

**Trial Court Budget Commission
Meeting Minutes
December 11, 2014**



Attendance – Members Present

The Honorable Mark Mahon, Chair	The Honorable Gregory Parker
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	Mr. Walt Smith
Mr. Tom Genung	The Honorable Bertila Soto
The Honorable Robert Hilliard	The Honorable John Stargel
The Honorable Frederick Lauten	The Honorable Margaret Steinbeck
Ms. Sandra Lonergan	The Honorable Patricia Thomas
The Honorable Wayne Miller	Mr. Mark Weinberg
The Honorable Debra Nelson	
The Honorable Diana Moreland	

Attendance – Members Absent

The Honorable Thomas McGrady	Ms. Robin Wright
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Special Note: It is recommended that these minutes be used in conjunction with the meeting materials.

Judge Mahon called the Trial Court Budget Commission (TCBC) meeting to order at 1:00 p.m. The roll was taken with a quorum present. Judge Mahon welcomed Judge Lauten as a newly appointed member.

Agenda Item I: Approval of August 26 and October 23, 2014, Meeting Minutes

Judge Mahon presented the draft meeting minutes from the August 26, 2014, and October 23, 2014, TCBC meetings and asked if there were any changes necessary before approval. Judge Miller moved to approve the minutes as drafted. Judge Parker seconded and the motion passed without objection.

Agenda Item II: FY 2014-15 Budget Status

A. Operating Budgets

Dorothy Wilson provided an overview of the operating budgets for FY 2014-15 as of November 30, 2014. She noted that approximately 85% of the contracted services budget includes funding for drug court expansion/treatment and veterans' court.

B. Salary Budgets

Dorothy Wilson provided an overview of the trial court salary budgets for FY 2014-15. The salary liability for the trial courts General Revenue/State Court Revenue Trust Fund was \$1.6 million under the salary appropriation. Ms. Wilson noted the data does not reflect approximately \$1 million in law clerk incentives obligated through FY 2019-20. The report will be revised to reflect the obligation.

Ms. Wilson also noted the Federal Grants Trust Fund's liability was under the appropriation by \$45,822. However, currently there are four vacancies of the sixteen positions paid by the fund that is generating lapse and as these positions are filled, the savings will diminish. Staff will continue to monitor the fund.

C. Trust Fund Cash Balances

Dorothy Wilson provided an overview of the trust fund cash balances through November 30, 2014 for FY 2014-15. She noted insufficient cash was available in the State Courts Revenue Trust Fund to meet payroll obligations in September through November and expenditures were shifted to General Revenue. Currently, a \$14 million deficit is projected at year end for that fund and staff will work with legislative staff on a solution. She noted this would be updated for the February Article V Revenue Estimating Conference.

D. Foreclosure Backlog Reduction Initiative

Kris Slayden provided an overview of the Foreclosure Backlog Reduction Initiative for FY 2014-15. She noted the remaining old cases are the complex cases that require more time.

Agenda Item III: FY 2015-16 Supplemental Budget Request

A. Pay Issue for Court System Employees

Eric Maclure provided an overview of the second year legislative budget request (LBR) for the equity and retention pay issue. The plan required a total of \$18,828,193 in recurring salary dollars and \$8,132,614 was funded in FY 2014-15. The FY 2015-16 LBR for the judicial branch seeks, as part of the branch's top priority, \$8,961,891 to finish addressing the employee salary issues affecting the courts system.

Blan Teagle provided a status of the position classification analysis. Mr. Maclure solicited direction and input from the members on: the position classification analysis currently being conducted, potential adjustments to the amount requested in the FY 2015-16 LBR, and strategies to advocate this budget issue to the legislature.

B. Trial Court Technology Funding Strategies Workgroup/Strategic Plan

Kris Slayden thanked and acknowledged the members of the workgroup who completed a tremendous amount of work in a short time frame. Ms. Slayden provided an overview of the workgroup's recommendations.

Access Fees for Remote Access to Court Documents – The workgroup recommended that the TCBC recommend to the Supreme Court that a fee structure not be developed for remote access to court documents based on the clerks of court position.

