

PROPER MANAGEMENT,  
ACCOUNTABILITY AND FUNDING OF THE  
STATE COURTS SYSTEM  
*Is CRUCIAL* TO RULE OF LAW,  
TAXPAYER CONFIDENCE, AND A HEALTHY ECONOMY



A Florida TaxWatch Special Report

March 2005

### **Nearly a Quarter of a Century in the Making**

“Florida TaxWatch views the eventual elimination by the Legislature of the dual system of state and local funding in the judicial branch as inevitable. If the citizens of Florida are to have a unified court system, with effective and efficient fiscal management, however, the courts must adopt one unified management structure with the centralized leadership necessary to provide for the implementation of one uniform set of guidelines and procedures.

The Legislature must, however, give considerable thought and planning to state assumption of additional judicial costs.

Without the proper external standards of administration and clear authority and responsibility for their implementation, the Judiciary cannot effectively provide the needed accountability to the taxpayers of Florida.”

*Executive Summary  
Florida TaxWatch Analysis  
“Florida’s Judicial Branch:  
Improving Its Administration”  
February 3, 1980*



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March 2005

Dear Fellow Floridian,

In November 1998, Florida voters approved a constitutional amendment (Revision 7) requiring the state to assume funding responsibility of most operations of the state courts system, state attorneys, public defenders and the Justice Administrative Commission that previously were funded by counties on July 1, 2004.

In February 2004, Florida TaxWatch (FTW) published part one in a series of reports entitled *Proper Funding of the State Courts System is Crucial to Rule of Law, Taxpayer Confidence, and a Healthy Economy*. This independent research, a follow-up to several FTW research reports from as early as February 1980, addressed the critical need to properly manage and fund the state's new responsibilities throughout Florida's 20 judicial circuits in order to help bring equal justice to all Floridians. Copies of the 2004 report are available by calling the Florida TaxWatch office at 850/222-5052 or the report may be accessed electronically through our website at [www.floridataxwatch.org](http://www.floridataxwatch.org).

Initial implementation of Revision 7 during FY 2004-2005 suggests that selected statutory and other elements of state courts operations need fine tuning (and in certain cases some additional resources) in order to provide optimal taxpayer services. The following report addresses nine funding issues under consideration by the 2005 Legislature.

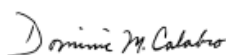
In this age of fiscal belt tightening and economic uncertainty, our state leaders must properly search for ways to keep checks on our state budget. Florida TaxWatch underscores the need to act responsibly with taxpayer dollars while urging our leaders to ensure that the formal institution where our battles for justice are fought and won, our judiciary, is neither impeded nor disrupted as the state continues to implement its new constitutional funding obligations and enhanced management practices.

To help bridge the budget gap and ensure proper management and operation of our state courts, Florida TaxWatch offers the state legislature six well-researched sources of approximately \$180 million in non-tax revenue from the 2004 FTW report plus cost savings, innovations and productivity improvements that could be worth as much as \$30 million when implemented, as applicable, over the next two years by the state courts system and justice administration.

Respectfully,



Hoyt R. "Barney" Barnett  
Florida TaxWatch Chairman



Dominic M. Calabro  
Florida TaxWatch President and CEO

### **SUMMARY OF CONSTITUTIONAL REVISION 7**

Funding for the state courts system, state attorney and public defender offices, and court-appointed counsel shall be provided from state revenues.

All funding for clerks of circuit and county courts performing court-related functions shall be from filing fees for judicial proceedings and service charges. The state shall provide funding where the Constitutions of the United States or Florida preclude fees and service charges to fund court-related functions of clerks of circuit and county courts.

Counties shall fund communications services, existing radio systems, existing multi-agency criminal justice information systems, and the construction or lease, maintenance, utilities, and security of facilities for trial courts, public defender and state attorney offices, and offices of clerks of circuit and county courts performing court-related functions.

Counties shall pay salaries, costs, and expenses of the state courts system to meet local requirements as determined by general law.

Summary of Article V, Section 14, Florida Constitution, as amended by voters in the November 1998 General Election

# Proper Management, Accountability and Funding of the State Courts System is Crucial to Rule of Law, Taxpayer Confidence and a Healthy Economy

## Executive Summary

This Florida TaxWatch *Special Report* addresses the need for proper management and financing of selected statutory elements and other operational functions and responsibilities of the state courts system under Revision 7. These recommendations seek to achieve equity among large urban counties and small rural counties as envisioned in the constitutional amendment approved by voters in November 1998 and implemented beginning July 1, 2004.

## Summary of Recommendations on 2005-06 Funding Issues



### COURT APPOINTED COUNSEL AND SELF-REPRESENTATION BY INDIGENTS

- The 2005 Legislature should leave staffing the 20 circuits' indigent services committees and conflict counsel registries to the trial courts which assumed these functions after Revision 7 took effect. It should also leave the legal function of contesting due process costs to the Justice Administrative Commission unless this function can be performed more cost effectively by contracting with local attorneys.
- To minimize contesting due process costs in cases involving court appointed counsel and self-representation by indigents, each judicial circuit should establish allowable due process cost ranges and require prior approval by a circuit court to exceed them.
- The legislature should carefully consider funding additional positions for the trial courts if they can perform the tasks they assumed more efficiently and review at a later date whether the Justice Administrative Commission needs additional staffing to improve its cost effective operations as well.



### CERTIFICATION OF NEW JUDGESHIPS

- The 2005 Legislature should fund the 110 judges certified by the Supreme Court on November 30, 2004 and included in the Governor's Recommended Budget.
- The legislatively prescribed five-year old caseload weights used to determine the empirical need for new judgeships should be updated.

This is necessary because trial courts' workload changes over time as a result of population growth, the ratio of law clerk/staff attorney positions to judgeships, improved technology and other factors.

- In updating caseload weights, the Office of the State Courts Administrator (OSCA) should follow the well-documented system developed by the National Center for State Courts and OSCA in 2000.



## **TRIAL COURT LAW CLERKS/STAFF ATTORNEYS**

The 2005 Legislature should carefully consider a target for the proper cost effective ratio of trial court law clerk positions for circuit court judgeships. A ratio of one-to-two has been suggested in the past by Florida TaxWatch.



## **COURT REPORTING**

The 2005 Legislature should fund the judiciary's 2005-06 digital court reporting initiative in order to increase statewide uniformity and accountability reduce operating costs by paying for itself in the 3rd year.



## **MEDIATION**

The 2005 Legislature should fund the judiciary's 2005-06 mediation funding request in order to bring all circuits up to a base level to help eliminate disparities in coordination and service delivery. Mediation saves the private sector many tens of millions of dollars by moving from conflict and litigation to mutual problem solving resolution. It also reduces case backlogs that beset other states.



## **LEGAL AID, LAW LIBRARIES, TEEN COURT AND OTHER INNOVATIONS**

The Legislature should carefully consider the value of legal aid programs, law libraries, teen courts and other innovations and how those programs should be funded. The legislature will be better able to assess the funding aspect of these programs at the 2006 Session when more complete data will be available on the revenue raised under the law enacted in 2004. Until then, in those counties wherein the revenue raised under the statute is not sufficient to sustain these programs, counties will be required to support the programs from county funds or the programs will have to continue with lesser resources. Some counties already have contributed funds to sustain the programs.



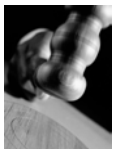
## TECHNOLOGY FUNDING

- In order to achieve consistent implementation of technology, the 2005 Legislature should carefully consider amending existing law to earmark \$1 of a \$4 service charge (levied for recording documents) to state trial courts in each county, and to divide a second \$1 equally between the state attorney and public defender in each county to fund local court-related technology.
- The 2005 Legislature should consider providing funding up to \$500,000 to expand the Judicial Inquiry System to 3,000 users from its current limit of 1,000 and expand connections to 15 of 30 additional state databases to allow judges to access and review information statewide in furtherance of their decision-making responsibilities.
- The Office of the State Courts Administrator and the Florida Association of Court Clerks and Comptroller, Inc., should finalize a memorandum of understanding on the use of comprehensive case information system data for the Judicial Inquiry System because it is the linchpin for the judicial branch to properly fulfill its adjudicatory responsibilities by accessing all relevant sources of information and records.
- All judicial branch and justice administration entities, including the state courts system, clerks of the court, state attorneys, public defenders, the Department of Law Enforcement and other executive branch agencies and local entities, should remove unnecessary impediments to electronic information sharing.



## Resource Management System

The 2005 Legislature should fund a resource management computer system for Florida's judiciary over a two-year period for ongoing responsibilities and those placed on the state under Revision 7. This system is necessary in order for the judicial branch to meet its constitutional and statutory requirements for activity-based budgeting. The judiciary cannot exercise good stewardship of appropriated funds if it cannot adequately account for them, especially since some of the legislatively established elements of the state courts system that must be accounted for became part of the state courts system upon implementation of Revision 7 to Article V on July 1, 2004.



## Competitive Compensation

All state government agencies have taken cuts the past few years, although the state courts system's problems seem distinguishable. The state courts system should develop a compelling business case for the necessity of an appropriation for competitive compensation. The business case should be a data-focused response to questions such as the following:

- Are there hiring and retention problems throughout the state courts system?

- Are there system wide instances of hiring less qualified people because positions cannot be filled above the minimum salary for these positions?
- Has the state courts system's turnover rate increased because of previous years' salary budget cuts?
- Are there comparative data showing that Florida's state courts personnel are underpaid relative to comparable positions in other states' courts systems?
- Is the compensation issue resulting in adverse impacts on Florida taxpayers and will prospective remedies be cost-effective, fair and beneficial to all key parties, especially the taxpayers?



### **Efficiencies to Help Offset the Cost of Implementing Revision 7**

- Appendix B beginning on page 41 shows that the state courts system has implemented a number of recommendations in the Florida TaxWatch February 2004 report, *Proper Funding of the State Courts System is Crucial to Rule of Law, Taxpayer Confidence, and a Healthy Economy*. Additional effort by the courts system plus consideration of recommendations by county governments, clerks of circuit and county courts, state attorneys, public defenders and the justice administrative commission will help bridge the gap between the need for increased resources to execute the state's increased constitutional responsibilities under Revision 7 while holding down increased government spending.
- Pursuant to the legislature's intent for the statutorily established "Agency Incentive and Savings Program", the judicial branch should retain a portion of savings produced by the above suggestions and other efficiencies and cost reductions.
- For legislative consideration, Appendix C of this report provides well-researched (non-tax) revenue-raising measures worth \$180 million annually as recommended by Florida TaxWatch and the legislature's audit arm, the Office of Program Policy and Government Accountability (OPPAGA).

# Proper Management, Accountability and Funding of the State Courts System is Crucial to Rule of Law, Taxpayer Confidence and a Healthy Economy

## Introduction

The fundamental purpose of Article V of the Florida Constitution, the judicial branch of government, approved by Florida voters in 1972, was to create an organizationally uniform state courts system. A quarter century later, voters approved Revision 7 to complete the job by requiring the state, on July 1, 2004, to assume funding responsibility of most operations of the state courts system, state attorneys and public defenders that previously were funded by counties.

In February 2004, Florida TaxWatch (FTW) released *Proper Funding of the State Courts System is Crucial to Rule of Law, Taxpayer Confidence, and a Healthy Economy* which addressed the critical need to equitably fund the state's new responsibilities throughout Florida's 20 judicial circuits. This independent research was a follow-up to several FTW research publications from as early as February 1980.



### EQUITABLE STATEWIDE FUNDING INTENDED

The 1998 Constitution Revision Commission's (CRC) intent of Revision 7 is seen in the following summary of the Commission's February 12, 1998 discussion of Revision 7; a statement of intent; and in the Revision 7 ballot language. These statements show that the voter-approved amendment provides for the state to do more than merely assume uneven county-to-county funding of state courts functions. The purpose of uniform funding is to help ensure citizens' equitable access to essential components of a just courts system in furtherance of the rule of law.

#### Summary of Revision 7 Statements

- The promise of Article V is a fair and balanced approach to statewide funding at every locality. Small counties (pre-Revision 7) have had major problems in, for example, being able to afford conflict counsel in capital cases and this is a very, very serious matter. These counties with fewer resources have been asking us to help get them some relief.-- *Former Supreme Court Chief Justice and Constitution Revision Commissioner Gerald Kogan's comments, February 12, 1998 CRC meeting*
- The Constitution Revision Commission intends for the state to fund all salaries, costs and expenses necessary to ensure the rights of the people to have access to a functioning and efficient judicial system. Core functions and requirements statewide are the obligation of the state and not of individual localities.-- *Constitutional Revision Commission Statement of Intent*
- The amendment expressly promotes uniformity of justice irrespective of geography. Its intent is to make justice less dependent on a county's size or wealth and, therefore, more equitably funded and consistent with local needs. --*Revision 7 Ballot Language Adopted by Florida Voters in November 1998*



## FISCAL FINE TUNING ENVISIONED

The estimated costs of implementing Revision 7 in 2004-05 were based on imprecise financial data in many areas of the state's new fiscal responsibilities. Thus, legislative fine-tuning, likely both increases and decreases in funding Revision 7, was envisioned.

For example, a number of costs associated with court appointed counsel and self-representation by indigents as well as court reporting, mediation and arbitration properly were shifted to the state as of July 1, 2004. A Trial Court Budget Commission, the Florida Comptroller's Office and legislative committees examined local data and worked with circuit and county judges, court administrators, clerks of the court, state attorneys and public defenders in the 20 circuits to define essential judicial elements, reach consensus on functions supporting these elements and forge partial agreement on funding needs of small, medium and large circuits to successfully implement Revision 7.

