➤ **Trial Court Technology Comprehensive Plan (Issue #36250C0): 65.0 FTE; \$25,299,973 (\$8,494,247 non-recurring)**

To operationalize the multi-year comprehensive strategy for addressing the statewide technology needs of the trial courts to: (1) provide a more consistent statewide level of court services by establishing and funding a minimum level of technology to support all elements of the State Courts System; (2) implement best practices for funding by incorporating full life cycle costs of all trial court technology which ensures long-range functionality and return on investment; and (3) sustain the systems and applications in the trial courts by ensuring courts have appropriate staffing levels available to support technology demands and improving training and education for staff.

➤ **Court Interpreting Resources (Issue #5303100): \$483,292 (recurring)**

To comply with the intent of the Supreme Court opinion SC13-304 (further amended by SC14-1055) and increase court interpreting services funding based on anticipated increases in contractual expenditures and projected growth in the non-English speaking population.

This issue was partially funded in FY 2015-16 in the amount of \$750,000. This request seeks the remaining due process contractual amount to comply with the Supreme Court opinion.

➤ **Case Management Support (Issue #3001610): \$3,470,377 (\$124,950 non-recurring)**

Funds 52.5 Court Program Specialist II positions to assist in the processing and management of cases through the judicial system. Case managers perform intake, screening, evaluation, monitoring, tracking, coordinating, scheduling, and referral activities, which guide cases to disposition. Case managers reduce delays, and provides certainty and predictability in how a case is progressing through the system. 52.5 unfunded FTE will be utilized as part of this request.

This issue was partially funded in FY 2015-16 in the amount of \$2 million, which funded 38 case management positions; however, there still exists a need for additional case managers in order to provide an adequate level of services throughout the state.

**TRIAL COURTS TOTAL: 65.0 FTE; \$29,253,642**  
**(\$8,619,197 non-recurring)**  
**General Revenue**

**STATE COURTS SYSTEM  
FY 2016-17 LEGISLATIVE BUDGET REQUEST**

December 2, 2015

**JUDICIAL QUALIFICATIONS COMMISSION**

- **Operational Increases (Issue #3000070): \$115,671 (\$3,804 non-recurring)**  
To address additional operational costs associated due to increased complaints, formal charges, and trials.

**JUDICIAL QUALIFICATIONS COMMISSION TOTAL: \$115,671  
(\$3,804 non-recurring)  
General Revenue**

**STATE COURTS SYSTEM**  
**FY 2016-17 LEGISLATIVE BUDGET REQUEST**

December 2, 2015

**OFFICE OF THE STATE COURTS ADMINISTRATOR**

- **Operational Support for the State Courts System (Issue #3003015): 6.0 FTE; \$707,789 (\$25,650 non-recurring)**
  - **Enterprise Licensing: \$85,000 (recurring)**  
To support the agreement with Microsoft for enterprise licensing for the desktops and servers that support the State Courts System infrastructure.
  - **Due Process Support-Court Interpreters Program: 2.0 FTE; \$154,224 (\$8,550 non-recurring)**  
1.0 Court Operations Consultant and 1.0 Administrative Assistant positions to provide due process support and to staff the Court Interpreter Certification and Regulation Program to properly comply with all of the requirements identified in Supreme Court opinion SC13-304 (further amended by SC14-1055).
  - **Office of Court Improvement Workload: 2.0 FTE; \$224,455 (\$8,550 non-recurring)**  
1.0 Court Operations Consultant and 1.0 Senior Court Analyst II positions to conduct training, programmatic monitoring, data reporting, and provide technical assistance to effectively administer new responsibilities as a result of special legislative appropriations such as: expansion of drug courts, veterans courts, mental health courts, 24x7 sobriety, problem solving court training, naltrexone treatment, Children's Advocacy Centers, and Global Positioning System (GPS) monitoring of domestic violence cases.
  - **Court Publications/Communication and Website Support: 1.0 FTE; \$121,414 (\$4,275 non-recurring)**  
1.0 Statewide Communication Liaison position to provide professional support to the State Courts System's outreach programs, better address communication needs of the public and justice partner stakeholders, assist in the refinement of a branch-wide communication plan, sustain goals articulated in the communication plan adopted, and assist with day-to-day maintenance and operation of the official State Courts System website.
  - **Court Publications/Training Workload: 1.0 FTE; \$86,922 (\$4,275 non-recurring)**  
1.0 Education Technologist position to build and enhance electronic and distance learning capacity by developing instructional web- and media-based interactive learning solutions so that educational content is delivered in an efficient and cost-effective manner.
  - **Online Legal Research: \$35,774 (recurring)**  
To support of the State Courts System's enterprise agreement for online legal research.

- **Supreme Court Annex Building Lease (Issue #7000100): \$63,236 (recurring)**  
To address increasing lease costs for the Supreme Court Annex Building.

**OFFICE OF THE STATE COURTS ADMINISTRATOR TOTAL: 6.0 FTE;**  
**\$771,025 (\$25,650 non-recurring)**  
**General Revenue**

**STATE COURTS SYSTEM**  
**FY 2016-17 LEGISLATIVE BUDGET REQUEST**

December 2, 2015

**CERTIFICATION OF NEED FOR ADDITIONAL JUDGES**

➤ **Certification of Need for Additional Judges (Issue #3009310):**  
**\$6,904,297 (\$121,380 non-recurring)**

Supreme Court of Florida Opinion No. 15-1991, *In re: Certification of Need for Additional Judges*, which certified the need for 24 additional circuit and county judgeships for FY 2016-17.

