

Trial Court Budget Commission
Meeting Minutes
June 17, 2016
Orlando, Florida



Attendance – Members Present

The Honorable Mark Mahon, Chair	Ms. Robin Wright
The Honorable Robert Roundtree, Vice Chair	Ms. Kathy Pugh
The Honorable Catherine Brunson	Mr. Grant Slayden
The Honorable Jeffrey Colbath	The Honorable Elijah Smiley
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	The Honorable Debra Nelson
The Honorable Gregory Parker	The Honorable Anthony Rondolino
Mr. Tom Genung	Mr. Mark Weinberg

Attendance – Members Absent

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. Chair Mahon invited the members of the audience to introduce themselves.

Agenda Item I: Approval of April 12, 2016, Meeting Minutes

Judge Mahon presented the draft meeting minutes from the April 12, 2016, TCBC meeting and asked if there were any changes necessary before approval. Judge Brunson moved to approve the minutes as drafted. Kathy Pugh 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 May 31, 2016. The salary liability for the trial courts General Revenue/State Court Revenue Trust Fund was \$2,793,248 under the salary appropriation, which equates to approximately 0.78% under appropriation.

Ms. Willard reported the Administrative Trust Fund's salary liability was under the appropriation by \$81,757, and the Federal Grants Trust Fund's liability was under the appropriation by \$208,406.

B. Personnel Actions

Beatriz Caballero provided an overview of the status of reclassifications and other personnel actions as of June 9, 2016.

C. Positions Vacant More Than 180 Days

Beatriz Caballero provided an overview of the positions vacant for more than 180 days as of June 9, 2016.

Beatriz also noted that the U.S. Department of Labor issued a final rule updating the overtime regulations. In accordance with the new rule, effective December 1, 2016, the threshold for entitlement to overtime pay will increase from \$23,660 to \$47,476 a year for full-time salaried workers. Overtime is not included in payroll projections. Additional information about implementation of the new rule will be provided by the Personnel Office.

D. Operating Budgets

Dorothy Willard provided an overview of the operating budgets for FY 2015-16 as of May 31, 2016, referencing the meeting packet documents, but also provided updated numbers as of June 15, 2016. Ms. Willard noted that for due process, expert witness costs continue to rise, court reporting costs have decreased, and court interpreting trends show increased costs of approximately 15% from last fiscal year.

Ms. Willard referenced the Year-End Spending Plan Status as of May 31, 2016, and noted that approximately 45% of the appropriation remained as of that date. As of June 15, 2016, approximately \$355,000 or 15% remains.

Projected Due Process Deficits

Dorothy Willard reported on this agenda item stating the Budget Management Committee (BMC) met on June 15, 2016, to address spending trends and recommend how best to address the projected due process contractual services deficits. Of the three options, the BMC recommended Option 1. The Executive Committee also endorsed the BMC recommendation.

After review of the three options, Judge Smiley moved to approve Option 1, as recommended, to authorize staff of the Office of the State Court Administrator (OSCA) to transfer a net of \$330,596 from the due process reserve to those circuits with projected deficits. Additionally, for any circuits requiring additional funds after the deficit mitigation distribution, authorize the circuits to submit invoices as normal procedures to the OSCA and further authorize staff to pay invoices through the certified forward period if sufficient due process funds are available in the statewide due process reserve. Judge Steinbeck seconded, and the motion passed without objection.

Individual Circuit Requests to Access the Statewide Mediation Reserve

The Thirteenth and Twentieth Circuit each requested to access the statewide mediation reserve to address projected deficits in their circuits. Of the four options, the BMC recommended Option 2. The Executive Committee also endorsed the BMC recommendation.

Thirteenth Judicial Circuit

After review of the four options, Judge Lauten moved to approve Option 2, as recommended, to alternately approve transfer of \$50,942 from the statewide mediation reserve to the Thirteenth Judicial Circuit. Grant Slayden seconded, and the motion passed without objection.

Twentieth Judicial Circuit

After review of the three options, Grant Slayden moved to approve Option 2, as recommended, to alternately approve transfer of \$46,548 from the statewide mediation reserve to the Twentieth Judicial Circuit. Judge Lauten seconded, and the motion passed without objection.

E. Trust Fund Cash Balances

Dorothy Willard provided an overview of the trust fund cash balances through May 31, 2016.

Agenda Item III: Due Process Workgroup – Status Report and Action Items

Kris Slayden reported on this agenda item and provided a status report. The workgroup identified issues that would need TCBC approval.

Issue 1: Revise Statewide Expert Witness Invoice Template

The Office of the State Courts Administrator maintains the Uniform Invoice for Expert Witness Services; however the use of the standard form is not mandatory. The workgroup recommended requiring the use of the uniform invoice as a standard. Judge Thomas made a motion to approve the recommendation of the workgroup. Judge Brunson seconded, and the motion passed without objection.

Issue 2: Uniform Data Reporting (UDR)

The recommended changes to the Uniform Invoice for Expert Witness Services will affect proposed changes to the UDR system. The workgroup recommended: 1) updating the UDR system to improve data reporting and reflect common case types; 2) modify instructions for changes to the UDR system; develop a training program for circuit staff; and implementation of a routine audit process for UDA data. The recommendations would refer implementation to OSCA. Judge Brunson made a motion to approve the recommendation of the workgroup. Judge Nelson seconded, and the motion passed without objection.

