



MEETING AGENDA
8:30 a.m. to 12:30 p.m., Friday, June 17, 2016
Orlando, Florida

Note: By Wednesday evening, June 15, materials will be available at:

<http://www.flcourts.org/administration-funding/court-funding-budget/trial-court-budget-commission/>

Welcome and Roll Call

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|------|--|------------|
| I. | Approval of April 12, 2016, Meeting Minutes | 8:30-8:35 |
| II. | FY 2015-16 Budget Status | 8:35-9:10 |
| | A. Salary Budgets | |
| | B. Personnel Actions | |
| | C. Positions Vacant More than 180 Days | |
| | D. Operating Budgets | |
| | E. Trust Fund Cash Balances | |
| III. | Due Process Workgroup – Status Report and Action Items | 9:10-9:40 |
| IV. | FY 2016-17 Allotments | 9:40-10:15 |
| | A. Report from Funding Methodology Committee Chair on June 6, 2016, Meeting Discussions | |
| | B. Allocation Policy and Procedure Recommendations | |
| | C. Child Support Enforcement Hearing Officers and General Magistrates | |
| | D. Full-Time Equivalent and Base Operating Budgets | |
| | E. Non-Due Process Contractual Allotments: Senior Judge Days, Civil Traffic Infraction Hearing Officers, Additional Compensation to County Judges, and Mediation | |

- Break 10:15-10:30
- IV. FY 2016-17 Allotments – CONTINUED 10:30-11:00
- F. Due Process Contractual Allotments: Court Interpreting, Expert Witnesses, Court Reporting, and Cost Recovery
 - G. Statewide Allotments
 - H. Allotments for Special Appropriations
 1. Domestic Violence Active Global Positioning Satellite (GPS) Technology
 2. Post-Adjudicatory Expansion Drug Court Contractual Funding
 3. Drug Courts
 4. Veterans Courts
 5. Second Judicial Circuit Mental Health Court
 6. Eleventh Circuit Criminal Mental Health Project
 7. Vivitrol/Naltrexone to Treat Alcohol- or Opioid-Addicted Offenders
- V. FY 2017-18 Legislative Budget Request 11:00-11:30
- A. Timeline
 - B. Priorities
- VI. Report from Funding Methodology Committee Chair on Shared Remote Interpreting Services Recommendations 11:30-11:45
- VII. Report from Chief Justice Designee to Clerks of Court Operations Corporation Executive Council 11:45-12:00
- VIII. Other Business 12:00-12:30

Adjourn

Next Meeting: Thursday, August 11, 2016, 8:30 a.m. to 12:30 p.m., in Ponte Vedra Beach.

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

DRAFT

**Trial Court Budget Commission
Meeting Minutes
April 12, 2016
Orlando, 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	The Honorable Debra Nelson
The Honorable Gregory Parker	The Honorable Anthony Rondolino
Mr. Tom Genung	Mr. Mark Weinberg
Ms. Robin Wright	

Attendance – Members Absent

The Honorable Wayne Miller

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 January 8 and March 23, 2016, Meeting Minutes

Judge Mahon presented the draft meeting minutes from the January 8 and March 23, 2016, TCBC meetings and asked if there were any changes necessary before approval. Judge Smiley moved to approve the minutes as drafted. Judge Brunson 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 March 31, 2016. The salary liability for the trial courts General Revenue/State Court Revenue Trust Fund was \$1,363,539 under the salary appropriation, which equates to 0.38% under appropriation. Judge Steinbeck noted that implementing a diligent salary management plan and the annual Budget and Pay Administration Memorandum are the reasons the deficit projected at the beginning of the fiscal year has been covered.

Ms. Willard reported the Administrative Trust Fund's salary liability was under the appropriation by \$68,678, and the Federal Grants Trust Fund's liability was under the appropriation by \$184,504.

B. Personnel Actions

Beatriz Caballero provided an overview of the status of reclassifications and other personnel actions as of April 1, 2016.

C. Positions Vacant More Than 180 Days

Beatriz Caballero provided a brief overview of the positions vacant for more than 180 days as of April 1, 2016. Mr. Tom Genung provided an update on the 19th Circuit's position, stating the position has been filled with a start date of April 25, 2016. Judge Mahon noted these positions are tracked in order to have data available as to extenuating circumstances, to be able to provide to the legislature if necessary.

D. Operating Budgets

Dorothy Willard provided an overview of the operating budgets for FY 2015-16 as of March 31, 2016. Ms. Willard noted that the percent expended compared with rate of release should be about 75%. Ms. Willard stated due to guidelines changing periodically on what is allowed in Contracted Services and Lease/Lease Purchase categories, it appears there is a need to shift funds to a more appropriate category, and that this need will be addressed during the next Legislative Budget Request (LBR) cycle.

E. Trust Fund Cash Balances

1. State Courts Revenue Trust Fund

Dorothy Willard provided an overview of the trust fund cash balance through March 31, 2016, for FY 2015-16. She noted that a \$6.3 million loan was received in February 2016 and the SCRTF loan repayment will be made utilizing General Revenue funds. The estimated ending cash balance was \$4.9 million; however, the estimated General Revenue service charge to be paid in July was \$1.5 million.

2. Administrative Trust Fund

Dorothy Willard provided an overview of the trust fund cash balance through March 31, 2016, for FY 2015-16. The estimated ending cash balance was approximately \$1.7 million.

3. State Courts Revenue Trust Fund Cash Balance Estimates

Kris Slayden provided an overview of the State Courts Revenue Trust Fund (SCRTF) projected cash balance estimates through March 2016 for FY 2015-16 and FY 2016-17. Assuming the revenues come in as projected and with the loan received from State Treasury in FY 2015-16, the estimated ending cash balance for FY 2015-16 is approximately \$4.9 million. Ms. Slayden stated based on the estimated ending balance in FY 2016-17, the SCRTF will not experience a shortfall or require a loan, with an estimated ending cash balance of about \$4.9 million.

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

Dorothy Willard presented a FY 2015-16 year-end funding need request from the Twelfth Judicial Circuit. Judge Roundtree stated the Budget Management Committee (BMC) met on April 6, 2016, and deferred the request for CourtSmart upgrade pending additional information. Judge Roundtree noted the BMC felt the hardware request to upgrade judicial viewers was warranted and recommended approval. Walt Smith stated that in lieu of the CourtSmart upgrade, the Twelfth circuit would move to OpenCourt for less money. The move to OpenCourt is estimated to be approximately \$100,000. Judge Smiley moved to approve the \$75,000 for the hardware upgrade and tentatively approved the move to OpenCourt estimated at \$100,000. Judge Nelson seconded, and the motion passed without objection.

Agenda Item IV: Due Process Issues

A. Circuit Due Process Deficits

Dorothy Willard presented the Circuit Due Process Deficits, noting FY 2014-15 was the first time the due process reserves were depleted. Ms. Willard stated the due process reserve as of March 31, 2016, was approximately \$3 million. The following options were presented for the commission's consideration.

1. Authorize staff of the Office of the State Court Administrator to transfer a net of \$1,291,546 from the due process reserve to those circuits with projected deficits and sweep excess balances in each element as reflected. The remaining balance of the due process reserve after the transfers will be \$1,804,780. Recommend any circuits requiring additional funds after the deficit mitigation distribution follow the Procedures for Addressing Deficits in Due Process Services Appropriation Category.

2. Authorize staff of the Office of the State Court Administrator to transfer \$1,481,256 from the due process reserve to those circuits with projected deficits in each element as reflected. The remaining balance of the due process reserve after the transfer will be \$1,615,070. Recommend any circuits requiring additional funds after the deficit mitigation distribution follow the Procedures for Addressing Deficits in Due Process Services Appropriation Category.
3. Do not authorize systematic transfer of funds and review due process deficit requests on a case-by-case basis following the Procedures for Addressing Deficits in Due Process Services Appropriation Category.

Judge Roundtree noted that the BMC thought it a better practice to not sweep excess balances and approved recommending Option 2. Judge Smiley inquired what the remaining \$1.6 million due process reserve balance in Option 2 would be used for. Ms. Willard stated the remaining reserve balance would be used to cover the Twelfth Circuit year-end request and to maximize the SCRTF. Judge Smiley moved to approve Option 2, transfer \$1,481,256 from the due process reserve to those circuits with projected deficits in each element as reflected. Judge Lauten seconded, and the motion passed without objection.

B. Recommendations on Shared Remote Interpreting Services in Trial Courts

Tom Genung presented the Recommendation on Shared Remote Interpreting Services in the Trial Courts, stating the report was for informational purposes only and did not require a vote at this time. Judge Mahon deferred the report to the Funding Methodology Committee (FMC) for input and recommendations. Judge Lauten noted that establishing a governance committee was recommendation #5, stating that even with a pilot program there is a need for a governance committee. Mr. Genung indicated there is a need for a governance committee due to so many groups being tied to the issue, stating the assumption that the Supreme Court will provide direction. Judge Steinbeck inquired if cost savings were being identified. Maggie Lewis stated the cost savings are difficult to determine; due to the pilot program being so small, once implemented there will be cost savings. Judge Steinbeck suggested setting up a comparison study using one with the pilot virtual remote interpreting technology (VRI) and one without VRI to accurately measure and demonstrate the cost savings to the legislature. Judge Mahon suggested the need for a governance committee now, asking PK Jameson to present the request to the Chief Justice.

C. Due Process Workgroup Status Report

Judge Roundtree and Judge Moreland presented an update on the Due Process Workgroup, a joint committee of TCBC and TCP&A. Judge Moreland stated the workgroup met April 11, 2016, to review the draft statewide expert witness invoice. Judge Roundtree noted that some of the workgroup's recommendations may be in the form of standards and some may

be in the form of best practices. Kris Slayden stated the workgroup will meet again in May 2016 by conference call to discuss a statewide rate structure for expert witness.

Agenda Item V: Special Initiatives and Updates

A. Foreclosure Backlog Status Report and Resources

Lindsay Hafford presented the FY 2015-16 Foreclosure Initiative October 2015 Status Report, stating the information contained in the report was compiled on April 7, 2016.

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 March 2016 was \$7,833,782. It is estimated close to \$10,000,000 will be spent in FY 2015-16 on cases over the flat fee, which will be about a 30% increase.

Agenda Item VI: Legislative Issues and Updates

A. FY 2016-17 General Appropriations Act (GAA), Proviso, and Implementing Bill

Judge Mahon thanked everyone who represented the trial courts during legislative session, stating it was a challenging year that resulted in a \$2.7 million cut to the circuit court budget. The legislature looked at reversion amounts in determining the reduction amount. Judge Mahon noted this action necessitates the need to fine tune internal processes as the trial courts have unmet needs and should be reverting as little as possible. Dorothy Willard presented the FY 2016-17 GAA, Proviso, and Implementing Bill. Ms. Willard noted on the Back of Bill Provisions, line 4, the unexpended balance of funds for the compensation of retired judges shall revert and is reappropriated for FY 2016-17, referenced the DCA's in error. The DCA's do not have a reversion. Legislative staff intended to reference the reversion for trial courts and are evaluating whether it can be implemented as intended.

B. Pay and Benefits (GAA Section 8)

Beatriz Caballero presented the FY 2016-17 GAA Section 8 – Pay and Benefits stating there was no change in premiums paid by employees.

C. Substantive Legislation

Sarah Naf presented the Judicial Branch legislative agenda and other bills of interest.

Agenda Item VII: Budget Management Committee Recommendations for FY 2016-17 Budget Management Policies and Procedures

A. Allocation of Base Budget Reductions

Dorothy Willard presented the base budget reductions implemented in the FY 2016-17 GAA by category, noting Expense takes into account items that are paid at the reserve level, such as Bar Dues and unemployment compensation. Ms. Willard presented the following option for the commission's consideration.

1. Allocate reductions based on the percent of total FY 2014-15 reversions.

Robin Wright inquired if using a three year average for reversions would be a better way to disburse the reduction. Ms. Willard stated that historically reversions were higher and to use an average based on previous years would disburse at larger amounts. Judge Mahon noted that the legislature only looked at FY 2014-15 reversions when determining the budget reduction. Judge Parker moved to approve option one to allocate based on percent of total FY 2014-15 reversions. Judge Nelson seconded, and the motion passed without objection.

B. Allocation Policy Recommendations

Dorothy Willard presented the alternative FY 2016-17 allocation policy recommendations provided by the BMC. These recommendations are due in part to the recent \$2.7 million budget reduction sustained during the 2016 legislative session and to ensure resources are maximized throughout the trial court budget. Ms. Willard presented the following options for the commission's consideration.

Standard Base Operating Categories (includes OPS, Expense, OCO, Contracted Services, and Lease-Purchase of Equipment)

1. Release allocations in accordance with the state standard release plan of 25% per quarter, and any unused funds at the end of the 1st, 2nd, and 3rd quarters would be returned to the statewide reserve to be used for statewide initiatives.
2. Release allocations in 50% increments (at the beginning of the 1st and 3rd quarters), and any unused funds at the end of the 2nd quarter would be returned to the statewide reserve to be used for statewide initiatives. Any unobligated funds that may exist after the 2nd quarter would have to be determined through an unobligated survey of the circuits.
3. Maintain current policy of releasing 100% of allocations and review on an as-needed basis.

The BMC approved recommendation of Option 2 and will develop procedures for early access. Walt Smith moved to approve Option 1, release at 25% per quarter, and any unused funds at the end of the 1st, 2nd, and 3rd quarters be returned to the statewide reserve to be used for statewide initiatives. Judge Roundtree seconded, and the motion passed with a vote of fourteen for Option 1 and five for Option 2.

Other Operating Categories

A. Compensation to Retired Judges (Senior Judge Days)

1. Release allocations in accordance with the state standard release plan of 25% per quarter, and any unused funds at the end of the 2nd and 3rd quarters would be returned to the statewide reserve to be used for statewide initiatives. Policy recommendations would need to be developed by the BMC to address accessing remaining allocations early.
2. Release allocations in 50% increments (at the beginning of the 1st and 3rd quarters), and any unused funds at the end of the 2nd quarter would be returned to the statewide reserve to be used for statewide initiatives. Any unobligated funds that may exist after the 2nd quarter would have to be determined through an unobligated survey of the circuits. Policy recommendations would need to be developed by the BMC to address accessing the remaining allocations early.
3. Maintain current policy of releasing 100% of allocations and review on an as needed basis.

Note: Existing policies regarding senior judge day deficits may need to be revisited by the BMC for consideration by the TCBC.

The BMC approved recommendation of Option 2.

B. Additional Compensation for County Judges

Due to current allocation policies for Additional Compensation for County Judges, these funds are being fully expended.

1. Maintain current policy of releasing 100% of allocations and utilizing any unspent funding during the certified forward process to cover uncompensated hours that occurred during the fiscal year.

The BMC approved recommendation of Option 1.

Tom Genung moved to approve Option 1 for Compensation to Retired Judges, release at 25% per quarter, and any unused funds at the end of the 2nd and 3rd quarter be returned to the statewide reserve to be used for statewide initiatives, and Option 1 for Additional Compensation to County Judges, maintain current policy. Judge Steinbeck seconded, and the motion passed with a vote of fourteen for Option 1 and six for Option 2 regarding the Compensation to Retired Judges.

C. Civil Traffic Infraction Hearing Officers

1. Maintain category funding at statewide level and continue to maintain expenditures at the circuit level. An expenditure monitoring report of allocations approved by the TCBC would be prepared and monitored by the BMC. A copy of the report would be maintained on the courts' intranet site for circuits to view. Circuits would be expected to continue to spend within their approved allotment.
2. Release allocations in accordance with the state standard release plan of 25% per quarter, and any unused funds at the end of the 2nd and 3rd quarters would be returned to the statewide reserve to be used for statewide initiatives. Policy recommendations would need to be developed by the BMC to address accessing remaining allocations early.
3. Release allocations in 50% increments (at the beginning of the 1st and 3rd quarters), and any unused funds at the end of the 2nd quarter would be returned to the statewide reserve to be used for statewide initiatives. Any unobligated funds that may exist after the 2nd quarter would have to be determined through an unobligated survey of the circuits. Policy recommendations would need to be developed by the BMC to address accessing remaining allocations early.
4. Maintain current policy of releasing 100% of allocations and review on an as needed basis.

Note: Policy recommendations would need to be developed by the BMC for the TCBC's consideration to address deficits.

The BMC approved recommendation of Option 1.

D. Mediation/Arbitration Services

1. Maintain category funding at statewide level and continue to maintain expenditures at the circuit level. An expenditure monitoring report of allocations approved by the TCBC

would be prepared and monitored by the BMC. A copy of the report would be maintained on the courts' intranet site for circuits to view. Circuits would be expected to continue to spend within their approved allotment.

2. Release allocations in accordance with the state standard release plan of 25% per quarter, and any unused funds at the end of the 2nd and 3rd quarters would be returned to the statewide reserve to be used for statewide initiatives. Policy recommendations would need to be developed by the BMC to address accessing remaining allocations early.
3. Release allocations in 50% increments (at the beginning of the 1st and 3rd quarters), and any unused funds at the end of the 2nd quarter would be returned to the statewide reserve to be used for statewide initiatives. Any unobligated funds that may exist after the 2nd quarter would have to be determined through an unobligated survey of the circuits. Policy recommendations would need to be developed by the BMC to address accessing remaining allocations early.
4. Maintain current policy of releasing 100% of allocations and review on an as needed basis.

Note: Policy recommendations would need to be developed by the BMC for the TCBC's consideration to address deficits.

The BMC approved recommendation of Option 1.

E. Due Process Services

1. Maintain category funding at statewide level and continue to maintain expenditures at the circuit level. An expenditure monitoring report of allocations approved by the TCBC would be prepared and monitored by the BMC. A copy of the report would be maintained on the courts' intranet site for circuits to view. Circuits would be expected to continue to spend within their approved allotment. Existing policies regarding due process deficits would need to be revisited by the BMC for consideration by the TCBC.
2. Release allocations in accordance with the state standard release plan of 25% per quarter, and any unused funds at the end of the 2nd and 3rd quarters would be returned to the statewide reserve to be used for statewide initiatives. Policy recommendations would need to be developed by the BMC to address accessing remaining allocations early.

3. Release allocations in 50% increments (at the beginning of the 1st and 3rd quarters), and any unused funds at the end of the 2nd quarter would be returned to the statewide reserve to be used for statewide initiatives. Any unobligated funds that may exist after the 2nd quarter would have to be determined through an unobligated survey of the circuits. Policy recommendations would need to be developed by the BMC to address accessing remaining allocations early.
4. Maintain current policy of releasing 100% of allocations and review on an as needed basis.

The BMC approved recommendation of Option 1.

Judge Ficarotta moved to approve Option 1 for Civil Traffic Infraction Hearing Officers, Mediation/Arbitration Services, and Due Process Services. Judge Nelson seconded, and the motion passed without objection.

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

Judge Ficarotta reported there is a projected shortfall for the clerks across the board, a reduction of about 3.4%. Judge Ficarotta stated there will be a meeting on April 14, 2016, based on continuing decline; aligning budget to revenue received will be discussed. The clerks will continue to look at efficiencies. The legislature provided \$11.7 million to Justice Administrative Commission (JAC) for juror costs, although the clerks estimate juror costs will be closer to \$14 million. The GAA states it is the clerks' responsibility to cover juror costs in excess of the \$11.7 million provided.

Agenda Item IX: Other Business

Judge Mahon stated the next TCBC meeting is scheduled for Friday, June 17, 2016, in Orlando.

Adjournment

With no other business before the commission, the meeting adjourned at 11:52 a.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
May 2016**

CIRCUIT	1	Projected Full Employment Payroll Liability through June 30, 2016	272,117,148
	2	Projected DROP Liability through June 30, 2016	59,009
	3	Projected Law Clerk Below Minimum Pay Plan Liability through June 30, 2016	877
	4	Projected Law Clerk Incentives Pay Plan Liability through June 30, 2016	1,254
	5	Law Clerk Payroll Liability FY 16-17 through FY 20-21	902,750
	6	Court Interpreter Certification Liability	111,971
	7	Remaining Chief Judge Discretionary Funds for Retention/Equity/Recruitment Issues	258,279
	8	Total Projected Payroll Liability through June 30, 2016	273,451,288
	9	Salary Appropriation	(271,517,217)
	10	Projected Liability OVER/(UNDER) Salary Appropriation @ Full Employment	1,934,071
	11	Actual Payroll Adjustments through May 31, 2016	(3,691,093)
	12	Adjusted Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(1,757,022)
	13	Estimated Leave Payouts	91,264
	14	Final - Adjusted Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(1,665,758)
COUNTY	15	Projected Full Employment Payroll Liability through June 30, 2016	84,069,420
	16	Projected DROP Liability through June 30, 2016	37,169
	17	Salary Appropriation	(84,244,216)
	18	Projected Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(137,627)
	19	Actual Payroll Adjustments through May 31, 2016	(1,000,323)
	20	Projected Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(1,137,950)
	21	Estimated Leave Payouts	10,461
	22	Final - Adjusted Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(1,127,489)
Trial Court Summary	23	Projected Full Employment Payroll Liability through June 30, 2016	356,186,568
	24	Projected DROP Liability through June 30, 2016	96,178
	25	Projected Law Clerk Below Minimum Pay Plan Liability through June 30, 2016	877
	26	Projected Law Clerk Incentives Pay Plan Liability through June 30, 2016	1,254
	27	Law Clerk Payroll Liability FY 16-17 through FY 20-21	902,750
	28	Court Interpreter Certification Liability	111,971
	29	Remaining Chief Judge Discretionary Funds for Retention/Equity/Recruitment Issues	258,279
	30	Total Projected Payroll Liability through June 30, 2016	357,557,876
	31	Salary Appropriation	(355,761,433)
	32	Projected Liability OVER/(UNDER) Salary Appropriation @ Full Employment	1,796,443
	33	Actual Payroll Adjustments through May 31, 2016	(4,691,416)
	34	Projected Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(2,894,973)
35	Estimated Leave Payouts	101,725	
36	Final - Adjusted Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(2,793,248)	

Agenda Item II.A.: Salary Budgets

FY 2015-16 Trial Courts Salary Budget
Administrative Trust Fund
May 2016

1	Projected Full Employment Payroll Liability through June 30, 2016	188,378
2	Salary Appropriation	(259,395)
3	Projected Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(71,017)
4	Actual Payroll Adjustments through May 31, 2016	(10,740)
5	Adjusted Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(81,757)

FY 2015-16 Trial Courts Salary Budget
Federal Grants Trust Fund
May 2016

1	Projected Full Employment Payroll Liability through June 30, 2016	5,883,192
2	Salary Appropriation	(6,077,194)
3	Projected Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(194,002)
4	Actual Payroll Adjustments through May 31, 2016	(19,871)
5	Adjusted Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(213,873)
6	Estimated Leave Payouts	5,467
7	Adjusted Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(208,406)

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 June 9, 2016**

Circuit	Number of Reclasses Requested	Dollar Amount of Requests	Status of Requests as of June 9, 2016	Dollar Amount of Approved Reclass Requests	Dollar Amount of Pending Reclass Requests
1	3 (1*)	(8,358)	1 approved; 2 pending approval	(8,358)	14,336
2	2	43,986	2 approved	33,255	
3	2 (1*)	(3,772)	2 approved	3,772	
4	1	3,529	2 approved	9,428	
5	2	5,428	2 pending approval		5,428
6	13	40,908	13 approved	40,908	
7					
8					
9	1	2,380	2 approved	2,380	
10	1	10,715	1 approved	10,715	
11	6 (1*)	21,650	6 approved	23,078	
12	3	12,632	3 approved	12,632	
13	4	23,695	4 approved	23,696	
14					
15	3	19,638	3 approved	19,638	
16					
17	1	11,035	1 approved	11,035	
18	1	11,036	1 pending approval		11,036
19	2	4,819	2 approved; 1 pending approval	2,873	15,894
20	3 (1*)	5,185	3 approved	5,185	
Total	48	204,506		190,237	46,694
Total Approved and Pending				236,931	

Other Personnel Actions (April 1, 2016 - June 9, 2016) : Lead Workers: \$1,726 for 1 Digital Court Reporter Lead Worker in the 8th.
Demotions: Judicial Assistant-County Court in the 7th, employee retained salary; 1 Demotion Retain Salary in the 15th; 1 Demotion from part-time Administrative Secretary II to full-time Administrative Secretary I at minimum salary in the 17th; Judicial Assistant-County Court in the 17th, employee retained salary. * These reclasses include one request from each circuit resulting in a downgrade of the pay grade.

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 06/09/16

Circuit	Cost Center	Cost Center Name	Position #	Class Title	FTE	# of Days Vacant	Date Position Vacant	Base Rate
7th Circuit	122	Case Management	010919	COURT PROGRAM SPECIALIST II ¹	.50	260	09/23/2015	\$36,115.32
7th Circuit	257	Law Clerk Post Conviction	011403	TRIAL COURT LAW CLERK ²	.50	191	12/01/2015	\$45,817.20
11th Circuit	210	Court Administration	010321	CHIEF OF PERSONNEL SERVICES ³	1.00	209	09/01/2015	\$68,942.28
11th Circuit	730	Court Interpreting Cost Sharing 11th	010373	COURT INTERPRETER-CERTIFIED ⁴	1.00	222	10/31/2015	\$43,331.16
11th Circuit	131	Court Interpreting Services	010341	COURT INTERPRETER ⁵	1.00	252	10/01/2015	\$37,756.20
11th Circuit	131	Court Interpreting Services	010367	COURT INTERPRETER-CERTIFIED ⁶	0.50	248	10/05/2015	\$43,331.16
11th Circuit	131	Court Interpreting Services	010374	COURT INTERPRETER ⁷	1.00	222	10/31/2015	\$37,756.20
11th Circuit	131	Court Interpreting Services	011836	COURT INTERPRETER ⁸	0.50	221	11/01/2015	\$37,756.20
11th Circuit	131	Court Interpreting Services	011837	COURT INTERPRETER ⁹	0.50	221	11/01/2015	\$37,756.20
11th Circuit	131	Court Interpreting Services	010365	COURT INTERPRETER ¹⁰	0.50	556	12/01/2014	\$18,878.10
11th Circuit	131	Court Interpreting Services	010342	COURT INTERPRETER ¹¹	1.00	191	12/1/2015	\$37,756.20
11th Circuit	129	Court Reporting Services	010389	DIGITAL COURT REPORTER ¹²	1.00	291	06/11/2015	\$31,664.64
11th Circuit	129	Court Reporting Services	011431	DIGITAL COURT REPORTER ¹³	1.00	226	08/15/2015	\$31,664.64
13th Circuit	131	Court Interpreting Services	010503	COURT INTERPRETER ¹⁴	1.00	233	08/08/2015	\$37,756.20
15th Circuit	131	Court Interpreting Services	010588	COURT INTERPRETER - CERTIFIED ¹⁵	1.00	302	08/12/2015	\$43,331.16

15th Circuit	131	Court Interpreting Services	010581	COURT INTERPRETER - CERTIFIED ¹⁶	1.00	248	10/05/2015	\$43,331.16
15th Circuit	131	Court Interpreting Services	010582	COURT INTERPRETER - CERTIFIED ¹⁷	1.00	243	10/10/2015	\$43,331.16
15th Circuit	131	Court Interpreting Services	010589	COURT INTERPRETER - CERTIFIED ¹⁸	1.00	283	08/31/2015	\$43,331.16
17th Circuit	111	17th Circuit Court - Judicial Assistant	001353	JUDICIAL ASSISTANT - CIRCUIT COURT ¹⁹	1.00	336	07/09/2015	\$38,980.68 (CAD \$5,000)

¹The 7th Circuit is in the process of re-advertising this position.

²The 7th Circuit has selected a candidate for hire. The tentative start date is July 1, 2016.

³The 11th Circuit has advertised this position. Interviews were held. The selected candidate withdrew from further consideration due to low salary. Position has been re-advertised. Recruitment efforts are currently in process.

^{4,5,6,7,8,9,10,11}The 11th Circuit continues to advertise on local websites, the Florida Courts website and with the local colleges and universities that offer the interpreting training programs. These positions continue to be a challenge to fill.

^{12,13}The 11th Circuit recently submitted these two positions to Personnel for an audit and reclassification. Reclassification approved 6/1/16.

¹⁴The 13th Circuit continues the recruitment efforts to successfully fill this position. The position has been continuously advertised and remains open until filled. The position is posted on their website and on Florida Courts website.

^{15,16,17,18}The 15th Circuit has difficulties finding certified applicants for these positions. These positions have been continuously advertised and remain open until filled. These positions are posted on their website, at local colleges and on Florida Courts website.

¹⁹The 17th Circuit is awaiting the appointment of a new judge to fill this vacancy.

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

Agenda Item II.D.: Operating Budgets

The data below represents the status of the FY 2015-16 operating budgets as of May 31, 2016.

Category	Budget Entity	Appropriation	Expended/ Encumbered	Remaining Balance	% Expended/ Encumbered
Other Personnel Services	Circuit	573,037	459,115	113,922	80.12%
	County	31,000	18,570	12,430	59.90%
	Total	604,037	477,685	126,352	79.08%
Expenses	Circuit	5,735,242	4,157,165	1,578,077	72.48%
	County	2,704,104	2,238,984	465,120	82.80%
	Total	8,439,346	6,396,148	2,043,198	75.79%
Operating Capital Outlay	Circuit	575,952	536,367	39,585	93.13%
Contracted Services	Circuit	1,043,389	767,523	275,866	73.56%
	County	119,535	97,333	22,202	81.43%
	Total	1,162,924	864,856	298,068	74.37%
Lease/Lease Purchase	Circuit	134,574	59,354	75,220	44.10%
	County	78,792	24,655	54,137	31.29%
	Total	213,366	84,008	129,358	39.37%
Other Data Processing Services	Circuit	97,902	97,902	0	100.00%

Agenda Item II.D.: Operating Budgets

The data below represents the status of the FY 2015-16 operating budgets as of May 31, 2016.

Category	Appropriation	Expended/ Encumbered	Remaining Balance	% Expended/ Encumbered
Additional Compensation to County Judges	75,000	58,892	16,108	78.52%
Civil Traffic Infraction Hearing Officers	1,873,854	1,542,892	330,962	82.34%
Mediation Services	3,061,308	2,604,620	456,688	85.08%
Due Process - Expert Witness	7,397,823	6,288,677	1,109,146	85.01%
Due Process - Court Reporting	7,848,015	6,624,081	1,223,934	84.40%
Due Process - Court Interpreting	3,370,044	2,891,520	478,524	85.80%
Total Due Process	18,615,882	15,804,278	2,811,604	84.90%

Agenda Item II.D.: Operating Budgets

The data below represents the status of the FY 2015-16 operating budgets as of May 31, 2016.

Legislatively Funded Projects	Circuit	Appropriation	Expended/ Encumbered	Remaining Balance	% Expended/ Encumbered
Veterans Court	01	300,000	197,845	102,155	65.95%
	02	125,000	4,650	120,350	3.72%
	04	350,000	191,054	158,946	54.59%
	06	300,000	267,069	32,931	89.02%
	08	150,000	64,995	85,005	43.33%
	09	200,000	93,926	106,074	46.96%
	Total		1,425,000	819,540	605,460
Mental Health Diversion Program	11	250,000	7,247	242,753	2.90%
Post Adjudicatory Drug Court	01	317,000	200,339	116,661	63.20%
	05	154,877	7,577	147,300	4.89%
	06	823,680	166,011	657,669	20.15%
	07	286,200	172,917	113,283	60.42%
	09	905,030	197,508	707,522	21.82%
	10	492,713	187,612	305,101	38.08%
	13	795,500	478,376	317,124	60.14%
	17	1,225,000	618,598	606,402	50.50%
	Total		5,000,000	2,028,939	2,971,061
Naltrexone - Drug Treatment	00	5,682,689	3,278,463	2,404,226	57.69%
GPS Monitoring	18	316,000	247,549	68,451	78.34%

Trial Court Budget Commission
June 17, 2016
Orlando, Florida

Agenda Item II.D.: Operating Budgets

The data below represents the status of the FY 2015-16 operating budgets as of May 31, 2016.

