



MEETING AGENDA
8:30 a.m. to 1 p.m., Thursday, August 11, 2016
Ponte Vedra Beach, Florida

Note: By Tuesday afternoon, August 9, 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. | Opening Remarks by Chair | 8:30-8:35 |
| II. | Approval of June 17, 2016, Meeting Minutes | 8:35-8:40 |
| III. | FY 2015-16 Year-End Wrap-Up | 8:40-9:00 |
| | A. Salary Budgets | |
| | B. Personnel Actions | |
| | C. Positions Vacant More than 180 Days | |
| | D. Operating Budgets | |
| | E. Trust Fund Cash Balances | |
| | F. Conflict Counsel Cases over Flat Fee | |
| IV. | FY 2016-17 Allocations and Budget Outlook | 9:00-9:45 |
| | A. Circuit Allocations | |
| | 1. Child Support Enforcement Hearing Officers | |
| | 2. General Magistrates | |
| | B. Article V Estimating Conference | |
| | C. Salary Budget and Payroll Projections | |
| | D. Circuit Due Process Requests (12 th , 15 th , and 18 th Circuits) | |
| | E. Budget and Pay Administration Memorandum Recommendations | |

- V. FY 2017-18 Legislative Budget Request (LBR) 9:45-10:15
- A. LBR Timeline
 - B. Priorities/Strategies – Approved for Estimation and Consideration
 - 1. Employee Pay Issue
 - 2. Trial Court Technology Funding
- Break 10:15-10:30
- Priorities/Strategies – Approved for Estimation and Consideration
(Continued) 10:30-12:00
- 3. General Magistrates
 - 4. Case Management
 - 5. Staff Attorneys
 - 6. Court Reporting
 - 7. Court Interpreting
- C. Priority Ranking of LBR Issues
- VI. 2017 Judicial Branch Statutory Agenda – Timeline 12:00-12:05
- VII. Due Process Workgroup – Status Report and Action Items 12:05-12:30
- VIII. Report from Chief Justice Designee to Clerks of Court Operations
Corporation Executive Council 12:30-12:45
- IX. Other Business 12:45-1:00
- Adjourn

Agenda Item I. Opening Remarks by Chair



TO: Trial Court Budget Commission Members
FROM: Chief Judge Robert Roundtree, Jr. 
DATE: July 7, 2016
SUBJECT: Committee Membership Changes

Members

*The Honorable Robert Roundtree, Jr.
Chair*

*The Honorable Mark Mahon
Vice-Chair*

Catherine Brunson, Circuit Judge

Ronald Ficarrotta, Circuit Judge

Frederick Lauten, Circuit Judge

Wayne Miller, County Judge

Debra Nelson, Circuit Judge

Gregory Parker, Circuit Judge

Anthony Rondolino, Circuit Judge

Elijah Smiley, Circuit Judge

Bertila Soto, Circuit Judge

John Stargel, Circuit Judge

Margaret Steinbeck, Circuit Judge

Patricia Thomas, Circuit Judge

Tom Genung, Court Administrator

Sandra Lonergan, Court Administrator

Kathleen Pugh, Court Administrator

Grant Slayden, Court Administrator

Walt Smith, Court Administrator

Mark Weinberg, Court Administrator

Robin Wright, Court Administrator

Ex-Officio Members

*The Honorable Jeffrey Colbath
Florida Conf. of Circuit Court Judges*

*The Honorable Augustus Aikens, Jr.
Florida Conf. of County Court Judges*

*The Honorable Diana Moreland
Commission on Trial Court Performance
and Accountability*

Supreme Court Liaison

The Honorable James E.C. Perry

*Florida State Courts System
500 South Duval Street
Tallahassee, FL 32399-1900
www.flcourts.org*

I am honored that Chief Justice Jorge Labarga appointed me chair of the Trial Court Budget Commission (TCBC) effective July 1, 2016. I am also very pleased that Chief Judge Mark Mahon is continuing in a leadership role, serving as vice-chair. Below are the TCBC committee membership changes effective July 1:

- **Funding Methodology Committee:** Chief Judge Elijah Smiley is appointed and will serve as chair. Trial Court Administrator Mark Weinberg will be vice-chair. Special thanks to Mark and Chief Judge Ronald Ficarrotta for their past service as chair and vice-chair, respectively, and their continued membership on the committee.
- **Budget Management Committee:** Judge Margaret Steinbeck has replaced me on this committee and will serve as chair. Chief Judge Anthony Rondolino is appointed to this committee.
- **Joint Due Process Workgroup:** Judge John Stargel has taken over for me as co-chair, along with Judge Diana Moreland, of this joint workgroup with the Commission on Trial Court Performance and Accountability. Chief Judge Frederick Lauten is appointed to replace me as the fourth TCBC member on this eight-member joint workgroup.
- **Executive Committee:** Chief Judge Smiley is appointed to the Executive Committee.

In other membership matters, Judge Wayne Miller plans to resign from the TCBC effective November 30, 2016. I am grateful he has agreed to continue to serve until that time. We all welcome Judge Scott Bernstein and Judge Joseph Williams, who join as ex-officio nonvoting members upon their assuming leadership of the circuit judges conference and county court judges conference, respectively. Special thanks to Chief Judge Jeffrey Colbath and Judge Augustus Aikens for their service on behalf of their conferences.

Attached is a revised TCBC committee membership list. Please do not hesitate to contact me if you have any questions. I look forward to seeing you at the TCBC meeting on August 11 in Ponte Vedra Beach.

RER/ewm

cc: The Honorable Scott Bernstein
The Honorable Joseph Williams
Patricia (PK) Jameson

COMMITTEE MEMBERSHIP
(Revised 07/07/16 and Noted in Italicized Bold Font)



Each of these committees is established by the Trial Court Budget Commission (TCBC) and exists at the pleasure of the TCBC. The TCBC may also establish ad-hoc committees and workgroups. The Chair and Vice-Chair of the TCBC are non-voting, ex-officio members of each committee, except for the Executive Committee, where each is a voting member. The Chair and Vice-Chair shall be noticed of all committee meetings.

Executive Committee

This committee advises the TCBC Chair on policy matters between full commission meetings and has the authority to make decisions for the commission when time constraints prevent full commission participation.

Judge Robert Roundtree, ***Chair***
Judge Mark Mahon, ***Vice-Chair***
Judge Ron Ficarrotta
Judge Wayne Miller
Judge Elijah Smiley
Judge Bertila Soto
Judge John Stargel
Judge Margaret Steinbeck
Judge Patricia Thomas
Grant Slayden
Mark Weinberg
Staff: Eric Maclure

Budget Management Committee

This committee is charged with monitoring operating budgets within the trial courts and recommending policies to manage those operating budgets.

Judge Margaret Steinbeck, Chair
Judge Debra Nelson
Judge Anthony Rondolino
Judge Elijah Smiley
Judge Bertila Soto
Judge John Stargel
Grant Slayden
Walt Smith
Robin Wright
Staff: Dorothy Willard

TCBC Committees

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Funding Methodology Committee

This committee is charged with recommending the basis for state funding for the elements of the trial courts as well as other funding matters, such as allocations to circuits, budget reductions, etc.

Judge Elijah Smiley, Chair

Mark Weinberg, ***Vice-Chair***

Judge Ron Ficarrota

Judge Catherine Brunson

Judge Frederick Lauten

Judge Gregory Parker

Tom Genung

Sandra Lonergan

Kathy Pugh

Staff: Kris Slayden

Personnel Committee

This committee makes recommendations on personnel issues affecting trial court employees.

Walt Smith, Chair

Judge Wayne Miller

Judge Patricia Thomas

Tom Genung

Sandra Lonergan

Robin Wright

Staff: Beatriz Caballero

Agenda Item II. Approval of June 17, 2016, Meeting Minutes

DRAFT

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



Attendance – Members Present

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

Attendance – Members Absent

Walt Smith

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

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

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

Judge Mahon presented the draft meeting minutes from the April 12, 2016, TCBC meeting and asked if there were any changes necessary before approval. Judge Brunson moved to approve the minutes as drafted. Kathy Pugh seconded, and the motion passed without objection.

Agenda Item II: FY 2015-16 Budget Status

A. Salary Budgets

Dorothy Willard provided an overview of the trial court salary budgets for FY 2015-16 as of May 31, 2016. The salary liability for the trial courts General Revenue/State Court Revenue Trust Fund was \$2,793,248 under the salary appropriation, which equates to approximately 0.78% under appropriation.

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

B. Personnel Actions

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

C. Positions Vacant More Than 180 Days

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

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

D. Operating Budgets

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

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

Projected Due Process Deficits

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

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

Individual Circuit Requests to Access the Statewide Mediation Reserve

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

Thirteenth Judicial Circuit

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

Twentieth Judicial Circuit

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

E. Trust Fund Cash Balances

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

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

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

Issue 1: Revise Statewide Expert Witness Invoice Template

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

Issue 2: Uniform Data Reporting (UDR)

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

Issue 3: Contracts

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

Issue 4: Revised Payment Responsibility Matrix

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

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

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

Agenda Item IV: FY 2016-17 Allotments

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

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

B. Allocation Policy and Procedure Recommendations

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

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

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

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

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

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

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

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

SPECIAL OPERATING CATEGORIES

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

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

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

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

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

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

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

- Civil Traffic Infraction Hearing Officers Category

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

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

- Mediation/Arbitration Services Category

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

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

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

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

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

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

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

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

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

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

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

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

- Due Process Services Categories

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

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

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

- Due Process Services (Cost Recovery)

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

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

LEGISLATIVE SPECIFIC PROJECTS/STATEWIDE OPERATING CATEGORIES

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

C. Child Support Enforcement Hearing Officers and General Magistrates

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

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

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

D. Full-Time Equivalent and Base Operating Budgets

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

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

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

1. Senior Judge Days

Senior Judge Days, Issue #1

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

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

The FMC approved recommendation of Option 1.

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

Senior Judge Days, Issue #2

The proposed FY 2016-17 allocation is based on a rate of \$355.08 per day (\$350 per day plus \$5.08 FICA), holding 50 days in reserve, and using a proportional distribution based on circuit judicial need as calculated during the most recent certification process and actual county judges (see page 96 of meeting packet). Due to the inclusion of re-appropriated

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

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

The FMC approved recommendation of Option 1.

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

Senior Judge Days, Issue #3

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

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

The FMC approved recommendation of Option 1.

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

2. Civil Traffic Infraction Hearing Officers (CTIHO)

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

The FMC approved recommendation of Option 2.

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

3. Additional Compensation to County Court Judges

The current methodology distributes the \$75,000 appropriation (less \$100 in reserve) based on each circuit's percent of the total statewide expenditures using three years of historical expenditure data. If the number of circuit related work hours performed by county judges exceed a circuit's allotment, any unspent funding remaining at the end of the fiscal year is used during the certified forward process to cover uncompensated hours on a first come, first served basis. In order to accurately capture circuit needs, expenditure data used in the development of proposed allotments includes both compensated and uncompensated hours submitted.

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

The FMC approved recommendation of Option 1.

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

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

4. Mediation

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

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

The FMC approved recommendation of Option 2.

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

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

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

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

Due Process Multi-Circuit Initiatives

OpenCourt Funding Request

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

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

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

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

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

Remote Interpreting

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

Circuit Allocations

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

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

Cost Recovery

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

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

The FMC approved recommendation of Option 1.

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

Due Process Contractual Allotment – Individual Circuit Requests

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

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

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

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

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

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

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

Considerations:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

H. Allotments for Special Appropriations

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

Post-Adjudicatory Expansion Drug Court Contractual Funding

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

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

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

Agenda Item V: FY 2017-18 Legislative Budget Request

A. Timeline

Dorothy Willard provided an overview of the timeline.

B. Priorities

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

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

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

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

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

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

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

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

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

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

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

Agenda Item VIII. Other Business

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

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

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

Adjournment

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

Agenda Item III.A. FY 2015-16 Year-End Wrap-Up – Salary Budgets

Item III.A.: Salary Budgets

**FY 2015-16 Trial Courts Salary Budget
 General Revenue and State Courts Revenue Trust Fund
 June 2016**

CIRCUIT	1	Projected Full Employment Payroll Liability through June 30, 2016	272,119,228
	2	Law Clerk Payroll Liability FY 16-17 through FY 19-20	710,705
	3	Total Projected Payroll Liability through June 30, 2016	273,027,959
	2	Salary Appropriation	(271,517,217)
	3	Projected Liability OVER/(UNDER) Salary Appropriation @ Full Employment	1,510,742
	4	Actual Payroll Adjustments through June 30, 2016	(3,911,010)
	5	Final - Adjusted Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(2,400,268)
COUNTY	6	Projected Full Employment Payroll Liability through June 30, 2016	84,060,427
	7	Salary Appropriation	(84,244,216)
	8	Projected Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(183,789)
	9	Actual Payroll Adjustments through June 30, 2016	(1,040,099)
	10	Final - Adjusted Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(1,223,888)
Trial Court Summary	11	Projected Full Employment Payroll Liability through June 30, 2016	356,179,655
	12	Law Clerk Payroll Liability FY 16-17 through FY 20-21	710,705
	13	Total Projected Payroll Liability through June 30, 2016	356,890,360
	12	Salary Appropriation	(355,761,433)
	13	Projected Liability OVER/(UNDER) Salary Appropriation @ Full Employment	1,326,953
	14	Actual Payroll Adjustments through June 30, 2016	(4,951,109)
	15	Final - Adjusted Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(3,624,156)

General Revenue	(2,065)
State Courts Revenue Trust Fund	(3,622,091)
	<u><u>(3,624,156)</u></u>

Actual Lapse Percentage

Trial Courts - 1.80% or 6,401,197

**Trial Courts FY 2015-2016
Pay Plan Specific Retention/Recruitment Distribution**

CIRCUIT	FY 2014-15 Carry Forward Balance	FY 2015-16 Rate Distribution	Total Rate Available for FY 2015-16 Actions	Rate Used for FY 2015-16 Actions	TOTAL REMAINING BALANCE AS OF 6/30/2016	
					Balance Rate	¹ Balance Salary
1	0.10	23,967.00	23,967.10	23,837.28	129.82	149.51
2	0.03	17,238.00	17,238.03	17,202.28	35.75	41.18
3	0.74	9,917.00	9,917.74	9,917.28	0.46	0.53
4	0.04	31,287.00	31,287.04	30,267.72	1,019.32	1,173.95
5	0.41	27,155.00	27,155.41	27,155.76	0.00	0.00
6	6,392.20	46,281.00	52,673.20	36,230.16	16,443.04	18,937.44
7	3.93	25,384.00	25,387.93	23,999.40	1,388.53	1,599.17
8	5,004.77	16,057.00	21,061.77	20,979.92	81.85	94.27
9	2,023.15	46,400.00	48,423.15	48,068.88	354.27	408.01
10	25,735.13	26,092.00	51,827.13	35,110.38	16,716.75	19,252.69
11	1,453.36	76,742.00	78,195.36	76,640.88	1,554.48	1,790.29
12	0.01	21,724.00	21,724.01	16,983.24	4,740.77	5,459.94
13	0.00	41,087.00	41,087.00	41,086.92	0.08	0.10
14	12,807.16	12,751.00	25,558.16	12,441.36	13,116.80	15,106.61
15	0.04	40,319.00	40,319.04	40,158.36	160.68	185.06
16	3,491.02	7,556.00	11,047.02	5,794.27	5,252.75	6,049.59
17	14,027.41	56,907.00	70,934.41	68,021.46	2,912.95	3,354.85
18	0.87	24,853.00	24,853.87	24,852.48	1.39	1.60
19	11,331.93	18,182.00	29,513.93	29,499.84	14.09	16.23
20	30,447.20	30,225.00	60,672.20	8,836.08	51,836.12	59,699.66
TOTAL	112,719.50	600,124.00	712,843.50	597,083.95	115,759.90	133,320.68

¹ Effective July 1, 2016, benefit cost changed to 15.17% (7.65% FICA + 7.52% Regular FRS Rate).

Agenda Item III.A.: Salary Budgets

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

1	Projected Full Employment Payroll Liability through June 30, 2016	194,202
2	Salary Appropriation	(259,395)
3	Projected Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(65,193)
4	Actual Payroll Adjustments through June 30, 2016	(10,744)
5	Adjusted Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(75,938)

Lapse Percentage 5.81% or \$15,069

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

1	Projected Full Employment Payroll Liability through June 30, 2016	5,884,742
2	Salary Appropriation	(6,077,194)
3	Projected Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(192,452)
4	Actual Payroll Adjustments through June 30, 2016	(21,867)
5	Adjusted Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(214,319)
6	Estimated Leave Payouts	
5	Adjusted Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(214,319)

Lapse Percentage 1.41% or \$85,825

Agenda Item III.B. FY 2015-16 Year- End Wrap-Up – Personnel Actions

**Agenda Item III.B.: Trial Court FY 2015-16
Reclassifications and Other Personnel Actions
as of June 30, 2016**

Circuit	Number of Reclasses Requested	Dollar Amount of Requests	Status of Requests as of June 30, 2016	Dollar Amount of Approved Reclass Requests	Dollar Amount of Pending Reclass Requests
1	3 (1*)	(8,358)	3 approved	5,978	
2	2	43,986	2 approved	33,255	
3	2 (1*)	(3,772)	3 approved	(3,772)	
4	1	3,529	2 approved	9,428	
5	2	5,428	2 approved	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 approved	11,036	
19	3	4,819	3 approved	18,767	
20	3 (1*)	5,185	3 approved	5,185	
Total	48	204,506		229,387	0
Total Approved and Pending				229,387	

Other Personnel Actions (June 9, 2016 - June 30, 2016): Demotions -- Judicial Assistant-County Court in the 11th; employee retained salary. * These reclasses include one request from each circuit resulting in a downgrade of the pay grade.

Agenda Item III.C. FY 2015-16 Year-
End Wrap-Up – Positions Vacant More
Than 180 Days

Agenda Item III.C.: Vacancies over 180 days as of 08/03/16

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	314	09/23/2015	\$36,115.32
8th Circuit	729	Court Reporting	010105	COURT REPORTER II ²	1.0	222	12/24/2015	52,444.80
11th Circuit	210	Court Administration	010321	CHIEF OF PERSONNEL SERVICES ³	1.00	336	09/01/2015	\$68,942.28
11th Circuit	129	Case Management	010389	COURT PROGRAM SPECIALIST II ⁴	1.00	418	06/11/2015	\$31,664.64
11th Circuit	730	Court Interpreting Cost Sharing 11th	010373	COURT INTERPRETER-CERTIFIED ⁴	1.00	276	10/31/2015	\$43,331.16
11th Circuit	131	Court Interpreting Services	010341	COURT INTERPRETER ⁵	1.00	306	10/01/2015	\$37,756.20
11th Circuit	131	Court Interpreting Services	010367	COURT INTERPRETER-CERTIFIED ⁶	0.50	302	10/05/2015	\$43,331.16
11th Circuit	131	Court Interpreting Services	010374	COURT INTERPRETER ⁷	1.00	276	10/31/2015	\$37,756.20
11th Circuit	131	Court Interpreting Services	011836	COURT INTERPRETER ⁸	0.50	275	11/01/2015	\$37,756.20
11th Circuit	131	Court Interpreting Services	011837	COURT INTERPRETER ⁹	0.50	275	11/01/2015	\$37,756.20
11th Circuit	131	Court Interpreting Services	010365	COURT INTERPRETER ¹⁰	0.50	610	12/01/2014	\$18,878.10
11th Circuit	131	Court Interpreting Services	010342	COURT INTERPRETER ¹¹	1.00	245	12/1/2015	\$37,756.20
11th Circuit	131	Court Interpreting Services	010361	COURT INTERPRETER-CERTIFIED ¹²	1.00	227	12/19/2015	\$43,331.16
11th Circuit	131	Court Interpreting Services	010366	COURT INTERPRETER-CERTIFIED ¹³	1.00	188	01/27/2016	\$43,331.16
11th Circuit	730	Court Interpreting Cost Sharing 11th	010349	COURT INTERPRETER-CERTIFIED ¹⁴	1.00	228	12/18/2015	\$43,331.16

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11th Circuit	122	Case Management	010267	COURT OPERATIONS MANAGER ¹⁵	1.00	211	01/04/2016	\$53,028.84
13th Circuit	131	Court Interpreting Services	010503	COURT INTERPRETER ¹⁶	1.00	233	08/08/2015	\$37,756.20
15th Circuit	131	Court Interpreting Services	010581	COURT INTERPRETER - CERTIFIED ¹⁷	1.00	302	10/05/2015	\$43,331.16
15th Circuit	131	Court Interpreting Services	010582	COURT INTERPRETER - CERTIFIED ¹⁸	1.00	297	10/10/2015	\$43,331.16
19th Circuit	122	Case Management	011781	FAMILY COURT MANAGER ¹⁹	1.00	232	12/14/2015	\$49,947.12
20th Circuit	131	Court Interpreting Services	011644	COURT INTERPRETER ²⁰	1.00	346	08/22/2015	\$37,756.20

¹The 7th Circuit is considering reclassifying this position due to the recruiting issues.

²The 8th Circuit continues the recruitment efforts to successfully fill this position. An applicant is being considered from Iowa.

³The 11th Circuit filled this positions 08/03/16.

⁴The 11th Circuit filled this positions 08/08/16.

^{5,6,7,8,9,10,11,12,13,14}The 11th Circuit continues to advertise on local websites, on 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.

¹⁵The 11th Circuit continues the recruitment efforts to successfully fill this position.

¹⁶The 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 the circuit's website and on Florida Courts website.

^{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 the circuit's website, at local colleges, and on Florida Courts website.

¹⁹The 19th Circuit conducted interviews on 08/03/16.

²⁰The 20th Circuit has filled this position with an a hire date of 08/15/16.

Agenda Item III.D. FY 2015-16 Year- End Wrap-Up – Operating Budgets

Trial Court Budget Commission
August 11, 2016
Ponte Vedra Beach, Florida

Agenda Item III.D.: Operating Budgets

The data below represents the status of the FY 2015-16 operating budgets as of June 30, 2016.

Category	Budget Entity	Appropriation	Expended/ Encumbered	Remaining Balance	% Expended/ Encumbered
Other Personnel Services	Circuit	578,534	497,127	81,406	85.93%
	County	31,000	20,713	10,287	66.82%
	Total	609,534	517,841	91,693	84.96%
Expenses	Circuit	5,727,163	5,184,471	542,692	90.52%
	County	2,728,604	2,588,365	140,239	94.86%
	Total	8,455,767	7,772,836	682,931	91.92%
Operating Capital Outlay	Circuit	613,898	562,909	50,989	91.69%
Contracted Services	Circuit	1,105,536	871,446	234,090	78.83%
	County	119,535	111,300	8,235	93.11%
	Total	1,225,071	982,746	242,325	80.22%
Lease/Lease Purchase	Circuit	134,574	59,354	75,220	44.10%
	County	78,792	25,123	53,669	31.89%
	Total	213,366	84,477	128,889	39.59%
Other Data Processing Services	Circuit	97,902	97,902	0	100.00%

Trial Court Budget Commission
August 11, 2016
Ponte Vedra Beach, Florida

Agenda Item III.D.: Operating Budgets

The data below represents the status of the FY 2015-16 operating budgets as of June 30, 2016.

Category	Appropriation	Expended/ Encumbered	Remaining Balance	% Expended/ Encumbered
Additional Compensation to County Judges	75,000	68,557	6,443	91.41%
Civil Traffic Infraction Hearing Officers	1,873,854	1,702,173	171,681	90.84%
Mediation Services	3,061,308	2,896,050	165,258	94.60%
Due Process - Expert Witness	7,514,959	7,163,131	351,828	95.32%
Due Process - Court Reporting	8,040,538	7,439,965	600,573	92.53%
Due Process - Court Interpreting	3,477,421	3,290,535	186,886	94.63%
Total Due Process	19,032,918	17,893,630	1,139,288	94.01%

Trial Court Budget Commission

August 11, 2016

Ponte Vedra Beach, Florida

Agenda Item III.D.: Operating Budgets

The data below represents the status of the FY 2015-16 operating budgets as of June 30, 2016.

