

Recommendations of the Trial Court Budget Commission Fiscal Year 2016-17 Legislative Budget Request

Issue 1: Employee Pay - Salary Equity and Flexibility

At the July 10, 2015, meeting, the Trial Court Budget Commission (TCBC) considered filing a FY 2016-17 Legislative Budget Request (LBR) for second-year funding to address court staff salary equity, recruitment, and retention issues.

Trial Court Budget Commission Recommendation:

File a LBR issue in the amount of \$5,902,588 in second-year funding for court staff salary equity, recruitment, and retention issues. Authorize staff to make adjustments in the amount, as necessary, based on any updated or revised analysis.

Recommendations of the Trial Court Budget Commission

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Issue 2: Trial Court Technology

At the July 10, 2015, meeting, the Trial Court Budget Commission (TCBC) voted on options for consideration of filing a FY 2016-17 Legislative Budget Request (LBR) to address funding for technology issues.

The Supreme Court submitted a supplemental LBR for \$25,606,097 in non-recurring general revenue and 65.0 FTE for FY 2015-16 to fund the first year of a multi-year comprehensive strategy for addressing statewide technology needs of the trial courts. The issue was not funded during the 2015 Legislative Session.

OSCA staff worked with the trial courts, updating cost estimates and adding issues/moving issues to out- years that support the comprehensive *Florida Trial Court Technology Strategic Plan 2015-2019*. Decreases in cost estimates for remote interpreting equipment and the 65 requested FTE reduced the overall LBR by \$185,630.

The trial courts need \$25,420,467 million in FY 2016-17 for a comprehensive plan to support trial court technology and ensure that trial courts have:

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

As in last year's LBR, 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. Decisions on revenue proposals for FY 2016-17 and the out-years will be made at a later time.

Option 1: Approve an FY 2016-17 LBR of \$25,420,467 and approve out-year estimated costs, as reflected in **Attachment A**, the Projects to Support Business Capabilities chart. Authorize OSCA staff to make minor revisions to the cost estimates as the issue is finalized for presentation to the Supreme Court.

Option 2: Recommend another option or do not file an LBR.

Funding Methodology Committee Recommendation:

Option 1: Approve a FY 2016-17 LBR of \$25,420,467 and approve out-year estimated costs, as reflected in **Attachment A**, the Projects to Support Business Capabilities chart. Authorize OSCA staff to make minor revisions to the cost estimates as the issue is finalized for presentation to the Supreme Court.

Recommendations of the Trial Court Budget Commission

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Issue 2: Trial Court Technology (continued)

Trial Court Budget Commission Recommendation:

Option 1: Approve a FY 2016-17 LBR of \$25,420,467 and approve out-year estimated costs, as reflected in **Attachment A**, the Projects to Support Business Capabilities chart. Authorize OSCA staff to make minor revisions to the cost estimates as the issue is finalized for presentation to the Supreme Court.

Trial Court Technology Strategic Plan Projected Costs FY 2016-2020

Technology Projects to Support Business Capabilities		FY 2016-17 Legislative Budget Request	Estimated Costs for FY 2017-18	Estimated Costs for FY 2018-19	Estimated Costs for FY 2019-20
		Group I: Court Application Processing System			
1	<i>CAPS Viewer - Expansion to All Judges</i>	\$3,547,818	\$0	\$0	\$0
2	<i>CAPS Viewer - Maintenance</i>	\$1,856,988	\$1,856,988	\$1,856,988	\$1,856,988
3	<i>CAPS Viewer - Refresh</i>	\$0	\$433,333	\$433,333	\$433,333
4	<i>CAPS Viewer Enhancement</i>	\$250,000	\$250,000	\$250,000	\$250,000
5	<i>CAPS Viewer - Server Refresh</i>	\$658,614	\$658,614	\$658,614	\$658,614
<i>Group I Subtotal</i>		<i>\$6,313,420</i>	<i>\$3,198,935</i>	<i>\$3,198,935</i>	<i>\$3,198,935</i>
Group II: Court Reporting and Court Interpreting					
6	<i>Court Reporting Equipment Expansion</i>	\$916,064	\$119,487	\$119,487	\$119,487
7	<i>Court Reporting Equipment - Refresh /Maintenance</i>	\$4,165,765	\$2,583,363	\$2,583,363	\$2,583,363
8	<i>Court Reporting / Open Court</i>	\$175,000	\$175,000	\$175,000	\$175,000
9	<i>Remote Interpreting Equipment</i>	\$2,847,045	\$4,389,455	\$2,885,015	\$2,818,934
<i>Group II Subtotal</i>		<i>\$8,103,874</i>	<i>\$7,267,305</i>	<i>\$5,762,865</i>	<i>\$5,696,784</i>
Group III: Support for Minimum Level of Technology					
10	<i>Minimum Technology Service Levels</i>	\$4,150,195	\$4,150,195	\$4,150,195	\$4,150,195
11	<i>Bandwidth</i>	\$1,260,988	\$1,260,988	\$1,260,988	\$1,260,988
12	<i>Information Resource Mgmt Consultant (20 FTE, 1 per Circuit)</i>	\$2,080,460	\$2,045,500	\$2,034,560	\$2,034,560
13	<i>Information Systems Analysts (45 FTE)</i>	\$3,174,030	\$3,095,370	\$3,095,370	\$3,095,370
14	<i>Training and Education</i>	\$337,500	\$337,500	\$337,500	\$337,500
<i>Group III Subtotal</i>		<i>\$11,003,173</i>	<i>\$10,889,553</i>	<i>\$10,878,613</i>	<i>\$10,878,613</i>
TOTAL		\$25,420,467	\$21,355,793	\$19,840,413	\$19,774,332