- Circuit Court – 1 circuit judgeship (5<sup>th</sup> circuit)
- County Court – 23 county judgeships (seven in Miami-Dade county; seven in Hillsborough county; four in Broward county; two in Palm Beach county; and one in Duval, Orange, and Lee counties).
- Executive Direction – The Florida Cases Southern 2<sup>nd</sup> Reporter request is based on the total number of judges certified. Costs are calculated at \$500 per judge.

**TOTAL: \$6,904,297**  
**(\$121,380 non-recurring)**  
**General Revenue**

# Agenda Item VI.C. Legislative Issues and Updates – Substantive Legislation

**Item VI.C.: Legislative Issues and Updates – Substantive Legislation**

Following is a table highlighting the current legislative status of issues on the substantive 2016 Judicial Branch Approved Legislative Agenda, as well as a table highlighting some other key bills of interest to the State Courts System. The status for bills on both tables is of January 4, 2016.

**Judicial Branch Legislative Agenda<sup>1</sup>**

Issue	Brief Description	Status
<b>Appellate Administration</b>	<p>Changing the statutory location of the Second District Court of Appeal headquarters from Lakeland to Tampa.</p> <p>Revising or repealing provisions relating to the records of Supreme Court and district clerks to reflect developments in technology and electronic storage and filing.</p> <p>Providing travel reimbursement and subsistence for certain Supreme Court justices, and travel reimbursement for certain appellate judges.</p>	<p>A House bill to change the Second DCA headquarters and to revise record storage provisions has been filed, but has not yet had a hearing (HB 815). No Senate companion has been filed at this time.</p> <p>No legislation relating to travel reimbursement has been filed at this time. This issue is linked to a request for appellate travel funding in the judicial branch fiscal year 2016-17 legislative budget request.</p>

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<sup>1</sup> The Supreme Court approves different levels of legislative engagement, depending on the specifics of the proposed issues. More details on the levels of engagement authorized for issues in this year’s approved branch agenda are available in the document titled “Judicial Branch 2016 Legislative Agenda” on the courts’ “Legislative Issues” intranet page. A link to the “Legislative Issues” page is located in the middle of the intranet home page.

<b>Issue</b>	<b>Brief Description</b>	<b>Status</b>
<b>Benefits-Related Issues</b>	<p>Maintaining current retirement benefits and keeping the defined-benefit plan open to new and current judges.</p> <p>Maintaining health insurance contributions at the current level.</p> <p>Enabling certain retired judges to return as senior judges without having to wait 12 months to avoid forfeiture or suspension of retirement benefits.</p> <p>Increasing the constitutional mandatory retirement age for justices and judges to 75 from 70.</p>	<p>No legislation relating to judicial retirement or health insurance benefits, senior judges, or the mandatory retirement age has been filed at this time.</p>
<b>Baker Act and Marchman Act</b>	<p>Updating and enhancing the Baker Act and Marchman Act by, in part, streamlining involuntary examination and treatment provisions and incorporating Baker Act recommendations of the Supreme Court Fairness Commission (1999).</p>	<p>No legislation to make such enhancements has been filed at this time.</p>
<b>Mental Health Treatment and Incompetency</b>	<p>Authorizing continuation of psychotherapeutic medication for a defendant being transferred to a civil or forensic facility and providing for the dismissal of charges against certain persons who remain incompetent to proceed in three to five years rather than five years.</p>	<p>House and Senate bills would authorize continuation of psychotherapeutic medications, but would not reduce the time after which charges against an incompetent person would be dismissed (SB 862; HB 769). Neither bill has yet had a hearing.</p>
<b>Mental Health Courts</b>	<p>Advocating that any legislation codifying mental health courts not be inconsistent with nationally accepted key components of mental health courts.</p>	<p>House and Senate bills relating to mental health services in the criminal justice context (SB 604; HB 439) contain provisions on mental health courts. The Senate bill is in the</p>

Issue	Brief Description	Status
		Health and Human Services Appropriations Subcommittee, its second of three committee stops. The House bill is in the Appropriations Committee, its third of four committee stops.
<b>Prison Inmate Reentry Program</b>	Requiring the Department of Corrections to create and implement a reentry program for certain nonviolent, low-risk offenders.	No legislation requiring implementation of such a reentry program has been filed at this time.
<b>Veterans Court Eligibility</b>	Allowing private military contractors, military members of foreign allied countries, and individuals who served in the active military, naval, or air service and who were discharged or released under any condition to participate in veterans courts.	House and Senate bills relating to mental health services in the criminal justice context (SB 604; HB 439) contain a more limited eligibility expansion that would allow veterans discharged or released under a general discharge to participate in veterans courts. The Senate bill is in the Health and Human Services Appropriations Subcommittee, its second of three committee stops. The House bill is in the Appropriations Committee, its third of four committee stops.