Legislatively Funded Projects	Circuit	Appropriation	Expended/ Encumbered	Remaining Balance	% Expended/ Encumbered
Veterans Court	01	300,000	206,421	93,579	68.81%
	02	125,000	12,422	112,578	9.94%
	04	350,000	219,821	130,179	62.81%
	06	300,000	281,058	18,942	93.69%
	08	150,000	77,066	72,934	51.38%
	09	200,000	110,581	89,419	55.29%
	Total		1,425,000	907,369	517,631
Mental Health Diversion Program	11	250,000	7,247	242,753	2.90%
Post Adjudicatory Drug Court	01	317,000	281,375	35,625	88.76%
	05	154,877	70,375	84,502	45.44%
	06	823,680	260,573	563,107	31.64%
	07	286,200	258,058	28,142	90.17%
	09	905,030	335,167	569,863	37.03%
	10	492,713	276,424	216,289	56.10%
	13	795,500	693,029	102,471	87.12%
	17	1,225,000	773,413	451,587	63.14%
	Total		5,000,000	2,948,413	2,051,587
Naltrexone - Drug Treatment	00	5,682,689	3,901,973	1,780,716	68.66%
GPS Monitoring	18	316,000	275,456	40,544	87.17%

Trial Court Budget Commission
August 11, 2016
Ponte Vedra Beach, Florida

Agenda Item III.D.: Operating Budgets

The data below represents the status of the FY 2015-16 operating budgets as of June 30, 2016.

Senior Judge Activity Summary					
Regular Senior Judge Allocation					
June 2016					
Circuit	Allotted Days	Days Transferred	Days Served	Remaining Allotted Days	Percent Remaining
1st	286	(40)	216	30	10.49%
2nd	187	1	187	1	0.53%
3rd	101	(72)	23	6	5.94%
4th	469	(16)	449	4	0.85%
5th	606	0	553	53	8.75%
6th	642	(65)	434	143	22.27%
7th	359	(32)	315	12	3.34%
8th	162	(39)	115	8	4.94%
9th	545	(67)	389	89	16.33%
10th	304	0	304	0	0.00%
11th	1,254	(385)	770	99	7.89%
12th	266	20	256	30	11.28%
13th	573	(20)	540	13	2.27%
14th	156	(60)	74	22	14.10%
15th	449	(27)	374	48	10.69%
16th	56	(12)	36	8	14.29%
17th	755	25	685	95	12.58%
18th	356	110	462	4	1.12%
19th	233	(72)	129	32	13.73%
20th	419	0	375	44	10.50%
Reserve	50	(38)	2	10	96.00%
TOTAL	8,228	(789)	6,688	751	9.13%

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

The data below represents the status of the FY 2015-16 year-end spending plan as of June 30, 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	20,000	0	100.00%
	Operating Capital Outlay	Circuit	68,738	68,738	0	100.00%
	Contracted Services		95,630	95,630	0	100.00%
	2nd Circuit Total			184,368	184,368	0
3	Operating Capital Outlay	Circuit	124,000	115,935	8,065	93.50%
4	Expenses	Circuit	45,432	44,924	508	98.88%
	Operating Capital Outlay		91,128	79,418	11,710	87.15%
	Due Process		27,149	27,134	15	99.94%
	4th Circuit Total			163,709	151,475	12,234
5	Expenses	County	52,156	52,069	87	99.83%
	Operating Capital Outlay	Circuit	239,500	239,253	247	99.90%
	5th Circuit Total			291,656	291,323	333
6	Expenses	County	721	632	89	87.66%
	Operating Capital Outlay	Circuit	123,069	122,229	840	99.32%
	Contracted Services		18,000	18,000	0	100.00%
	6th Circuit Total			141,790	140,861	929
7	Expenses	Circuit	16,226	13,504	2,722	83.22%
	Operating Capital Outlay		305,774	305,396	378	99.88%
	Contracted Services		60,000	60,000	0	100.00%
	7th Circuit Total			382,000	378,900	3,100
8	Expenses	County	32,517	32,517	0	100.00%
9	Operating Capital Outlay	Circuit	12,000	11,420	580	95.16%
10	Expenses	Circuit	3,924	2,466	1,458	62.84%
		County	23,700	22,974	726	96.93%
	Operating Capital Outlay	Circuit	17,076	17,076	0	100.00%
	10th Circuit Total			44,700	42,515	2,185

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

The data below represents the status of the FY 2015-16 year-end spending plan as of June 30, 2016.

Circuit	Category	Budget Entity	Appropriation	Expended/ Encumbered	Remaining Balance	% Expended/ Encumbered
11	Expenses	Circuit	66,000	66,000	0	100.00%
		County	188,730	186,724	2,006	98.94%
	11th Circuit Total		254,730	252,724	2,006	99.21%
12	Operating Capital Outlay	Circuit	75,000	66,795	8,205	89.06%
13	Operating Capital Outlay	Circuit	34,063	33,500	563	98.35%
14	Mediation Services	Circuit	12,315	9,513	2,802	77.25%
16	Expenses	Circuit	98	97	1	99.41%
		County	887	791	96	89.14%
	Operating Capital Outlay	Circuit	10,720	10,720	0	100.00%
	16th Circuit Total		11,705	11,608	97	99.17%
17	Operating Capital Outlay	Circuit	31,019	31,019	0	100.00%
	Comp. to Retired Judges		8,877	0	8,877	0.00%
	Contracted Services		147,535	147,526	9	99.99%
		County	121,465	121,465	0	100.00%
	17th Circuit Total		308,896	300,010	8,886	97.12%
18	Operating Capital Outlay	Circuit	36,500	36,500	0	100.00%
19	Expenses	County	8,056	8,056	0	100.00%
	Operating Capital Outlay	Circuit	68,172	68,172	0	100.00%
	Contracted Services		5,135	5,135	0	100.00%
	Due Process		89,365	89,365	0	100.00%
	19th Circuit Total		170,728	170,728	0	100.00%
20	Operating Capital Outlay	Circuit	99,077	98,963	114	99.88%
SUB-TOTALS		Circuit	1,980,981	1,933,250	47,731	97.59%
		County	448,773	445,768	3,005	99.33%
GRAND TOTAL			2,429,754	2,379,018	50,736	97.91%

* The 15th Circuit did not request year-end spending funds as part of this exercise.

Agenda Item III.E. FY 2015-16 Year-
End Wrap-Up – Trust Fund Cash
Balances

Agenda Item III.E.: Trust Fund Cash Balances - SCRTF

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 - 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	6,423,336	75,867,994
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		8	63,844
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	6,423,344	79,627,185
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	14,035,106	81,715,917
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)	(6,797,909)	(81,251,431)
12	Staff Salary Expenditures - GR Shift				1,500,000	500,000	1,200,000	460,000		0	0	2,900,000	6,227,148	12,787,148
13	Refunds	(788)	(873)	(640)	(1,873)	(365)	(933)	(1,193)	(1,130)	(803)	(795)	(1,420)	(253)	(11,063)
14	SCRTF Loan in accordance with 215.18(2), F.S.								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)	(6,871,014)	(68,475,346)
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	7,164,092	7,164,092

* 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 (1,588,934)

State Courts System
 FY 2015-16 Cash Statement
 Administrative Trust Fund
 As of June 30, 2016

22300100-Circuit Courts	Beginning Balance	Revenue Received	Expenditures	Refunds	Ending Balance
Cost Recovery	1,666,083.95	833,361.63	(654,849.58)	0.00	1,844,596.00
Cost Recovery-Expenditure shift to GR	0.00	0.00	416,781.45	0.00	416,781.45
Service Charge	0.00	0.00	(122,885.00)	0.00	(122,885.00)
Prior Year Warrant Cancel/Refunds	0.00	0.00	0.00	0.00	0.00
Refunds 220020	0.00	0.00	0.00	(4,319.60)	(4,319.60)
Circuit Courts Ending Cash Balance	1,666,083.95	833,361.63	(360,953.13)	(4,319.60)	2,134,172.85

Agenda Item III.F. FY 2015-16 Year-
End Wrap-Up – Conflict Counsel Cases
Over Flat Fee

Trial Court Budget Commission

August 11, 2016, Meeting

Conflict Counsel Cases over Flat Fee

FY 2008-09 through FY 2015-16

Circuit	Total Amount Paid Over the Flat Fee FY 2008-09	Total Amount Paid Over the Flat Fee FY 2009-10	Total Amount Paid Over the Flat Fee FY 2010-11	Total Amount Paid Over the Flat Fee FY 2011-12	Total Amount Paid Over the Flat Fee FY 2012-13	Total Amount Paid Over the Flat Fee FY 2013-14	Total Amount Paid Over the Flat Fee FY 2014-15	Total Amount Paid Over the Flat Fee FY 2015-16*	Difference between FY 2015-16 and FY 2014-15
1	\$37,405	\$32,048	\$148,368	\$296,281	\$243,023	\$180,179	\$253,645	\$317,930	\$64,285
2	\$9,328	\$46,778	\$2,250	\$25,370	\$22,310	\$0	\$18,860	\$38,472	\$19,612
3	\$14,880	\$3,345	\$4,215	\$99,388	\$12,623	\$40,069	\$0	\$20,146	\$20,146
4	\$175,782	\$508,102	\$1,082,531	\$569,386	\$418,630	\$642,221	\$570,389	\$1,031,927	\$461,538
5	\$23,240	\$64,141	\$71,200	\$445,559	\$93,359	\$396,199	\$358,568	\$445,430	\$86,862
6	\$6,058	\$72,676	\$186,588	\$112,345	\$219,744	\$430,558	\$472,023	\$383,043	(\$88,980)
7	\$126,160	\$69,819	\$76,698	\$178,148	\$282,231	\$173,850	\$403,725	\$336,708	(\$67,017)
8	\$21,363	\$68,572	\$98,770	\$48,669	\$67,165	\$44,373	\$123,492	\$147,457	\$23,964
9	\$10,104	\$45,547	\$18,828	\$72,658	\$29,235	\$47,664	\$149,715	\$126,750	(\$22,965)
10	\$50,735	\$62,727	\$221,063	\$616,746	\$62,162	\$339,451	\$42,660	\$145,888	\$103,228
11	\$161,635	\$526,888	\$1,008,927	\$1,410,618	\$1,644,640	\$2,160,616	\$2,915,212	\$3,458,576	\$543,364
12	\$37,034	\$38,087	\$96,825	\$167,775	\$263,017	\$247,416	\$60,669	\$41,910	(\$18,759)
13	\$14,705	\$113,070	\$502,964	\$571,502	\$356,374	\$258,900	\$782,120	\$214,592	(\$567,529)
14	\$34,527	\$10,203	\$66,055	\$93,279	\$85,469	\$2,280	\$21,668	\$26,780	\$5,113
15	\$65,875	\$154,345	\$454,039	\$1,039,109	\$498,671	\$353,865	\$206,316	\$304,524	\$98,209
16	\$0	\$0	\$1,078	\$0	\$0	\$7,141	\$750	\$8,580	\$7,830
17	\$232,890	\$504,275	\$572,326	\$974,248	\$410,698	\$647,871	\$910,479	\$1,965,751	\$1,055,272
18	\$1,500	\$11,491	\$5,028	\$50,398	\$17,527	\$56,319	\$106,466	\$157,060	\$50,594
19	\$16,283	\$75,354	\$23,708	\$123,060	\$211,494	\$388,841	\$90,376	\$148,753	\$58,377
20	\$30,855	\$197,284	\$239,775	\$174,358	\$419,605	\$391,395	\$212,844	\$209,688	(\$3,155)
Total	\$1,070,356	\$2,604,750	\$4,881,233	\$7,068,895	\$5,357,975	\$6,809,207	\$7,699,975	\$9,529,963	\$1,829,988

Source: Data provided by the Justice Administrative Commission.

* Includes data from July 2015 through June 2016. Does not include an estimate for certified forward expenditures.

Trial Court Budget Commission
August 11, 2016, Meeting
 Conflict Counsel Cases over Flat Fee
 Monthly FY 2015-16

Circuit	Total Amount Paid Over the Flat Fee July 2015	Total Amount Paid Over the Flat Fee August 2015	Total Amount Paid Over the Flat Fee September 2015	Total Amount Paid Over the Flat Fee October 2015	Total Amount Paid Over the Flat Fee November 2015	Total Amount Paid Over the Flat Fee December 2015	Total Amount Paid Over the Flat Fee January 2016	Total Amount Paid Over the Flat Fee February 2016	Total Amount Paid Over the Flat Fee March 2016	Total Amount Paid Over the Flat Fee April 2016	Total Amount Paid Over the Flat Fee May 2016	Total Amount Paid Over the Flat Fee June 2016	Total Amount Paid Over the Flat Fee FY 2015-16*
1	\$0	\$0	\$3,478	\$29,993	\$0	\$223,110	\$0	\$8,405	\$0	\$0	\$39,270	\$13,675	\$317,930
2	\$0	\$7,512	\$0	\$0	\$0	\$0	\$0	\$15,080	\$0	\$0	\$0	\$0	\$38,472
3	\$0	\$0	\$0	\$8,125	\$0	\$4,951	\$0	\$0	\$0	\$0	\$7,070	\$0	\$20,146
4	\$23,280	\$153,620	\$33,123	\$42,658	\$109,250	\$206,145	\$22,478	\$0	\$271,228	\$57,075	\$0	\$113,072	\$1,031,927
5	\$101,420	\$20,544	\$24,032	\$52,810	\$8,606	\$56,430	\$80,966	\$2,475	\$6,374	\$0	\$91,773	\$0	\$445,430
6	\$0	\$48,937	\$1,700	\$43,608	\$0	\$87,553	\$0	\$127,884	\$0	\$0	\$0	\$73,362	\$383,043
7	\$0	\$21,752	\$0	\$49,366	\$13,918	\$14,685	\$3,580	\$33,788	\$30,703	\$62,750	\$66,610	\$39,558	\$336,708
8	\$0	\$0	\$0	\$0	\$0	\$70,824	\$0	\$76,633	\$0	\$0	\$0	\$0	\$147,457
9	\$19,120	\$45,608	\$0	\$0	\$4,753	\$12,779	\$36,790	\$0	\$7,700	\$0	\$0	\$0	\$126,750
10	\$0	\$80,458	\$0	\$23,750	\$8,150	\$4,635	\$2,000	\$6,748	\$8,910	\$0	\$11,238	\$0	\$145,888
11	\$314,338	\$315,213	\$253,282	\$348,751	\$129,120	\$63,075	\$651,198	\$260,240	\$628,815	\$124,768	\$277,818	\$91,960	\$3,458,576
12	\$0	\$2,523	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$21,050	\$18,338	\$0	\$41,910
13	\$41,963	\$18,756	\$47,044	\$16,583	\$9,525	\$0	\$14,508	\$13,190	\$22,670	\$0	\$0	\$30,356	\$214,592
14	\$0	\$0	\$0	\$0	\$0	\$26,780	\$0	\$0	\$0	\$0	\$0	\$0	\$26,780
15	\$0	\$0	\$18,070	\$3,880	\$23,465	\$0	\$0	\$73,640	\$13,644	\$76,278	\$28,023	\$67,525	\$304,524
16	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$4,500	\$4,080	\$0	\$0	\$0	\$8,580
17	\$702,870	\$151,950	\$81,884	\$83,360	\$189,840	\$113,103	\$81,245	\$207,925	\$82,895	\$103,630	\$37,130	\$129,920	\$1,965,751
18	\$37,525	\$0	\$36,150	\$0	\$11,322	\$0	\$0	\$12,115	\$0	\$59,948	\$0	\$0	\$157,060
19	\$0	\$0	\$8,395	\$26,850	\$30,570	\$80,940	\$0	\$1,998	\$0	\$0	\$0	\$0	\$148,753
20	\$0	\$11,210	\$76,620	\$7,920	\$24,007	\$12,573	\$0	\$39,250	\$0	\$32,465	\$5,644	\$0	\$209,688
Total	\$1,240,515	\$878,081	\$583,776	\$737,652	\$562,526	\$977,582	\$892,764	\$883,868	\$1,077,018	\$537,963	\$582,912	\$575,307	\$9,529,963

* Does not include expenditures paid during the certified forward period.

Source: Data provided by the Justice Administrative Commission.

**Trial Court Budget Commission
August 11, 2016, Meeting
Conflict Counsel Cases Over Flat Fee
FY 2015-16
July 2015 - June 2016**

Expenditure Summary				
CIRCUIT	Capital Cases	RICO Cases	Other Cases	TOTAL*
1	\$296,763	\$0	\$21,168	\$317,930
2	\$38,472	\$0	\$0	\$38,472
3	\$0	\$0	\$20,146	\$20,146
4	\$562,029	\$0	\$469,898	\$1,031,927
5	\$426,462	\$0	\$18,968	\$445,430
6	\$338,963	\$12,465	\$31,615	\$383,043
7	\$206,201	\$0	\$130,505	\$336,706
8	\$70,824	\$0	\$76,633	\$147,457
9	\$114,297	\$0	\$12,453	\$126,750
10	\$112,358	\$0	\$33,530	\$145,888
11	\$2,853,191	\$47,611	\$557,774	\$3,458,576
12	\$18,338	\$0	\$23,573	\$41,910
13	\$10,990	\$93,638	\$109,964	\$214,592
14	\$0	\$0	\$26,780	\$26,780
15	\$209,065	\$23,858	\$71,602	\$304,524
16	\$0	\$0	\$8,580	\$8,580
17	\$1,433,097	\$0	\$532,654	\$1,965,751
18	\$65,308	\$0	\$91,752	\$157,060
19	\$0	\$107,790	\$40,963	\$148,753
20	\$23,823	\$0	\$185,866	\$209,688
TOTAL*	\$6,780,178	\$285,362	\$2,464,421	\$9,529,961
Percent of Total	71.1%	3.0%	25.9%	

Note: Data provided by the Justice Administrative Commission.

*Totals may not be exact due to rounding.

**FY 2014-15
July 2014 - June 2015**

Expenditure Summary				
CIRCUIT	Capital Cases	RICO Cases	Other Cases	TOTAL*
TOTAL*	\$4,552,155	\$434,629	\$2,251,908	\$7,238,692
Percent of Total	62.9%	6.0%	31.1%	

Trial Court Budget Commission August 11, 2016, Meeting Conflict Counsel Cases over Flat Fee

FY 2014-15 Payments Over the Flat Fee							
Case Type	Flat Fee FY 2008 - 2014	Flat Fee FY 2014 and Forward	Total Number of Payments Over the Flat Fee	Number of Payments with Appointments Prior to July 1, 2014	Percent of Total Number of Payments	Number of Payments with Appointments After July 1, 2014	Percent of Total Number of Payments
1st Degree Murder (Lead and Co-Counsel)	\$15,000	\$25,000	144	144	100.0%	0	0.0%
Capital Sexual Battery	\$2,000	\$4,000	6	5	83.3%	1	16.7%
Capital (Non-Death other than Capital Sexual Bettery)	\$2,500	\$9,000	28	27	96.4%	1	3.6%
Felony Life (RICO)	\$2,500	\$9,000	1	1	100.0%	0	0.0%
Felony Punishable by Life (RICO)	\$2,000	\$6,000	0	0	N/A	0	N/A
Felony 1st Degree (RICO)	\$1,500	\$5,000	34	31	91.2%	3	8.8%
Felony Life	\$2,500	\$5,000	45	45	100.0%	0	0.0%
Total			258	253	98.1%	5	1.9%

FY 2015-16 Payments Over the Flat Fee*							
Case Type	Flat Fee FY 2008 - 2014	Flat Fee FY 2014 and Forward	Total Number of Payments Over the Flat Fee	Number of Payments with Appointments Prior to July 1, 2014	Percent of Total Number of Payments	Number of Payments with Appointments After July 1, 2014	Percent of Total Number of Payments
1st Degree Murder (Lead and Co-Counsel)	\$15,000	\$25,000	166	153	92.2%	13	7.8%
Capital Sexual Battery	\$2,000	\$4,000	3	2	66.7%	1	33.3%
Capital (Non-Death other than Capital Sexual Bettery)	\$2,500	\$9,000	22	14	63.6%	8	36.4%
Felony Life (RICO)	\$2,500	\$9,000	0	0	N/A	0	N/A
Felony Punishable by Life (RICO)	\$2,000	\$6,000	0	0	N/A	0	N/A
Felony 1st Degree (RICO)	\$1,500	\$5,000	15	12	80.0%	3	20.0%
Felony Life	\$2,500	\$5,000	53	29	54.7%	24	45.3%
Total			259	210	81.1%	49	18.9%

* Includes data from July 2015 through June 2016. Does not include payments as part of certified forward.

Agenda Item IV.A. FY 2016-17
Allocations and Budget Outlook –
Circuit Allocations – Child Support
Enforcement Hearing Officers and
General Magistrates

Agenda Item IV.A.: FY 2016-17 Allocations and Budget Outlook – Circuit Allocations

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 Office 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 net need based on workload, 2) the one-to-one ratio of hearing officer/magistrate to administrative support, 3) Department of Revenue (DOR) information where appropriate, and 4) circuit information. A minimum threshold of 0.5 FTE negative (excess) 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, 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. In June 2016, the Supreme Court approved the updated case weights from the NCSC report (see new weights in **Attachment B**).

Current Issue

Allotments for FY 2016-17 FTE were determined at the June 17, 2016, TCBC meeting, with the exception of the CSEHO and GM elements because the allocation formula for GMs and CSEHOs rely on case weights that had not been approved by the Supreme Court at the time of the meeting. The TCBC decided to maintain the existing distribution of FTEs, as of June 30, 2016, and placed a moratorium on the re-allocation process for these two elements. Now that the new case weights have been approved and the determination of circuit need can be established based on the new weights, the TCBC needs to approve the new net need charts for both elements and implement the re-allocation process.

In previous years, the maximum total and net needs were calculated based on three years of forecasted filings developed as part of the process for certification of need for new judges. New case types were incorporated in the workload study, and three years of forecasted filings for those case types are not available. In order to be comparable with the process used in previous years, and to be conservative in evaluating the need for a re-allocation of permanent resources, the weights for CSEHOs and GMs are applied to the maximum number of actual filings over a

three-year period, rather than forecasted filings, to determine the maximum total and net need by circuit.

1. Child Support Enforcement Hearing Officers

Circuit level FY 2016-17 FTE allotments need to be determined for CSEHOs. Each circuit's Total Need and Proposed FTE Allotment are reflected in **Attachment C**. The total need is based on the maximum number of filings over fiscal years 2012-13, 2013-14, and 2014-15 for child support, Uniform Interstate Family Support Act (UIFSA), and paternity cases.

The total need was calculated in two steps. The first step estimated CSEHO workload by multiplying filings by the appropriate case weight. In the second step, CSEHO total need was calculated by dividing the estimated CSEHO workload by the total time available for case-related work.

There are no new resources or resources in reserve for the CSEHO element that are available for allocation to the circuits.

Funding Methodology Committee (FMC) Recommendation

The FMC voted, at their July 27, 2016, meeting, to recommend the following:

- Approve the FY 2016-17 allotments.
- Direct staff to monitor vacancies in this element and recommend to the TCBC Executive Committee reallocation of Child Support Enforcement Hearing Officers and administrative support FTEs according to the maximum need in the charts approved in the FY 2016-17 allotments and current policies.

2. General Magistrates

Circuit level FY 2016-17 FTE allotments need to be determined for GMs and administrative support. Each circuit's Total Need and Proposed FTE Allotment are reflected in **Attachment D**. The total need is based on the maximum number of filings over fiscal years 2012-13, 2013-14, and 2014-15 for non-capital murder, sexual offense, felony drug court, professional malpractice, products liability, auto negligence, other negligence, condominium, contract and indebtedness, real property/mortgage foreclosure, eminent domain, other circuit civil, simplified dissolution, dissolution, child support, UIFSA, other domestic relations, domestic violence, repeat violence, delinquency, dependency, termination of parental rights, probate, guardianship, trust, Baker Act, Substance Abuse Act, and other social case types.

The total need was calculated in two steps. The first step estimated GM workload by multiplying filings by the appropriate case weight. In the second step, GM total need was calculated by dividing the estimated GM workload by the total time available for case related work.

There are no new resources or resources in reserve for the GM element that are available for allocation to the circuits.

Funding Methodology Committee (FMC) Recommendation

The FMC voted, at their July 27, 2016, meeting, to recommend the following:

- Approve the FY 2016-17 allotments.
- Direct staff to monitor vacancies in this element and recommend to the TCBC Executive Committee reallocation of Child Support Enforcement Hearing Officers and administrative support FTEs according to the maximum need in the charts approved in the FY 2016-17 allotments and current policies.

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

Chief Judges and Trial Court Administrators,

Attached are the Fiscal Year 2016-17 circuit allotments for General Magistrates and Child Support Enforcement Hearing Officers, as approved at the August 11, 2016 TCBC meeting. These allocations are based on a 3-year maximum 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/GM 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 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) Department of Revenue and affected circuits will be contacted for information to supplement the workload analysis.
- 5) OSCA staff will collect all relevant information and schedule a call with the Executive Committee for a decision on reallocation.
- 6) 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 handling.

Please contact Kris or Beatriz if you have any questions.