Issue 3: Contracts

Based on information derived during the invoice review, processes for expert witness payments may be enhanced by developing a uniform contract template to be used statewide. The workgroup recommended developing a uniform expert witness contract template and noted that circuits should consider its use as a best practice and refer implementation to OSCA. Judge Brunson made a motion to approve the recommendation of the workgroup. Judge Nelson seconded, and the motion passed without objection.

Issue 4: Revised Payment Responsibility Matrix

The matrix detailing the appropriate budget to be charged for certain case types related to the payment of expert witness fees has not been formally updated since 2008. The workgroup recommended approving the matrix, acknowledging that as policy decisions are codified and potential statutory changes made, OSCA staff will update the chart. They further recommended that the chair of the TCBC share the matrix with the trial courts and other interested parties. Judge Nelson made a motion to approve the recommendation of the workgroup. Judge Lauten seconded, and the motion passed without objection.

After further discussion, Judge Nelson amended the motion, to include authorizing staff to refine introductory language at the top of the matrix. Judge Lauten seconded, and the motion passed without objection.

Consideration of workgroup recommendations relating to policy/operational changes, a rate structure, and statutory and rule revisions will be rescheduled for a future meeting.

Agenda Item IV: FY 2016-17 Allotments

A. Report from Funding Methodology Committee Chair on June 6, 2016 Meeting Discussions

Mark Weinberg reported the items discussed at the recent meeting held in Tampa. The committee reviewed recommendations outlined in the Office of Program Policy Analysis and Government Accountability (OPPAGA) *Report No. 15-13: A Review of Florida Circuit Courts*, the Shared Remote Interpreting Workgroup's *Report Recommendations on Shared Remote Interpreting Services in Florida's Trial Courts*, FY 2016-17 circuit allocations, and FY 2017-18 Legislative Budget Request priorities. The committee felt that the focus of OPPAGA's comments on development of new methodologies related to LBR methodologies rather than allocation methodologies. As a result, the FMC directed OSCA staff to develop alternative LBR methodologies for case managers and staff attorneys for consideration at the July 27, 2016, FMC meeting. Recommended circuit allocations have been determined and will be discussed later in Agenda Item VI.

B. Allocation Policy and Procedure Recommendations

Judge Mahon stated that the trial courts revert funds each year while statewide needs exist within the trial courts. Dorothy Willard reviewed additional procedural recommendations for allocations proposed by the BMC, as directed by the TCBC at the meeting held April 12, 2016, and presented the following options for the commission's consideration.

STANDARD BASE OPERATING CATEGORIES (includes Other Personal Services (OPS), Expenses, Operating Capital Outlay (OCO), Contracted Services, and Lease-Purchase of Equipment):

Proposed – Alternate Allocation Release Policy: Release allocations at 100% at the beginning of the 1st quarter. If expenditures were less than 25% at the end of the 1st, 2nd, and 3rd quarters, the difference shall be returned to the statewide reserve.

1. Recommend alternative allocation release policy for the TCBC's consideration.
2. Maintain allocation release policy approved by the TCBC on April 12, 2016.

The BMC approved recommendation of Option 1. Judge Parker moved to approve Option 1. Judge Nelson seconded, and the motion passed without objection.

Proposed – Allocation Return Procedure: For the 2016-17 fiscal year, return transfers would be processed by OSCA Budget Services based on available balances (which accounts for any encumbrances) reflected in FLAIR on the following dates: October 3, 2016, January 3, 2017, and April 3, 2017. Note: With the approval of Alternate Allocation Release Policy Option 1, above, the TCBC approved Allocation Return Policy will be implemented as intended by reviewing expenditures at the end of each quarter (October 3, 2016, January 3, 2017, and April 3, 2017), and if expenditures are less than 25% at the end of the 1st, 2nd, and 3rd quarters, then the remaining allocation will be returned to the statewide reserve.

Proposed – Access to Returned Allocation(s) Procedure: Circuits may request access to allocations returned to the statewide reserve for any purchase orders, encumbrances or sum of invoices received that exceeds the remaining cumulative available allocation for any standard base operating category (includes OPS, Expenses, OCO, Contracted Services, and Lease-Purchase of Equipment), if needed. Requests for access to returned allocations may be submitted by the trial court administrator to the Office of the State Courts Administrator (OSCA), Office of Budget Services, Chief of Budget Services, indicating the amount of returned allocation needed to address the circuit's obligation(s), including a complete explanation of any specific circumstances that led to any unanticipated increase in expenditures for reporting to the BMC. Transfer of requested allocations will be returned to the requesting circuit within 48 hours of receipt of the request by the OSCA Office of Budget Services. Requests for return of allocations will be tracked by the OSCA Office of Budget Services and provided with the monthly operating reports provided to the BMC.

Judge Nelson moved to approve the recommendation as outlined on allocation return and access procedures. Judge Miller seconded, and the motion passed without objection.