Senior Judge Activity Summary					
Regular Senior Judge Allocation					
May 2016					
Circuit	Allotted Days	Days Transferred	Days Served	Remaining Allotted Days	Percent Remaining
1st	286	(40)	207	39	13.64%
2nd	187	1	182	6	3.21%
3rd	101	(72)	21	8	7.92%
4th	469	(16)	348	105	22.39%
5th	606	0	482	124	20.46%
6th	642	(65)	385	192	29.91%
7th	359	(32)	288	39	10.86%
8th	162	(39)	99	24	14.81%
9th	545	(67)	334	144	26.42%
10th	304	0	270	34	11.18%
11th	1,254	(385)	689	180	14.35%
12th	266	20	228	58	21.80%
13th	573	(20)	427	126	21.99%
14th	156	(60)	70	26	16.67%
15th	449	(25)	331	93	20.71%
16th	56	(12)	27	17	30.36%
17th	755	25	605	175	23.18%
18th	356	108	417	47	13.20%
19th	233	(72)	117	44	18.88%
20th	419	0	325	94	22.43%
Reserve	50	(38)	2	10	96.00%
TOTAL	8,228	(789)	5,854	1,585	19.26%

Agenda Item II.D.: Year-End Spending Plan Status

The data below represents the status of the FY 2015-16 year-end spending plan as of May 31, 2016.

Circuit	Category	Budget Entity	Appropriation	Expended/ Encumbered	Remaining Balance	% Expended/ Encumbered
1	Expenses	County	541	541	0	100.00%
	Operating Capital Outlay	Circuit	49,459	48,824	635	98.72%
	1st Circuit Total			50,000	49,365	635
2	Expenses	County	20,000	12,000	8,000	60.00%
	Operating Capital Outlay	Circuit	68,738	68,738	0	100.00%
	Contracted Services	Circuit	95,630	33,433	62,197	34.96%
	2nd Circuit Total			184,368	114,171	70,197
3	Operating Capital Outlay	Circuit	124,000	0	124,000	0.00%
4*	Operating Capital Outlay	Circuit	163,709	2,797	160,912	1.71%
5	Expenses	County	52,156	52,069	87	99.83%
	Operating Capital Outlay	Circuit	239,500	222,968	16,532	93.10%
	5th Circuit Total			291,656	275,037	16,619
6	Expenses	County	721	632	89	87.66%
	Operating Capital Outlay	Circuit	123,069	52,700	70,369	42.82%
	Contracted Services	Circuit	18,000	0	18,000	0.00%
	6th Circuit Total			141,790	53,332	88,458
7*	Expenses	Circuit	22,418	1,742	20,676	7.77%
	Operating Capital Outlay	Circuit	299,582	23,543	276,039	7.86%
	Contracted Services	Circuit	60,000	60,000	0	100.00%
	7th Circuit Total			382,000	85,285	296,715
8	Expenses	County	32,517	32,517	0	100.00%
9	Operating Capital Outlay	Circuit	12,000	9,444	2,556	78.70%
10	Expenses	Circuit	3,924	180	3,744	4.58%
		County	23,700	23,499	201	99.15%
	Operating Capital Outlay	Circuit	17,076	17,076	0	100.00%
	10th Circuit Total			44,700	40,754	3,946
11	Expenses	Circuit	66,000	0	66,000	0.00%
		County	188,730	186,724	2,006	98.94%
	11th Circuit Total			254,730	186,724	68,006

Agenda Item II.D.: Year-End Spending Plan Status

The data below represents the status of the FY 2015-16 year-end spending plan as of May 31, 2016.

Circuit	Category	Budget Entity	Appropriation	Expended/ Encumbered	Remaining Balance	% Expended/ Encumbered
12	Operating Capital Outlay	Circuit	75,000	0	75,000	0.00%
13	Operating Capital Outlay	Circuit	34,063	33,500	563	98.35%
14	Mediation Services	Circuit	12,315	1,950	10,365	15.83%
16	Expenses	Circuit	98	97	1	99.41%
		County	887	886	1	99.92%
	Operating Capital Outlay	Circuit	10,720	10,720	0	100.00%
	16th Circuit Total			11,705	11,704	1
17	Operating Capital Outlay	Circuit	31,019	31,019	0	100.00%
	Comp. to Retired Judges	Circuit	8,877	0	8,877	0.00%
	Contracted Services	Circuit	147,535	147,526	9	99.99%
		County	121,465	121,465	0	100.00%
	17th Circuit Total			308,896	300,010	8,886
18	Operating Capital Outlay	Circuit	36,500	36,500	0	100.00%
19	Expenses	County	32,556	0	32,556	0.00%
	Operating Capital Outlay	Circuit	68,172	7,902	60,270	11.59%
	Contracted Services	Circuit	70,000	0	70,000	0.00%
	19th Circuit Total			170,728	7,902	162,826
20	Operating Capital Outlay	Circuit	99,077	98,963	114	99.88%
SUB-TOTALS		Circuit	1,956,481	909,620	1,046,861	46.49%
		County	473,273	430,333	42,940	90.93%
GRAND TOTAL			2,429,754	1,339,953	1,089,801	55.15%

* Budget amendments are pending for the 4th Circuit (\$45,432) and 7th Circuit (\$6,192).

Agenda Item II.D. Operating Budgets: Projected Due Process Deficits

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.

For FY 2015-16 allocations, on July 10, 2015, 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, based on expenditures-to-date and assessed need. At their January 8, 2016, meeting, the TCBC approved reallocation of the remaining 25% allotment, based on expenditures-to-date and projected needs through fiscal year-end. The remaining 25% due process funds were distributed to the circuits.

At their April 12, 2016, meeting, the TCBC authorized the transfer of \$1,481,256 from the due process reserve to those circuits with projected deficits in each of the due process element as presented. The TCBC recommended any circuits requiring additional funds after the deficit mitigation distribution follow the Procedures for Addressing Deficits in Due Process Services Appropriation Category.

Issue:

The due process contractual services expenditure data continues to reflect an upward trend during the last quarter of the fiscal year and further deficits are projected in multiple circuits. Therefore, an analysis of projected due process expenditures was necessary to possibly address projected deficit needs at one time. As of May 31, 2016, the overall projected due process contractual services deficit was a net (deficits and surpluses) of \$330,596 (see attached charts by due process element). The due process reserve as of June 9, 2016, was \$1,397,888.

Options:

Option 1: 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 and sweep any excess balances in each element as reflected. The remaining balance of the due process reserve after the transfers will be \$1,067,292. For any circuits requiring additional funds after this 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 statewide.

Option 2: Authorize staff of the Office of the State Court Administrator (OSCA) to transfer \$506,892 from the due process reserve to those circuits with projected deficits in each element as reflected. The remaining balance of the due process reserve after the transfers will be \$890,996. For any circuits requiring additional funds after this 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 statewide.

Option 3: Do not authorize systematic transfer of funds and review due process deficit requests on a case-by-case basis following the Procedures for Addressing Deficits in Due Process Services Appropriation Category.

Budget Management Committee Recommendation: Option 1.

Agenda Item II.D. Operating Budgets: Projected Due Process Deficits - Attachments

Trial Court Due Process Budget Allocations
FY 2015-2016

TOTAL OF ALL DUE PROCESS
Cost Centers - 127, 129, 131

Analysis Based on FY 15-16 Expenditure Average (August-May)						OPTION 1	OPTION 2
A Circuit	B Allocation as of 06/08/16	C Total Expenditures as of 05/31/16	D FY 15-16 August-May (10 months) Average Monthly Expenditures, Less Maintenance	E FY 15-16 Estimated Expenditures June - Certified Forwards* (2 months)	F Estimated Remaining Allocation (Column B-C-E)	G Allocate Projected Deficits/ Return Excess to Statewide Reserve	H Allocate Projected Deficits Only
1	348,510	313,324.89	27,577.70	55,155.40	(19,970.29)	(19,971.00)	(19,971.00)
2	455,509	385,230.54	37,788.95	75,577.91	(5,299.45)	(5,299.00)	(11,921.00)
3	55,491	41,910.32	4,009.28	8,018.56	5,562.12	5,563.00	(915.00)
4	1,882,861	1,603,409.65	143,168.20	286,336.40	(6,885.05)	(6,885.00)	(6,885.00)
5	432,876	347,643.72	26,052.70	52,105.41	33,126.87	33,127.00	(8,250.00)
6	946,258	813,193.82	77,746.75	155,493.49	(22,429.31)	(22,429.00)	(22,429.00)
7	397,611	325,999.76	30,714.50	61,428.99	10,182.25	10,183.00	(3,053.00)
8	173,604	132,004.29	12,917.98	25,835.96	15,763.75	15,763.00	(642.00)
9	724,596	612,037.39	53,939.07	107,878.14	4,680.47	4,681.00	(18,720.00)
10	1,244,683	1,042,382.66	103,287.82	206,575.63	(4,275.29)	(4,275.00)	(7,951.00)
11	3,454,977	3,062,879.52	303,631.48	607,262.95	(215,165.47)	(215,166.00)	(215,166.00)
12	792,131	588,131.96	58,595.70	245,008.39	(41,009.35)	(41,010.00)	(41,010.00)
13	2,258,165	1,893,983.22	183,577.22	367,154.44	(2,972.66)	(2,972.00)	(18,525.00)
14	159,295	128,567.61	12,729.26	25,458.52	5,268.87	5,269.00	-
15	906,046	797,698.24	76,535.39	153,070.77	(44,723.01)	(44,723.00)	(44,723.00)
16	85,239	67,702.56	5,044.46	10,088.91	7,447.53	7,448.00	-
17	1,828,033	1,491,676.75	149,016.48	392,688.95	(56,332.70)	(56,333.00)	(68,296.00)
18	352,829	285,179.11	27,946.56	55,893.12	11,756.77	11,757.00	-
19	793,926	663,020.46	64,679.39	129,358.78	1,546.76	1,547.00	(2,049.00)
20	1,323,242	1,153,230.29	88,441.16	176,882.32	(6,870.61)	(6,871.00)	(16,386.00)
Total	18,615,882	15,749,206.76	1,487,400.03	3,197,273.06	(330,597.82)	(330,596.00)	(506,892.00)
<i>Due Process Reserve</i>					1,397,888.00	1,397,888.00	1,397,888.00
<i>Adjusted Remaining Allocation</i>					1,067,290.18	1,067,292.00	890,996.00

Agenda Item II.D. Operating Budgets: Projected Due Process Deficits - Attachments

Trial Court Due Process Budget Allocations

FY 2015-2016

Expert Witness - General Revenue Fund

Cost Center - 127

A	B	C	D	E	F	G	H
Analysis Based on FY 15-16 Expenditure Average (August-May)						OPTION 1	OPTION 2
Circuit	Allocation as of 06/08/16	Total Expenditures as of 05/31/16	FY 15-16 August-May (10 months) Average Monthly Expenditures	FY 15-16 Estimated Expenditures June - Certified Forwards* (2 months)	Estimated Remaining Allocation (Column B-C-E)	Allocate Projected Deficits/ Return Excess to Statewide Reserve	Allocate Projected Deficits Only
1	263,169	232,870.75	23,287.08	46,574.15	(16,275.90)	(16,276.00)	(16,276.00)
2	415,567	356,565.14	35,461.51	70,923.03	(11,921.17)	(11,921.00)	(11,921.00)
3	24,040	20,796.11	2,079.61	4,159.22	(915.33)	(915.00)	(915.00)
4	158,632	138,316.63	13,414.21	26,828.43	(6,513.06)	(6,513.00)	(6,513.00)
5	196,600	170,925.00	16,962.50	33,925.00	(8,250.00)	(8,250.00)	(8,250.00)
6	245,903	207,974.90	20,797.49	41,594.98	(3,666.88)	(3,667.00)	(3,667.00)
7	170,554	145,520.00	13,972.00	27,944.00	(2,910.00)	(2,910.00)	(2,910.00)
8	100,194	83,244.62	8,042.01	16,084.03	865.35	865.00	
9	463,566	382,225.86	37,872.59	75,745.17	5,594.97	5,595.00	
10	796,768	661,704.53	65,693.70	131,387.41	3,676.06	3,676.00	
11	1,162,831	1,005,924.25	99,354.30	198,708.60	(41,801.85)	(41,802.00)	(41,802.00)
12	298,698	260,670.49	25,917.05	51,834.10	(13,806.59)	(13,807.00)	(13,807.00)
13	760,675	652,700.00	63,250.00	126,500.00	(18,525.00)	(18,525.00)	(18,525.00)
14	117,219	96,329.08	9,577.91	19,155.82	1,734.10	1,734.00	
15	482,944	418,831.75	41,013.18	82,026.35	(17,914.10)	(17,914.00)	(17,914.00)
16	42,445	33,930.00	3,098.00	6,196.00	2,319.00	2,319.00	
17	929,117	796,852.50	79,685.25	159,370.50	(27,106.00)	(27,106.00)	(27,106.00)
18	140,713	116,475.00	11,507.50	23,015.00	1,223.00	1,223.00	
19	237,802	200,432.50	19,479.13	38,958.25	(1,588.75)	(1,589.00)	(1,589.00)
20	356,686	306,388.19	29,669.82	59,339.64	(9,041.83)	(9,042.00)	(9,042.00)
Total	7,364,123	6,288,677.30	620,134.83	1,240,269.67	(164,823.97)	(164,825.00)	(180,237.00)

Agenda Item II.D. Operating Budgets: Projected Due Process Deficits - Attachments

Trial Court Due Process Budget Allocations
FY 2015-2016

Court Reporting - General Revenue Fund
Cost Center - 129

A	B	C	D	E	F	G	H
Analysis Based on FY 15-16 Expenditure Average (August-May)						OPTION 1	OPTION 2
Circuit	Allocation as of 06/08/16	Total Expenditures as of 05/31/16	FY 15-16 August-May (10 months) Average Monthly Expenditures, Less Maintenance	FY 15-16 Estimated Expenditures June - Certified Forwards* (2 months)	Estimated Remaining Allocation (Column B-C-E)	Allocate Projected Deficits/ Return Excess to Statewide Reserve	Allocate Projected Deficits Only
1	43,251	43,250.47	605.63	1,211.25	(1,210.72)	(1,211.00)	(1,211.00)
2	15,447	12,993.50	760.25	1,520.50	933.00	933.00	
3	3,912	2,354.24	235.42	470.85	1,086.91	1,087.00	
4	1,435,703	1,224,634.13	105,708.10	211,416.20	(347.33)	(347.00)	(347.00)
5	146,407	116,074.11	3,046.59	6,093.18	24,239.71	24,240.00	
6	443,628	381,496.22	34,691.49	69,382.97	(7,251.19)	(7,251.00)	(7,251.00)
7	145,805	112,589.67	9,989.85	19,979.70	13,235.63	13,236.00	
8	24,100	7,133.23	713.32	1,426.65	15,540.12	15,540.00	
9	116,663	93,707.36	2,575.07	5,150.13	17,805.51	17,806.00	
10	373,115	318,154.60	31,364.69	62,729.38	(7,768.98)	(7,769.00)	(7,769.00)
11	1,856,241	1,651,035.92	164,100.99	328,201.98	(122,996.90)	(122,997.00)	(122,997.00)
12*	139,849	15,998.50	1,532.35	130,881.70	(7,031.20)	(7,031.00)	(7,031.00)
13	1,345,331	1,122,601.19	108,459.02	216,918.04	5,811.77	5,812.00	
14	4,209	1,622.00	89.70	179.40	2,407.60	2,408.00	
15	274,929	248,419.50	22,552.51	45,105.03	(18,595.53)	(18,596.00)	(18,596.00)
16	21,989	19,384.21	507.62	1,015.24	1,589.55	1,590.00	
17*	743,433	575,224.50	57,371.25	209,398.50	(41,190.00)	(41,190.00)	(41,190.00)
18	169,719	138,297.28	13,486.38	26,972.76	4,448.96	4,449.00	
19	64,217	50,902.60	4,859.30	9,718.60	3,595.80	3,596.00	
20	478,181	433,136.59	17,764.47	35,528.94	9,515.47	9,515.00	
Total	7,846,129	6,569,009.82	580,414.00	1,383,300.99	(106,181.81)	(106,180.00)	(206,392.00)

* Anticipated maintenance costs not paid to date were added as estimated expenditures.

Agenda Item II.D. Operating Budgets: Projected Due Process Deficits - Attachments

Trial Court Due Process Budget Allocations

FY 2015-2016

Court Interpreting - General Revenue Fund

Cost Center - 131

Analysis Based on FY 15-16 Expenditure Average (August-May)						OPTION 1	OPTION 2
A Circuit	B Allocation as of 06/08/16	C Total Expenditures as of 05/31/16	D FY 15-16 August-May (10 months) Average Monthly Expenditures	E FY 15-16 Estimated Expenditures June - Certified Forwards* (2 months)	F Estimated Remaining Allocation (Column B-C-E)	G Allocate Projected Deficits/ Return Excess to Statewide Reserve	H Allocate Projected Deficits Only
1	42,090	37,203.67	3,685.00	7,370.00	(2,483.67)	(2,484.00)	(2,484.00)
2	24,495	15,671.90	1,567.19	3,134.38	5,688.72	5,689.00	
3	27,539	18,759.97	1,694.24	3,388.49	5,390.54	5,391.00	
4	288,526	240,458.89	24,045.89	48,091.78	(24.67)	(25.00)	(25.00)
5	89,869	60,644.61	6,043.61	12,087.23	17,137.16	17,137.00	
6	256,727	223,722.70	22,257.77	44,515.54	(11,511.24)	(11,511.00)	(11,511.00)
7	81,252	67,890.09	6,752.65	13,505.29	(143.38)	(143.00)	(143.00)
8	49,310	41,626.44	4,162.64	8,325.29	(641.73)	(642.00)	(642.00)
9	144,367	136,104.17	13,491.42	26,982.83	(18,720.00)	(18,720.00)	(18,720.00)
10	74,800	62,523.53	6,229.42	12,458.84	(182.37)	(182.00)	(182.00)
11	435,905	405,919.35	40,176.19	80,352.37	(50,366.72)	(50,367.00)	(50,367.00)
12	353,584	311,462.97	31,146.30	62,292.59	(20,171.56)	(20,172.00)	(20,172.00)
13	152,159	118,682.03	11,868.20	23,736.41	9,740.56	9,741.00	
14	37,867	30,616.53	3,061.65	6,123.31	1,127.16	1,127.00	
15	148,173	130,446.99	12,969.70	25,939.40	(8,213.39)	(8,213.00)	(8,213.00)
16	20,805	14,388.35	1,438.84	2,877.67	3,538.98	3,539.00	
17	155,483	119,599.75	11,959.98	23,919.95	11,963.30	11,963.00	
18	42,397	30,406.83	2,952.68	5,905.37	6,084.80	6,085.00	
19	491,907	411,685.36	40,340.97	80,681.93	(460.29)	(460.00)	(460.00)
20	488,375	413,705.51	41,006.87	82,013.74	(7,344.25)	(7,344.00)	(7,344.00)
Total	3,405,630	2,891,519.64	286,851.20	573,702.41	(59,592.05)	(59,591.00)	(120,263.00)

Agenda Item II.D. Operating Budgets: Thirteenth and Twentieth Circuit Requests to Access the Statewide Mediation Reserve

Background:

At the July 10, 2015, meeting, the Trial Court Budget Commission (TCBC) approved mediation allocations based on the recommendations of the Funding Methodology Committee (FMC). The methodology for this element utilizes a funding ceiling applied to each circuit. 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 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.

Issue:

The Thirteenth Judicial Circuit and the Twentieth Judicial Circuit have each submitted a request to access the statewide mediation services reserve to meet contractual obligations in their respective circuits. The Mediation/Arbitration Services category currently has a statewide reserve that may 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. The statewide mediation services reserve balance as of June 14, 2016, was \$114,311.

Thirteenth Judicial Circuit

Based upon a letter from Ronald Ficarrota, Chief Judge of the Thirteenth Judicial Circuit (attached), the circuit projects a deficit in the mediation budget of \$50,000, through June 30, 2016. The estimated deficit is due to the following factors:

- During the FY 2015-16 unobligated funds exercise, anticipated expenditures were underestimated, resulting in the circuit returning \$20,500 of contractual mediation allocation during the unobligated return exercise for the year-end spending plan.
- Requests to other circuits for transfers provided \$5,300 toward the deficit, but the responses were not sufficient to meet the anticipated shortfall.

Additionally, but not mentioned in the Thirteenth Judicial Circuit letter, \$2,380 in expenses was contributed to the year-end spending plan exercise from the mediation cost center.

Staff has reviewed both internal historical expenditure data and the information provided by the Thirteenth Judicial Circuit and agrees the circuit will experience a deficit in the mediation element based upon remaining estimated expenditures in their mediation category through year-end. However, the expenditure data (using a methodology of August through May expenditures, averaged to project June and certified forward expenditures) indicated a projected deficit in the amount of \$50,942. Based on the TCBC approved funding methodology for FY 2015-16 contractual mediation allocations, the Thirteenth Judicial Circuit was over the funding ceiling and the TCBC approved an adjusted allocation as recommended by the FMC.

Options:

1. Approve, as requested, and transfer \$50,000 from the statewide mediation reserve to the Thirteenth Judicial Circuit to address the projected deficits.
2. Alternately, approve transfer of \$50,942 from the statewide mediation reserve to the Thirteenth Judicial Circuit to address the projected deficits.
3. Alternately, hold the circuit to the approved FY 2015-16 funding methodology funding ceiling and transfer \$22,880 in mediation funds back to the Thirteenth Judicial Circuit.
4. Do not approve the request.

Twentieth Judicial Circuit

Based upon a letter from Michael McHugh, Chief Judge of the Twentieth Judicial Circuit (attached), the circuit projects a deficit in the mediation budget of \$27,463, through June 30, 2016. The estimated deficit is due to the following factor:

- During FY 2015-16, the circuit has recognized a significant increase in the number of indigent cases, as well as the number of dependency cases within its counties. Lee County has experienced a 6% increase in a six-month comparison of FY 2014-15 and FY 2015-16.

Staff has reviewed both internal historical expenditure data and the information provided by the Twentieth Judicial Circuit and agrees the circuit will experience a deficit in the mediation element based upon remaining estimated expenditures in their mediation category through year-end. However, the data (using a methodology of August through May expenditures, averaged to project June and certified forward expenditures) indicated a projected deficit in the amount of \$46,548. Based on the current funding methodology, the Twentieth Judicial Circuit's request would not result in the circuit exceeding their funding ceiling.

Options:

1. Approve, as requested, and transfer \$27,463 from the statewide mediation reserve to the Twentieth Judicial Circuit to address the projected deficits.
2. Alternately, approve the transfer of \$46,548 from the statewide mediation reserve to the Twentieth Judicial Circuit to address the projected deficits.
3. Do not approve the request.



CHAMBERS OF
CIRCUIT JUDGE
THIRTEENTH JUDICIAL CIRCUIT

RONALD N. FICARROTTA
CHIEF JUDGE

OSCA Office of Budget Services
Trial Court Budget Committee

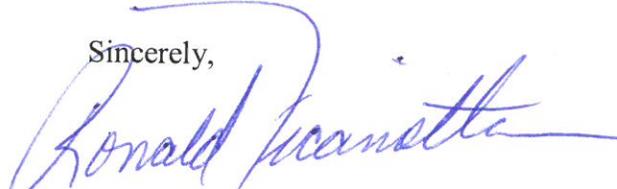
Judge Mahon,

The Thirteenth Judicial Circuit is in need of funds from the Mediation Statewide reserve. During the Unobligated Funds exercise during FY 2016 anticipated expenditures were underestimated, resulting in the Thirteenth Circuit reverting \$20,500 of our contractual mediation allocation.

My Trial Court Administrator has reached out to the other circuits expressing our need. As of today, we received two transfers from other circuits to address our anticipated shortfall; however additional funds are still required to meet our anticipated expenditures. Currently, I anticipate a shortfall of approximately \$50,000 based on monthly expenditures to date and scheduled events to take place prior to June 30, 2016.

Thank you very much for your consideration in this matter. As always, should you have any questions or require further information, please contact me.

Sincerely,



Ronald Ficarrotta



TWENTIETH JUDICIAL CIRCUIT OF FLORIDA

ADMINISTRATIVE OFFICE OF THE COURTS
LEE COUNTY JUSTICE CENTER
1700 MONROE STREET
FORT MYERS, FLORIDA 33901
TEL. (239) 533-1700
FAX (239) 533-1701

MICHAEL T. MCHUGH
CHIEF JUDGE

SCOTT A. WILSKER
COURT ADMINISTRATOR

June 13, 2016

The Honorable Mark H. Mahon, Chair
Trial Court Budget Commission
Duval County Courthouse
501 W. Adams Street, Room #7007
Jacksonville, Florida 32202-4628

RE: Certification of Mediation Arbitration Services Deficit

Dear Chief Judge Mahon:

This letter is to certify that a projected deficit of \$27,463 exists within the Twentieth Judicial Circuit's budget for mediation arbitration services. This deficit is based on what we have expended in the past 47 weeks. We expect that this spending trend will continue for the foreseeable future.

In the current fiscal year ending June 30th, 2016, the Twentieth Judicial Circuit has recognized a significant increase in the number of indigent cases as well as the number of dependency cases handled within its counties. In comparing the period of July thru December 2014 to the same months in 2015, there was an increase of 6% in the total number of mediation cases handled in Lee County alone.

We respectfully request access to the statewide mediation arbitration category reserves in order to issue payment for mediation arbitration services performed thru June 30th, 2016.

Thank you and the members of the Trial Court Budget Commission for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "M. T. McHugh".

Michael T. McHugh, Chief Judge
Twentieth Judicial Circuit

cc: Dorothy Willard, Chief of Budget Services, Office of the State Courts Administrator

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

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 - May and REC Revenues and Estimated
 Expenditures for 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	State Courts Revenue Trust Fund	July	August	September	October	November	December	January	February	March	April	May	June	Year-To-Date Summary*
5	Beginning Balance	2,088,732	444,866	522,613	234,579	410,665	543,499	237,314	126,244	5,312,899	5,161,665	4,949,972	7,611,762	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	6,561,439	5,580,726	6,498,177	7,125,798	6,312,538	6,174,465	75,619,123
7	Cost Sharing (JAC transfers/\$3,695,347 due annually)	842,914		80,924	842,903	80,924		923,842			842,917	80,925		3,695,347
8	Refunds/Miscellaneous	2,862	52,973	4,782	5						3,215			63,836
9	Total Revenue Received	7,724,080	6,772,602	6,363,938	6,952,852	6,310,228	5,150,568	7,485,280	5,580,726	6,498,177	7,971,929	6,393,463	6,174,465	79,378,307
10	Available Cash Balance	9,812,811	7,217,468	6,886,551	7,187,431	6,720,893	5,694,067	7,722,594	5,706,970	11,811,076	13,133,594	11,343,435	13,786,227	81,467,038
11	Staff Salary Expenditures	(7,769,999)	(6,693,983)	(6,651,332)	(6,685,217)	(6,677,029)	(6,655,820)	(6,656,581)	(6,692,941)	(6,648,609)	(6,691,759)	(6,630,252)	(6,924,304)	(81,377,825)
12	Staff Salary Expenditures - GR Shift				1,500,000	500,000	1,200,000	460,000		0	0	2,900,000	5,783,100	12,343,100
13	Refunds	(788)	(873)	(640)	(1,873)	(365)	(933)	(1,193)	(1,130)	(803)	(795)	(1,420)	(983)	(11,793)
14	SCRTF Loan in accordance with 215.18(2), F.S. ¹								6,300,000				(6,300,000)	0
15	Total SCRTF Operating Expenditures	(7,770,786)	(6,694,855)	(6,651,972)	(5,187,089)	(6,177,394)	(5,456,753)	(6,197,774)	(394,071)	(6,649,411)	(6,692,554)	(3,731,672)	(7,442,187)	(69,046,518)
16	<i>8% General Revenue Service Charge</i>	(1,597,159)			(1,589,677)			(1,398,576)			(1,491,068)			(6,076,479)
17	Ending Cash Balance	444,866	522,613	234,579	410,665	543,499	237,314	126,244	5,312,899	5,161,665	4,949,972	7,611,762	6,344,041	6,344,041

* 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 (1,569,024)

**State Courts System
FY 2015-16 Cash Statement
Administrative Trust Fund
As of May 31, 2016**

22300100-Circuit Courts	Beginning Balance	Revenue Received	Expenditures	Refunds	Ending Balance
Cost Recovery	1,666,083.95	759,244.96	(619,127.54)	0.00	1,806,201.37
Cost Recovery-Move to Expenditures	0.00	0.00	0.00	0.00	0.00
Service Charge	0.00	0.00	(67,812.55)	0.00	(67,812.55)
Prior Year Warrant Cancel/Refunds	0.00	0.00	0.00	0.00	0.00
Refunds 220020	0.00	0.00	0.00	(4,178.35)	(4,178.35)
Circuit Courts Ending Cash Balance	1,666,083.95	759,244.96	(686,940.09)	(4,178.35)	1,734,210.47

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

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

Background

At the January 2016 Trial Court Budget Commission (TCBC) meeting, the Due Process Workgroup (Workgroup) presented their work plan, developed at their November 5, 2015, meeting. The work plan provided the general objective of the Workgroup, which is to identify the factors affecting the cost of providing court reporting, court interpreting, and expert witness services and to develop comprehensive fiscal and operational recommendations for the provision of due process services. Additionally, the Workgroup reported on the estimated available funds in due process, considering projected expenditures through year-end and current reserve funds, and provided an analysis on cost per expert witness evaluation, by circuit for FY 2014-15, based on Uniform Data Reporting statistics and expenditure data.

To accomplish the general objective, the Workgroup directed staff of the Office of the State Courts Administrator (OSCA) to gather information through the following two methods:

1. Survey court administration staff regarding expert witness operations, events, and rates.
2. Review a sample of expert witness invoices.

The Workgroup met on April 11, 2016, and again on May 4, 2016, to review updated expenditure and event data, discuss specific research performed by OSCA staff on expert witness costs and operations, and to determine potential process improvements and cost containment mechanisms. Some of the issues being considered by the Workgroup would require changes to current circuit practices and some would require changes in statute or rule. Each issue discussed by the Workgroup was considered for the type of approval required and the type of recommendation made. Specifically:

Type of Approval Required

- Needs Trial Court Budget Commission and Commission on Trial Court Performance and Accountability approval only.
- Needs Supreme Court approval, in addition to above approval.
- Needs Legislative approval, in addition to above approval.
- Refer issue to another entity.

Type of Recommendation

- Proposed requirement.
- Suggested improvement.

With information gathered from the two research projects, the Workgroup considered several process improvements and cost containment mechanisms, listed below along with their implementation requirements, for recommendation to the TCBC and TCP&A:

1. Statewide expert witness invoice – Administrative in nature, requires decision by TCBC and TCP&A for possible implementation effective July 1, 2016.
2. Uniform Data Reporting (UDR) system – Administrative in nature, requires decision by TCBC and TCP&A for possible implementation effective July 1, 2016.
3. Current provisions for Contracts – Administrative in nature, requires decision by TCBC and TCP&A. Implementation of this issue will be referred to the OSCA for further consideration.
4. Current payment responsibility matrix – Administrative in nature, requires decision by TCBC and TCP&A for possible implementation effective July 1, 2016.
5. Operational and policy improvements – Requires decision from TCBC and TCP&A before being advanced to the Supreme Court for consideration.
6. Statewide rate structure for expert witnesses – For informational purposes only. Will be presented to the TCBC and TCP&A for decision in August 2016 before being advanced to the Supreme Court for consideration.
7. Potential statutory and rule revisions – For informational purposes only. Will be presented to the TCBC and TCP&A for decision in August 2016 before being advanced to the Supreme Court for consideration.