Thanks,

Jessie McMillan

Hearing Officers and General Magistrates
Comparison of 2007 and 2016 Case Weights

Class	Division	Workload Case Type	Case Weights	
			2007 Workload Study	2016 Workload Study
Child Support Enforcement Hearing Officers	Family Court	Child Support/Paternity	83.4	Not Applicable
		Child Support	Not Applicable	143
		Paternity	Not Applicable	2
Civil Traffic Infraction Hearing Officers	County Civil	Civil Traffic Infractions	Not Applicable	0.5
General Magistrates	Circuit Criminal	Capital Murder	Not Applicable	Not Applicable
		Serious Felony	Not Applicable	1
		Less Serious Felony	Not Applicable	Not Applicable
		Property Crimes	Not Applicable	Not Applicable
		Drug Offenses	Not Applicable	Not Applicable
		Felony Drug Court Offenses (Source: Office of Court Improvement)	Not Applicable	4
	Circuit Civil	Professional Malpractice & Products Liability	22.4	5
		Auto & Other Negligence	1.2	1
		Contracts & Real Property	1.6	Not Applicable
		Contract & Indebtedness	Not Applicable	2
		Real Property	Not Applicable	2
		Business Disputes	Not Applicable	12
		Other Circuit Civil	2.5	1
		ICCSVP (Jimmy Ryce)	Not Applicable	Not Applicable
		Civil & Criminal Appeals	Not Applicable	Not Applicable
	Family Court	Simplified Dissolution	11.9	8
		Dissolution	27.6	38
		Child Support	277.9	22
		Orders for Protection Against Violence	0.6	1
		Paternity	Not Applicable	64
		Other Domestic Relations	27.3	39
		Parental Notice of Abortion	Not Applicable	Not Applicable (Included in ODR)
		Juvenile Delinquency	0.9	1
		Juvenile Dependency	133.2	127
	Probate	Probate	Not Applicable	1
		Trust	Not Applicable	1
		Commitment Acts	Not Applicable	14
Guardianship		Not Applicable	53	
Probate & Mental Health		6.7	Not Applicable	
Guardianship & Trust		47.5	Not Applicable	

Hearing Officers and General Magistrates
 Comparison of 2007 and 2016 Case Weights

Class	Division	Workload Case Type	Case Weights	
			2007 Workload Study	2016 Workload Study
General Magistrates	County Criminal	Misdemeanor & Ordinance Violations	Not Applicable	Not Applicable
		Non-DUI Criminal Traffic	Not Applicable	Not Applicable
		DUI	Not Applicable	Not Applicable
		Misdemeanor & Criminal Traffic	Not Applicable	Not Applicable
		County & Municipal Ordinance	Not Applicable	Not Applicable
		Misdemeanor Drug Court Offenses (Source: Office of Court Improvement)	Not Applicable	Not Applicable
	County Civil	Small Claims	0.1	Not Applicable
		Civil < \$15,000	Not Applicable	Not Applicable
		Other County Civil	1	Not Applicable
		Evictions	Not Applicable	Not Applicable
		Civil Traffic Infractions	1.2	Not Applicable

Trial Court Budget Commission August 11, 2016, Meeting

Child Support Enforcement Hearing Officers Background Statistics

A	B	C	D	E	F
	FY 2015/16 Allotment ¹		Total Need		
Circuit	Child Support Enforcement Hearing Officer FTE Allotment	Administrative Support FTE Allotment	Total Need ²	Child Support Enforcement Hearing Officer Maximum Total Need (Rounded to the nearest whole FTE)	Administrative Support Maximum Total Need ³ (Rounded to the nearest whole FTE)
1	2.25	2.25	2.5	3.0	3.0
2	1.5	1.0	1.1	1.0	1.0
3	1.0	0.5	1.4	1.0	1.0
4	3.0	2.5	4.5	5.0	5.0
5	2.5	2.0	2.5	3.0	3.0
6	3.0	3.0	2.7	3.0	3.0
7	1.5	0.5	2.1	2.0	2.0
8	2.0	2.0	1.5	2.0	2.0
9	3.5	3.5	2.8	3.0	3.0
10	2.0	1.75	3.8	4.0	4.0
11	4.0	3.0	4.4	4.0	4.0
12	2.5	2.5	2.7	3.0	3.0
13	3.0	2.0	3.6	4.0	4.0
14	1.5	1.0	2.0	2.0	2.0
15	2.0	2.0	2.2	2.0	2.0
16	0.0	0.0	0.1	0.0	0.0
17	2.0	2.0	3.2	3.0	3.0
18	2.0	2.0	2.0	2.0	2.0
19	1.0	1.0	1.9	2.0	2.0
20	1.25	1.0	3.5	4.0	4.0
Total	41.5	35.5	50.3	53.0	53.0

¹ FY 2015/16 allotment includes the Trial Court Budget Commission FTE reallocation decision in August 2014.

² Total need reflects the maximum Child Support Enforcement Hearing Officer (CSEHO) FTE total need over a three year period. The total need is based on the maximum number of filings over fiscal years 2012-13, 2013-14, and 2014-15 for child support, UIFSA, and paternity cases. The total need was calculated in two steps. The first step estimates CSEHO workload by multiplying filings by the appropriate case weight. In the second step, CSEHO total need was calculated by dividing the estimated CSEHO workload by the total time available for case related work.

³ Administrative Support maximum total need assumes a 1:1 ratio of Administrative Support to CSEHO.

Trial Court Budget Commission August 11, 2016, 2016

Child Support Enforcement Hearing Officers FY 2016/17 Proposed FTE Allotment

A	B	C	D	E
	Net Need ¹		FMC Recommendation: FY 2016/17 FTE Allotment Using Current Methodology²	
Circuit	Child Support Enforcement Hearing Officer Net Need	Administrative Support Net Need	Child Support Enforcement Hearing Officer FTE	Administrative Support FTE
1	0.75	0.75	2.25	2.25
2	-0.5	0.0	1.5	1.0
3	0.0	0.5	1.0	0.5
4	2.0	2.5	3.0	2.5
5	0.5	1.0	2.5	2.0
6	0.0	0.0	3.0	3.0
7	0.5	1.5	1.5	0.5
8	0.0	0.0	2.0	2.0
9	-0.5	-0.5	3.5	3.5
10	2.0	2.25	2.0	1.75
11	0.0	1.0	4.0	3.0
12	0.5	0.5	2.5	2.5
13	1.0	2.0	3.0	2.0
14	0.5	1.0	1.5	1.0
15	0.0	0.0	2.0	2.0
16	0.0	0.0	0.0	0.0
17	1.0	1.0	2.0	2.0
18	0.0	0.0	2.0	2.0
19	1.0	1.0	1.0	1.0
20	2.75	3.0	1.25	1.0
Total	11.5	17.5	41.5	35.5

¹ Net need is the difference between maximum total need and FY 2015/16 FTE allotment.

² FY 2016/17 proposed FTE allotment using current methodology is based on FY 2015/16 FTE allotment. Shaded Cells: Circuit 20 has the highest positive CSEHO and highest positive Administrative Support net FTE need. Circuits 2 and 9 have the highest negative CSEHO net FTE need. Circuit 9 has the highest negative Administrative Support net FTE need.

**Trial Court Budget Commission
August 11, 2016, Meeting
General Magistrates
Background Statistics**

A	B	C	D	E	F
	FY 2015-16 Allotment		Total Need		
Circuit	General Magistrate FTE Allotment	Administrative Support FTE Allotment	Total Need ¹	General Magistrate Maximum Total Need (Rounded to the nearest whole FTE)	Administrative Support Maximum Total Need ² (Rounded to the nearest whole FTE)
1	3.5	3.0	4.8	5.0	5.0
2	2.0	2.0	2.2	2.0	2.0
3	1.0	0.0	1.4	1.0	1.0
4	7.0	6.0	7.1	7.0	7.0
5	5.0	5.0	6.0	6.0	6.0
6	7.25	7.0	7.3	7.0	7.0
7 ⁴	3.5	4.0	5.4	5.0	5.0
8	2.0	1.0	2.4	2.0	2.0
9	6.0	4.0	8.5	9.0	9.0
10	4.0	3.0	4.9	5.0	5.0
11	11.0	11.0	16.7	17.0	17.0
12	4.0	3.0	4.2	4.0	4.0
13	7.0	7.0	8.3	8.0	8.0
14	2.0	1.0	2.1	2.0	2.0
15	7.0	6.0	7.1	7.0	7.0
16	0.0	0.0	0.8	1.0	1.0
17	9.0	8.5	11.5	12.0	12.0
18	4.0	3.0	5.4	5.0	5.0
19	3.0	3.0	3.7	4.0	4.0
20	5.0	5.0	6.7	7.0	7.0
Total	93.25	82.5	116.5	116.0	116.0

¹ Total need reflects the maximum General Magistrate FTE total need over a three-year period. The total need is based on the maximum number of filings over fiscal years 2012-13, 2013-14, and 2014-15 for non-capital murder, sexual offense, felony drug court, professional malpractice, products liability, auto negligence, other negligence, condominium, contract and indebtedness, real property/mortgage foreclosure, eminent domain, other circuit civil, simplified dissolution, dissolution, child support, UIFSA, other domestic relations, domestic violence, repeat violence, delinquency, dependency, TPR, probate, guardianship, trust, Baker Act, Substance Abuse Act, and other social. The total need was calculated in two steps. The first step estimated General Magistrate workload by multiplying filings by the appropriate case weight. In the second step, General Magistrate total need was calculated by dividing the estimated General Magistrate workload by the total time available for case related work.

² Administrative Support maximum total need assumes a 1:1 ratio of Administrative Support to General Magistrate.

³ Circuit 7 FY 2015-16 allotment has 0.5 FTE more Administrative Support FTE than General Magistrate FTE but is not considered in excess of the 1:1 ratio of Administrative Support to General Magistrates due to their total need.

**Trial Court Budget Commission
August 11, 2016, Meeting
General Magistrates
FY 2016-17 Proposed FTE Allotment**

A	B	C	D	E
	Net Need¹		FMC Recommendation: FY 2016-17 FTE Allotment Using Current Methodology²	
Circuit	General Magistrate Net Need	Administrative Support Net Need	General Magistrate FTE	Administrative Support FTE
1	1.5	2.0	3.5	3.0
2	0.0	0.0	2.0	2.0
3	0.0	1.0	1.0	0.0
4	0.0	1.0	7.0	6.0
5	1.0	1.0	5.0	5.0
6	-0.25	0.0	7.25	7.0
7	1.5	1.0	3.5	4.0
8	0.0	1.0	2.0	1.0
9	3.0	5.0	6.0	4.0
10	1.0	2.0	4.0	3.0
11	6.0	6.0	11.0	11.0
12	0.0	1.0	4.0	3.0
13	1.0	1.0	7.0	7.0
14	0.0	1.0	2.0	1.0
15	0.0	1.0	7.0	6.0
16 ³	0.0	0.0	0.0	0.0
17	3.0	3.5	9.0	8.5
18	1.0	2.0	4.0	3.0
19	1.0	1.0	3.0	3.0
20	2.0	2.0	5.0	5.0
Total	21.75	32.5	93.25	82.5

¹ Net Need is the difference between total need and FY 2015-16 FTE allotment.

² FY 2016-17 proposed FTE allotment using current methodology is based on FY 2015-16 FTE allotment.

³ Circuit 16 uses contracted services for general magistrates.

Shaded Cells: Circuit 11 has the highest positive GM and highest positive Administrative Support net FTE need. Circuit 6 has the highest negative GM net FTE need.

Agenda Item IV.B. FY 2016-17
Allocations and Budget Outlook –
Article V Estimating Conference

Agenda Item IV.B.: Article V Estimating Conference

Article V Revenue Estimating Conference

The Article V Revenue Estimating Conference (REC) met on July 20, 2016, to review and revise revenue estimates related to Article V funds, including those funds directed to the State Courts Revenue Trust Fund (SCRTF), Court Education Trust Fund (CETF), General Revenue (GR), Clerk of Court Trust Fund and Fines and Forfeiture Funds (COCTF and FF&F), and various other trust funds.

Since the creation of this conference, Article V revenues reached a high of \$1,102.3 million in FY 2009-10 due to the significant increase in foreclosure and other civil filings, but have steadily declined as economic conditions across the state have improved and overall filings to the courts have declined. Specifically, revenue declines are mostly related to decreases in foreclosure case filings and the collection of revenues from traffic fines and criminal fines/court costs. Article V related revenues are forecasted to continue to decline slightly through fiscal year 2016-17.

Article V Trust Fund Actual and Forecasted Revenue FY 2009-10 through FY 2016-17 (in Millions)

Fiscal Year	SCRTF	CETF	GR	COCTF and FF&F	Other Trust Funds	Total*
<i>Actual Revenue</i>						
2009-10	\$412.9	\$3.7	\$188.6	\$454.5	\$42.5	\$1,102.3
2010-11	\$223.9	\$3.0	\$163.1	\$446.7	\$39.4	\$876.1
2011-12	\$233.9	\$3.2	\$165.9	\$429.2	\$36.2	\$868.4
2012-13	\$98.6	\$3.0	\$284.3	\$428.2	\$34.2	\$848.3
2013-14	\$84.7	\$2.6	\$173.7	\$447.9	\$34.8	\$743.7
2014-15	\$79.3	\$2.6	\$151.1	\$420.1	\$33.3	\$686.4
2015-16	\$75.5	\$2.6	\$139.6	\$393.0	\$30.8	\$641.5
<i>Forecasted Revenue</i>						
2016-17	\$74.7	\$2.7	\$134.9	\$386.3	\$30.4	\$629.0

* Totals may not be exact due to rounding.

General Revenue

General Revenue estimates were revised in July 2016 to reflect law changes passed during the 2016 Regular Legislative Session. Those changes are projected to reduce GR collections by a total of \$42.3 million in FY 2016-17 and \$67.4 million in FY 2017-18, due to changes in sales tax and corporate income tax. Updated GR estimates and the Long Range Financial Outlook, which provides the first estimate of the likely scenario facing the Legislature in its preparation of the budget for FY 2017-18, will be updated in August-September 2016.

Decision Needed

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

Agenda Item IV.C. FY 2016-17
Allocations and Budget Outlook – Salary
Budget and Payroll Projections

Item IV.C.: Salary Budgets

FY 2016-17 Trial Courts Salary Budget
General Revenue and State Courts Revenue Trust Fund
START-UP

CIRCUIT	1	Projected Full Employment Payroll Liability through June 30, 2017	274,308,190
	2	Projected DROP Liability through June 30, 2017	1,502,384
	3	Projected Law Clerk Below Minimum Pay Plan Liability through June 30, 2017	10,554
	4	Projected Law Clerk Incentives Pay Plan Liability through June 30, 2017	123,139
	5	Law Clerk Payroll Liability FY 17-18 through FY 19-20	534,390
	6	Projected Overtime Liability through June 30, 2017	71,312
	7	Court Interpreter Certification Liability	105,565
	8	Total Projected Payroll Liability through June 30, 2017	276,655,532
	9	Estimated Salary Appropriation	(273,885,514)
	10	Projected Liability OVER/(UNDER) Salary Appropriation @ Full Employment	2,770,018
	11	Estimated Leave Payouts (Based on FY15-16)	1,237,983
	12	Final - Adjusted Liability OVER/(UNDER) Salary Appropriation @ Full Employment	4,008,000
COUNTY	13	Projected Full Employment Payroll Liability through June 30, 2017	84,600,300
	14	Projected DROP Liability through June 30, 2017	463,597
	15	Estimated Salary Appropriation	(84,984,846)
	16	Projected Liability OVER/(UNDER) Salary Appropriation @ Full Employment	79,051
	17	Estimated Leave Payouts (Based on FY15-16)	140,698
	18	Final - Adjusted Liability OVER/(UNDER) Salary Appropriation @ Full Employment	219,749
Trial Court Summary	19	Projected Full Employment Payroll Liability through June 30, 2017	358,908,490
	20	Projected DROP Liability through June 30, 2017	1,965,981
	21	Projected Law Clerk Below Minimum Pay Plan Liability through June 30, 2017	10,554
	22	Projected Law Clerk Incentives Pay Plan Liability through June 30, 2017	123,139
	23	Law Clerk Payroll Liability FY 17-18 through FY 21-22	534,390
	24	Projected Overtime Liability through June 30, 2017	71,312
	25	Court Interpreter Certification Liability	105,565
	26	Total Projected Payroll Liability through June 30, 2017	361,719,429
	27	Estimated Salary Appropriation	(358,870,360)
	28	Projected Liability OVER/(UNDER) Salary Appropriation @ Full Employment	2,849,069
	29	Estimated Leave Payouts (Based on FY15-16)	1,378,681
	30	Final - Adjusted Liability OVER/(UNDER) Salary Appropriation @ Full Employment	4,227,749

Agenda Item IV.C.: Salary Budgets

**FY 2016-17 Trial Courts Salary Budget
 Administrative Trust Fund
 START-UP**

1	Projected Full Employment Payroll Liability through June 30, 2017	242,347
2	Projected Overtime Liability through June 30, 2017	936
3	Total Projected Payroll Liability through June 30, 2017	243,283
4	Estimated Salary Appropriation	(197,191)
5	Adjusted Liability OVER/(UNDER) Salary Appropriation @ Full Employment	46,092

**FY 2016-17 Trial Courts Salary Budget
 Federal Grants Trust Fund
 START-UP**

1	Projected Full Employment Payroll Liability through June 30, 2017	5,923,209
2	Estimated Salary Appropriation	(6,122,263)
3	Projected Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(199,054)
4	Estimated Leave Payouts (Based on FY15-16)	65,006
5	Adjusted Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(134,048)

Agenda Item IV.D. FY 2016-17
Allocations and Budget Outlook –
Circuit Due Process Requests (12th,
15th, and 18th Circuits)

Agenda Item IV.D.: Circuit Due Process Requests (12th, 15th, and 18th Circuits)

Issue:

At its June 17, 2016, meeting, the Trial Court Budget Commission (TCBC) was presented with requests from the Twelfth, Fifteenth, and Eighteenth Judicial Circuits for additional due process FTE. Due to recent budget reductions to the Due Process Services category and increased costs experienced in some of the due process elements, the TCBC deferred consideration of these requests until the August 11, 2016, meeting. The decision to defer was made in order to allow the TCBC the opportunity to explore absorbing the salary costs of these request within the existing salary budget after taking into consideration the FY 2016-17 payroll projections (Agenda Item IV.C.), or seeking additional resources through the FY 2017-18 Legislative Budget Request process.

A brief overview of the three requests are as follows:

12th Circuit

The Twelfth Judicial Circuit (request attached) seeks approval from the TCBC to exchange \$111,237 in due process contractual dollars, from their existing allocation, for salary and benefit dollars to fund two full-time non-certified court interpreter positions. Additionally, it requests two FTE from the statewide reserve of unfunded FTE.

- Estimated total salary and benefit cost of this action: \$131,642 (estimate based on cost for Certified Interpreters)
- FY 2016-17 Court Interpreting Allocation: \$383,858
- FY 2015-16 Court Interpreting Expenditures as of 08/07/16 (includes certified expenditures paid to date): \$357,497.50 (up 17.22% from FY 2014-15)

15th Circuit

The Fifteenth Judicial Circuit (request attached) seeks approval from the TCBC to access \$63,330 from the statewide due process reserve and exchange those funds for salary and benefit dollars to fund two full-time digital court reporter positions and access to two of the remaining FTE in the Due Process Contingency Fund.

- Estimated total salary and benefit cost of this action: \$104,770
- FY 2016-17 Court Reporting Allocation: \$281,681
- FY 2015-16 Court Reporting Expenditures as of 08/07/16 (includes certified expenditures paid to date): \$303,707.50 (up 6.12% from FY 2014-15)

18th Circuit

The Eighteenth Judicial Circuit (request attached) seeks approval from the TCBC to exchange \$51,600 in due process contractual dollars, from their existing allocation, for salary and benefit dollars to fund one full-time digital court reporter position and access to one of the remaining FTE in

the Due Process Contingency Fund. The estimated total salary and benefit cost of this action is \$52,385.

- Estimated total salary and benefit cost of this action: \$52,385
- FY 2016-17 Court Reporting Allocation: \$151,064
- FY 2015-16 Court Reporting Expenditures as of 8/7/16 (includes certified expenditures paid to date): \$164,160 (up 20.43% from FY 2014-15)

The total cost for all three requests, if approved, is \$288,797. There are currently 9.0 FTE remaining in the Due Process Contingency Fund special category. The proviso language in the FY 2016-17 General Appropriations Act for this special category states the following:

“The positions authorized in Specific Appropriation 3131 shall be held in reserve as a contingency in the event the state courts determine that some portion of Article V due process services needs to be shifted from a contractual basis to an employee model in one or more judicial circuits. The Chief Justice of the Supreme Court may request transfer of these positions to the salaries and benefits appropriation category within any of the state courts budget entities, consistent with requests for transfers of funds into those same budget entities. Such transfers are subject to the notice, review, and objection provisions of section 216.177, Florida Statutes.”

Additionally, there are 55 unfunded FTE remaining in the statewide reserve, and 1 funded FTE in reserve with \$70,702 salary and benefit dollars associated with the position. The FY 2016-17 statewide due process reserve is \$997,789.

The current fiscal year due process category in total sustained a cut during the 2016 Legislative Session totaling \$378,000. It should also be noted that FY 2014-15 due process reversions totaled \$209,449 and the FY 2015-16 due process reversion is estimated to be zero.

Options:

Consider/approve the requests independently, as follows:

12th Circuit: 2.0 FTE-Court Interpreters; Total cost: \$131,642

- 1) Approve the request to access 2.0 FTE from either the Due Process Contingency Fund or the unfunded FTE reserve. 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) Approve the request to access 2.0 FTE from either the Due Process Contingency Fund or the unfunded FTE reserve. Based on FY 2015-16 court interpreting expenditures, as of August 8, 2016 (final expenditures will be available October 1, 2016), and the 12th Circuit’s FY 2016-17 court interpreting allocation, reduce the amount to be paid from the 12th Circuit’s court interpreting allocation to \$26,000 and cover the remaining \$105,672 of the total cost of the positions from due process reserve.

- 3) Approve access to 2.0 FTE from the unfunded FTE reserve and absorb the full cost of the positions (\$131,642) within the existing FY 2016-17 salary budget.
- 4) Seek additional FTE through the FY 2017-18 Legislative Budget Request process.
- 5) Do not approve the request.

15th Circuit: 2.0 FTE-Digital Court Reporters; Total cost: \$104,770

- 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 total cost of the positions.
- 2) Approve access to 1.0 FTE from the unfunded FTE reserve and access to the 1.0 FTE (and salaries and benefits associated with the FTE) from the funded reserve and absorb the remaining cost needed to cover of the unfunded position (\$34,068) within the existing FY 2016-17 salary budget.
- 3) Seek additional FTE through the FY 2017-18 Legislative Budget Request process.
- 4) Do not approve the request.

18th Circuit: 1.0 FTE-Digital Court Report; Total cost: \$52,385

- 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) Approve the request to access 1.0 FTE from the Due Process Contingency Fund. Based on FY 2015-16 court reporting expenditures, as of August 8, 2016 (final expenditures will be available October 1, 2016), and the 18th Circuit's FY 2016-17 court reporting allocation, reduce the amount to be paid from the 18th Circuit's court reporting allocation to \$0 and cover the entire request of \$52,385 from due process reserve.
- 3) Approve access to 1.0 FTE from the unfunded FTE reserve and absorb the full cost of the position (\$52,385) within the existing FY 2016-17 salary budget.
- 4) Seek additional FTE through the FY 2017-18 Legislative Budget Request process.
- 5) 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



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



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.

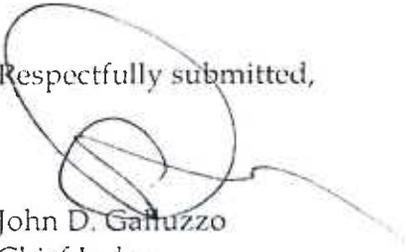
The Office of the State Courts Administrator will calculate the final amount to be converted based on the type of health insurance that is selected by the employee who will be hired if this request is approved.

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.E. FY 2016-17
Allocations and Budget Outlook –
Budget and Pay Administration
Memorandum Recommendations

Supreme Court of Florida

500 South Duval Street
Tallahassee, Florida 32399-1925

JORGE LABARGA
CHIEF JUSTICE
BARBARA J. PARIENTE
R. FRED LEWIS
PEGGY A. QUINCE
CHARLES T. CANADY
RICKY POLSTON
JAMES E.C. PERRY
JUSTICES

JOHN A. TOMASINO
CLERK OF COURT

SILVESTER DAWSON
MARSHAL

MEMORANDUM

TO: Chief Judges of the Trial Courts
Trial Court Administrators

FROM: Chief Justice Jorge Labarga

DATE: August xx, 2016

SUBJECT: Budget and Pay Administration for Fiscal Year 2016-17

I have established the following budget and pay administration policies for the current fiscal year, consistent with the recommendations of the Trial Court Budget Commission (TCBC). Deletions from the prior year's policy are stricken and additions to the prior year's policy are underlined.