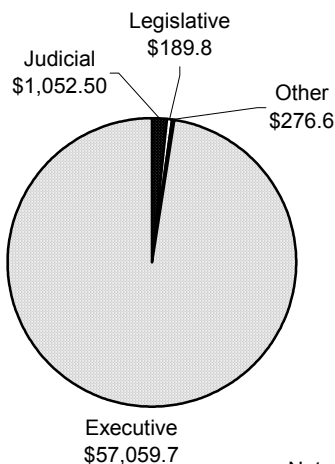


## STATE COURTS SERVE ALL FLORIDIANS, PROVIDE GOOD VALUE

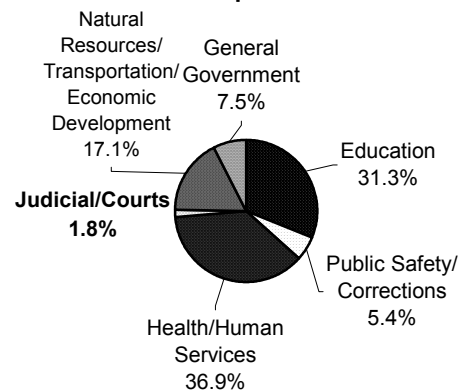
Every Floridian is likely to be touched by the judicial branch of government. Whether as a plaintiff or a defendant in a business or property dispute, a personal injury case, a child in a custody dispute, a victim of violent crime, an heir in a probate proceeding, or a witness, juror or attorney, most Floridians interact with a court in some direct way during their lifetime.

Florida's Executive Branch is spending  
97% of the 2004-2005 Budget; Judicial Branch 1.8%

**Florida \$57.3 Billion Budget:  
Government Spending by Branch**  
(Dollars in Millions)



**How Florida's Budget  
is Spent**



Note: The Judicial Branch includes: The State Courts System, State Attorneys, Public Defenders, and the Justice Administrative Commission.

Source: State Budget and Florida TaxWatch

Floridians get good value for the money spent on their state courts system. The total dollar amount (\$1.05 billion) for the judicial branch plus state attorneys, public defenders and the Justice Administrative Commission for FY 2004-2005 is only 1.8% of Florida’s \$57.2 billion budget.

Florida’s state courts system is recognized as among the nation’s best for innovations, groundbreaking achievements and excellence by the National Center for State Courts, the American Bar Association and others. Since the 1970s, Florida has led the way in openness of court proceedings and records; access to justice for litigants without attorneys; innovations to reduce time spent on jury duty; efficiency and timeliness in processing a large volume of cases; and drug courts that save money—and lives!

Florida’s state courts system is also looked to as a model of efficiency. Its trial courts operate with a reported 33% fewer judges than the average number in the 10 most populous states. Its judges are assigned an average of 31% more cases than their counterparts nationally.

Florida’s judiciary compares favorably with other states in terms of the number of judges provided per 100,000 population; the number of trial court filings and dispositions per 100,000 population; and the percentage of state budgets spent on judiciaries as a whole and as an amount per person.

**State Courts System Funding**

<b>New State Responsibilities as of 7/1/04</b>	<b>Continuing State Responsibilities</b>	<b>County Responsibilities</b>
Hearing Officers/Magistrates Court Administration Court Reporting Court Interpreting Expert Witnesses Legal Materials for Judges and Staff Attorneys Mediation/Arbitration Case Management	Judges Judicial Assistants/Law Clerks Juror Compensation Supreme Court Appellate Courts Judicial Qualifications Commission	Court Facilities Office Space Existing Communications & Information Systems State Courts Services to Local Governments

## Florida TaxWatch Study Issues



### **PRIVATE, COURT-APPOINTED COUNSEL AND DEFENDANTS AND PARTIES EXERCISING SELF-REPRESENTATION**

#### **Constitutional Right To Representation**

Where entitled under the federal and state constitutions or as authorized by general law, an individual has a “due process” right to be represented by counsel in order to mount an adequate defense. This right applies in criminal, guardianship, child dependency and termination of parental rights cases, and in appeals of such cases.

When the right to an attorney applies and a person cannot afford one, the court appoints an attorney at public expense. A person also may choose to represent himself/herself. In either case, due process costs such as a court reporter, an interpreter, and lay and expert witnesses must be paid from public funds if the person cannot afford them.

An indigent’s right to counsel is met by the appointment of a public defender, except when doing so would create a conflict of interest. A conflict often arises when multiple, indigent defendants are involved in a single crime such as selling or distributing drugs, and one defendant is willing to reach an agreement with the state attorney in exchange for testifying against the others. In such circumstances, a public defender cannot zealously represent each defendant. The court then appoints a private attorney to represent the defendants not represented by a public defender. The private attorney commonly is referred to as “private, court-appointed counsel” whose fees, costs and expenses are paid from public funds.

A court may determine a person is “indigent for costs” if that person, that person’s family or some other third party can afford to pay an attorney but cannot afford to pay due process costs. Similarly, a person can be declared indigent for costs if a private attorney takes the case without compensation and the person cannot pay due process costs. Public funds also pay due process costs when an individual chooses to defend himself or herself and the court determines the individual cannot pay such costs.

#### **Previous Legislative Action**

Legislation implementing Revision 7 created Article V Circuit Indigent Services Committees (CISCs) in Florida’s 20 judicial circuits. Each committee is composed of four members, including the chief judge of the circuit who chairs the committee, the public defender for the circuit, an experienced private criminal defense attorney and an experienced civil trial attorney. The CISC must meet at least quarterly.

The legislation tasked CISCs with managing appointment and compensation of private, court-appointed counsel. Each was required to establish a registry by October 1, 2004, and a schedule of standard fees and expense allowances for various types of cases. Judicial circuits met these requirements either through a new administrative order or by carrying over the process which existed before July 1, 2004.

Funding and positions for processing CISCs' fees and expenses are appropriated to the Justice Administrative Commission (JAC) in the General Appropriations Act. The JAC attorneys have begun traveling to circuits to contest fees and costs when deemed necessary.

What the legislature did not contemplate is staffing needs of each CISC and the workload involved in managing the registry after July 1, 2004, when county employees ceased to be involved. Generally, circuit trial court administrators (TCAs) assumed these extra fiscal and human resources duties using existing court staff. While that burden is reduced now that the start-up phase has been completed in most circuits, there are on-going management and support functions for which no additional resources were allocated to TCAs by the legislature.

### **Paying The Bills**

Before implementation of Revision 7 requiring a state-funded courts system, counties paid for private, court-appointed counsel and their related due process costs and the due process costs of those declared "indigent for costs." Generally, the chief judge of a circuit -- through an administrative order -- set allowable fees for costs and the county attorney appeared in court to challenge them when the county thought they were unjustified. County funds also paid for staffing and maintaining ever-changing registries of qualified and available private attorneys willing to act as private, court-appointed counsel.

With the July 1, 2004 implementation of Revision 7, counties no longer play a role in containing fees and costs or in staffing and maintaining the registry.

### **Continuing Issues**

The following issues continue:

1. Who should be responsible for:
  - Staffing each CISC and each registry; and
  - Monitoring the fees of private, court-appointed counsel and due process costs separate and apart from the Justice Administrative Commission's (JAC's) role in paying the bills?
2. Who should be responsible for monitoring and, if necessary, contesting the fees of private, court-appointed counsel and due process costs?

Regardless of which branch of state government absorbs these functions, the judiciary through its trial court administrators or the executive through the JAC, one or the other will take over work formerly performed by county employees.

The Florida Supreme Court Commission on Trial Court Performance and Accountability (TCP&A) has recommended that staffing each Circuit Article V Indigent Services Committee and registry, and monitoring the fees of court-appointed counsel and due process costs, should be housed within the Justice Administrative Commission rather than the judicial branch because of a concern that courts' adjudicative role may periodically conflict with their administrative role. However, at least two trial court administrators have successfully managed the functions under #1, apparently without conflict, for a number of years -- albeit with county employees. Thus, the argument of the TCP&A for shifting the functions under #1 to the JAC do not square with some circuits' experience.

### **Recommendations**

- Due process fiscal and support functions should be separated from legal functions.
- Fiscal/support functions of staffing each CISC, staffing registries and monitoring attorneys' fees and due process costs should be performed by trial court administrators' (TCAs) offices that are familiar with their judicial circuits' procedures and attorneys. The 2004 Legislature did not fund any positions to perform these additional responsibilities. In the transition under Revision 7, TCAs have assumed them with existing staff.
- Tallahassee-based Justice Administrative Commission attorneys should continue to travel to the circuits or appear telephonically to contest attorney's fees and due process costs, or if the workload warrants it, the JAC should contract with local attorneys to perform this function. This workload will be diminished by the TCA offices monitoring attorneys' fees and due process costs and by the fact that a number of circuits have established attorneys' fees for various types of cases.
- All circuits should establish due process cost ranges and require prior approval by the appropriate court if counsel wishes to exceed them. These requirements should further minimize the legal workload in contesting due process costs at the end of a case.
- The 2005 Legislature should carefully consider funding additional positions for the trial courts to perform fiscal/support functions of staffing each CISC, staffing registries and monitoring attorneys' fees and due process costs if they can perform the tasks they assumed more efficiently, and review at a later date whether the Justice Administrative Commission needs additional staffing to improve its cost effective operations as well.



## Certification of New Judgeships

Article V, section 9, of the Florida Constitution, provides that if the Supreme Court finds a need exists for increasing or decreasing the number of county, circuit or court of appeal judges, it shall certify the need to the legislature. At its next regular session, the legislature must consider the certification and may deviate from the Supreme Court’s recommendations only upon an affirmative vote by two-thirds of the membership of both houses.

Based in part on a report authored by the legislature’s audit arm, the Office of Program Policy Analysis and Government Accountability (OPPAGA), the 1998 and 1999 legislatures appropriated a total of \$155,000 for the Office of the State Courts Administrator (OSCA) to revise the underlying methodology the Supreme Court used to certify the need for additional trial judges. OSCA contracted with the National Center for State Courts (NCSC) -- a nationally recognized organization which had performed similar work in eleven other states. OSCA contributed significant staff time to the project, plus nearly \$50,000 from other appropriated funds.

Florida has a judiciary of 876 judges (280 county judges, 527 circuit judges, 62 district court of appeal judges and seven Supreme Court justices) to serve a population of more than 17 million citizens. **Our trial court system, acknowledged as one of the best in the nation, operates with a reported 33% fewer judges than the average number in 10 of the most populous states.**

The NCSC’s January 2000 report included a well documented and reliable system for determining the need for additional trial judges.<sup>1</sup> Event-based case weights were developed using a sample of judges who recorded the amount of time spent processing cases that came before them. A group of judges then reached consensus on a reasonable caseload based upon the amount of time necessary to process various types of cases and the relative weight that should be given each type of case.

Using the legislatively funded and approved methodology, the Supreme Court since 2000 has certified the need for 272 new trial judges, but the legislature has created only 45 new trial judgeships. Even in years when the legislature funded new trial judges, only about half of those certified were authorized. Over the same time period, the court certified the need for eight new district court of

appeal judgeships, but the legislature did not authorize any. New court of appeal, county and circuit judgeships were last created by the legislature in 1999, 2001 and 2002, respectively.

Florida taxpayers paid more than \$200,000 for the Supreme Court to develop and implement the methodology the legislature thought necessary to have confidence in the court’s certification of need for additional trial judgeships. Yet, since 2000, the legislature has created and funded less than 20 percent of the judgeships the Supreme Court has certified as necessary for a properly functioning courts system. Why?

Given that the Supreme Court developed, adopted and has followed the methodology the legislature desired, it is hard to fathom any good, objective reason why legislators have not created the number of judgeships certified in years when there has not been an overall state budget shortfall. And authorizing less than the number of judgeships certified obviously falls short of the need established by the approved methodology.

On November 30, 2004, the Supreme Court certified the need for two additional district court of appeal judges, 67 additional circuit judges and 41 additional county judges.<sup>2</sup> The Court's budget request for FY 2005-06 includes these new judgeships. The Governor's Recommended Budget includes all 110 of the judges certified by the Court but delays almost one-third of the judgeships until after the 2006 Legislative Session. This is of particular concern because the judiciary has not been fully staffed since 2000 when the current methodology sought and approved by the legislature for determining new judgeships was implemented.

The judicial branch has also requested \$140,000 to update the caseload weights developed by the NCSC. Five-year updates -- recommended by the NCSC in its 2000 report -- make sense because trial courts' workload changes over time.

In updating caseload weights, the Office of the State Courts Administrator (OSCA) should follow the well-documented system developed by the National Center for State Courts and OSCA in 2000.



## TRIAL COURT LAW CLERKS/STAFF ATTORNEYS

Trial court law clerks, also referred to as staff attorneys, generally are recent law school graduates who perform legal research on substantive and procedural issues, review briefs submitted in appeals from county court, draft judicial orders, and review the numerous motions for post-conviction relief received by trial courts. Such motions are often handwritten and can require considerable study to discern whether well-founded legal issues have been raised.

Law clerks perform computer-based legal research and other duties at roughly two-thirds less cost than trial court judges (the minimum starting salary for a law clerk is approximately \$41,000 versus \$134,650 for a circuit court judge) thereby conserving more expensive judicial resources and allowing judges to focus on the decision-making requirements of their constitutionally mandated adjudicatory function.

Funding currently is based on a ratio of one law clerk to three circuit court judges. According to the state courts system's Trial Court Budget Commission (TCBC), this ratio does not meet the needs of trial judges.