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Issue 3: Court Interpreting Resources

At the July 10, 2015, meeting, the Trial Court Budget Commission (TCBC) voted on options for consideration of filing a fiscal year 2016-17 Legislative Budget Request (LBR) to address funding for court interpreting resources.

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 TCBC directed OSCA staff to examine options for requesting additional funding through a LBR and 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 in contractual funds; \$133,834 in salary dollars) in recurring funds for FY 2015-16. This request is separate from the LBR related to remote interpreting, which was part of the comprehensive trial court technology funding request.

The Legislature appropriated \$750,000 in recurring contractual dollars, partially funding this request for FY 2015-16. At the June 7, 2015, meeting, the TCBC Executive Committee directed staff to evaluate the continued need for this funding as part of the FY 2016-17 LBR.

Option 1: Approve a FY 2016-17 LBR for the remaining, unfunded contractual amount of \$483,292 to comply with SC13-304.

Option 2: Do not file an LBR. Court interpreting operational needs will be evaluated by the joint TCBC/TCP&A due process workgroup.

Funding Methodology Committee Recommendation

Option 1: Approve a FY 2016-17 LBR for the remaining, unfunded contractual amount of \$483,292 to comply with SC13-304.

Trial Court Budget Commission Recommendation

Option 1: Approve a FY 2016-17 LBR for the remaining, unfunded contractual amount of \$483,292 to comply with SC13-304.

Recommendations of the Trial Court Budget Commission

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Issue 4: Case Management

At the July 10, 2015, meeting, the Trial Court Budget Commission (TCBC) voted on options for consideration of filing a FY 2016-17 Legislative Budget Request (LBR) to address funding for case management resources.

Based on the official needs assessment methodology, additional case management resources are needed in the trial courts to assist in the processing and management of cases through the judicial system. Additionally, foreclosure settlement funds were provided to the circuits for temporary case management resources for the last three fiscal years. During this time period, case management resources assisted in significantly reducing the number of pending foreclosure cases by contacting plaintiffs and defendants, managing case files, and ensuring that cases are flowing through the judicial system in the most efficient manner. These funds terminated on June 30, 2015.

As part of the state courts' FY 2015-16 legislative budget request, a request was filed for over \$5.6 million (or 92.0 FTE) for additional case management resources. During the 2015 Special Session, the Legislature appropriated \$2.0 million to the trial courts to partially fund this issue (approximately 38.0 FTE). At their June 26, 2015, conference call, the TCBC allocated the 38.0 FTEs to the circuits based on the net need calculation for their use in FY 2015-16. Although the additional funding provides relief, based on the official needs assessment funding methodology, there still exists a need for additional case managers in order to provide an adequate level of services throughout the state. At the June 7, 2015, meeting, the TCBC Executive Committee directed staff to examine the need and cost for additional case managers in the trial courts as part of the FY 2016-17 LBR strategy.