SPECIAL OPERATING CATEGORIES

- Compensation to Retired Judges Category (Sr. Judge Days)

Proposed – Early Release of Remaining Allocation(s) Procedure: To ensure workload is adequately covered, circuits may request an early release of allocation for Compensation to Retired Judges, if the senior judge day needs for any specific quarter exceed the current release of allocation. Requests for early release of allocation may be submitted by the trial court administrator to the Office of the State Courts Administrator (OSCA), Office of Budget Services, Chief of Budget Services, indicating the amount of early release needed to address the circuit's current quarterly obligation(s), including a complete explanation of any specific circumstances that led to any unanticipated increase in expenditures for reporting to the

BMC. Transfer of requested allocations will be released to the requesting circuit within 48 hours of receipt of the request by the OSCA Office of Budget Services. Requests for early release of allocations will be tracked by the OSCA Office of Budget Services and provided with the monthly operating reports provided to the BMC.

Proposed – Allocation Return Procedure: For the 2016-17 fiscal year, return transfers would be processed by OSCA Budget Services based on available balances reflected in FLAIR on the following dates: January 3, 2017, and April 3, 2017.

Preceding (approximately 5 to 7 business days) the scheduled allocation return transfer dates, after the last Compensation to Retired Judges payroll is processed by the OSCA Office of Personnel Services (December and March), OSCA Budget Services will request notice from the circuits on any adjustments that may need to be made based on days served, but not yet paid. The circuits will have 3 business days to respond.

Proposed – Access to Returned Allocation(s) Procedure: Circuits may request access to allocations returned to the statewide reserve. Requests for access to returned allocations may be submitted by the trial court administrator to the Office of the State Courts Administrator (OSCA), Office of Budget Services, Chief of Budget Services, indicating the amount of returned allocation needed to address the circuit's obligation(s), including a complete explanation of any specific circumstances that led to any unanticipated increase in expenditures for reporting to the BMC. Transfer of requested allocations will be returned to the requesting circuit within 48 hours of receipt of the request by the OSCA Office of Budget Services. Requests for return of allocations will be tracked by the OSCA Office of Budget Services and provided with the monthly operating reports provided to the BMC. The BMC approved recommendation of Option 1.

Judge Smiley moved to approve the procedures as outlined. Kathleen Pugh seconded, and the motion passed without objection.

- Civil Traffic Infraction Hearing Officers Category

Proposed – Allocation Procedure: A monitoring report will be maintained on the State Courts System's OSCA Budget Services intranet page for circuits to review FLAIR expenditure data compared to approved allocation (spending CAP). The expenditure report will be updated by close of business on the 5th and 15th business day of each month. The BMC will monitor the expenditures monthly.

Proposed – Deficit Procedure: The Civil Traffic Infraction Hearing Officers category does not currently have a statewide reserve that can assist with deficits. As such, the existing practices for covering deficits continue to be used. Presently, if a deficit is projected/occurs in the Civil Traffic Infraction Hearing Officers category, the trial court administrator reviews their circuit's standard base operating categories for unobligated funds that can be redirected to the Civil Traffic Infraction Hearing Officers category via budget amendment. Judge Brunson moved to approve the procedures as outlined. Judge Nelson seconded, and the motion passed without objection.

- Mediation/Arbitration Services Category

Proposed – Allocation Procedure: A monitoring report will be maintained on the State Courts System's OSCA Budget Services intranet page for circuits to review FLAIR expenditure data compared to approved allocation (spending CAP). The expenditure report will be updated by close of business on the 5th and 15th business day of each month. The BMC will monitor the expenditures monthly.

Proposed – Deficit Procedure: The Mediation/Arbitration Services category currently has a statewide reserve that can assist with deficits; however, there are no formal procedures in place for accessing the statewide reserve in the event a circuit should experience a deficit. Historically, if a circuit experiences a deficit, it has been covered by transferring allotment via a budget amendment from one of the standard base operating categories, soliciting a donation of unobligated Mediation/Arbitration Services category allotment from another circuit, or requesting assistance from the statewide reserve via the TCBC. Historically, a circuit has never requested assistance from the statewide reserve for the Mediation/Arbitration Services category until the current fiscal year (2015-16). There are currently pending requests from the 13th and 20th Circuits to access the statewide reserve.

The Mediation/Arbitration Services category has a funding methodology that utilizes a funding ceiling that is applied to each circuit and used to determine allocations. The ceiling is calculated using a standard cost per mediation session held (\$20 for small claims sessions, \$37.50 for other civil sessions, and \$300 for family and dependency sessions) with modifiers applied for coordination, multiple facilities, and the use of volunteers. The recommended FY 2016-17 contractual allocations from the Funding Methodology Committee are based on three-year average expenditures as long as the circuit's total mediation/arbitration budget does not exceed the funding ceiling. Additionally, a 5% cushion was applied to each circuit's contractual allocation as long as it did not cause the circuit to exceed its funding ceiling.

As part of the BMC's recommendations, the committee weighed whether the funding methodology should also be considered when granting access to the statewide reserve.