Issue 1: Revise Statewide Expert Witness Invoice Template

Uniform Invoice for Expert Witness Services

The Office of Finance and Accounting within OSCA maintains the Uniform Invoice for Expert Witness Services (see ***Attachment A – Current Invoice***) and provides it to the circuits for their use in submitting bills. The form is not mandatory, and not all circuits use it. During the invoice review exercise, OSCA staff noted that information reported on the uniform invoice was more consistent. However, staff also acknowledges a potential increase in workload for circuit court administration staff in educating experts on the use of the form and requiring a policy on its use.

The Workgroup recommends requiring the use of the Uniform Invoice for Expert Witness Services as a standard.

Update to Uniform Invoice for Expert Witness Services

The current invoice form is missing several data elements that, if included, may help to standardize reporting of events and clarify payment responsibilities for both experts and court staff. In consultation with OSCA's Finance and Accounting and General Services units, the current invoice template has been revised to include data elements that will more closely align the invoice with the Uniform Data Reporting (UDR) system which will enhance the quality of information reported (see ***Attachment B – Revised Draft Invoice***). To gain input from circuit staff, the draft invoice was presented and discussed at the Administrative Services Division

Training in April 2016, and a statewide conference call was held in May 2016, to collect additional feedback.

The Workgroup recommends approving the current draft of the *Uniform Invoice for Expert Witness Services* for use by all circuits.

Decision Needed

Option 1: Approve the Workgroup recommendations regarding the *Uniform Invoice for Expert Witness Services*.

Option 2: Do not approve the Workgroup recommendations regarding the *Uniform Invoice for Expert Witness Services*.

Issue 2: Uniform Data Reporting

Background

The Uniform Data Reporting (UDR) system allows the OSCA to count events related to due process services (court reporting, court interpreting, and expert witness) as well as mediation and child support cases. The system consists of an online data input portal (see ***Attachment C – Current UDR Input Screen***) as well as instructions for counting each element. The Information is used to develop legislative budget requests and determine allocations. Recommended changes to the *Uniform Invoice for Expert Witness Services* will affect proposed changes to the UDR system. In order to determine how circuits are counting certain types of evaluations or different portions of the same evaluation, the survey to circuits included questions relating to UDR reporting.

Updating the Uniform Data Reporting (UDR) System

The data elements collected in the UDR system should be updated to more accurately reflect the types of expert witness events occurring in the trial courts and be more consistent with the updated uniform invoice. Modifications to the input portal should make reporting events easier for circuits and will improve data quality. A draft of suggested modifications is provided as ***Attachment D***.

The Workgroup recommends updating the UDR system to improve data reporting and reflect common case types. Implementation of this issue will be referred to the OSCA.

Uniform Data Reporting Instructions

At the time the UDR system was implemented, OSCA developed instructions for each data element captured. Modifications to the instructions could make reporting events more clear for circuit staff and should improve data quality. In addition, if proposed changes to the *Uniform Invoice for Expert Witness Services* are approved, instructions should be consistent with those changes.

The Workgroup recommends updating the UDR instructions. Implementation of this issue will be referred to the OSCA.

Training on Uniform Data Reporting

Results from the circuit survey and discussions with circuit staff have revealed a need for training in UDR event counting and reporting to improve data quality.

The Workgroup recommends developing a UDR training program for circuit staff. Implementation of this issue will be referred to the OSCA.

Data Quality

There is currently no process in place for auditing UDR data. Each circuit reports the data to OSCA, and the data is published online, but staff and workload constraints have precluded a formal audit to date.

The Workgroup recommends implementation of a routine audit process for UDR data. Implementation of this issue will be referred to the OSCA.

Decision Needed

Option 1: Approve the Workgroup recommendations regarding improvements to UDR.

Option 2: Do not approve the Workgroup recommendations regarding changes to UDR.

Issue 3: Contracts

The General Services unit within OSCA maintains sample contractual agreement forms, available to circuits for use, but does not have a contract form that specifically addresses expert witnesses. Additionally, not all circuits use contracts for expert witness services, and the current state policy requires a contract only when the service provider will be paid over \$35,000 per fiscal year. Based on information derived during the invoice review, and discussions with OSCA's Finance and Accounting and General Services units, processes for expert witness payments may be enhanced by developing a uniform contract template to be used statewide.

The Workgroup recommends developing a uniform expert witness contract template and noted that circuits should consider its use as a best practice. Implementation of this issue will be referred to the OSCA for further consideration.

Decision Needed

Option 1: Approve the Workgroup recommendations regarding contracts for expert witness services.

Option 2: Do not approve the Workgroup recommendations regarding contracts for expert witness services.

Issue 4: Revised Payment Responsibility Matrix

In 2005, and again in 2008, the then-chairs of the TCBC sent memorandums to the chief judges and trial court administrators advising them on issues related to the payment of expert witness fees, including statutory language changes and a matrix detailing the appropriate budget to be charged for certain case types. The matrix has not been formally updated since 2008. Court administration staff have referenced the matrix over the years and have posed questions to OSCA staff when they encounter scenarios that are not covered in the current matrix.

In November 2015, the Workgroup directed OSCA staff to work with the Office of the General Counsel to update the matrix for their consideration to improve accuracy. *Attachment E* is the current revised version of the *Payment Responsibility Matrix - Expert Witness*. This updated document represents current law. Revisions to statutes that are ambiguous, need to be corrected due to error, or may need to be amended to improve the process will be discussed below and will be presented to the TCBC and TCP&A for consideration in August 2016.

The Workgroup recommends approving the draft *Payment Responsibility Matrix - Expert Witness*, acknowledging that as policy decisions are codified and potential statutory changes made, OSCA staff will update the chart. They further recommend that the chair of the TCBC share the matrix with the trial courts and other interested parties.

Decision Needed

Option 1: Approve the Workgroup recommendations regarding the draft *Payment Responsibility Matrix - Expert Witness*.

Option 2: Do not approve the Workgroup recommendations regarding the draft *Payment Responsibility Matrix - Expert Witness*.

Issue 5: Proposed Operational/Policy Changes

The Workgroup identified several potential considerations regarding policy and operational changes that emerged from Workgroup discussions, information gathered from results of the survey to circuits, and additional concerns expressed by circuits.

Selection of Experts

When selecting experts for appointment, most circuits consult a registry maintained by their Office of Court Administration. Several circuits use a rotating wheel, selecting the next available expert on the registry; others allow the presiding judge to select any expert from the registry. Of the circuits that use a registry, most have lower average costs-per-event and have stated that the registry has been a useful tool in containing costs.

The Workgroup recommends, as a standard, requiring circuits to select experts from a registry maintained by the circuit.

Number of Experts to Appoint

Many circuits report relying on statute or rule for determining how many experts to appoint in each case. However, there are different interpretations of how many experts to appoint for initial competency evaluations. For example, statutory language requires one expert be appointed for standard adult competency evaluations in certain circumstances (s. 916.115, F.S.), but several circuits reported having local policies to appoint two experts at the start.

The Workgroup recommends, as a standard, a policy requiring that courts appoint one expert for the initial evaluation in standard adult competency evaluations and acknowledges that clarification of the statute may be helpful to distinguish requirements related to competency from requirements related to commitment.

The Workgroup further recommends, as a standard, a policy that courts appoint one expert for the initial evaluation in standard juvenile competency evaluations. (This would require a change to statute and rule.)

Payments in Extraordinary Circumstances

Most circuits set limits for expert witness payments either through specific language in their administrative order or simply by using flat rates for each evaluation. Some circuits do not have a procedure in place for identifying unusual rates or an approval process for authorizing payment of these rates. Several circuits indicate having a policy that identifies maximum rates and a procedure for authorizing payments in extraordinary circumstances as an effective cost containment measure. Some circuits require judicial approval of extraordinary rates in advance of the service being rendered; some require administrative approval.

The Workgroup recommends, as a standard, allowing courts to pay above the set rates for extraordinary circumstances, and provides suggested best practices to the circuits for developing a process to approve extraordinary rates.

Circuit Administrative Order

Most circuits already employ some form of written policy that governs expert witness practices. The Workgroup discussed recommending that each circuit adopt a comprehensive administrative order that details their policies on use and payment of expert witnesses. The order may include pay rates, policies on loss of income (“no shows”), procedures for addressing extraordinary rates or circumstances, policies on payment for travel and per diem expenses, policies and procedures for submission of invoices, and guidance on the evaluations for which the court is responsible for payment.

The Workgroup recommends, as a standard, requiring circuits to issue a comprehensive written policy to document rates, policies, and procedures relating to expert witnesses, but to allow circuits to choose the form of the written policy. The policy may include best practices recommended by the Workgroup.

Other Operational/Policy Considerations – Education and Training

The survey responses from circuits and the invoice review exercise highlight the differences in circuit practices as they relate to appointment of experts, use of administrative orders and contracts, billing and invoicing, and uniform data reporting. The Workgroup considered developing an educational component for circuit court administration staff regarding expert witness policies and practices and discussed the potential for an educational program for judges.

The Workgroup recommends, as a standard, referring the development of an educational component regarding use and payment of expert witnesses to the OSCA for further consideration of appropriate avenues for training.

Decision Needed

Option 1: Approve the Workgroup recommendations regarding the proposed operational/policy changes.

Option 2: Do not approve the Workgroup recommendations regarding the proposed operational/policy changes.

Issue 6: Proposed Rate Structure for Expert Witness Services

The Workgroup discussed development of a statewide rate structure for expert witness services as a tool to guide circuits on reasonable fees and to serve as a cost containment mechanism. They evaluated information provided in the expert witness invoice review and identified several factors that warrant careful consideration in developing a proposed statewide rate structure. These factors include:

1. Should a statewide expert witness rate structure be established for the trial courts?
2. Should statewide rates be developed for the different types of expert witness examinations?
3. Should a single flat rate, range of rates, or a ceiling amount up to but not exceeding the maximum rate be established? How should extraordinary and unusual circumstances be addressed?
4. Should separate rates be considered for geographical differences or circuit size?
5. Should travel be included in the recommended rate? If allowed to be billed separately, should travel be an hourly rate or standard mileage and per diem only?
6. Should a “No Show/Loss of Income” rate be established for instances where the defendant does not appear for an examination or an examination cannot be performed for circumstances beyond the expert’s control?

Decision Needed

None. For informational purposes only. The Workgroup considered other state courts and other Florida government entities policies and pay rates and is in the process of developing a proposed statewide rate structure. The Workgroup plans to present the proposed rate structure to the TCBC and TCP&A at their August 2016 meetings.

Issue 7: Proposed Statutory and Rule Revisions

As a result of the survey to court administration on their operations, events, and rates, and a review of current statutes and rules, a number of potential statutory and rule revisions, as shown below, were identified by the Workgroup. Please note, some of the statutory issues are technical or clarifying in nature, while others represent state policy changes.

- Adult Competency (ss. 916.115, 916.12, and 916.17, F.S.)
- Juvenile Competency – Mental Illness (s. 985.19, F.S.)
- Juvenile Competency – Intellectual Disability or Autism (s. 985.19, F.S.)
- Forensic Services for Intellectually Disabled or Autistic Defendants (s. 916.301, F.S.)
- Developmental Disabilities (s. 393.11, F.S.)
- Sentencing Evaluation (ss. 921.09 and 921.12, F.S.)
- Death Penalty – Intellectual Disability (s. 921.137, F.S.)
- Guardianship Examining Committee (s. 744.331, F.S.)

Decision Needed

None. For informational purposes only. The Workgroup is in the process of finalizing the proposed revisions to statutes and rule and plans to present the proposal to the TCBC and TCP&A at their August 2016 meetings.

Agenda Item III. Attachment C - Current UDR Input Screen

Court Reporting Number of Recording Hours	Court Reporting Transcripts	Court Reporting Media	Court Interpreting	Court Experts	Alternative Dispute Resolution Programs	Child Support	Log Out
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Circuit :
1st Circuit

Month : July

Calendar Year : 2008

**Uniform Data Reporting for Court Experts
Circuit 1**

Last updated:

Note: The purpose of this data is to identify the number of competency and other expert evaluations completed at court expense. This reporting requirement is not designed to identify how the service was provided (employee or contract) or correspond to employee's time sheets or to contractors' invoices, as the reality of providing these services can include scheduling and coverage requirements, travel time and waiting time. For additional instructions on Competency Evaluations [click here](#) and for Other Evaluations [click here](#).

Type of Proceeding	Number of Evaluations							
	Competency Evaluations					Other Evaluations		
	Adult Competency	Developmental Disabilities	Developmental Disabilities Examining Committee	Guardianship Examining Committee	Juvenile Competency	Custody Evaluation	Home Study	Other Evaluations
Circuit Criminal	0	0	0		0			0
County Criminal	0	0	0		0			0
Family Court - Dependency	0	0	0		0			0
Family Court - Delinquency		0	0		0			0
Guardianship				0				0
Family Court - All Other	0	0	0		0	0	0	0
Total	0	0	0	0	0	0	0	0

(In order to review totals and transmit data, please select the Submit Data or Update Data button.)

Proposed Format for Revised Uniform Data Reporting Screen

Type of Proceeding/Activity	Criminal				Civil				Other Examinations
	Adult Competence to Proceed		Juvenile Competence to Proceed		Incapacity		Involuntary Civil Commitment		
	Mental Illness	Intellectual Disability or Autism	Mental Illness	Intellectual Disability or Autism	Guardianship Examining Committee		Developmental Disability Examining Committee		
				Ph.D., M.D., or D.O.	ARNP, RN, LPN, LCSW, MSW, or Lay Person	Ph.D., M.D.	MSW, MS		
Circuit Criminal	s. 916.12, F.S.; s. 916.17, F.S.; s. 921.09, F.S.; s. 921.12, F.S.	ss. 916.301, F.S.-916.304, F.S.; s. 921.137, F.S.	s. 985.19(d), F.S.	s. 985.19 (e.), F.S.					
County Criminal	s. 916.12, F.S.; s. 916.17, F.S.; s. 921.09, F.S.; s. 921.12, F.S.	ss. 916.301, F.S.-916.304, F.S.							
Circuit Civil							s. 393.11, F.S.	s. 393.11, F.S.	
Family Court - Dependency									
Family Court - Delinquency			s. 985.19(d), F.S.	s. 985.19 (e.), F.S.					
Probate/Guardianship					s. 744.331, F.S.	s. 744.331, F.S.			
Follow-Up Evaluation	s. 916.12, F.S.	ss. 916.301, F.S.-916.304, F.S.	s. 985.19(d), F.S.	s. 985.19 (e.), F.S.	s. 744.331, F.S.	s. 744.331, F.S.	s. 393.11, F.S.	s. 393.11, F.S.	
Testimony	s. 916.12, F.S.	ss. 916.301, F.S.-916.304, F.S.	s. 985.19(d), F.S.	s. 985.19 (e.), F.S.	s. 744.331, F.S.	s. 744.331, F.S.	s. 393.11, F.S.	s. 393.11, F.S.	
No-Show/Unable to Evaluate	s. 916.12, F.S.	ss. 916.301, F.S.-916.304, F.S.	s. 985.19(d), F.S.	s. 985.19 (e.), F.S.	s. 744.331, F.S.	s. 744.331, F.S.	s. 393.11, F.S.	s. 393.11, F.S.	
Other Proceeding/Activity									
Total									

PAYMENT RESPONSIBILITY MATRIX
EXPERT WITNESS
 (June 2016)

The guiding principle to determine the court’s responsibility to pay is whether the appointment is made pursuant to an express grant of statutory authority. When there is no express grant of statutory authority, the question becomes whether the expert was appointed to advise the court or whether the expert is asked for by a party trying to advocate a position. Court expert witnesses are neutral witnesses, and we pay for those. A witness produced to prove insanity, as an example, is brought in by a party to prove a point. Those witnesses are paid by the party, even if the judge ultimately makes the appointment.

Note: This document represents current law and does not address statutory provisions that are ambiguous, need to be corrected due to errors, or may need to be amended to improve the process. It does not represent the universe of payment responsibilities that exist.

CASE TYPE	STATUTORY REFERENCE OR COURT RULE	BUDGET TO BE CHARGED
<p>Adult Competency (Mentally Deficient and Mentally Disabled Defendants) – Court appointed expert agrees to evaluate defendant under section 916.115, F.S., or the Florida Rules of Criminal Procedure, or any other relevant Florida law for determinations of competence to proceed.</p>	<p>Section 916.115(2), F.S. Section 916.12, F.S. Rules 3.210 and 3.211, Florida Rules of Criminal Procedure</p>	<p style="text-align: center;">Court</p> <p>For experts appointed by the court only for the determination of competency. If the expert addresses issues related to sanity as an affirmative defense, the court only pays for that portion of the fees related to competence.</p> <p>Unless an expert testifies regarding competency pursuant to an order from the court, the state courts system does not pay for the expert to testify in court.</p> <p style="text-align: center;">Public Defender</p> <p>For any experts retained by that office or the portion of the costs for an affirmative defense of insanity, if addressed in the same evaluation as the competency.</p> <p style="text-align: center;">Regional Counsel</p> <p>For any experts retained by that office or the portion of the costs for an affirmative defense of insanity, if addressed in the same evaluation as the competency.</p> <p style="text-align: center;">State Attorney</p> <p>For any experts retained by that office to testify on behalf of the prosecution and appointed by the court in order to ensure that the expert has access to the defendant.</p>

CASE TYPE	STATUTORY REFERENCE OR COURT RULE	BUDGET TO BE CHARGED
Adult Competency (Mentally Deficient and Mentally Disabled Defendants) – Continued		JAC For any experts retained by an indigent defendant who is represented by a court-appointed private attorney or who is indigent for costs, or the portion of the costs for an affirmative defense of insanity, if addressed in the same evaluation as the competency.
Fees of Physicians Who Determine Sanity at the Time of Sentence	Section 921.01, F.S.	County <i>(Current statute says that the fees shall be paid by the county but in practice the courts may pay.)</i>
Fees of Physicians When Pregnancy is Alleged as Cause for Not Pronouncing Sentence	Section 921.12, F.S.	County <i>(Current statute says that the fees shall be paid by the county but in practice, the courts may pay.)</i>
Adult Competency (Mentally Deficient and Mentally Ill Defendants – Violation of Conditional Release	Section 916.17, F.S.	Court, if needed <i>(Current statutes says that the court shall hold a hearing but is silent to who pays. In practice, the courts may pay.)</i>
Baker Act Evaluations – Expert agrees to provide independent examinations of patients under section 394.467(6)(a)2., F.S. (patient in a treatment facility).	Section 27.5304, F.S. Section 29.007(5), F.S. Section 394.467(6)(a), F.S. Section 394.473(2), F.S.	The patient pays for the independent evaluation, unless indigent. If indigent, JAC, PD, or Regional Counsel. The Courts do not pay for the facility employee to testify in court.
Adult Competency (Forensic Services for Persons Who are Intellectually Disabled or Autistic) – Expert agrees to evaluate defendants under sections 916.301-916.304, F.S., the Florida Rules of Criminal Procedure and any other relevant Florida law concerning allegations of incompetence to proceed to trial due to intellectual disabilities or autism.	Section 916.301, F.S.	Court
Adult Competency (Forensic Services for Persons Who are Intellectually Disabled or Autistic) – Violation of Conditional Release	Section 916.304(2), F.S.	Court, if needed <i>(Current statutes says that the court shall hold a hearing but is silent to who pays. In practice, the courts may pay.)</i>

CASE TYPE	STATUTORY REFERENCE OR COURT RULE	BUDGET TO BE CHARGED
<p>Developmental Disabilities Examining Committee – Expert agrees to act as a Developmental Disabilities Committee member to determine intellectual disabilities pursuant to section 393.11, F.S.</p>	<p>Section 393.11(5)(g), F.S.</p>	<p>County <i>(In practice, the courts have paid.)</i> From General Revenue fund of county in which the subject of the exam resided when the petition was filed. Court determines the reasonableness of the fees.</p>
<p>Guardianship Examining Committee – Expert agrees to act as Guardianship Examining Committee member in cases filed pursuant to section 744.331, F.S.</p>	<p>Section 744.331(7)(b), F.S. The fees awarded under paragraph (a) shall be paid by the guardian from the property of the ward or if the ward is indigent, by the state.</p>	<p>State, if ward’s estate cannot pay <i>(In practice, the courts have paid.)</i> Petitioner, if the court finds the petition was filed in bad faith, through cost recovery to the court. Statewide Public Guardian Office A public guardian will be provided only to those persons who needs cannot be met through less restrictive means of intervention, and may also serve in the capacity of a limited guardian or guardian advocate. 2016 legislation expands the use of public guardians.</p>
<p>Juvenile Competency (Mental Illness) – Expert agrees to evaluate juvenile defendants under section 985.19(1)(b), F.S., Florida Rules of Juvenile Procedure 8.095(c), and any other relevant Florida law for determinations of competency to proceed.</p>	<p>Section 985.19(1)(b), F.S. All determinations of competency shall be made at a hearing, with findings of fact based on an evaluation of the child’s mental condition made by not less than two nor more than three experts appointed by the court. Rule 8.095(c), Florida Rules of Juvenile Procedure</p>	<p>Court <i>(Current statute requires the fees to be taxed as costs in the case but is silent as to who pays. In practice, the courts have been paying.)</i> For experts appointed by the court only for the determination of competency. If the expert addresses issues related to sanity as an affirmative defense, the court only pays for that portion of the fees related to competence.</p>
<p>Juvenile Competency (Intellectual Disability or Autism) – Court orders the Agency for Persons with Disabilities to examine the child</p>	<p>Section 985.19(1)(e), F.S. For incompetency evaluations related to intellectual disability or autism, the court shall order the Agency for Persons with Disabilities to examine the child to determine if the child meets the definition of “intellectual disability” or “autism” in s. 393.063 and, if so, whether the child is competent to proceed with delinquency proceedings.</p>	<p>Agency for Persons with Disabilities (APD) <i>(Current statute states that the court shall order the APD to examine the child, which may suggests that the APD should bear the responsibility for payment. However, the statute states that the provisions of this section shall be implemented only subject to specific appropriations. APD reports that they do not have staff or appropriation for these exams. Until resolved, courts may pay.)</i></p>

CASE TYPE	STATUTORY REFERENCE OR COURT RULE	BUDGET TO BE CHARGED
<p>Ordinary Witnesses – Including, but not limited to witnesses in civil traffic cases.</p>	<p>Section 40.29(1), F.S.</p>	<p>The party calling the witness, if not indigent. If indigent, JAC, SA, PD or Regional Counsel, as provided in s. 29.005, 29.006, and 29.007 JAC forwards funds to the clerks of court to pay for ordinary witnesses from state funds appropriated for this purpose.</p>
<p>Traffic Court</p>	<p>Section 92.143, F.S.</p>	<p>Party who secures the attendance of witness. State Attorney If the witness is required to testify on behalf of the prosecution.</p>
<p>Local Ordinance Violations</p>	<p>Section 27.54(2), F.S.</p>	<p>County or Municipality Person charged with offense, if entering a plea of guilty or no contest or if found to be in violation or guilty, shall be assessed fees for services of a PD or regional counsel and other costs and fees paid by the county or municipality. Fees recovered shall be forwarded to the applicable county or municipality as reimbursement, for services provided.</p>
<p>Jimmy Ryce Act Cases</p>	<p>Sections 394.910-394.932, F.S.</p>	<p>JAC</p>
<p>Intellectual disability as a bar to the death penalty – Defense counsel asserts the limitation on the availability of the death penalty on an intellectually disabled persons.</p>	<p>Section 921.137, F.S.</p>	<p>Court <i>(Current statute requires the court to appoint experts but is silent as to who pays. In practice, the courts have been paying.)</i></p>

Agenda Item IV.A. FY 2016-17
Allotments – Report from Funding
Methodology Committee Chair on June
6, 2016, Meeting Discussions

Agenda Item IV.A.: Report from Funding Methodology Committee Chair on June 6, 2016, Meeting Discussions

The Funding Methodology Committee (FMC) met in person on June 6, 2016, in Tampa. Discussions included a review of the 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 members discussed OPPAGA's recommendations, specifically methodologies related to case managers and staff attorney resources, and agreed that the recommendations from OPPAGA related to legislative budget request (LBR) methodologies, not allocation methodologies. FMC directed staff from the Office of State Courts Administrator to develop alternative legislative budget request funding formulas for case managers and staff attorneys for consideration at the July 27, 2016 FMC meeting.

The Shared Remote Interpreting Workgroup's report will be discussed in detail in Agenda Item VI.

Additional discussions by the FMC included a review of the FY 2016-17 budget reductions and the TCBC approved budget management policies, and their potential implications for proposed FY 2016-17 circuit allocations. Noting the depletion of the due process reserve in FY 2014-15, the FY 2016-17 budget reductions, and the TCBC-approved budget management policies, the FMC considered several issues when developing their recommendations including the appropriate level of funds to be held in statewide reserve, whether to include circuit requests for additional funding, and if additional adjustments based on historical reversions are needed. Recommended circuit allocations will be discussed in the following agenda items.

Decision Needed

Informational only.

Agenda Item IV.B. FY 2016-17
Allotments – Allocation Policy and
Procedure Recommendations

Agenda Item IV.B. Allocation Policy and Procedure Recommendation

The Budget Management Committee (BMC) was charged by the Trial Court Budget Commission (TCBC) with developing recommendations for alternative allocation policies for FY 2016-17 budget. On April 12, 2016, the TCBC reviewed the recommendations of the BMC and approved alternative allocation policies for FY 2016-17, to ensure resources are maximized throughout the trial court budget. Additionally, for the TCBC meeting scheduled for June 17, 2016, the TCBC charged the BMC with developing additional procedural recommendations for consideration, if warranted, regarding: early access to additional allocations prior to the allocation release schedule; access to funds returned to the statewide pool; and how to address deficits in certain categories.

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

- A. TCBC Approved – Allocation Release Policy:** Allocations will be released in accordance with the state standard release plan of 25% per quarter. (*Release Schedule: July 1, 2016; October 3, 2016; January 3, 2017; and April 3, 2017.*)

Upon further review of administrative processes for payment of invoices and additional consultation with trial court administrators and trial court budgetary staff, an alternative policy for release of allocations may need to be considered, to alleviate administrative processes that may have an impact on timely vendor payment compliance, thus resulting in interest penalties, and sufficient available allotment balance to issue purchase orders and encumber contracts.

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.

Options:

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

Budget Management Committee Recommendation: Option 1

- B. Proposed – Early Release of Remaining Allocation(s) Procedure (*This procedure would not be needed if Alternative Allocation Release Policy Option 1, above, is approved*):**

Circuits may request an early release of allocation for any purchase orders, encumbrances or sum of invoices received that exceeds the cumulative quarterly allocation released amount

for any standard base operating category, if needed. 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 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.

C. TCBC Approved – Allocation Return Policy: Any unused allocations at the end of the 1st, 2nd, and 3rd quarters shall be returned to the statewide reserve to be used for statewide initiatives.

D. 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.

If Alternative Allocation Release Policy Option 1, above, is approved, the TCBC approved Allocation Return Policy could still 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 were less than 25% at the end of the 1st, 2nd, and 3rd quarters, then the remaining allocation would be returned to the statewide reserve.

E. 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.

Options:

- 1) Approve procedures D. and E., as outlined. (*Procedure B., does not require approval, if Alternative Allocation Release Policy Option 1 is approved*)
- 2) Approve procedures B., D., and E., as outlined.
- 3) Provide alternate B., D., and E., procedure recommendations.

Budget Management Committee Recommendation: Option 1

SPECIAL OPERATING CATEGORIES

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

A. TCBC Approved – Allocation Release Policy: Allocations for Compensation to Retired Judges (Senior Judge Days) category will be released quarterly at 25% per quarter. (*Release Schedule: July 1, 2016; October 3, 2016; January 3, 2017, and April 3, 2017*)

B. 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.

C. TCBC Approved – Allocation Return Policy: Any unused allocation at the end of the 2nd and 3rd quarters shall be returned to the statewide reserve.

D. 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.

Proceeding (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.

E. 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.

Options:

- 1) Approve procedures B., D., and E., as outlined.
- 2) Provide alternate B., D., and E., procedure recommendations.

Budget Management Committee Recommendation: Option 1

• **Civil Traffic Infraction Hearing Officers Category**

A. TCBC Approved – Allocation Policy: Allocations for Civil Traffic Infraction Hearing Officers category will be released at 100% and maintained at the statewide level, and expenditures will continue to be paid at the circuit level. For the purposes of monitoring and reporting, allocations approved by the TCBC will be treated as a spending CAP. Circuits are expected to continue to spend within the approved spending CAP.

B. 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.

C. 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.

Options:

- 1) Approve procedures B. and C., as outlined.
- 2) Provide alternate B. and C., procedure recommendations.

Budget Management Committee Recommendations: Option 1

• **Mediation/Arbitration Services Category**

A. TCBC Approved – Allocation Policy: Allocations for the Mediation/Arbitration Services category will be released at 100% and maintained at the statewide level, and expenditures will continue to be paid at the circuit level. For the purposes of monitoring and reporting, allocations approved by the TCBC will be treated as a spending CAP. Circuits are expected to continue to spend within the approved allocation (spending CAP).

B. 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.

C. 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.

Options:

- 1) Approve procedures B. and C.-Option 1, as outlined.
- 2) Approve procedures B. and C.-Option 2, as outlined.
- 3) Provide alternate B. and C. procedure recommendations.

Budget Management Committee Recommendation: Option 1

• **Due Process Services Categories**

A. TCBC Approved – Allocation Policy: Allocations for the Due Process Services category (Expert Witness, Court Reporting, and Court Interpreting) will be released at 100% and maintained at the statewide level, and expenditures will continue to be paid at the circuit level. For the purposes of monitoring and reporting, allocations approved by the TCBC will be treated as a spending CAP. Circuits are expected to continue to spend within the approved spending CAP.

B. 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.

C. 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.

Options:

- 1) Approve procedures B. and C., as proposed.
- 2) Provide alternate B. and C. procedure recommendations.

Budget Management Committee Recommendation: Option 1

• **Due Process Services (Cost Recovery)**

A. TCBC Approved – Allocation Policy: Cost Recovery allocations (trust fund budget authority) will be released at 100% or up to the available cash, not to exceed the approved allotment.

B. 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.

Options:

- 1) Approve procedure B., as proposed.
- 2) Provide alternate B. procedure recommendation.

Budget Management Committee Recommendation: Option 1

LEGISLATIVE SPECIFIC PROJECTS/STATEWIDE OPERATING CATEGORIES

A. TCBC Approved – Allocation Release Policy: Allocations for legislative specific projects such as: Child Advocacy Centers, Post-Adjudicatory Drug Court, Naltrexone,

Veterans Court, etc., and statewide operating categories such as Risk Management, Statewide Grand Jury, and Transfer to DMS for HR Services Assessment, etc., will be released quarterly at 25% per quarter. Any unspent funds will be reverted on September 30th of the next fiscal year, unless otherwise specified by the Legislature in the General Appropriations Act.

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.

Options:

- 1) Approve alternative allocation release policy.
- 2) Maintain allocation release policy approved by the TCBC on April 12, 2016.

B. Proposed – Allocation Early Release Procedure (*This procedure would not be needed if Alternative Allocation Release Policy Option 1 above, is approved*): Circuits may request an early release of allocation for any purchase orders, encumbrances or sum of invoices received that exceeds the cumulative quarterly allocation released amount for any legislative specific category, if needed. 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 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.

Options:

- 1) Approve procedure B., as outlined.
- 2) Provide alternate B. procedure recommendation.

Budget Management Committee Recommendation: Proposes 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.

Agenda Item IV.C. FY 2016-17
Allotments – Child Support Enforcement
Hearing Officers and General
Magistrates

Agenda Item IV.C.: Child Support Enforcement Hearing Officers and General Magistrates

Background

Each fiscal year, the Trial Court Budget Commission (TCBC) approves FTE allotments for the Child Support Enforcement Hearing Officer (CSEHO) and General Magistrate (GM) elements. Staff of the State Courts Administrator (OSCA) are directed to monitor vacancies in both categories throughout the fiscal year. According to established procedures (see **Attachment A**), when vacancies become available, staff are to recommend reallocating hearing officers/magistrates and administrative support FTEs based on the following: 1) maximum sustained net need based on workload (using projected filings, case weights, and total time available for case related work), 2) the one-to-one ratio of hearing officer/magistrate to administrative support, 3) Department of Revenue information where appropriate, and 4) circuit information. A minimum threshold of 0.5 FTE negative (excess) sustained net need must be met before reallocation will be considered. For reallocation of GM positions, the combined net need in both the GM and CSEHO categories should be considered. This information is submitted to the TCBC Executive Committee for consideration in allocations and reallocation of positions throughout the fiscal year.