While the TCBC has determined that funding a one-to-one ratio of law clerks to circuit judges is optimal, it concurs with a recommendation in Florida TaxWatch's February 2004 report on funding the state courts system that a one-to-two ratio of law clerks to circuit judges would provide at least adequate legal support for every circuit.

Currently, 174 trial court law clerks work in the 20 judicial circuits, with every circuit having at least one. The Eleventh Circuit encompassing Miami-Dade County has the largest number – 25 law clerks for its 71 circuit judges; the Sixteenth Circuit encompassing Monroe County has the fewest – one law clerk for its four circuit judges. The location of current and proposed trial court law clerks is as follows:

In no small measure because of law clerks, Florida's trial courts currently operate with one-third fewer judges than the average of the 10 most populous states, and Florida judges handle almost one-third more filings than the national average.

<b>Trial Court Law Clerks- Current and Proposed Position Locations</b>			
<b>Circuit</b>	<b>Current FTE*</b>	<b>Proposed FTE*</b>	<b>Total</b>
1	7	4	11
2	5	3	8
3	2	1	3
4	10	6	16
5	8	5	13
6	14	7	21
7	8	4	12
8	4	2	6
9	12	7	19
10	7	4	11
11	25	12	37
12	6	4	10
13	12	7	19
14	3	2	5
15	11	6	17
16	1	1	2
17	18	9	27
18	8	4	12
19	5	3	8
20	8	4	12
<b>Total</b>	<b>174</b>	<b>95</b>	<b>269</b>

\*FTE=Full Time Position  
Source: Office of State Courts Administrator

Based on the one-to-two ratio, the judiciary has requested 95 additional trial court law clerk positions listed above at a total cost of \$6.5 million in general revenue. The Governor’s Recommended Budget does not include these positions.

Florida TaxWatch recommends that the 2005 Legislature should carefully consider a target for the proper cost effective ratio of trial court law clerk positions for circuit court judgeships. A one-to-two ratio has been suggested in the past by Florida TaxWatch.



## COURT REPORTING

Court reporting is a legislatively established element of the state courts system to be provided from state revenues pursuant to Revision 7. Prior to July 1, 2004, counties paid for this service.

The state courts system currently accomplishes its court reporting requirements with state employees or by contracting with individuals or court reporting firms. This service is paid from public funds in circuit and county criminal, domestic violence, termination of parental rights, juvenile delinquency and dependency, guardianship, Baker Act (civil commitment) and Marchman Act (substance abuse) proceedings.

***Florida TaxWatch recommends that the legislature fund the Judiciary's 2005-06 court reporting initiative in order to reduce costs and increase statewide uniformity and accountability as envisioned by the framers of the 1998 voter-approved Revision 7 constitutional amendment.***

### **Court reporting is accomplished through several different technologies:**

- Stenography, which involves a person whose keystrokes are recorded on a disk, in computer memory or on a paper tape. Real-time stenographic systems translate the “keystroked” record to produce a transcript of a proceeding.
- Analog audio recording of a proceeding on magnetic tape.
- Digital court reporting, which is digital audio recording of a proceeding accomplished through a:
  - “Stand alone system” which may be portable, such as a laptop computer or a hand held device (MP3 player), or stationary, such as a desk-top computer. This type of system is similar to what the legislature uses for recording committee meetings.
  - “Network-enabled device” which is monitored from a control room typically found in larger courthouses. A digital court reporter simultaneously monitors recordings in several courtrooms and views proceedings via a video camera in each courtroom. The term “device” refers to a microphone in front of a participant in a proceeding.
  - “Remote monitoring of network-enabled device” which involves a court reporter simultaneously monitoring digital audio recordings in courtrooms in several different courthouses from an off-site control room.

**The state courts system has determined that digital court reporting, applied appropriately in most but not all circumstances, is the best option for efficiently and effectively providing this service.<sup>3</sup>**

While a stenographic record is appropriate in court proceedings like capital cases where there is often a demand for an expedited transcript or a subsequent appellate review, or both, it is not necessary for the vast majority of proceedings. If a partial or complete transcript becomes necessary, a digital voice recording on CD or DVD with voice channeling is a faster medium from which to produce a transcript. It is also a clearer, crisper and longer lasting medium than a cassette recording.

***The judiciary's proposed initiative would reduce the cost of employee and contract court reporting in circuits without digital court reporting and further reduce the costs in circuits with digital reporting experience.***

***Increased uniformity of court reporting should result in greater accountability by enabling the state courts system to develop an accurate unit cost measure which can be applied across circuits.***

Based on data submitted by Florida's trial courts, the Trial Court Performance and Accountability Commission (TCP&A) estimates that approximately 80% of the total transcript workload statewide originates from entities outside the judiciary including state attorneys, public defenders and conflict counsel. These entities can obtain digital voice recordings of desired

proceedings on CD or DVD and take them to a private transcription service rather than a court-employed "transcriptionist" to obtain a written record. The amount of court resources devoted to creating transcripts thereby would be reduced. Making this cost savings a reality will require state attorneys, public defenders and court appointed counsel to shift from reliance on complete transcripts to use of digital voice recordings.

The TCP&A notes that digital court reporting:

- Reduces the number of court reporting staff required to be present at proceedings and the need for stenographers in favor of less costly digital court reporters.
- Streamlines equipment purchases and coverage of proceedings, especially for circuits with multiple counties, by having a centralized or remotely monitored system.
- Reduces reliance on clerk of court employees for court reporting in some locations.

Example: The 20<sup>th</sup> Judicial Circuit serves five counties in Southwest Florida. In the last 2½ years, this circuit has transitioned from traditional court reporting, using contracted court reporters, to a digital court recording system. The system has been installed in 39 courtrooms in five counties, at a cost of approximately \$825,000.

In fiscal years 2003, 2004 and 2005 (projected), expenditures for court reporting services have been reduced by a reported \$991,757, more than paying for the \$825,000 capital investment. Digital recording has reduced the circuit's annual budget from approximately \$1.4 million to just over \$780,000 – before the system is fully operational.

As requested by the judicial branch, the 2004 Legislature funded court reporting services to maintain each circuit's service level as it existed prior to July 1, 2004, whether provided by government employed or contract reporters. Digital court reporting already is in use on a limited basis in a majority of Florida's 20 judicial circuits. In its 2005-06 budget request, the judicial branch statewide seeks to move further toward this technology.

To make this transition, the judicial branch is requesting \$2.15 million of General Revenue to fund 50 "contingency" positions approved by the 2004 Legislature as additional staff if justified by Revision 7 workload. The judicial branch is also requesting \$4 million of non-recurring revenue to purchase digital court reporting equipment ranging from updated microphones to hand held digital recording devices to digital court reporting systems.

## Mediation



Prior to Revision 7, there was wide disparity among circuits in terms of mediation coordination and delivery because these functions were county funded. The 2005 Legislature should fund the judiciary's 2005-06 mediation funding request in order to bring all circuits up to a base level to help eliminate disparities in coordination and service delivery. Mediation saves the private sector many tens of millions of dollars by moving from conflict and litigation to mutual problem solving resolution. It also reduces cases backlogs that beset other states.

Legislation implementing Revision 7 to Article V of the Florida Constitution includes mediation as a state-funded element of the courts system. This element is limited to referral of pending cases to mediators or court-related mediation programs by trial courts.

Last year, the state courts system's Trial Court Budget Commission established each circuit's need for state funding of mediation by combining a threshold formula based on circuit size and a workload formula based on number of case filings. However, the legislature essentially funded mediation at the level of counties' 2003-04 expenditures.

The judiciary's FY 2005-2006 budget request again seeks funding for uniform coordination and mediation services by bringing all circuits up to a base level through a threshold formula based on circuit size and providing mediators through a workload formula.<sup>4</sup> Trust fund authority is sought to spend funds collected from parties required to pay for mediation services.

### State Courts Funding Request

To achieve a uniform base of mediation services in all circuits, the judicial branch has requested a \$3.4 million appropriation as follows:

- \$1.3 million general revenue for 20 positions, including salaries and benefits, standard expense, human resource services and operating capital outlay;
- \$1.7 million general revenue for contractual services;
- \$445,604 trust fund authority.

This request was not included in the Governor's Recommended Budget.

Mediation is defined statutorily as a process whereby a neutral third person acts to encourage and facilitate resolution of a dispute between two or more parties. It is an informal and non-adversarial process whose objective is to help the parties reach a mutually acceptable and voluntary agreement. Decision-making authority rests with the parties. The mediator assists them in identifying issues, fostering joint problem solving and exploring settlement alternatives. Florida law defines the following types of mediation in which a mediator is always present:

- "County court mediation" is for civil cases including small claims. Negotiations in county court mediation are primarily conducted by the parties – the presence of counsel is not required.
- "Circuit court mediation" is for civil cases other than family matters. Counsel of record must appear unless otherwise stipulated by the parties or ordered by the court.
- "Family mediation" is for married and unmarried persons, before and after judgments, involving dissolution of marriage; property division; shared or sole parental responsibility; or child support, custody and visitation involving emotional or financial considerations. Negotiations in family mediation are primarily conducted by the parties – the presence of counsel is not required.
- "Dependency or in need of services mediation" involves dependency, child in need of services, or family in need of services matters. Negotiations are primarily conducted by the parties – the presence of counsel is not required.
- "Appellate court mediation" occurs during appeal of a civil case.

### **When May Mediation Be Ordered?**

Upon request of one party, a court must refer to mediation a civil action for monetary damages if the requesting party is willing to pay the cost of mediation or the cost equitably can be divided between the parties. This requirement does not apply to certain actions including landlord/tenant disputes where there is no claim for personal injury, debt collection, or medical malpractice. Where not required, the court can refer to mediation all or any part of a civil action.

If a circuit has a family mediation program, a court must refer to mediation all or part of disputes of custody, visitation or other parental responsibility issues. However, such referral cannot be made if the court finds a history of domestic violence that would compromise the mediation process.

### **Who Pays?**

Whenever possible, courts appoint qualified volunteers to serve as mediators. Expenses associated with their service such as meals, parking, etc. are paid.

Non-volunteer mediators are compensated as provided by court rule. If a mediation program is government-funded, mediators may be paid by government or by the parties. If a party is indigent or insolvent, that party's pro rata share of a mediator's compensation is paid by government.

A filing fee of \$1 is levied on all proceedings in circuit and county courts to fund mediation services.

### **Coordination and Service Delivery**

Court-based mediation has two components – coordination and service delivery.

#### ▪ **Coordination**

- Generally coordination involves scheduling times and locations for sessions. If a program is staffed by volunteers, the coordinator may train the volunteers and determine their availability. Often the coordinator is a qualified mediator who fills in when scheduled mediators are unable to attend.
- Before Revision 7, mediation coordination was based on local needs and resources. There was wide variation among the circuits in coordination activities.
- Post-Revision 7, the Office of the State Courts Administrator (OSCA) seeks to institute a standard amount of mediation coordination support based on circuit size, with some flexibility in how circuits deliver coordination services.

#### ▪ **Service delivery**

- Pre-Revision 7, mediation was available for a variety of cases within widely varying income eligibility ranges.
- Post-Revision 7, court-based mediation is available statewide for family dependency, county civil and small claims cases within uniform income eligibility ranges. Mediation continues to be provided through a combination of volunteers, paid staff mediators and contract mediators whose market-driven fees are paid on an hourly, per session, or per case basis.

### **Cost Recovery**

“Cost recovery” represents what parties are required to pay for mediation services. Pre-Revision 7, there were disparities among indigent family and dependency parties, non-indigent family mediation where there was wide variation in income eligibility, and non-indigent dependency cases.

Post-Revision 7, cost recovery has been partially standardized. By statute, when court-ordered mediation services are provided by a circuit court's mediation program, the following fees, unless otherwise established in the General Appropriations Act, are collected by the clerk of court:

- \$80 per person per session in family mediation when the parties' combined income is greater than \$50,000, but less than \$100,000 per year;
- \$40 per person per session in family mediation when the parties' combined income is less than \$50,000;
- \$40 per person per session in county court cases;
- No fees are assessed in eviction cases, against a party found to be indigent, or for any small claims action.

Since the legislature did not set fees for family mediation when the parties' combined annual income is \$100,000 or more for dependency cases, the fees charged are market driven.



## LEGAL AID, LAW LIBRARIES, TEEN COURT AND OTHER INNOVATIONS

Before implementation of Revision 7 to Article V of the Florida Constitution on July 1, 2004, the legislature provided various mechanisms for funding local legal aid programs, law libraries, teen court and other innovations. In an attempt to sustain these valuable programs post-Revision 7, the legislature created different funding mechanisms for them. It is unclear at this time whether these new funding mechanisms will be able to sustain the programs.

### Funding Legal Aid and Law Libraries Pre-Revision 7

The provision of legal aid to indigent persons is important to ensure that all Floridians are able to participate in the judicial system. Florida Legal Services, Inc. [FLS], founded in 1973, is a nonprofit organization that facilitates legal assistance in specific areas of civil law to persons who otherwise could not afford to obtain the services of an attorney. FLS is a statewide support office that works with all local legal aid or "field" programs to coordinate advocacy on common client problems and information sharing and provide substantive expert advice, technical assistance, co-counseling and training to field program staff.

Local legal aid programs involve direct client intake and provide mostly individual client service for low-income residents in their service areas. Every county in Florida is served by at least one field program but not every county has a legal aid office. Some counties, particularly rural counties, are served by circuit riding.

Law libraries discussed herein refer to those specialized legal libraries generally housed in the county courthouse. They maintain a specialized collection of legal materials including such items as statutes, cases, treatises in specific legal areas and legal reference materials. Generally, the legal materials housed in these law libraries go well beyond what is housed in the public library in the county.