Proposed – Deficit Procedure Option 1 – Any circuit projecting to exceed its approved allocation may request assistance from the statewide reserve up to the projected deficit amount, not to exceed the current fiscal year funding ceiling, via the BMC. The request should include any specific circumstances that led to any unanticipated increase in expenditures. The BMC shall review the circuit request and approve or disapprove access to the statewide mediation/arbitration category reserve. If additional funds are needed in excess of the funding ceiling, the trial court administrator may seek a budget amendment to transfer unobligated funds from one of the standard base operating categories.

The BMC shall be charged with reviewing and assessing the overall health of the mediation/arbitration services category. If a mediation/arbitration services category deficit is projected to occur in the statewide reserve, the BMC shall review all other statewide category reserves for available funds, and, if needed, reach out to the circuits to determine if any additional unobligated funds are available, and make recommendations to the Trial Court Budget Commission to alleviate the deficit. The TCBC shall review the recommendations of the BMC and make final recommendations to alleviate the deficit.

Proposed – Deficit Procedure Option 2 - Any circuit projecting to exceed its approved allocation may request assistance from the statewide reserve. The request should include any specific circumstances that led to any unanticipated increase in expenditures. The BMC shall review the circuit request and approve or disapprove access to the statewide mediation/arbitration category reserve.

The BMC shall be charged with reviewing and assessing the overall health of the mediation/arbitration services category. If a mediation/arbitration services category deficit is projected to occur in the statewide reserve, the BMC shall review all other statewide category reserves for available funds, and, if needed, reach out to the circuits to determine if any additional unobligated funds are available, and make recommendations to the Trial Court Budget Commission to alleviate the deficit. The TCBC shall review the recommendations of the BMC and make final recommendations to alleviate the deficit.

1. Approve procedures with Deficit Option 1, as outlined.
2. Approve procedures with Deficit Option 2, as outlined.
3. Provide alternate procedure recommendations.

The BMC approved recommendation of Option 1. Tom Genung moved to approve Option 1. Judge Lauten seconded, and the motion passed without objection.

Mark Weinberg recommended all monitoring reports be posted to the intranet later than the 5th and the 15th of each month, to allow for prior month's invoices to be processed and included in the expenditures.

Mark Weinberg moved to approve Option 1, with the monitoring reports being posted to the Intranet by the close of business on the 10th and 20th business days of each month. Judge Miller seconded, and the motion passed without objection.

- Due Process Services Categories

Proposed – Allocation Procedure: A monitoring report will be maintained on the State Courts System's OSCA Budget Services intranet page for circuits to review FLAIR expenditure data compared to approved allocation (spending CAP). The expenditure report will be updated by close of business on the 5th and 15th business day of each month. The BMC will monitor the expenditures monthly. The BMC will contact any circuit that exceeds the spending CAP, and the circuit will be required to provide an explanation to the BMC, in writing, via OSCA Chief of Budget Services, within ten days of any specific circumstances that led to any unanticipated increase in expenditures. However, if at any time during the fiscal year a circuit experiences an event(s) or changes in practice that may have the potential to result in exceeding the spending CAP, the circuits are encouraged to bring this information to the BMC's attention immediately. This valuable information is necessary to track changes in increased needs, for the TCBC to consider if an issue is an isolated incident or if the issue may have statewide impact, requiring action to ensure the overall appropriation for due process is sufficient to meet expenditure needs statewide through fiscal year end.

Proposed – Deficit Procedure: The BMC shall be charged with reviewing and assessing the overall health of the due process category. If a due process deficit is projected to occur in the statewide reserve, the BMC shall review all other statewide category reserves for available funds, and, if needed, reach out to the circuits to determine if any additional unobligated funds are available, and make recommendations to the Trial Court Budget Commission to alleviate the deficit. The TCBC shall review the recommendations of the BMC and make final recommendations to alleviate the deficit.

Judge Smiley moved to approve procedures as proposed. Judge Lauten seconded, and the motion passed without objection.

- Due Process Services (Cost Recovery)

Proposed – Allocation Procedure: Upon receipt and review of the monthly Cost Recovery Cash Statement provided by the OSCA Finance & Accounting Services Office, if 100% of a circuit's Cost Recovery allocation has not been received, additional allotment increases will be made based on increases in available cash received, not to exceed the approved allotment. Circuits will be notified by the OSCA Budget Services Office of any adjustments made.

Judge Brunson moved to approve procedure as proposed. Kathleen Pugh seconded, and the motion passed without objection.

LEGISLATIVE SPECIFIC PROJECTS/STATEWIDE OPERATING CATEGORIES

Proposed – Alternate Allocation Release Policy: The BMC recommends the TCBC consider an Alternate Allocation Release policy of releasing all legislative specific projects/statewide operating categories at 100%, due to the fact that these allocations are appropriated by the Legislature for a specific purpose and cannot be redirected for another purpose within the trial court budget. Judge Ficarrota moved to approve the BMC recommendation. Judge Lauten seconded, and the motion passed without objection.

C. Child Support Enforcement Hearing Officers and General Magistrates

Lindsay Hafford reported that the National Center for State Courts (NCSC) provided the OSCA a draft report in May 2016 that assesses the workload of judicial and quasi-judicial officers. The final report is expected to be presented to the Supreme Court in June 2016.