In November 2014, the OSCA entered into a contract with the National Center for State Courts (NCSC) to evaluate judicial workload in Florida. Funding for the workload study was provided by the TCBC. In June 2015, the Supreme Court decided to include quasi-judicial officers such as senior judges, general magistrates, child support enforcement hearing officers, and civil traffic infraction hearing officers as part of the workload study. The NCSC draft report assessing the workload of judicial and quasi-judicial officers was received in May 2016. The final report is expected to be presented to the Supreme Court in June 2016.

Current Issue

Allotments for FY 2016-17 FTE need to be determined in both the CSEHO and GM elements. However, the allocation formula for GMs and CSEHOs rely on case weights that are currently under review. Because the case weights will not be finalized until after allocations are approved, staff recommend maintaining the existing distribution of FTEs, as of June 30, 2016, and placing a moratorium on the re-allocation process for these two elements. When the new case weights are approved and the determination of circuit need can be established based on the new weights, the Funding Methodology Committee and TCBC will need to approve the new maximum sustained net need charts for both elements and implement the re-allocation process.

Decision Needed

Approve or do not approve staff recommendation.

Funding Methodology Committee Recommendation

Approve staff recommendation to maintain the existing distribution of FTEs, place a moratorium on the re-allocation process, and revisit the re-allocation process once the new case weights have been approved.

E-mail Re: General Magistrates and Child Support Enforcement Hearing Officers

Chief Judges and Trial Court Administrators,

As a reminder, below are the Trial Court Budget Commission (TCBC) approved FY 2015-16 policies and procedures for the reallocation of General Magistrate (GM) and Child Support Enforcement Hearing Officer (CSEHO) positions. Also, attached are the Fiscal Year 2015-16 circuit allotments for the GM and CSEHO elements, as approved at the July 10, 2015, meeting of the TCBC. These allocations are based on a 3-year maximum sustained workload methodology that indicates each circuit's net need for hearing officers and general magistrates. The administrative support net need for both elements is based on maintaining a 1:1 ratio of hearing officer/general magistrate to support staff. These charts will be effective for the entire fiscal year. As a reminder, the procedures for reallocation of positions is listed below:

- 1) Reallocations will occur through attrition only - no filled positions will be reallocated.
- 2) Both elements will be monitored throughout the year for vacancies. Issues relating to vacant positions, as they become available, will be brought to the TCBC Executive Committee for final decision as to potential reallocation.
- 3) If you have a position that becomes vacant during the year *and* your circuit has a negative net need or uneven 1:1 ratio, as presented in the attached charts, please contact Kris Slayden (SlaydenK@flcourts.org), in Resource Planning, and Beatriz Caballero (CaballeroB@flcourts.org), in Personnel as soon as possible. This will initiate the process for reallocating resources. The position must be held vacant until the process is complete. Only the portion of the position that is considered excess, as indicated by the negative net need or ratio, needs to be held vacant and will be considered for reallocation. A minimum excess net need of 0.5 FTE must be met for reallocation to occur. The Office of Personnel Services will work with your circuit to align the FTE portion of the position that you may fill.
- 4) Circuits may use a General Magistrate to perform the work of a Child Support Enforcement Hearing Officer, however, a Child Support Enforcement Hearing Officer may only work on child support cases. Therefore, for reallocation of GM positions, the combined net need in both the GM and CSEHO categories will be considered.
- 5) The Department of Revenue and affected circuits will be contacted for information to supplement the workload analysis.
- 6) OSCA staff will collect all relevant information and schedule a call with the TCBC Executive Committee for a decision on reallocation.
- 7) The Executive Committee's decision will then be forwarded to the affected circuits and to the appropriate OSCA staff in Resource Planning, Budget, and Personnel for processing.

Please contact Kris or Beatriz if you have any questions.

Thanks,

Jessie McMillan

Agenda Item IV.D. FY 2016-17
Allotments – Full-Time Equivalent and
Base Operating Budgets

Agenda Item IV.D.: FTE and Base Operating Budgets

FTE Allotments

Each year, the Trial Court Budget Commission (TCBC) reviews elements to determine allocations. Unless new FTE resources are appropriated, or budget reductions are required, positions are typically not adjusted and current fiscal year allotments are maintained. For FY 2016-17, the Legislature did not appropriate any new FTEs to the trial courts nor did the base budget reductions impact the salary budget.

Base Operating Budgets

In the FY 2016-17 General Appropriations Act (GAA), the Legislature implemented base budget reductions within the circuit courts budget entity based on FY 2014-15 operating budget reversions. Affected categories include Other Personal Services (OPS), Expenses, and Contracted Services. At the April 12, 2016, meeting, the TCBC approved budget reductions based on each circuit's percent of the total FY 2014-15 reversions within each category. The proposed FY 2016-17 operating budget allotments are based on the FY 2015-16 beginning allotments and adjusted for permanent budget amendments, actions approved by the TCBC, non-recurring items, and approved personnel actions. The FY 2016-17 proposed operating budget allotments for each category are detailed in the following attachments. Please note, the proposed allotments reflect the budget reductions approved in April.

Decision Needed

Option 1: Approve proposed FY 2016-17 FTE and operating category allotments 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.

Option 2: Do not approve and consider an alternative.

Funding Methodology Committee (FMC) Recommendation: Approve *Option 1*.

Agenda Item IV.D. Full-Time Equivalent and Base Operating Budgets

**Trial Court Budget Allocations
FY 2016-17**

Child Support Enforcement - Federal Grants Trust Fund

Cost Center - 024

Circuit	Approved FY 2015-16				Proposed FY 2016-17			
	FTE	OPS 030000	Expense 040000	Total All Categories	FTE	OPS 030000	Expense 040000	Total All Categories
Statewide	-	25,748	-	25,748	-	25,748	-	25,748
1	4.50		6,276	6,276	4.50		6,276	6,276
2	2.50		4,184	4,184	2.50		4,184	4,184
3	1.50		2,426	2,426	1.50		2,426	2,426
4	5.50		8,784	8,784	5.50		8,784	8,784
5	4.50		2,789	2,789	4.50		2,789	2,789
6	6.00		9,563	9,563	6.00		9,563	9,563
7	2.00		2,956	2,956	2.00		2,956	2,956
8	4.00		11,384	11,384	4.00		11,384	11,384
9	7.00		7,593	7,593	7.00		7,593	7,593
10	3.75		4,417	4,417	3.75		4,417	4,417
11	7.00		8,337	8,337	7.00		8,337	8,337
12	5.00		7,472	7,472	5.00		7,472	7,472
13	5.00		5,578	5,578	5.00		5,578	5,578
14	2.50		3,985	3,985	2.50		3,985	3,985
15	4.00		5,578	5,578	4.00		5,578	5,578
16	-		-	0	-		-	0
17	4.00		5,911	5,911	4.00		5,911	5,911
18	4.00		6,276	6,276	4.00		6,276	6,276
19	2.00		3,819	3,819	2.00		3,819	3,819
20	2.25		3,288	3,288	2.25		3,288	3,288
Total	77.00	25,748	110,616	136,364	77.00	25,748	110,616	136,364

Agenda Item IV.D. Full-Time Equivalent and Base Operating Budgets

**Trial Court Budget Allocations
FY 2016-17**

**Circuit Judges and Judicial Assistants - General Revenue Fund
Cost Center - 110/111**

Circuit	Approved FY 2015-16						Proposed FY 2016-17					
	FTE	OPS 030000	Expense 040000	Contracted Services 100777	Lease Purchase 105281	Total All Categories	FTE	OPS 030000	Expense 040000	Contracted Services 100777	Lease Purchase 105281	Total All Categories
0						0						0
1	48.00		56,279	9,169	5,342	70,790	48.00		54,724	3,272	5,342	63,338
2	32.00		54,572	10,325	4,790	69,687	32.00		40,662	9,191	4,790	54,643
3	14.00		10,970			10,970	14.00		7,428			7,428
4	70.00		105,074	20,280	803	126,157	70.00		102,741	11,510	803	115,054
5	62.00		139,537		2,523	142,060	62.00		139,364		2,523	141,887
6	90.00	10,000	143,469	16,718	9,851	180,038	90.00	10,000	98,887	16,718	9,851	135,456
7	54.00		130,385		1,713	132,098	54.00		93,924		1,713	95,637
8	26.00		14,912		1,601	16,513	26.00		5,667		1,601	7,268
9	86.00		49,794			49,794	86.00		15,493			15,493
10	56.00		117,007		6,796	123,803	56.00		114,242		6,796	121,038
11	160.00		247,376			247,376	160.00	37,407	195,043			232,450
12	42.00		94,503			94,503	42.00		41,799			41,799
13	90.00		163,672	19,008		182,680	90.00		103,019	5,022		108,041
14	22.00		28,472			28,472	22.00		14,302			14,302
15	70.00		197,830			197,830	70.00		174,070			174,070
16	8.00		9,785			9,785	8.00		281			281
17	116.00		235,897	63,950	8,309	308,156	116.00		139,389	0	8,309	147,698
18	52.00		58,397	21,973	3,425	83,795	52.00		51,053	14,715	3,425	69,193
19	38.00		90,841	4,861	6,152	101,854	38.00		83,756	0	6,152	89,908
20	62.00		65,565	60,638	8,252	134,455	62.00		42,992	0	475	43,467
Total	1,198.00	10,000	2,014,337	226,922	59,557	2,310,816	1,198.00	47,407	1,518,836	60,428	51,780	1,678,451

Agenda Item IV.D. Full-Time Equivalent and Base Operating Budgets

Trial Court Budget Allocations

FY 2016-17

County Judges and Judicial Assistants - General Revenue Fund

Cost Center - 110/111

Circuit	Approved FY 2015-16					Proposed FY 2016-17				
	FTE	Expense 040000	Contracted Services 100777	Lease Purchase 105281	Total All Categories	FTE	Expense 040000	Contracted Services 100777	Lease Purchase 105281	Total All Categories
0					0					0
1	22.00	142,484		63	142,547	22.00	142,547		0	142,547
2	20.00	106,883			106,883	20.00	106,883			106,883
3	14.00	69,498	480	3,900	73,878	14.00	69,498	480	3,900	73,878
4	40.00	122,972		6,753	129,725	40.00	123,740		5,985	129,725
5	22.00	96,811	5,760	5,673	108,244	22.00	96,811	5,760	5,673	108,244
6	48.00	183,694		2,425	186,119	48.00	183,694		2,425	186,119
7	30.00	125,567			125,567	30.00	125,567			125,567
8	20.00	64,361	21,120	2,036	87,517	20.00	64,361	21,120	2,036	87,517
9	44.00	156,472			156,472	44.00	156,472			156,472
10	24.00	102,558		5,997	108,555	24.00	102,558		5,997	108,555
11	86.00	397,421	156,480	1,025	554,926	86.00	397,421	156,480	1,025	554,926
12	20.00	44,264	14,400		58,664	20.00	44,264	14,400		58,664
13	34.00	64,258	5,760		70,018	34.00	64,258	5,760		70,018
14	18.00	84,112			84,112	18.00	84,112			84,112
15	38.00	194,993		2,223	197,216	38.00	194,993		2,223	197,216
16	8.00	41,803		2,352	44,155	8.00	41,803		2,352	44,155
17	64.00	179,389			179,389	64.00	179,389			179,389
18	34.00	184,680		8,034	192,714	34.00	184,680		8,034	192,714
19	20.00	72,597			72,597	20.00	72,597			72,597
20	38.00	166,784			166,784	38.00	166,784			166,784
Total	644.00	2,601,601	204,000	40,481	2,846,082	644.00	2,602,432	204,000	39,650	2,846,082

Agenda Item IV.D. Full-Time Equivalent and Base Operating Budgets

**Trial Court Budget Allocations
FY 2016-17**

**Case Management - General Revenue Fund
Cost Center - 122**

Circuit	Approved FY 2015-16						Proposed FY 2016-17					
	FTE	OPS 030000	Expense 040000	Contracted Services 100777	Lease Purchase 105281	Total All Categories	FTE	OPS 030000	Expense 040000	Contracted Services 100777	Lease Purchase 105281	Total All Categories
0						0						0
1	12.00		12,480			12,480	12.00		12,480			12,480
2	6.00		6,089			6,089	6.00		6,089			6,089
3	6.00		15,012			15,012	6.00		15,012			15,012
4	21.00		30,916	924	1,606	33,446	21.00		30,916	924	1,606	33,446
5	11.00	21,313	1,830			23,143	11.00	21,313	1,830			23,143
6	23.50	14,600	24,987			39,587	24.00	14,600	24,987			39,587
7	15.50		30,450			30,450	15.50		30,450			30,450
8	7.00		9,600			9,600	7.00		9,600			9,600
9	19.00		38,031			38,031	19.00		38,031			38,031
10	12.50		16,093			16,093	12.50		16,093			16,093
11	48.00		4,139	20,846		24,985	48.00		4,139	0		4,139
12	10.00		11,589			11,589	9.00		11,589			11,589
13	22.00		19,237	86,400		105,637	22.00		19,237	86,400		105,637
14	7.00		13,265			13,265	7.00		13,265			13,265
15	21.00		34,853			34,853	21.00		34,853			34,853
16	6.00		5,655			5,655	6.00		5,655			5,655
17	33.00		35,952	27,648	13,049	76,649	33.00		35,952	0	13,049	49,001
18	12.50		19,212			19,212	12.50		19,212			19,212
19	7.00		8,317			8,317	7.00		8,317			8,317
20	18.00		11,917		11,037	22,954	18.00		19,400		608	20,008
Total	318.00	35,913	349,624	135,818	25,692	547,047	317.50	35,913	357,107	87,324	15,263	495,607

Agenda Item IV.D. Full-Time Equivalent and Base Operating Budgets

**Trial Court Budget Allocations
 FY 2016-17**

**Magistrates - General Revenue Fund
 Cost Center - 123**

Circuit	Approved FY 2015-16						Proposed FY 2016-17					
	FTE	OPS 030000	Expense 040000	Contracted Services 100777	Lease Purchase 105281	Total All Categories	FTE	OPS 030000	Expense 040000	Contracted Services 100777	Lease Purchase 105281	Total All Categories
0						0						0
1	6.50		6,828			6,828	6.50		6,828			6,828
2	4.00		6,365		941	7,306	4.00		6,365		941	7,306
3	1.00		7,012			7,012	1.00		7,012			7,012
4	13.00		17,818			17,818	13.00		17,818			17,818
5	10.00		25,920			25,920	10.00		25,920			25,920
6	14.25		15,496	38,400		53,896	14.25		15,496	38,400		53,896
7	7.50		21,334			21,334	7.50		21,334			21,334
8	3.00	24,500				24,500	3.00	17,026				17,026
9	10.00		39,591			39,591	10.00		39,591			39,591
10	7.00		11,799		1,372	13,171	7.00		11,799		1,372	13,171
11	22.00		7,989	10,286		18,275	22.00		7,989	0		7,989
12	7.00		6,835			6,835	7.00		6,835			6,835
13	14.00		8,962	27,000		35,962	14.00		8,962	27,000		35,962
14	3.00		6,298			6,298	3.00		6,298			6,298
15	13.00		38,219			38,219	13.00		38,219			38,219
16	-			58,944		58,944	-			34,828		34,828
17	17.50		57,279	6,912	6,254	70,445	17.50		57,279	0	6,254	63,533
18	7.00		8,298			8,298	7.00		8,298			8,298
19	6.00		12,467		2,520	14,987	6.00		12,467		2,520	14,987
20	10.00		9,460	16,320	7,340	33,120	10.00		15,400	16,320	0	31,720
Total	175.75	24,500	307,970	157,862	18,427	508,759	175.75	17,026	313,910	116,548	11,087	458,571

Trial Court Budget Commission

June 17, 2016

Orlando, Florida

Agenda Item IV.D. Full-Time Equivalent and Base Operating Budgets

Trial Court Budget Allocations

FY 2016-17

Expert Witness - General Revenue Fund

Cost Center - 127

Circuit	Approved FY 2015-16		Proposed FY 2016-17	
	FTE	Expense 040000	FTE	Expense 040000
0				
1				
2				
3				
4				
5				
6	1.00	1,095	1.00	1,095
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
Total	1.00	1,095	1.00	1,095

Agenda Item IV.D. Full-Time Equivalent and Base Operating Budgets

**Trial Court Budget Allocations
FY 2016-17**

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

Circuit	Approved FY 2015-16						Proposed FY 2016-17					
	FTE	OPS 030000	Expense 040000	Contracted Services 100777	Lease Purchase 105281	Total Categories	FTE	OPS 030000	Expense 040000	Contracted Services 100777	Lease Purchase 105281	Total Categories
0						0						0
1	18.00		72,102			72,102	18.00		72,102			72,102
2	10.00		36,309			36,309	10.00		36,309			36,309
3	5.00		17,680			17,680	5.00		17,680			17,680
4	1.00		1,286			1,286	1.00		1,286			1,286
5	16.00		19,200			19,200	16.00		19,200			19,200
6	36.00	4,000	67,701			71,701	36.00	4,000	67,701			71,701
7	13.00		47,357			47,357	13.00		47,357			47,357
8	14.00		46,558			46,558	14.00		46,558			46,558
9	36.00		118,276			118,276	36.00	19,512	88,245			107,757
10	12.00		13,281			13,281	12.00		13,281			13,281
11	4.00					0	4.00					0
12	15.00		60,979			60,979	15.00		60,979			60,979
13	3.00		46,522			46,522	3.00		46,522			46,522
14	5.00		19,065			19,065	5.00		19,065			19,065
15	20.75		44,412			44,412	21.75		44,412			44,412
16	5.00		10,216			10,216	4.00		10,216			10,216
17	29.00		59,000	6,048	3,400	68,448	29.00		59,000	0	3,400	62,400
18	12.00		37,426			37,426	12.00		37,426			37,426
19	13.00		48,250		2,940	51,190	13.00		48,250		2,940	51,190
20	15.00		14,976		2,112	17,088	15.00		5,250		0	5,250
Total	282.75	4,000	780,596	6,048	8,452	799,096	282.75	23,512	740,839	0	6,340	770,691

Agenda Item IV.D. Full-Time Equivalent and Base Operating Budgets

Trial Court Budget Allocations
 FY 2016-17

Court Interpreting - General Revenue Fund
 Cost Center - 131

Circuit	Approved FY 2015-16					Proposed FY 2016-17				
	FTE	Expense 040000	Contracted Services 100777	Lease Purchase 105281	Total Categories	FTE	Expense 040000	Contracted Services 100777	Lease Purchase 105281	Total Categories
0					0					0
1					0					0
2					0					0
3					0					0
4					0					0
5	5.00				0	5.00				0
6					0					0
7	3.00	4,454			4,454	3.00	4,454			4,454
8	1.00				0	1.00				0
9	10.00	37,679			37,679	10.00	37,679			37,679
10	6.00	8,928			8,928	6.00	8,928			8,928
11	41.00	28,800			28,800	41.00	28,800			28,800
12					0					0
13	10.00	6,372			6,372	10.00	6,372			6,372
14					0					0
15	13.00	23,144			23,144	13.00	23,144			23,144
16	2.00				0	2.00				0
17	15.50	37,117	4,320		41,437	15.50	37,117	0		37,117
18	1.00	411			411	1.00	411			411
19	2.00	6,488			6,488	2.00	6,488			6,488
20	7.00	297		951	1,248	7.00	2,700		0	2,700
Total	116.50	153,690	4,320	951	158,961	116.50	156,093	0	0	156,093

Agenda Item IV.D. Full-Time Equivalent and Base Operating Budgets

**Trial Court Budget Allocations
FY 2016-17**

**Trial Court Administration - General Revenue Fund
Cost Center - 210**

Circuit	Approved FY 2015-16							Proposed FY 2016-17						
	FTE	OPS 030000	Expense 040000	OCO 060000	Contracted Services 100777	Lease Purchase 105281	Total All Categories	FTE	OPS 030000	Expense 040000	OCO 060000	Contracted Services 100777	Lease Purchase 105281	Total All Categories
0							0							0
1	12.00		34,267	6,762	14,016	1,944	56,989	12.00		34,267	6,762	14,016	1,944	56,989
2	9.50		22,076	4,428	11,589		38,093	9.50		22,076	4,428	11,589		38,093
3	8.00		17,325	1,000	4,679	2,081	25,085	8.00		17,325	1,000	3,243	2,081	23,649
4	19.00		62,082	30,739	49,795	3,282	145,898	19.00		62,082	30,739	49,795	3,282	145,898
5	14.00		41,907	6,916	427		49,250	14.00		41,907	6,916	427		49,250
6	23.75	18,000	61,829	12,296	36,693		128,818	23.75	5,299	61,829	12,296	4,790		84,214
7	11.00		40,699	10,126	22,604		73,429	11.00		40,699	10,126	2,797		53,622
8	8.00		31,687	9,221	2,352		43,260	8.00		31,687	9,221	2,050		42,958
9	20.00	162,182	105,178	14,450	44,133		325,943	20.00	162,182	105,178	14,450	2,780		284,590
10	13.00		42,469	10,759	11,863		65,091	13.00		42,469	10,759	1,128		54,356
11	38.00		49,159	68,000	120,808		237,967	38.00		49,159	68,000	39,742		156,901
12	12.00		52,572	10,759		190	63,521	13.00		52,572	10,759		190	63,521
13	21.00		76,685	22,284	24,000		122,969	21.00		76,685	22,284	24,000		122,969
14	6.00		17,530	7,349	4,320		29,199	6.00		17,530	7,349	162		25,041
15	25.00	33,000	54,781	9,221	37,812		134,814	25.00	22,762	54,781	9,221	34,259		121,023
16	5.00		16,048	3,074	2,400		21,522	5.00		16,048	3,074	2,400		21,522
17	22.00		51,204	34,907	53,581	10,236	149,928	22.00		51,204	34,907	5,545	10,236	101,892
18	12.25		34,574	15,370	17,837		67,781	12.25		34,574	15,370	17,837		67,781
19	8.00		18,726	3,074	28,906	3,001	53,707	8.00		18,726	3,074	9,348	3,001	34,149
20	12.00		20,643	6,148	63,639	14,721	105,151	12.00		90,680	6,148	26,526	1,282	124,636
Total	299.50	213,182	851,441	286,883	551,454	35,455	1,938,415	300.50	190,243	921,478	286,883	252,434	22,016	1,673,054

Trial Court Budget Commission

June 17, 2016

Orlando, Florida

Agenda Item IV.D. Full-Time Equivalent and Base Operating Budgets

Trial Court Budget Allocations

FY 2016-17

Drug Court Case Management - General Revenue Fund

Cost Center - 217

Circuit	Approved FY 2015-16		Proposed FY 2016-17	
	FTE	Expense 040000	FTE	Expense 040000
0				
1	1.00	4,936	1.00	4,936
2		2,455		2,455
3	1.00	3,018	1.00	3,018
4	1.00	8,429	1.00	8,429
5	1.00	5,397	1.00	5,397
6		3,763		3,763
7	2.00	8,909	2.00	8,909
8		3,920		3,920
9	2.00	8,909	2.00	8,909
10		2,414		2,414
11	2.00	1,229	2.00	1,229
12	2.00	3,447	2.00	3,447
13	1.00	5,875	1.00	5,875
14	1.00	1,958	1.00	1,958
15	1.00	3,637	1.00	3,637
16	2.00	2,612	2.00	2,612
17	1.00	3,840	1.00	3,840
18	2.00	8,075	2.00	8,075
19	2.00	7,876	2.00	7,876
20		3,014		0
Total	22.00	93,713	22.00	90,699

Trial Court Budget Commission

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Agenda Item IV.D. Full-Time Equivalent and Base Operating Budgets

Trial Court Budget Allocations

FY 2016-17

Post Conviction Trial Court Law Clerks - General Revenue Fund

Cost Center - 257

Circuit	Approved FY 2015-16		Approved FY 2016-17	
	FTE	Expense 040000	FTE	Expense 040000
0				
1	2.00	6,613	2.00	6,613
2	3.00		3.00	
3	1.00	1,117	1.00	1,117
4	2.00		2.00	
5	2.00	1,457	2.00	1,457
6	2.00	457	2.00	457
7	1.50	1,457	1.50	1,457
8	2.00	1,077	2.00	1,077
9	1.00	1,457	1.00	1,457
10	2.00		2.00	
11	3.00		3.00	
12	2.00	1,093	2.00	1,093
13	2.00	1,457	2.00	1,457
14	2.00		2.00	
15	2.00	1,457	2.00	1,457
16				
17	2.00	1,728	2.00	1,728
18	1.00	661	1.00	661
19	1.00	729	1.00	729
20	1.00		1.00	
Total	34.50	20,760	34.50	20,760

Agenda Item IV.D. Full-Time Equivalent and Base Operating Budgets

Trial Court Budget Allocations

FY 2016-17

Trial Court Law Clerks - General Revenue Fund

Cost Center - 258

Circuit	Approved FY 2015-16						Proposed FY 2016-17					
	FTE	OPS 030000	Expense 040000	Contracted Services 100777	Lease Purchase 105281	Total All Categories	FTE	OPS 030000	Expense 040000	Contracted Services 100777	Lease Purchase 105281	Total All Categories
0						0						0
1	7.00		5,949			5,949	7.00		5,949			5,949
2	5.00		7,858			7,858	5.00		7,858			7,858
3	2.00		6,295			6,295	2.00		6,295			6,295
4	11.50		7,639	11,151		18,790	11.50		7,639	11,151		18,790
5	8.00	45,960	13,152	1,680		60,792	8.00	44,578	13,152	546		58,276
6	13.00	21,000	10,348	12,280		43,628	13.00	21,000	10,348	12,280		43,628
7	7.00		18,922			18,922	7.00		18,922			18,922
8	4.00		14,120			14,120	4.00		14,120			14,120
9	13.00		9,833			9,833	13.00		9,833			9,833
10	8.00		20,150			20,150	8.00		20,150			20,150
11	22.00		6,783	13,071		19,854	22.00		6,783	0		6,783
12	5.00		12,691			12,691	5.00		12,691			12,691
13	14.00		39,367	1,920		41,287	14.00		39,367	1,920		41,287
14	4.00		7,008			7,008	4.00		7,008			7,008
15	9.50		14,858			14,858	9.50		14,858			14,858
16	1.00		679			679	1.00		679			679
17	15.00		30,448	6,912	3,467	40,827	15.00		30,448	0	3,467	33,915
18	8.00		7,669			7,669	8.00		7,669			7,669
19	4.00		13,942			13,942	4.00		13,942			13,942
20	9.00		17,168		3,952	21,120	9.00		12,500		0	12,500
Total	170.00	66,960	264,879	47,014	7,419	386,272	170.00	65,578	260,211	25,897	3,467	355,153

Agenda Item IV.D. Full-Time Equivalent and Base Operating Budgets

Trial Court Budget Allocations

FY 2016-17

Cost Recovery - Administrative Trust Fund

Cost Center - 267

Circuit	Approved FY 2015-16				Proposed FY 2016-17			
	FTE	Expense 040000	Due Process Costs 105420	Total All Categories	FTE	Expense 040000	Due Process Costs 105420	Total All Categories
0				0				0
1			61,719	61,719			61,719	61,719
2			29,533	29,533			29,533	29,533
3			11,369	11,369			11,369	11,369
4			1,823	1,823			1,823	1,823
5			51,509	51,509			51,509	51,509
6	2.00		377,507	377,507	3.00		377,507	377,507
7			27,851	27,851			27,851	27,851
8			42,120	42,120			42,120	42,120
9	1.00	3,928	11,258	15,186	1.00	3,928	11,258	15,186
10			36,703	36,703			36,703	36,703
11			34,161	34,161			34,161	34,161
12			48,744	48,744			48,744	48,744
13			78,734	78,734			78,734	78,734
14			18,556	18,556			18,556	18,556
15			71,687	71,687			71,687	71,687
16			29,769	29,769			29,769	29,769
17			66,582	66,582			66,582	66,582
18			23,791	23,791			23,791	23,791
19			49,905	49,905			49,905	49,905
20			31,609	31,609			31,609	31,609
Total	3.00	3,928	1,104,930	1,108,858	4.00	3,928	1,104,930	1,108,858

Agenda Item IV.D. Full-Time Equivalent and Base Operating Budgets

Trial Court Budget Allocations

FY 2016-17

Mediation Arbitration Services - General Revenue Fund

Cost Center - 430

Circuit	Approved FY 2015-16					Proposed FY 2016-17				
	FTE	OPS 030000	Expense 040000	Lease Purchase 105281	Total All Categories	FTE	OPS 030000	Expense 040000	Lease Purchase 105281	Total All Categories
0					0					0
1	3.00		3,521		3,521	3.00		3,521		3,521
2	3.50		8,475		8,475	4.50		8,475		8,475
3	3.00		2,433		2,433	3.00		2,433		2,433
4	9.00		12,033	1,205	13,238	9.00		12,033	1,205	13,238
5	5.00		16,800		16,800	5.00		16,800		16,800
6	7.50	6,400	13,400		19,800	7.50	6,400	13,400		19,800
7	3.00		6,721		6,721	3.00		6,721		6,721
8	4.00		7,693		7,693	4.00		7,693		7,693
9	9.50		39,080		39,080	9.50		39,080		39,080
10	6.00		12,484		12,484	6.00		12,484		12,484
11	11.00		5,700		5,700	11.00		5,700		5,700
12	5.00		24,318		24,318	5.00		24,318		24,318
13	11.00		29,321		29,321	11.00		29,321		29,321
14	4.00		10,038		10,038	4.00		10,038		10,038
15	9.50		14,901	2,163	17,064	9.50		14,901	2,163	17,064
16	3.00		7,560		7,560	3.00		7,560		7,560
17	12.00		31,533	3,467	35,000	12.00		31,533	3,467	35,000
18	6.50		22,336		22,336	6.50		22,336		22,336
19	5.00		17,916		17,916	5.00		17,916		17,916
20	6.00		12,689	3,431	16,120	6.00		7,600	171	7,771
Total	126.50	6,400	298,952	10,266	315,618	127.50	6,400	293,863	7,006	307,269

Agenda Item IV.D. Full-Time Equivalent and Base Operating Budgets

Trial Court Budget Allocations

FY 2016-17

Due Process Cost Sharing - General Revenue Fund

Approved FY 2015-16				Proposed FY 2016-17			
Court Reporting Cost Center 729		Court Interpreting Cost Center 730		Court Reporting Cost Center 729		Court Interpreting Cost Center 730	
Circuit	FTE	Circuit	FTE	Circuit	FTE	Circuit	FTE
0		0		0		0	
1	4.0	1		1	4.0	1	
2	5.0	2		2	5.0	2	
3	1.0	3		3	1.0	3	
4		4		4		4	
5		5		5		5	
6	2.0	6		6	2.0	6	
7	1.0	7		7	1.0	7	
8	2.0	8		8	2.0	8	
9	8.0	9		9	8.0	9	
10	2.0	10		10	2.0	10	
11		11	11.0	11		11	11.0
12	3.0	12		12	3.0	12	
13	11.0	13		13	11.0	13	
14	2.0	14		14	2.0	14	
15	2.0	15		15	2.0	15	
16	1.0	16		16	1.0	16	
17	2.0	17		17	2.0	17	
18		18		18		18	
19		19		19		19	
20		20		20		20	
Total	46.0	Total	11.0	Total	46.0	Total	11.0

Agenda Item IV.D. Full-Time Equivalent and Base Operating Budgets

Trial Court Budget Allocations

FY 2016-17

Post-Adjudicatory Drug Court - General Revenue Fund

Cost Center - 753

Circuit	Approved FY 2015-16	Proposed FY 2016-17
	FTE	FTE
0		
1	1.0	1.0
2		
3		
4		
5	1.0	1.0
6	2.0	2.0
7	1.0	1.0
8		
9	2.0	2.0
10	2.0	2.0
11		
12		
13	3.0	3.0
14		
15		
16		
17	2.0	2.0
18		
19		
20		
Total	14.0	14.0

Agenda Item IV.E. FY 2016-17
Allotments – Non-Due Process
Contractual Allotments: Senior Judge
Days, Civil Traffic Infraction Hearing
Officers, Additional Compensation to
County Judges, and Mediation

Agenda Item IV.E.: FY 2016-17 Circuit Allotments – Non-Due Process Contractual Allotments

Each year, the Funding Methodology Committee (FMC) and the TCBC review contractual allotments for possible reallocation due to changes in expenditure trends and variability caused by other factors. Proposed allotments are developed, as appropriate, using a three year average of expenditures, contacting circuits for input on projected need, and striving to maintain a 10% target for reserve.