Before implementation of Revision 7 on July 1, 2004, local legal aid programs and law libraries were funded under Florida statutes which permitted the imposition of service charges at the time of filing various probate proceedings and civil actions and proceedings in circuit court. Such service charges also could be imposed at the time of filing civil actions and proceedings in county court. Florida law allowed these service charges to be imposed either by local ordinance or by a special or local law enacted by the legislature. There was no limitation on the service charge that could be imposed, but there was a limitation on the total cost of filing a civil action or proceeding.

Thus, in those counties which had an operating legal aid program or a law library, or both, there was a dedicated and stable source of revenue unaffected by the financial circumstances of those using the legal system. In effect, in order to initiate a probate proceeding or a civil action or proceeding, the service charge had to be paid thereby ensuring funding of the programs.

In 2002 the legislature passed the “Florida Access to Civil Legal Assistance Act,” sections 68.094 through 68.104, F.S. Under this act, the State of Florida funds pilot programs in seven judicial circuits to secure the legal rights of low-income eligible clients relating to family law, juvenile law, entitlements to federal government benefits, protection from domestic violence, elder and child abuse, and immigration by providing legal assistance and education regarding legal rights and duties under the law. State funds flow through Department of Community Affairs to The Florida Bar Foundation which runs a separate grant program in the pilot circuits. The local legal aid programs serving the counties in those circuits get the funds to provide the legal assistance authorized by the act.

### **Funding Teen Court Pre-Revision 7**

Teen court is an alternative approach to the traditional juvenile justice system. Most teen courts require defendants to plead guilty prior to participation in the program. In a teen court, juvenile offenders are held accountable for substance use and other misdemeanor offenses and sentenced by a jury of their peers to community service, counseling, or restitution or some combination of the three, and the offender could be required to apologize to the victim.

The participants in the teen court proceeding - prosecuting counsel, defense counsel and other court personnel, except the judge, are youth. Teen court operates on the premise that positive peer pressure will be able to correct illegal behavior.

Pre-Revision 7, like legal aid and law libraries, teen court had a revenue source dedicated solely to it. Before implementation of Revision 7 on July 1, 2004, teen courts were funded pursuant to a Florida statute which authorized a county to enact an ordinance assessing up to a \$3 court cost in certain cases. The \$3 was assessed as a court cost in the circuit and county court against a person who violated a criminal law, municipal ordinance, county ordinance or paid a fine or civil penalty in a traffic case.

### **Funding Legal Aid, Law Libraries and Teen Court Post-Revision 7**

The 2004 Legislature repealed the funding statutes noted above, except the Access to Civil Legal Assistance Act, and enacted section 939.185, Florida Statutes, giving counties authority to impose up to an additional \$65 in court costs when a person pleads guilty or *nolo contendere* or is found guilty of a felony, misdemeanor or criminal traffic offense. This additional court cost, if imposed, is allocated equally on a 25 percent basis to fund:

- Legal aid programs required under Section 29.008(3)(a), F.S.;
- Personnel and legal materials for the public as part of a law library;
- Teen court programs, juvenile assessment centers and other juvenile alternative programs and innovations to supplement state funding for the elements of the state courts system identified in Section 29.004, F.S.; and
- County funding for local requirements under Section 29.008(2)(a) 2., F.S.

Under section 29.008(3)(a), F.S., the legislature specified that existing legal aid programs were a “local requirement” that counties must fund at a level equal to or greater than the amount provided for the period October 1, 2002 through September 30, 2003 from the service charges collected at probate and civil case filing under the old law. Thus, existing legal aid programs funded under the old law were guaranteed comparable funding under the new law. However, with respect to the other counties which had not supported legal aid from filing fees, some have adopted the court cost authorized under section 939.185 and are funding legal aid programs to the extent of the funds collected, and some counties have chosen not to adopt the court cost.

Beginning September 30, 2004, section 939.185 requires each county to report not later than 30 days after the end of a quarter the funds collected and expended for each of the programs noted above during the quarter. The Department of Financial Services (DFS) has compiled the individual county reports. The DFS report for the quarter ending September 30, 2004 shows that a number of small counties and one large county did not impose the optional \$65 court cost and that a number of counties spent more than collected from the \$65 cost. Those counties which were able to spend more than collected did so by supplementing from county funds. As some counties have not yet reported for the quarter ending December 31, 2004, DFS has been unable to compile a complete report for that quarter.

The funding scheme now in place may not be able to sustain law libraries and teen court programs or legal aid offices in those counties which had not supported those offices from filing fees. For example, the executive director for the Miami-Dade County Law Library notes that revenue for 2003 under the pre-Revision 7 statute was \$1.7 million. Under the post-Revision 7 statute, projected revenue for the law library is \$1.5 million. This projection assumes that all court costs assessed will be collected, but actual revenue will be less, and perhaps much less, because many of those who violate the applicable laws will fail to pay either through inability or disregard. Under the post-Revision 7 law, Miami-Dade County reported total revenue under s. 939.185, F.S., of \$133,616 for the quarter ending September 30, 2004 with one quarter of that total, \$33,404, allocated under the statute to the law library.

Assuming revenue continues as in the first quarter, the total revenue for the year for the Miami-Dade County law library would be \$133,616, well below the revenue received under the pre-Revision 7 law. Under these circumstances, it is difficult to imagine the Miami-Dade County law library can continue its current operation without supplementary county funding.

Many legal aid offices not previously funded from filing fees and teen court programs may be in circumstances similar to those experienced by the Miami-Dade County law library. The initial policy issue for the legislature is whether it wants to sustain these three programs and other innovations through the court cost mechanism in the current statute. If it does, then it may have to increase the authorized \$65 court cost to some higher amount. If the legislature does not want to sustain these programs through the \$65 court cost, then it can leave that amount as is, and counties will have to supplement from county funds.

It should be noted that legislation has been introduced in the Florida House and Senate in the 2005 Session that would re-create the pre-Revision 7 funding scheme for teen courts. If that legislation is enacted, then the legislature may want to consider whether it also wants to continue providing funding for that program under section 939.185.

### **Recommendation**

The legislature should carefully consider the value of legal aid programs, law libraries, teen courts and other innovations and how those programs should be funded. The legislature will be better able to determine the funding aspect of these programs at the 2006 Legislative Session when more complete data on the revenue raised under section 939.185 will be available. Until then, in those counties wherein the revenue raised under the statute is not sufficient to sustain these programs, counties will be required to supplement the programs from county funds. Some counties have already done so.



## TECHNOLOGY FUNDING

Coincident with the July 1, 2004 effective date of Revision 7 to Article V of Florida’s Constitution, the legislature created two initiatives intended to bring justice system technology up to 21<sup>st</sup> century standards:

- It authorized a service charge on recorded documents as an on-going source of revenue for trial courts, state attorneys and public defenders to acquire technology for local use; and
- It created the Article V Technology Board to develop a plan to facilitate information sharing among the various entities that comprise the justice system.

### Funding Local Court-related Technology

Section 29.008(1)(f)2., F. S. (2004) defines court technology as  
 ...”all computer networks, systems and equipment, including support staff or services and training necessary for an integrated computer system to support the operations and management of the state courts system, the offices of the public defenders, the offices of the state attorneys, and the offices of the clerks of the circuit and county courts and the capability to connect those entities and reporting data to the state as required for the transmission of revenue, performance accountability, case management, data collection, budgeting, and auditing purposes.”

Section 28.24(1)(e)1., Florida Statutes (2004), imposed a \$4 service charge on most documents recorded in the official record books of clerks of the circuit court. Two dollars of this service charge is retained by the clerks and \$2 is distributed to boards of county commissioners to fund technology for the state trial courts, state attorneys and public defenders.

Under Section 29.008(1)(h), F. S. (2004), the \$2 that county commissions currently allocate to trial courts, state attorneys and public defenders to acquire technology also is to be used in part to fund existing multi-agency criminal justice information systems (CJIS). The overall funding scheme remains in place so long as counties maintain responsibility for the costs of court-related technology needs. The legislature did not specify what portion of the \$2 service charge is to be distributed, respectively, to the state trial courts, the state attorney, and the public defender.

***Florida TaxWatch recommends amending Section 28.24(1)(e)1., Florida Statutes, to earmark \$1 of the \$2 service charge on recorded documents currently distributed to boards of county commissioners to state trial courts in each county and \$.50 each of the remaining \$1 to the state attorney and public defender in each county. Time will tell whether the \$2 service charge is sufficient to fund the technology needs of all three entities, especially in rural counties which often need basic, minimum technology to adequately serve their citizens.***

## Article V Technology Board

In the 21<sup>st</sup> century there is no good reason why Florida's trial courts should not have access to information statewide that is relevant and crucial to informed and appropriate disposition of cases. Such access is critical for judges in both criminal cases to ensure public safety and in civil cases when, for example, a family is involved and separate actions affecting it have been filed for domestic violence, temporary child support, child abuse, juvenile delinquency or dissolution of marriage, or when there is other current justice system involvement by one or more family members.

With these circumstances in mind and implementation of Revision 7 at hand, the 2004 Legislature created the Article V Technology Board composed of ten members: the chief judge of a circuit who serves as chairman; two private sector representatives with general knowledge or experience in managing enterprise integration projects; a person representing executive branch agencies on the Criminal and Juvenile Justice Information Systems Council; a representative of law enforcement agencies; a state attorney; a public defender; a court clerk; a county budget director; and a county management information systems director.

The Board is charged with reviewing and recommending alternative models for integrating computer information systems throughout Florida's justice system, including those of the trial courts, clerks of court, state attorneys, public defenders, Department of Highway Safety and Motor Vehicles and other law enforcement agencies.

***Florida TaxWatch recommends funding expansion of the state courts system's Judicial Inquiry System (JIS) which is designed to allow judges to access and review information statewide in furtherance of their decision-making responsibilities.***

***As the Article V Technology Board develops recommendations for a model through which information stored in computer systems of the various justice system entities readily can be shared electronically, it is imperative for all entities to remove impediments to its accomplishment by focusing on the goal of helping ensure swift and fair adjudication through information sharing.***

## Final Report

The Technology Board is to issue a final report in January 2006 proposing alternative integration models. For each model, the Board is required to:

- Analyze its policy, functional, operational, fiscal and technical advantages and disadvantages. This analysis must address the specific plans and integration requirements of the Judicial Inquiry System (JIS) developed by the Office of the State Courts Administrator (OSCA) and the Comprehensive Case Information System (CCIS) developed by the Florida Association of Court Clerks and Comptroller, Inc. (FACC).

- Propose a system for maintaining security to prevent unauthorized access to applications or data.
- Propose an operational governance structure to achieve and maintain integration among system users at both the state and judicial circuit levels.

## Interim Report

On January 10, 2005, the Board issued its interim report which statutorily was required to address the four areas below. Board actions addressing each are noted.

1. Identify minimum data elements and functional requirements needed by each state courts system entity to conduct business transactions and needed by the legislature to maintain policy oversight.

**Board action:** Created a searchable catalogue of common data elements. Adopted the current functional standards document developed by OSCA.

2. Identify security and access requirements to enable and maintain data integration.

**Board action:** Established goal of providing *single sign-on capability* so that users throughout the justice system can access information from any database within the system. Whenever possible this will be accomplished over the internet.

3. Identify information standards and protocols for data integration, including common identifiers, common data field elements and a common data dictionary.

**Board action:** Agreed to the necessity to develop a *common, unique personal identifier*, irrespective of case identifier, that spans multiple systems, organizations and jurisdictions.

4. Recommend policy, functional and operational changes needed to achieve necessary access to data.

**Board action:** The Board's report recognized that data sharing among justice system entities dictates minimization of redundant entry of data, accommodating requests for electronic exchange of information, standards, and simplified access to information. These requirements are all elements of common-sense business practices.

## The Work Ahead

Having issued its interim report, the Board will be developing recommendations for a model through which information stored in computer systems of the various justice system entities readily can be shared electronically.

One example of policy issues, not to mention technical challenges, which must be resolved in order to accomplish this task is illustrated by initial attempts of the judiciary and clerks of court to reach agreement on information sharing.

As noted above, one of the Board's statutorily prescribed tasks is to address specific plans and integration requirements of the Judicial Inquiry System (JIS) and the Comprehensive Case Information System (CCIS). The following is intended to assist in understanding this legislative directive:

- OSCA is the administrative arm of Florida's courts system.
- FACC is a private, nonprofit corporation composed of the clerk of court in each of Florida's 67 counties.
- JIS is an information system developed in a limited scope by OSCA with federal grant funds. It is designed to allow judges to access and review information statewide in furtherance of their decision-making responsibilities. Currently there is access to Florida Department of Law Enforcement "hot files" and criminal history information records, Department of Corrections inmate information, Department of Highway Safety and Motor Vehicles license and vehicle databases, Leon County Clerk of Court, and the FACC's CCIS [see below]. Although JIS supports an unlimited user licensing platform, the existing server infrastructure accommodates a maximum of 1,000 users.

***For FY 2005-06, Florida TaxWatch recommends approximately \$500,000 to fund expanding connections to 15 of 30 additional state databases, adding two more servers to accommodate another 2,000 users and acquiring security certification.*** The Governor's Recommended Budget does not include these funds.

- CCIS is a database and information system being developed by FACC to include data elements from cases filed in each county. Currently, approximately one-half of the 67 clerks provide data for the system. A 10-cent service charge on instruments recorded by clerks is distributed to FACC for the cost of development, implementation, operation and maintenance of CCIS.

The legislature has made clear that all court records and official records are the property of the State of Florida, including any records generated by CCIS, and that each clerk of court is the custodian of such records.