A. Personnel Actions

1. Judicial Salaries

Effective July 1, 2016 ~~2015~~, a trial court judge shall be paid at an annual rate of:

Circuit Court: \$146,080
County Court: \$138,020

2. Trial Court Salary Budget Management

It does not appear to be necessary to hold positions vacant in the trial courts at this time. However, the Budget Management Committee shall continue to monitor the salary budget and make recommendations to the TCBC regarding proposed changes to the Salary Management Schedule as necessary, in order to cover payroll costs through the end of the fiscal year.

3. Other Personnel Actions

- a. All appointment rates, including re-employed retirees, must be at the minimum of the pay range. The chief judge may request an exception by the TCBC Executive Committee. Any exception requests must include documentation of the affected position being advertised no less than two times, with indication that no applicant met the qualifications, or that no qualified applicant would accept the position at the minimum salary. These requests should be sent to the Chair of the TCBC with copies to the State Courts Administrator. However, the circuit must first use any available chief discretionary funds in this event.
- b. Upon promotion, an employee's salary shall be increased to the minimum of the class to which the employee is being promoted. However, if that amount is less than five percent (5%), the chief judge may approve a promotional increase for an employee of up to five percent (5%) of the employee's salary prior to promotion, provided such an increase will not place the employee's salary above the maximum for the new range.
- c. Retention or reduction of current salary for employees who are reassigned, transferred between circuits or demoted to a position in a class with a lower pay grade, including judicial assistants moving from circuit court to county court, may be approved by the chief judge. The basis for such pay decisions are to include level of education and experience, longevity, ability relative to other employees in the newly assigned class, and salaries of other employees in the class.

- d. If a position is approved for designation as a lead worker in accordance with Section 6.06 of the State Courts System Personnel Regulations, the chief judge may approve a temporary salary additive up to five percent (5%) of the employee's current salary. Should the duties be taken away or the incumbent vacate the position, the additive will also cease. These actions must be submitted for review by the Office of Personnel Services and approval by the State Courts Administrator.
- e. The starting salaries for the Trial Court Administrator are \$115,000, \$120,000, or \$125,000, for small, medium, and large circuits, respectively; or \$130,000 for very large circuits, which include the Eleventh and Seventeenth Judicial Circuits. All appointment rates for Trial Court Administrators must be at these starting salaries.
- f. If a position is approved for an upward reclassification, the chief judge may approve a promotional salary increase up to five percent (5%) of the employee's current salary, or to the minimum of the new class, whichever is greater, provided such an increase will not place the employee's above the maximum for the new range. These actions must be submitted for review by the Office of Personnel Services and approval by the State Courts Administrator.
- g. An employee who is selected for an acting appointment in a managerial position may receive up to a five percent (5%) pay increase or the amount necessary to move the employee's pay to the minimum of the higher class, whichever amount is lower for the period of time they are in an acting capacity, provided the employee has completed two consecutive months of service in the acting capacity.
- h. Following an analysis of the salary budget in May 2017 ~~2016~~, a distribution to address merit¹ may be made by the TCBC in June 2017

¹ The 2016/17 ~~2015/16~~ General Appropriations Act (GAA) authorizes granting of merit pay increases based on the employee's exemplary performance as evidenced by a performance evaluation conducted pursuant to chapter 60L-35, Florida Administrative Code, or a similar performance evaluation applicable to other pay plans. The Chief Justice may exempt judicial branch employees from the performance evaluation requirements of this paragraph. Further, Chapter 216.251(3), F.S., prohibits giving a cohort of employees (same class or occupation) across the board increases. Providing across the board increases is a process that may only be accomplished as part of the General Appropriations Act, as authorized by the Florida Legislature.

- ~~2016~~. If such a distribution occurs, adjustments will be limited to no more than 5% and will require the approval of the chief judge along with documented exemplary performance during the period June ~~2016~~ 2015 through May ~~2017~~ 2016.
- i. Incentive adjustments for law clerks are to be made in accordance with the policies and procedures outlined in the Trial Court Law Clerk Incentive Plan, an amended copy of which is found at **Attachment I**.
 - j. Other than regulations limited by these “Other Personnel Action” policies and procedures, all regulations provided in the State Courts System Personnel Manual (https://intranet.flcourts.org/osca/personnel/bin/personnel_regulationsmanual.pdf) remain in effect.

4. Overlap of a Position

No overlaps of positions are permitted except as follows:

- a. The TCBC Executive Committee may consider an overlap of a judicial assistant position if the incumbent judicial assistant is placed on an extended leave of absence without pay for medical reasons.
 - b. The TCBC Executive Committee may consider an overlap of a trial court administrator, a general counsel, or a trial court technology officer position upon written request from and demonstration by the chief judge that the overlap is necessary to avoid disruption in efficient operation of the circuit. Absent special circumstances, an exception granted under this paragraph may not exceed 30 days.
 - c. A position may be overlapped if the incumbent is called to or volunteers for active duty in the armed services of the United States. The position may be overlapped for the duration of the military leave and must be subsequent to (30) days after the effective date of active duty for the incumbent.
-

5. OPS Employees

OPS funds are authorized this year for the Child Support Enforcement Program and positions needed to meet temporary employment needs in other elements.

- a. If it is determined that you need adjustments to your OPS category via transfer from another operating category, please complete the budget amendment form outlined in Section B.4. below.
- b. OPS funds for child support enforcement hearing officer coverage have been budgeted in a “central pool” to be used for training, illness, injury, disability or other reasons at the discretion of the chief judge. Requests to access these funds should be directed to Dorothy Willard, Chief of Budget Services, according to the procedures listed in Section B.4. below.
- c. Circuits requesting hourly rates above the minimum must provide adequate justification to the OSCA Chief of Personnel Services, who may authorize the adjusted hourly rate.

6. Exceptions

The TCBC Executive Committee may consider and grant exceptions to the personnel action provisions prescribed in this section. An exception request should be sent to the Chair of the TCBC with a copy to the State Courts Administrator.

B. Budget Administration

1. Expense Budget Management

Budget allotments for the trial courts are summarized by cost center in **Attachment II**. The chief judge of each circuit, or his/her designee, is responsible for determining, according to circuit priorities, how allotted funds will be spent, including certain travel as outlined in Section C. below. See **Attachment III** for a summary of allowable/unallowable state expenditures.

2. Due Process Services Budget Management

Expenditures from the Special Category 105420, as budgeted in Expert Witness (Cost Center 127), Court Reporting (Cost Center 129), and Court Interpreting (Cost Center 131), are limited to the procurement of contract services, including court reporting and court interpreting equipment maintenance. This limitation for Special Category 105420 expenditures does not extend to the State Funded Services/Cost Recovery (Cost Center 267). Expenditures of any other type (equipment, supplies, furniture, etc.) are unallowable. Expenditures from the Special Category 105420 as budgeted in Cost Center 267 may be of any type of allowable State expenditure but only in support of due process elements.

3. TCA Certification of Expenditures

Section 939.08, Florida Statutes, requires certification of all expenditures by the Trial Court Administrator, or designee. Please include this certification on all invoices, travel reimbursement vouchers, and contracts that are submitted for payment from circuit cost centers. Any actions submitted for payment processing without this certification will be returned. The Office of the State Courts Administrator (OSCA) has provided each Trial Court Administrator with a stamp that contains the certification language.

4. Budget Category Adjustments

Section 216.181, Florida Statutes, requires that all budget amendments from the judicial branch must be requested only through the Chief Justice and must be approved by the Chief Justice and the Legislative Budget Commission. If it is determined, after reviewing your operating budgets that you need adjustments from one operating budget category to another (including OPS), please complete the budget amendment form (in hard-copy or by e-mail) and send it to Dorothy Willard, Chief of Budget Services, so that appropriate documents can be processed. All requests for adjustments to operating budgets must be approved by the Chief Judge or his/her designee. **Attachment IV** provides instructions and the form for this purpose.

Trial court administration staff should review FLAIR reports on a monthly basis to monitor the status of available balances. Circuits may not exceed the operating allotments in **Attachment II**. Invoices for payment that exceed the allocation in any cost center will be returned.

5. Due Process Deficits

In the event that there are unforeseen shortfalls in any of the due process categories, the procedures outlined in **Attachment V** shall be utilized.

6. Due Process Contingency Fund

Positions authorized in the 2016-17 ~~2015-16~~ General Appropriations Act Specific Appropriation 3131 ~~3146~~ shall be held in reserve as a contingency in the event the state courts determine that some portion of Article V due process services needs to be shifted from a contractual basis to an employee model in one or more judicial circuits. The Chief Justice of the Supreme Court may request transfer of these positions to the salaries and benefits appropriation category within any of the state courts budget entities, consistent with requests for transfers of funds into those same budget entities. Such transfers are subject to the notice, review, and objection provisions of section 216.177, Florida Statutes.

C. Authorized Travel

Travel sections C and D are being comprehensively reviewed for consistency with state travel guidelines and consistency across the judicial branch.

1. Out-of-State Travel

- a. In order to implement funds appropriated in the 2016-17 ~~2015-16~~ General Appropriations Act for state employee travel, the chief judge of each circuit may authorize mission critical out-of-state travel to attend meetings, conferences, seminars, training classes, and travel for events other than those covered in sections 4, 5, and 7 below, provided that all travel expenses are paid with a source of funding other than state funds.

b. Notwithstanding subsection a. above, the following mission critical national education programs are approved when they are held out of state, and travel expenses may be paid with state funds:

- National Association for Court Management Annual Conference
- Annual Court Technology Conference (*sponsored by the National Center for State Courts*)
- Conference of Court Public Information Officers Annual Conference (*Sponsored by the National Center for State Courts*)
- National Conference of Metropolitan Courts Annual Conference

Small circuits may send up to 2 attendees, medium circuits may send up to 4 attendees, large circuits may send up to 6 attendees, and extra large circuits may send up to 8 attendees. Travel expenses will be paid from local circuit budgets and requires prior approval from the chief judge or designee, and submission of a Travel Authorization Request (TAR) form.

Such travel is subject to certification of the expenditures by the Trial Court Administrator or designee, pursuant to section 939.08, Florida Statutes.

2. Intra-Circuit Travel

All routine intra-circuit case-related or administrative travel may be approved by the chief judge, provided such travel is in support of the administration of justice as outlined in the Rules of Judicial Administration, and shall be in accordance with state law.

I am also delegating authority to the chief judge to approve activities that are critical to each court's mission. In accordance with the ~~2015-16~~ 2016-17 GAA Implementing Bill HB 5003 ~~SB-2502-A~~, funds may not be used to pay for travel by state employees to conferences or staff training activities unless the agency head (chief judge) has approved in writing that such activities are critical to the courts mission and requires submission of a Travel Authorization Request (TAR) form. Education and training activities must be directly related to employees' current job duties and have primary benefit

to the State. This delegation does not extend to travel for events covered in Sections 4, 5, and 6 below.

Such travel is subject to certification of the expenditure by the Trial Court Administrator or designee, pursuant to section 939.08, Florida Statutes.

3. Intra-State Travel

Intra-state travel necessary as a result of case-related activities or administrative matters may be approved by the chief judge provided such travel is in support of the administration of justice as provided for in the Rules of Judicial Administration.

I am also delegating authority to the chief judge to approve activities that are critical to each court's mission. In accordance with the ~~2016-17~~ ~~2015-16~~ GAA Implementing Bill HB 5003 ~~SB-2502-A~~, funds may not be used to pay for travel by state employees to conferences or staff training activities unless the agency head (chief judge) has approved in writing that such activities are critical to the courts mission and requires submission of a Travel Authorization Request (TAR) form. Education and training activities must be directly related to employees' current job duties and have primary benefit to the State. This delegation does not extend to travel for events covered in Sections 4, 5, and 6 below.

Such travel is subject to certification of the expenditures by the Trial Court Administrator or designee, pursuant to section 939.08, Florida Statutes.

a. Statewide Education Programs

The following mission critical education programs are approved as follows:

- Judicial Assistants Summer Educational Conference
- Florida Trial Court Staff Attorneys Annual Conference
- Annual Dependency Summit (*Sponsored by the Florida Department of Children & Families*)
- Marital & Family Law Certification Review (*Sponsored by The Florida Bar*)

- Annual Conference and Justice Institute (*Sponsored by Florida Partners in Crisis*) or comparable education and training on co-occurring disorders.

Small circuits may send up to 2 attendees, medium circuits may send up to 4 attendees, large circuits may send up to 6 attendees, and extra-large circuits may send up to 8 attendees. This authorization is in addition to any participant's attendance that may be authorized by the Florida Court Education Council or other State Courts System entity. Travel expenses will be paid from local circuit budgets and requires prior approval from the chief judge or designee, and submission of a Travel Authorization Request (TAR) form. Attendance is subject to registration requirements and participant limitations of the sponsoring entity.

Such travel is subject to certification of the expenditures by the Trial Court Administrator or designee, pursuant to section 939.08, Florida Statutes.

b. National Education Programs

The following mission critical national education programs are approved when they are held in-state:

- National Association for Court Management Annual Conference
- Annual Court Technology Conference (*sponsored by the National Center for State Courts*)
- Conference of Court Public Information Officers Annual Conference (*Sponsored by the National Center for State Courts*)
- National Conference of Metropolitan Courts Annual Conference

Small circuits may send up to 2 attendees, medium circuits may send up to 4 attendees, large circuits may send up to 6 attendees, and extra-large circuits may send up to 8 attendees. Travel expenses will be paid from local circuit budgets and requires prior approval from the chief judge or designee, and submission of a Travel Authorization Request (TAR) form.

Such travel is subject to certification of the expenditures by the Trial Court Administrator or designee, pursuant to section 939.08, Florida Statutes.

4. Travel Expenses - Florida Bar Meetings

a. Annual and Midyear Meetings

Chief judges and the chair and chair-elect of the Florida Conference of Circuit Judges will be reimbursed for reasonable travel expenses for their attendance at the mid-year and annual meetings of The Florida Bar. So, too, will the president and president-elect of the Florida Conference of County Court Judges. These expenses will be charged against your local circuit budget.

b. Supreme Court-Appointed Committees

Members of court-appointed committees of The Florida Bar may be reimbursed for reasonable travel expenses associated with the meetings of those groups with prior approval from the chief judge or designee and submission of a Travel Authorization Request (TAR) form. These expenses will be charged against your local circuit budget. The committees to which this section applies are:

- Standard Jury Instructions Committee – Civil
- Standard Jury Instructions Committee – Contract & Business Cases
- Commission on Professionalism

c. Selected Committees

Circuit court judges, county court judges, and other court staff who are serving as members of selected committees and sections of The Florida Bar may be reimbursed for reasonable travel expenses associated with the meetings of those groups with prior approval from the chief judge or designee and submission of a Travel Authorization Request (TAR) form. These expenses will be charged against your local circuit budget. The committees and section to which this policy applies are:

- Alternative Dispute Resolution Section Executive Council

- Appellate Court Rules Committee
- Appellate Practice Section Executive Council
- Civil Procedure Rules Committee
- Code and Rules of Evidence Committee
- Constitutional Judiciary Committee
- Continuing Legal Education Committee
- Criminal Law Section Executive Council
- Criminal Procedure Rules Committee
- Family Law Rules Committee
- Family Law Section Executive Council
- Judicial Administration & Evaluation Committee
- Judicial Nominating Procedures Committee
- Juvenile Court Rules Committee
- Law Related Education Committee
- Legal Needs of Children Committee
- Probate Rules Committee
- Pro Bono Legal Services Committee
- Professional Ethics Committee
- Professionalism Committee
- Real Property, Probate and Trust Law Section Executive Council
- Rules of Judicial Administration Committee
- Small Claims Rules Committee
- Traffic Court Rules Committee
- Trial Lawyers Section Executive Council

These specific guidelines apply to all committee and section related travel:

- d. Room charges that exceed the established conference rate will be reimbursed only up to that rate. Judges are encouraged to make alternative arrangements, at lower rates, when at all possible. Room charges in excess of \$150.00 per night (room rate only) should be avoided, but when that is not possible, excess charges must be justified on travel vouchers submitted for reimbursement.
- e. For approved committee and section meetings, same day travel must be utilized whenever possible. Necessary overnight travel will be

- reimbursed for the night immediately before or after the date of the committee meeting only if same day travel cannot be accomplished or presents an undue hardship.
- f. Travel by circuit court judges, county court judges, or other court staff who attend meetings of committees and sections other than the members of those committees on the approved list must be at the traveler's own expense or reimbursement must be sought from a source other than state funding.
 - g. No reimbursement for attendance at Supreme Court oral argument representing a section or committee will be paid.
 - h. No reimbursement for attendance at seminars or symposiums representing a section of a committee will be paid.

I am asking that you take the necessary steps to communicate this policy to judges in your circuit, particularly those who are new to the bench, in order to eliminate confusion about the requirements for reimbursement. We want to minimize problems with judges submitting travel vouchers for participation in committees not on the approved list, for which advance approval was not obtained, or where the length of stay was beyond that necessary for committee meeting attendance. Please also communicate this information to appropriate staff.

5. Travel Expenses for Participation in State Courts System Committees or Commissions

Reasonable travel expenses necessary for participation in State Courts System committees or commissions (e.g., Trial Court Budget Commission, Criminal Court Steering Committee, Standard Jury Instructions Committee - Criminal) will be paid without prior authorization, from the budgets of and in accordance with the travel guidelines established for each committee.

Trial Court Budget Commission meetings may be attended by up to 2 non-TCBC member trial court judges or employees with the approval of the chief judge. Non-TCBC member travel expenses will be charged against your local circuit budget. Such travel is subject to the certification of the

expenditures by the Trial Court Administrator or designee, pursuant to section 939.08, Florida Statutes.

Reimbursement for attendance at Supreme Court oral argument to represent a committee or commission must be approved in advance by the Chief Justice.

6. Travel Expenses for Legislative Hearings

Generally, the OSCA will coordinate travel by judges for participating in legislative hearings. Expenses associated with such travel will be paid from your circuit budget with prior approval of the chief judge or designee, or if such participation is associated with membership on a Supreme Court committee, expenses will be reimbursed from that committee budget. When judges receive personal invitations to appear and testify before a legislative committee, expenses for associated travel will be paid from the circuit budget with prior approval from the chief judge.

7. Out-of-State Educational Travel

Out-of-state educational travel will continue to be approved by the Florida Court Education Council in accordance with its established guidelines.

D. General Travel Guidelines

1. Rules Governing Per Diem and Lodging for Overnight Travel

According to State Chief Financial Officer policy, a traveler may not claim per diem or lodging reimbursement for overnight travel within fifty (50) miles (one-way) of his or her headquarters or residence (calculated in accordance with the Department of Transportation Official Map Miles), whichever is less, unless the circumstances necessitating the overnight stay are fully explained by the traveler and approved by the Agency Head in advance of the travel. I am delegating this approval authority to chief judges, with the exception of the travel funded through the Court Education Trust Fund, travel associated with the circuit and county conferences' business programs, and travel funded by state budgetary sources other than individual circuit budgets. Official written approval from the chief judge

must be attached to the reimbursement voucher when submitted for payment. Vouchers without this approval will be returned.

2. Lodging Room Rate Limits

Hotel room charges that exceed \$150.00 per night (room rate only), should be avoided, and less costly alternatives secured when possible. Charges in excess of \$150.00 (room rate only), must be justified on travel vouchers submitted for reimbursement. This rate does not apply to travel sponsored by Court Education Trust Fund, or travel funded by state budgetary sources other than individual circuit budgets. Rates funded by these sources will be set by the paying entity.

3. Prohibition of Class C Meal Reimbursement

Reimbursement for Class C travel for per diem and subsistence is prohibited in section 112.061(15), Florida Statutes.

4. TAR Submission for Convention and Conference Travel

Travel reimbursements for convention or conference travel (with the exception of judges' participation in circuit and county conferences' education and business program), must be submitted for payment with a Travel Authorization Request (TAR) form, according to State of Florida travel guidelines. TAR forms will be prepared by the OSCA on the judges' behalf for circuit and county conferences' education and business programs.

5. Travel Voucher Submission to Trial Court Administrator

All travel vouchers must be submitted through the trial court administrator's office to be submitted to the OSCA for payment.

E. Senior Judge Guidelines and Allocations

1. Allocation

Attachment VI reflects the allocation of senior judge days for the 2016-17 ~~2015-16~~ fiscal year. Please note that an additional allocation of senior judge

days has been appropriated by the legislature to provide for backlogs associated with real property/mortgage foreclosure cases.

2. Utilization and Management

Please continue to follow the current guidelines for the utilization and management of senior judges, as outlined in **Attachment VI-A**. Trial Court Administrators are responsible for the administrative oversight of senior judge service within their respective circuits, in coordination with the OSCA. All senior judges shall submit requests for payment through Court Administration to allow for segregation of resources for real property/mortgage foreclosure cases. Designated court administration staff will request payment from the appropriate allocation (regular vs. foreclosure) through the automated web-based reporting and tracking system. The senior judge web-based payment system has been enhanced to allow for the segregation of funds. Hard copy submissions will not be accepted.

3. Compensation Rate

Senior judge compensation is \$350 for each day of service for 2016-17 ~~2015-16~~.

4. Travel Expenses

Expenses for senior judge travel have been budgeted and allocated by the TCBC to your local circuit for work provided from the regular allocation of senior judge days. All requests for reimbursement of senior judge travel expenses must be submitted through the Trial Court Administrator.

Such travel is subject to the certification of the expenditures by the Trial Court Administrator or designee, pursuant to section 939.08, Florida Statutes.

F. Assignment and Compensation of County Judges to Temporary Service in Circuit Court

A county court judge designated to preside over circuit court cases shall receive the same salary as a circuit court judge while performing such duties, to the extent that funds are specifically appropriated by law for these purposes. Requests for compensation shall be based upon allotments as approved by the TCBC.

G. Payment of Florida Bar Membership Fees/Legal Education Courses

The ~~2016-17~~ ~~2015-16~~ General Appropriations Act allows the payment of Florida Bar membership fees for staff attorneys, or those positions that require Bar membership as a condition of their employment by the state. (For a list of eligible position titles, please refer to the memorandum of ~~June 22, 2016~~ ~~July 2, 2015~~, from ~~Eric Maclure~~ ~~Jackie Knight~~.) We are currently unable to authorize payment for continuing legal education courses (those courses taken for the sole purpose of earning CLE credits), or professional certification of any kind.

I am requesting that you disseminate the information contained in the memorandum to all judges and other appropriate personnel in your courts. The policies outlined herein will remain in effect until such time as they are succeeded with an updated memorandum.

If you have any questions about budget matters, please contact Dorothy Willard, Chief of Budget Services, at (850) 488-3735. Questions relating to personnel matters should be directed to Beatriz Caballero, Chief of Personnel Services, at (850) 617-4028. Other finance questions should be directed to Jackie Knight, Chief of Finance and Accounting Services, at (850) 488-3737.

JL/ssb

cc: Patricia (PK) Jameson
Eric Maclure
Blan Teagle
Dorothy Willard
Beatriz Caballero
Jackie Knight
Steven Hall

Agenda Item V.A. FY 2017-18
Legislative Budget Request (LBR) –
LBR 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 - 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 (LBR) –
Priorities/Strategies – Approved for
Estimation and Consideration

Agenda Item V.B.1.: FY 2017-18 Legislative Budget Request (LBR) – Employee Pay Issue

Background

In its Fiscal Year 2014-15 legislative budget request, in order to retain highly skilled employees and to experience more equity with other government salaries, the judicial branch requested \$18,828,193 in recurring salary appropriation. However, recognizing the considerable size of such a request, the judicial branch proposed a two-year implementation period. The 2014 Legislature provided \$8,132,614 for first-year implementation. That funding assisted the judicial branch in making significant headway in addressing retention and salary equity between the branch and other governmental entities for similar positions and duties.

As a top priority of its Fiscal Year 2015-16 and Fiscal Year 2016-17 legislative budget requests, the judicial branch requested second-year funding of \$5,902,588 in recurring salary dollars branch wide, to finish addressing a wide range of salary issues.

The following was the issue narrative submitted for Fiscal Year 2016-17 legislative budget request.

Equity, Recruitment and Retention Pay Issue for State Courts System

1. The Supreme Court requests the second year funding request for \$5,902,588 in recurring salary dollars branch wide, effective July 1, 2016, to complete the necessity of addressing a wide range of salary issues affecting the State Courts System (SCS).