Issue	Brief Description	Status
<b>Direct File and Juvenile Offenders</b>	<p>Increasing judicial discretion in determining direct filing of juveniles.</p> <p>Providing protection for juveniles previously found incompetent or with pending competency proceedings.</p> <p>Creating a reverse waiver for juveniles to be referred from adult criminal court back to delinquency court.</p>	<p>A House bill (HB 129) that would increase judicial discretion and provide competency protections is in the Justice Appropriations Subcommittee, its second of three committee stops. The Senate companion (SB 314), which includes all three agenda issues, is in the Criminal and Civil Justice Appropriations Subcommittee, its second of three committee stops.</p>

**Other Bills of Interest**

Issue	Brief Description	Status
<b>Bills Addressing Judges or Judicial/Court Administration</b>		
<b>Appellate Term Limits</b>	<p>Proposing a constitutional amendment to create a two-term limit for service as a Supreme Court justice or district court of appeal judge. The House bill specifies that the term limits would apply only to justices and appellate judges appointed after the effective date of the amendment; the Senate bill does not.</p>	<p>The House legislation (HJR 197) is in the Appropriations Committee, its second of three committee stops. The Senate version (SJR 322) has not yet had a hearing.</p>
<b>Allocation of Court Costs</b>	<p>Revising statutory provisions governing use of the county-adopted \$65 court fee by, in part, eliminating the 25% allocation for court innovations and for each of the other three categories, so that whether a given category received any funding would be at the discretion</p>	<p>The House bill (HB 573) is in the Justice Appropriations Subcommittee, its second of three committee stops. No</p>

Issue	Brief Description	Status
	of the county commission; deleting the statutory specification that the court innovations portion of the fee may be used to supplement state-funded elements of the court system; and giving county commissions authority to allocate unspent monies collected under the fee at the end of each year, instead of the monies rolling over into the court innovations fund.	Senate companion has been filed at this time.
<p><b>Second District Court of Appeal Headquarters and Appellate Clerk Record Storage</b></p> <p><i>Also under Judicial Branch Approved Legislative Agenda, "Appellate Administration"</i></p>	<p>Changing the statutory location of the Second District Court of Appeal headquarters from Lakeland to Tampa.</p> <p>Revising or repealing provisions relating to the records of Supreme Court and district clerks to reflect developments in technology and electronic storage and filing.</p>	A House bill (HB 815) that includes both issues has not yet had a hearing. No Senate companion has been filed at this time.
<p><b>Planning and Budgeting</b></p>	Removing references to the judicial branch from state planning and budgeting provisions in ch. 216, F.S., and creating substantively identical provisions relating to the judicial branch in a new chapter of law, titled the "Judicial Branch Budgeting Act."	A Senate bill (SB 924) has been filed but has not yet had a hearing. No House companion has been filed at this time.
<b>Other Bills Affecting or of Interest to the State Courts System</b>		
<p><b>Injunctions for Protection against Domestic Violence</b></p>	Establishing the Protective Injunction Electronic Filing Pilot Program within the Office of the State Courts Administrator; providing for selection of pilot program counties; requiring the clerk of the court in each pilot program county, in consultation with the OSCA and other stakeholders, to establish a system by which persons may file petitions for injunction electronically and testify at final injunction hearings by video teleconference from remote locations.	Bills have been filed in both chambers (SB 988; HB 781), but neither bill has yet had a hearing.
<p><b>Mental Health Services in the Criminal Justice System</b></p> <p><i>Also under Judicial</i></p>	Creating and revising provisions governing mental health services in the criminal justice system, including, but not limited to, creating a Forensic Hospital Diversion Pilot Program, statutorily authorizing counties to establish mental health court programs and courts to order	The House bill (HB 439) is in the Appropriations Committee, its third of four committee stops. The Senate

Issue	Brief Description	Status
<b><i>Branch Approved Legislative Agenda</i></b>	certain offenders with mental illness into such programs; expanding veterans court eligibility to include veterans who were discharged or released under a general discharge, and authorizing criminal county courts to order certain misdemeanants into involuntary outpatient treatment.	bill (SB 604) is in the Health and Human Services Appropriations Subcommittee, its second of three committee stops.
<b>Direct File of Juveniles</b>  <b><i>Also under Judicial Branch Approved Legislative Agenda</i></b>	Eliminating the mandatory direct file system and modifying the discretionary direct file system to create a two-tiered system based on the juvenile’s age at the time of offense and the type of offense committed. Among other provisions, prohibiting a child from being transferred to adult court if he or she is pending a competency hearing or has previously been found incompetent and has not been restored. (House bill)  The Senate bill also includes a reverse waiver process by which a juvenile may be transferred from adult court back to juvenile court. The original House bill contained the reverse waiver provision, but it was removed at the House bill’s first committee hearing.	The House bill (HB 129) is in the Justice Appropriations Subcommittee, its second of three committee stops. The Senate companion (SB 314) is in the Criminal and Civil Justice Appropriations Subcommittee, its second of three committee stops.
<b>Mental Health Treatment and Incompetency</b>  <b><i>Also under Judicial Branch Approved Legislative Agenda</i></b>	Authorizing continuation of psychotherapeutic medication for a defendant being transferred from a jail to a forensic or civil facility, providing time frames within which competency and commitment hearings must be held, and requiring that the defendant be transported for such hearings.	Legislation has been filed in both chambers (SB 862; HB 769), but neither bill has yet had a hearing.
<b>Forfeiture of Contraband</b>	Providing that forfeiture of seized property does not become final until the owner of the seized property is prosecuted and convicted of a criminal act that renders the property a contraband article.	Legislation has been filed in both chambers (SB 1044; HB 883), but neither bill has yet had a hearing.
<b>Public Records/Attorney Fees</b>	Revising provisions governing award of attorney fees in public records lawsuits to provide that the award of such fees is at the discretion of the court if certain conditions are met.	Legislation has been filed in both chambers (SB 1220; HB 1021), but neither bill has yet had a hearing.
<b>Alternative</b>	Authorizing the chief judge in each circuit, in	The Senate bill (SB

<b>Issue</b>	<b>Brief Description</b>	<b>Status</b>
<b>Sanctioning</b>	consultation with specified entities, to establish an alternative sanctioning program for technical probation violations.	1256) has not yet been referred to committees for hearing. No House companion has been filed at this time.
<b>Guardianship</b>	Expanding the duties of the current Statewide Public Guardianship Office to include oversight and regulation of professional guardians.	The Senate bill (SB 232) is in the Fiscal Policy Committee, its final committee stop. The House bill (HB 403) is in the Health Care Appropriations Subcommittee, its second of three committee stops.