After months of negotiation, the Office of State Courts Administrator and the Florida Association of Clerks and Comptroller, Inc., are close to agreement on a memorandum of understanding regarding the use of CCIS data to populate the judicial inquiry system. ***Florida TaxWatch recommends the parties conclude a Memorandum of Understanding as this is the linchpin for the judicial branch to properly fulfill its adjudicatory responsibilities after accessing all relevant sources of information and records.***



## RESOURCE MANAGEMENT SYSTEM

Pursuant to Section 14 of Article V of the Florida Constitution, as amended in 1998 and implemented in 2004, most funding for the state courts system was shifted to the state. The 2003 Legislature enumerated 14 elements comprising the state courts system to be paid from state revenues. Among these elements are court reporting, language interpreters, and expert witnesses called on the court's own motion, all of which formerly were paid by each county.

A 1992 constitutional amendment required implementation by general law of a quality management and accountability program to ensure productivity and efficiency throughout state government, including the judiciary. Pursuant to statutes, the judicial branch must:

- Annually submit to the legislature a five-year long-range program plan including such items as demand, output, total costs and unit costs for each function; and information regarding performance measurement.
- Annually submit to the legislature output and outcome performance measures and performance standards and total expenditures for each activity; activity units performed and accomplished; and cost per unit for each activity.
- Work with the appropriations committees and substantive committees to identify and reach consensus on the appropriate services and activities for activity-based budgeting; delineate outcomes; and align outputs with activities. Output measures should be capable of being used to generate a unit cost for each activity resulting in a true accounting of what the state should spend on each activity it provides and what the state should expect to accomplish with those funds.

The 2004-2005 Appropriations Act includes almost \$17 million to the state courts for due process costs including court reporting and transcription services, foreign language and sign language interpreters and translators, and expert witnesses not requested by any party which are appointed by the court. The legislature directed the Trial Court Budget Commission (TCBC) to apportion these funds for each judicial circuit.

It directed the Office of State Courts Administrator (OSCA) to submit quarterly reports of these due process payments to the House and Senate Appropriations Committees, by judicial circuit, to include information on requests for payments received; court orders received directing payment; and encumbrances and disbursements from this special appropriations category.

Although the state is now responsible for paying items such as court reporting and language interpreting, and OSCA must report to the legislature on these payments, there is no statewide system to track them. For FY 2004-2005, OSCA requested, but the legislature did not appropriate, \$1.5 million to create a Resource Management System (RMS).

The Resource Management System (RMS) would provide the technology infrastructure necessary to track these expenditures and implement the performance and accountability system required by law.

The RMS would be an automated, standardized system to store and analyze data relevant to performance measures in court divisions and programs across the state. Performance measures have been developed for court reporting, language interpretation, expert witnesses called on the court's own motion, and case management.

In its FY 2005-2006 budget, OSCA requests \$845,000 in non-recurring funds for RMS hardware and servers in each circuit, software licenses for approximately 300 employee and administrator desktop computers, and consulting services for planning, design, configuration, customization and training. The RMS should be funded over a two-year period in order to insure its proper implementation. This request is not included in the Governor's Recommended Budget.

A good state courts system is both well funded and properly managed with sound metrics and provisions for accountability in place. We manage what we measure. A resource management system is important for conducting day-to-day court operations and for reporting performance and accountability data to manage the increasing demands of the courts system.

***Florida TaxWatch recommends the legislature fund a Resource Management System for the state courts. Without this system it will be difficult for the judicial branch to meet its constitutional and statutory requirements for activity-based budgeting.***



## COMPETITIVE COMPENSATION FOR TRIAL COURT EMPLOYEES

Unlike executive branch agencies, two-thirds of the judicial branch's salary budget is fixed because judges' compensation is set by statute and cannot be reduced or redirected to respond to legislatively mandated spending cuts.

The State Courts Administrator's Office (OSCA) reports a net reduction of \$10.9 million in FY 2003-04. A \$4.3 million trial courts salary budget shortfall was covered by across-the-board hiring freezes for all non-judicial staff, by redirecting some operating funds to salaries, and by limiting internal personnel actions.

OSCA estimates that the trial courts began 2004-05 with a \$5.3 million shortfall. This shortfall necessitated a three-month delay in filling new positions for Revision 7 implementation, filling all positions at the minimum of the classification, and allowing no reclassifications of positions -- without approval of the Trial Court Budget Commission. A moratorium on classification actions was recently imposed pending the results of an independent classification study scheduled to begin later this spring.

The judiciary employs personnel with unique skills and experience including trial court administrators, law clerks and magistrates. Examples of the negative impact of policies the courts have been forced to implement include:

- Three rounds of advertising to hire a chief deputy trial court administrator because the most qualified applicants would not accept the position at the minimum salary.
- Suspending the established trial court law clerk incentive pay program, thereby making their retention less likely.
- Difficulty recruiting magistrates because of low minimum starting salaries.

Even for positions that are not unique, the trial courts are experiencing hiring difficulties. One circuit, for example, was unable to recruit a purchasing administrator after three separate periods of advertising because of the low minimum starting salary. The classification for the position likely will be downgraded and the administrative duties assigned to an existing fiscal administrator with little knowledge of state procurement.

All state government agencies have taken cuts the past few years, although the state courts system's problems seem distinguishable. In its 2005-06 legislative budget request, the judiciary seeks \$2.7 million to cover salary shortfall and lapse. The state courts system should develop a compelling business case for the necessity of an appropriation for competitive compensation. The business case should be a data-focused response to questions such as the following:

- Are there hiring and retention problems throughout the state courts system?
- Are there system wide instances of hiring less qualified people because positions cannot be filled above the minimum salary for these positions?

- Has the state courts system's turnover rate increased because of previous years' salary budget cuts?
- Are there comparative data showing that Florida's state courts personnel are underpaid relative to comparable positions in other states' courts systems?
- Is the compensation issue resulting in adverse impacts on Florida taxpayers and will prospective remedies be cost-effective, fair and beneficial to all key parties, especially the taxpayers?



## **EFFICIENCIES TO HELP OFFSET THE COST OF IMPLEMENTING REVISION 7**

Florida TaxWatch's February 2004 report on the state courts system entitled *Proper Funding of the State Courts System is Crucial to Rule of Law, Taxpayer Confidence, and a Healthy Economy*, and a separate report on state attorney and public defender compensation recommended cost saving, cost avoidance and revenue enhancement items that could be worth as much as \$30 million if implemented, as applicable, over the next two years by the state courts system and justice administration. These efficiencies can help to offset a portion of increased state costs.

Appendix B is a status update on efficiencies implemented by the state courts system, additional work needed, and efficiencies for consideration by counties, clerks of circuit courts, state attorneys, public defenders and the Justice Administrative Commission.

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## Conclusion

More than 30 years ago, the voters of Florida voiced their preference for a unified state courts system. However, fiscal fragmentation continued and voters passed a second judicial amendment to Florida's Constitution, commonly known as Revision 7, in order to end that fragmentation by providing state funding of most court functions. To implement the amendment, the 2003 and 2004 legislatures passed bills that delineate state and county funding responsibilities beginning July 1, 2004.

Preserving Floridians' cherished freedoms and rights to fair, equal and timely legal processes is imperative. Critically important components of the rule of law, the guide by which we as a free and civil society choose to establish and maintain order, will either be advanced or diminished with the adequacy of Revision 7 funding. At risk in under funding the state courts system is access to fair, effective and timely justice. The cost of not protecting the rights and liberties of Florida's citizens and businesses by inadequate funding is too great.

Following review of the state courts system's legislative budget request, Florida TaxWatch recommends \$30 million for FY 2005-06 as a proper amount to cover the state's responsibilities in the nine areas outlined in this report.

It is hoped that the 2005 Legislature properly funds the state courts system to complete the voters' intent in 1972 and again in 1998 to create a high quality judiciary that is modern, responsive, cost-effective, innovative and accountable. In the end, the taxpayers of Florida—senior citizens, families, children, business customers, owners and employees—deserve and should expect nothing less.

### Endnotes

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<sup>1</sup> B. Ostrum, C. Ostrum, D. Hall, W. Hewitt, T. Fautsko, *Florida Delphi-Based Weighted Caseload Project: Final Report*, National Center for State Courts (January 2000).

<sup>2</sup> In re Certification of Need for Additional Judges, No. SC04-2154, (Supreme Court of Florida Nov. 30, 2004).

<sup>3</sup> Supreme Court of Florida Commission on Trial Court Performance and Accountability, *Court Reporting in Florida's Trial Courts Post-Revision 7* at 8 (February 2005).

<sup>4</sup> Judicial Branch Legislative Budget Request Fiscal Year 2005-2006 at 203 and *Description of Mediation Budget Formula*, Office of the State Courts Administrator (2005).

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## Acknowledgements

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Justice Administrative Commission Executive Director Victoria Montanaro

Florida Bar leadership, notably President Kelly Overstreet Johnson, President-Elect Alan Bookman, Immediate Past President Miles A. McGrane III, Executive Director John F. Harkness, Jr., and General Counsel Paul Hill.

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This *Special Report* was written by Dave Davis, Senior Research Analyst and Glenn Lang, Esq., Independent Contractor/Consultant with assistance from Deborrah Harris, Research Analyst and Grants Coordinator, Harvey Bennett, Vice President of Communications & Marketing, and Mary Lou Rajchel, Senior Vice President of Research and Development

Hoyt R. "Barney" Barnett, Chairman; Dominic M. Calabro, President, Publisher and Editor.  
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## Appendix A

### Judicial Modernization Timeline

- 1968: The Constitution Revision Commission proposed revision of Judicial Article V but the legislature did not act because the revision was viewed as controversial.
- 1969: Another suggested Article V reform failed to get legislative support.
- 1972: Voters approved a re-write of Article V that organizationally— but not fiscally— unified state courts, eliminated municipal courts, set qualifications for judges and envisioned fiscal unification of the state courts system.
- 1991: Article V accountability and fiscal unification received a boost from government rightsizing initiated by the late Governor Lawton Chiles.
- 1991: The Judicial Council of Florida recommended state assumption of most Article V costs, and The Florida Council of 100 urged the legislature to address the courts’ funding needs.
- 1992: A constitutional amendment approved by voters required government agencies—including the judicial branch—to implement quality management and accountability programs. The amendment’s reforms mirrored those first advocated by Florida TaxWatch in a 1986 publication entitled “*Building A Better Florida: A Management Blueprint To Save Taxpayers Over \$1 Billion.*”
- 1995: An Article V Task Force recommended that the legislature begin the assumption of specific Article V costs.
- 1996: The Supreme Court initiated a strategic planning, consensus building and zero-base budgeting process in anticipation of the state’s eventual assumption of additional circuit and county court costs.
- 1998: Revision 7 approved by voters in the November general election.
- 2000: The legislature passed Chapter 2000-237, Laws of Florida, listing seven judicial functions to be funded by state revenues. It also approved a phase-in schedule required under Revision 7 to begin paying a very minimal amount of salaries and expenses prior to the state assuming full funding responsibility on July 1, 2004.
- 2002: The legislature contracted with a Tallahassee-based consulting firm, MGT of America, to conduct a nearly \$1 million four-part study of the State Courts System.
- 2003: The legislature enacted House Bill 113-A amending Chapter 2000-237, Laws of Florida, to increase the number of judicial functions to be funded under Revision 7 from seven to 14. House Bill 113-A directed Florida’s Chief Financial Office (Department of Financial Services) to analyze court-related expenditures incurred and revenues collected by counties in order to inform 2004 legislative consideration of Revision 7 funding.
- House Bill 113-A created an Indigent Services Advisory Board to advise the legislature and Judiciary on due process costs—including those currently paid by counties—and measures to help reduce the cost of implementing Revision 7.
- 2004: The legislature enacts CS/CS/SB 2962 which further refines Revision 7 funding.
- July 1, 2004: Effective date of implementing Revision 7.

## Appendix B



### Efficiencies\* to Help Offset the Cost of Implementing Revision 7

Florida TaxWatch's part one report, *Proper Funding of the State Courts System is Crucial to Rule of Law, Taxpayer Confidence, and a Healthy Economy* (February 2004) offered cost saving, cost avoidance and revenue enhancement items for consideration by the state courts system and justice administration.

Most of the recommended efficiencies are adaptable achievements nominated between 1999-2004 for Davis Productivity Awards for state employees. The Tallahassee-based consulting firm MGT of America, under contract with the legislature, recommended several other efficiencies.

Following is a status update on implementation of efficiencies recommended to the State System. Additional efficiencies are provided for consideration by counties, clerks of circuit courts, state attorneys, public defenders and the Justice Administrative Commission.

\*Source: Prudential Financial-Davis Productivity Awards Program, Florida TaxWatch and MGT of America

### **EFFICIENCIES FULLY OR PARTIALLY IMPLEMENTED BY THE STATE COURTS SYSTEM**

#### **1. DISPUTE RESOLUTION**

**Recommendation:** An award winning dispute resolution initiative that helps protect business and professional reputations and mitigate adversarial situations might be worth considering.

**Response:** Cost saving mediation and arbitration programs are used extensively by state courts to resolve conflicts that otherwise will end up on court dockets.

Alternative dispute resolution in the state courts system began with a citizen dispute settlement center in Dade County in 1975. Since then, mediation and arbitration have grown as the Legislature and Judiciary have created one of the most comprehensive programs in the country.

In 2003, Florida courts referred 56,244 cases to county mediation. Of these, 40,061 cases were mediated and 28,003 cases resulted in agreement between the parties. The overwhelming majority of county mediators are volunteers. In some locations, such as Hillsborough and Pinellas counties, mediators are paid a stipend of \$10-\$15 per hour or approximately \$100 per month.