Current allotments for FY 2016-17 need to be determined for both CSHO and GM elements; however, the allocation formulas for both elements rely on case weights that are currently under review. Therefore, staff recommends maintaining the existing distribution of FTE's, as of June 30, 2016, and placing a moratorium on the reallocation process for both elements. Once the new case weights are approved and the determination of circuit need can be established, the FMC and TCBC will need to approve the new maximum sustained net need charts for both elements and implement the reallocation process.

The FMC recommended maintaining the existing distribution of FTE's, place a moratorium on the reallocation process, and revisit the reallocation process once the new case weights have been approved. Tom Genung moved to approve the recommendation. Grant Slayden seconded, and the motion passed without objection.

D. Full-Time Equivalent and Base Operating Budgets

Dorothy Willard reported on this agenda item and noted that for FY 2016-17, the Legislature did not appropriate any new FTE's to the trial courts nor did the base budget reductions impact the salary budget. The proposed allotments reflected the budget reductions approved by the TCBC in April 2016. The proposed FY 2016-17 FTE and operating category allotments were based on maintaining FY 2015-16 beginning allotments adjusted for legislative budget reductions, permanent budget amendments, actions approved by the TCBC, non-recurring items, and approved personnel actions.

Judge Brunson moved to approve as proposed. Grant Slayden seconded, and the motion passed without objection.

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

1. Senior Judge Days

Senior Judge Days, Issue #1

Beginning in FY 2013-14, the trial courts received an additional \$88,415 (249 days) to address continuing unfunded need for county judges in Citrus County. During the previous fiscal year's allocation process, the 5th Circuit received additional days, above their regular allocation, from the available 249 days, with any unused days distributed among the circuits. Given the \$324,000 budget reduction for FY 2016-17, should circuit allotments be determined strictly on the funding methodology (based on circuit judicial need) and not include the 5th Circuit specific adjustment?

1. Determine circuit allotments strictly on the funding methodology and do not include any adjustment.
2. Include circuit-specific adjustments to allocations.

The FMC approved recommendation of Option 1.

Judge Lauten moved to approve Option 1. Judge Miller seconded, and the motion passed with Judge Thomas opposed.

Senior Judge Days, Issue #2

The proposed FY 2016-17 allocation is based on a rate of \$355.08 per day (\$350 per day plus \$5.08 FICA), 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 (see page 96 of meeting packet). Due to the inclusion of re-appropriated

senior judge days as part of the FY 2015-16 allotments and funding transfers related to the end of year spending plan, no circuit specific adjustments related to reversions have been included in the FY 2016-17 allocation methodology. Note: Estimated FY 2015-16 re-appropriated days (10 days) are included in the total days distributed.

1. Approve proposed FY 2016-17 circuit allotments.
2. Do not approve and consider an alternative.

The FMC approved recommendation of Option 1.

Tom Genung moved to approve Option 1. Mark Weinberg seconded, and the motion passed without objection.

Senior Judge Days, Issue #3

Staff recommends reallocating any additional unexpended FY 2015-16 senior judge days, beyond the estimated 10 days, in October after the certified forward process.

1. Approve staff's recommendation.
2. Place any additional unexpended days in the statewide reserve.

The FMC approved recommendation of Option 1.

Judge Steinbeck moved to approve Option 1. Tom Genung seconded, and the motion passed without objection.

2. Civil Traffic Infraction Hearing Officers (CTIHO)

1. Approve proposed circuit allotments based on applying the percent of total average contractual expenditures to the total allotment (\$2,042,854) using the three-year average expenditures for each circuit. (See Column H in chart on page 97 of meeting packet).
2. Same methodology as Option 1; however, adjust each circuit's allocation nby the proportion of FY 2014-15 reversions to account for the \$81,000 budget reduction (See Column J in chart on page 97 of meeting packet).
3. Same methodology as Option 2; however, adjust each circuit's allocation by their proportion of the three-year average reversions to account for the \$81,000 budget reduction (See Column J in chart on page 97 of meeting packet).

The FMC approved recommendation of Option 2.

Judge Nelson moved to approve Option 2. Kathleen Pugh seconded, and the motion passed without objection.

3. Additional Compensation to County Court Judges

The current methodology 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. If the number of circuit related work hours performed by county judges exceed a circuit's allotment, any unspent funding remaining at the end of the fiscal year is used during the certified forward process to cover uncompensated hours on a first come, first served basis. In order to accurately capture circuit needs, expenditure data used in the development of proposed allotments includes both compensated and uncompensated hours submitted.

1. Approve proposed FY 2016-17 circuit allotments using the current methodology (see chart on Page 99 of the meeting packet).
2. Do not approve and consider an alternative.

The FMC approved recommendation of Option 1.

Judge Miller suggested allocating more funding to this category as his circuit expended all funds by March or April of 2016. He also suggesting using a more recent expenditure formula as opposed to the 3-year formula.

Tom Genung moved to approve Option 1. Judge Brunson seconded, and the motion passed without objection.