**Decision Needed**

These items are presented for informational purposes only.

# Agenda Item VI.D. Legislative Issues and Updates – Session Strategies and Coverage

**Agenda Item VI.D.: Legislative Issues and Updates – Session Strategies and Coverage**

**There are no materials for this  
agenda item.**

# Agenda Item VII. Report from Designee to Florida Clerks of Court Operations Corporation

**Agenda Item VII.: Report from Designee to Florida Clerks of Court Operations  
Corporation**

**There are no materials for this agenda item.**

# Agenda Item VIII. Judicial Branch 2016-2021 Long-Range Strategic Plan



# Supreme Court of Florida

500 South Duval Street  
Tallahassee, Florida 32399-1925

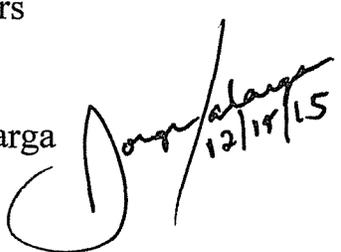
JORGE LABARGA  
CHIEF JUSTICE  
BARBARA J. PARIENTE  
R. FRED LEWIS  
PEGGY A. QUINCE  
CHARLES T. CANADY  
RICKY POLSTON  
JAMES E.C. PERRY  
JUSTICES

JOHN A. TOMASINO  
CLERK OF COURT

SILVESTER DAWSON  
MARSHAL

## MEMORANDUM

**TO:** Chief Judges  
Marshals  
Appellate Court Clerks  
Trial Court Administrators  
Supreme Court Managers  
OSCA Managers

**FROM:** Chief Justice Jorge Labarga 

**DATE:** December 18, 2015

**SUBJECT:** Long-Range Strategic Plan for the Florida Judicial Branch  
and Judicial Branch Communication Plan

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As we approach 2016, the new year brings with it a time of new beginnings and provides an excellent opportunity to re-focus our efforts on those things most important to the delivery of justice. I am pleased to announce that the Supreme Court has approved the Long-Range Strategic Plan for the Florida Judicial Branch 2016-2021 and the Judicial Branch Communication Plan. Efforts by the Judicial Management Council have produced these two very important plans effective January 1.

The purpose of the Long-Range Strategic Plan is to guide Florida's judicial branch as it seeks to advance its mission and vision in the coming years.

Long-Range Strategic Plan for the Florida Judicial Branch  
and Judicial Branch Communication Plan  
December 18, 2015  
Page Two

Developed by the Judicial Management Council's Long-Range Strategic Plan Workgroup, the plan outlines five long-range issues and 29 goals which identify areas presenting significant challenges and foreseeable situations that we must address over the long term to improve services.

The long-range strategic plan can be found on the [flcourts.org](http://www.flcourts.org) website (<http://www.flcourts.org/administration-funding/strategic-planning/>) and we will make copies to provide to each district court and circuit. In the coming weeks we will release an orientation video and conduct informational sessions to learn more about the plan. If you have any questions regarding the plan, please direct those to Andrew Johns, OSCA's Chief of Strategic Planning, at [johnsa@flcourts.org](mailto:johnsa@flcourts.org).

The Judicial Branch Communication Plan will advance the communication-related goals identified in the long-range strategic plan. The overarching objective of court communications is to create, strengthen, and preserve support for the Florida court system by demonstrating the branch's commitment to its mission and vision. Developed by the Judicial Management Council's Education and Outreach Workgroup, the communication plan includes four high priority strategic areas that must be addressed to achieve this objective and improve judicial branch communication both internally and externally.

The communication plan is also posted on the [flcourts.org](http://www.flcourts.org) website (<http://www.flcourts.org/publications-reports-stats/>) in the publications section. Statewide training for designated court public information officers and key court personnel will occur in March. Contact Craig Waters, Supreme Court Public Information Officer, at [watersc@flcourts.org](mailto:watersc@flcourts.org) for further information about the plan.

Thank you.

JL/aqj

# Background Information for the Long-Range Strategic Plan for the Florida Judicial Branch 2016 - 2021

## Components of the Long-Range Strategic Plan and Process Overview

The long-range strategic plan was developed by the Judicial Management Council's Long-Range Strategic Planning Workgroup. The long-range strategic plan is composed of mission and vision statements, five long-range issues, and 29 goals. The mission and vision statements were first articulated in the long-range strategic plan issued in 1998; they remain relevant today and are unchanged in the current plan. However, the long-range issues and the accompanying goals in this 2016-2021 strategic plan address the current and anticipated concerns facing the judicial branch in 2016 and beyond. The long-range issues are high priority strategic areas presenting significant challenges and foreseeable situations that must be addressed over the long term in order to move toward fulfilling the judicial branch's vision and mission. The goals are aspirational statements of a desired future state that realistically can be achieved with respect to the issue area.