Walt Smith motioned to not develop a fee structure for remote access to court records. Judge Smiley seconded and the motion was passed without objection.

Strategic Plan – The workgroup defined the business needs and new business capabilities. The needs were identified and prioritized, and the draft strategic plan was distributed to the chief judges for comment. Judge Roundtree noted that the general public views all county and circuit courts as one entity and expects the same level of service regardless of location.

Judge Ficarrota made a motion to approve conceptually the draft *Florida Trial Court Technology Strategic Plan: 2015-2019*, with delegation to the Executive Committee to make and approve final revisions and submit the plan to the Supreme Court with the recommendation that the plan be adopted. Judge Nelson seconded and the motion passed without objection.

Supplemental Legislative Budget Request Cost Estimates – A placeholder issue of \$21,608,782 was submitted as a part of the FY 2015-16 Legislative Budget Request (LBR) in October 2014. The workgroup determined that, in following the draft strategic plan, a cost estimate for minimum technology service levels needed to be included in the supplemental FY 2015-16 LBR. Walt Smith remarked that as a result of ongoing conversions from paper to electronic processes, this request is not a wish list and is a must have.

Judge Nelson made a motion to recommend to the Supreme Court to submit a supplemental FY 2015-16 LBR of \$25,505,027, replacing the current placeholder amount, and approve the out year costs of \$19,654,021 in FY 2016-17, \$16,826,203 in FY 2017-18, and \$16,826,203 in FY 2018-19.

Revenue Proposals – The approved supplemental FY 2015-16 LBR issue will be requested in non-recurring general revenue in the first year to pay for technology costs. In 2016-17, it is anticipated the trial courts will need a revenue stream to maintain and sustain the technology, and possibly a 5% required reserve of revenue and 8% required general revenue service charge.

Walt Smith made a motion to approve including a 5% required reserve of revenue. Judge Thomas seconded and the motion passed without objection.

The workgroup explored redirecting general revenue and increase in recording fee and provided the following options for consideration:

Option 1: Propose an increase in the current \$2.00 recording fee and redirect the additional funds to the Administrative Trust Fund.

Option 2: Redirect all or a portion of the Ch. 2008-111 Traffic Administration Fee from general revenue to the Administrative Trust Fund.

Option 3: Redirect a combination of increased recording fees and a portion of the Ch. 2008-111 Traffic Administration Fee to the Administration Trust Fund.

Option 4: Propose implementing language in the General Appropriations Act directing any unspent funds at the close of the state fiscal year appropriated to the state courts system to be transferred for use to the Administrative Trust Fund.

The Executive Committee recommended Option 3. Walt Smith offered an alternate option and made a motion to authorize the TCBC Executive Committee to work with the legislature for the best or preferred method for a stable funding source. Tom Genung seconded and the motion passed without objection.

C. Substance Abuse and Mental Health Training

Eric Maclure provided an overview of a request submitted by Miami-Dade County Judge Steven Leifman, in his capacity as chair of the Task Force on Substance Abuse and Mental Health Issues in the Courts. The FY 2014-15 General Appropriations Act provided \$100,000 in nonrecurring general revenue to train judges and staff on how to address co-occurring disorders in the criminal justice system. Judge Liefman requests \$150,000 in the supplemental budget request for FY 2015-16 to provide ongoing training and education to judges, court staff, and justice system partners.

The Executive Committee recommended filing a request for \$100,000 in nonrecurring general revenue. Judge Thomas made a motion to recommend to the Supreme Court to

submit a supplemental FY 2015-16 LBR for \$100,000 in nonrecurring general revenue. Mark Weinberg seconded and the motion passed without objection.

Agenda Item IV: Allocation Requests and Personnel Practice

A. Judicial Conference Funding

Eric Maclure provided an overview of a request submitted by Santa Rosa County Judge Robert Hilliard, in his capacity as president of the Conference of County Court Judges. The TCBC approved authorizing use of funds from the TCBC's FY 2013-14 budget in the amount of \$20,000 to conduct a midyear business meeting of conference leaders. Judge Hilliard is requesting funding in the current fiscal year in the amount of \$18,800 from the TCBC for a similar midyear business meeting of the county conference leaders in winter/spring 2015.