As part of the FY 2016-17 General Appropriations Act (GAA), the Legislature approved budget reductions for Senior Judges (\$324,000), Civil Traffic Infraction Hearing Officers (\$81,000), and Mediation (\$81,000). These reductions will be discussed below as part of the specific allotment options.

Circuit-level FY 2016-17 contractual authority allotments need to be determined. A vote is required by the TCBC for all issues listed below:

1. Senior Judge Days

Issue #1

Beginning in FY 2013-14, the trial courts received an additional \$88,415 (249 days) to address a continuing unfunded need for county judges in Citrus County. During the previous fiscal years' allocation process, the 5th Circuit received additional days, above their regular allocation, from the available 249 days, with any remaining 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?

Option 1: Determine circuit allotments strictly on the funding methodology and do not include any adjustment.

Option 2: Include circuit-specific adjustments to allocations.

Funding Methodology Committee Recommendation: Approve *Option 1*.

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 Attachment A)** 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.

Option 1: Approve proposed FY 2016-17 circuit allotments.

Option 2: Do not approve and consider an alternative.

Funding Methodology Committee Recommendation: Approve *Option 1*.

Issue #3

In the back of the GAA, the Legislature once again re-appropriated the unexpended funds from the FY 2015-16 appropriation for the compensation of retired judges (non-recurring). Currently, only 10 days are estimated to be re-appropriated. Given the small number of days estimated to be re-appropriated, these days were included in the proposed total days distributed as noted in Issue #2. Staff recommend re-allocating any additional unexpended FY 2015-16 senior judge days, beyond the estimated 10 days, in October after the certified forward process.

Option 1: Approve staff's recommendation.

Option 2: Place any additional unexpended days in the statewide reserve.

Funding Methodology Committee Recommendation: Approve *Option 1*.

2. Civil Traffic Infraction Hearing Officers (CTIHO)

Option 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 Attachment B)**

Option 2: Same methodology as Option 1; however, adjust each circuit's allocation by their proportion of FY 2014-15 reversions to account for the \$81,000 budget reduction. **(See Column J in Attachment B)**

Option 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 L in Attachment B)**

Funding Methodology Committee Recommendation: Approve *Option 2*.

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.

Option 1: Approve proposed FY 2016-17 circuit allotments using the current methodology. (See **Attachment C**)

Option 2: Do not approve and consider an alternative.

Funding Methodology Committee Recommendation: Approve *Option 1*.

4. Mediation

The methodology for this element utilizes a funding ceiling applied to each circuit (**See Attachment D**). 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 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 noted previously, 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.

Option 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. (See **Column I in Attachment D-2**)

Option 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 in Attachment D-2**)

Funding Methodology Committee Recommendation: Approve *Option 2*.

Trial Court Budget Commission June 17, 2016 Meeting

Senior Judge Days FY 2016-17 Proposed Contractual Allotment

A	B	C	D	E	F
Circuit	FY 2015-16 Number of Days Allocated	FY 2016-17 Percent of Total Judicial Need ¹	FMC Recommendation: FY 2016-17 Proposed Contractual Allotment ²	Net Difference (FY 2016-17 Proposed Contractual Allotment and FY 2015-16 Number of Days Allocated)	Estimated FY 2015-16 Days Used ³
1	295	4.0%	228	-67	222
2	191	2.7%	152	-39	198
3	102	1.5%	86	-16	17
4	488	5.9%	335	-153	352
5	624	4.9%	274	-350	500
6	678	7.4%	417	-261	408
7	373	4.7%	264	-109	308
8	165	2.4%	137	-28	107
9	544	7.3%	409	-135	358
10	313	4.2%	238	-75	290
11	1,064	13.1%	734	-330	714
12	279	3.3%	184	-95	252
13	603	6.7%	375	-228	476
14	160	2.2%	125	-35	83
15	467	5.8%	326	-141	350
16	57	0.8%	48	-9	30
17	786	9.7%	544	-242	683
18	371	4.7%	264	-107	474
19	242	3.1%	176	-66	127
20	434	5.7%	319	-115	332
Reserve	50		50	0	
Total	8,286	100.0%	5,685	-2,601	6,281

¹ FY 2016-17 percent of total judicial need is based on judicial need weighted caseload for circuit court plus the actual number of county court judges. Total may not be exact due to rounding.

² FY 2016-17 proposed contractual allotment is based on FY 2016-17 percent of total judicial need.

³ Estimated FY 2015-16 days used were annualized using regular senior judge days used from July 2015 to April 2016 as of May 31, 2016.

**Trial Court Budget Commission
June 17, 2016 Meeting
Civil Traffic Infraction Hearing Officers
FY 2016-17 Proposed Contractual Allotment Options**

A	B	C	D	E	F	G	H	I	J	K	L	M
							Proposed FY 2016-17 Allotment					
Circuit	FY 2015-16 Beginning Contractual Allotment	FY 2013-14 Contractual Expenditures	FY 2014-15 Contractual Expenditures	FY 2015-16 Estimated Contractual Expenditures ¹	Three Year Average Contractual Expenditures (FY 2013-14 to FY 2015-16 Estimated Contractual Expenditures)	Percent of Total Average Contractual Expenditures (FY 2013-14 to FY 2015-16 Estimated Contractual Expenditures)	Option 1: Based on Percent of Average Expenditures ²	Percent Difference (FY 2015-16 Beginning Contractual Allotment and Option 1)	FMC Recommendation Option 2: Based on Percent of Average Expenditures including Reductions based on FY 2014-15 Reversions	Percent Difference (FY 2015-16 Beginning Contractual Allotment and Option 2)	Option 3: Based on Percent of Average Expenditures including Reductions based on 3 Year Average Reversions	Percent Difference (FY 2015-16 Beginning Contractual Allotment and Option 3)
1	\$11,060	\$9,225	\$8,315	\$12,779	\$10,106	0.6%	\$11,958	8.1%	\$12,132	9.7%	\$11,436	3.4%
2	\$23,674	\$21,769	\$12,687	\$16,507	\$16,988	1.0%	\$20,101	-15.1%	\$20,505	-13.4%	\$19,971	-15.6%
3	\$6,336	\$5,343	\$4,079	\$4,183	\$4,535	0.3%	\$5,367	-15.3%	\$5,434	-14.2%	\$5,422	-14.4%
4	\$60,347	\$55,800	\$43,221	\$66,533	\$55,185	3.2%	\$65,297	8.2%	\$66,421	10.1%	\$66,886	10.8%
5	\$71,914	\$64,706	\$52,365	\$76,830	\$64,634	3.7%	\$76,477	6.3%	\$76,823	6.8%	\$77,302	7.5%
6	\$66,033	\$59,870	\$42,890	\$53,716	\$52,159	3.0%	\$61,716	-6.5%	\$60,932	-7.7%	\$60,997	-7.6%
7	\$75,582	\$69,000	\$52,175	\$69,030	\$63,402	3.7%	\$75,019	-0.7%	\$74,533	-1.4%	\$75,132	-0.6%
8	\$65,361	\$62,258	\$37,500	\$42,900	\$47,553	2.8%	\$56,266	-13.9%	\$56,092	-14.2%	\$56,260	-13.9%
9	\$221,504	\$194,769	\$164,568	\$199,331	\$186,223	10.8%	\$220,346	-0.5%	\$221,712	0.1%	\$222,265	0.3%
10	\$26,477	\$23,725	\$18,100	\$20,410	\$20,745	1.2%	\$24,546	-7.3%	\$24,460	-7.6%	\$24,170	-8.7%
11	\$729,419	\$627,850	\$519,450	\$607,880	\$585,060	33.9%	\$692,267	-5.1%	\$688,775	-5.6%	\$695,858	-4.6%
12	\$55,579	\$49,000	\$40,833	\$47,775	\$45,869	2.7%	\$54,274	-2.3%	\$55,332	-0.4%	\$55,091	-0.9%
13	\$141,910	\$127,860	\$104,790	\$117,780	\$116,810	6.8%	\$138,214	-2.6%	\$138,945	-2.1%	\$138,049	-2.7%
14	\$19,572	\$15,343	\$12,283	\$15,461	\$14,362	0.8%	\$16,994	-13.2%	\$16,898	-13.7%	\$16,340	-16.5%
15	\$125,424	\$117,579	\$73,115	\$83,237	\$91,310	5.3%	\$108,042	-13.9%	\$103,037	-17.8%	\$98,332	-21.6%
16	\$28,846	\$24,605	\$22,956	\$26,865	\$24,809	1.4%	\$29,355	1.8%	\$30,085	4.3%	\$29,643	2.8%
17	\$286,520	\$247,258	\$216,340	\$255,554	\$239,717	13.9%	\$283,643	-1.0%	\$288,746	0.8%	\$290,686	1.5%
18	\$14,224	\$12,500	\$11,230	\$9,552	\$11,094	0.6%	\$13,127	-7.7%	\$13,327	-6.3%	\$10,400	-26.9%
19	\$31,644	\$27,876	\$28,125	\$31,541	\$29,181	1.7%	\$34,528	9.1%	\$34,781	9.9%	\$34,350	8.6%
20	\$62,428	\$57,602	\$38,299	\$44,350	\$46,750	2.7%	\$55,317	-11.4%	\$53,884	-13.7%	\$54,264	-13.1%
Total	\$2,123,854	\$1,873,938	\$1,503,321	\$1,802,214	\$1,726,491	100.0%	\$2,042,854	-3.8%	\$2,042,854	-3.8%	\$2,042,854	-3.8%

¹ FY 2015-16 estimated contractual expenditures are based on actual expenditure data from July 2015 through April 2016 and includes an estimate for certified forwards.

² The FY 2016-17 proposed contractual allotment for option 1 applies the percent of total average contractual expenditures to the total FY 2016-17 appropriated contractual amount. Option 2 applies the percent of total average contractual expenditures to the total FY 2016-17 appropriated contractual amount and provides an adjustment based on each circuit's percent of FY 2014-15 reversions. Option 3 applies the percent of total average contractual expenditures to the total FY 2016-17 appropriated contractual amount and provides an adjustment based on each circuit's percent of the 3 year average reversions.

Trial Court Budget Commission
June 17, 2016 Meeting
Civil Traffic Infraction Hearing Officer Contractual Reversions
FY 2012-13 through FY 2014-15

A	B	C	D	E
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Circuit	FY 2012-13 Reversions	FY 2013-14 Reversions	FY 2014-15 Reversions	3 Year Average
1	\$6,262	\$2,458	\$2,260	\$3,660
2	\$7,230	\$31	\$2,952	\$3,404
3	\$527	\$111	\$1,090	\$576
4	\$3	\$0	\$11,000	\$3,668
5	\$2,122	\$2,013	\$20,189	\$8,108
6	\$3,388	\$7,216	\$24,282	\$11,629
7	\$74	\$5,449	\$26,008	\$10,510
8	\$2,504	\$4,071	\$18,074	\$8,216
9	\$0	\$19,719	\$55,396	\$25,038
10	\$3,716	\$3,196	\$7,961	\$4,958
11	\$30,149	\$183	\$232,524	\$87,619
12	\$0	\$6,491	\$8,225	\$4,905
13	\$17,830	\$8,683	\$35,692	\$20,735
14	\$4,207	\$4,641	\$5,789	\$4,879
15	\$79,058	\$5,299	\$69,820	\$51,392
16	\$2,947	\$3,440	\$3,260	\$3,216
17	\$56	\$93	\$46,169	\$15,439
18	\$31,331	\$2,035	\$2,407	\$11,924
19	\$5,243	\$3,420	\$8,383	\$5,682
20	\$5,226	\$3,284	\$27,254	\$11,921
Total	\$201,870	\$81,832	\$608,734	\$297,478

F	G	H	I
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Percent of Total FY 2014-15 Reversions	Proposed Allotment Reduction	Percent of Total 3 Year Average Reversions	Proposed Allotment Reduction
0.4%	\$301	1.2%	\$997
0.5%	\$393	1.1%	\$927
0.2%	\$145	0.2%	\$157
1.8%	\$1,464	1.2%	\$999
3.3%	\$2,686	2.7%	\$2,208
4.0%	\$3,231	3.9%	\$3,166
4.3%	\$3,461	3.5%	\$2,862
3.0%	\$2,405	2.8%	\$2,237
9.1%	\$7,371	8.4%	\$6,818
1.3%	\$1,059	1.7%	\$1,350
38.2%	\$30,940	29.5%	\$23,858
1.4%	\$1,094	1.6%	\$1,336
5.9%	\$4,749	7.0%	\$5,646
1.0%	\$770	1.6%	\$1,328
11.5%	\$9,290	17.3%	\$13,994
0.5%	\$434	1.1%	\$876
7.6%	\$6,143	5.2%	\$4,204
0.4%	\$320	4.0%	\$3,247
1.4%	\$1,115	1.9%	\$1,547
4.5%	\$3,626	4.0%	\$3,246
100.0%	\$81,000	100.0%	\$81,000

Trial Court Budget Commission
June 17, 2016 Meeting
Additional Compensation for County Judges
FY 2016-17 Proposed Contractual Allotment

A	B	C	D	E	F	G	H	I
Circuit	FY 2015-16 Beginning Contractual Allotment	FY 2013-14 Contractual Expenditures ¹	FY 2014-15 Contractual Expenditures ¹	FY 2015-16 Estimated Contractual Expenditures ¹	Total Contractual Expenditures (FY 2013-14 to FY 2015-16 Estimated Contractual Expenditures)	Percent of Total Contractual Expenditures (FY 2013-14 to FY 2015-16 Estimated Contractual Expenditures)	FMC Recommendation: FY 2016-17 Proposed Contractual Allotment Using Current Methodology ²	Percent Difference (FY 2015-16 Beginning Contractual Allotment and FY 2016-17 Proposed Contractual Allotment Using Current Methodology)
1	\$2,209	\$2,405	\$789	\$361	\$3,555	1.5%	\$1,122	-49.2%
2	\$1,489	\$1,483	\$1,445	\$1,560	\$4,488	1.9%	\$1,417	-4.8%
3	\$7,043	\$10,342	\$6,337	\$4,933	\$21,612	9.1%	\$6,822	-3.1%
4	\$1,992	\$4,538	\$1,550	\$2,467	\$8,555	3.6%	\$2,701	35.6%
5	\$236	\$1,066	\$387	\$678	\$2,131	0.9%	\$673	185.2%
6	\$5,287	\$6,898	\$9,844	\$5,204	\$21,946	9.2%	\$6,928	31.0%
7	\$3,861	\$3,528	\$4,250	\$5,018	\$12,796	5.4%	\$4,039	4.6%
8	\$3,350	\$3,670	\$3,574	\$1,350	\$8,594	3.6%	\$2,713	-19.0%
9	\$0	\$0	\$0	\$0	\$0	0.0%	\$0	NA
10	\$3,020	\$2,411	\$4,036	\$2,816	\$9,263	3.9%	\$2,924	-3.2%
11	\$13,756	\$11,042	\$11,151	\$13,171	\$35,364	14.9%	\$11,163	-18.8%
12	\$0	\$0	\$0	\$0	\$0	0.0%	\$0	NA
13	\$15,364	\$14,843	\$12,038	\$20,581	\$47,462	20.0%	\$14,981	-2.5%
14	\$1,110	\$980	\$530	\$872	\$2,382	1.0%	\$752	-32.3%
15	\$733	\$407	\$442	\$154	\$1,003	0.4%	\$317	-56.8%
16	\$2,044	\$1,509	\$3,705	\$3,449	\$8,663	3.7%	\$2,735	33.8%
17	\$1,835	\$1,728	\$1,871	\$126	\$3,725	1.6%	\$1,176	-35.9%
18	\$97	\$105	\$191	\$323	\$619	0.3%	\$195	101.0%
19	\$1,947	\$3,841	\$3,828	\$3,298	\$10,967	4.6%	\$3,462	77.8%
20	\$9,527	\$9,156	\$12,338	\$12,654	\$34,148	14.4%	\$10,780	13.2%
Reserve	\$100	\$0	\$0	\$0			\$100	
Total	\$75,000	\$79,952	\$78,306	\$79,015	\$237,273	100.0%	\$75,000	0.0%

¹ FY 2013-14 and FY 2014-15 contractual expenditures includes uncompensated expenditures. FY 2015-16 estimated contractual expenditures is based on actual expenditure data from July 2015 to April 2016, includes uncompensated expenditures submitted through April 18, 2016, and includes an estimate for certified forwards.

² FY 2016-17 proposed contractual allotment using current methodology distributes \$75,000 (less \$100 in reserve) based on the percent of total contractual expenditures.

**Trial Court Budget Commission
June 17, 2016 Meeting
Mediation Arbitration Services
FY 2016-17 Funding Ceiling Table**

A	B	C	D	E	F	G	H	I	J
Circuit	Maximum Sessions Held ¹					Funding Methodology			
	Small Claims	Other County Civil	Family	Dependency	Total Projected Sessions Held	Direct Mediation Services ²	Number of Facilities	Coordination/ Volunteer/ Pro Bono/ Multi-Facility Adjustments ³	FY 2016-17 Funding Ceiling ⁴
1	568	25	449	176	1,218	\$199,798	6	\$89,909	\$289,707
2	882	31	618	104	1,635	\$235,403	7	\$105,931	\$341,334
3	353	0	354	125	832	\$150,760	7	\$67,842	\$218,602
4	692	152	1,316	34	2,194	\$424,540	3	\$169,816	\$594,356
5	1,505	115	1,279	1,392	4,291	\$835,713	6	\$376,071	\$1,211,784
6	2,185	35	1,364	288	3,872	\$540,613	6	\$243,276	\$783,889
7	897	516	1,148	0	2,561	\$381,690	6	\$171,761	\$553,451
8	490	26	767	20	1,303	\$246,875	6	\$111,094	\$357,969
9	3,860	435	3,195	71	7,561	\$1,073,313	3	\$429,325	\$1,502,638
10	268	325	1,235	157	1,985	\$435,148	5	\$195,817	\$630,965
11	2,565	2,308	3,466	462	8,801	\$1,316,250	8	\$592,313	\$1,908,563
12	1,191	101	659	100	2,051	\$255,308	6	\$114,889	\$370,197
13	1,857	188	2,170	188	4,403	\$751,590	2	\$300,636	\$1,052,226
14	552	155	433	292	1,432	\$234,353	7	\$105,459	\$339,812
15	3,011	666	2,039	818	6,534	\$942,295	4	\$424,033	\$1,366,328
16	139	28	107	28	302	\$44,330	3	\$19,949	\$64,279
17	3,758	1,396	2,004	768	7,926	\$959,110	4	\$431,600	\$1,390,710
18	1,170	183	1,656	304	3,313	\$618,263	4	\$278,218	\$896,481
19	472	141	764	268	1,645	\$324,328	5	\$145,948	\$470,276
20	3,646	88	1,869	387	5,990	\$753,020	7	\$338,859	\$1,091,879
Total	30,061	6,914	26,892	5,982	69,849	\$10,722,700	105	\$4,712,746	\$15,435,446

¹ Maximum sessions held reflects the maximum number of actual sessions held over a three year period.

² Direct mediation services is the sum of median cost of a session multiplied by the average number of hours per session multiplied by the maximum sessions held for small claims, other county civil, family, and dependency. For example, the dollars required to provide direct mediation services for the First Circuit is: \$20*1 hour*568*maximum small claims sessions held plus \$25*1.5 hours*25 maximum other county civil sessions held plus \$100*3 hours*449 maximum family sessions held plus \$100*3 hours*176 maximum dependency sessions held, totaling \$199,798.

³ Coordination/volunteer/pro bono/multi-facility apply adjustments to direct mediation services. All circuits receive a 50% increase for coordination and a 20% reduction for volunteer and pro bono. The multi-facility adjustment includes a 10% increase for circuits with 2 to 3 facilities and a 15% increase for the 16th circuit and circuits with 4 or more facilities. Totals may not be exact due to rounding.

⁴ FY 2016-17 funding ceiling is the sum of direct mediation services and the coordination/volunteer/pro bono/multi-facility adjustments.

Trial Court Budget Commission June 17, 2016 Meeting Mediation Arbitration Services FY 2016-17 Proposed Contractual Allotment Options

Note: If unanticipated expenditures arise during the year that cannot be covered by the approved allotment, additional funds may be requested from the reserve.

A	B	C	D	E	F	G	H	I	J	K	L
								FY 2016-17 Proposed Contractual Allotment			
Circuit	FY 2015-16 Beginning Contractual Allotment	FY 2015-16 FTE Allotment ¹	FY 2015-16 Salaries, Benefits, & Expenses ¹	Three Year Average Contractual Expenditures (FY 2013-14 to FY 2015-16 Estimated Contractual Expenditures)	FY 2016-17 Estimated Budget ²	FY 2016-17 Funding Ceiling ³	Amount Under/Over (-) FY 2016-17 Funding Ceiling (Ceiling minus Estimated Budget)	Option 1 Current Methodology ⁴	Percent Difference (Current Methodology and FY 2015-16 Beginning Contractual Allotment)	FMC Recommendation: Option 2 5 Percent Increase of Option 1 ⁴	Percent Difference (Partially Held Harmless and FY 2015-16 Beginning Contractual Allotment)
1	\$92,051	3	\$159,511	\$94,408	\$253,919	\$289,707	\$35,788	\$94,408	2.6%	\$99,128	7.7%
2 ⁵	\$120,974	4.5	\$270,054	\$48,109	\$318,163	\$341,334	\$23,171	\$48,109	-60.2%	\$50,514	-58.2%
3	\$19,097	3	\$182,611	\$15,720	\$198,331	\$218,602	\$20,271	\$15,720	-17.7%	\$16,506	-13.6%
4	\$0	9	\$570,491	\$0	\$570,491	\$594,356	\$23,865	\$0	NA	\$0	NA
5	\$135,119	5	\$382,297	\$120,570	\$502,867	\$1,211,784	\$708,917	\$120,570	-10.8%	\$126,599	-6.3%
6	\$425,481	7.5	\$410,196	\$463,670	\$873,866	\$783,889	-\$89,977	\$373,693	-12.2%	\$373,693	-12.2%
7	\$91,980	3	\$194,723	\$86,870	\$281,593	\$553,451	\$271,858	\$86,870	-5.6%	\$91,214	-0.8%
8	\$52,673	4	\$241,921	\$52,735	\$294,656	\$357,969	\$63,313	\$52,735	0.1%	\$55,372	5.1%
9	\$557,188	9.5	\$553,316	\$525,821	\$1,079,137	\$1,502,638	\$423,501	\$525,821	-5.6%	\$552,112	-0.9%
10	\$42,339	6	\$316,673	\$42,487	\$359,160	\$630,965	\$271,805	\$42,487	0.3%	\$44,611	5.4%
11	\$71,387	11	\$754,029	\$72,230	\$826,259	\$1,908,563	\$1,082,304	\$72,230	1.2%	\$75,842	6.2%
12	\$2,226	5	\$365,591	\$860	\$366,451	\$370,197	\$3,746	\$860	-61.4%	\$903	-59.4%
13	\$422,988	11	\$629,147	\$438,315	\$1,067,462	\$1,052,226	-\$15,236	\$423,079	0.0%	\$423,079	0.0%
14	\$29,504	4	\$257,707	\$40,200	\$297,907	\$339,812	\$41,905	\$40,200	36.3%	\$42,210	43.1%
15	\$94,191	9.5	\$624,536	\$93,368	\$717,904	\$1,366,328	\$648,424	\$93,368	-0.9%	\$98,036	4.1%
16 ⁵	\$38,439	3	\$181,177	\$4,334	\$185,511	\$64,279	\$0	\$13,003	-66.2%	\$13,653	-64.5%
17	\$94,931	12	\$792,036	\$117,390	\$909,426	\$1,390,710	\$481,284	\$117,390	23.7%	\$123,260	29.8%
18	\$125,529	6.5	\$418,689	\$124,624	\$543,313	\$896,481	\$353,168	\$124,624	-0.7%	\$130,855	4.2%
19	\$4,114	5	\$307,244	\$2,913	\$310,157	\$470,276	\$160,119	\$2,913	-29.2%	\$3,059	-25.6%
20	\$489,042	6	\$316,430	\$478,117	\$794,547	\$1,091,879	\$297,332	\$478,117	-2.2%	\$502,023	2.7%
Reserve	\$338,578							\$381,422		\$284,950	-15.8%
Total	\$3,247,831	127.5	\$7,928,379	\$2,822,741	\$10,751,120	\$15,435,446	\$4,805,558	\$3,107,619		\$3,107,619	

¹ FY 2015-16 FTE allotment, salaries and benefits are based on April 2016 circuit payroll projections. In addition, expenses include OPS for circuit 6 and lease purchase in circuits 4, 15, 17, and 20.

² FY 2016-17 estimated budget is the sum of FY 2015-16 salaries, benefits, and expenses and three year average contractual expenditures.

³ FY 2016-17 funding ceiling the sum of direct mediation services and the coordination/volunteer/pro bono/multi-facility adjustments.

⁴ FY 2016-17 proposed contractual allotment option 1 is based on the three year average contractual expenditures as long as the proposed contractual allotment does not cause a circuit to exceed the ceiling calculation. Option 2 is the same as option 1, but provides a 5 percent increase as long as the increase does not cause a circuit to exceed the ceiling calculation.

⁵ In FY 2015-16, circuit 2 exchanged contractual funding for 1.0 FTE. As a result, the three-year average contractual expenditures was reduced by \$59,212 (the cost of the FTE). Circuit 16 proposed allocations reflect FY 2015-16 expenditures.

**Trial Court Budget Commission
 June 17, 2016 Meeting
 Mediation Arbitration Services
 Contractual Expenditures
 FY 2013-14 through Estimated FY 2015-16**

A	B	C	D
Circuit	FY 2013-14 Contractual Expenditures	FY 2014-15 Contractual Expenditures	FY 2015-16 Estimated Contractual Expenditures ¹
1	\$82,200	\$95,594	\$105,430
2	\$117,700	\$120,360	\$83,902
3	\$14,867	\$17,579	\$14,713
4	\$0	\$0	\$0
5	\$107,134	\$122,420	\$132,155
6	\$442,903	\$484,145	\$463,961
7	\$87,600	\$87,600	\$85,410
8	\$47,088	\$48,595	\$62,522
9	\$515,060	\$519,072	\$543,332
10	\$35,592	\$48,593	\$43,275
11	\$74,349	\$64,342	\$78,000
12	\$2,580	\$0	\$0
13	\$443,465	\$423,849	\$447,632
14	\$36,883	\$40,713	\$43,004
15	\$101,600	\$86,725	\$91,780
16	\$0	\$0	\$13,003
17	\$97,798	\$86,200	\$168,173
18	\$112,295	\$136,073	\$125,505
19	\$3,500	\$2,900	\$2,340
20	\$440,347	\$477,253	\$516,750
Total	\$2,762,961	\$2,862,013	\$3,020,887

¹ FY 2015-16 estimated contractual expenditures is based on actual expenditure data from July 2015 to April 2016 and includes an estimate for certified forwards.

Circuit Responses – Non-Due Process Contractual Elements

1st Circuit:

No response for non-due process contractual elements.

2nd Circuit:

The only element we need additional resources for is Mediation. We utilized \$23,658 of our expense funds to address a deficit in the current fiscal year. For FY 2016-17, we anticipate spending at the same level as FY 2015-16 and would be unable to cover within our base funding due to the legislative issue which reduced trial court operating budget.

If funds are available, we would greatly request to the \$23,658 added to our allocation to ensure we are able to meet the needs for FY 2016-17.

3rd Circuit:

No response for non-due process contractual elements.

4th Circuit:

Based on our current spending our averages are lower than our current allotment. As long as this Fiscal Year allotments are not change significantly, we don't anticipate any unforeseen increases. We will continue to closely monitor our expenditures and notify the Budget Office of any changes that may occur.

5th Circuit:

At this time, our circuit is not facing special circumstances that require seeking additional funding beyond the TCBC approved allocation process. In the event we face unforeseen needs, we will follow the new budget management policies to address them.

6th Circuit:

Civil Traffic Infraction Hearing Officers – No anticipated issues.

Additional Compensation to County Judges – We typically spend all of our allocation and have unpaid county judge hours. We have one county judge who sits in our Unified Family Court in Pinellas, and another county judge who conducts circuit work (judicial review hearings) on an ongoing basis. Between the two of them, we project that we'll have documented approximately 1,030 hours of time spent in a circuit judge capacity. This exceeds our current allocation. This does also not take into account other county judges who conduct circuit work but don't submit time sheets since they assume we will not have enough hours or funds.

Mediation/Arbitration Services - We typically fall short in this category, but I understand there is a funding formula and we don't have much flexibility in this category.

7th Circuit:

No response for non-due process contractual elements.

8th Circuit:

The Eighth Circuit requests funding for Mediation Contractual Services in FY 2016-17 which would exceed our circuit's three year expenditure average.

In both FY 2013-14 and FY 2014-15, the circuit expended its full allotment in this category 6-8 weeks prior to the completion of the year. The circuit's policy at that time was to stop doing contract mediations and/or request contractors to perform pro bono mediations during that period. In FY 2015-16 that policy changed, and a budget amendment was done to move additional funding to Mediation in order to allow contract mediations to continue throughout the year.

This policy change has been successful, resulting in more cases being resolved through mediation or ready to be set for trial more quickly. The circuit would like to continue this increased pace of mediations in FY 2016-17, however it would not be possible with an allocation based our circuit's three year expenditure average.

Initially, our FY 2015-16 allocation for Mediation Contractual Services was \$52,673. With a budget amendment of \$17,000 added, the total allocation increased to \$69,673. We believe that figure would actually exceed our need for FY 2016-17 (due to some staff changes), and are requesting an allotment of \$60,000 to meet our Mediation Contractual Services needs for the coming year.

9th Circuit:

The Ninth has no concerns to be considered for FY 2016-17 Contractual Allocations.

10th Circuit:

No response for non-due process contractual elements.

11th Circuit:

Civil Traffic Infraction Hearing Officers-- We foresee no special circumstances that would require additional funding

Additional Compensation to County Judges-- We foresee no special circumstances that would require additional funding

Mediation/Arbitration Services--We foresee no special circumstances that would require additional funding, however we would like to expand a little since the last two years we have received reduced funding.

12th Circuit:

Civil Traffic Infraction Hearing Officers – Due to adding a small docket in two additional locations (Arcadia and Venice) next year, we are anticipating a 15% increase in this cost center.

Additional Compensation to County Judges – no additional funds requested

Mediation/Arbitration Services – no additional funds requested

13th Circuit:

Civil Traffic Infraction Hearing Officers – No anticipated change at this time.

Additional Compensation to County Judges – The circuit's current allocation for additional compensation to county judges is \$15,364.00. As of April 2016, the circuit has expended its entire additional comp to county judge's allocation. The estimated number of uncompensated additional comp hours for the remaining fiscal year is 820 hours. This equates to a \$4,920.00 shortfall in the current fiscal year. As a result, the circuit would request additional funding in the amount of \$4,920 for a total allocation of \$20,284.00 in FY 2016-17.