The Workgroup employed a deliberately constructed planning process designed to gather broad input through multiple methods, analyze and review those outreach findings, and refine issue and goal statements to capture future challenges and opportunities for Florida's judicial branch. The process began by considering relevant environmental factors and significant statistical data. A series of survey and outreach initiatives followed to solicit input from a wide range of audiences. The data from those multiple outreach mechanisms was then reviewed and analyzed. Issue and goal statements were developed by the Workgroup and provided to the Judicial Management Council and finally the Supreme Court for review and approval.

The following provides additional details of the Workgroup's efforts to develop the long-range strategic plan.

## Planning

### Formation

- In July 2014, the Chief Justice appointed the Long-Range Strategic Planning Workgroup to provide input and guidance on all aspects of developing the Long-Range Strategic Plan for the Judicial Branch of Florida 2016-2021. The Workgroup operated under the auspices of the Florida Supreme Court's Judicial Management Council and was appointed for an 18 month term from July 2014 through December 2015. The ten member Workgroup represented small and large circuits and urban and rural areas from various geographic regions throughout the state. The Workgroup represented each level of court, included members outside the judiciary, and was both racially and ethnically diverse to provide multiple perspectives on court challenges and opportunities.

### Research

- In September 2014, an environmental scan was prepared that examined population, political, economic, social, technological, and legal issues that may impact the judicial branch in the years ahead. From an aging population, to criminal justice reform, to the growing demand for self-service, multiple environmental factors impacting the future of Florida's courts were explored. Additionally, Florida court filing trends and other relevant publications and sources were

consulted and reviewed to help determine possible future effects on the courts in Florida. [Click here](#) for more information.

## Data Collection and Analysis

### Surveys

- Under the direction of the Workgroup and funded by a grant from The Florida Bar Foundation, the Florida State University Survey Research Laboratory conducted a public opinion mail survey of Florida residents from January 2015 to March 2015. The purpose of the mail survey was to examine the public's experiences with and attitudes about Florida's courts. Based on the random selection process used and the number of responses received, the confidence interval for this survey is  $\pm 4\%$  at the 95% confidence level. This means there is a high level of confidence that the mail survey results accurately reflect the views of Florida's residents due to the sampling methodology and sample size.
- Online and paper surveys were developed to provide a window of understanding into the thoughts and opinions of the various groups who access, partner with, or work in the courts. Surveys were developed for jurors, court users, attorneys, clerk of court staff, justice system partners, and judicial officers and court staff and were conducted from November 2014 through January 2015.
- Public input was also accepted through a link on the flcourts.org website from November 2014 through March 2015. The website was publicized through press releases, regional public outreach meetings, and other avenues.
- Nearly 6,000 responses were received through the various survey mechanisms described above.

### Partner meetings

- From December 2014 through March 2015, the Workgroup chair met with eight business and advocacy groups to solicit input on judicial operations and opportunities for improvement. Those groups were: the Florida Bankers Association; the Florida Retail Federation; Florida Tax Watch; Associated Industries of Florida; the Florida Justice Association; the Florida Justice Reform Institute; the Florida Chamber of Commerce; and the Florida Council of 100.
- In March 2015, 20 individuals representing 16 different agencies and organizations participated in a day-long facilitated meeting to explore common issues related to the justice system. The focus of the meeting was discussion of the most significant trends and challenges facing the courts and participants' organizations in the next three to five years and identifying the highest priority issues facing the participants' organizations.

### Public forums

- From January 2015 through March 2015, six public forums were held in communities across the state in Orlando, Bartow, Panama City, Jacksonville, Miami, and Lake City. The purpose of the forums was to hear the views and concerns of local citizens, community organizations, and others who have an interest or stake in Florida's courts. Workgroup members and Judicial Management Council members served on panels at the public forums to receive comments. Local public officials were invited to provide comment and members of the public were also encouraged to provide any suggestions for improving judicial operations. Although speakers were free to comment on any topic, they were asked to focus on the following questions: (1) What are your thoughts and perceptions about the state courts system? (2) In your opinion,

what do you believe are the most important issues currently facing Florida courts?  
Approximately 175 people attended the public forums, including citizens, community leaders, advocacy groups, treatment providers, universities/colleges, private and public attorneys, state legislators, city and county commissioners, and justice system partners. Of those attending, 105 spoke on various topics and many submitted written comments as well.

#### Findings

- In May 2015, the Workgroup reviewed all findings from the survey instruments and outreach efforts. Several themes emerged from that information which included: access to legal representation, technology, consistency across jurisdictions, customer focus, efficiency and accountability, training and education, stable funding, and outreach and collaboration. Findings were also presented to the Judicial Management Council in May 2015 for their consideration. [Click here](#) for more information.

### **Drafting and Approval of the Long-Range Strategic Plan**

#### Drafting

- In August 2015, the Workgroup considered draft issue and goal statements and further refined those statements. The Workgroup formally adopted the issue and goal statements in September 2015.

#### Approval

- The Judicial Management Council reviewed and approved the issue and goal statements in October 2015. The full Supreme Court reviewed and approved the issue and goal statements in November 2015, thereby formally adopting the updated Long-Range Strategic Plan for the Florida Judicial Branch.

# **Justice: Fair and Accessible to All**

**The Long-Range Strategic Plan for the Florida Judicial Branch  
2016 - 2021**

## **Mission**

To protect rights and liberties, uphold and interpret the law, and provide for the peaceful resolution of disputes.