In its Fiscal Year 2014-15 legislative budget request, in order to retain highly skilled employees and to experience more equity with other government salaries, the State Courts System (SCS) requested \$18,828,193 in recurring salary appropriation. However, recognizing the considerable size of such a request, the SCS proposed a two-year implementation period. The 2014 Legislature provided \$8,132,614 for first-year implementation. That funding assisted the judicial branch in making significant headway in addressing retention and salary equity between the branch and other governmental entities for similar positions and duties.

With the first-year funding, the SCS was able to increase pay minimums of more than 100 classes and create 10 new classes within the SCS pay plan. An example of classes that continued to need adjustments were those in the case management element. Although the Trial Court Budget Commission had these classes on its priority list, there was not sufficient first-year funding to recommend adjustments for them to the Chief Justice as part of the implementation plan.

Classes in the trial court mediation element and in the court reporting element also needed analysis in terms of equity, retention, and recruitment. A number of other classes branch wide also needed concentrated analysis including such classes as Administrative Secretary I and II, Director of Community Relations, Finance and Accounting Manager, Secretary, Secretary Specialist, Senior

Secretary, and Training Manager. In addition, continued analysis was needed for some classes that were adjusted but possibly not to the extent for maximizing retention and recruitment.

Following implementation of the first-year funding, staff of the Office of the State Courts Administrator (OSCA) reviewed 79 classes for initial analysis for pay equity, retention, or recruitment issues. Further, staff of OSCA reviewed all classes that were adjusted in the first phase, in order to determine whether there were ongoing equity, retention, or recruitment issues not sufficiently addressed in that phase. Staff of OSCA conducted this research in consultation with trial court administrators and district court marshals.

Based on that analysis, and as a top priority of its Fiscal Year 2015-16 legislative budget request, the SCS requested second-year funding of \$5,902,588 in recurring salary dollars branch wide, effective July 1, 2015, to finish addressing a wide range of salary issues affecting court staff. The narrative accompanying the LBR noted that:

Although positively impacted by the 2014 legislative funding, the branch must continue its progress in reaching its Long Range Strategic Plan goal of supporting competency and quality. Success in this regard continues to depend on the branch's ability to attract, hire and retain highly qualified and competent employees. As Florida's economy continues to improve, the employment environment is sure to become increasingly competitive. The State Courts System needs to be able to retain and recruit top talent in all of its elements to ensure that justice is served in the most efficient and effective manner to the people of Florida.

Because a skilled workforce contributes to fulfillment of the justice system's role in promoting public safety, the judicial branch partnered during the 2015 regular and special legislative sessions with a coalition of justice system entities – including the Attorney General, state attorneys, and public defenders – to advocate for funding to address salary challenges. The cumulative employee pay request of the coalition of justice system entities was \$21.7 million.

The Legislature did not fund the employee pay issue in the Fiscal Year 2015-16 General Appropriations Act.

2. For many of the same reasons, judicial salaries also top the branch's list of priorities. Although a specific dollar amount is not being requested as part of this LBR, it is imperative that the State of Florida be able to recruit and retain quality judges. It only makes sense that the quality of justice for Florida's citizens is directly impacted by the quality of the men and women that Florida elects or appoints as judges. And, it also seems obvious that competitive salaries are essential to the State's ability to attract a high number of highly qualified attorneys willing to run and apply for judicial openings -- or willing to stay on the bench for a full judicial career after their election or appointment. There have already been a number of qualified jurists who have left the bench early - - as well as a demonstrable drop in qualified applicants -- as salaries for Florida judges have seriously lagged behind inflation and behind attorney salaries in Florida, federal judicial salaries, and judicial salaries in comparable states.

To understand the breadth of this problem, one need only consider that in the late 1990s through the early 2000s, salaries of Florida Supreme Court justices were kept in line with the salaries of

federal circuit (intermediate appeals court) judges. Now, the salaries of Florida Supreme Court justices lag behind the salaries of federal trial court magistrates, and are \$51,100 per year lower than the salary of a federal intermediate appellate court judge.

Ideally, one would think that a competitive wage for trial judges should compare with an average wage for more experienced lawyers in law firms. Currently, however, Florida's circuit judges make \$38,920 per year less than the median *base* salary for *eight-year* associates (non-partners), using 2015 salary figures from the National Association for Law Placement (NALP) for all size firms.

The State Court System respectfully requests that the legislature implement a multi-year strategy to fully restore judicial salaries to a competitive level, while continuing to benchmark judicial salaries in Florida consistent with Florida Rule of Judicial Administration 2.244(b).

Agenda Item V.B.2.: FY 2017-18 Legislative Budget Request (LBR) – Trial Court Technology Funding

Background

In FY 2015-16, the Supreme Court submitted a supplemental legislative budget request (LBR) for \$25,606,097 in non-recurring general revenue and 65 FTE to fund the first year of a multi-year comprehensive strategy for addressing the statewide technology needs of the trial courts. The issue was also filed for FY 2016-17, with minor modifications to the cost estimates, resulting in an LBR of \$25,299,973 and 65 FTE. Neither request was funded.

Current

At their meeting on June 17, 2016, the TCBC directed staff of the Office of the State Courts Administrator (OSCA) to develop a proposal for a comprehensive trial court technology LBR for FY 2017-18. Using last year's LBR of \$25,299,973 as a base, OSCA staff worked with the trial courts to update cost estimates for the Court Application Processing Systems (CAPS), digital court reporting and remote court interpreting equipment, and a minimum level of technology to support court functions and accomplish the business capabilities of the *Florida Trial Court Technology Strategic Plan 2015-2019*. That work indicated that revisions to the request were necessitated by factors such as deployment of technology since the LBR was originally developed (e.g., through end of year spending), changes in circuit readiness to deploy technology, and other new or changed circuit needs. In addition, circuits were given the discretion to request funds to implement intra-circuit remote interpreting systems.

The comprehensive LBR will support trial court technology and will ensure that the trial courts have:

- Hardware and Software to Receive and Manage Documents Electronically
- Functional Digital Court Reporting and Remote Interpreting Equipment
- Staff to Support Court Technology
- Sufficient Bandwidth
- A Minimum Level of Technology Services in Communities Across the State

As in the previous years' LBRs, this request would not be designed to supplant county funding of court technology. It addresses funding gaps and provides a minimum level of technology services in each county. Based on the comprehensive trial court technology strategic plan, the FY 2017-18 LBR groups critical technology needs into three funding solutions:

Solution 1: Secure Case Management and Processing System (CAPS)

This solution includes the Court Application Processing System (CAPS), which provides judges and court staff electronic case file information needed to perform their adjudicatory function. Judges and court staff face challenges using multiple systems to access electronic case files in real-time in order to address the specific case processing and resource management needs of the trial courts. Servers in use are well past recommended usable lifespan. Foreclosure funding, which expired June 30, 2015,

purchased the initial hardware and software for CAPS in civil divisions, but ongoing maintenance and refresh are needed to protect the initial investment. Further, not all judges and staff have CAPS.

Benefits of Proposed Solution

- Provides consistent access to and availability of data across counties and circuits.
- Provides complete, accurate, real-time information from multiple sources to judges, allowing for improved efficiency in judicial decision-making and reducing file movement between the clerk and court.
- Ensures judges have technology necessary to securely transmit court orders to the clerks of court.
- Builds upon current \$9 million investment in CAPS, funded with resources from the National Mortgage Foreclosure Settlement.
- Provides infrastructure needed to effectively manage court business processes and provides the court system with monitoring tools that allow courts to tailor performance measures and improve case management.

Solution 2: Court Reporting and Court Interpreting

Court Reporting and Court Interpreting updates include technological systems comprising audio/video hardware and software to support service delivery of critical due process court functions. Courts utilize outdated hardware and software to create the official court record, presenting the risk of system failure. Many circuits report that equipment and parts are no longer available and that manufacturers have ended technical support for these models. This mission-critical equipment is in use 365 days a year, sometimes for over 8 hours per day. Spoken and sign language court interpreting services are costly, and the unavailability of qualified interpreters in local courts sometimes results in court delays.

Benefits of Proposed Solution

- Provides continued ability to create the official court record.
- Improves access to court reporting and court interpreting services; allows for more timely access to transcripts and official records.
- Provides access to qualified interpreters remotely over a broader geographical area, using audio/video technology.
- Allows for cost containment in interpreter staff and contractor expenses.
- Creates potential for expansion to utilize this technology platform in expert witness testimony.

Solution 3: Minimum Level of Technology Services

Support for a minimum level of technology services includes increased bandwidth, core-function technology services, and staff to support a minimum level of technology in all counties and judicial circuits. Technology services vary across counties and circuits based on the county's ability to provide funding for needed services; multi-county circuits have difficulty sharing resources across county boundaries; and many technology initiatives require dedicated staff support. Circuits must often pay costly outside vendors to support audio equipment. Citizens in different counties may not have comparable access to minimum standard core services. Additional bandwidth is needed to accommodate e-filing mandates, increased web-based services, and digital traffic.

Benefits of Proposed Solution

- Ensures citizens receive access to a consistent level of minimum court technology services, regardless of geography.
- Includes state-level technical expertise, upon request, to bridge knowledge gaps in counties of critical need.
- Provides court with dedicated staff to maintain state-owned hardware and software, resulting in cost savings.
- Allows court staff to maintain a skill set that keeps pace with evolving technology and ensures technology investment is fully supported throughout full life cycle.

Decision Needed

Option 1: Recommend an FY 2017-18 LBR, as reflected in **Attachment A**, provided at the meeting, and authorize OSCA staff to make minor revisions to the cost estimates and add out-year costs as the issue is finalized for presentation to the Supreme Court.

Option 2: Do not file an LBR for FY 2017-18.

Agenda Item V.B.3.: FY 2017-18 Legislative Budget Request (LBR) – General Magistrates

Background

The State Courts System has relied on funding formulas to define what is reasonable and necessary to fund the elements of the court system in order to ensure adequate and equitable funding for all circuits. The funding methodology approved for the General Magistrates element is based on a case weighted methodology for general magistrates and a ratio of one administrative support position per magistrate. If the funding methodology indicated a need for 0.5 FTE, the number was rounded up. Current FTE numbers were subtracted from the whole numbers identified by the funding methodology to obtain additional FTE need. This methodology does not expand on the use of these resources within the judicial system to divisions where general magistrates are not used statewide.

In November 2014, the Office of the State Courts Administrator (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. In June 2016, the Supreme Court approved the updated case weights from the NCSC report (see new weights in **Hearing Officer and General Magistrates Comparison of 2007 and 2016 Case Weights**).

The new workload study documents the important contribution made by general magistrates in the efficient and effective resolution of cases. However, the study recognizes the variations across counties and circuits in the availability and current use of general magistrates based on the time study results. The new weights developed in the 2016 workload study did not account for additional need in order to expand resources to other divisions. The case weights represent workload that incorporates sufficient time for efficient and effective case processing of the cases that are handled by the existing resources available in the trial courts.

In previous years, the maximum total and net needs were calculated based on three years of forecasted filings developed as part of the process for certification of need for new judges. New case types were incorporated in the workload study, and three years of forecasted filings for those case types are not available. In order to be comparable with the process used in previous years, the general magistrates' case weights are applied to the maximum number of actual filings over a three-year period, rather than forecasted filings, to determine the maximum total and net need by circuit.

The trial courts have not received additional general magistrate resources since the initial funding in FY 2004-05, during Revision 7 to Article V. Additionally, general magistrates and their support staff were reduced by 23.75 FTE in 2008. The last request submitted by the Court

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for general magistrate resources was for the FY 2012-13 LBR. This request was submitted by the trial courts as an attempt to improve efficiencies in the management of the trial courts' workload in absence of additional judicial resources, but was not funded. Finally, the trial courts have not received additional judicial resources since FY 2007-08.

Current Issue

At the June 17, 2016, meeting, the TCBC directed staff to examine the need and cost for additional general magistrates in the trial courts as part of the FY 2017-18 LBR. OSCA staff have prepared four options for the FMC's and TCBC's consideration.

	FTE	LBR
Option 1 – Need based on maximum filings over 3 years	54.5	\$4,506,088
Option 2 – Need based on average filings over 3 years	33.5	\$2,671,806
Option 3 – Divisional need based on maximum filings over 3 years	68.0	\$5,656,240
Option 4 – Divisional need based on average filings over 3 years	48.0	\$3,879,922

Total and net need for general magistrates and administrative support are reflected in the following four attachments. In **Attachment A**, the total need is based on the maximum number of filings over fiscal years 2012-13, 2013-14, and 2014-15 for non-capital murder, sexual offense, felony drug court, professional malpractice, products liability, auto negligence, other negligence, condominium, contract and indebtedness, real property/mortgage foreclosure, eminent domain, other circuit civil, simplified dissolution, dissolution, child support, Uniform Interstate Family Support Act (UIFSA), other domestic relations, domestic violence, repeat violence, delinquency, dependency, TPR, probate, guardianship, trust, Baker Act, Substance Abuse Act, and other social cases. The total need is calculated in two steps. The first step estimates general magistrate workload by multiplying filings by the appropriate case weight. In the second step, general magistrate total need is calculated by dividing the estimated general magistrate workload by the total time available for case related work. Additionally, administrative support need is calculated to achieve the 1:1 ratio of general magistrates to support staff.

In **Attachment B**, the total need is calculated similarly to Attachment A, but is based on the average number of filing over fiscal years 2012-13, 2013-14, and 2014-15, for the same case types.

In **Attachment C**, the total need is calculated similarly to Attachment A, but is divided across the division of circuit court in comparing maximum total need to actual general magistrate assignment. As noted above in the Background section, this option does not represent an expansion in the use of general magistrates to new divisions.

In **Attachment D**, the total need is calculated similarly to Attachment B, but is divided across the division of circuit court in comparing average total need to actual general magistrate assignment. As noted above in the Background section, this option does not represent an expansion in the use of general magistrates to new divisions.

Decision Needed

Option 1: File an LBR for the General Magistrate element (22.0 Magistrate FTEs; 32.5 Administrative Support FTEs; for a total of \$4,506,088) based on the official methodology, using the maximum actual filings over three fiscal years.

Option 2: File an LBR for the General Magistrate element (12.0 Magistrate FTEs; 21.5 Administrative Support FTEs; for a total of \$2,671,806) based on the official methodology, using the average actual filings over three fiscal years.

Option 3: File an LBR for the General Magistrate element (28.0 Magistrate FTEs; 40.0 Administrative Support FTEs; for a total of \$5,656,240) based on divisional need, using the maximum actual filings over three fiscal years.

Option 4: File an LBR for the General Magistrate element (18.0 Magistrate FTEs; 30.0 Administrative Support FTEs; for a total of \$3,879,922) based on divisional need, using the average actual filings over three fiscal years.

Option 5: Do not file an LBR for the General Magistrate element.

Funding Methodology Committee Recommendation

Approve *Option 4*.

**Trial Court Budget Commission
August 11, 2016, Meeting
General Magistrates
Background Statistics - Option 1**

A	B	C	D	E	F
	FY 2016-17 Allotment		Total Need		
Circuit	General Magistrate FTE Allotment	Administrative Support FTE Allotment	Total Need ¹	General Magistrate Maximum Total Need (Rounded to the nearest whole FTE)	Administrative Support Maximum Total Need ² (Rounded to the nearest whole FTE)
1	3.5	3.0	4.8	5.0	5.0
2	2.0	2.0	2.2	2.0	2.0
3	1.0	0.0	1.4	1.0	1.0
4	7.0	6.0	7.1	7.0	7.0
5	5.0	5.0	6.0	6.0	6.0
6	7.25	7.0	7.3	7.0	7.0
7 ⁴	3.5	4.0	5.4	5.0	5.0
8	2.0	1.0	2.4	2.0	2.0
9	6.0	4.0	8.5	9.0	9.0
10	4.0	3.0	4.9	5.0	5.0
11	11.0	11.0	16.7	17.0	17.0
12	4.0	3.0	4.2	4.0	4.0
13	7.0	7.0	8.3	8.0	8.0
14	2.0	1.0	2.1	2.0	2.0
15	7.0	6.0	7.1	7.0	7.0
16	0.0	0.0	0.8	1.0	1.0
17	9.0	8.5	11.5	12.0	12.0
18	4.0	3.0	5.4	5.0	5.0
19	3.0	3.0	3.7	4.0	4.0
20	5.0	5.0	6.7	7.0	7.0
Total	93.25	82.5	116.5	116.0	116.0

¹ Total need reflects the maximum General Magistrate FTE total need over a three-year period. The total need is based on the maximum number of filings over fiscal years 2012-13, 2013-14, and 2014-15 for non-capital murder, sexual offense, felony drug court, professional malpractice, products liability, auto negligence, other negligence, condominium, contract and indebtedness, real property/mortgage foreclosure, eminent domain, other circuit civil, simplified dissolution, dissolution, child support, UIFSA, other domestic relations, domestic violence, repeat violence, delinquency, dependency, TPR, probate, guardianship, trust, Baker Act, Substance Abuse Act, and other social. The total need was calculated in two steps. The first step estimated General Magistrate workload by multiplying filings by the appropriate case weight. In the second step, General Magistrate total need was calculated by dividing the estimated General Magistrate workload by the total time available for case related work.

² Administrative Support maximum total need assumes a 1:1 ratio of Administrative Support to General Magistrate.

³ Circuit 7 FY 2015-16 allotment has 0.5 FTE more Administrative Support FTE than General Magistrate FTE but is not considered in excess of the 1:1 ratio of Administrative Support to General Magistrates due to their total need.

**Trial Court Budget Commission
August 11, 2016 Meeting**

**General Magistrates - Option 1
FY 2017-18 Proposed Legislative Budget Request**

A	B	C	D	E
	Net Need¹		FY 2017-18 Proposed Legislative Budget Request - Option 1	
Circuit	General Magistrate Net Need	Administrative Support Net Need	General Magistrate FTE	Administrative Support FTE
1	1.5	2.0	1.5	2.0
2	0.0	0.0	0.0	0.0
3	0.0	1.0	0.0	1.0
4	0.0	1.0	0.0	1.0
5	1.0	1.0	1.0	1.0
6	-0.25	0.0	0.0	0.0
7	1.5	1.0	1.5	1.0
8	0.0	1.0	0.0	1.0
9	3.0	5.0	3.0	5.0
10	1.0	2.0	1.0	2.0
11	6.0	6.0	6.0	6.0
12	0.0	1.0	0.0	1.0
13	1.0	1.0	1.0	1.0
14	0.0	1.0	0.0	1.0
15	0.0	1.0	0.0	1.0
16 ²	0.0	0.0	0.0	0.0
17	3.0	3.5	3.0	3.5
18	1.0	2.0	1.0	2.0
19	1.0	1.0	1.0	1.0
20	2.0	2.0	2.0	2.0
Total	21.75	32.5	22.0	32.5

¹ Net Need is the difference between total need and FY 2016-17 FTE allotment.

² Circuit 16 uses contracted services for general magistrates.

**Trial Court Budget Commission
August 11, 2016, Meeting
General Magistrates
Background Statistics - Option 2**

A	B	C	D	E	F
	FY 2015-16 Allotment		Total Need		
Circuit	General Magistrate FTE Allotment	Administrative Support FTE Allotment	Total Need ¹	General Magistrate Average Total Need (Rounded to the nearest whole FTE)	Administrative Support Average Total Need ² (Rounded to the nearest whole FTE)
1	3.5	3.0	4.3	4.0	4.0
2	2.0	2.0	2.0	2.0	2.0
3	1.0	0.0	1.2	1.0	1.0
4	7.0	6.0	6.4	6.0	6.0
5	5.0	5.0	5.5	5.0	5.0
6	7.25	7.0	6.8	7.0	7.0
7 ⁴	3.5	4.0	4.9	5.0	5.0
8	2.0	1.0	2.0	2.0	2.0
9	6.0	4.0	7.9	8.0	8.0
10	4.0	3.0	4.4	4.0	4.0
11	11.0	11.0	14.8	15.0	15.0
12	4.0	3.0	3.8	4.0	4.0
13	7.0	7.0	7.9	8.0	8.0
14	2.0	1.0	1.9	2.0	2.0
15	7.0	6.0	6.5	7.0	7.0
16	0.0	0.0	0.6	1.0	1.0
17	9.0	8.5	10.1	10.0	10.0
18	4.0	3.0	4.8	5.0	5.0
19	3.0	3.0	3.3	3.0	3.0
20	5.0	5.0	6.0	6.0	6.0
Total	93.25	82.5	105.2	105.0	105.0

¹ Total need reflects the average General Magistrate FTE total need over a three-year period. The total need is based on the average number of filings over fiscal years 2012-13, 2013-14, and 2014-15 for non-capital murder, sexual offense, felony drug court, professional malpractice, products liability, auto negligence, other negligence, condominium, contract and indebtedness, real property/mortgage foreclosure, eminent domain, other circuit civil, simplified dissolution, dissolution, child support, UIFSA, other domestic relations, domestic violence, repeat violence, delinquency, dependency, TPR, probate, guardianship, trust, Baker Act, Substance Abuse Act, and other social. The total need was calculated in two steps. The first step estimated General Magistrate workload by multiplying filings by the appropriate case weight. In the second step, General Magistrate total need was calculated by dividing the estimated General Magistrate workload by the total time available for case related work.

² Administrative Support average total need assumes a 1:1 ratio of Administrative Support to General Magistrate.

³ Circuit 7 FY 2015-16 allotment has 0.5 FTE more Administrative Support FTE than General Magistrate FTE but is not considered in excess of the 1:1 ratio of Administrative Support to General Magistrates due to their total need.

**Trial Court Budget Commission
August 11, 2016, Meeting**

**General Magistrates - Option 2
FY 2017-18 Proposed Legislative Budget Request**

A	B	C	D	E
	Net Need¹		FY 2017-18 Proposed Legislative Budget Request - Option 2	
Circuit	General Magistrate Net Need	Administrative Support Net Need	General Magistrate FTE	Administrative Support FTE
1	0.5	1.0	0.5	1.0
2	0.0	0.0	0.0	0.0
3	0.0	1.0	0.0	1.0
4	-1.0	0.0	0.0	0.0
5	0.0	0.0	0.0	0.0
6	-0.25	0.0	0.0	0.0
7	1.5	1.0	1.5	1.0
8	0.0	1.0	0.0	1.0
9	2.0	4.0	2.0	4.0
10	0.0	1.0	0.0	1.0
11	4.0	4.0	4.0	4.0
12	0.0	1.0	0.0	1.0
13	1.0	1.0	1.0	1.0
14	0.0	1.0	0.0	1.0
15	0.0	1.0	0.0	1.0
16 ²	0.0	0.0	0.0	0.0
17	1.0	1.5	1.0	1.5
18	1.0	2.0	1.0	2.0
19	0.0	0.0	0.0	0.0
20	1.0	1.0	1.0	1.0
Total	10.75	21.5	12.0	21.5

¹ Net Need is the difference between total need and FY 2016-17 FTE allotment.

² Circuit 16 uses contracted services for general magistrates.

Trial Court Budget Commission
August 11, 2016, Meeting
General Magistrates Background Statistics - Option 3 (Maximum Filings)

A	B	C	D	E	F	G	H	I	J	K
	Circuit Criminal		Circuit Civil		Family Court		Probate		Mental Health and Guardianship	
Circuit	General Magistrate FTE Assignments	General Magistrate Maximum Total Need (Unrounded) ¹	General Magistrate FTE Assignments	General Magistrate Maximum Total Need (Unrounded) ¹	General Magistrate FTE Assignments	General Magistrate Maximum Total Need (Unrounded) ¹	General Magistrate FTE Assignments	General Magistrate Maximum Total Need (Unrounded) ¹	General Magistrate FTE Assignments	General Magistrate Maximum Total Need (Unrounded) ¹
1	0.00	0.01	1.00	0.19	2.50	3.95	0.00	0.03	0.50	0.58
2	0.00	0.01	0.00	0.15	2.00	1.62	0.00	0.02	0.00	0.39
3	0.00	0.00	0.33	0.10	0.33	1.16	0.17	0.01	0.17	0.11
4	0.00	0.01	0.00	0.38	6.80	5.86	0.00	0.04	0.20	0.77
5	0.00	0.01	0.20	0.55	4.70	4.64	0.10	0.05	0.00	0.69
6	0.00	0.05	0.00	0.51	5.25	5.74	0.00	0.06	2.25	0.92
7	0.00	0.01	0.00	0.30	3.50	4.44	0.00	0.04	0.00	0.61
8	0.00	0.01	0.00	0.09	1.30	1.93	0.00	0.01	0.20	0.37
9	0.00	0.02	1.00	0.60	4.25	6.99	0.00	0.04	0.75	0.81
10	0.00	0.01	0.00	0.22	2.95	4.09	0.00	0.03	0.25	0.59
11	0.00	0.04	1.00	1.18	10.00	13.82	0.00	0.07	1.00	1.63
12	0.00	0.02	1.00	0.23	2.90	3.22	0.00	0.04	0.10	0.70
13	0.00	0.03	0.00	0.42	4.50	6.92	0.00	0.03	2.00	0.94
14	0.00	0.00	0.00	0.09	1.50	1.77	0.00	0.01	0.50	0.19
15	0.00	0.01	0.00	0.56	5.80	5.79	0.00	0.06	1.20	0.69
16 ³	0.00	0.00	0.15	0.03	0.20	0.74	0.00	0.00	0.01	0.02
17	0.00	0.06	0.00	0.87	6.00	9.12	2.00	0.06	1.00	1.37
18	0.00	0.01	0.00	0.32	3.60	4.45	0.00	0.04	0.40	0.61
19	0.00	0.01	0.00	0.24	2.78	3.02	0.00	0.03	0.23	0.39
20	0.00	0.01	0.20	0.50	3.85	5.42	0.00	0.06	0.40	0.74
Total	0.00	0.33	4.88	7.53	74.71	94.71	2.27	0.73	11.16	13.15

¹ Total need reflects the maximum General Magistrate FTE total need over a three-year period. The total need is based on the maximum number of filings over fiscal years 2012-13, 2013-14, and 2014-15 for non-capital murder, sexual offense, felony drug court, professional malpractice, products liability, auto negligence, other negligence, condominium, contract and indebtedness, real property/mortgage foreclosure, eminent domain, other circuit civil, simplified dissolution, dissolution, child support, UIFSA, other domestic relations, domestic violence, repeat violence, delinquency, dependency, TPR, probate, guardianship, trust, Baker Act, Substance Abuse Act, and other social. The total need was calculated in two steps. The first step estimated General Magistrate workload by multiplying filings by the appropriate case weight. In the second step, General Magistrate total need was calculated by dividing the estimated General Magistrate workload by the total time available for case related work.

