

Trial Court Budget Commission
Meeting Minutes
January 8, 2016
Tampa, Florida



Attendance – Members Present

The Honorable Mark Mahon, Chair	Ms. Kathy Pugh
The Honorable Robert Roundtree, Vice Chair	Mr. Grant Slayden
The Honorable Catherine Brunson	The Honorable Elijah Smiley
The Honorable Jeffrey Colbath	Mr. Walt Smith
The Honorable Ronald Ficarrotta	The Honorable Bertila Soto
The Honorable Diana Moreland	The Honorable John Stargel
The Honorable Augustus Aikens	The Honorable Margaret Steinbeck
The Honorable Frederick Lauten	The Honorable Patricia Thomas
Ms. Sandra Lonergan	Mr. Mark Weinberg
The Honorable Gregory Parker	Ms. Robin Wright
The Honorable Wayne Miller	
The Honorable Anthony Rondolino	

Attendance – Members Absent

Mr. Tom Genung	The Honorable Debra Nelson
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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. Chair Mahon invited the members of the audience to introduce themselves.

Agenda Item I: Approval of July 10 and September 8, 2015, Meeting Minutes

Judge Mahon presented the draft meeting minutes from the July 10 and September 8, 2015, TCBC meetings and asked if there were any changes necessary before approval. Judge Brunson moved to approve the minutes as drafted. Judge Parker seconded, and the motion passed without objection.

Agenda Item II: FY 2015-16 Budget Status

A. Salary Budgets

Dorothy Willard provided an overview of the trial court salary budgets for FY 2015-16 as of December 31, 2015. The salary liability for the trial courts General Revenue/State Court Revenue Trust Fund was \$728,447 over the salary appropriation; however, is expected to be covered within the next few months.

Ms. Willard reported the Administrative Trust Fund's salary liability was under the appropriation by \$19,009 and the Federal Grants Trust Fund's liability was under the appropriation by \$175,216.

B. Personnel Actions

Beatriz Caballero provided an overview of the status of reclassifications and other personnel actions as of December 18, 2015.

C. Positions Vacant More Than 180 Days

Beatriz Caballero provided a brief overview of the positions vacant for more than 180 days as of December 18, 2015.

D. Operating Budgets

Dorothy Willard provided an overview of the operating budgets for FY 2015-16 as of December 31, 2015. Ms. Willard noted that to date overall spending is currently below the threshold.

E. Trust Fund Cash Balances

Kris Slayden provided an overview of the State Courts Revenue Trust Fund (SCRTF) projected cash balance estimates through December 2015 for FY 2015-16 and FY 2016-17. Assuming the revenues come in as projected, the estimated ending cash balance deficit for FY 2016-17 is approximately \$8.5 million. Ms. Slayden stated the court has the availability of requesting a loan to cover the deficit.

1. State Courts Revenue Trust Fund

Dorothy Willard provided an overview of the trust fund cash balance through December 31, 2015, for FY 2015-16. She noted that a \$6.3 million deficit was projected at year end. Ms. Willard reported that lapse generated will continue to reduce the deficit and close monitoring will continue. Once a better estimate is known, a decision will be determined as to whether to cover the deficit through holdbacks or to secure a loan to ensure the General Revenue Service Charge and payroll for July are covered.

2. Administrative Trust Fund

Dorothy Willard provided an overview of the trust fund cash balance through December 31, 2015, for FY 2015-16. The estimated ending cash balance was approximately \$1.7 million.

F. Revenue Estimating Conference Update and State Courts Revenue Trust Fund Projections

Kris Slayden reported the Revenue Estimating Conference (REC) met on December 21, 2015, and, as a result, the estimated revenues to the SCRTF for FY 2015-16 were adjusted downward by \$3.6 million. Ms. Slayden noted there will be an REC to update General Revenue (GR) on January 19, 2016. Ms. Slayden reported OSCA will continue to monitor GR and trust fund revenues.

Agenda Item III: Due Process Issues

A. Workgroup with Commission on Trial Court Performance and Accountability

Judge Roundtree presented the Due Process Workgroup Work Plan. Kris Slayden noted the workgroup intends to look thoroughly at invoices, best practices, etc., and will report back to the commission.

B-C. Due Process Issues - Current Expenditures, Movements of Funds, and Reserve Access; 25% Contractual Release

Dorothy Willard reported that during FY 2014-15 multiple circuits experienced due process deficits. On July 10, 2015, the TCBC voted 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, 2016. The following options 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.

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.

Judge Ficarrotta moved to approve Option One, allot based on projected need using an average of FY 2015-16 expenditure data for August through December. Judge Miller seconded, and the motion passed without objection.