4. Mediation

The methodology for this element utilizes a funding ceiling applied to each circuit (see Page 100 of the meeting packet). The ceiling is calculated using a standard cost per mediation session held (\$20 for small claims sessions, \$37.50 for other civil session, and \$300 for family and dependency session) with modifiers applied for coordination, multiple facilities, and the use of volunteers. The proposed contractual allocation is based on three-year average expenditures as long as the circuit's total budget does not exceed the funding ceiling. The three-year maximum number of actual sessions held was used in calculating the funding ceiling. A funding floor based on the total cost of salaries, benefits, and expenses for an Alternative Dispute Resolution Director, a Mediation Services Coordinator, and an Administrative Assistant I position is also utilized in developing the proposed allotments. As a reminder, the Legislature approved a budget reduction of \$81,000 for Mediation/Arbitration Services, Circuit specific adjustments based on historical reversions were not included in the below options for allocations. Instead, the budget reduction is reflected in reduced amounts available in the statewide reserve.

1. Approve contractual allocation based on the above funding methodology. Place remaining funds in the statewide reserve. This option does not hold circuits exceeding their funding ceiling harmless and reduces their proposed contractual allotment, FTE's were held harmless for all circuits.
2. Approve contractual allocation based on the above funding methodology. A 5% cushion was applied to each circuit as long as it did not cause the circuit to exceed its funding ceiling. Place remaining funds in the statewide reserve. This option does not hold circuits exceeding their funding ceiling harmless and reduces their proposed contractual allotment. FTE's were held harmless for all circuits. (See Column K on Page 101 of the meeting packet).

The FMC approved recommendation of Option 2.

Kris Slayden noted the commission may wish to include an additional \$20,000 adjustment (increase) for the 2nd Circuit due to contractual services funding exchanged for 1.0 FTE, not reflected in the materials table.

Judge Brunson moved to approve Option 2, with the adjustment for the 2nd Circuit included. Judge Parker seconded, and the motion passed without objection.

F. Due Process Contractual Allotments: Court Interpreting, Expert Witnesses, Court Reporting, and Cost Recovery

Dorothy Willard reported that as approved by the TCBC and beginning in Fiscal Year 2016-17, due process funding will be maintained at the statewide level, while expenditures will continue to be maintained at the circuit level. A monitoring report comparing expenditures to allocations approved by the TCBC will be prepared and monitored by the BMC. A copy of the report will be maintained on the courts intranet site for circuits to view. Circuits will be expected to spend within their approved allotments. The new budget management policies approved should allow for maximum use of trial court resources and flexibility in meeting the contractual needs of the circuits.

Due Process Multi-Circuit Initiatives

OpenCourt Funding Request

Jessie McMillan reported that in FY 2015-16, OpenCourt operated in nine circuits, encompassing 34 counties, at a cost of \$100,000 for 1 Contract Developer and \$75,000 for 1 Contract Support/Tester. In FY 2016-17, nine additional counties will transition to OpenCourt, bringing the total coverage to eleven circuits and 43 counties. Accordingly, a request is made to increase the contractual funds allotted for the support/Tester/Developer

by \$15,000, to a total of \$90,000. This request would increase the total OpenCourt allocation from \$175,000 to \$190,000. A determination is needed 1) whether to approve the increase of funds to support Open Court, and 2) whether funding should be allocated on a recurring basis.

1. Approve funding in the amount of \$190,000 on a recurring basis
2. Approve funding in the amount of \$190,000 on a nonrecurring basis
3. Approve funding in the amount of \$175,000 on a recurring basis
4. Approve funding in the amount of \$175,000 on a nonrecurring basis
5. Other

The FMC approved recommendation of Option 2, with the caveat that the TCBC direct the Due Process Technology Workgroup (DPTW) to review the OpenCourt system for statewide viability and governance issues.

Chair Mahon recommended the funding and the recurring/nonrecurring issues be considered separately. Grant Slayden moved to approve \$190,000, inclusive of the TCBC directive to the DPTW. Tom Genung seconded, and the motion passed without objection. Judge Steinbeck moved to approve the funding as recurring. Grant Slayden seconded, and the motion passed without objection.

Remote Interpreting

Jessie McMillan provided the commission with the current status of Remote Interpreting. Informational purposes only.

Circuit Allocations

Jessie McMillan reported that the FMC recommended determining circuit allotments using a similar methodology as was approved for FY 2015-16. She noted the recommended allotments do not incorporate any circuit's request for additional funding.

Judge Steinbeck moved to approve Option 1 for each element: Court Interpreting, Expert Witness, and Court Reporting. Judge Thomas seconded, and the motion passed without objection.

Cost Recovery

Dorothy Willard reported the analysis for developing the FY 2016-17 due process cost recovery allotments was to determine a methodology to provide each circuit with sufficient budget authority to spend up to their cumulative revenue. Two options were proposed:

1. Allot the due process cost recovery based on each circuit's prorate share of FY 2016-17 projected revenue. The allotments for the 7th, 8th, 15th, and 20th circuits were capped at the amount of their FY 16-17 cumulative projected revenue.
2. Allot the due process cost recovery based on each circuit's prorated share of FY 2016-17 cumulative projected revenue.