#### **2. PRE-TRIAL CONFERENCE**

**Recommendation:** Consider adapting Miami-Dade County's "Pre-trial Conference" initiative.

**Response:** Civil traffic infraction hearing officers authorized in Article V, Section 1, of Florida's Constitution are a cost-effective method for handling civil traffic infraction cases.

Miami-Dade's civil traffic infraction initiative annually saves approximately \$7 million worth of police overtime pay and increases patrol time by approximately 150,000 hours. These savings include judges and staff time and reduced use of courtrooms. Up to \$10 million accrues from increased collection of fines and court costs.

Last year, hearing officers disposed of 46.5% of Miami-Dade's 521,181 civil traffic infraction cases versus a statewide average of 11.1% for 3.5 million cases. In Miami-Dade, 17.5% of the cases were heard by judges versus a statewide average of 26.5%. 35.6% of Miami-Dade's cases were disposed without a hearing versus a statewide average of 62.3%.

Judicial resources can be conserved by using funding for hearing officers and magistrates provided by the 2004 Legislature to handle more civil traffic infraction cases.

### 3. USE OF FEDERAL FUNDS

**Recommendation:** Title IV federal funds should be used to the extent possible to compensate General Masters for time spent on Child Support Enforcement cases.

**Response:** *Title IV child support hearing officers are paid with federal funds based on a 2/3:1/3 match grant formula.*

Enhanced utilization of federal Title IV funds would require the allocation of additional state resources for a) full funding of the required state match, and b) staff to analyze the Title IV workload, manage the federal funds in a manner that maximizes their benefit, and evaluate whether federal funds could be utilized for case managers to assist with Title IV cases.

State and federal child support enforcement funds are currently administered by the Florida Department of Revenue. The Department recently requested guidance from the Office of Child Support Enforcement Administration for Children and Families as to whether federal financial participation is available for the time spent by hearing officers and their administrative support staff addressing judicial actions related to custody and visitation in Title IV-D cases.

### 4. CONTRACTING AND PURCHASING

**Recommendations:** Consider an imaging management system, a paperless procurement system and vendor incentives to reduce the cost of services and commodities.

**Response:** In August 2004, the state courts system implemented the executive branch's paperless procurement system MyFloridaMarketPlace. Several years prior to that, the courts implemented the DemandStar e-procurement system. The judiciary has used the executive branch's purchasing card (PCard) system since 2000.

### 5. LEGAL JOURNALS ACCESS SAVINGS

**Recommendation:** Consider a statewide electronic service that gives Florida Department of Health employees access to journals an annual savings of up to \$400,000.

**Response:** The Office of the State Courts Administrator (OSCA) negotiates online legal research subscription rates for the trial and appellate courts. In FY 2000-01, OSCA was able to reduce its per password rate in the Westlaw contract by 75%. OSCA also made Lexis-Nexis research services available to court users to improve competition between the vendors. OSCA has expanded this contract to include judicial staff and it now encompasses 1,800 users.

According to the legislature's audit arm, the Office of Program Performance and Government Accountability (OPPAGA), the "increased competition nurtured by the court administrator appears to have contributed to the favorable pricing obtained from vendors, and should benefit state government as a whole." (OPPAGA Information Brief, Report No. 02-26, May 2002.)

## 6. CONTINUING EDUCATION SAVINGS

**Recommendation:** Consider establishing in-house continuing legal education seminars.

**Response:** State courts education staff recently finalized educational materials to be presented via CD-ROM for judges newly assigned to the family division. The CD-ROM offers modules in the fundamentals of family law, domestic violence, juvenile dependency and juvenile delinquency. It will allow new and reassigned judges to complete preliminary training at their convenience prior to attending more extensive live training.

In June 2004, the first video-teleconference offering continuing legal education credits in ethics was held for Appellate Law Clerks and Staff Attorneys.

*The Florida Court Education Council's Distance Learning Committee is investigating the use of technology to supplement existing programs.*

## 7. COMPUTER DOWNTIME SAVINGS

**Recommendation:** Reduce the potential for data loss decreases and productivity increases by reducing the time to perform computer upgrades and replace personal computers.

**Response:** To the extent possible, downtime is eliminated by accomplishing upgrades and maintenance work evenings and on weekends.

## 8. COMPUTER MAINTENANCE SAVINGS

**Recommendation:** Consider a method of bidding maintenance on continually changing computer network devices that covers all machines without regard to configurations and manufacturers.

**Response:** Computer equipment (desktop workstations, printers, and servers) in the Supreme Court, five district courts of appeal, and Office of the State Courts Administrator is replaced as needed on a five-year schedule.

A three-year warranty is negotiated into the purchase price of equipment. In the fourth and fifth year, three maintenance options are available depending on cost effectiveness and meeting the needs of the courts: a traditional maintenance agreement, an as-needed maintenance ("break-fix") agreement, and purchase of spare workstations to keep staff up and running while their failed equipment is being evaluated/repared.

## 9. INFORMATION TECHNOLOGY SECURITY

**Recommendation:** Consider a layered approach to information security to consolidate internet-facing servers and use one set of security policies plus alternate secure forms of remote access services.

**Response:** Due to the confidential nature of the judicial decision-making process, the state courts system has historically given priority attention to information technology (IT) security policies and procedures. During statewide emergency preparedness planning over the past several years, OSCA emphasized technology security and redundancy. OSCA's Information Systems Services now has a comprehensive set of contingencies in place to ensure that IT requirements related to mission essential functions and maximum tolerable downtime are fulfilled.

## 10. SOFTWARE LICENSING

**Recommendation:** Consider joint software purchases. Four state agencies are saving approximately \$1 million over three years versus the cost of each agency purchasing Oracle software separately.

**Response:** The Supreme Court, five district courts of appeal, and the Office of the State Courts Administrator pool their IT resources when possible.

Oracle software is primarily used in connection with the appellate court case management system. OSCA is currently spending \$23,337 annually for this software which is licensed through a joint purchase on behalf of the appellate courts.

Technology for circuit and county courts remains the responsibility of the 67 counties.

In its FY 2005-06 Legislative Budget Request, the courts have requested the ability to pool IT money at the circuit level; at a minimum, we hope to accomplish this among the counties within a single circuit.

## 11. MONITORING HIGH BANDWIDTH USAGE

**Recommendation:** Consider improving computer network management by using an automated system to analyze high bandwidth usage which in turn notifies subnet system administrators about computers and servers that are using a high amount of network bandwidth. This system at Florida State University also helps prevent security breaches.

**Response:** The state courts system manages its network bandwidth by prioritizing network applications to ensure quality of service. Bandwidth is managed on a minute-to-minute basis, 24 hours a day.

## 12. FINANCE, ACCOUNTING AND AUDITING

**Recommendation:** Consider the Department of Children and Families' streamlined internal audit and investigations processes and report formats that largely eliminate duplicate billings and ineligible costs.

**Response:** The OSCA has implemented standardized forms for due process contractual costs to eliminate duplicate billings and reduce workload.

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## EFFICIENCIES UNDER CONSIDERATION BY THE STATE COURTS SYSTEM

### 1 - 2. PERSONNEL MANAGEMENT SAVINGS

- Automated enrollment of new employees in the state personnel system reduces recruitment and selection costs. However, the online New Hire Kit is not integrated with the privately operated Convergys human resources system. For more information, please contact Patricia Mitchell at the Florida Department of Revenue (850) 921-1074 or [mitchelp@dor.state.fl.us](mailto:mitchelp@dor.state.fl.us).
- An automated salary rate administration system annually saves county health offices and the Florida Department of Health's central office more than 5,000 staff hours. This system is integrated with the Convergys human resources system but information from the People First information warehouse must be extracted and uploaded into the Department's rate system. This requires a person with some ability to convert warehouse data to Access or Xcel format. For more information, please contact Richard Maxey at (850) 245-4444 or [richard\\_maxey@doh.state.fl.us](mailto:richard_maxey@doh.state.fl.us).

**Response:** OSCA is in the process of automating the attendance and leave system. The courts also participate, to some extent, in the State of Florida's automated personnel system.

### 3 – 8. FINANCE, ACCOUNTING AND AUDITING

**Recommendation:** The state courts system should consider:

- An automated receipting system used by the Department of Juvenile Justice that enables funds to begin earning interest sooner and processes four times as much work as a manual system.
- A web-based financial information and reporting system used by most county health departments to improve access to information, promote more timely budget decisions, and increase productivity and accountability.
- A Financial Information and Reconciliation system used by five state agencies.
- A financial reconciliation and reporting method used at Florida State University that eliminates ledgers and provides bi-weekly financial reports to decision makers.
- A computerized ledger system used by the Department of Children and Families that eliminates duplicate data entry and errors; manipulates data required during contract amendment; rolls-up contract expenditures by budget entity and fund; ensures an accurate certified forward process; and displays expenditure information across contracts and programs.
- A Department of Highway Safety and Motor Vehicles system that expedites the year-end financial certification process and eliminates errors in inputting items to an accounting system.

**Response:** In the near future, the State of Florida will migrate to the new Aspire automated accounting system. It appears that many of the automated systems currently utilized by state agencies may need to be modified to enable them to fully interface with Aspire.

Until Aspire has been implemented and the integrated system requirements are known, the OSCA is hesitant to develop new automated finance and accounting systems. Nevertheless, the courts are eager to implement technologies to improve the finance, accounting and auditing processes and will explore those opportunities.

## 9 - 10. COST SAVING ASSET MANAGEMENT

**Recommendation:** The state courts system should consider:

- A system used by the Department of Children and Families to track and monitor physical assets and automatically update a central accounting system.
- Automated tracking of property used by the Department of Health to reduce the time required to register, tag, transfer and dispose of assets by nearly 50% and eliminates 75% of time formerly spent correcting errors.

**Response:** The Supreme Court and OSCA currently use an automated inventory tracking system that includes barcodes and a hand-held scanning device. However, the current barcode system is not integrated with the executive branch's accounting system. OSCA is exploring options that could be integrated with the soon-to-be-implemented Aspire state accounting system. The OSCA legislative budget request for FY 2005-06 includes a \$87,355 request, of which \$79,055 is non-recurring, for the purchase of an Asset Tracking System for the judicial branch.

**Note:** *Can one or both of the above systems be adapted and implemented by the state courts system in lieu of purchasing a separate system?*

## 11. RECORDS STORAGE SAVINGS

**Recommendation:** The state courts system should consider a records storage information system used by the Department of Children and Families that holds more than one million open and closed records and identifies records for destruction, thereby saving storage fees.

**Response:** The state courts system is seeking to implement an automated digital records management system to eliminate paper records, files and storage space.

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## EFFICIENCIES FOR COUNTIES' CONSIDERATION

### 1 - 3 CONTRACTING AND PURCHASING

**Recommendations:** Consider an imaging management system, a paperless procurement system and vendor incentives to reduce the cost of services and commodities.

### 4. COMPUTER MAINTENANCE SAVINGS

**Recommendation:** A method of bidding maintenance on continually changing computer network devices covers all machines without regard to configurations and manufacturers. For more information, please contact Charles Ray at the Florida Department of Children and Families (850) 487-9362 or [charles\\_ray@dcf.state.fl.us](mailto:charles_ray@dcf.state.fl.us).

### 5. USAGE LICENSE SAVINGS

**Recommendation:** Counties providing information technology services to judicial circuits that use IBM mainframe software may take advantage of a pricing process called "usage license charge." For more information, please contact Meg Dobbins at the Florida Department of Corrections (850) 488-3073 or [dobbins.meg@mail.dc.state.fl.us](mailto:dobbins.meg@mail.dc.state.fl.us).

### 6. SOFTWARE LICENSING

**Recommendation:** Consider joint software purchases. Four state agencies are saving approximately \$1 million over three years versus the cost of each agency purchasing Oracle software separately. For more information, please contact Jeremy Daniell at the State Technology Office at (850) 413-9172 or [Jeremy.daniell@myflorida.com](mailto:Jeremy.daniell@myflorida.com)

### 7. RECONFIGURATION OF SYSTEMS NETWORK ARCHITECTURE

**Recommendation:** Counties using Systems Network Architecture (SNA) circuits on mainframe computers may avoid spending hundreds of thousands of dollars on leased circuits and printing of forms by rerouting over a Transmission Control Protocol/Internet Protocol (TCP/IP) Metropolitan Area Network. For more information, please contact Mike Tillotson at the Florida Department of Children and Families at (850) 410-9254 or [mike\\_tillotson@dcf.state.fl.us](mailto:mike_tillotson@dcf.state.fl.us).

### 8. AUTOMATED SYSTEMS PROCESSING

**Recommendation:** Automated console monitoring, tape handling and batch scheduling for systems processing on a mainframe computer provides recurring savings of \$127,500. For more information, please contact Tammy Crumel at the Florida Department of Corrections, (850) 921-1734 or [crumel.tammy@mail.dc.state.fl.us](mailto:crumel.tammy@mail.dc.state.fl.us).