## **Vision**

Justice in Florida will be accessible, fair, effective, responsive, and accountable.

- To be accessible, the Florida justice system will be convenient, understandable, timely, and affordable to everyone.
- To be fair, the Florida justice system will respect the dignity of every person, regardless of race, class, gender or other characteristic, apply the law appropriately to the circumstances of individual cases, and include judges and court staff who reflect the community's diversity.
- To be effective, the Florida justice system will uphold the law and apply rules and procedures consistently and in a timely manner, resolve cases with finality, and provide enforceable decisions.
- To be responsive, the Florida justice system will anticipate and respond to the needs of all members of society, and provide a variety of dispute resolution methods.
- To be accountable, the Florida justice system will use public resources efficiently and in a way that the public can understand.

## **Purpose**

All people are united by a desire for justice. Our courts are the primary formal institution we have created to meet this desire. The challenge of providing justice has always been great, and as we move forward, the challenge becomes even greater. Over the past decade, Florida's judicial branch, like court systems across the nation, has been touched by sweeping new challenges and pressures. It has felt the effects of the changing environment and the increasing tensions attributable to accommodating change while also retaining the traditional purposes, responsibilities, and fundamental values of the courts.

The purpose of this long-range strategic plan is to guide Florida's judicial branch as it seeks to advance its mission and vision in the coming years. The plan, organized around five broad issue areas, is designed to assist the Supreme Court and the Chief Justice as they provide leadership and direction to the branch. Long-range planning is required by Rule of Judicial Administration 2.225. While the issues and goals are numbered for convenience, there is no particular priority to these important elements listed within the plan.

## **Common Terms**

State Courts refers to the courts created by Article V of the Constitution of the State of Florida, specifically the supreme court, district courts of appeal, circuit courts, and county courts.

State Courts System or Court System refers solely to the officers, employees, and divisions of the supreme court, district courts of appeal, circuit courts, and county courts. The State Courts System does not include entities such as circuit clerks of court, state attorneys, public defenders, or The Florida Bar.

Judicial Branch refers to the state courts and the framework of court rules, regulatory oversight, and leadership of the legal profession provided within the domain of the Florida Supreme Court and the Chief Justice. The judicial branch includes the circuit clerks of court when performing court-related functions.

Justice System or Justice System Partners refers to the network of entities that routinely work in conjunction with the state courts. Justice system partners include The Florida Bar and providers of legal services, law enforcement agencies, governmental and private service agencies such as the Department of Children and Families, the Florida's Office of Guardian ad Litem, treatment providers, and community-based agencies.

Court Employees refers to non-judge personnel of the State Courts System as well as personnel in county-funded positions managed by court administration.

Judges refers to judges of the county, circuit, and district courts of appeal as well as the justices of the supreme court. Magistrates, hearing officers, and special masters are not judges.

Court Personnel refers to court employees as well as other personnel who are not court employees but who work in or provide services to the courts. These may include, but are not limited to (depending on the jurisdiction), bailiffs, clerk staff, contracted court reporters, and contracted foreign language interpreters.

**Long-Range Issue #1 – Deliver justice effectively, efficiently, and fairly.**

Florida’s people depend on their court system to make fair, reliable, and prompt case decisions. The administration of justice requires deliberate attention to each case, a well-defined process to minimize delay, and the appropriate use of limited resources. It is important that the Florida judicial branch continue to implement practices which utilize resources effectively, efficiently, and in an accountable manner while continuing its commitment to fairness and impartiality.

Goals:

- 1.1 Perform judicial duties and administer justice without bias or prejudice.
- 1.2 Ensure the fair and timely resolution of all cases through effective case management.
- 1.3 Utilize caseload and other workload information to manage resources and promote accountability.
- 1.4 Obtain appropriate and stable levels of funding and resources for courts throughout the state.
- 1.5 Encourage the use of consistent practices, procedures, and forms statewide.
- 1.6 Increase the use of constructive and non-adversarial resolutions in family law cases.

## **Long-Range Issue #2 – Enhance access to justice and court services.**

Florida’s courts are committed to equal access to justice for all. However, litigation costs, communication barriers, lack of information, complexity, biases, and physical obstructions can create difficulties for those seeking to access the courts to obtain relief. The judicial branch must strive to identify and remove real or perceived barriers to better provide meaningful access to the courts.

### **Goals:**

- 2.1 Minimize economic barriers to court access and services.
- 2.2 Provide useful information about court procedures, available services, forms, and other resources.
- 2.3 Ensure that court procedures and operations are easily understandable and user-friendly.
- 2.4 Collaborate with justice system partners and community organizations to deliver appropriate services.
- 2.5 Reduce communication and language barriers to facilitate participation in court proceedings.
- 2.6 Promote the use of innovative and effective problem-solving courts and alternative dispute resolution processes.

### **Long-Range Issue #3 – Improve understanding of the judicial process.**

The judicial branch's legal authority is a grant by the people, and public trust and confidence in the judicial branch is at the heart of maintaining a democratic society. Promoting public trust and confidence in the courts enhances the effectiveness of court actions, strengthens judicial impartiality, and improves the ability of courts to fulfill their mission. Improved communication, collaboration, and education efforts will better inform the public about the judicial branch's role, mission, and vision.