² Total current general magistrate FTE assignments may not be exact due to rounding. In addition, assignments were self reported by FTE equivalent as of July 1, 2015. Current assignments do not include 0.20 FTE assigned to Other County Civil.

³ Circuit 16 uses contracted services for general magistrates.

Trial Court Budget Commission
August 11, 2016, Meeting
General Magistrates - Option 3
FY 2017-18 Proposed Legislative Budget Request

A	B	C	D	E
	Circuit Civil	Family Court	Mental Health and Guardianship	Total
Circuit	Proposed General Magistrate LBR (Rounded to the nearest whole FTE) ¹	Proposed General Magistrate LBR (Rounded to the nearest whole FTE) ¹	Proposed General Magistrate LBR (Rounded to the nearest whole FTE) ¹	Proposed General Magistrate LBR (Rounded to the nearest whole FTE) ¹
1	0.0	1.0	0.0	1.0
2	0.0	0.0	0.0	0.0
3	0.0	1.0	0.0	1.0
4	0.0	0.0	1.0	1.0
5	0.0	0.0	1.0	1.0
6	1.0	0.0	0.0	1.0
7	0.0	1.0	1.0	2.0
8	0.0	1.0	0.0	1.0
9	0.0	3.0	0.0	3.0
10	0.0	1.0	0.0	1.0
11	0.0	4.0	1.0	5.0
12	0.0	0.0	1.0	1.0
13	0.0	2.0	0.0	2.0
14	0.0	0.0	0.0	0.0
15	1.0	0.0	0.0	1.0
16 ³	0.0	0.0	0.0	0.0
17	1.0	3.0	0.0	4.0
18	0.0	1.0	0.0	1.0
19	0.0	0.0	0.0	0.0
20	0.0	2.0	0.0	2.0
Total	3.0	20.0	5.00	28.0

F	G	H
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FY 2016-17 Administrative Support FTE	FY 2017-18 Administrative Support FTE Need ²	FY 2017-18 Proposed Administrative Support LBR ²
3.0	5.0	2.0
2.0	2.0	0.0
0.0	2.0	2.0
6.0	8.0	2.0
5.0	6.0	1.0
7.0	8.5	2.0
4.0	5.5	2.0
1.0	2.5	2.0
4.0	9.0	5.0
3.0	4.2	1.0
11.0	17.0	6.0
3.0	5.0	2.0
7.0	8.5	2.0
1.0	2.0	1.0
6.0	8.0	2.0
0.0	0.4	0.0
8.5	13.0	5.0
3.0	5.0	2.0
3.0	3.0	0.0
5.0	6.5	1.0
82.5	121.0	40.0

¹ Proposed General Magistrate LBR is the difference between total need and General Magistrate FTE assignments.

² FY 2017-18 Administrative Support FTE need is based on a 1:1 ratio to General Magistrates. FY 2017-18 Proposed Administrative Support LBR is based on the FY 2017-18 FTE need minus FY 2016-17 Administrative Support FTE.

³ Circuit 16 uses contracted services for general magistrates.

Trial Court Budget Commission August 11, 2016, Meeting General Magistrates Background Statistics - Option 4 (Average Filings)

A	B	C	D	E	F	G	H	I	J	K
Circuit	Circuit Criminal		Circuit Civil		Family Court		Probate		Mental Health and Guardianship	
	General Magistrate FTE Assignments	General Magistrate Average Total Need (Unrounded) ¹	General Magistrate FTE Assignments	General Magistrate Average Total Need (Unrounded) ¹	General Magistrate FTE Assignments	General Magistrate Average Total Need (Unrounded) ¹	General Magistrate FTE Assignments	General Magistrate Average Total Need (Unrounded) ¹	General Magistrate FTE Assignments	General Magistrate Average Total Need (Unrounded) ¹
1	0.00	0.01	1.00	0.15	2.50	3.60	0.00	0.03	0.50	0.55
2	0.00	0.01	0.00	0.12	2.00	1.48	0.00	0.02	0.00	0.38
3	0.00	0.00	0.33	0.06	0.33	1.03	0.17	0.01	0.17	0.10
4	0.00	0.01	0.00	0.28	6.80	5.35	0.00	0.03	0.20	0.69
5	0.00	0.01	0.20	0.38	4.70	4.39	0.10	0.05	0.00	0.65
6	0.00	0.04	0.00	0.37	5.25	5.51	0.00	0.06	2.25	0.83
7	0.00	0.01	0.00	0.21	3.50	4.03	0.00	0.04	0.00	0.57
8	0.00	0.01	0.00	0.06	1.30	1.67	0.00	0.01	0.20	0.29
9	0.00	0.02	1.00	0.44	4.25	6.69	0.00	0.03	0.75	0.72
10	0.00	0.01	0.00	0.16	2.95	3.64	0.00	0.03	0.25	0.56
11	0.00	0.04	1.00	0.87	10.00	12.29	0.00	0.06	1.00	1.57
12	0.00	0.02	1.00	0.17	2.90	2.95	0.00	0.04	0.10	0.66
13	0.00	0.02	0.00	0.32	4.50	6.61	0.00	0.03	2.00	0.88
14	0.00	0.00	0.00	0.07	1.50	1.63	0.00	0.01	0.50	0.17
15	0.00	0.01	0.00	0.42	5.80	5.38	0.00	0.06	1.20	0.67
16 ³	0.00	0.00	0.15	0.03	0.20	0.59	0.00	0.00	0.01	0.02
17	0.00	0.05	0.00	0.66	6.00	8.20	2.00	0.05	1.00	1.13
18	0.00	0.01	0.00	0.22	3.60	3.98	0.00	0.03	0.40	0.59
19	0.00	0.01	0.00	0.17	2.78	2.72	0.00	0.03	0.23	0.37
20	0.00	0.01	0.20	0.32	3.85	4.97	0.00	0.06	0.40	0.68
Total	0.00	0.3	4.88	5.47	74.71	86.69	2.27	0.70	11.16	12.08

¹ Total need reflects the average General Magistrate FTE total need over a three-year period. The total need is based on the average number of filings over fiscal years 2012-13, 2013-14, and 2014-15 for non-capital murder, sexual offense, felony drug court, professional malpractice, products liability, auto negligence, other negligence, condominium, contract and indebtedness, real property/mortgage foreclosure, eminent domain, other circuit civil, simplified dissolution, dissolution, child support, UIFSA, other domestic relations, domestic violence, repeat violence, delinquency, dependency, TPR, probate, guardianship, trust, Baker Act, Substance Abuse Act, and other social. The total need was calculated in two steps. The first step estimated General Magistrate workload by multiplying filings by the appropriate case weight. In the second step, General Magistrate total need was calculated by dividing the estimated General Magistrate workload by the total time available for case related work.

² Total current general magistrate FTE assignments may not be exact due to rounding. In addition, assignments were self reported by FTE equivalent as of July 1, 2015. Current assignments do not include 0.20 FTE assigned to Other County Civil.

³ Circuit 16 uses contracted services for general magistrates.

Trial Court Budget Commission
August 11, 2016, Meeting
General Magistrates - Option 4 (Average Filings)
FY 2017-18 Proposed Legislative Budget Request

A	B	C	D	E
	Circuit Civil	Family Court	Mental Health and Guardianship	FMC Recommendation
Circuit	Proposed General Magistrate LBR (Rounded to the nearest whole FTE) ¹	Proposed General Magistrate LBR (Rounded to the nearest whole FTE) ¹	Proposed General Magistrate LBR (Rounded to the nearest whole FTE) ¹	Proposed General Magistrate LBR (Rounded to the nearest whole FTE) ¹
1	0.0	1.0	0.0	1.0
2	0.0	0.0	0.0	0.0
3	0.0	1.0	0.0	1.0
4	0.0	0.0	0.0	0.0
5	0.0	0.0	1.0	1.0
6	0.0	0.0	0.0	0.0
7	0.0	1.0	1.0	2.0
8	0.0	0.0	0.0	0.0
9	0.0	2.0	0.0	2.0
10	0.0	1.0	0.0	1.0
11	0.0	2.0	1.0	3.0
12	0.0	0.0	1.0	1.0
13	0.0	2.0	0.0	2.0
14	0.0	0.0	0.0	0.0
15	0.0	0.0	0.0	0.0
16 ³	0.0	0.0	0.0	0.0
17	1.0	2.0	0.0	3.0
18	0.0	0.0	0.0	0.0
19	0.0	0.0	0.0	0.0
20	0.0	1.0	0.0	1.0
Total	1.0	13.0	4.00	18.0

F	G	H
		FMC Recommendation
FY 2016-17 Administrative Support FTE	FY 2017-18 Administrative Support FTE Need ²	FY 2017-18 Proposed Administrative Support LBR ²
3.0	5.0	2.0
2.0	2.0	0.0
0.0	2.0	2.0
6.0	7.0	1.0
5.0	6.0	1.0
7.0	7.5	1.0
4.0	5.5	2.0
1.0	1.5	1.0
4.0	8.0	4.0
3.0	4.2	1.0
11.0	15.0	4.0
3.0	5.0	2.0
7.0	8.5	2.0
1.0	2.0	1.0
6.0	7.0	1.0
0.0	0.0	0.0
8.5	12.0	4.0
3.0	4.0	1.0
3.0	3.0	0.0
5.0	5.5	0.0
82.5	110.7	30.0

¹ Proposed General Magistrate LBR is the difference between total need and General Magistrate FTE assignments.

² FY 2017-18 Administrative Support FTE need is based on a 1:1 ratio to General Magistrates. FY 2017-18 Proposed Administrative Support LBR is based on the FY 2017-18 FTE need minus FY 2016-17 Administrative Support FTE.

³ Circuit 16 uses contracted services for general magistrates.

Agenda Item V.B.4.: FY 2017-18 Legislative Budget Requests – Case Management

Background

Case managers provide early and continuous intervention through the life of a case that leads to timely disposition. Specifically, case managers perform intake, screening, evaluation, monitoring, tracking, coordinating, scheduling, and referral activities. In FY 2015-16, a legislative budget request (LBR) was filed for 92.0 FTE case managers, which was partially funded during the 2015 Special Session when the Legislature appropriated \$2.0 million to the trial courts for this issue resulting in approximately 38.0 FTE. Additionally, as part of the state courts system’s FY 2016-17 LBR, 52.5 FTE case managers were requested but not funded. Based on feedback from circuits, there still exists a need for additional case managers in order to provide an adequate level of services throughout the state.

In December 2015, the Office of Program Policy Analysis and Government Accountability (OPPAGA) released a report that discusses staffing formulas used for case managers and staff attorneys and recommends refining the approach to staffing need projections in these areas. The report states the current methodology of requesting 1 case manager for every 5,500 filings “was not a meaningful number for evaluating the need for case managers.” Further, the report notes, “case managers were usually assigned to divisions, such as a family court, where they help litigants unrepresented by attorneys, or to specialty courts where they monitor the participants’ compliance with obligations like drug testing and family counseling between court appearances. The need for case managers appears to be more dependent upon how they are used in each circuit.”

As a remedy, the report states “in some circuits, adding additional case managers may be useful for improving the efficient disposition of cases, and could lead to more timely case closure. In circuits with drug treatment courts, veterans’ courts, and mental health courts, case managers may have more of an effect on participant outcomes than on case timeliness, as they guide participants through treatment steps and frequent court appearances. Thus, the [Trial Court Budget Commission (TCBC)] could consider revisiting the case manager staffing formula to develop a more refined approach taking into account the specific types of cases and types of courts where the case managers would be best used.”

Current Issue

At the June 17, 2016, meeting, the TCBC directed staff to examine the need and cost for additional case managers in the trial courts as part of the FY 2017-18 LBR. OSCA staff have prepared three options for the TCBC’s consideration.

	FTE	LBR
Option 1 – 1:5,500 Filings Ratio (3 Year Maximum)	60.5	\$3,731,096
Option 2 – 1:5,500 Filings Ratio (3 Year Average)	24.0	\$1,480,104
Option 3 – Proposed Ratio by Court Division	50.0	\$3,083,550

Option 1 – 1:5,500 Filings Ratio Using Three-Year Maximum Filings

The official needs assessment funding methodology for the case management element is based on a ratio of 1.0 FTE case manager for every 5,500 projected filings, with a floor of 8.0 FTE. Option 1 applies the

same formula but uses maximum filings from FY 2012-13 through FY 2014-15, with the exception of civil traffic infraction filings and excluding any negative net need. This option uses existing FTE in the Case Management (CC 122) and Drug Court (CC 217) cost centers, based on FY 2016-17 allocations (see **Attachment B**). Based on this methodology, an additional 60.5 FTE are needed. The positions would be funded at the Court Program Specialist II level, totaling \$3,731,096. (See **Attachment A**.)

Option 2 – 1:5,500 Filings Ratio Using Three-Year Average Filings

Option 2 applies the same formula as in the official needs assessment funding methodology but uses an average of filings from FY 2012-13 through FY 2014-15, with the exception of civil traffic infraction filings and excluding any negative net need. This option uses existing FTE in the Case Management (CC 122) and Drug Court (CC 217) cost centers, based on FY 2016-17 allocations (see **Attachment B**). Based on this methodology, an additional 24.0 FTE are needed. The positions would be funded at the Court Program Specialist II level, totaling \$1,480,104. (See **Attachment A**.)

Option 3 – FTE Need Based on Proposed Ratio by Court Division

Option 3 applies a ratio of case management FTE per judge by division of court in order to provide more directed support in the divisions where it is most needed. This option uses the number of judges by division, which were self-reported on the Judicial Needs Application by judicial FTE as of July 1, 2015. The number of existing case management FTE by division is based on information reported by the circuits as of July 2016 (see **Attachment C**). Based on this methodology, an additional 50.0 FTE are needed. The positions would be funded at the Court Program Specialist II level, for a total cost of \$3,083,550. (See **Attachment D**.)

Please note, if additional resources are appropriated, circuit allotments will be determined during the FY 2017-18 allocation process. Allotments may be determined using a methodology different than that used in developing the LBR.

Decision Needed

Option 1: File an LBR for \$3,731,096 in recurring funds for an additional 60.5 FTE case managers.

Option 2: File an LBR for \$1,480,104 in recurring funds for an additional 24.0 FTE case managers.

Option 3: File an LBR for \$3,083,550 in recurring funds for an additional 50.0 FTE case managers.

Option 4: Do not file an LBR for additional case managers.

Funding Methodology Committee Recommendation

Approve *Option 3*.

**Trial Court Budget Commission
August 11, 2016, Meeting
FY 2017-18 Legislative Budget Request
Case Management**

Circuit	FY 2016-17 FTE ¹	Option 1: Maximum Filings Using 1:5,500 Filings Ratio ²			Option 2: Average Filings Using 1:5,500 Filings Ratio ²		
		Three-Year Maximum Filings ³	Total Need (Rounded to whole FTE)	Net Need FTE ⁵	Three-Year Average Filings ⁴	Total Need (Rounded to whole FTE)	Net Need FTE ⁵
1	14.0	74,497	14.0	0.0	68,382	12.0	0.0
2	6.0	42,041	8.0	2.0	37,937	8.0	2.0
3	7.0	19,472	8.0	1.0	17,497	8.0	1.0
4	22.0	125,243	23.0	1.0	114,763	21.0	0.0
5	12.0	88,986	16.0	4.0	79,028	14.0	2.0
6	24.0	148,559	27.0	3.0	135,337	25.0	1.0
7	17.5	99,100	18.0	0.5	90,017	16.0	0.0
8	7.0	41,673	8.0	1.0	36,968	8.0	1.0
9	21.0	164,745	30.0	9.0	148,564	27.0	6.0
10	12.5	85,034	15.0	2.5	72,831	13.0	0.5
11	50.0	313,496	57.0	7.0	281,375	51.0	1.0
12	11.0	72,587	13.0	2.0	65,680	12.0	1.0
13	23.0	165,535	30.0	7.0	147,074	27.0	4.0
14	8.0	38,171	8.0	0.0	34,643	8.0	0.0
15	22.0	158,077	29.0	7.0	127,897	23.0	1.0
16	8.0	10,985	8.0	0.0	9,490	8.0	0.0
17	34.0	221,624	40.0	6.0	194,934	35.0	1.0
18	14.5	94,054	17.0	2.5	83,865	15.0	0.5
19	9.0	59,016	11.0	2.0	53,299	10.0	1.0
20	18.0	115,426	21.0	3.0	101,778	19.0	1.0
Total	340.5	2,138,321	401.0	60.5	1,901,358	360.0	24.0

¹ Includes case management FTE in cost centers 122 (Case Management) and 217 (Drug Court).

² Based on current funding methodology of a 1:5,500 filings ratio and a floor of 8.0 FTE

³ Three-year maximum filings based on fiscal years 2012-13 to 2014-15 and does not include civil traffic infraction filings.

⁴ Three-year average filings based on fiscal years 2012-13 to 2014-15 and does not include civil traffic infraction filings.

⁵ Net need does not include circuits with a negative need.

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Circuit	Case Management - CC 122			Drug Court - CC217	Post-Adjudicatory Drug Court - CC 753	Veterans Court - CC 377		Mental Health Diversion Program - CC 378	Juvenile Drug Court
	FTE	OPS 030000	Contracted Services 100777	FTE	FTE	Recurring Veterans Court 103770	Nonrecurring Veterans Court 103770	Nonrecurring Contracted Services 100777	Contracted Services (Non-Recurring)
1	12.0			1.0	1.0	\$300,000			
2	6.0					\$125,000		\$200,000	
3	6.0			1.0					
4	21.0		\$924	1.0		\$350,000	\$112,032		
5	11.0	\$21,313		1.0	1.0				
6	24.0	\$14,600			2.0	\$300,000	\$300,000		
7	15.5			2.0	1.0				
8	7.0					\$150,000			
9	19.0			2.0	2.0	\$200,000			
10	12.5				2.0				
11	48.0			2.0				\$250,000	
12	9.0			2.0			\$300,000		
13	22.0		\$86,400	1.0	3.0		\$150,000		
14	7.0			1.0					
15	21.0			1.0					
16	6.0			2.0					
17	33.0			1.0	2.0				
18	12.5			2.0			\$150,000		\$260,000
19	7.0			2.0					
20	18.0						\$105,000		
Total	317.5	\$35,913	\$87,324	22.0	14.0	\$1,425,000	\$1,117,032	\$450,000	\$260,000

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FY 2017-18 Legislative Budget Request
Case Management FTE by Court Division¹**

Circuit	Circuit Criminal	Circuit Civil	County Criminal	County Civil	Family					Juvenile	Probate / Guar.	Other / General	Drug Court ²	Veterans Court CC 377	Mental Health Diversion CC 378	Total
					Pro Se	DV/ DR	UFC	Other/ Unsp.	Total Family							
1					5.50	3.50	2.00		11.00			1.00	2.00	4.00		18.00
2					3.50				3.50			2.00	0.50	1.00	1.00	8.00
3		2.00			3.25	1.00		0.25	4.50				0.50			7.00
4		1.00				3.00		14.00	17.00			3.00	1.00	2.00		24.00
5	1.00	3.50				7.50		1.00	8.50	0.75	0.25					14.00
6		4.00					5.00	12.00	17.00			3.00	6.00	2.00		32.00
7	2.00	1.50						9.00	9.00	2.00	1.00		3.00			18.50
8	2.00							5.00	5.00					0.30		7.30
9	1.00	1.00				3.00		11.00	14.00	1.00	1.00	1.00	4.00	2.00		25.00
10	1.00	1.00			4.00	0.50	4.00	1.00	9.50		1.00		2.00			14.50
11	7.00	4.00	1.00			8.00	1.00	13.00	22.00	6.00	6.00	2.00	2.00		2.00	52.00
12						3.00	3.00		6.00		2.00	1.00	2.00			11.00
13					9.00	2.00			11.00	7.00	2.00	2.00	4.00			26.00
14	1.75	0.75						4.25	4.25			0.25	1.00			8.00
15	1.00	4.00		1.00				7.00	7.00	6.00	3.00					22.00
16		1.50				2.00		2.00	4.00		0.50		2.00			8.00
17	1.00	4.00				5.00	4.00	8.00	17.00	8.00	2.00		4.00			36.00
18	1.00	5.00						3.00	3.00	1.00	2.50		2.00			14.50
19		0.75					0.50	4.00	4.50		1.75	1.00	2.00			10.00
20		5.00						13.00	13.00					1.00		19.00
Total:	18.75	39.00	1.00	1.00	25.25	38.50	19.50	107.50	190.75	31.75	23.00	16.25	38.00	12.30	3.00	374.80
Percent:	5.0%	10.4%	0.3%	0.3%	6.7%	10.3%	5.2%	28.7%	50.9%	8.5%	6.1%	4.3%	10.1%	3.3%	0.8%	100.0%

¹ As reported by circuits. Includes FTE in all court divisions as well as OPS and contractual case management services.