### 9 - 14. FINANCE, ACCOUNTING AND AUDITING

**Recommendation:** County budget and finance staff performing court-related functions may find useful ideas among the following:

- An automated receipting system used by the Department of Juvenile Justice enables funds to begin earning interest sooner and processes four times as much work as a manual system. For more information, please contact Joe Franklin at the Department of Juvenile Justice at 850-414-7672 or joe.franklin@djj.state.fl.us.
- A web-based financial information and reporting system used by most county health departments to improve access to information, promote more timely budget decisions, and increase productivity and accountability. For more information, please contact Jennie Bishop at the Volusia County Health Department at (904) 226-7816.
- A Financial Information and Reconciliation system used by five state agencies. For more information, please contact Ella Hinson at the Florida Department of Health (850) 245-4504 or Ella\_Hinson@doh.state.fl.us.
- A financial reconciliation and reporting method used by Florida State University eliminates ledgers and provides bi-weekly financial reports to decision makers. For more information, please contact Deborah Coury at (850) 644-5024 or deborah.coury@med.fsu.edu.
- A computerized ledger system used by the Department of Children and Families that eliminates duplicate data entry and errors; manipulates data required during contract amendment; rolls-up contract expenditures by budget entity and fund; ensures an accurate certified forward process; and displays expenditure information across contracts and programs. For more information, please contact Fred Bruneau at the Florida Department of Children and Families (813) 558-5731 or Fred\_Bruneau@dcf.state.fl.us.
- A Department of Highway Safety and Motor Vehicles system that expedites the year-end financial certification process and eliminates errors in inputting items to an accounting system. For more information, please contact Mary Ann Thorner at the Florida Department of Highway Safety and Motor Vehicles at (850) 921-0819 or thorner.maryann@hsmv.state.fl.us

## 15. ASSET MANAGEMENT

**Recommendation:** Remotely identifying the name and location of networked computers reduces staff time and travel, saving the Florida Department of Juvenile Justice’s Central Florida region approximately \$30,000 annually. For more information, please contact Paul Prado at (407) 521-2668 or paul.prado@djj.state.fl.us.

## 16. – 19. COMMUNICATIONS SAVINGS

**Recommendation:** County communications and purchasing staff performing court-related functions may find useful ideas among the following:

- Pooling cellular phone airtime minutes of field offices into one unit saves a state agency with fewer than 2,000 employees statewide over \$100,000 annually. For more information, please contact Betty Dennis at the Florida Agency for Health Care Administration at (850) 414-6051 or dennisb@fdhc.state.fl.us.

- A web-based tracking system identifies ownership and billing accuracy of telephone and data circuits. For more information, please contact Leo Ours at the Florida Agency for Workforce Innovation at (850) 245-7329 or [leo.ours@awi.state.fl.us](mailto:leo.ours@awi.state.fl.us).
- An online billing system for telecommunications services eliminates more than 20,000 paper invoices annually and saves a recurring \$30,000 in labor, materials and software agreements. For more information, please contact John Madey at the University of Florida at (352) 392-0710 or [jmadey@ufl.edu](mailto:jmadey@ufl.edu).
- A system that audits and confirms monthly telephone voice and data invoices after network changes create billing changes eliminates the problem of staff who receive and process invoices not having information they need to confirm billing accuracy. For more information, please contact Charles Ray at the Florida Department of Children and Families at (850) 487-9362 or [charles\\_ray@dcf.state.fl.us](mailto:charles_ray@dcf.state.fl.us).

## 20. MOTOR FUEL SAVINGS

**Recommendation:** Purchasing gasoline at Department of Transportation fuel stations saves approximately \$.12 per gallon for gasoline and \$.30 for diesel. For more information, please contact Dick Rettig at the Florida Department of Agriculture and Consumer Services at (850) 922-7030 or [rettigd@doacs.state.fl.us](mailto:rettigd@doacs.state.fl.us).

## EFFICIENCIES FOR CONSIDERATION BY CLERKS OF CIRCUIT AND COUNTY COURTS

### 1. INCREASED COLLECTION OF FINES

A "Pay or Appear" fine collection program in the 18th Judicial Circuit brought in more than \$200,000 after being implemented by four Brevard County judges in 2000-01. For more information, please contact Tim Hamilton at (321) 631-2171 or [tim.hamilton@flcourts18.org](mailto:tim.hamilton@flcourts18.org).

### 2. AUTOMATED PAYMENT OF FINES

Large counties should consider payment of fines using credit cards and intelligent voice recording or Internet Website processes. Vendor price reductions may be available for multiple county purchases of the same system. This is a recommendation from MGT of America's Phase Two Report to the legislature.

## EFFICIENCIES FOR CONSIDERATION BY STATE ATTORNEYS, PUBLIC DEFENDERS, COURT APPOINTED COUNSEL AND THE JUSTICE ADMINISTRATIVE COMMISSION

### 1. FELONY SCORE SHEET

Preparing score sheets based on sentencing guidelines at the point of arrest may reduce the time for sentencing criminal defendants to prison or probation. This “Rocket Docket” initiative, developed by the Florida Department of Corrections Probation Office in Panama City when the Department performed this function, is now used in modified form by select State Attorney Offices. Florida TaxWatch suggests it may be useful to other state attorney offices.

### 2. - 3. EXPERT WITNESSES

- An expert witness-training program for physicians and nurses may be useful to attorneys preparing court testimony. For more information, please contact Tracey Cottle at the Florida Agency for Health Care Administration at (850) 922-5873 or [cottlet@fdhc.state.fl.us](mailto:cottlet@fdhc.state.fl.us).
- A standard contract to retain expert witnesses eliminates specialized contracts and reduces management review, saving the Florida Agency for Health Care Administration more than \$150,000 annually. For more information, please contact Delanah White at (850) 488-6215 or [white@fdhc.state.fl.us](mailto:white@fdhc.state.fl.us).

### 4. CONTINUING EDUCATION SAVINGS

State Attorney and Public Defender offices in the large judicial circuits may benefit from establishing in-house continuing legal education seminars conducted for attorneys, investigators and research personnel, saving travel costs, related time and course fees. The 13th Judicial Circuit (Hillsborough County) saves over \$20,000 annually. For more information, please contact Vivian Challen at (813) 307-4010 or [challenv@pd13.state.fl.us](mailto:challenv@pd13.state.fl.us).

### 5. – 6. INTERN PROGRAMS

- *Criminal Investigation.* Public Defender offices may benefit from an investigator intern program that adds nearly \$70,000 worth of value in the 19th Judicial Circuit (Brevard County area). This initiative helps assistant public defenders by having interns make initial contact with clients and identifying those needing assistance with substance abuse, mental illness or developmental disability issues. Students earn credit toward criminal investigation certification as well as their academic degree. For more information, please contact Janice Johnson at (321) 617-7510 or [ljohnson@statty18.brevard.fl.us](mailto:ljohnson@statty18.brevard.fl.us).
- *Legal Assistance.* The Public Defender’s Office, 13th Judicial Circuit, saves approximately \$75,000 annually by recruiting and training law school students to work for credit rather than salary. Referred to as “externs”, students help reduce the workloads of assistant public defenders assigned to the misdemeanor and juvenile bureaus by meeting with defendants and researching, writing and filing motions. For more information, please contact Vivian Challen at (813) 307-4010 or [challenv@pd13.state.fl.us](mailto:challenv@pd13.state.fl.us).

## 7. – 12. FINANCE, ACCOUNTING AND AUDITING

**Recommendation:** State Attorney and Public Defender budget and finance staff may find useful ideas among the following:

- An automated receipting system used by the Department of Juvenile Justice enables funds to begin earning interest sooner and processes four times as much work and as a manual system. For more information, please contact Joe Franklin at the Department of Juvenile Justice at 850-414-7672 or [joe.franklin@djj.state.fl.us](mailto:joe.franklin@djj.state.fl.us).
- A web-based financial information and reporting system used by most county health departments to improve access to information, promote more timely budget decisions, and increase productivity and accountability. For more information, please contact Jennie Bishop at the Volusia County Health Department at (904) 226-7816.
- A Financial Information and Reconciliation system used by five state agencies. For more information, please contact Ella Hinson at the Florida Department of Health (850) 245-4504 or [Ella\\_Hinson@doh.state.fl.us](mailto:Ella_Hinson@doh.state.fl.us).
- A financial reconciliation and reporting method used by Florida State University eliminates ledgers and provides bi-weekly financial reports to decision makers. For more information, please contact Deborah Coury at (850) 644-5024 or [deborah.coury@med.fsu.edu](mailto:deborah.coury@med.fsu.edu).
- A computerized ledger system used by the Department of Children and Families that eliminates duplicate data entry and errors; manipulates data required during contract amendment; rolls-up contract expenditures by budget entity and fund; ensures an accurate certified forward process; and displays expenditure information across contracts and programs. For more information, please contact Fred Bruneau at the Florida Department of Children and Families (813) 558-5731 or [Fred\\_Bruneau@dcf.state.fl.us](mailto:Fred_Bruneau@dcf.state.fl.us).
- A Department of Highway Safety and Motor Vehicles system that expedites the year-end financial certification process and eliminates errors in inputting items to an accounting system. For more information, please contact Mary Ann Thorner at the Florida Department of Highway Safety and Motor Vehicles at (850) 921-0819 or [thorner.maryann@hsmv.state.fl.us](mailto:thorner.maryann@hsmv.state.fl.us)

## 13. ASSET MANAGEMENT

**Recommendation:** Remotely identifying the name and location of networked computers reduces staff time and travel, saving the Florida Department of Juvenile Justice's Central Florida region approximately \$30,000 annually. For more information, please contact Paul Prado at (407) 521-2668 or [paul.prado@djj.state.fl.us](mailto:paul.prado@djj.state.fl.us).

## 14 – 17. COMMUNICATIONS SAVINGS

**Recommendation:** State Attorney and Public Defender communications and purchasing staff may find useful ideas among the following:

- Pooling cellular phone airtime minutes of field offices into one unit saves a state agency with fewer than 2,000 employees statewide over \$100,000 annually. For more information, please contact Betty Dennis at the Florida Agency for Health Care Administration at (850) 414-6051 or [dennisb@fdhc.state.fl.us](mailto:dennisb@fdhc.state.fl.us).
- A web-based tracking system identifies ownership and billing accuracy of telephone and data circuits. For more information, please contact Leo Ours at the Florida Agency for Workforce Innovation at (850) 245-7329 or [leo.ours@awi.state.fl.us](mailto:leo.ours@awi.state.fl.us).
- An online billing system for telecommunications services eliminates more than 20,000 paper invoices annually and saves a recurring \$30,000 in labor, materials and software agreements. For more information, please contact John Madey at the University of Florida at (352) 392-0710 or [jmadey@ufl.edu](mailto:jmadey@ufl.edu).
- A system that audits and confirms monthly telephone voice and data invoices after network changes create billing changes eliminates the problem of staff who receive and process invoices not having information they need to confirm billing accuracy. For more information, please contact Charles Ray at the Florida Department of Children and Families at (850) 487-9362 or [charles\\_ray@dcf.state.fl.us](mailto:charles_ray@dcf.state.fl.us).

## 18. MOTOR FUEL SAVINGS

**Recommendation:** Purchasing gasoline at Department of Transportation fuel stations saves approximately \$.12 per gallon for gasoline and \$.30 for diesel. For more information, please contact Dick Rettig at the Florida Department of Agriculture and Consumer Services at (850) 922-7030 or [rettigd@doacs.state.fl.us](mailto:rettigd@doacs.state.fl.us).

## FLORIDA DEPARTMENT OF REVENUE EFFICIENCIES THAT CAN BENEFIT THE STATE COURTS SYSTEM

### 1 - 5. CHILD SUPPORT ENFORCEMENT EFFICIENCIES

**Recommendation:** Court personnel staff savings in Broward County were achieved by utilizing Florida Department of Revenue clerical employees to process child support orders from court dockets. For more information, please contact Velina Smalls at (954) 797-1733.

**Recommendation:** A tracking system that determines whether child support is owed before workman's compensation claims are paid to non-custodial parents increased delinquent support and court cost collections in Pinellas County by nearly \$500,000. For more information, please contact Mary Rhodes at the Florida Department of Revenue at (727) 507-6140 or [rhodes@dor.state.fl.us](mailto:rhodes@dor.state.fl.us).

**Recommendation:** Non-custodial parents who voluntarily enter into stipulated agreements are more likely to pay child support regularly, thereby reducing state legal costs. For more information, please contact Ed Doyle at the Florida Department of Revenue at (727) 816-1161 or [doylee@dor.state.fl.us](mailto:doylee@dor.state.fl.us).

**Response:** A significant proportion of divorce cases are finalized through voluntary or mediated agreements. Unified Family Courts encourage involvement of the parties in resolving disputes involving children and families.

**Recommendation:** Pre-filing conferences initiated by CSE staff in Leesburg are for non-custodial fathers to stipulate to paternity or agree to genetic testing. Cases are closed when testing excludes them as biological fathers. A similar initiative in Gainesville clears potential fathers approximately 25% of the time, saving up to \$200 on each case not referred to a contracted legal service provider to obtain a court order to determine paternity. This would save in both DOR and courts budgets. For a number of cases DOR gets resolution without going to court. For State Court System every case that does not get filed in one less they do not have to dispose of.

**Recommendation:** Judicial time savings can be garnered from administrative enforcement remedies used by Florida Department of Revenue Child Support Enforcement staff in Naples and West Palm Beach. For more information, please contact Carol Light at (941) 417-6362 or [lightc@dor.state.fl.us](mailto:lightc@dor.state.fl.us).

**Response:** We don't have sufficient information available at this time to respond on behalf of the SCS.

## Appendix B (continued) STATE COURTS SYSTEM EFFICIENCIES

Legend

-- Added value undetermined.