Mediation/Arbitration Services – No anticipated change at this time.

14th Circuit:

Additional Compensation to County Judges

Only two of our nine county judges submit the additional compensation certification forms, and the allocation we receive each year doesn't even cover those requests. We will be getting a new county judge in FY 2016-17, and that judge may choose to request additional compensation. If so, we will certainly experience a deficit. We propose an allocation of \$2,000.

Mediation/Arbitration Services

Each year we experience a deficit in contractual services (105415) and have to work with other circuits to get money to cover costs. In the past, we have even had to use county funds, when available, to help make up the difference. For FY 2015-16, we were allocated \$29,504 and had to get an additional \$8,000 from other circuits. We have exhausted that amount, and we were given an additional \$12,315 in year-end monies from OSCA to get through the end of the fiscal year. In order to cover the cost for mediation services, we propose an allocation of \$50,000.

15th Circuit:

Civil Traffic Infraction Hearing Officers-- We foresee no special circumstances that would require additional funding

Additional Compensation to County Judges-- We foresee no special circumstances that would require additional funding

*Mediation/Arbitration Services--*We foresee no special circumstances that would require additional funding

16th Circuit:

With regard to the Mediation element, we requested a contractual allotment for FY15-16 and were generously allocated more than the request. During this FY, our Mediation Services Coordinator retired and our staff mediator was promoted into that role. We currently have a vacancy in the mediator position, therefore, we will need continued funding in this area.

17th Circuit:

The Mediation/Arbitration budget faces special circumstances since this was the first year that court ordered Small Claims Mediators were paid by the state due to county budget shortfalls. Mediation expenditures totaled \$97,797 in FY 14, \$83,497 in FY 15, but will be approximately \$165,681 this fiscal year. As such, our circuit will require approximately \$165,681 for Mediations, not just a three year average.

18th Circuit:

CTIHOs - In previous years, one of our counties has funded CTIHOs. That likely will cease October 1, 2016. We would need \$21,000 for October 2016 – June 30, 2017. A twelve month amount would be \$28,000. (Additional funding request - \$28,000)

Additional Comp – We expect to have 50 uncompensated hours submitted this year. County Judges are assisting Circuit Judges more due to burdensome workload in circuit court. (Additional funding request - \$280)

Mediation – Our dependency mediation funding from the Board of County Commissioners is on the chopping block. (Additional funding request - \$37,000)

19th Circuit:

No response for non-due process contractual elements.

20th Circuit:

Additional Compensation for County Judges: The 20th Circuit values the benefit of our County Court Judges willing to provide circuit court coverage for several specialty court dockets, e.g., felony drug court, MHC, and most recently newly established Veterans Treatment Court dockets. These specialty court dockets are pivotal in addressing the root issues of their program participants. The 20th Circuit would like to be able to compensate our county court judges for

their willingness to preside over these State Courts System supported program initiatives. Additionally, the 20th Circuit has one County Court Judge in Glades County who presides over all circuit court cases. His Honor averages each month approximately 60 hours alone in additional compensation for the judicial work completed. In FY 2015-16, the 20th Circuit experienced a budget deficit of approximately 500 hours that were recorded by county judges without additional compensation.

We respectfully request for the FMC to re-evaluate the funding reduction the 20th Circuit sustained in FY 2015-16 to the additional compensation to county judges non-due process element category. We believe the 20th Circuit's three-year expenditure data reflects an upward trend in this category, thus the 20th Circuit requests approximate funding totaling \$12,000 in FY 2016-17.

Civil Traffic Infraction Hearing Officers: No anticipated special circumstances that will require additional funding in this budget category.

Mediation / Arbitration Services – (category 105415): The 20th Circuit's FY 2015-16 allocation was \$489,042. Currently, we are 92% of FY 2015-16 being expended. Thus far, the 20th Circuit has spent to date \$438,400 in this category with a total of \$11,300 pending direct payments = \$449,700 or 92% spent of the budgeted amount. The 20th Circuit does not foresee being able to sustain budget reduction in this category.

Agenda Item IV.F. FY 2016-17
Allotments – Due Process Contractual
Allotments: Court Interpreting, Expert
Witnesses, Court Reporting, and Cost
Recovery

Agenda Item IV.F.: FY 2016-17 Circuit Allotments – Due Process Contractual Allotments

Background

Beginning in FY 2013-14, the TCBC approved the following recommendations regarding enhancements to the allocation methodologies used to determine contractual funds:

- a. Base allocations on a three year average of expenditures. Data should be provided to the Funding Methodology Committee (FMC) for all three years with staff recommendations for removing outliers in the calculation, if needed.
- b. Contact circuits prior to the FMC meeting.
- c. Strive to maintain 10% of contractual funds in reserve.
- d. Due process deficit procedures were revised for accessing the reserve, which does not preclude a circuit from using their operating budget to fill a due process shortage but does not require it before making a request to the Budget Management Committee (BMC).

FY 2014-15 Allotments

For FY 2014-15, the TCBC approved circuit allocations using methodologies incorporating the three year average expenditures for each circuit with modifications applied where appropriate, a 5% cushion, and approved circuit requests for additional funding. Remaining funds in the due process category were held in a statewide reserve.

FY 2014-15 saw an increase in due process expenditures associated with the implementation of AOSC 13-304 (*Amendments to Florida Rules for Certification and Regulation of Court Interpreters*) and changes in practices for requesting expert witnesses. The increase in expenditures, causing due process deficits for some circuits, led to the depletion of the limited funds available in the statewide due process reserve.

FY 2015-16 Allotments

In addition to the depletion of the statewide due process reserve, the rise in due process expenditures no longer allowed for the continued use of the FY 2014-15 approved funding methodologies in FY 2015-16. As a result, the TCBC approved an alternative allocation method while still incorporating components from the official methodologies used in prior fiscal years. The approved methodology focused on maintaining 5% of the total due process appropriation in the statewide reserve while the remaining funds were then distributed among the three due process categories (Court Reporting, Court Interpreting, and Expert Witness) based on each element's proportion of estimated FY 2015-16 expenditures. Individual circuit allotments were calculated using a proportional distribution based on each circuit's three year average expenditures with minimal adjustments for prior fiscal year actions, as needed. Individual circuit requests were not incorporated, and circuits were reminded that any deficit can be addressed through accessing the reserve if additional resources are needed.

FY 2016-17

In the FY 2016-17 General Appropriations Act (GAA), the Legislature implemented base budget reductions within the circuit courts budget entity based on FY 2014-15 operating budget reversions. Included in the appropriations was a \$378,000 reduction in Due Process Services contractual funding. As discussed previously, the TCBC approved new budget management policies and procedures. Beginning in FY 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

In FY 2015-16, OpenCourt operated in nine circuits, encompassing 34 counties. The sum of \$175,000 was allocated by the TCBC for the support, continued development, implementation, and maintenance of OpenCourt as non-recurring funding, with the understanding this issue was included in the FY 2016-17 Legislative Budget Request (LBR) on a recurring basis. The LBR was not funded by the Legislature.

The funds were expended as follows:

- 1 Contract Developer at \$100,000
- 1 Contract Support/Tester at \$75,000

In FY 2016-17, nine additional counties will transition to OpenCourt, bringing the total coverage to eleven circuits and 43 counties. The 8th Circuit has indicated the services of the Contract Developer have been satisfactory, and the compensation for the Developer does not require an increase, despite the addition of these nine counties. It was also indicated by the 8th Circuit that the services of the contract Support/Tester have been satisfactory; however there is a need to expand the skill level for this position to a Support/Tester/Developer. This will allow the contractor to provide much needed developer time, as well as adequately serve the courts in the counties being added. The current contractor has the desired skills that are needed, but as industry-wide demand and compensation for developers continue to increase, it is unlikely the 8th Circuit will be able to retain him at the current funding level. 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.

Decision Needed

A determination is needed 1) whether to approve the increase of funds to support OpenCourt, and 2) whether funding should be allocated on a recurring basis.

Option 1: Approve funding in the amount of \$190,000 on a recurring basis

Option 2: Approve funding in the amount of \$190,000 on a non-recurring basis

Option 3: Approve funding in the amount of \$175,000 on a recurring basis

Option 4: Approve funding in the amount of \$175,000 on a non-recurring basis

Option 5: Other

Funding Methodology Committee Recommendation

Approve the increased funding to OpenCourt (\$190,000 total allocation) on a non-recurring basis and revisit the matter at a later date if the Legislature does not provide funding for technology in future years. The FMC recommends the TCBC direct the Due Process Technology Workgroup (DPTW) to review the OpenCourt system for statewide viability and governance issues.

Remote Interpreting

For FY 2014-15, the TCBC approved an allocation of \$81,428 from the due process reserve to allow continuation of the regional remote interpreting pilot into FY 2014-15, based on the recommendations of the DPTW. These funds were used to support the purchase of additional hardware/software, ongoing maintenance, and network bandwidth services for the pilot circuits and the Office of the State Courts Administrator (OSCA) in order to continue the pilot for an additional year. The pilot went live in March 2014 among the 3rd, 7th, 9th, 14th, 15th, and 16th circuits, with the statewide call manager hosted by OSCA.

In FY 2015-16, the TCBC approved allocating recurring funds in the amount of \$27,840 to support the continuation of the regional pilot. The funds provide statewide network bandwidth and ongoing maintenance and support for pilot equipment. In addition to the approved recurring funds, the TCBC approved the FY 2015-16 end-of-year spending plan, which included remote interpreting equipment requests from six circuits (5th, 7th, 13th, 16th, 19th, and 20th).

Decision Needed

None. For informational purposes only.

Circuit Allocations

The FMC met on June 6, 2016, to discuss recommendations for circuit allotments. Noting the depletion of the due process reserve in FY 2014-15, the FY 2016-17 budget reductions, and the TCBC-approved budget management policies, the FMC considered several issues when developing their recommendations including the appropriate level of funds to be held in statewide reserve, whether to include circuit requests for additional funding, and if additional adjustments based on historical reversions are needed.

Several options were deliberated by the FMC, including methods similar to the historically approved methodologies and options based on the FY 2015-16 approved methodology. The options reviewed by the Committee continued to rely on each circuit's three year average expenditures, with adjustments for previous fiscal years' actions. The FMC is recommending determining circuit allotments using a similar methodology as was approved for FY 2015-16. The proposed methodology first places 5% of the Due Process Services appropriation (\$997,790) into the statewide due process reserve. The remaining funds, approximately \$18,740,162 (not including funding for Remote Interpreting and OpenCourt), are then allocated among the three due process categories based on each element's proportion of estimated FY 2016-17 expenditures (**See Attachment A**). Once the category allotments are determined, individual circuit allotments are calculated using a proportional distribution based on circuit expenditures with adjustments for previous fiscal years' actions and FY 2014-15 circuit reversions. The recommended allotments do not incorporate any circuit's request for additional funding.

Decision Needed

FY 2016-17 due process contractual allocations need to be determined. A vote is required by the TCBC for all three elements.

1. Court Interpreting

Option 1: Approve proposed circuit allotments based on the FMC recommended methodology as mentioned above (**See Attachment B**).

Option 2: Do not approve and consider an alternative.

2. Expert Witness

Option 1: Approve proposed circuit allotments based on the FMC recommended methodology as mentioned above (**See Attachment C**).

Option 2: Do not approve and consider an alternative.

3. Court Reporting

Option 1: Approve proposed circuit allotments based on the FMC recommended methodology as mentioned above (**See Attachment D**).

Option 2: Do not approve and consider an alternative.

Cost Recovery

Each year the FMC and the TCBC review the due process cost recovery contractual allotment for reallocation due to changes in revenue collections.

The due process cost recovery allotments represent budget authority only. Budget authority is the legislative authorization to spend up to the appropriation amount approved in the General

Appropriations Act. Actual 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 allotted. Additionally, as outlined in the Budget and Pay Administration Memorandum, expenditures may be of any type of allowable state expenditures but only in support of due process elements.

For current year, FY 2015-16, the due process cost recovery allotment of \$1,104,930 was based on each circuit's prorated share of the FY 2015-16 projected revenue. Allotments for circuits were capped at the amount of FY 2015-16 cumulative projected revenue, as necessary. The cap was necessary to avoid allocating to any circuit more than their projected cumulative revenue (available cash balance).

FY 2016-17 Allotments

The primary goal in the analysis for developing the 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. The attached chart (**See Attachment E**) reflects two options for FY 2016-17 allotments.

Options

Option 1: Allot the due process cost recovery based on each circuit's prorated 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.

Option 2: Allot the due process cost recovery based on each circuit's prorated share of FY 2016-17 cumulative projected revenue.

Funding Methodology Committee Recommendation: Approve Option 1.

Due Process Reserve Funds based on Proposed FY 2016-17 Circuit Allocations

FMC Recommendation (Placing 5% of the Due Process Appropriation in reserve and determining circuit allotments using a proportional distribution based on expenditures, adjustments for previous fiscal year actions, and reductions based on FY 2014-15 reversions)	Court Interpreting	Expert Witness	Court Reporting	Remote Interpreting	OpenCourt	Total
FY 2016-17 Due Process Appropriation	\$19,955,792					\$19,955,792
FY 2016-17 Proposed Circuit Allotments	\$3,407,702	\$7,425,057	\$7,907,403	\$27,840	\$190,000	\$18,958,002
5% Funds to be held in Reserve						\$997,790
Percent of Due Process Appropriation held in Reserve						5.0%

Trial Court Budget Commission June 17, 2016 Meeting Court Interpreting - FY 2016-17 Proposed Contractual Allotments

Note: If unanticipated expenditures arise during the year that cannot be covered by the circuit's full due process allotment, additional due process funds may be requested from the due process reserve in accordance with the due process deficit procedures.

A	B	C	D	E	F	G	H	I	J	K	L	M
											FMC Recommendation⁷	
Circuit	FY 2015-16 FTE Allotment ¹	FY 2015-16 Beginning Contractual Allotment ²	FY 2013-14 Expenditures ³	FY 2014-15 Expenditures ³	FY 2015-16 Estimated Expenditures ³	Three Year Average Expenditures (FY 2013-14 to FY 2015-16 Estimated Expenditures)	Three Year Average Expenditures (w. Adjustments for Previous Fiscal Year Actions) ⁴	Estimated Annual Growth Rate ⁵	FY 2016-17 Estimated Expenditures ⁶	Percent of Total Estimated FY 2016-17 Expenditures (Column J)	Proportional Distribution including Reductions based on FY 2014-15 Reversions	Percent Difference (FMC Recommendation and FY 2015-16 Beginning Contractual Allotment)
1	0	\$39,698	\$33,691	\$41,245	\$44,109	\$39,682	\$39,682	5.6%	\$41,891	1.3%	\$46,798	17.9%
2	0	\$32,660	\$36,770	\$37,671	\$17,615	\$30,685	\$30,685	3.9%	\$31,876	1.0%	\$35,484	8.6%
3	0	\$47,652	\$44,832	\$44,584	\$22,623	\$37,346	\$37,346	1.8%	\$38,005	1.2%	\$42,422	-11.0%
4	0	\$263,289	\$252,370	\$250,788	\$282,471	\$261,876	\$261,876	6.5%	\$278,833	8.9%	\$311,496	18.3%
5	5	\$44,421	\$104,686	\$145,607	\$64,946	\$105,080	\$64,946	6.0%	\$68,824	2.2%	\$76,885	73.1%
6	2	\$236,205	\$199,876	\$280,116	\$264,183	\$248,058	\$248,058	3.3%	\$256,182	8.2%	\$286,192	21.2%
7	3	\$81,247	\$73,713	\$65,207	\$80,693	\$73,204	\$73,204	4.6%	\$76,591	2.5%	\$76,745	-5.5%
8	1	\$36,064	\$33,878	\$40,543	\$43,228	\$39,216	\$39,216	3.5%	\$40,571	1.3%	\$45,026	24.9%
9	10	\$143,997	\$98,531	\$159,537	\$148,500	\$135,523	\$135,523	6.2%	\$143,892	4.6%	\$160,748	11.6%
10	6	\$83,041	\$65,379	\$77,671	\$75,344	\$72,798	\$72,798	7.5%	\$78,266	2.5%	\$87,434	5.3%
11	52	\$297,935	\$228,157	\$258,042	\$455,118	\$313,772	\$313,772	1.1%	\$317,331	10.2%	\$317,693	6.6%
12	0	\$326,401	\$313,591	\$304,968	\$362,996	\$327,185	\$327,185	5.0%	\$343,607	11.0%	\$383,858	17.6%
13	10	\$152,159	\$131,576	\$156,427	\$139,371	\$142,458	\$142,458	4.0%	\$148,208	4.7%	\$148,420	-2.5%
14	0	\$34,389	\$33,321	\$38,041	\$36,319	\$35,894	\$35,894	4.5%	\$37,516	1.2%	\$40,560	17.9%
15	13	\$127,100	\$83,088	\$131,713	\$147,738	\$120,846	\$120,846	5.4%	\$127,317	4.1%	\$140,498	10.5%
16	2	\$20,659	\$16,822	\$19,234	\$16,895	\$17,650	\$17,650	0.5%	\$17,733	0.6%	\$18,842	-8.8%
17	15.5	\$132,117	\$119,644	\$142,831	\$138,024	\$133,500	\$133,500	3.9%	\$138,741	4.4%	\$154,993	17.3%
18	1	\$36,397	\$25,650	\$44,486	\$37,025	\$35,720	\$35,720	3.3%	\$36,882	1.2%	\$39,618	8.8%
19	2	\$448,571	\$391,374	\$444,108	\$488,254	\$441,245	\$441,245	8.4%	\$478,181	15.3%	\$530,679	18.3%
20	7	\$361,456	\$329,474	\$357,673	\$481,531	\$389,559	\$389,559	8.0%	\$420,825	13.5%	\$463,311	28.2%
Total	129.5	\$2,945,458	\$2,616,423	\$3,040,492	\$3,346,983	\$3,001,299	\$2,961,166	3.3%	\$3,121,272	100.0%	\$3,407,702	15.7%

¹ FY 2015-16 FTE allotment for cost centers 131, 267, and 730.

² FY 2015-16 beginning contractual allotment includes \$951 lease purchase in circuit 20.

³ Expenditures include contractual and cost recovery. In addition, FY 2015-16 estimated expenditures is based on actual expenditure data from July 2015 to April 2016 and includes an estimate for certified forwards.

⁴ Circuit 5 is set to FY 2015-16 Estimated Expenditures due to the transfer of \$130,130 in contractual funds to the salary and benefits category in order to utilize FTE from the Due Process Contingency Fund in FY 2014-15. Note: Circuit 6 transferred FY 2014-15 and FY 2015-16 cost recovery funds to the salary and benefits category in order to utilize FTE from the Due Process Contingency Fund.

⁵ Estimated annual growth rate is based on the 2000 and 2010 Census. The rate is based on the difference between the number of "People who speak English at home less than very well" in Florida from 2000 to 2010.

⁶ Estimated FY 2016-17 Expenditures applies the estimated annual growth rate to each circuit's three year average expenditures with adjustments for previous fiscal year actions.

⁷ FMC REcommendation distributes the statewide total amount of \$3,407,702 based on each circuit's proportion of three year average expenditures plus adjustments for previous fiscal year actions and a reduction based on each circuit's FY 2014-15 reversions.

**Trial Court Budget Commission
June 17, 2016 Meeting
Court Interpreting Contractual Reversions
FY 2012-13 through FY 2014-15**

A	B	C	D	E
Circuit	FY 2012-13 Reversions	FY 2013-14 Reversions	FY 2014-15 Reversions	3 Year Average
1	\$11,104	\$10,497	\$0	\$7,200
2	\$0	\$2,218	\$183	\$800
3	\$764	\$8	\$51	\$274
4	\$0	\$8,739	\$0	\$2,913
5	\$726	\$3	\$0	\$243
6	\$24,357	\$0	\$0	\$8,119
7	\$5,973	\$14,072	\$12,793	\$10,946
8	\$261	\$469	\$431	\$387
9	\$10,968	\$54	\$0	\$3,674
10	\$44	\$6,198	\$0	\$2,081
11	\$15,080	\$100,680	\$53,401	\$56,387
12	\$8,685	\$10,332	\$0	\$6,339
13	\$20,370	\$21,790	\$24,878	\$22,346
14	\$7,362	\$449	\$1,959	\$3,257
15	\$8,071	\$35,850	\$2,514	\$15,478
16	\$2	\$4,423	\$1,405	\$1,943
17	\$104	\$17	\$0	\$40
18	\$8,929	\$7,391	\$2,298	\$6,206
19	\$30,825	\$133	\$5,102	\$12,020
20	\$100,115	\$1,598	\$9,880	\$37,197
Total	\$253,742	\$224,919	\$114,895	\$197,852

F	G	H	I
Percent of Total FY 2014-15 Reversions	Proposed Allotment Reduction	Percent of Total 3 Year Average Reversions	Proposed Allotment Reduction
0.0%	\$0	3.6%	\$2,882
0.2%	\$126	0.4%	\$320
0.0%	\$35	0.1%	\$110
0.0%	\$0	1.5%	\$1,166
0.0%	\$0	0.1%	\$97
0.0%	\$0	4.1%	\$3,250
11.1%	\$8,818	5.5%	\$4,382
0.4%	\$297	0.2%	\$155
0.0%	\$0	1.9%	\$1,471
0.0%	\$0	1.1%	\$833
46.5%	\$36,811	28.5%	\$22,572
0.0%	\$0	3.2%	\$2,538
21.7%	\$17,149	11.3%	\$8,945
1.7%	\$1,350	1.6%	\$1,304
2.2%	\$1,733	7.8%	\$6,196
1.2%	\$969	1.0%	\$778
0.0%	\$0	0.0%	\$16
2.0%	\$1,584	3.1%	\$2,484
4.4%	\$3,517	6.1%	\$4,812
8.6%	\$6,810	18.8%	\$14,890
100.0%	\$79,202	100.0%	\$79,202

Trial Court Budget Commission June 17, 2016 Meeting Expert Witness - FY 2016-17 Proposed Contractual Allotments

Note: If unanticipated expenditures arise during the year that cannot be covered by the circuit's full due process allotment, additional due process funds may be requested from the due process reserve in accordance with the due process deficit procedures.

A	B	C	D	E	F	G	H	I	J	K
									FMC Recommendation ³	
Circuit	FY 2015-16 FTE Allotment ¹	FY 2015-16 Beginning Contractual Allotment	FY 2013-14 Expenditures ²	FY 2014-15 Expenditures ²	FY 2015-16 Estimated Expenditures ²	Three Year Average Expenditures (FY 2013-14 to FY 2015-16 Estimated Expenditures)	Three Year Average Expenditures (w. Adjustments for Previous Fiscal Year Actions)	Percent of Total Expenditures (Column H)	Proportional Distribution including Reductions based on FY 2014-15 Reversions	Percent Difference (FMC Recommendation FY 2015-16 Beginning Contractual Allotment)
1	0	\$206,123	\$142,208	\$353,000	\$269,769	\$254,992	\$254,992	3.5%	\$260,639	26.4%
2	0	\$404,643	\$351,581	\$418,266	\$402,565	\$390,804	\$390,804	5.3%	\$386,582	-4.5%
3	0	\$19,957	\$13,744	\$19,482	\$30,956	\$21,394	\$21,394	0.3%	\$21,758	9.0%
4	0	\$167,774	\$182,539	\$153,459	\$162,752	\$166,250	\$166,250	2.3%	\$166,500	-0.8%
5	0	\$135,371	\$107,995	\$165,696	\$197,958	\$157,216	\$157,216	2.2%	\$159,966	18.2%
6	1	\$259,805	\$203,817	\$241,153	\$226,298	\$223,756	\$223,756	3.1%	\$228,713	-12.0%
7	0	\$170,554	\$148,686	\$151,500	\$171,652	\$157,279	\$157,279	2.2%	\$160,763	-5.7%
8	0	\$113,257	\$112,147	\$151,466	\$97,493	\$120,369	\$120,369	1.6%	\$123,036	8.6%
9	0	\$473,764	\$412,751	\$584,992	\$452,544	\$483,429	\$483,429	6.6%	\$494,138	4.3%
10	0	\$665,037	\$590,629	\$683,223	\$772,364	\$682,072	\$682,072	9.3%	\$697,180	4.8%
11	0	\$1,504,709	\$1,395,249	\$1,417,469	\$1,180,250	\$1,330,989	\$1,330,989	18.2%	\$1,360,471	-9.6%
12	0	\$343,795	\$311,589	\$357,181	\$302,114	\$323,628	\$323,628	4.4%	\$330,797	-3.8%
13	0	\$732,137	\$625,500	\$680,550	\$749,450	\$685,167	\$685,167	9.4%	\$687,414	-6.1%
14	0	\$85,644	\$42,850	\$139,280	\$114,189	\$98,773	\$98,773	1.4%	\$100,961	17.9%
15	0	\$550,397	\$469,875	\$500,153	\$483,779	\$484,602	\$484,602	6.6%	\$495,336	-10.0%
16	0	\$30,618	\$24,390	\$36,670	\$41,379	\$34,146	\$34,146	0.5%	\$34,774	13.6%
17	0	\$1,061,207	\$975,520	\$976,690	\$917,199	\$956,470	\$956,470	13.1%	\$977,656	-7.9%
18	0	\$142,603	\$132,901	\$151,475	\$132,113	\$138,830	\$138,830	1.9%	\$141,905	-0.5%
19	0	\$229,014	\$188,821	\$265,403	\$234,486	\$229,570	\$229,570	3.1%	\$234,655	2.5%
20	0	\$417,354	\$350,839	\$405,767	\$353,446	\$370,017	\$370,017	5.1%	\$361,813	-13.3%
Total	1	\$7,713,763	\$6,783,629	\$7,852,873	\$7,292,752	\$7,309,753	\$7,309,753	100.0%	\$7,425,057	-3.7%

¹ FY 2015-16 FTE allotment for cost center 127.

² Expenditures include contractual and cost recovery. In addition, FY 2015-16 estimated expenditures is based on actual expenditure data from July 2015 to April 2016 and includes an estimate for certified forwards.

³ FMC Recommendation distributes the statewide total amount of \$7,425,057 based on each circuit's proportion of three year average expenditures plus adjustments for previous fiscal year actions and a reduction based on each circuit's FY 2014-15 reversions.

**Trial Court Budget Commission
June 17, 2016 Meeting
Expert Witness Contractual Reversions
FY 2012-13 through FY 2014-15**

A	B	C	D	E
Circuit	FY 2012-13 Reversions	FY 2013-14 Reversions	FY 2014-15 Reversions	3 Year Average
1	\$3,355	\$0	\$0	\$1,118
2	\$0	\$47	\$18,683	\$6,243
3	\$3,051	\$485	\$159	\$1,232
4	\$2,076	\$5,160	\$4,979	\$4,072
5	\$0	\$4,647	\$1,064	\$1,904
6	\$16	\$0	\$0	\$5
7	\$2,059	\$371	\$0	\$810
8	\$0	\$0	\$0	\$0
9	\$50	\$0	\$0	\$17
10	\$0	\$0	\$0	\$0
11	\$0	\$0	\$0	\$0
12	\$32,717	\$16	\$0	\$10,911
13	\$55,897	\$37,097	\$18,757	\$37,250
14	\$54	\$7,661	\$0	\$2,572
15	\$199	\$22,234	\$0	\$7,478
16	\$19	\$1,849	\$187	\$685
17	\$0	\$0	\$0	\$0
18	\$16,808	\$3,522	\$0	\$6,777
19	\$0	\$0	\$0	\$0
20	\$5,297	\$29	\$23,792	\$9,706
Total	\$121,598	\$83,118	\$67,621	\$90,779

F	G	H	I
Percent of Total FY 2014-15 Reversions	Proposed Allotment Reduction	Percent of Total 3 Year Average Reversions	Proposed Allotment Reduction
0.0%	\$0	1.2%	\$574
27.6%	\$12,879	6.9%	\$3,206
0.2%	\$109	1.4%	\$632
7.4%	\$3,432	4.5%	\$2,091
1.6%	\$733	2.1%	\$978
0.0%	\$0	0.0%	\$3
0.0%	\$0	0.9%	\$416
0.0%	\$0	0.0%	\$0
0.0%	\$0	0.0%	\$9
0.0%	\$0	0.0%	\$0
0.0%	\$0	0.0%	\$0
0.0%	\$0	12.0%	\$5,603
27.7%	\$12,930	41.0%	\$19,127
0.0%	\$0	2.8%	\$1,321
0.0%	\$0	8.2%	\$3,840
0.3%	\$129	0.8%	\$352
0.0%	\$0	0.0%	\$0
0.0%	\$0	7.5%	\$3,480
0.0%	\$0	0.0%	\$0
35.2%	\$16,401	10.7%	\$4,984
100.0%	\$46,613	100.0%	\$46,614

Trial Court Budget Commission June 17, 2016 Meeting Court Reporting - FY 2016-17 Proposed Contractual Allotments

Note: If unanticipated expenditures arise during the year that cannot be covered by the circuit's full due process allotment, additional due process funds may be requested from the due process reserve in accordance with the due process deficit procedures.

A	B	C	D	E	F	G	H	I	J	K
									FMC Recommendation⁵	
Circuit	FY 2015-16 FTE Allotment¹	FY 2015-16 Beginning Contractual Allotment²	FY 2013-14 Expenditures³	FY 2014-15 Expenditures³	FY 2015-16 Estimated Expenditures³	Three Year Average Expenditures (FY 2012-13 to FY 2014-15 Estimated Expenditures)	Three Year Average Expenditures w. Adjustments for Previous Fiscal Year Actions⁴	Percent of Total Expenditures (Column H)	Proportional Distribution including Reductions based on FY 2014-15 Reversions	Percent Difference (FMC Recommendation and FY 2015-16 Beginning Contractual Allotment)
1	22	\$60,182	\$46,298	\$70,964	\$53,137	\$56,800	\$56,800	0.7%	\$55,285	-8.1%
2	15	\$20,117	\$23,047	\$13,665	\$9,443	\$15,385	\$15,385	0.2%	\$15,886	-21.0%
3	6	\$5,216	\$8,261	\$4,487	\$3,061	\$5,269	\$5,269	0.1%	\$4,037	-22.6%
4	1	\$1,293,698	\$1,241,124	\$1,382,965	\$1,445,268	\$1,356,452	\$1,356,452	17.2%	\$1,400,666	8.3%
5	16	\$112,677	\$121,945	\$125,957	\$149,145	\$132,349	\$132,349	1.7%	\$134,552	19.4%
6	39	\$440,407	\$527,130	\$461,757	\$451,902	\$480,263	\$456,829	5.8%	\$471,720	7.1%
7	14	\$166,579	\$169,915	\$148,555	\$117,756	\$145,409	\$145,409	1.8%	\$130,541	-21.6%
8	16	\$49,466	\$61,366	\$28,738	\$8,142	\$32,749	\$32,749	0.4%	\$33,816	-31.6%
9	45	\$104,663	\$90,457	\$98,821	\$117,894	\$102,391	\$102,391	1.3%	\$102,336	-2.2%
10	14	\$398,302	\$361,110	\$453,724	\$373,800	\$396,211	\$396,211	5.0%	\$396,075	-0.6%
11	4	\$2,064,508	\$2,212,355	\$2,136,778	\$1,903,229	\$2,084,121	\$2,084,121	26.4%	\$2,064,350	0.0%
12	18	\$38,640	\$32,865	\$46,133	\$18,995	\$32,664	\$28,060	0.4%	\$28,975	-25.0%
13	14	\$1,403,348	\$1,320,885	\$1,350,138	\$1,315,594	\$1,328,872	\$1,328,872	16.8%	\$1,276,076	-9.1%
14	7	\$5,612	\$66,914	\$15,799	\$2,109	\$28,274	\$8,954	0.1%	\$9,246	64.8%
15	23.75	\$162,047	\$122,339	\$286,182	\$272,789	\$227,104	\$272,789	3.5%	\$281,681	73.8%
16	5	\$24,989	\$27,024	\$22,411	\$34,449	\$27,961	\$27,961	0.4%	\$13,740	-45.0%
17	31	\$768,308	\$774,454	\$740,351	\$730,957	\$748,587	\$748,587	9.5%	\$768,653	0.0%
18	12	\$135,719	\$152,769	\$136,314	\$157,282	\$148,788	\$148,788	1.9%	\$151,064	11.3%
19	13	\$67,393	\$68,885	\$46,101	\$62,633	\$59,207	\$59,207	0.7%	\$61,137	-9.3%
20	15	\$485,151	\$504,522	\$441,061	\$538,918	\$494,834	\$494,834	6.3%	\$507,568	4.6%
Total	330.75	\$7,807,022	\$7,933,665	\$8,010,902	\$7,766,503	\$7,903,690	\$7,902,017	100.0%	\$7,907,404	1.3%

¹ FY 2015-16 FTE allotment for cost centers 129, 267, and 729.