Judge Smiley made a motion to approve use of \$18,800 in TCBC funds from the current fiscal year to facilitate a midyear meeting of the Conference of County Court Judges. Sandra Lonergan seconded and the motion passed without objection.

B. Fifth Circuit Due Process

Dorothy Wilson reviewed a request from the Fifth Judicial Circuit with two issues for consideration. Permit the Fifth Circuit to exchange \$130,130 in due process contractual dollars for salary and benefit dollars to fund two certified court interpreting positions transferred from the due process services contingency fund.

Tom Genung made a motion to approve the request and recommend approval from the Chief Justice to submit a budget amendment to transfer funds from the due process contractual category to the salary and benefits category and utilize 2.0 FTE from the due process services contingency fund. Judge Brunson seconded and the motion passed without objection.

The Fifth Circuit withdrew the second issue for consideration.

C. Hiring Person as Half-Time Magistrate and Half-Time Child Support Hearing Officer

Judge Roundtree provided an overview of his request on behalf of the Eighth Judicial Circuit. The Eight Circuit has open positions for a child support hearing officer and a general magistrate. The two positions primarily cover the circuit's regional counties, resulting in a considerable amount of time being spent traveling among the counties and resulting in significant expense and inefficiency. The circuit is seeking to restructure the positions to split each position into two half-time positions. Each person would serve as a half-time general magistrate and half-time child support hearing officer. Judge Roundtree addressed the issue of limitations imposed upon the duties that may be performed by a federally

funded child support hearing officer and provided the operational framework to safeguard the federal funding.

Kris Slayden reviewed the funding methodology and procedures when vacancies become available and the impact if a negative net need results in reallocation under the formula.

The Executive Committee was in favor of approval; however, it recommended seeking feedback from the Department of Revenue. Tom Genung made a motion to tentatively approve the request pending communication with the Department of Revenue and require the circuit to maintain rigorous timekeeping records. Sandra Lonergan seconded and the motion passed without objection.

Agenda Item V: Florida's Long Range Financial Outlook and State Courts Revenue Trust Fund

Kris Slayden provided an overview of Florida's Long Range Financial Outlook. The State Courts System was identified as an "Other High Priority Need" that will need to be addressed through an increase in general revenue recurring funding in FY 2015-16 due to the State Courts Revenue Trust Fund shortfall. She noted OSCA staff will continue to monitor general revenue and trust fund revenues closely and meet with legislative staff to reconcile any differences.

Agenda Item VI: Update on Revenue Estimating Conference

Kris Slayden provided an overview of the November 7, 2014, Article V Revenue Estimating Conference. For FY 2014-15, the revenue estimate was revised up to \$83.9 million, from the July 2014, estimate of \$83.2 million. OSCA staff will continue to monitor and update the TCBC.

Agenda Item VII: Preparing for 2015 Legislative Session

A. Leadership Appointments

Sarah Naf provided an overview of legislative leadership and high profile issues.

B. Session Coverage

Judge Mahon informed the member that a schedule of TCBC member coverage during legislative session was developed to provide a minimum level of coverage and coordination with judicial conference leaders. Judge Steinbeck reminded members planning to visit legislators to coordinate with Sarah Naf.

C. Judicial Branch Substantive Legislative Agenda

Sarah Naf provided an overview of the annual judicial branch agenda to include benefit-related issues, appellate administration, and estimating conference for due process costs.

Agenda Item VIII: Report from Chief Justice Designee to Clerks of Court

Operations Corporation

Judge Ficarrotta reported attendance at the Clerks of Court Operations Corporation Executive Committee meeting, pre-legislative session meetings with clerk leadership, together with TCBC leadership.

Agenda Item IX: Other Business

For informational purposes, Kris Slayden provided an overview of data for amounts paid over the flat fee for conflict counsel criminal cases. She stated the budget is no longer house in the State Courts System; however, the information is provided for monitoring purposes.

Judge Roundtree recognized Eight Judicial Circuit Trial Court Administrator Ted McFetridge and announced his retirement as of December 31, 2014.

Adjournment

With no other business before the commission, the meeting adjourned at 3:20 p.m.