#	Fully or Partially Implemented	ADDED VALUE OF EFFICIENCY AS PREVIOUSLY IMPLEMENTED OR RECOMMENDED*		ESTIMATED ADDED VALUE IF ADAPTED AND FULLY IMPLEMENTED BY STATE COURTS SYSTEM	
		Cost Savings or Cost Avoidance	Increased Revenue	Cost Savings or Cost Avoidance	Increased Revenue
1	Dispute Resolution	0.200			
2	Pre-Trial Conference	7.000	10.000	7.000	10.000
3	Use of Federal Funds	--		--	
4	Contracting and Purchasing	0.100		0.100	
5	Legal Journal Access	0.400		0.100	
6	Continuing Education	0.200		0.200	
7	Computer Downtime	0.056		0.056	
8	Computer Maintenance	1.000		0.050	
9	Information Technology Security	0.150		--	
10	Software Licensing	--		--	
11	Monitoring High Bandwidth Usage	0.200		0.020	
12	Duplicate Billings/Ineligible Costs		6.900		0.345
#	Under Consideration				
1	Automated Enrollment of New Employees	0.100		0.010	
2	Automated Salary Rate Administration	0.200		0.020	
3	Automated Receipting System		0.100		0.010

4	Financial Information and Reporting System	1.000		0.050	
5	Financial Information and Reconciliation System	0.006		0.006	
6	Financial Reconciliation and Reporting Method	1.000		0.200	
7	Computerized Ledger System	0.500		0.050	
8	Year-end Financial Certification	--		--	
9	Tracking and Monitoring Physical Assets	0.100		0.010	
10	Tracking Property	0.075		0.007	
11	Records Storage Information System	--		--	
<b>TOTALS</b>		12.287	17.00	7.879	10.36

### EFFICIENCIES FOR COUNTIES

Legend

-- Added value undetermined.

#		ADDED VALUE OF EFFICIENCY AS PREVIOUSLY IMPLEMENTED OR RECOMMENDED*		ESTIMATED ADDED VALUE IF ADAPTED AND FULLY IMPLEMENTED BY STATE COURTS SYSTEM	
		Cost Savings or Cost Avoidance	Increased Revenue	Cost Savings or Cost Avoidance	Increased Revenue
1	Imaging Management System	0.100		0.100	
2	Paperless Procurement System	0.300		0.300	
3	Vendor Incentives	0.018		0.018	
4	Computer Maintenance	1.000		0.500	
5	Computer Software Usage License	0.021		0.021	
6	Joint Computer Software Purchases	0.334		0.334	
7	Reconfiguration of Systems Network Architecture	0.260		0.260	
8	Automated Systems Processing	0.127		0.127	

9	Interest Earnings Increased		0.100		0.100
10	Financial Information and Reporting System	1.000		1.000	
11	Financial Information and Reconciliation system	0.750		0.750	
12	Financial Information and Reconciliation system	0.010		0.010	
13	Computerized Ledger System	0.500		0.500	
14	Year-end Financial Certification	--		--	
15	Asset Management	0.030		0.030	
16	Pooling Cellular Phone Airtime Minutes	0.100		0.300	
17	Telephone/Data Circuits Tracking System	1.000		--	
18	Online Billing System for Telecommunications Services	0.075		0.075	
19	Telephone Voice and Data Tracking	0.120		0.060	
20	Motor Fuel Savings	0.030		0.015	
<b>TOTALS</b>		5.775	0.10	4.400	0.10

**EFFICIENCIES FOR CLERKS OF COURT**

Legend

-- Added value undetermined.

#		ADDED VALUE OF EFFICIENCY AS PREVIOUSLY IMPLEMENTED OR RECOMMENDED*		ESTIMATED ADDED VALUE IF ADAPTED AND FULLY IMPLEMENTED BY STATE COURTS SYSTEM	
		Cost Savings or Cost Avoidance	Increased Revenue	Cost Savings or Cost Avoidance	Increased Revenue
1	Increased Collection of Fines		0.200		1.000
2	Automated Payment of Fines		--		--

**EFFICIENCIES FOR STATE ATTORNEYS, PUBLIC DEFENDERS,  
COURT APPOINTED COUNSEL  
AND JUSTICE ADMINISTRATIVE COMMISSION**

Legend

-- Added value undetermined.

#		ADDED VALUE OF EFFICIENCY AS PREVIOUSLY IMPLEMENTED OR RECOMMENDED		ESTIMATED ADDED VALUE IF ADAPTED AND FULLY IMPLEMENTED BY STATE COURTS SYSTEM	
		Cost Savings or Cost Avoidance	Increased Revenue	Cost Savings or Cost Avoidance	Increased Revenue
1	Felony Score Sheet	0.060		0.600	
2	Expert Witness Training	--		--	
3	Expert Witness Contracting	0.150		1.500	
4	Continuing Education	0.020		0.060	
5	Criminal Investigation Internships	0.070		0.700	
6	Legal Assistance Internships	0.075		0.750	
7	Automated Receipting System		0.100		0.300
8	Financial Information and Reporting System	1.000		0.250	
9	Financial Information and Reconciliation system	0.750		0.375	
10	Financial Reconciliation and Reporting Method	0.010		0.010	
11	Computerized Ledger System	0.500		0.250	
12	Year-end Financial Certification	--		--	
13	Asset Management	0.030		0.030	
14	Pooling Cellular Phone Airtime Minutes	0.100		0.300	
15	Telephone/Data Circuits Tracking System	1.000		--	
16	Online Billing System for Telecommunications Services	0.075		0.075	

17	Telephone Voice and Data Tracking	0.120		0.030	
18	Motor Fuel Savings	0.030		0.015	
<b>TOTALS</b>		3.990	0.10	4.945	0.30

**DEPARTMENT OF REVENUE CHILD SUPPORT ENFORCEMENT EFFICIENCIES THAT CAN BENEFIT STATE COURT SYSTEM**

Legend

-- Added value undetermined.

		ADDED VALUE OF EFFICIENCY AS PREVIOUSLY IMPLEMENTED OR RECOMMENDED*		ESTIMATED ADDED VALUE IF ADAPTED AND FULLY IMPLEMENTED BY STATE COURTS SYSTEM	
		Cost Savings or Cost Avoidance	Increased Revenue	Cost Savings or Cost Avoidance	Increased Revenue
1	Court Personnel Savings	0.010		0.200	
2	Tracking System		0.500		5.000
3	Voluntary Stipulated Agreements	0.200		7.400	
4	Pre-filing Conferences	--		--	
5	Administrative Enforcement Remedies		0.200		7.000
<b>TOTALS</b>		0.210	0.70	7.600	12.00

\*Source: Prudential Financial-Davis Productivity Awards Program, Florida TaxWatch and MGT of America

## Appendix C



### **SOUND WAYS AND MEANS OF SECURING \$180 MILLION IN ADDITIONAL FUNDS FOR REVISION 7**

In addition to the recommendations for improving the efficiency and innovation of the court system and its operations, Florida TaxWatch also offers six cost-saving and revenue recovery ideas, from OPPAGA and other organizations, that make for good public policy and provide meaningful options for the legislature to adopt. These should be considered as additional revenue sources to fund the compelling needs of Revision 7.

**1. Improving Residency Determination for Postsecondary Institutions.** General Revenue funds subsidize the tuition and fees of Florida residents, while out-of-state students are required to pay 100% of their tuition and fees at Florida's postsecondary institutions. Florida's current residency requirements allow students moving to Florida to attend school and then request reclassification after living in the state for one year. Florida does not require the student to produce convincing evidence such as employment or income to be reclassified as residents.

OPPAGA found that Florida institutions should follow the criteria of other states, such as defining the 12-months eligibility period based on time spent in the state before enrollment or registration and not prior to qualification. If institutions only reclassify students as residents if they can present facts that support an intention to reside permanently in the state, then institutions could receive \$28 million in additional revenue from non-residents.

- *All of the savings would be recurring and from General Revenue.*
- *The legislature would need to amend Florida statutes to clarify residency criteria.*
- **Potential General Revenue: \$28,000,000**

**2. Maximize Federal Revenue Recoveries and Funding Support.** Florida TaxWatch recommends that the state collect federal revenues (see following pages) that the state has earned, but not applied for. These monies do not require additional spending or commitment by the State. The Department of Financial Services solicited a competitive invitation to bid to vendors that specialize and have a strong track record of success in collecting such revenues. Because state agencies will not necessarily on their own use the services of the vendor to collect these revenues, TaxWatch recommends that they be required to do so as appropriate, by the governor or the legislature.

- *Of the \$904,306,000 in federal revenue, \$56,000,000 is a one-time retro-active collection and \$848,306,000 is recurring. A very conservative estimate of this initiative could yield more than \$100 million for FY 2005-06.*
- *The governor should direct all agencies to aggressively pursue the collection of all federal funds due to the state, especially these identified initiatives.*

**3. Irresponsible Driver Surcharge.** New Jersey has instituted a program where drivers who have committed serious violations or are near having their license suspended must pay a surcharge to renew their license. The number of driver violations in New Jersey has been decreasing over the last four years, indicating that this system may be changing driving habits. This could increase revenue and improve safety on Florida's roads. The New Jersey program realizes \$100 million in annual revenue.

Assuming Florida enacted a similar program, with twice the number of drivers, this initiative could very conservatively generate \$25 million or more annually.

- *The recurring increase in revenue could be directed to the General Revenue Fund.*
- *Legislation would need to be enacted in order to accomplish this.*
- **Potential General Revenue: \$25,000,000**

**4. Child Support Administrative Expenses Recovery (DOR).** According to OPPAGA this program can increase the amount of administrative expenses recovered from non-custodial parents by updating the administrative cost schedule to reflect changes in operations, increasing the amount of costs that are assessed by the courts, and increasing the collection of costs that have been assessed. Recovery of these expenses could reduce reliance on GR funding.

- *All of the savings are recurring and from the General Revenue Fund.*
- *The governor should direct the agency to make the needed changes.*
- **Potential General Revenue: \$4,400,000**

**5. Eliminate the Recycling and Education Grant Program (DEP).** This program, created to help start up county recycling programs, has been successful in establishing recycling programs in Florida's counties. OPPAGA determined that its elimination would not have significant negative impact on recycling rates. State funding of recycling grants is no longer necessary since the program has exceeded its goal of recycling 30% of municipal solid waste. The legislature should continue to phase out recycling and education grants. As noted in OPPAGA reports, these grants are no longer needed to help establish county recycling programs. This is a trust fund savings. A potential downside is that recycling programs in small counties could cease.

- *This is a recurring savings to the Solid Waste Management Trust Fund. A statutory change would be needed for the funds to revert to general revenue.*
- *Funding reductions could occur without a statutory change. Elimination of the program would require the legislature to amend s. 403.7095, F.S.*
- **Potential Trust Fund Savings that could be legally transferred to the General Revenue Fund: \$2,500,000**

**6. Requiring Students to Pay for Excess Credit Hours.** This OPPAGA recommendation suggests that legislation be passed to require those students taking more than 115% of the credits required for their degrees to pay the full cost of tuition. OPPAGA estimates the savings to the state would be \$30 million annually.

- *All of the savings would be recurring and from General Revenue.*
- *Legislation would need to be enacted in order to accomplish this.*
- **Potential General Revenue: \$30 million**

## **APPENDIX D**

### **Glossary of Frequently Used Acronyms**

JAC = Judicial Administrative Commission

FACC = Florida Association of Court Clerks and Comptroller, Inc.

CISC = Circuit Article V Indigent Services Committee

TCBC = Florida Supreme Court Trial Court Budget Commission

TCP&A = Florida Supreme Court Commission on Trial Court Performance  
and Accountability

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## *About Florida TaxWatch*

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Florida TaxWatch is a private, non-profit, non-partisan research institute that over its 25 year history has become widely recognized as the watchdog of citizens' hard-earned tax dollars. Its mission is to provide the citizens of Florida and public officials with high quality, independent research and education on government revenues, expenditures, taxation, public policies and programs and to increase the productivity and accountability of Florida Government.

Florida TaxWatch's empirically sound research recommends productivity enhancements and explains the statewide impact of economic and tax and spend policies and practices on citizens and businesses. Florida TaxWatch has worked diligently and effectively to help state government shape responsible fiscal and public policy that adds value and benefit to taxpayers.

This diligence has yielded impressive results: since 1979, policy makers and government employees have implemented three-fourths of Florida TaxWatch's cost-saving recommendations, saving the taxpayers of Florida more than \$6.2 billion--approximately \$1,067 in added value for every Florida family.

The organization enjoys a credible reputation and statewide exposure with the television, radio and newspaper media, which regularly report on its research and recommendations.

Florida TaxWatch has a historical understanding of state government, public policy issues, and the battles fought in the past necessary to structure effective solutions for today and the future. It's the only statewide organization devoted entirely to Florida taxing and spending issues.

Supported by voluntary, tax-deductible memberships and grants, Florida TaxWatch is open to any organization or individual interested in helping to make Florida competitive, healthy and economically prosperous by supporting a credible research effort that promotes constructive taxpayer improvements. Members, through their loyal support, help Florida TaxWatch to bring about a more effective, responsive government that is accountable to the citizens it serves.

Florida TaxWatch is supported by all types of taxpayers -- homeowners, small businesses, large corporations, philanthropic foundations, professionals, associations, labor organizations, retirees--simply stated, the taxpayers of Florida. The officers, Board of Trustees and members of Florida TaxWatch are respected leaders and citizens from across Florida, committed to improving the health and prosperity of Florida.

With your help, Florida TaxWatch will continue our diligence to make certain your tax investments are fair and beneficial to you, the taxpaying customer who supports Florida's government. Florida TaxWatch is ever present to ensure that taxes are equitable, not excessive, that their public benefits and costs are weighed, and that government agencies are more responsive and productive in the use of your hard-earned tax dollars.

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◆ Integrity ◆ Productivity ◆ Accountability ◆ Independence ◆ Quality Research



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