² FY 2015-16 beginning contractual allotment includes contracted services and maintenance for cost center 129.

³ Expenditures include contractual, maintenance, and cost recovery. Circuit 8 excludes non-recurring allotment for OpenCourt. FY 2015-16 estimated expenditures is based on actual expenditure data from July 2015 to April 2016 and includes an estimate for certified forwards.

⁴ Circuit 6 is set to the average of FY 2014-15 Expenditures and FY 2015-16 Estimated Expenditures due to the circuit's previously approved request to transfer cost recovery funds to the salary and benefits category in order to utilize FTE from the Due Process Contingency Fund. The 12th circuit's proposed allocation was reduced by their three year average maintenance expenditures (\$4,604) due to their transition to OpenCourt beginning FY 2016-17. Circuit 14 is set to the average of FY 2014-15 Expenditures and FY 2015-16 Estimated Expenditures due to the transition to OpenCourt. Circuit 15 is set to FY 2015-16 Estimated Expenditures due to the circuit's previously approved request to transfer contractual funds to the salary and benefits category in order to utilize 1.0 FTE.

⁵ FMC Recommendation distributes the statewide total amount of \$7,907,403 based on each circuit's proportion of three year average expenditures plus adjustments for previous fiscal year actions and a reduction based on each circuit's FY 2014-15 reversions.

**Trial Court Budget Commission
June 17, 2016 Meeting
Court Reporting
FY 2016-17 Proposed Contractual Allotments**

A	B	C	D	E
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Circuit	FY 2012-13 Reversions	FY 2013-14 Reversions	FY 2014-15 Reversions	3 Year Average
1	\$16,419	\$1,470	\$4,883	\$7,591
2	\$16,711	\$560	\$0	\$5,757
3	\$2,666	\$2,308	\$2,037	\$2,337
4	\$116,060	\$0	\$0	\$38,687
5	\$7,018	\$14	\$3,063	\$3,365
6	\$3,095	\$0	\$0	\$1,032
7	\$2,020	\$42,333	\$28,445	\$24,266
8	\$0	\$323	\$0	\$108
9	\$20,915	\$13,634	\$4,922	\$13,157
10	\$92	\$0	\$18,933	\$6,341
11	\$112,479	\$26,236	\$127,229	\$88,648
12	\$13,966	\$7,183	\$0	\$7,050
13	\$64,180	\$241,724	\$139,425	\$148,443
14	\$29,111	\$6,863	\$0	\$11,992
15	\$16,510	\$39	\$0	\$5,516
16	\$35	\$18,269	\$21,953	\$13,419
17	\$10,648	\$28,092	\$6,288	\$15,009
18	\$161,027	\$38,466	\$3,733	\$67,742
19	\$16,307	\$65	\$0	\$5,457
20	\$81,188	\$24,296	\$4,926	\$36,803
Total	\$690,446	\$451,875	\$365,836	\$502,719

F	G	H	I
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Percent of Total FY 2014-15 Reversions	Proposed Allotment Reduction	Percent of Total 3 Year Average Reversions	Proposed Allotment Reduction
1.3%	\$3,366	1.5%	\$3,808
0.0%	\$0	1.1%	\$2,888
0.6%	\$1,404	0.5%	\$1,172
0.0%	\$0	7.7%	\$19,407
0.8%	\$2,111	0.7%	\$1,688
0.0%	\$0	0.2%	\$517
7.8%	\$19,608	4.8%	\$12,173
0.0%	\$0	0.0%	\$54
1.3%	\$3,393	2.6%	\$6,600
5.2%	\$13,051	1.3%	\$3,181
34.8%	\$87,704	17.6%	\$44,470
0.0%	\$0	1.4%	\$3,536
38.1%	\$96,111	29.5%	\$74,465
0.0%	\$0	2.4%	\$6,015
0.0%	\$0	1.1%	\$2,767
6.0%	\$15,133	2.7%	\$6,731
1.7%	\$4,334	3.0%	\$7,529
1.0%	\$2,573	13.5%	\$33,982
0.0%	\$0	1.1%	\$2,738
1.3%	\$3,395	7.3%	\$18,462
100.0%	\$252,185	100.0%	\$252,185

Trial Court Budget Commission

June 17, 2016

Orlando, Florida

Agenda Item IV.F. ATTACHMENT E

FY 16-17 Trial Court Due Process Cost Recovery Allocation

A	B	C	D	E	F	G
Circuit	FY 15-16 Beginning Budget Allocation (Authority)	FY 15-16 Projected Ending Revenue (Cash) Balance	FY 16-17 Projected Revenue¹ (Cash) (three-year average)	FY 16-17 Projected Cumulative Revenue (Cash) (Column C+D)	Option 1 (Based on FY 16-17 Projected Revenue, not to exceed Column E)²	Option 2 (Based on FY 16-17 Cumulative Projected Revenue)
1	61,719	46,039	31,446	77,485	62,755	36,152
2	29,533	30,614	25,270	55,884	50,429	26,074
3	11,369	45,302	8,814	54,116	17,589	25,249
4	1,823	8,064	1,685	9,749	3,363	4,549
5	51,509	41,902	36,390	78,292	72,620	36,529
6	377,507	665,573	93,039	758,612	185,671	353,947
7	27,851	10,980	16,617	27,597	27,597	12,876
8	42,120	21,463	24,681	46,144	46,144	21,530
9	11,258	195,648	29,790	225,438	59,450	105,183
10	36,703	147,022	28,362	175,384	56,600	81,829
11	34,161	43,011	18,781	61,792	37,481	28,831
12	48,744	71,482	29,658	101,140	59,187	47,189
13	78,734	36,492	37,138	73,630	74,114	34,354
14	18,556	93,613	9,242	102,855	18,443	47,989
15	71,687	37,191	46,660	83,851	83,851	39,122
16	29,769	18,713	15,661	34,374	31,254	16,038
17	66,582	83,568	39,447	123,015	78,722	57,395
18	23,791	67,776	23,360	91,136	46,619	42,522
19	49,905	127,715	33,207	160,922	66,268	75,081
20	31,609	9,075	17,698	26,773	26,773	12,491
TOTALS	1,104,930	1,801,243	566,946	2,368,189	1,104,930	1,104,930

¹ The 6th and 9th Circuit revenues have been adjusted to cover salaries and benefits for FTE costs.

² For Circuits 7, 8, 15, and 20 (highlighted), the allotment is capped at the amount of the cumulative projected revenue for FY 16-17.

Circuit Responses – Due Process Contractual Elements

1st Circuit:

We've experienced an increase in services within Expert Witness and other due process elements, but there are no attributing factors, such as rate increases, etc., we could submit as justification for an increased appropriation that isn't already indicative by the three-year expenditure average of each element.

2nd Circuit:

No response for due process contractual elements.

3rd Circuit:

The only element where we have concern is our expert witnesses. Those expenses continue to increase for us, and while this is partially due to the fact that we have more experts appointed than in the past, there is another factor affecting our costs. Other entities had historically paid for some exams that were actually the court's responsibility. However, as their budgets have become tighter and they have been looking for places to cut, they have stopped being so generous (or possibly just figured out that they aren't responsible), so those invoices are now being directed to the court for payment.

4th Circuit:

Based on our current spending our averages are lower than our current allotment. As long as this Fiscal Year allotments are not change significantly, we don't anticipate any unforeseen increases. We will continue to closely monitor our expenditures and notify the Budget Office of any changes that may occur.

5th Circuit:

At this time, our circuit is not facing special circumstances that require seeking additional funding beyond the TCBC approved allocation process. In the event we face unforeseen needs, we will follow the new budget management policies to address them.

6th Circuit:

Court Interpreting – No anticipated issues.

Expert Witness – We anticipate an increase of approximately \$30,000 in our expert expenses because prior to January 2016, APD (Agency for Persons with Disabilities) had been paying for their experts in adult criminal cases as well as for members of examining committees in criminal cases. We discovered this in January and determined that the Court should be paying for those experts. Consequently, this will cause our expert payments to increase.

Court Reporting – No anticipated issues.

7th Circuit:

Our interpreter costs are likely to increase next year as we raised our rates for the year beginning July 1, 2016. We felt it necessary to reward individuals who have become “certified” and must pay rates similar to those of surrounding circuits as we use many of the same folks.

8th Circuit:

No response for due process contractual elements.

9th Circuit:

The Ninth has no concerns to be considered for FY 2016-17 Contractual Allocations.

10th Circuit:

Historically, the Tenth Circuit has utilized most of our contractual funds in the due process categories; of specific concern is our use of expert witness dollars; I believe we are one of the “leaders” in what we spend in this category. If you take the average of what we spent the last three years as our allocation, I suppose we can live with that, but we will feel more comfortable as long as there is a system in place by which we can address any shortfall we experience.

11th Circuit:

Court Interpreting--The Circuit fluctuates between 6 and 10 positions vacant during any given time. It has been almost impossible to find qualified candidates willing to accept the base salary offered by the State Courts system.

Also, as a result of the recent amendments to the Rules for Certification and Regulation of Spoken Language Court Interpreters, contractual interpreters obtaining their certification, provisionally approved or language skilled status, have demanded a higher rate of pay. The demand for an increased rate of pay will continue to have an impact on our budget.

Expert Witness--We foresee no special circumstances that would require additional funding. However, this is one of those areas where it is difficult to predict what will happen during any given year.

Court Reporting-- Court reporting expenditures most likely will go up for next fiscal year. The court reporting firms we use have been complaining that Dade County is one of the lowest paying circuit and are demanding more money. We are currently doing a comparison analysis with the rest of the circuits before we meet with them again. Technology sustainability (any recurring needs) are always a problem.

12th Circuit:

Court Interpreting – Due to the requirement of using certified interpreters, we have experienced a tremendous cost increase with contractual interpreters. If we are allocated funds based on our

three year average expenditures, we will not be adequately funded. Additionally, if we are required to provide interpreting services for civil proceedings, our expenses will further be increased. We request that at a minimum we be funded at the 2015/16 level. We are also interested in pursuing a hybrid model of interpreting and would request the FMC consider allocating two full time certified interpreter positions to the 12th Circuit. We believe that having 2 staff interpreters would make a big difference in the interpreting services currently provided and would be a great supplement to the contractual services. Obviously if we are awarded positions our contractual allocation could be decreased somewhat proportionally.

Expert Witness – Our expert witness costs continue to climb even though all of our expert witness rates are flat rates. Part of the reason is that in this circuit both sides request a competency evaluation, so instead of paying for one at a fixed rate of \$500 per evaluation, each case costs at least \$1,000. Additionally, we have recently been asked to appoint experts on the issue of intellectual disability in three different death penalty cases. We have never been asked to provide an expert for this and our offer to pay a flat fee of \$1,000 per evaluation was flatly rejected by the appointed experts. We have been advised that the “going rate” is \$240/hour with a minimum of 20 hours spent on each case. If this is accurate, the costs of these experts will cause us to far exceed our allocation. If we are allocated funds based on our three year average expenditures, we will not be adequately funded. We request that at a minimum we be funded at the 2015/16 level.

Court Reporting – no additional funds requested

13th Circuit:

Court Interpreting – The circuit anticipates a need for additional funding in the interpreter element during FY 2016-17. Although not yet quantifiable, the need for additional funding is in anticipation of the increased volume of interpreter service request in the civil areas of the court.

Expert Witness - The circuit anticipates a need for additional funding in the expert witness element during FY 2016-17. Although not yet quantifiable, the need for additional funding by the circuit is due to the following:

Since the transition to state funding in 2004, evaluation orders entered by the court pursuant to F.S. 916.301 - 916.304 (Intellectually Disabled or Autistic) and the payment of these expert invoices were being made by the Agency for Persons with Disabilities (APD). In January 2016, the 13th circuit and APD expert witnesses were informed that APD was no longer going to process invoices for payment of court ordered evaluations in these types of cases, and that payment for the evaluations was the circuit’s obligation. Accordingly, the circuit is anticipating an increase in expert witness usage and costs in FY 2016-17 which needs to be taken into account as it relates to statewide due process allocations for expert witness evaluation services.

The circuit is also experiencing an increase in the number of appointment requests of the Intellectual Disabilities Examining Committee (F.S. 393.11) by the Office of the State Attorney.

Court Reporting – In May 2016, due to in-court workload coverage needs, the circuit contracted with an additional digital court reporter to provide the service. Accordingly, the circuit will need additional funding in the amount of \$35,000.00 in the court reporting element to fund the contractual service during the entire FY 2016-17.

14th Circuit:

Court Interpreting

Our interpreting allocation was reduced a few years ago, and since then, we've had to access the due process reserves to cover our contractual costs (105420). For FY 2015-16, we received a total allocation of \$34,389, and we received an additional \$4,412 from OSCA to make it through the end of the fiscal year. Over the past two years we have seen an increase in trials needing an interpreter. For trials, we must have two interpreters to switch out each hour. (For sign language interpreters, it could range from four to six interpreters needed if both parties are hearing impaired.) This increases our costs for contractual services. Also, since we do not have any certified interpreters in the 14th Circuit, we have had to obtain interpreters from Pensacola, Tallahassee, Gainesville, and Jacksonville, which also increases costs in order to pay for lodging and meals. Our proposed allocation for this category is \$40,000.

Expert Witness

For the past two fiscal years we have anticipated a deficit and experienced a deficit in contractual services for expert witnesses (105420) and had to request monies from the due process reserves. Our total allocation for FY 2015-16 was \$85,644, which we used. OSCA gave us an additional \$36,125 to help us finish out the fiscal year, and we will use that as well. We feel this trend will continue and propose an allocation of \$125,000.

Court Reporting

Since switching our digital court reporting system from CourtSmart to Open Court, we have been able to reduce the need for contractual services (105420) drastically. However, we were only given an allocation of \$4,209 for FY 2015-16. (Our total allotment should have been \$5,612, but we never received the 25% allotment of \$1,403 in April.) We made do this year, but our court reporting staff in recent months has experienced several leaves of absences, and it appears this will continue for the next several months. In addition, the Court Reporter Manager has seen an increase in workload for her and her staff, and in the next three months, we are adding additional courtrooms in the circuit (new courthouse construction) that could also add to the workload. As a result, the need to use contractual court reporters will increase in the coming fiscal year. For this category, we are proposing an allocation of \$10,000.

15th Circuit:

Court Interpreting--The Circuit currently has four certified court interpreter positions that have been vacant in excess of 200 days plus two additional vacancies of less than 180 days equating to 46% of the Department's FTEs remaining unfilled. Should the lengthy vacancies continue (...and I see no bright light at the end of the tunnel) the Circuit may need additional contractual dollars.

Specifically, over the past three years, the Fifteenth Circuit has spent on average \$118,695 annually for the services of contractual interpreters. We anticipate expenditures to reach \$164,000 in fiscal year 2016. We also anticipate this number to increase again, next fiscal year, as a result of the six vacancies that are not likely to be filled any time soon because the vacancies require the Circuit to supplement the staffing with contractual personnel. It should be noted that the Circuit has aggressively attempted to recruit certified court interpreters to fill the vacancies. However, it has been almost impossible to find qualified candidates willing to accept the base salary offered by the State Courts system.

Also, as a result of the recent amendments to the Rules for Certification and Regulation of Spoken Language Court Interpreters, contractual interpreters obtaining their certification, provisionally approved or language skilled status, have demanded a higher rate of pay. The demand for an increased rate of pay will continue to have an impact on our budget. Finally, the Circuit has experienced an increase in the number of requests for services for hearing impaired citizens called for jury duty. To meet the needs of these citizens, The Circuit must secure two interpreters per juror. In a few cases, hearing impaired citizens have been selected to serve requiring interpreters for the length of the trial. Whether the request for these services will increase in the next fiscal year is unknown but when requested is costly.

*Expert Witness--*We foresee no special circumstances that would require additional funding

Court Reporting- Court reporting expenditures continue to be problematic. Fiscal year 2016 expenditures are expected to be at an all-time high of \$316, 500. The increase in costs began in 2014 because vendors who complete work for state agencies in the cost sharing program now invoice the Circuit for their work rather than the agencies. This change, coupled with staffing shortages, has significantly increased the court reporting expenditures. The rise is expected to continue.

16th Circuit:

While our circuit would not anticipate requesting additional funds, I would ask that our current funding not be reduced in any of the contractual allocations. There are two areas, however, that I would like to provide some additional information on. With regard to Court Reporting, our circuit converted a steno court reporter (1 FTE) to contractual funding several years ago, as we could not hire anyone for the position and we did not have a current level of funding that would support hiring contractual court reporters to fill the gap. This FY year the funding was significantly reduced, which I am assuming is based on the historical expenditures of the prior two FY. Having given up an FTE to gain this contractual money, I would ask that the current level of funding in this element stay the same with no further reductions.

17th Circuit:

Since usage historically increases each year even if contract rates remain the same, using the average of past year expenditures tends to under budget unless a small percent is added to the base amount.

18th Circuit:

Court Interpreting – The quality of the Language Line often has been poor. Other times the Language Line has not been able to provide a certified interpreter. We request additional funding of \$11,000 to minimize the use of the Language Line by providing live certified interpreters. Additionally, we have taken a hardline on paying for interpreters, refusing to pay for an interpreter because the defendant didn't strictly qualify to avoid cost recovery. We request \$10,000 in order to improve expediency and efficiency in cases involving limited-English-proficient parties and to inch forward toward the ruling of the Department of Justice. If DOJ standards are implemented fully, we would need substantial additional funding beyond this request. (Additional funding request - \$21,000)

Expert Witnesses – It appears our funding is adequate at this time.

Court Reporting – As we have transitioned from contracted stenographic reporting in the courtroom to employee digital court reporting in a centralized room, workload has shifted from contractual to employee. We have already submitted a request to the TCBC to convert contractual funds to labor and benefits for 1.0 FTE using funds already allocated to our circuit. Hopefully, the request will be approved by the TCBC. We need funds to convert three more contractors to 3.0 FTE. The cost would be \$60,000 to cover their benefit costs. Additionally, there are numerous capital cases and post-conviction cases pending that require court reporters, live, not electronic, by Supreme Court order, for review hearings required every 90 days, post-conviction as well as evidentiary hearings. (Additional funding request - \$60,000)

19th Circuit:

While it appears that our expenditures are increasing in Court Interpreting, Expert Witness and Court Reporting, we feel that with the new paradigm for accessing budgets and reserves, that we will be okay using the 3 year average. We do anticipate running short in these areas to close out the 4th quarter in the 16/17 FY, but again, with the aforementioned safety net, we have no extraordinary request.

20th Circuit:

On January 28, 2016, this Trial Court Administrator notified OSCA-Budget Services to explain how the 20th Circuit was experiencing an immediate deficit in two due process contractual services categories specifically, court reporting and court interpreting, which rendered the Circuit unable to pay all invoiced expenditures for these due process categories. The 20th Circuit was unable to identify unobligated funds from other due process elements to address the circuit's financial liability through March 31, 2016. Pursuant to the approved TCBC procedures, the 20th Circuit requested early access to the second distribution of due process services allotment before April 1, 2016. Furthermore, On April 12, 2016, it was determined by the TCBC that the 20th Circuit was at a due process funding deficit and was allocated the following additional funding amounts (see attachment):

Expert Witness (cost center 127) \$85,866
Court Reporting (cost center 129) \$18,902

Court Interpreting (cost center 131) \$122,870

I am respectfully requesting for the FMC to review the above attachment which depicts a comparative analysis of court interpreter events via the Uniform Data Reporting (UDR) System. When comparing the reporting periods July – December 2014 to July – December 2015, the data reveals a +4% increase {6,489(2014) to 6,742(2015)} in required court interpreter events. Additionally, the two-year UDR data comparison depicts the need for Spanish-speaking contractual interpreters increased +5%, and ADA accommodation requests for sign-language interpreters increased +100%. Moreover, after reviewing paid certified or language skilled court interpreter invoices from July 1st 2015 – December 31st 2015, there appears to be some unanticipated increased expenditures in this due process category. The following contractual court interpreter costs were paid from the 20th Circuit’s due process budget for court ordered proceedings: \$9,411 (Hebrew), \$1,245 (Farsi), \$19,243 (Punjabi), and \$13,912 for sign-language interpreting to fully comply with all provisions of the Americans with Disabilities Act (ADA). Additionally, in May 2015 the Administrative Office of the Courts (AOC) received a joint request from contractual Spanish-speaking certified court interpreters in regards to raising the \$35.00/hr. pay rate (2-hr minimum) to a rate reflective of the cost of living since 2008. In an effort to address this request, the AOC completed an informal circuit to circuit survey inquiry; consequently, it was determined that the 20th Circuit provided the tenth lowest compensated pay rate at \$35.00/hr. out of twelve circuits responding. The average contractual Spanish-speaking certified court interpreter rate was \$51.00 (2-hr. minimum). Hence, the AOC set its FY 2015-16 contractual Spanish-speaking certified court interpreter rate to \$50.00/hr. (2-hr minimum) to ensure a competitive market compensation rate for the Supreme Court mandated certified interpreter designation. Due to the increase in total court reporting events, coupled with rising contractual costs for certified court interpreters, the 20th Circuit experienced a deficit in this due process category.

Please note the 20th’s counties possess the State’s 2nd, 7th, 11th, 14th and 43rd highest resident populations of persons that are Hispanic or Latino in origin:

Miami-Dade	65.0%
Hendry	49.2%
Osceola	45.5%
Hardee	42.9%
DeSoto	29.9%
Orange	26.9%
Collier	25.9%
Broward	25.1%
Hillsborough	24.9%
Okeechobee	23.9%
Glades	21.1%
Monroe	20.6%
Palm Beach	19.0%
Lee	18.3%

Hence, our circuit’s high resident population of persons that are Hispanic or Latino in origin correlates to high levels of language-needs within our circuit as compared to the rest of the state:

Cir.	Spanish UDR	D.P. Filings	UDR/Filing
11	175,324	141,103	124%
19	8,823	33,264	27%
5	11,462	44,314	26%
State	277,565	1,083,258	26%
16	1,514	6,341	24%
20	12,039	60,925	20%
9	15,962	88,596	18%

<http://www.flcourts.org/publications-reports-stats/statistics/uniform-data-reporting.stml>
<http://www.flcourts.org/publications-reports-stats/statistics/trial-court-statistical-reference-guide.stml>

Here, the 20th ranks as the fifth highest circuit in the state when comparing Spanish language events to circuit criminal, county criminal and unified family court filings. Of note, few circuits possess this high a concentration of Spanish language events (*driving the State avg. to rank 3rd highest*).

However, the residential distributions of certified interpreters do not follow the concentration levels of certification:

Cir.	Cert. Spanish	Statewide%
11 th	127	50%
12 th	20	8%
20th	11	4%

<http://www.flcourts.org/resources-and-services/court-services/general-information-rules-policies.stml>

Here, only 4% of the state’s 253 certified Spanish interpreters reside within the 20th; a stark contrast to the 11th’s 50%.

Agenda Item IV.F. Due Process Contractual Allotments: 18th Circuit Request to Transfer Due Process Contractual Services Funds to FTE

Issue:

The Eighteenth Judicial Circuit seeks approval from the Trial Court Budget Commission (TCBC) to exchange \$51,600 in due process contractual dollars for salary and benefit dollars to fund one full-time position from the Due Process Contingency Fund.

Based on a letter from Chief Judge John D. Galluzzo (attached), the circuit, if approved, would hire one full-time digital court reporter. The circuit has transitioned from the use of contract stenographers to digital court recording for all appropriate cases. The change in methodology has significantly shifted the workload to employees within the Digital Court Reporting unit. This position will ensure quality court recordings and provide workload relief.

Currently there are 9.0 FTE in the Due Process Contingency Fund. The total salary and benefit cost for the one full-time position is estimated at \$52,385, which assumes the position is 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).

Options:

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.



CIRCUIT COURT
EIGHTEENTH JUDICIAL CIRCUIT
COUNTIES OF BREVARD AND SEMINOLE

SEMINOLE COUNTY COURTHOUSE
301 NORTH PARK AVE.
SANFORD, FL 32771
PHONE: 407-665-4299
FAX: 407-665-4287

John D. Galluzzo
Chief Judge

*Mary B. Greene
Judicial Assistant

May 18, 2016

The Honorable Circuit Judge Mark Mahon
Chair, Trial Court Budget Commission
c/o Office of the State Courts Administrator
Supreme Court Building
500 South Duval Street
Tallahassee, Florida 32399-1900

Dear Chief Judge Mahon:

Effective July 1, 2016, the Eighteenth Judicial Circuit requests the conversion of approximately \$51,600 of Court Reporting contractual funding to a full-time Digital Court Reporter (Class Code 7725, Pay Grade 17, base salary \$31,665). The estimated cost of the position includes base salary and associated benefits. There is no fiscal impact other than the conversion of contractual dollars to salaries and benefits.

This request includes activating 1.0 FTE from the trial court contingency reserve.

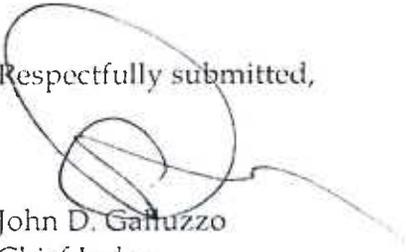
The Office of the State Courts Administrator will calculate the final amount to be converted based on the type of health insurance that is selected by the employee who will be hired if this request is approved.

Historically, our circuit has used contract stenographers to create the court record for many case types. Over time, we have transitioned to a model that uses digital court recording for all appropriate cases. This change in methodology has shifted workload from external contractors to the employees within the Digital Court Recording work unit. As a result, workload has become burdensome.

This position will help to ensure quality court recordings and provide needed workload relief.

Thank you for considering this request, which is cost-neutral, because it is funded by the conversion of one category of funding to another.

Respectfully submitted,



John D. Gaffuzzo
Chief Judge

Cc: Patricia (PK) Jameson, State Courts Administrator
Dorothy Willard, Chief of Budget Services Director
Mark Van Bever, Trial Court Administrator

Agenda Item IV.F. Due Process Contractual Allotments: 12th Circuit Request to Transfer Due Process Contractual Services Funds to FTE

Issue:

The Twelfth Judicial Circuit seeks approval from the Trial Court Budget Commission (TCBC) to exchange \$111,237 in due process contractual dollars for salary and benefit dollars to fund two full-time positions from the statewide reserve of unfunded FTE.

Based on a letter from Chief Judge Charles E. Williams (attached), the circuit, if approved, would hire two full-time non-certified court interpreters with the understanding that they would become certified within the year. The circuit does not currently employ staff interpreters and does not have administrative staff available to handle interpreter coordination. There have been significant cost increases due to changes in interpreter certification rules, and having two staff interpreters to handle many of the court's needs, as well as coordinating interpreter scheduling with outside interpreters, would result in a significant decrease in Spanish interpreting costs. Additionally, the Twelfth circuit is concerned that the cost of contractual interpreters will not decrease by the equivalent cost of staff interpreters due to rising costs, increasing events, etc., and the circuit requests that TCBC to consider reducing the contractual allotment by only 85 percent of the cost of the 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. However, FTE changes for a due process model from contractual to FTE have historically been requested and approved from the Due Process Contingency Fund, which is set aside specifically in the General Appropriations Act for this purpose. 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 is estimated at \$131,642, which assumes the positions are hired at the minimum for a certified court interpreter (class code 7530, pay grade 232, minimum salary \$43,332), and elects family health insurance coverage (to anticipate the maximum liability).

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.

Options:

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.



Charles H. Williams

CHIEF JUDGE

TWELFTH JUDICIAL CIRCUIT OF FLORIDA

2002 RINGLING BLVD.

SARASOTA, FLORIDA 34237

TELEPHONE: (941) 861-7942

FACSIMILE: (941) 861-7913

LFudge@jud12.flcourts.org

June 3, 2016

Hon. Mark Mahon, Chair
Trial Court Budget Commission
500 S. Duval Street
Tallahassee, FL 32399-1900

Dear Judge Mahon:

I am requesting that the Trial Court Budget Commission (TCBC) approve the allocation of two full-time positions (FTE) from the statewide reserve of unfunded FTE to the Twelfth Judicial Circuit. The purpose of this request is to allow us to hire two Court Interpreters for our circuit. Unfortunately we cannot utilize our cost recovery allocation to fund either of the positions because we do not have the spending authority or a sufficient balance to do so. We have historically used our cost recovery funds to pay for the refresh of digital court recording equipment or to purchase stenography equipment. Therefore, we request that the positions be funded by reducing our contractual allotment relatively proportionately.

The Twelfth Circuit does not currently employ any staff interpreters and does not have any administrative staff resources available to handle interpreter coordination. All Spanish interpreting is provided by a contractual interpreting firm and includes the responsibility of scheduling and assigning all Spanish interpreters throughout the circuit. This year we project that we will spend nearly \$360,000 just on Spanish contractual interpreters and \$25,000 on other interpreting services.

Due to the changes in the interpreter certification rules we have experienced significant price increases by using a contractual interpreter model, and believe that by having two staff interpreters who could handle many of the court's needs as well as coordinating interpreter scheduling with outside interpreters that we would decrease our Spanish interpreter costs significantly. We anticipate hiring non-certified interpreters with the understanding that they would become certified within the year.

The estimated costs for the FTE are as follows:

Salary	\$37,756.20 (not certified)
Benefits	@ 15.17%
Health Ins.	\$12,134.64

Total Estimated cost = \$55,618.46 x 2 non-certified positions = \$111,236.92

In FY 13/14 the Twelfth Circuit spent approximately \$302,000 on all interpreting services, and this year we will spend over \$385,000, which is an increase of 27% over just two years. We estimate that these costs will continue to escalate and believe that having two staff interpreters – one based in Manatee County and one based in Sarasota County, is a cost-effective way to control the escalating costs while also providing consistent interpreting services to the court.

We are concerned that the cost of the contractual interpreters will not decrease by the equivalent cost of staff interpreters because of rising costs, increasing events, the number of courthouses, etc., and thus would like for the TCBC to consider reducing our contractual allotment by only 85 percent of the cost of the two staff interpreters (\$94,551.38) for the first year until we can evaluate how well this proposal has worked.

Thank you very much for the committee's time and attention to this matter.

Sincerely



Charles E. Williams
Chief Judge

cc: P.K. Jameson, State Courts Administrator
Eric Maclure, Deputy State Courts Administrator
Dorothy Willard, Chief of Budget Services
Walt Smith, Trial Court Administrator

Agenda Item IV.F. Due Process Contractual Allotments: 15th Circuit Request to Transfer Due Process Contractual Services Funds to FTE

Issue:

The Fifteenth Judicial Circuit seeks approval from the Trial Court Budget Commission (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 one full-time position from the Due Process Contingency Fund.

Based on a letter from Trial Court Administrator Barbara Dawicke (attached), the circuit, if approved, would hire two full-time digital court reporters. The circuit cites staffing shortages due to workload of the 12.5 digital court reporters and 4 stenographers to cover all of the circuit's criminal courts, juvenile courts, mental health hearings, and domestic violence hearings. The circuit is also attempting 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).

Options:

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.