² Includes Post-Adjudicatory Drug Court

Trial Court Budget Commission

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FY 2017-18 Legislative Budget Request

FMC Recommendation - Option 3: Case Management FTE Need Based on Proposed Ratio by Division

Circuit	Circuit Criminal 1:3 Ratio				Circuit Civil 1:3 Ratio				Family		Juvenile 1:2 Ratio				Probate/Guardianship 1:3 Ratio				Grand Total Net Need FTE
	Judicial FTE ¹	Case Manager FTE ²	Total Need	Net Need FTE	Judicial FTE ³	Case Manager FTE ⁴	Total Need	Net Need FTE	Judicial FTE ⁵	Case Manager FTE ⁶	Judicial FTE ⁷	Case Manager FTE ⁸	Total Need	Net Need FTE	Judicial FTE	Case Manager FTE	Total Need	Net Need FTE	
1	7.6	6.0	2.5	0.0	4.9	0.0	1.6	2.0	5.3	11.0	4.6	0.0	2.3	2.0	1.3	0.0	0.4	0.0	4.0
2	5.9	2.5	2.0	0.0	4.2	0.0	1.4	1.0	3.2	3.5	1.5	0.0	0.8	1.0	0.7	0.0	0.2	0.0	2.0
3	2.7	0.5	0.9	0.0	1.5	2.0	0.5	0.0	1.5	4.5	0.4	0.0	0.2	0.0	0.5	0.0	0.2	0.0	0.0
4	10.8	3.0	3.6	1.0	9.1	1.0	3.0	2.0	8.4	17.0	3.6	0.0	1.8	2.0	1.3	0.0	0.4	0.0	5.0
5	9.0	1.0	3.0	2.0	8.0	3.5	2.7	0.0	9.7	8.5	2.3	0.8	1.2	0.0	2.0	0.3	0.7	0.0	2.0
6	14.0	8.0	4.7	0.0	11.0	4.0	3.7	0.0	16.0	17.0	0.8	0.0	0.4	0.0	2.5	0.0	0.8	1.0	1.0
7	8.5	5.0	2.8	0.0	6.0	1.5	2.0	1.0	6.0	9.0	4.0	2.0	2.0	0.0	2.4	1.0	0.8	0.0	1.0
8	4.0	2.3	1.3	0.0	2.7	0.0	0.9	1.0	4.2	5.0	1.0	0.0	0.5	1.0	0.4	0.0	0.1	0.0	2.0
9	16.0	7.0	5.3	0.0	10.0	1.0	3.3	2.0	8.0	14.0	7.0	1.0	3.5	3.0	1.0	1.0	0.3	0.0	5.0
10	9.2	3.0	3.1	0.0	6.8	1.0	2.3	1.0	6.5	9.5	3.7	0.0	1.9	2.0	1.3	1.0	0.4	0.0	3.0
11	25.2	11.0	8.4	0.0	24.4	4.0	8.1	4.0	14.7	22.0	8.6	6.0	4.3	0.0	3.8	6.0	1.3	0.0	4.0
12	6.7	2.0	2.2	0.0	5.2	0.0	1.7	2.0	5.3	6.0	2.1	0.0	1.1	1.0	1.2	2.0	0.4	0.0	3.0
13	11.3	4.0	3.8	0.0	15.4	0.0	5.1	5.0	8.6	11.0	7.0	7.0	3.5	0.0	1.0	2.0	0.3	0.0	5.0
14	4.0	2.8	1.3	0.0	2.5	0.8	0.8	0.0	3.0	4.3	0.0	0.0	0.0	0.0	1.0	0.0	0.3	0.0	0.0
15	8.9	1.0	3.0	2.0	11.5	4.0	3.8	0.0	5.7	7.0	4.8	6.0	2.4	0.0	3.1	3.0	1.0	0.0	2.0
16	0.9	2.0	0.3	0.0	1.2	1.5	0.4	0.0	1.2	4.0	0.3	0.0	0.1	0.0	0.4	0.5	0.1	0.0	0.0
17	19.0	5.0	6.3	1.0	16.5	4.0	5.5	2.0	11.0	17.0	8.0	8.0	4.0	0.0	2.5	2.0	0.8	0.0	3.0
18	9.0	3.0	3.0	0.0	5.8	5.0	1.9	0.0	6.7	3.0	3.6	1.0	1.8	1.0	0.8	2.5	0.3	0.0	1.0
19	6.1	2.0	2.0	0.0	5.1	0.8	1.7	1.0	4.2	4.5	2.6	0.0	1.3	1.0	0.8	1.8	0.3	0.0	2.0
20	8.0	1.0	2.7	2.0	9.1	5.0	3.0	0.0	8.0	13.0	3.5	0.0	1.8	2.0	1.9	0.0	0.6	1.0	5.0
Total	186.6	72.1	62.2	8.0	160.7	39.0	53.6	24.0	137.1	190.8	69.4	31.8	34.7	16.0	29.6	23.0	9.9	2.0	50.0
Percent	0.3	0.2			0.3	0.1			0.2	0.5	0.1	0.1			0.0	0.1			

¹ Includes Circuit Criminal division judges self-reported by FTE as part of the Judicial Needs Application as of July 1, 2015. Totals may not be exact due to rounding.

² Includes case management FTE as reported by circuits in Circuit Criminal, Drug Court (CC 217 and CC 753), Veterans Court (CC 377), and Mental Health Diversion Court (CC 378).

³ Includes Circuit Civil division judges self-reported by FTE as part of the Judicial Needs Application as of July 1, 2015. Totals may not be exact due to rounding.

⁴ Includes case management FTE as reported by circuits in the Civil division including Foreclosure case managers.

⁵ Includes Family Division judges in the Domestic Relations and Other categories as self-reported by FTE as part of the Judicial Needs Application as of July 1, 2015. Totals may not be exact due to rounding.

⁶ Includes case management FTE as reported by circuits in the Family division including Domestic Violence, Domestic Relations, Unified Family Court, Pro Se litigant support, and Other or Unspecified Family case managers.

⁷ Includes Delinquency and Dependency judges self-reported by FTE as part of the Judicial Needs Application as of July 1, 2015. Totals may not be exact due to rounding.

⁸ Includes case management FTE as reported by circuits in Juvenile, Dependency, Delinquency, and Juvenile Specialty or Drug courts.

Agenda Item V.B.5.: FY 2017-18 Legislative Budget Request - Staff Attorneys

Background

As part of the FY 2010-11 and FY 2012-13 legislative budget requests (LBRs), the State Courts System (SCS) requested additional trial court staff attorney resources using a methodology based on a ratio of one staff attorney for every two existing judges (staff attorneys for new judges are considered during the certification process).

In recognition of the economic downturn experienced across the state, coupled with anticipated increases in workload associated with legislation regarding the often complex and legally significant matters related to a sentence of death, the Trial Court Budget Commission (TCBC) began using a more targeted approach for requesting additional staff attorney resources. In the FY 2014-15 and FY 2015-16 LBRs, the TCBC limited requesting additional staff attorney resources to post-conviction matters related to sentences of death. The approved methodology is based on 10 years of cumulative capital murder conviction data, the official judicial Delphi case weight for Capital Murder cases, and a ratio of staff attorney workload associated with these cases to the FTE equivalent of judicial workload. None of these requested resources have been funded. The trial courts have not received funding for additional staff attorney resources since FY 2006-07.

The Office of Program Policy Analysis and Government Accountability (OPPAGA), in their December 2015 report, suggested “the circuit courts may have a need for additional staff attorneys, but the magnitude of that need is not clearly defined with data. The numbers of death penalty cases, complex civil cases, and post-conviction motions are more relevant measures of need than the ratio of attorneys to judges. A ratio of one staff attorney for two judges may not be sufficient for criminal court judges but for other divisions, a lower ratio may be sufficient.” In response to the OPPAGA report, the TCBC directed staff of the Office of the State Courts Administrator (OSCA) to develop alternative legislative budget request funding formulas for staff attorneys for consideration at the July 2016 Funding Methodology Committee (FMC) meeting.

Current Issue

At their June 17, 2016, meeting, the TCBC directed the FMC to provide recommendations for determining staff attorney needs for consideration in the FY 2017-18 LBR. OSCA staff have developed three options for the FMC’s and TCBC’s consideration. The suggested methodologies have been updated to reflect the new judicial case weights and minutes proposed in the 2015 Florida Judicial Workload Assessment Final Report developed by the National Center for State Courts (NCSC).

	FTE	LBR
Option 1 – Ratio of 1 Staff Attorney for every 2 Judges	105.0	\$7,766,010
Option 2 – Targeted for Death Penalty Workload	42.0	\$3,106,404
Option 3 – Targeted Ratio by Court Division	39.5	\$2,921,499

Decision Needed

Option 1: Recommend filing an LBR based on the current methodology using a ratio of 1 staff attorney for every 2 existing judges for a request of 105.0 FTE staff attorney positions totaling \$7,766,010. (See **Attachment A.**)

Option 2: Recommend filing an LBR based on a targeted approach for death penalty staff attorneys for a request of 42.0 FTE staff attorney positions totaling \$3,106,404. (See **Attachment B.**)

Option 3: Recommend filing an LBR based on proposed ratios of staff attorney support per judge by division of court for a request of 39.5 FTE staff attorney positions totaling \$2,921,499. (See **Attachment C.**)

Option 4: Do not file an LBR for Staff Attorney FTE at this time.

Funding Methodology Committee Recommendation

Approve *Option 3.*

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Proposed FY 2017-18 LBR - Option 1

A	B	C	D	E	F
			Funding Methodology		
Circuit	Number of Circuit Court Judges	FY 2016-17 Trial Court Staff Attorney FTE Allotment¹	Trial Court Staff Attorney Total Need² (Rounded to the nearest whole FTE)	Trial Court Staff Attorney Net Need³ (Rounded to the nearest whole FTE)	Proposed FY 2017-18 LBR⁴
1	24	9	12	3	3
2 ⁶	16	8	9	1	1
3	7	3	4	1	1
4	35	13.5	18	5	5
5	31	10	16	6	6
6	45	15	23	8	8
7	27	8.5	14	6	6
8	13	6	7	1	1
9	43	14	22	8	8
10	28	10	14	4	4
11	80	25	40	15	15
12 ⁶	21	7	12	5	5
13	45	16	23	7	7
14	11	6	6	0	0
15	35	11.5	18	7	7
16	4	1	2	1	1
17	58	17	29	12	12
18	26	9	13	4	4
19	19	5	10	5	5
20	31	10	16	6	6
Total	599	204.5	308	105	105

¹ FY 2016-17 Trial Court Staff Attorney FTE Allotment includes positions in CC 258 and CC 257 (post conviction).

² Trial Court Staff Attorney Total Need is based on the current funding methodology ratio of 1 Staff Attorney to every 2 circuit court judges, rounded to the nearest whole FTE.

³ Trial Court Staff Attorney net need is the difference between Trial Court Staff Attorney total need and FY 2016-17 Trial Court Staff Attorney FTE allotment.

⁴ Proposed FY 2017-18 LBR is based on Trial Court Staff Attorney net need.

⁵ RIF FTE includes reductions as a result of HB 7009 and the FY 2008-09 Reduction in Force.

⁶ The 2nd Circuit includes 1.0 FTE prison petition Staff Attorney in their FY 2016-17 Trial Court Staff Attorney FTE Allotment and Trial Court Staff Attorney Total Need. The 12th Circuit includes 1.0 FTE Jimmy Ryce Staff Attorney in their FY 2016-17 Trial Court Staff Attorney FTE Allotment and Trial Court Staff Attorney Total Need.

Note: Resources associated with new judges are addressed in the certification process.

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Proposed FY 2017-18 Staff Attorney LBR - Option 2

Death Penalty Staff Attorneys Only (Based on 10 Years of Cumulative Convictions)

A	B	C	D	E	F
Capital Murder Delphi Case Weight (in Minutes)				3,273	
Circuit	10 Year Cumulative Capital Murder Convictions ¹	Weighted Judicial Workload (in Minutes) Associated with Capital Murder Convictions Based on 10 Years of Cumulative Convictions	Available Minutes Per Judge	Estimated Number of Capital Murder Judges (Unrounded)	FTE Need based on 2:1 Ratio (Rounded to the Nearest 0.5 FTE)
1	104	340,392	77,400	4.4	2.0
2	57	186,561	77,400	2.4	1.0
3	30	98,190	77,400	1.3	0.5
4	184	602,232	77,400	7.8	4.0
5	69	225,837	77,400	2.9	1.5
6	166	543,318	77,400	7.0	3.5
7	86	281,478	77,400	3.6	2.0
8	26	85,098	77,400	1.1	0.5
9	212	693,876	77,400	9.0	4.5
10	75	245,475	77,400	3.2	1.5
11	158	517,134	77,400	6.7	3.5
12	64	209,472	77,400	2.7	1.5
13	109	356,757	77,400	4.6	2.5
14	35	114,555	77,400	1.5	0.5
15	172	562,956	77,400	7.3	3.5
16	5	16,365	77,400	0.2	0.5
17	161	526,953	77,400	6.8	3.5
18	137	448,401	77,400	5.8	3.0
19	63	206,199	77,400	2.7	1.5
20	38	124,374	77,400	1.6	1.0
Total	1,951	6,385,623		82.5	42.0

¹ The 10 Year Cumulative Capital Murder Convictions include data from FY 2005-06 through FY 2014-15. FY 2014-15 includes annualized dispositions for Hillsborough County based on data from July 2014 through December 2014.

Note: The Summary Reporting System statistics provided above were extracted from a dynamic data base and may be amended by the Clerk of Court.

Trial Court Budget Commission August 11, 2016, Meeting FY 2017-18 Legislative Budget Request

FMC Recommendation - Staff Attorney FTE Need Based on Proposed Ratio by Division - Option 3

Circuit	Circuit Criminal 2:1 Ratio		Circuit Civil 2.5:1 Ratio		Family 3:1 Ratio		Probate/Guardianship 2.5:1 Ratio		Total Trial Court Staff Attorney FTE Need	FY 2016-17 Trial Court Staff Attorney Allocations	Trial Court Staff Attorney FTE Net Need ⁵
	Judicial FTE ¹	Staff Attorney FTE Need	Judicial FTE ²	Staff Attorney FTE Need	Judicial FTE ³	Staff Attorney FTE Need	Judicial FTE ⁴	Staff Attorney FTE NEED			
1	7.60	3.80	4.90	1.96	9.85	3.28	1.25	0.50	9.54	9	1.00
2	5.85	2.93	4.20	1.68	4.69	1.56	0.66	0.26	6.43	8	0.00
3	2.68	1.34	1.54	0.62	1.97	0.66	0.46	0.18	2.80	3	0.00
4	10.75	5.38	9.05	3.62	12.00	4.00	1.30	0.52	13.52	13.5	0.50
5	9.00	4.50	8.00	3.20	12.00	4.00	2.00	0.80	12.50	10	3.00
6	14.00	7.00	11.00	4.40	16.75	5.58	2.50	1.00	17.98	15	3.00
7	8.50	4.25	6.00	2.40	10.00	3.33	2.40	0.96	10.94	8.5	2.50
8	4.00	2.00	2.70	1.08	5.15	1.72	0.35	0.14	4.94	6	0.00
9	16.00	8.00	10.00	4.00	15.00	5.00	1.00	0.40	17.40	14	3.00
10	9.20	4.60	6.80	2.72	10.15	3.38	1.25	0.50	11.20	10	1.00
11	25.20	12.60	24.36	9.74	23.30	7.77	3.75	1.50	31.61	25	7.00
12	6.70	3.35	5.20	2.08	7.40	2.47	1.20	0.48	8.38	7	1.00
13	11.25	5.63	15.40	6.16	15.60	5.20	1.00	0.40	17.39	16	1.00
14	4.00	2.00	2.50	1.00	3.00	1.00	1.00	0.40	4.40	6	0.00
15	8.90	4.45	11.50	4.60	10.50	3.50	3.10	1.24	13.79	11.5	2.50
16	0.90	0.45	1.15	0.46	1.50	0.50	0.40	0.16	1.57	1	1.00
17	19.00	9.50	16.50	6.60	19.00	6.33	2.50	1.00	23.43	17	6.00
18	9.00	4.50	5.75	2.30	10.30	3.43	0.80	0.32	10.55	9	2.00
19	6.10	3.05	5.08	2.03	6.78	2.26	0.75	0.30	7.64	5	3.00
20	8.00	4.00	9.10	3.64	11.50	3.83	1.90	0.76	12.23	10	2.00
Total	186.6	93.3	160.7	64.3	206.4	68.8	29.6	11.8	238.2	204.5	39.50
Percent	31.2%		26.8%		34.5%		4.9%				

¹ Includes Circuit Criminal division judges self-reported by FTE as part of the Judicial Needs Application as of July 1, 2015. Totals may not be exact due to rounding.

² Includes Circuit Civil division judges self-reported by FTE as part of the Judicial Needs Application as of July 1, 2015. Totals may not be exact due to rounding.

³ Includes Family Division judges (Domestic Relations, Delinquency, Dependency, and Other) self-reported by FTE as part of the Judicial Needs Application as of July 1, 2015. Totals may not be exact due to rounding.

⁴ Includes Probate division judges self-reported by FTE as part of the Judicial Needs Application as of July 1, 2015. Totals may not be exact due to rounding.

⁵ Rounded to the .50 FTE level and does include negative net need values.

Agenda Item V.B.6.: FY 2017-18 Legislative Budget Request – Court Reporting

Background

For the FY 2010-11 legislative budget request (LBR) process, the Trial Court Budget Commission (TCBC) approved a funding methodology for determining court reporting needs based on a ceiling applied to all recurring dollars (excluding equipment and maintenance expenditures) for each circuit. An LBR, based on the ceiling model, was filed for FY 2010-11; however, the request was not funded. The trial courts have not received additional court reporting resources since FY 2007-08.

Current Issue

At their June 17, 2016, meeting, the TCBC directed the FMC to provide recommendations for determining court reporting needs for consideration in the FY 2017-18 LBR. OSCA staff have developed two options for the FMC's and TCBC's consideration.

	LBR
Option 1 – Funding Ceiling Methodology	\$1,315,372
Option 2 – Unit Cost Model	\$1,347,244

The first option (see **Attachment A**) utilizes the current funding methodology in which a funding ceiling is applied to each circuit's FY 2016-17 total budget. The ceiling is calculated using FY 2015-16 UDR data and a standard statewide cost of \$50 per steno/real-time hour, \$25 per digital/analog hour, \$7 per transcript page, and \$25 per media copy. A 10% non-direct services modifier devoted to overhead/coordination is applied. The proposed FY 2017-18 LBR amount is the difference between the FY 2016-17 funding ceiling and FY 2016-17 total budget, excluding negative values.

The second option (see **Attachment B**) uses a unit cost model, using three-year average relevant filings for years FY 2012-13, FY 2013-14, and FY 2014-15. With this methodology, unit costs are calculated for small, medium, and large circuits, based on current budget allotment, minus the estimated shared costs for providing services under the court reporting cost sharing arrangement and projected cost recovery revenue. The additional funding need is based on the amount of funding needed to bring five underfunded circuits up to the minimum unit cost.

Under both options, the amount of funding identified is not yet specified for contractual or FTEs/salary dollars. If the TCBC decides to recommend filing an LBR for court reporting resources, the type of resources would need to be determined from circuit input prior to submitting the LBR.

Decision Needed

Option 1: Recommend filing an LBR based on the current methodology for a total request of \$1,315,372. (See **Attachment A**)

Option 2: Recommend filing an LBR based on a unit cost model for a total request of \$1,347,244. (See **Attachment B**)

Option 3: Do not file an LBR.

Funding Methodology Committee Recommendation

Approve *Option 1* and direct OSCA staff to work with the circuits to determine the specific type of funding (contractual or FTE) needed.

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 Court Reporting - Option 1
 FY 2016-17 Funding Ceiling Table**

A	B	C	D	E	F
	FY 2015-16 Estimated Hours, Pages, and Media¹				
Circuit	Steno/ Real-time Hours (\$50)	Digital/ Analog Hours (\$25)	Transcript Pages (\$7)	Media Copies (\$25)	FY 2016-17 Funding Ceiling ²
1	3,457	9,312	81,288	866	\$1,095,948
2	3,731	9,394	79,551	539	\$1,090,905
3	502	4,669	20,120	247	\$317,724
4	26,447	14,251	9,669	619	\$1,937,961
5	544	22,667	5,233	1,779	\$742,479
6	3,768	29,159	182,925	673	\$2,436,143
7	3,335	18,552	16,238	1,694	\$865,223
8	1,187	9,449	40,952	692	\$659,493
9	6,464	33,880	168,423	1,291	\$2,619,580
10	4,667	17,868	83,059	1,183	\$1,420,142
11	17,568	55,652	14,313	1,032	\$2,635,260
12	3,562	28,983	25,439	1,269	\$1,223,720
13	5,235	38,203	160,957	1,772	\$2,626,606
14	1,035	4,631	14,890	687	\$317,823
15	1,013	24,973	133,704	2,500	\$1,840,743
16	415	2,580	2,438	207	\$118,240
17	20,883	37,244	53,811	1,372	\$2,624,850
18	338	32,828	2,113	1,783	\$986,663
19	230	15,955	6,687	2,801	\$579,930
20	2,967	20,275	1,042	2,140	\$787,621
Total	107,348	430,525	1,102,852	25,146	\$26,927,054

¹ FY 2015-16 estimated hours, pages, and media are based on annualized data reported from July 2015 to May 2016.

² FY 2016-17 funding ceiling for direct services was calculated by summing \$50 multiplied by steno/real-time hours, \$25 multiplied by digital/analog hours, \$7 per transcript page, and \$25 per media copy. In addition, a Non-Direct Services Modifier of 10% was applied. The funding ceiling does not determine the allotment or LBR for maintenance.

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Court Reporting - Option 1
FY 2017-18 Proposed LBR Using Current Methodology

A	B	C	D	F	G	H
FY 2016-17 Budget Allotment¹ (CC 129, CC 267, CC 729)						
Circuit	FTE (CC 129, CC267, CC 729)	Salaries, Benefits, & Expenses (CC 129, CC 267, CC 729)	Adjusted Beginning Contractual Allotment - (CC 129)	Total Budget	FY 2016-17 Funding Ceiling	FMC Recommendation: FY 2017-18 Proposed LBR Using Current Methodology ²
1	22	\$1,482,848	\$18,091	\$1,500,939	\$1,095,948	\$0
2	15	\$1,033,054	\$10,495	\$1,043,549	\$1,090,905	\$47,356
3	6	\$367,601	\$2,041	\$369,642	\$317,724	\$0
4	1	\$83,019	\$1,314,551	\$1,397,570	\$1,937,961	\$540,391
5	16	\$884,682	\$35,125	\$919,807	\$742,479	\$0
6	39	\$2,208,166	\$447,039	\$2,655,205	\$2,436,143	\$0
7	14	\$836,612	\$117,850	\$954,462	\$865,223	\$0
8	16	\$976,143	\$33,816	\$1,009,959	\$659,493	\$0
9	45	\$2,974,380	\$29,749	\$3,004,129	\$2,619,580	\$0
10	14	\$771,694	\$396,075	\$1,167,769	\$1,420,142	\$252,373
11	4	\$211,990	\$2,064,350	\$2,276,340	\$2,635,260	\$358,920
12	18	\$1,203,287	\$20,509	\$1,223,796	\$1,223,720	\$0
13	14	\$1,196,598	\$1,238,065	\$2,434,663	\$2,626,606	\$191,943
14	7	\$503,551	\$8,521	\$512,072	\$317,823	\$0
15	23.75	\$1,375,941	\$261,095	\$1,637,036	\$1,840,743	\$203,707
16	5	\$322,253	\$13,740	\$335,993	\$118,240	\$0
17	31	\$1,692,012	\$676,997	\$2,369,009	\$2,624,850	\$255,841
18	12	\$722,735	\$151,064	\$873,799	\$986,663	\$112,864
19	13	\$705,502	\$61,137	\$766,639	\$579,930	\$0
20	15	\$786,455	\$252,246	\$1,038,701	\$787,621	\$0
Total	330.75	\$20,338,523	\$7,152,555	\$27,491,078	\$26,927,054	\$1,315,372

¹ FY 2016-17 budget allotment includes CC 129, CC 267, and CC 729 (cost sharing). Beginning Contractual Allotments were adjusted to subtract maintenance costs based on FY 2015-16 maintenance expenditures.

² FY 2017-18 proposed LBR using current methodology is the difference between FY 2016-17 funding ceiling and FY 2016-17 total budget, excluding negative values.

Agenda Item V.B.7.: FY 2017-18 Legislative Budget Request – Court Interpreting

Background

Since the passage of Revision 7 to Article V of the Florida Constitution, when the responsibility of providing interpreting services shifted from the county to the state, the trial courts have received limited additional funding for court interpreting services. In FY 2006-07, the courts received 4.0 FTE and \$1,049,387 in contractual funds; however, in FY 2008-09, the budget was reduced by 2.0 FTE and \$184,739. In FY 2013-14, the Legislature provided \$100,000 in non-recurring funds for the courts to conduct a remote interpreting pilot project to assess the viability of virtual remote interpreting as a service delivery model.

On March 27, 2014, the Supreme Court issued an opinion in SC13-304 amending the rules for certification and regulation of court interpreters. In response to concerns expressed during the FY 2014-15 allocation process regarding additional funding needed to comply with the requirements of the opinion, the Trial Court Budget Commission (TCBC) directed OSCA staff to examine options for requesting additional funding through a legislative budget request (LBR) and to also consider additional workload needs. Based on circuit requests from the FY 2014-15 allocation process and extrapolating to a statewide need, the TCBC approved an LBR of \$1,367,126 (\$1,233,292 contractual funds; \$133,834 salary dollars) in recurring funds for FY 2015-16. The Legislature appropriated \$750,000 in recurring contractual dollars, partially funding this request for FY 2015-16. In FY 2016-17, the judicial branch filed an LBR for the remaining unfunded portion of the initial request in the amount of \$483,292, which was not funded.

Current Issue

The trial courts continue to experience the effect of market-driven factors leading to difficulties in recruiting and retaining qualified court interpreters and increasing contractual costs. The courts have experienced vacancies in court interpreting positions as a result of retirements and resignations. These positions often remain vacant for long periods due to the inability to find qualified applicants and compete with higher paying salaries for similar positions and skill sets. Due to these staff shortages, many circuits have had to rely on contract interpreting services whose rates can be significantly higher than typical FTE costs. At their June 17, 2016, meeting, the TCBC directed the FMC to provide recommendations for determining court interpreting needs for consideration in the FY 2017-18 LBR. OSCA staff developed two options for the FMC's and TCBC's consideration.