The FMC approved recommendation of Option 1.

Judge Nelson moved to approve Option 1. Tom Genung seconded, and the motion passed without objection.

Due Process Contractual Allotment – Individual Circuit Requests

18th Circuit Request to Transfer Due Process Contractual Services Funds to FTE

Dorothy Willard stated the Eighteenth Judicial Circuit is requesting approval from the TCBC to exchange \$51,600 in due process contractual dollars for salary and benefit dollars to fund one full-time digital court reporter from the Due Process Contingency Fund. This position would ensure quality court recording and provide workload relief. Currently there are 9.0 FTE in the Due Process Contingency Fund.

1. Approve the request to access 1.0 FTE from the Due Process Contingency Fund. However, alternately approve submission of a budget amendment to transfer \$52,385 from the Eighteenth Judicial Circuit's due process allocation to the Salaries and Benefits category for the total estimated cost of the position.
2. Defer the request.
 - a. Due to the recent budget reduction to the Due Process Services category and rising costs experienced in some of the due process elements, explore absorbing the salary costs within the existing salary budget. Defer the request until the August 11, 2016, TCBC meeting, after discussion of the FY 2016-17 payroll projections; or
 - b. Seek additional resources through the FY 2017-18 Legislative Budget Request process.
3. Do not approve the request

Judge Nelson moved to approve Option 2.a. Judge Steinbeck seconded, and the motion passed without objection.

12th Circuit Request to Transfer Due Process Contractual Services Funds to FTE

Dorothy Willard stated the Eighteenth Judicial Circuit is requesting approval from the TCBC to exchange \$111,237 in due process contractual dollars for salary and benefit dollars to fund two full-time non-certified court interpreters with the understanding they would become certified within the year. Adding two staff interpreters to handle many of the court's needs would result in a significant decrease in Spanish interpreting costs. The circuit is concerned that the cost of contractual interpreters will not decrease by the equivalent cost of staff interpreters, and therefore requests the TCBC consider reducing the contractual allotment by only 85% of the cost of two staff interpreters (\$111,237) for the first year, until cost savings of this proposal can be evaluated.

Currently there are 55.0 unfunded FTE in reserve within the trial court budget that could be utilized if this request is approved.

Considerations:

1. Continue utilizing the Due Process Contingency Fund for all unfunded FTE requests associated with changing a due process services delivery model from a contractual basis to an employee model until depleted; **or**
 2. Utilize the statewide reserve of 55.0 unfunded FTE for this request.
-
1. Approve the request to access 2.0 FTE from either the Due Process Contingency Fund or the unfunded FTE reserve (based on the outcome of the considerations above). However, alternately approve submission of a budget amendment to transfer \$111,895 (85% of the \$131,642 total cost of the positions) from the Twelfth Judicial Circuit's due process allocation and \$19,747 from the statewide Due Process Contractual Services category reserve to the Salaries and Benefits category for the full cost of the two positions.
 2. Defer the request.
 - a. Due to the recent budget reduction to the Due Process Services category and rising costs experienced in some of the due process elements, explore absorbing the salary costs within the existing salary budget. Defer the request until the August 11, 2016, TCBC meeting, after discussion of the FY 2016-17 payroll projections; **or**
 - b. Seek additional resources through the FY 2017-18 Legislative Budget Request process.
 3. Do not approve the request.

Judge Miller moved to approve Option 2.a. Judge Thomas seconded, and the motion passed without objection.

15th Circuit Request to Transfer Due Process Contractual Services Funds to FTE

Dorothy Willard stated the Fifteenth Judicial Circuit is requesting approval from the TCBC to access \$63,330 from the statewide due process reserve and exchange the due process contractual dollars for salary and benefit dollars to fund two full-time position from the Due Process Contingency Fund. The circuit, if approved, would hire two full-time digital court reporters to help with current staff shortages, as well as try to comply with the Fourth District Court of Appeal's request to refrain from submitting transcript extension requests. As a result of the staffing shortage, the circuit relies primarily on contractual providers.

Currently there are 9.0 FTE in the Due Process Contingency Fund. The FY 2016-17 proposed statewide due process reserve (if TCBC approves the FMC recommendation) will be \$997,790. The total salary and benefit cost for the two positions are estimated at \$104,770, which assumes the positions are hired at the minimum (class code 7725, pay grade 017, base salary \$31,665) and elects family health insurance coverage (to anticipate the maximum liability).

1. Approve the request to access 2.0 FTE from the Due Process Contingency Fund. However, alternately approve access to the statewide due process reserve in the amount of \$104,770 and submission of a budget amendment to transfer those funds from the Due Process Contractual Services category to the Salaries and Benefits category for the estimated cost of the positions.
2. Defer the request.
 - a. Due to the recent budget reduction to the Due Process Services category and rising costs experienced in some of the due process elements, explore absorbing the salary costs within the existing salary budget. Defer the request until the August 11, 2016, TCBC meeting, after discussion of the FY 2016-17 payroll projections; or
 - b. Seek additional resources through the FY 2017-18 Legislative Budget Request process.
3. Do not approve the request.