Methodology: Current LBR Needs Assessment

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 FY 2015-16 filings, with a floor of 8.0 FTE. Based on this methodology, and excluding any negative net need, an additional 52.5 FTE are needed, funded at the Court Program Specialist II position, totaling \$3,212,634. Please note, this request represents the statewide need for additional resources. If additional resources are appropriated, circuit allotments will be determined during the FY 2016-17 allocation process. Allotments may be determined using a methodology different than the official needs assessment funding methodology.

Option 1: File a LBR for **\$3,212,634** in recurring funds for an additional 52.5 FTE case managers based on the official needs assessment funding methodology.

Option 2: Do not file a LBR.

Funding Methodology Committee Recommendation

Option 1: File a LBR for **\$3,212,634** in recurring funds for an additional 52.5 FTE case managers based on the official needs assessment funding methodology.

Recommendations of the Trial Court Budget Commission

Fiscal Year 2016-17 Legislative Budget Request

Issue 4: Case Management (continued)

Trial Court Budget Commission Recommendation:

Option 1: File a LBR for **\$3,212,634** in recurring funds for an additional 52.5 FTE case managers based on the official needs assessment funding methodology.

Recommendations of the Trial Court Budget Commission Fiscal Year 2016-17 Legislative Budget Request

Issue 5: Law Clerks to Support Death Penalty Legislation

At the July 10, 2015, meeting, the Trial Court Budget Commission (TCBC) voted on options for consideration of filing a FY 2016-17 Legislative Budget Request (LBR) to address funding for court interpreting resources.

The TCBC recognizes the need for sufficient law clerks to assist trial court judges in processing the often complex and legally significant matters related to a sentence of death. Additionally, AOSC11-32 directed the chief judge of each circuit to review and supervise the preparation of quarterly reports to the Supreme Court on post-conviction matters. To ensure sufficient law clerks are available to assist trial court judges in processing these matters, the TCBC approved recommending a legislative budget request (LBR) for FY 2014-15 and FY 2015-16. To date, the Legislature has not funded this issue. At its June 7, 2015, meeting, the TCBC Executive Committee directed staff to update the need and cost for additional law clerks to support death penalty legislation as part of the FY 2016-17 LBR strategy.

Methodology

The 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 1/2 law clerk workload associated with these cases to the FTE equivalent judicial workload (this is the same methodology as was used to develop the LBR for FY 2014-15). The FY 2015-16 LBR utilized a similar methodology, but also incorporated the use of a 0.5 FTE funding floor.

Option 1: Based on the above methodology used for the FY 2015-16 request, file an LBR for 28.5 FTE law clerk positions for a total request of **\$2,095,064**.

Option 2: Do not file a LBR.

Funding Methodology Committee Recommendation

Option 1: Based on the above methodology used for the FY 2015-16 request, file a LBR for 28.5 FTE law clerk positions for a total request of **\$2,095,064**.

Trial Court Budget Commission Recommendation

Option 2: Do not to file a LBR.

Recommendations of the Trial Court Budget Commission

Fiscal Year 2016-17 Legislative Budget Request

Issue 6: Compensation to Retired Judges

At the July 10, 2015, meeting, the Trial Court Budget Commission (TCBC) voted on options for consideration of filing a FY 2016-17 Legislative Budget Request (LBR) to address funding for compensation to retired judges.

The TCBC approved a LBR of \$950,910 for FY 2015-16 to increase the daily rate of compensation from \$350 to \$500 per day for retired judges who enter senior judge service. The methodology used in developing this LBR was based on bringing senior judge compensation in line with the statewide average compensation of civil traffic infraction hearing officers (CTIHO). The statewide average rate of compensation for a CTIHO, based on a 2008 hourly rate-of-pay survey, was \$60 per hour. Adjusting for inflation, the hourly rate of compensation results in a rate of \$66.42 per hour, or \$508.88 per day (excluding FICA costs and adjustments for holidays). Applying a similar adjustment to current senior judge pay would require an increase of \$152.17 per day (including FICA costs), rounded to a daily compensation rate of \$500.

This issue was approved by the Supreme Court and submitted as an LBR for the 2015 legislative session; however, no funding was appropriated in the FY 2015-16 budget. There was a recurring appropriation of 337 new senior judge days (for a total of 6,586 days), which needs to be factored in to the proposed FY 2016-17 LBR. Based on the methodology described above, the amount needed for the FY 2016-17 LBR is **\$1,002,192**.