D. Sixth Circuit Request to Fund Position from Cost Recovery Allocation

Dorothy Willard presented the Sixth Circuit request to fund one full-time FTE utilizing their revenue collected through cost recovery funds.

Walt Smith moved to approve, as requested by the Sixth Circuit, to utilize an unfunded FTE from reserve to be funded with the Sixth Circuit's cost recovery funds. Judge Ficarrotta seconded, and the motion passed without objection. Dorothy Willard noted that circuit collections must sustain all position expenditures.

Agenda Item IV: Special Initiatives and Updates

A. Foreclosure Backlog Status Report and Resources

Lindsay Hafford presented the FY 2014-15 Foreclosure Initiative June 2015 Status Report. Kris Slayden noted the backlog cases will continue to be monitored and the charts updated throughout the year. Ms. Slayden reported the REC is looking at a new norm for foreclosures. The new norm has not been determined but is expected to be less than the 70,000 per year.

B. Cases Over the Flat Fee

Jessie McMillan presented an update on amount paid over the flat fee for conflict counsel criminal cases. The amount paid over the flat fee year-to-date as of November 2015 is \$4,002,549 with an annualized amount paid over the flat fee for FY 2015-16 of \$8,799,563.

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

Dorothy Willard presented the FY 2015-16 End-of-Year Spending plan issue stating the previous two year-end spending plans were able to meet due process equipment needs. Email communication will be sent to chief judges and trial court administrators to identify local needs. The data will be compiled for Budget Management Committee and Funding Methodology Committee review and priority recommendation for presentation to the TCBC. Ms. Willard presented the Fourteenth Circuit request for a "non-public space" furniture issue for \$66,003. The scheduled completion date is in April 2016, and the furniture must be ordered in February 2016, in order to be delivered timely for the April 2016 completion. Judge Smiley stated the Fourteenth Circuit was able to come up with \$15,000 to apply toward the furniture, which brings the request down to \$51,003. Judge Steinbeck moved to approve the request for \$51,003. Grant Slayden seconded, and the motion passed without objection.

Agenda Item VI: Legislative Issues and Updates

A. A Review of Florida Circuit Courts by Office of Program Policy Analysis and Government Accountability

Judge Mahon presented the review and recommended the Funding Methodology Committee examine the methodologies for the case management and law clerk elements and provide recommendations to the commission. Judge Roundtree moved to approve the recommendation. Judge Miller seconded, and the motion was approved without objection.

B. FY 2016-17 Budget Request

Dorothy Willard presented the Judicial Branch Legislative Budget Request for FY 2016-17, stating the House and Senate recommendations should be out by month end.

C. Substantive Legislation

Sarah Naf presented the Judicial Branch legislative agenda and other bills of interest stating there were two bills being reviewed that are not on the list. Retirement Benefits for Certain Judges, Senate Bill 7044, is scheduled to be heard Monday, January 11, 2016. State Group Insurance Program, Senate Bill 1434, has yet to be scheduled.

D. Session Strategies and Coverage

Judge Mahon outlined the preparations and outlook for the 2016 regular legislative session.

Agenda Item VII: Report from Designee to Florida Clerks of Court Operations Corporation

Judge Ficarrota reported there is a \$17 million shortfall projected this year for the clerks of court budget and the issue is being discussed with the legislature. Although there has been a decrease in caseload, there has been an increase in workload. Judge Ficarrota stated a meeting has been scheduled in February and an update will be reported following the February meeting.

Agenda Item VIII: Judicial Branch 2016-17 Long-Range Strategic Plan

Eric Maclure presented an overview of the Long-Range Strategic Plan for the Judicial Branch for 2016-21, which was released in December 2015. He noted that the plan is structured around long-range issues and goals under each issue. Mr. Maclure reported that commissions and committees of the State Courts System are being encouraged to use the plan as a guide for their respective work. He noted that some commissions and committees may see goals from the plan reflected in their future charges from the Supreme Court.

Agenda Item IX: Other Business – Funding Request from Conference of County Court Judges

Judge Aikens presented a request from the Conference of County Court Judges for funding from the commission to support holding a mid-year business meeting of conference leaders. Judge Roundtree stated the commission helped with funding last year and requested that the conference provide additional information for the commission to review on the need for the funding. Judge Roundtree recommended to defer the request until the information is received and reviewed. Judge Smiley moved to defer the request. Judge Ficarrota seconded, and the motion passed without objection.

Adjournment

With no other business before the commission, the meeting adjourned at 10:55 a.m.