Judge Ficarrotta moved to approve Option 2.a. Sandra Lonergan seconded, and the motion passed without objection.

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

Kris Slayden provided an overview of ICMS funding since FY 2012-13, and noted that costs to maintain ICMS are anticipated to continue to increase, similar to other vendors

maintenance and support costs. These anticipated costs could be requested through the state appropriation process or through the same process as this request.

In FY 2016-17, to additional circuits (3rd and 4th), encompassing 10 counties, will transition to ICMS. This will bring the total coverage to six circuits and 26 counties. The Eighth Judicial Circuit reports that the services of the Contract Developer have been satisfactory and an increase in compensation is not required. However, there is a need to expand the skill level for the Support/Tester to a Support/Tester/Developer. Accordingly, the request is made to increase the contract funds available for a new Support/Tester/Developer by \$13,556, to a total of \$90,000. This request would increase the total ICMS allocation from \$216,440 to \$230,000.

1. Approve the Third, Fourth, Eighth, Tenth, and Eighteenth Circuits' request of \$230,000 for FY 2016-17 for the Eighth Judicial Circuit in recurring funds to continue to support the development and maintenance of the ICMS program through FY 2016-17, using trial court expense reserves. This would require a budget amendment to convert the funds to contracted services.
2. Same as Option 1, except approve only as a non-recurring allocation.
3. Same as Option 1, except approve only the base funding of \$216,440.
4. Same as Option 3, except approve only as a non-recurring allocation.
5. Do not approve.

Judge Steinbeck moved to approve the amount of \$230,000. Judge Nelson seconded, and the motion passed without objection. Judge Soto moved to approve \$230,000, non-recurring. Judge Rondolino seconded, and the motion passed without objection.

Dorothy Willard reviewed the statewide allotments and noted the changes from prior year, which were approved.

H. Allotments for Special Appropriations

Dorothy Willard provided an information only overview legislative project funding and noted the judicial branch did not solicit these requests. Ms. Willard also noted that the funds associated with these appropriations cannot be utilized for any other purpose other than what is stated in the proviso language.

Post-Adjudicatory Expansion Drug Court Contractual Funding

Ms. Willard noted the proposed allocations for FY 2016-17 were based on current contract amounts.

1. Approve the proposed FY 2016-17 allotments. Any funding request above the original contract amount should be submitted to the Trial Court Budget Commission for access to the funds placed at the statewide level.
2. Do not approve and consider an alternative.

Judge Smiley moved to approve Option 1. Mark Weinberg seconded, and the motion passed without objection.

Agenda Item V: FY 2017-18 Legislative Budget Request

A. Timeline

Dorothy Willard provided an overview of the timeline.

B. Priorities

Dorothy Willard provided an overview of the ranking needed as part of the legislative budget request submission. Chair Mahon noted the Executive Committee requested that additional issues identified by the circuits be added to the list for cost out.

The FMC will consider alternative allocation methodologies, based on the Office of Program Policy Analysis and Government Accountability recommendations and updated case weights, if available, in the development of the LBR's at their July 27, 2016, conference call. The following two options were presented to the TCBC for consideration:

1. Approve the FMC's recommendation.
2. Do not approve and consider other issues.

Judge Thomas moved to approve Option 1, with cost out of the additional issues as recommended by the Executive Committee.* Judge Smiley seconded, and the motion passed without objection.

*Employee Pay Issue, Trial Court Technology Funding, General Magistrates, Case Management, Staff Attorneys, Court Reporting, and Court Interpreting.

Agenda Item VI: Report from Funding Methodology Committee Chair on Shared Remote Interpreting Services Recommendations

Mark Weinberg provided an overview of the Shared Remote Interpreting Services, and presented the following recommendations to the TCBC for consideration:

1. Approve the recommendations of the FMC on the report, *Recommendations on Shared Remote Interpreting Services*, and provide comments to the Shared Remote Interpreting Workgroup in a letter from the chair of the TCBC.
2. Do not approve the recommendations of the FMC on the report, *Recommendations on Shared Remote Interpreting Services*.

Judge Steinbeck moved to approve Option 1. Judge Smiley seconded, and the motion passed without objection.

Agenda Item VII. Report from Chief Justice Designee to Clerks of Court Operations Corporation Executive Council

Judge Ficarrota reported on this agenda item stating the clerks are facing similar funding issues. The legislative appropriations to the Justice Administrative Commission to reimburse clerks for jury costs are projected to fall short. The clerks will also change their methodology for determining the FY 2016-17 legislative budget request based on legislative feedback, and will be discussed at the next meeting scheduled for June 27, 2016.

Agenda Item VIII. Other Business

Judge Mahon stated the next TCBC meeting is scheduled for Thursday, August 11, 2016, in Ponte Vedra Beach.

Eric Maclure asked that due to the upcoming fiscal year-end, travel reimbursements be submitted as quickly as possible.

Judge Roundtree, PK Jameson, and Eric Maclure acknowledged Judge Mahon for his service as chair of the TCBC for the past two years.

Adjournment

With no other business before the commission, the meeting adjourned at 12:05 p.m.