ADMINISTRATIVE OFFICE OF THE COURT
FIFTEENTH JUDICIAL CIRCUIT
OF FLORIDA

BARBARA L. DAWICKE
COURT ADMINISTRATOR

June 9, 2016

COUNTY COURTHOUSE
WEST PALM BEACH, FLORIDA 33401
561/355-2431
<http://www.co.palm-beach.fl.us/cadmin>

Hon. Mark Mahon
Chair, Trial Court Budget Commission
Circuit Judge, Fourth Judicial Circuit
501 West Adams Street
Jacksonville, FL 32202

Re: Request for contractual funds to convert to salary dollars for two court reporting FTEs

Dear Judge Mahon:

The Fifteenth Judicial Circuit continues to struggle with its court reporting staffing. Specifically, the current 12.5 Digital Court Reporters (DCR) and 4 Stenographers are being stretched to cover all of the Circuit's criminal courts, juvenile courts, mental health hearings, and domestic violence hearings. Additionally, the Circuit is attempting to comply with the Fourth District Court of Appeal's request to refrain from submitting transcript extension requests. To do so, due to the staffing shortage, the Circuit relies primarily on contractual reporters for its transcript production. As a result, the Circuit has expended almost all of its contractual dollars on payment of the outside vendors.

The Circuit has an immediate need for court reporting resources. Although it is unknown if the Trial Court Budget Commission will recommend filing a FY 2017-18 legislative budget request for court reporting positions, if an LBR is funded it would not provide relief until after July 1, 2017. Therefore, the Circuit respectfully makes two requests: 1) that the TCBC release contractual court reporting dollars to the Circuit in the amount of approximately \$63,330, for conversion to salary dollars; and 2) that the Circuit is permitted to use the newly acquired salary dollars to obtain two DCR FTEs from the contingency position fund.

We strongly believe that the additional FTEs will greatly assist the Department's coverage of court proceedings and with transcript production.

I thank you in advance for considering the Circuit's request.

Sincerely,

Barbara Dawicke

cc: Hon. Jeffrey Colbath, Chief Judge
Hon. Catherine Brunson, Circuit Judge, TCBC member
PK Jameson, State Courts Administrator
Eric Maclure, Deputy State Courts Administrator
Dorothy Willard, Chief of Budget Services
Kris Slayden, Resource Planning, OSCA

Agenda Item IV.G. FY 2016-17
Allotments – Statewide Allotments

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

Background

The State Courts System received a total of \$9.0 million from the National Mortgage Foreclosure Settlement Funds since FY 2012-13 to help provide technology solutions to move foreclosure cases through the judicial process. These solutions enable judges and staff to effectively use electronic documents when disposing foreclosure cases, produce orders electronically, provide for electronic calendaring, serve orders electronically, and generate case management reports.

Of the \$9.0 million received by the trial courts for this technology, the Eighth Judicial Circuit requested, and was allocated, \$258,096 in FY 2012-13 and \$399,998 in FY 2013-14. These funds were used to purchase hardware and software, and for contractual development and programming to support the continued development of the Integrated Case Management System (ICMS). Funding also included an additional transfer of \$144,000 from the Tenth Judicial Circuit, Fourteenth Judicial Circuit, and Eighteenth Judicial Circuit to help pay for programmer hours. Further, the Eighth Judicial Circuit received a non-recurring allocation of \$259,000 from the statewide trial court reserve in FY 2014-15 for ICMS. The contractual funding was used to continue to advance ICMS to meet Court Application Processing System (CAPS) compliance, as well as meet the requirements outlined for differentiated case management and reporting for civil case types. These funds are being utilized to not only benefit the Eighth Judicial Circuit but have also been used to support the ICMS systems in the Tenth, Fourteenth, and Fifteenth circuits, and Brevard County in the Eighteenth Judicial Circuit.

The TCBC allocated a total of \$216,440 for ICMS to the Eighth Circuit for the Eighth, Tenth, Fourteenth, and Eighteenth Judicial Circuits (\$54,110 per circuit, or \$13,527.50 per county) for FY 2015-16 for ongoing programming and support of ICMS3. This figure is in line with the \$500 per user annual maintenance fee proposed by the OSCA for ongoing maintenance and support of in-house systems. The amount allowed the four circuits to keep ICMS3 compliant with CAPS and maintain functionality and continued operation.

The funds were expended as follows:

- 1 Contract Developer @ \$140,000;
- 1 Contract Support/Tester @ \$76,440.

It is anticipated that the cost to maintain ICMS3 will continue in out-years, similar to other vendors' maintenance and support costs. If additional circuits transition to ICMS, increased development, integration, and maintenance costs may be incurred. Those costs could be requested through the state appropriation process or through the same process as this request.

Current

In FY 2016-2017, two additional circuits (3rd and 4th), encompassing 10 counties will transition to ICMS, bring the total coverage to six circuits and 26 counties.

As reported by the Eighth Judicial Circuit:

The services of the Contract Developer have been satisfactory, and the compensation for the Developer does not require an increase, despite the addition of these two circuits.

The services of the contract Support/Tester have not fulfilled expectations and the contractor will not be renewed. There is a need to expand the skill level for this position to a Support/Tester/Developer. This will allow the contractor to provide developer time during periods when there are fewer testing or support tasks, thereby reducing circuits' wait time for bug fixes and feature requests. As industry wide demand and compensation for developers continue to increase, it is unlikely that a contractor with the needed skill level can be retained at the current funding level of \$76,444. 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.

Decision Needed

Option 1: Approve the Third, Fourth, Eighth, Tenth, Fourteenth, 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.

Option 2: Same as Option 1, except approve only as a non-recurring allocation.

Option 3: Same as Option 1, except approve only the base funding of \$216,440.

Option 4: Same as Option 3, except approve only as a non-recurring allocation.

Option 5: Do not approve.

Trial Court Budget Allotments
FY 2016-2017
Statewide Allotments

Revised 06/17/2016

Cost Center	Allotment Description	FY 2015-16 Approved Allotments										FY 2016-17 Proposed Allotments										
		OPS 030000	Expense 040000	Add Comp to County Judges ¹ 100035	Comp to Retired Judges ^{1,2} 100630	Contracted Services 100777	Lease Purchase of Equipment 105281	Mediation Services 105415 ¹	Due Process Contractual ¹ 105420	Other Data Processing Services 210014	Total All Categories	OPS 030000	Expense 040000	OCO 060000	Add Comp to County Judges ¹ 100035	Comp to Retired Judges ^{1,2} 100630	Contracted Services 100777	Lease Purchase of Equipment 105281	Mediation Services 105415 ¹	Due Process Contractual ¹ 105420	Other Data Processing Services 210014	Total All Categories
000	Statewide Operating	731,549									731,549	441,263										441,263
136	Circuit Operating Reserve	38,000	186,628			54,772	17,615				297,015	38,000	331,631		54,772	17,615						442,018
136	County Operating Reserve	15,000	507,311	100			38,311				560,722	15,000	261,480	15,000	100		39,142					330,722
136	Comp. to Retired Judges (base 50 days)				17,754						17,754				17,754							17,754
136	Mediation Services Reserve							338,578			338,578							284,950				284,950
136	Due Process Reserve								1,731,770		1,731,770								997,790			997,790
Total Statewide Reserve		784,549	693,939	100	17,754	54,772	55,926	338,578	1,731,770	0	3,677,388	494,263	593,111	15,000	100	17,754	54,772	56,757	284,950	997,790	0	2,514,497
125	ICMS (N/R)		216,440			0					216,440		230,000									230,000
134	Florida Bar Dues		100,000								100,000		100,000									100,000
135	Unemployment Comp		200,000								200,000		200,000									200,000
137	National Center for State Court Dues		265,111								265,111		276,812									276,812
142	NCSC Project-Judicial Resource Study (N/R)		413,897			0					413,897		0									0
145	OpenCourt (N/R)								175,000		175,000								190,000			190,000
176	Remote Interpreting Pilot								27,840		27,840								27,840			27,840
239	Trial Court Process Improvement		163,200			9,600					172,800		163,200		9,600							172,800
252	Trial Court Budget Commission		90,000			800					90,800		90,000		800							90,800
262	State Court Network Lines		271,300							97,902	369,202		271,300								97,902	369,202
373	Legal Services		50,000			50,000					100,000		50,000		50,000							100,000
TBD	Property Insurance Premium										0		15,000									15,000
Total Other Statewide Allotments		0	1,769,948	0	0	60,400	0	0	202,840	97,902	2,131,090	0	1,396,312	0	0	0	60,400	0	0	217,840	97,902	1,772,454
Grand Total Statewide Allotments		784,549	2,463,887	100	17,754	115,172	55,926	338,578	1,934,610	97,902	5,808,478	494,263	1,989,423	15,000	100	17,754	115,172	56,757	284,950	1,215,630	97,902	4,286,951

Note: Shaded cells indicate change from prior year.

¹ Based on FMC recommendations

² Includes 50 days or 17,754 for reserve

Agenda Item IV.H. FY 2016-17
Allotments – Allotments for Special
Appropriations

Agenda Item IV.H. Allotments for Special Appropriations

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

In the fiscal year 2016-17 General Appropriations Act (GAA), the Legislature appropriated recurring funding totaling \$316,000 in the Domestic Violence Offender Monitoring category for the Eighteenth Judicial Circuit to continue its program to protect victims of domestic violence with Active Global Positioning Satellite (GPS) technology. Under the program, a judge may require a defendant or an offender in a criminal case involving domestic violence to wear a GPS device as a condition of being released into the community.

Specifically, proviso states: *“The funds in Specific Appropriation 3155 are provided to the Eighteenth Judicial Circuit to continue its program to protect victims of domestic violence with Active Global Positioning Satellite (GPS) technology.”*

Cost Center 178

Circuit	Domestic Violence Offender Monitoring 101078 (recurring)
18	\$316,000

Action: For Information Purposes Only.

2. Post-Adjudicatory Expansion Drug Courts

In the fiscal year 2016-17 General Appropriations Act, the Legislature appropriated funding totaling \$5,400,000 (\$5,000,000 recurring and \$400,000 nonrecurring) in the Contracted Services category for post-adjudicatory drug courts.

Specifically, proviso states: *“From the funds in Specific Appropriation 3154, \$5,000,000 in recurring general revenue funds and \$400,000 nonrecurring general revenue funds are provided for treatment services for offenders in post-adjudicatory drug court programs in Broward, Escambia, Hillsborough, Marion, Okaloosa, Orange, Pinellas, Polk, and Volusia counties. Each program shall serve prison-bound offenders (at least 50 percent of participants shall have Criminal Punishment Code scores of greater than 44 points but no more than 60 points) and shall make residential treatment beds available for clients needing residential treatment.”*

The proposed allocations were based on the current contract amounts. The balance of the funding not allocated was placed at the statewide level. Currently, there is no process of accessing the funds placed at the statewide level, if needed. The funding for these counties is summarized below.

Cost Center 753

Circuit/County	Contracted Services 100777 (recurring)	Contracted Services 100777 (nonrecurring)	Total
Statewide	132,467	110,000	242,467
1 – Escambia	427,000		427,000
1 – Okaloosa		290,000	290,000
5 – Marion	154,877		154,877
6 – Pinellas	659,524		659,524
7 – Volusia	292,200		292,200
9 – Orange	820,730		820,730
10 – Polk	492,713		492,713
13 – Hillsborough	795,500		795,500
17 – Broward	1,224,989		1,224,989
Total	\$5,000,000	\$400,000	5,400,000

Action:

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.

3. Drug Courts

In the fiscal year 2016-17 General Appropriations Act, the Legislature appropriated funding totaling \$260,000 in nonrecurring funds in the Contracted Services category for juvenile drug court.

Specifically, proviso states: *“From the funds in Specific Appropriation 3154, \$260,000 in nonrecurring general revenue funds is provided to the Grove Counseling Center to provide treatment services for the Seminole County Juvenile Drug Court.”*

Cost Center TBD

Circuit	Contracted Services 100777 (nonrecurring)
18	\$260,000

Action: For Information Purposes Only.

4. Veterans' Courts

In the fiscal year 2016-17 General Appropriations Act, the Legislature appropriated funding totaling \$2,542,032 (\$1,425,000 recurring and \$1,117,032 nonrecurring) for veterans' courts.

Specifically, proviso states: *“Recurring general revenue funds in Specific Appropriation 3158 are provided to the following counties for felony and/or post-adjudicatory veterans’ treatment intervention programs....”* and *“Nonrecurring general revenue funds in Specific Appropriation 3158 are provided to the following counties for felony and/or misdemeanor pretrial or post-adjudicatory veterans’ treatment intervention programs....”* The funding for these counties is summarized below.

Cost Center 753

Circuit/County	Veterans Court 103770 (recurring)	Veterans Court 103770 (nonrecurring)	Total
1 – Escambia	150,000		150,000
1 – Okaloosa	150,000		150,000
2 – Leon	125,000		125,000
4 – Circuit Level		112,032	112,032
4 – Clay	150,000		150,000
4 – Duval	200,000		200,000
6 – Pasco	150,000	150,000	300,000
6 – Pinellas	150,000	150,000	300,000
8 – Alachua	150,000		150,000
9 – Orange	200,000		200,000
12 – Manatee		150,000	150,000
12 – Sarasota		150,000	150,000
13 – Hillsborough		150,000	150,000
18 – Seminole		150,000	150,000
20 – Collier		105,000	105,000
Total	1,425,000	1,117,032	2,542,032

Action: For Information Purposes Only.

5. Second Judicial Circuit Mental Health Court

In the fiscal year 2016-17 General Appropriations Act, the Legislature appropriated funding totaling \$200,000 in nonrecurring Contractual Services category funding for wraparound behavioral health treatment services.

Specifically, proviso states: *“From the funds in Specific Appropriation 3154, \$200,000 in nonrecurring general revenue funds is provided to the Second Judicial Circuit Mental Health Court to fully restore both the misdemeanor and felony dockets in all counties of the Second Circuit.”*

Cost Center 378

Circuit	Contracted Services 100777 (nonrecurring)
2	\$200,000

Action: For Information Purposes Only.

6. Eleventh Judicial Circuit Criminal Mental Health Project

In the fiscal year 2016-17 General Appropriations Act, the Legislature appropriated nonrecurring funding totaling \$250,000 in the Contracted Services category to continue the Eleventh Judicial Circuit’s Criminal Mental Health Project (CMHP).

Specifically, proviso states: *“From the funds in Specific Appropriation 3154, \$250,000 in nonrecurring general revenue funds is provided for gap funding for housing and wraparound behavioral health treatment services provided by the Miami-Dade Homeless Trust for individuals referred by the 11th Judicial Circuit Criminal Mental Health Project and participating in jail diversion programs.”*

Cost Center TBD

Circuit	Contracted Services 100777 (nonrecurring)
11	\$250,000

Action: For Information Purposes Only.

7. Vivitrol/Naltrexone to Treat Alcohol- or Opioid-Addicted Offenders

In the fiscal year 2016-17 General Appropriations Act, the Legislature appropriated funding totaling \$5,000,000 in recurring Contractual Services category funding for Vivitrol/Naltrexone to treat alcohol- or opioid-addicted offenders.

Specifically, proviso states: *“From the funds in Specific Appropriation 3154, \$5,000,000 in recurring general revenue funds is provided for naltrexone extended-release injectable medication to treat alcohol- or opioid-addicted individuals involved in the criminal justice system, individuals who have a high likelihood of criminal justice involvement, or who are in court-ordered, community-based drug treatment. The Office of the State Courts Administrator shall use the funds to contract with a non-profit entity for the purpose of distributing the medication.”*

Cost Center 755

Circuit	Contracted Services 100777 (recurring)
Statewide	\$5,000,000

Action: For Information Purposes Only.

Agenda Item V.A. FY 2017-18 Legislative Budget Request – Timeline

2017-2018 Legislative Budget Request (LBR) Timeline Trial Courts

Monday, June 6	Preliminary LBR strategy discussion; TCBC Funding Methodology Committee meeting <i>Tampa, Florida</i>
Friday, June 17	Approval of LBR strategy for new issues; Trial Court Budget Commission meeting <i>Orlando, Florida</i>
Wednesday, June 22	Notice of LBR strategy and LBR request instructions distributed to Chief Judges and Trial Court Administrators
Friday, July 8	Circuit specific LBRs due to OSCA Office of Budget Services
Monday, July 11, thru Monday, July 18	OSCA technical review
Wednesday, July 27	Approval of preliminary LBR recommendations; TCBC Funding Methodology Committee meeting <i>Telephone Conference</i>
Thursday, August 11	Approval of final LBR recommendations; Trial Court Budget Commission meeting <i>Ponte Vedra Beach, Florida</i>
Tuesday, August 16	Notice of TCBC Final LBR decisions distributed to circuits
Friday, August 26 <i>(10 days following Notice of TCBC Final LBR decisions)</i>	Budget issue appeals, if any, due to TCBC
Wednesday, September 7	Joint meeting of leadership materials sent out via email
Monday, September 12	Joint meeting of leadership with the Chief Justice, District Court of Appeal Budget Commission, Trial Court Budget Commission, JQC, Judicial Conference Chairs, and OSCA to review the LBR recommendations <i>1:00 p.m. to 4:00 p.m. – Telephone Conference (Executive Conference Center has been reserved for Tallahassee participants)</i>
Wednesday, September 14	Final LBR recommendations distributed to the Supreme Court for Court Conference
Wednesday, September 21	Approval of LBR recommendations by the Supreme Court
Friday, October 7	Public Hearing <i>Tallahassee, Florida</i>
Friday, October 14	Submission of the Legislative Budget Request to the Legislature

Agenda Item V.B. FY 2017-18
Legislative Budget Request – Priorities

Agenda Item V.B.: FY 2017-18 Legislative Budget Request Priorities

The process for developing the FY 2017-18 budget begins with initial discussions on trial court funding priorities by the Funding Methodology Committee (FMC) and the Trial Court Budget Commission (TCBC) in June. The FY 2016-17 Legislative Budget Request (LBR) for the State Courts System (SCS) included three large requests (judicial and employee pay, district court of appeal fixed capital outlay, and trial court technology), in addition to a number of comparatively smaller issues for the Supreme Court, the district courts of appeal, the trial courts, the Judicial Qualifications Commission, and the Office of the State Courts Administrator.

The development of the trial court budget request benefits greatly from input from all 20 circuits’ chief judges, and trial court administrators. Listed below are the issues in the trial court portion of the SCS FY 2016-17 LBR. On May 25, 2016, the chair of the TCBC sent this list to all chief judges and trial court administrators, requesting feedback on behalf of their circuit on the continued importance of these issues. Additionally, they were asked to identify any new or emerging issue (or issues) not requested as part of the FY 2016-17 LBR, with a brief explanation on why it is significant. They were also asked to provide a relative ranking of the budget issues.

FY 2016-17 Trial Court LBR Issues	Amount	Official Ranking	Chief Judge/TCA Average Score
Enhancing Existing Resources: Employee Pay Issue (Branch Wide)	\$5,902,588	1	1.12
Technology – CAPS Viewers	\$6,746,753	2	3.44
Technology – Court Reporting	\$5,137,342	2	3.19
Technology – Remote Interpreting	\$2,412,750	2	2.77
Technology – Minimum Level of Services	\$11,003,128	2	2.88
Case Management Resources	\$3,470,377	3	2.89
Court Interpreting Contractual for Certification Rule Change	\$483,292	4	3.93

Note: Highlighted score represents issue that was prioritized by the chief judges/TCAs differently than the official rankings.

A few circuits specifically mentioned the need for case management resources for problem solving courts, as well as for general civil and criminal divisions of court.

Emerging Issues Identified by Circuits in Addition to FY 2016-17 LBR Issues

General Magistrates – 5 circuits
Staff Attorneys – 6 circuits
Court Interpreting Workload – 5 circuits

Court Reporting Resources – 2 circuits
Court Administration – 2 circuits

Responses from circuits are included below:

2nd Circuit – Court interpreting resources. Including civil proceedings would increase expenses.

3rd Circuit – Court interpreting resources. Including civil proceedings would increase expenses.

Restore Staff Attorney FTE lost during the 2008 RIF. In addition to the post-conviction work, they do legal research on other case types for judges, handle all extraordinary writs, and make indigence determinations. The volume of their post-conviction work continues to increase, not only because there is more coming in, but also because changes in criminal rules have increased the workload associated with those cases. With no General Counsel, Staff Attorneys assist with administrative matters. To maximize limited Staff Attorney resources, we could use a clerical position dedicated to the staff attorney unit to handle their logging, correspondence, and other background work.

5th Circuit – General Magistrates and Hearing Officers (no new judges since 2007-08), Staff Attorneys, and Certified Court Interpreting FTEs (2.0 FTE trial coverage and 1.0 FTE supervising).

9th Circuit – Staff Attorneys FTEs.

10th Circuit – Staff Attorneys FTEs.

11th Circuit – 2 FTE General Magistrates.

12th Circuit – Staff Attorney FTEs. We lost two Staff Attorney positions in the RIF and have not been able to replace them. Since we also have the only Civil Commitment Center in the state, it has put a strain on our Staff Attorney resources in addition to the two FTEs we lost.

Due to the requirement of using Certified Interpreters, we have experienced a tremendous cost increase with contractual interpreters. If we are required to provide interpreting services for civil proceedings, our expenses will further be increased.

13th Circuit – General Magistrate FTEs.

14th Circuit – 3.0 FTE court administration positions lost to RIF has significantly hampered our ability to manage our geographically large circuit. Currently, our budget and personnel issues are consolidated with one person. We have seven courthouses in 6 counties and desperately need a court operations manager to handle the security, ADA and court facilities issues associated with our seven courthouses. We request the funding of a Court Operation Manager and a Budget Manager. The Budget Manager position will allow us to separate our budget and personnel functions and handle issues associated with our state budget and our six county budgets. The court operation manager position will allow up to manage the security, ADA, and facility and courtroom issues associated with our seven courthouses.

We have a large number of veterans in our area because of several military facilities in or near our circuit. We have an increasing mental health issue. We are seeking funding support for a mental health & veteran court.

15th Circuit – Court Reporting FTEs, with less of a need for contractual dollars and more of a need to be able to hire staff.

Case Manager FTEs, in many areas of the court including but not limited to: civil, criminal, and mental health.

Technology remains very important and we agree that the costs need to be updated (reduced?) in light of the fact that a number of circuits now have judicial viewers. Suggest that the \$25 million request be broken up for a LBR over several fiscal years to increase the chance of being funded.

17th Circuit – General Magistrate FTEs, as our dependency numbers have doubled in the last few years.

18th Circuit – Digital Court Reporter FTEs, transitioning from contracted stenographic reporting in the courtroom to employee digital court reporting in a centralized room has shifted workload from contractual to employee to monitor, record, and annotate court proceedings.

General Magistrate FTEs, to handle additional case types, specifically dependency.

19th Circuit – Recoup the positions lost in the RIF. We have accessed Court Innovations Funds to pay for a Staff Attorney lost in the RIF, and the work other positions did, which were lost, have been added to the responsibilities of others who already had full time workloads.

20th Circuit – Court Interpreter contractual or additional FTE. Only 4% of the state's 253 certified Spanish interpreters reside within the 20th Circuit, which ranks as the fifth highest circuit in the state when comparing Spanish language events to circuit criminal, county criminal and unified family court filings.

Funding Methodology Committee Recommendation

The Funding Methodology Committee (FMC) met on June 6, 2016, and discussed the issues (including the feedback from the chief judges/TCAs) for possible inclusion in the FY 2017-18 LBR.

The FMC recommended that the following trial court issues be brought to the TCBC in August for estimation and consideration:

Issues filed in FY 2016-17 LBR

- Equity and Retention Pay Issue for State Courts System Employees
- Trial Court Technology
- Case Management Resources
- Court Interpreting Contractual for Certification Rule Change

New issues

- General Magistrates
- Staff Attorneys
- Court Interpreter Workload Issues

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 LBRs at their July 27, 2016, conference call.

Decision Needed

Option 1: Approve the FMC's recommendation.

Option 2: Do not approve and consider other issues.

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

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

Background

In 2014, a pilot project was initiated to assess the viability of virtual remote interpreting as a service delivery model. Six circuits participated in the pilot, the 7th and 9th as providers, and the 3rd, 14th, 15th, and 16th as consumers of interpreting services. The pilot was funded through a 2013 legislative budget request (LBR) of \$100,000 in non-recurring funds, and, since then, the appropriation has been supplemented by the Trial Court Budget Commission (TCBC) with \$81,428 in non-recurring funds in FY 2014-15 and \$27,840 in recurring funds at the state level for supporting the pilot's statewide call manager.

In addition, the Trial Court Technology FY 2015-16 and FY 2016-17 LBR's, included \$2.4 million for remote interpreting equipment expansion, but the expansion has not been funded. In March 2016, the TCBC approved the FY 2015-16 end-of-year spending plan, which included remote interpreting equipment requests from six circuits (5th, 7th, 13th, 16th, 19th, and 20th), four of which were not part of the pilot. Other circuits may have also purchased remote interpreting equipment through end-of-year funds or other means, but the extent of these acquisitions will not be known until the annual equipment inventory is performed. It is also unknown which circuits may have gained the ability to access the statewide call manager or participate in the Virtual Remote Interpreting (VRI) network.

The pilot project was administered by the Shared Remote Interpreting Workgroup (Workgroup), consisting of members from the TCBC Due Process Technology Workgroup, the Court Interpreter Certification Board, and the Commission on Trial Court Performance and Accountability (TCP&A), established in February 2014, to make recommendations on the business processes for the "regional model" of sharing remote interpreting resources. In December 2015, the Workgroup advanced the six recommendations listed below along with corresponding business guidelines on the concept of sharing interpreter resources across circuit boundaries using VRI in their report [*Recommendations on Shared Remote Interpreting Services*](#) (see pgs. 45-97 of the April 12, 2016, TCBC meeting materials). Recommendations listed below are proposed to maximize the use of the limited supply of certified interpreters through the use of VRI technology across geographic boundaries.

1. Establish a statewide pool of qualified interpreter resources. The Workgroup recommends the Trial Court Budget Commission, during its annual resource allocation process, consider the number of hours (per week) each circuit will be required to contribute to the pool. The allocation should be based on a workload threshold to ensure equitable distribution of interpreter workload across circuits.

2. Establish statewide education and training provisions, including materials and resources, to ensure remote interpreters and courtroom participants understand and are able to operate video remote interpreting technology appropriately.
3. Ensure that all remote interpreters participating in the statewide pool track their events by entering data, for each remote interpreting event, into a local reporting system or Activity Form. Monthly reports shall be provided by each circuit to the OSCA, in a format prescribed by OSCA, by the 15th day of each succeeding month.
4. Ensure all certified staff interpreters take an oath as administered by a presiding judge at the initial start of employment. The oath shall be considered valid for the duration of the interpreter's employment barring situations such as lapse of certification, disciplinary action, or suspension.
5. Establish a governance committee to make recommendations to the Commission on Trial Court Performance and Accountability, the Court Interpreter Certification Board, and the Trial Court Budget Commission regarding oversight of shared remote interpreting services.
6. Direct the governance committee to monitor funding needs of the circuits in consideration of making recommendations to the Trial Court Budget Commission on changes to existing allocations, standard rates, and cost recovery/sharing practices, to ensure the highest efficiency in the use of the interpreter resources within the shared remote interpreting model.

The report was approved by the TCP&A and approved by the Court Interpreter Certification Board, with the acknowledgement that some members of the Board question the quality of interpreting services when delivered through VRI. At their April 12, 2016, meeting the TCBC referred recommendations #1 and #6 to the Funding Methodology Committee (FMC) for input and recommendations. These recommendations were discussed at the June 6, 2016, meeting of the FMC. Any comments from the TCBC will be included with the report when submitted to the Court for consideration.

Recommendation 1: Establish a statewide pool of interpreter resources

Establish a statewide pool of qualified interpreter resources. The Workgroup recommends the Trial Court Budget Commission, during its annual resource allocation process, consider the number of hours (per week) each circuit will be required to contribute to the pool. The allocation should be based on a workload threshold to ensure equitable distribution of interpreter workload across circuits.

The Workgroup determined the need for providing services through a statewide pool of certified interpreters. Each circuit would be expected to participate as a consumer court. A workload threshold of 4.5 hours per certified interpreter FTE has been proposed for determining the circuits that would participate as provider courts. Based on this proposed formula, each pooled

interpreter would reasonably be expected to contribute 4.5 hours per day in interpreting services as is depicted below.

$$\begin{aligned} & \textbf{Maximum Statewide Pool Requirement per Circuit} \\ & \text{Number of Threshold Hours per Certified State Employee} \\ & \quad - \text{Total Circuit Estimated Annual Workload} \\ & = \text{Number of Hours to Contribute to Statewide Pool} \end{aligned}$$

Those circuits that do not meet the proposed threshold of available interpreter time, and who do not employ staff interpreters, would not be expected to contribute as a provider court at this time but may be expected to contribute in the future through contract interpreters. The Workgroup discussed a potential interpreter-time contribution scheme by circuit but did not include it in the report as it was determined additional information would be needed to develop a final contribution scheme.

In addition, the Workgroup identified several items as potential future considerations for the TCBC, including establishing a state-level FTE to provide sign language interpreting services through the VRI system; establishing a state-level FTE to provide spoken language interpreting services in other languages including Portuguese, Vietnamese, and Russian, through the VRI system; and considering additional funding and/or establishment of a cost sharing arrangement for providing VRI services to entities outside of the courtroom such as the Public Defender, State Attorney, and Regional and Conflict Counsel. The Workgroup noted that included in this consideration should be funding for technology for hearing rooms where plea negotiations take place and policies relating to service provision among these outside entities.

FMC Recommendation

The FMC recommends that the TCBC approve the Workgroup's recommendations that a statewide pool of interpreters be established to provide VRI services throughout the state and that the TCBC address expected circuit contributions in the annual allocation process. However, the FMC further recommends that the TCBC comment that it prefers to develop a recommended workload contribution formula based on evolving needs in court interpreting, and taking into consideration the Workgroup's proposed workload threshold and contribution formula.

Recommendation 6: Ensure efficient use of pooled interpreter resources

Direct the governance committee to monitor funding needs of the circuits in consideration of making recommendations to the Trial Court Budget Commission on changes to existing allocations, standard rates, and cost recovery/sharing practices, to ensure the highest efficiency in the use of the interpreter resources within the shared remote interpreting model.

The report recommends creation of a governance committee that would oversee technical matters, as well as develop funding recommendations for the TCBC. The governance committee would also monitor workload trends and resource demand to make recommendations to the TCBC on existing allocations, standard rates, cost sharing, and cost recovery to ensure efficient

VRI service delivery. These recommendations could include changes to staffing models, creation of FTE positions to satisfy demand in languages other than Spanish, reducing contractual funding for Spanish interpreters and shifting those resources toward purchasing technology and equipment, and overall budget management of shared remote interpreting resources. The Workgroup also recommended executing a memorandum of understanding (MOU) between the governance committee and each circuit that plans to participate in shared remote interpreting services.

FMC Recommendation

The FMC recommends that the TCBC approve the Workgroup's recommendation but that they provide comments to the Workgroup to address the points highlighted below:

- The FMC recognized the need for a governance structure to guide issues related to shared remote interpreting services and acknowledged that many of the issues surrounding implementation may be resolved by the governance committee.
- The FMC considered the role of the proposed governance committee with regard to making recommendations on funding and resource allocation formulas versus the role that the FMC currently plays in these matters and acknowledged that the TCBC would retain the authority to refer the governance committee's recommendations to TCBC committees for evaluation and consideration.
- The FMC discussed the proposed memorandums of understanding as a tool to formalize a circuit's participation in shared remote interpreting services and recommended that the scope of the MOU should not overlap with that of the annual Budget and Pay Administration Memorandum, where allocations and funding are currently prescribed. They also acknowledged that the governance committee should consider the scope of MOU's entered between the courts and outside entities, as well as the suggestion to use cost sharing as a means of funding the remote interpreting initiative.

Decision Needed

Option 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.

Option 2: Do not approve the recommendations of the FMC on the report, *Recommendations on Shared Remote Interpreting Services*.

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

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

There are no materials for this agenda item.

Agenda Item VIII. Other Business

Agenda Item VIII.: Other Business

There are no materials for this agenda item.