Proposed LBR

Total Senior Judge Days	Current Funding (Rate of \$355.08)	Proposed Funding (Rate of \$507.25)
6,586	\$2,338,557	\$3,340,749
Total FY 2016-17 LBR		\$1,002,192

Option 1: Approve a FY 2016-17 LBR for **\$1,002,192** in recurring funds to adjust the senior judge daily rate of compensation from \$350 to \$500.

Option 2: Do not recommend this issue as a LBR for the FY 2016-17 legislative agenda.

Funding Methodology Committee Recommendation:

Option 2: Do not recommend this issue as a LBR for the FY 2016-17 legislative agenda.

Trial Court Budget Commission Recommendation:

Option 2: Do not recommend this issue as a LBR for the FY 2016-17 legislative agenda.

Recommendations of the Trial Court Budget Commission Fiscal Year 2016-17 Legislative Budget Request

Issue 7: Senior Management Service Coverage

At the July 10, 2015, meeting, the Trial Court Budget Commission (TCBC) considered filing a FY 2016-17 Legislative Budget Request (LBR) for senior management service (SMS) coverage for an expanded pool of court system employees as a potential judicial branch LBR for FY 2016-17.

Trial Court Budget Commission Recommendation:

Do not file a LBR issue and refer the issue to the TCBC Personnel Committee to develop parameters and identify any policy considerations.

Recommendations of the Trial Court Budget Commission Fiscal Year 2016-17 Legislative Budget Request

Issue 8: Courthouse Furnishings

At the July 10, 2015, meeting, the Trial Court Budget Commission (TCBC) voted on options for consideration of filing a FY 2016-17 Legislative Budget Request (LBR) to address funding for courthouse furnishings for areas of state responsibility.

At the June 7, 2015, meeting, the Trial Court Budget Commission approved, as part of the FY 2016-17 Trial Court Legislative Budget Request strategies, circuits to submit requests for courthouse furnishings. All items submitted were reviewed for compliance with provisions in Florida Statutes, section 29.008, and with the Department of Financial Services and the Governor's Office of Policy and Budget guidelines. The total of all requests submitted for courthouse furnishings is \$265,740 (\$144,307 Expense and \$121,433 Other Capital Outlay (OCO)) in non-recurring funding.

A. Second Judicial Circuit Request – \$26,052

- In 2015-16, the Second Circuit anticipates the retirement of one long-tenured circuit judge, and potentially a second. Upon retirement, the judges will take their personal items, which include desks, tables, and chairs used in their chambers. These items were used in lieu of government provided furniture and are a significant portion of the office set up. In anticipation of the judges' retirement and their removal of personal items, three office set-ups are requested for each judge's chamber in the Leon County Courthouse.
- At the June 26, 2015, meeting the Trial Court Budget Commission approved, as part of the FY 2016-17 resource allocation, 2.00 FTE for the Second Judicial Circuit for case management based on the official needs assessment methodology. The Second Judicial Circuit is requesting two office set-ups for each new position.

In total, the Second Circuit requests \$26,052 (\$15,938 Expenses and \$10,114 OCO) to furnish the non-public portion of the offices detailed above. See the attached chart for a detail of expenditures submitted by the circuit.

Options:

1. File issue as requested.
2. Do not file issue.

THIS ISSUE WAS WITHDRAWN BY THE CIRCUIT

B. Eleventh Judicial Circuit Request – \$137,392

The Dade County Courthouse's third floor, which previously housed the Eleventh Circuit's Probate Division, was vacated on May 27, 2014, for renovations and air conditioning system replacement. The renovations are expected to be completed in the summer of 2016. Once the renovations are complete, the Eleventh Circuit's Probate Division will relocate to the

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Issue 8: Courthouse Furnishings (continued)

third floor of the Dade County Courthouse, where they were previously located prior to the renovations.

When the Probate Division was relocated in May 2014, furnishings previously utilized by the judges and staff remained on the third floor of the Dade County Courthouse due to lack of storage space available in the facility. As a result of no air conditioning and poor ventilation on the third floor, the condition of the furnishings has deteriorated, and they will need to be replaced. In addition, the furniture has exceeded the life expectancy as it is over 10 years old. The furniture was purchased between 1997 and 2005.

New furnishings are being requested for the Probate Division, which is comprised of four judges, four judicial assistants, and four bailiffs as well as case managers, interns, and volunteers. The new furnishings are necessary for the effective and efficient operation of the circuit's Probate Division when the court personnel are relocated to the newly renovated third floor of the Dade County Courthouse. Relocation is expected in the summer of 2016.