#### **Goals:**

- 3.1 Enhance understanding of the purposes, roles, and responsibilities of the judicial branch through education and outreach.
- 3.2 Promote public trust and confidence in the judicial branch by delivering timely, consistent, and useful information through traditional and innovative communication methods.
- 3.3 Communicate effectively with all branches and levels of government on justice system issues.
- 3.4 Coordinate with justice system partners to share information and promote services which further the interests of court users.

**Long-Range Issue #4 – Modernize the administration of justice and operation of court facilities.**

The administration of a state court system serving millions of people each year is a complex undertaking. Managing the court system resources and personnel is further complicated by growing customer expectations, ever more complex legal issues and cases, and rapidly changing technology. The judicial branch’s ability to assess its environment and respond appropriately will enhance the broad range of court services and technology solutions designed to meet the needs of court users.

Goals:

- 4.1 Protect all judges, court personnel, court users, and facilities through effective security, emergency preparedness, and continuity of operations plans.
- 4.2 Safeguard the security, integrity, and confidentiality of court data and technology systems.
- 4.3 Create a compatible technology infrastructure to improve case management and meet the needs of the judicial branch and court users.
- 4.4 Improve data exchange and integration processes with the clerks of court and other justice system partners.
- 4.5 Modernize court processes through automation and expanded self-service options for court users.
- 4.6 Secure sufficient financial resources for technology and innovation to meet current needs and future challenges.
- 4.7 Strengthen and support judicial branch governance and policy development.

**Long-Range Issue #5 – Maintain a professional, ethical, and skilled judiciary and workforce.**

Justice depends on the competence and quality of judges and court employees. These professionals handle complex legal issues and court procedures, address difficult legal and ethical issues, and face increased expectations from court users. Providing advanced levels of education and development will enable those who work within the courts system to effectively perform the challenging work of the courts and meet the needs of those whom they serve.

Goals:

- 5.1 Promote public trust and confidence by maintaining high standards of professionalism and ethical behavior.
- 5.2 Attract, hire, and retain a qualified, ethical, and diverse workforce.
- 5.3 Provide timely education and training to judges and court employees to ensure high-level performance.
- 5.4 Expand the education of judges and court employees to recognize and understand various perspectives of court users on relevant and emerging topics.
- 5.5 Develop technology-based approaches to complement existing education programs for judges and court employees.
- 5.6 Ensure judges and court employees have the technological skills necessary to perform more efficiently.

**SUPREME COURT OF FLORIDA**

JORGE LABARGA  
*CHIEF JUSTICE*

BARBARA J. PARIENTE  
R. FRED LEWIS  
PEGGY A. QUINCE  
CHARLES T. CANADY  
RICKY POLSTON  
JAMES E.C. PERRY  
*JUSTICES*

**Long-Range Strategic Plan Workgroup:**

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Gregory S. Parker, Chief Judge, Third Judicial Circuit  
Elijah Smiley, Chief Judge, Fourteenth Judicial Circuit  
Julie H. O’Kane, Judge, Ninth Judicial Circuit  
John K. Stargel, Judge, Tenth Judicial Circuit  
Victoria del Pino, Judge, Miami-Dade County  
Robert R. Wheeler, Judge, Leon County  
Barbara L. Dawicke, Trial Court Administrator, Fifteenth Judicial Circuit  
Frances S. Berry, Ph.D., Professor, Florida State University  
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## Agenda Item IX. Other Business

## **Agenda Item IX.: Other Business – Funding Request from Conference of County Court Judges**

### **Background**

At its meeting on December 11, 2014, the Trial Court Budget Commission (TCBC) considered a proposal from the Conference of County Court Judges for funding from the TCBC to enable the conference to conduct a midyear business meeting of conference leaders. At that time, the TCBC approved authorizing use of \$18,800 from the TCBC's budget for approximately 50 travelers from the conference's leadership to attend a one-and-a-half day meeting in winter/spring 2015.<sup>1</sup>

In August 2013, the TCBC received comparable proposals from both the Conference of Circuit Judges and the Conference of County Court Judges for funding for each conference to conduct a midyear business meeting of conference leaders. At that time, the TCBC approved authorizing use of funds from the TCBC's budget as follows:

- \$33,587 to the Conference of Circuit Judges for approximately 87 travelers from the conference's leadership to attend a one-and-a-half day meeting in winter 2013-14.
- \$20,000 to the Conference of County Court Judges for approximately 50 travelers from the conference's leadership to attend a one-and-a-half day meeting in winter 2013-14.<sup>2</sup>

Leon County Judge Augustus D. Aikens, Jr., in his capacity as president of the Conference of County Court Judges, is requesting funding in the current fiscal year from the TCBC for a midyear business meeting of the officers and conference leaders on January 24 and 25, 2016, in Lake Mary, Florida. Judge Aikens explained that the "Conference committed to holding the Leadership Summit last July to insure we could secure the venue and to provide the attendees ample notice of the dates for planning purposes. We have anticipated the cost for this event will be in the \$18,800.00 range estimated for the event last year. This amount will approach 25% of its total year dues receipts, accordingly the TCBC funding will greatly assist the Conference in fulfilling its duties outlined in Fla. R. Jud. Admin.2.220(a)."

Attached is an estimate for hotel room, meal, and travel costs for 50 participants, based on a travel-cost estimator used by the Florida Court Education Council and the Court Education unit of the Office of the State Courts Administrator for court education events.

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<sup>1</sup> See minutes from the December 11, 2014, meeting of the TCBC, <http://www.flcourts.org/core/fileparse.php/540/urlt/12-11-14-minutes-FINAL.pdf>.