	LBR
Option 1 – Percent Increase in Population Growth	\$1,150,600
Option 2 – Percent Increase in Expenditures	\$1,608,230

In addition to requesting funding to obtain certified court interpreters, the courts will continue to seek ways to maximize resources through the use of technology and the expansion of virtual remote interpreting services based on the success of the pilot. It is anticipated resources

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related to remote interpreting will be included in the judicial branch FY 2017-18 legislative budget request.

Option 1 (see **Attachment A**) utilizes the current funding methodology in which FY 2017-18 need is projected using FY 2015-16 estimated costs and applying a 6.5% statewide growth rate to each circuit. The estimated growth rate is based on the statistics of "People who speak English at home less than very well" in Florida, which was taken from the 2000 and 2010 Census. The growth rate is derived by first estimating the annual statewide population growth from 2000 to 2010, then multiplying by 2 in order to obtain an estimated statewide growth from 2015 to 2017.

Option 2 (see **Attachment B**) projects the FY 2017-18 need by applying the average growth rate in contractual expenditures over the last three years to estimated FY 2015-16 expenditures. The average growth rate is multiplied by 2 in order to obtain an estimated statewide growth rate from 2015 to 2017.

Please note, under both options, the amount of funding requested is not yet specified as either contractual or salary dollars. If the TCBC decides to recommend filing an LBR for this issue, the specific type of funding would be determined from circuit input prior to filing the LBR.

Decision Needed

Option 1: Recommend filing an LBR based on the current methodology for a total request of \$1,150,600 (see **Attachment A**).

Option 2: Recommend filing an LBR based on a historical growth rate methodology for a total request of \$1,608,230 (see **Attachment B**).

Option 3: Do not file an LBR.

Funding Methodology Committee Recommendation

Approve *Option 2* and direct OSCA staff to work with the circuits to determine the specific type of funding (contractual or FTE) needed.

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Court Interpreting

FY 2017-18 Proposed LBR - Option 1 Current Methodology

A	B	C	D	E	F	G
FY 2016-17 Allotment¹ (CC 131, CC 267, and CC 730)						
Circuit	FTE	Salaries, Benefits, & Expenses	Beginning Contractual Allotment	Total Budget	FY 2015-16 Estimated Contractual Expenditures ²	FY 2017-18 Estimated Total Need Based on 6.5% Growth Rate ³
1	0	\$0	\$46,798	\$46,798	\$48,137	\$51,266
2	0	\$0	\$35,484	\$35,484	\$21,194	\$22,571
3	0	\$0	\$42,422	\$42,422	\$24,136	\$25,705
4	0	\$0	\$311,496	\$311,496	\$287,963	\$306,681
5	5	\$299,332	\$76,885	\$376,217	\$78,412	\$402,297
6	2	\$127,716	\$286,192	\$413,908	\$278,051	\$432,142
7	3	\$180,241	\$76,745	\$256,986	\$85,311	\$282,813
8	1	\$59,400	\$45,026	\$104,426	\$47,061	\$113,381
9	10	\$605,242	\$160,748	\$765,990	\$174,935	\$830,888
10	6	\$403,421	\$87,434	\$490,855	\$77,333	\$512,003
11	52	\$3,208,365	\$317,693	\$3,526,058	\$531,164	\$4,198,477
12	0	\$0	\$383,858	\$383,858	\$372,790	\$397,021
13	10	\$590,540	\$148,420	\$738,960	\$149,151	\$787,771
14	0	\$0	\$40,560	\$40,560	\$37,617	\$40,062
15	13	\$841,195	\$140,498	\$981,693	\$166,996	\$1,073,723
16	2	\$130,360	\$18,842	\$149,202	\$18,332	\$158,357
17	16.0	\$958,981	\$154,993	\$1,113,974	\$147,511	\$1,178,414
18	1	\$59,438	\$39,618	\$99,056	\$36,061	\$101,706
19	2	\$136,702	\$530,679	\$667,381	\$489,128	\$666,509
20	7	\$424,402	\$463,311	\$887,713	\$516,302	\$1,001,850
Total	130.0	\$8,025,335	\$3,407,702	\$11,433,037	\$3,587,583	\$12,583,637
FY 2017-18 Proposed LBR Using Current Methodology⁴						\$1,150,600

¹ FY 2016-17 Allotment include CC 131 (Court Interpreting), CC 267 (Cost Recovery), and CC 730 (Cost Sharing).

² FY 2015-16 Estimated Contractual Expenditures are based on actual expenditure data from July 2015 to June 2016 and include an estimate for certified forwards.

³ FY 2017-18 Estimated Total Need applies an estimated 6.5% statewide growth rate to the sum of each circuit's FY 2011/12 Allotment - Salaries, Benefits, and Expenses and FY 2015-16 Estimated Contractual Expenditures. The estimated growth rate is based on the statistics "People who speak English at home less than very well" in Florida provided in the 2000 and 2010 Census. The growth rate is derived by first estimating the annual statewide growth from 2000 to 2010 and then multiplying by 2 in order to obtain an estimated statewide growth from 2015 to 2017. Circuit 11 estimated FY 2017-18 expenditures were adjusted to reflect increased monthly expenditures beginning December 2015.

⁴ FY 2017-18 Proposed LBR Using Current Methodology is the difference between FY 2017-18 Estimated Total Need and FY 2016-17 Total Budget.

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FMC Recommendation: Proposed FY 2017-18 LBR - Option 2

Circuit	FY 2013-14 Expenditures	FY 2014-15 Expenditures	FY 2015-16 Estimated Expenditures¹	FY 2017-18 Estimated Expenditures
1	\$33,691	\$41,245	\$48,137	\$66,008
2	\$36,770	\$37,671	\$21,194	\$29,062
3	\$44,832	\$44,584	\$24,136	\$33,097
4	\$252,370	\$250,788	\$287,963	\$394,872
5	\$104,686	\$145,607	\$78,412	\$107,523
6	\$199,876	\$280,116	\$278,051	\$381,279
7	\$73,713	\$65,207	\$85,311	\$116,984
8	\$33,878	\$40,543	\$47,061	\$64,532
9	\$98,531	\$159,537	\$174,935	\$239,881
10	\$65,379	\$77,671	\$77,333	\$106,043
11 ²	\$228,157	\$258,042	\$531,164	\$1,004,673
12	\$313,591	\$304,968	\$372,790	\$511,191
13	\$131,576	\$156,427	\$149,151	\$204,524
14	\$33,321	\$38,041	\$37,617	\$51,583
15	\$83,088	\$131,713	\$166,996	\$228,994
16	\$16,822	\$19,234	\$18,332	\$25,137
17	\$119,644	\$142,831	\$147,511	\$202,276
18	\$25,650	\$44,486	\$36,061	\$49,448
19	\$391,374	\$444,108	\$489,128	\$670,720
20	\$329,474	\$357,673	\$516,302	\$707,983
Total	\$2,616,423	\$3,040,492	\$3,587,583	\$5,195,813
Percent Change		16.2%	18.0%	
Average Increase		17.1%		

Proposed LBR Request	\$1,608,230
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¹ FY 2015-16 Estimated Expenditures are based on July 2015 through June 2016 data and include an estimate for certified forward expenditures.

² Circuit 11 estimated FY 2017-18 expenditures were adjusted to reflect increased monthly expenditures beginning December 2015.

Agenda Item V.C. FY 2017-18
Legislative Budget Request (LBR) –
Priority Ranking of LBR Issues

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Agenda Item V.C.: Priority Ranking of LBR Issues

Chapter 216, Florida Statutes, requires the judicial branch (and all state entities) to list the request for operational expenditures in excess of the base operating budget, by order of priority. Schedule VIII A of the Legislative Budget Request (LBR) is the means by which this prioritization is provided.

The chart below reflects the Fiscal Year 2017-2018 LBR issues presented to the Trial Court Budget Commission for approval. For those issues approved, please rank the priority order.

ISSUE	PRIORITY #
Employee Pay Issue	
Trial Court Technology Funding	
General Magistrates	
Case Management	
Staff Attorneys	
Court Reporting	
Court Interpreting	

Agenda Item VI. 2017 Judicial Branch Statutory Agenda – Timeline

Agenda Item VI.: 2017 Judicial Branch Statutory Agenda – Timeline

The judicial branch develops an agenda for proposed statutory changes in the year prior to each legislative session, based upon input from court committees, judges, and court staff and approved by the Supreme Court. Following is a table with the working timeline for development of the judicial branch’s 2017 substantive legislative agenda. The schedule has been provided to court committee chairs and judicial conference leaders by the Office of Community and Intergovernmental Relations (OCIR), which provides staff support for development of the statutory agenda.

Estimated Deadline	Milestone
Week of July 18, 2016	Letters sent to chairs of court committees and leaders of judicial conferences informing them about the process for developing and obtaining Supreme Court approval of issues for the judicial branch’s legislative agenda.
By September 9, 2016	Committees submit a strategic development plan for each proposed legislative issue (if they have any legislative issues to recommend), along with draft statutory language if available.
By September 23, 2016	Complete an internal review of strategic development plans and seek clarification or additional guidance from committees.
By October 10, 2016	Convert the final strategic development plans into “Proposed Legislative Issues” for Supreme Court Conference.
October 19, 2016	Submit a packet of proposed issues to the justices in advance of Supreme Court Conference.
October 26, 2016	Present the proposed issues to the justices.
Mid-November 2016	Identify potential sponsors for legislation as necessary.
November/December 2016	Present approved legislative agenda at Judicial Branch Leadership Meeting.
By December 31, 2016	Complete drafts of any amendments or bills and confirm sponsors as necessary.
Late January 2017	Estimated deadline for submission of draft requests to House and Senate bill drafting units.
Last week in February 2017	Estimated deadline for completing changes to drafts in House and Senate bill drafting units.
March 7, 2017	First day of 2017 Regular Session.

Prepared by the OSCA Office of Community and Intergovernmental Relations, August 8, 2016.

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

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

Background

The Due Process Workgroup (Workgroup) presented several recommendations for process improvements and cost containment mechanisms for the appointment and payment of expert witnesses to the Commission on Trial Court Performance and Accountability (TCP&A) and Trial Court Budget Commission (TCBC) at their June 15th and June 17th meetings. The chart below provides a summary of the decisions made by the commissions and the current status for implementation of those actions.

Workgroup Recommendations to Commissions	TCP&A	TCBC	Current Status
Revised Statewide Invoice Template	Approved	Approved	Implemented July 2016
Revised Uniform Data Reporting System	Approved	Approved	Implemented July 2016
Recommendations for Uniform Contracts	Approved	Approved	Issue referred to OSCA
Revised Payment Responsibility Matrix	Approved	Approved	Distribute August 2016
Proposed Operational /Policy Changes	Approved	TBD	On Agenda

Remaining issues for the TCP&A and TCBC consideration and approval include operational/policy improvements (TCBC only), a proposed statewide rate structure, and proposed statutory revisions. Many of the issues recommended by the Workgroup will need final approval from the Supreme Court, and possibly legislative action, before implementation. If approved by both commissions, the following issues, along with previously approved actions, will be incorporated into the final report of the Workgroup for TCBC and TCP&A approval (September 2016). It is anticipated that the final report will be submitted to the Supreme Court for consideration this fall.

Issue 1: 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. Each issue discussed by the Workgroup was considered for the type of recommendation made: either a proposed standard, which is mandatory, or a proposed best practice, which is a suggested improvement.

A. 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 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.

B. 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 authorizes 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 courts to appoint one expert for the initial evaluation in standard adult competency evaluations and acknowledges that clarification of the statutes may be helpful to distinguish requirements related to commitment from requirements related to non-commitment decisions.

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.)

C. 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.

D. Circuit Administrative Order

Most circuits already employ some form of written policy that governs expert witness practices. The Workgroup discussed recommending 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.

E. Other Operational/Policy Considerations – Education and Training

The survey responses from circuits and the invoice review exercise highlighted 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. At the April 11, 2016, meeting, 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. Staff has developed a draft decision tree as a potential tool for judges to use when appointing experts for adult competence evaluations. This decision tree incorporates the policy decision of appointing one expert initially for all adult competency evaluations.

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. The Workgroup also recommends convening a subgroup of judges with expertise in this area to discuss and finalize the draft of the decision tree for inclusion in the report to the Supreme Court.

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 2: 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?

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After a review of other state courts’ and other Florida government entities’ policies and pay rates, the Workgroup considered three options for a proposed statewide expert witness rate structure.

***Note in all charts below:** Maximum Allowable Rate for Evaluation recommendation cannot be exceeded unless extraordinary circumstances exists and are approved according to circuit policy.

Option 1 – Rate Cap

Establishes a maximum allowable rate for evaluations by type. Does not include a separate rate for travel time as it is included in the rate for evaluations. Various maximum allowable rates are established for follow-up evaluations and a maximum allowable no show rate. Allows for a maximum hourly rate of \$150 for in-court testimony (including wait time) for adult competency examinations, ordered by the court.

Type of Evaluation	Maximum Allowable Rate for Evaluation*	Maximum Allowable Travel Rate	Maximum Allowable Follow-up Evaluation Rate (With same expert)	Maximum Allowable No Show Rate (Limit of one?)	Maximum Hourly Testimony Rate, Court Ordered (Including wait time?)
Adult Competency	\$500		\$350	\$100	\$150
Juvenile Competency	\$350		\$250	\$100	
Guardianship Examining Committee					
<i>Ph.D., M.D., or D.O.</i>	\$350		\$250	\$100	
<i>ARNP, RN, MSW, LPN, LCSW, Lay Person</i>	\$250		\$175	\$100	
Developmental Disability Examining Committee					
<i>Ph.D., M.D., or D.O.</i>	\$350		\$250	\$100	
<i>ARNP, RN, MSW, LPN, LCSW, Lay Person</i>	\$250		\$175	\$100	

Option 2 – Rate Cap and Travel Time

Establishes a maximum allowable rate for evaluations by type. Allows for an additional maximum allowable flat rate for travel time. Various maximum allowable rates are established for follow-up evaluations and no show scenarios. Allows for an hourly rate of \$150 for in-court testimony (including wait time) for adult competency examinations, ordered by the court.

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Type of Evaluation	Maximum Allowable Rate for Evaluation*	Maximum Allowable Travel Rate (Outside county of residence or distance?)	Maximum Allowable Follow-up Evaluation Rate (With same expert)	Maximum Allowable No Show Rate (Limit of one?)	Maximum Hourly Testimony Rate, Court Ordered (Including wait time?)
Adult Competency	\$450	\$50	\$325	\$100	\$150
Juvenile Competency	\$350	\$50	\$250	\$100	
Guardianship Examining Committee					
<i>Ph.D., M.D., or D.O.</i>	\$300	\$50	\$200	\$100	
<i>ARNP, RN, MSW, LPN, LCSW, Lay Person</i>	\$200	\$50	\$150	\$50	
Developmental Disability Examining Committee					
<i>Ph.D., M.D., or D.O.</i>	\$300	\$50	\$200	\$100	
<i>ARNP, RN, MSW, LPN, LCSW, Lay Person</i>	\$200	\$50	\$150	\$50	

Option 3 – Range of Rates

Establishes a range of allowable rates to be used for evaluations and follow-up evaluations by type of evaluation. Establishes maximum allowable flat rates for no show and travel time, and an hourly rate of \$150 for in-court testimony (including wait time) for adult competency examinations, ordered by the court.

Type of Evaluation	Range of Allowable Rates for Evaluation*	Maximum Allowable Travel Rate (Outside county of residence or distance?)	Range of Allowable Follow-up Evaluation Rates (With same expert)	Maximum Allowable No Show Rate (Limit of one?)	Maximum Hourly Testimony Rate, Court Ordered (Including wait time?)
Adult Competency	\$300-\$500	\$50	\$200-\$350	\$100	\$150
Juvenile Competency	\$250-\$350	\$50	\$175-\$250	\$100	
Guardianship Examining Committee					
<i>Ph.D., M.D., or D.O.</i>	\$250-\$350	\$50	\$175-\$250	\$100	
<i>ARNP, RN, MSW, LPN, LCSW, Lay Person</i>	\$125-\$250	\$50	\$75-\$175	\$50	
Developmental Disability Examining Committee					
<i>Ph.D., M.D., or D.O.</i>	\$250-\$350	\$50	\$175-\$250	\$100	
<i>ARNP, RN, MSW, LPN, LCSW, Lay Person</i>	\$125-\$250	\$50	\$75-\$175	\$50	

Trial Court Budget Commission
August 11, 2016
Ponte Vedra Beach, Florida

The Workgroup recommended establishing a range of allowable rates to be used for evaluations and follow-up evaluations by type of evaluation and expert. In addition to the proposed range of rates for evaluations, the Workgroup approved a maximum allowable flat rate for no show based on 40% of the initial evaluation rate and an hourly rate of \$150 for in-court testimony (including wait time and a 2 hour cap) for adult competency examinations ordered by the court.

Due Process Workgroup Recommended Expert Witness Rate Structure

Type of Evaluation	Range of Allowable Rates for Evaluation*	Maximum Allowable Travel Rate	Range of Allowable Follow-up Evaluation Rates (With same expert)	Maximum Allowable No Show Rate	Maximum Hourly Testimony Rate, Court Ordered (Including wait time, 2 hour cap)
Adult Competency	\$300-\$500		\$200-\$350	40% of Evaluation Rate	\$150
Juvenile Competency	\$250-\$350		\$175-\$250		
Guardianship Examining Committee					
<i>Ph.D., M.D., or D.O.</i>	\$250-\$350		\$175-\$250		
<i>ARNP, RN, MSW, LPN, LCSW, Lay Person</i>	\$75-\$250		\$50-\$175		
Developmental Disability Examining Committee					
<i>Ph.D., M.D., or D.O.</i>	\$250-\$350		\$175-\$250		
<i>ARNP, RN, MSW, LPN, LCSW, Lay Person</i>	\$75-\$250		\$50-\$175		

Decision Needed

Option 1: Approve the Workgroup recommendations for a statewide rate structure for expert witness fees.

Option 2: Do not approve the Workgroup recommendations for a statewide rate structure for expert witness fees.

Issue 3: Proposed Statutory Revisions

The Due Process Workgroup (Workgroup) on August 2, 2016, considered a number of statutory issues related to expert witnesses and recommended the following revisions. Some of the revisions are technical in nature (e.g., correcting apparent errors or clarifying ambiguities in the statutes), while others represent policy decisions. If the Trial Court Budget Commission and the Commission on Trial Court Performance and Accountability approve the recommendations, they will be presented as part of the final report to the Supreme Court in late September/early

October. In addition, the Office of the State Courts Administrator (OSCA) will present them this fall to the Supreme Court for consideration as part of the 2017 judicial branch legislative agenda.

A. Adult Competency (ss. 916.115, 916.12, and 916.17, F.S.)

Current

The statutes require the court to appoint no more than three experts to determine the mental condition of a defendant. Further, the statutes specify that the court shall pay for any expert that it appoints by court order. If the defendant retains an expert and waives confidentiality of the expert's report, the court may pay for no more than two additional experts. Distinct from the evaluations, the statutes do not specify who pays costs related to testimony by these experts.

Despite the apparent intent to afford the court discretion to appoint between one and three experts, the statutes specify that a defendant must be evaluated by *no fewer* than two experts before the court can commit the defendant or take other action authorized by chapter 916, F.S., which includes action less than commitment (e.g., community treatment). However, if one expert finds that the defendant is incompetent to proceed *and* the parties stipulate to that finding, the court may commit the defendant or take action less than commitment without further evaluation. Thus, the statutes require evaluation by at least two experts to take action less than commitment when the parties do not stipulate to one expert's determination of incompetence.

Further, when determining whether a defendant who fails to comply with the conditions of release now meets the criteria for involuntary commitment, the court shall hold a hearing. However, the statutes do not specify who pays for expert evaluations or testimony related to that hearing.

Workgroup Recommendation

Revise the statutes to:

- Specify that unless an expert testifies regarding competency pursuant to an order from the court, the court does not pay for the expert to testify in court.
- Clarify that initially the court only has to appoint one expert and may refrain from appointing additional experts until the findings of that evaluation are known and the parties decide whether to stipulate to them.
- Authorize the court to take action less than commitment based on the determination by one expert that the defendant is incompetent to proceed – regardless of whether the parties stipulate to that determination.
- Specify that the court shall pay for evaluations and testimony related to hearings on whether a defendant who fails to comply with the conditions of release now meets the criteria for involuntary commitment.

B. Forensic Services for Intellectually Disabled or Autistic Defendants (ss. 916.301-304, F.S.)

Current

The statutes require the court to appoint:

- One or two (if a party so requests) experts to evaluate whether the defendant meets the relevant definitions and is incompetent to proceed;
- A psychologist to evaluate whether the defendant meets the relevant definitions and is incompetent to proceed; and
- A social services professional to provide a social and developmental history.

The Workgroup discussed whether appointment of some of these individuals should be discretionary. Further when determining whether a defendant who fails to comply with the conditions of release now meets the criteria for involuntary commitment, the court shall hold a hearing. However, the statutes do not specify who pays for expert evaluations or testimony related to that hearing.

Workgroup Recommendation

Revise the statutes to:

- Make appointment of the psychologist and the social services professional mandatory and appointment of additional experts discretionary, paid for by the party who requests the additional expert.
- Parallel the adult competency statutes to provide for a stipulation process.
- Specify that the court shall pay for evaluations and testimony related to hearings on whether a defendant who fails to comply with the conditions of release now meets the criteria for involuntary commitment.

C. Sentencing Evaluation (ss. 921.09 and 921.12, F.S.)

Current

These statutes relate to appointment by the court of a physician to determine the mental condition of a defendant who alleges insanity as a cause for not pronouncing sentence or to examine a defendant for whom pregnancy is alleged as a cause for not pronouncing sentence. Both statutes specify that the county shall pay the fees. The Workgroup discussed whether the defendant should be responsible for payment.

Workgroup Recommendation

Revise the statutes to:

- Provide that the physician is retained by the defendant (rather than appointed by the court).
- Specify that the defendant shall pay the fees.

D. Death Penalty – Intellectual Disability (s. 921.137, F.S.)

Current

This statute requires the court to appoint two experts to determine whether a defendant convicted of a capital felony and facing a sentence of death is intellectually disabled. The statute is silent as to payment responsibility.

Workgroup Recommendation

Revise the statute to specify that the court shall pay for the first two experts, regardless of indigency status.

E. Juvenile Competency – Mental Illness and Intellectual Disability or Autism (s. 985.19, F.S.)

Current

The statute requires determinations of competency to be based on findings by “not less than two nor more than three” experts appointed by the court. In contrast, the adult competency statute authorizes action based on evaluation by one expert when the expert finds that the defendant is incompetent and the parties stipulate to that finding.

In cases involving mental illness, the statute requires the Department of Children and Family to provide to the court a list of mental health professionals qualified to perform the evaluations.

In cases involving intellectual disability or autism, the statute requires the court to order the Agency for Persons with Disabilities to examine the child, which may result in confusion on who should pay and is not consistent with the structure of comparable evaluation statutes that provide for the Agency to select the expert.

Additionally, the statute provides that fees shall be taxed as costs in the case but does not specify payment responsibility prior to costs being recovered. Lastly, the statute specifies that implementation is subject to specific appropriation, which contributes to payment uncertainty between the court and the Agency.

Workgroup Recommendation

Revise the statute to:

- Parallel the adult competency statutes to provide for a stipulation process as an alternative to “not less than two” experts.
- Mirror the proposed revisions to the adult competency statutes to specify that the court may take action less than secure placement based on one expert’s determination that the juvenile is incompetent to proceed – regardless of whether the parties stipulate to that determination.
- Clarify that, in cases involving intellectual disability or autism, the Agency shall select the expert to examine the child, rather than examine the child itself.

- Specify the court’s payment responsibility and remove or narrow the existing statutory language making implementation subject to specific appropriation.

F. Developmental Disabilities (s. 393.11, F.S.)

Current

The statute specifies that examining committee fees shall be “paid from the general revenue of the county,” which appears to be a lingering reference overlooked during implementation of Revision 7 to Article V of the State Constitution.

Workgroup Recommendation

Revise the statute to match current practice and specify that the fees shall be paid by the court.

G. Guardianship Examining Committee (s. 744.331, F.S.)

Current

The statute provides that if the ward is indigent, fees for the examining committee will be paid by “the state.”

Workgroup Recommendation

Revise the statute to match current practice and specify that the fees shall be paid by the court, if the ward is indigent.

Decision Needed

Recommend whether these issues should be considered as part of the judicial branch’s legislative agenda and direct staff of OSCA to develop proposed legislation. Note: There may be corresponding rule changes needed if the statutes are revised, which it is anticipated would proceed through the normal rule-revision process.

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

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

There are no materials for this agenda item.

Agenda Item IX. Other Business

Agenda Item IX.: Other Business

There are no materials for this agenda item.