The Eleventh Circuit requests \$137,392 (\$63,992 Expense and \$73,400 OCO) to purchase desks, chairs, tables, and file cabinets to furnish non-public areas of the Dade County Courthouse where the Probate Division will be located. The new furnishing will meet the requirements of the new office layouts. See the attached chart for detail of expenditures submitted by the circuit.

Options:

1. File issue as requested.
2. Do not file issue.

C. Fourteenth Judicial Circuit Request – \$66,003

A new courthouse addition has been approved in the Fourteenth Circuit for the circuit judges headquartered in Bay County with a projected completion date of summer 2016. The purpose of this new addition is to provide additional office space and courtroom space to ease courtroom scheduling problems currently being experienced. Once the new addition is complete, the circuit judges and judicial assistants currently housed on the third floor of the main Bay County Courthouse will be relocated to the new addition. The majority of the existing furniture will be used in the new location; however, furniture is needed for the additional office space that will be available in the new facility.

At the main courthouse, county judges and judicial assistants will move from their offices on the second floor to the office space vacated by the circuit judges on the third floor. Due to office size and set up variances in the new office locations, furniture will need to be purchased for the county judges.

Recommendations of the Trial Court Budget Commission

Fiscal Year 2016-17 Legislative Budget Request

Issue 8: Courthouse Furnishings (continued)

The Fourteenth Circuit requests \$66,003 (\$48,898 Expense and \$17,105 OCO) to purchase desks, chairs, tables, and file cabinets to furnish non-public portions of the new addition to the courthouse as well as to meet the requirements of different office layouts. See the attached chart for detail of expenditures submitted by the circuit.

Options:

1. File issue as requested.
2. Do not file issue.

D. Eighteenth Judicial Circuit Request – \$36,293

- New furniture is needed for one county court judge in the Brevard County Courthouse. The current office furniture used by the judge has exceeded its life expectancy. The furniture is either broken or severely worn from years of use. The judge's office currently has a desk with a credenza and two bookcases and the replacement cost is \$4,235.
- Modular/work station furniture is requested for the Digital Court Reporter office in the Brevard County Courthouse. Currently, the Digital Court Reporter office has one desk and one credenza shared between two employees. The work stations will allow a more efficient work environment. The cost is for the modular workstation to accommodate both Digital Court Reporters is \$1,848.
- Eight side arm chairs are requested for the Brevard County Courthouse conference room, at a cost of \$2,264, to replace old, non-functional chairs in a conference room where video conferences, meetings, interviews, and presentations are held. Benefits of replacing the chairs include improving the functionality and professional atmosphere appropriate for judges and court staff.
- New desks, chairs, and office furniture for two circuit judges and three general magistrates are needed in Seminole County. The total cost in Seminole County is \$27,946. The OCO component is \$15,432 with the remaining amount of \$12,514 as expense. The current office furniture used by the judges and magistrates has exceeded its life expectancy. The furniture is either broken or severely worn from years of use. Some drawers do not open and the structure does not efficiently accommodate computer equipment. The work stations will allow a more efficient work environment. If the request is not funded, existing furniture will continue to diminish in appearance and functionality.

In total, the Eighteenth Circuit requests \$36,293 (\$15,479 Expense and \$20,814 OCO) to purchase replacement office furniture and work stations.

Recommendations of the Trial Court Budget Commission Fiscal Year 2016-17 Legislative Budget Request

Issue 8: Courthouse Furnishings (continued)

Options:

1. File issue as requested.
2. Do not file the issue.

THIS ISSUE WAS WITHDRAWN BY THE CIRCUIT

Trial Court Budget Commission Recommendation:

Due to the small amounts of funding requested, do not file a LBR issue and revisit closer to fiscal year end for use of any available year end funds.

Recommendations of the Trial Court Budget Commission Fiscal Year 2016-17 Legislative Budget Request

Issue 9: Education and Training on Co-occurring Disorders

At the July 10, 2015, meeting, the Trial Court Budget Commission (TCBC) considered filing a fiscal year 2016-17 Legislative Budget Request (LBR) to address funding for education and training on co-occurring disorders.

Trial Court Budget Commission Recommendation:

In following the LBR priorities approved by the TCBC, do not file a LBR for this issue.