<sup>2</sup> The circuit conference requested \$33,087; however, the TCBC added \$500 to the request. The county conference requested \$18,800; however, the TCBC increased the authorized amount to \$20,000. See minutes from the August 3, 2013, meeting of the TCBC, <http://www.flcourts.org/core/fileparse.php/252/urlt/08-03-13-minutes-DW-FINAL.pdf>.

**Decision Needed**

*Options*

- 1) Approve use of TCBC funds from the current fiscal year to facilitate a midyear meeting of the Conference of County Court Judges, in an amount not to exceed \$18,800.
- 2) Do not approve the request.

# Projected Travel Costs for Conference of County Court Judges Midyear Leadership Meeting

<b>Florida Conference of County Judges - Leadership Meeting</b>
<b>Lake Mary, Florida</b>
<b>January 24 and 25, 2016</b>
<b>1.5 Days</b>

<b>Total Est. Hotel Costs</b>	<b>\$6,950.00</b>
<b>Total Est. Meal Costs</b>	<b>\$1,800.00</b>
<b>Total Est. Travel Costs</b>	<b>\$8,750.00</b>
<b>Total Est. Registration Costs</b>	
<b>Total Estimated Costs</b>	<b>\$17,500.00</b>

Name: Eric Maclure  
 Title: Deputy State Courts Administrator  
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Email: [macluree@flcourts.org](mailto:macluree@flcourts.org)  
 Phone: 850-488-3733  
 on Behalf Florida Conference of County Court Judges  
 of: \_\_\_\_\_

<b>Est. Number of Travelers:</b>	
Participants	50
Faculty	
Staff	
<b>TOTAL</b>	<b>50</b>

**Comments About Participants/Faculty/Staff**

Summit for 2015-16 officers and conference leaders of the Conference of County Court Judges of Florida. The meeting is to plan for and execute the Conference's purpose by seeking ways to improve procedures and practices of its courts, planning conferences and institutes for providing continuing judicial education of its members, and discussing mutual problems and solutions faced by its membership.

**Travel Policies:**  
 State Travel Policy will not permit us to pay for lodging or rental car expenses for travelers that reside within 50 miles of the program site, absent exceptional justification with pre-approval from the Chief Justice.

HOTEL COSTS			
# of Nights per Person	1	OR	# of Contracted Room Nights
Rate Per Night*	\$139.00		Rate Per Night*
# of Travelers (from above)	50		Total Hotel Costs
Total Hotel Costs	<b>\$6,950.00</b>		<b>\$0.00</b>

REIMBURSABLE MEAL COSTS								
# of Breakfasts	1	\$6.00 State Rate	=	\$6.00	# of Travelers (from above)	50	=	\$300.00
# of Lunches	1	\$11.00 State Rate	=	\$11.00	# of Travelers (from above)	50	=	\$550.00
# of Dinners	1	\$19 State Rate	=	\$19.00	# of Travelers (from above)	50	=	\$950.00
<b>Total Meal Costs</b>								<b>\$1,800.00</b>

\*Per FCEC policy, lodging costs are limited to \$135 per night, inclusive of all taxes, service charges, and self-parking. If you do not know the actual lodging costs at this time, please use \$135 per night. However, you must still attempt to negotiate the best rate in your area for Hotel Lodging.

\*\*The state will reimburse up to \$36 per day, based on travel times, minus meals that are provided at the program. Please note that the Florida Legislature has determined that those who are traveling in and out on the same day will not be reimbursed for meals.

The State per diem for meals is:  
 \$6.00 Breakfast - when travel begins before 6 am & extends beyond 8 am  
 \$11.00 Lunch - when travel begins before 12 noon & extends beyond 2 pm  
 \$19.00 Dinner - when travel begins before 6 pm & extends beyond 8 pm

Registration Fees for Conference-Sponsored Programs		
FCEC Approved Registration Fees Conference-Sponsored Programs	# of Travelers	Extended Costs
<b>FCCJ \$112.00</b> (Includes 3 Breakfasts, 2 Lunches & 1 Dinner)		\$0.00
<b>CCCJ \$75.00</b> (No Meals Provided)		\$0.00
<b>FCDAJ \$100.00</b> (Includes 2 lunches)		\$0.00
<b>AJS \$45.00 Per Day</b> (Includes Breakfasts M-F & Lunches M-Th)		\$0.00
<b>Average Number of Course Days</b>		
<b>Total Est. AJS Registration Fees</b>		<b>\$0.00</b>
<b>Others \$40.00 *Per Day</b> (Includes Breakfasts & Lunches on Full Days and Breakfast on Half Days.)		\$0.00
<b>Average Number of Course Days</b>		
<b>Total Est. Other Course Registration Fees</b>		<b>\$0.00</b>

Estimated Transportation Costs by Area for Non-Local Travelers			
Area of Program Site	Average Costs	# Travelers	Total Cost
Amelia Island	\$200		\$0
Ft. Lauderdale/West Palm	\$225		\$0
Ft. Myers/Naples	\$250		\$0
Jacksonville	\$200		\$0
Miami	\$300		\$0
Orlando	\$175	50	\$8,750
Sarasota	\$200		\$0
St. Augustine/Ponte Vedra	\$225		\$0
Tallahassee	\$300		\$0
Tampa/Clearwater	\$150		\$0

(Average cost of travel as of 4/28/10 based on past program expenses.)