IMPLEMENTATION OF REVISION 7 TO ARTICLE V OF THE FLORIDA CONSTITUTION

SUBMITTED TO:

THE FLORIDA LEGISLATURE

PHASE ONE REPORT

SUBMITTED BY:

January 22, 2003

MGT of America

TABLE OF CONTENTS

PAGE

Indemnification Clause i

1.0 INTRODUCTION 1-1

1.1 Project Background 1-1
1.2 Phase I Directives 1-4
1.3 Overview of Remaining Chapters 1-6

2.0 FLORIDA'S JUDICIAL SYSTEM 2-1

2.1 The Supreme Court of Florida 2-2
2.2 The District Courts of Appeal 2-5
2.3 The Circuit Courts 2-6
2.4 The County Courts 2-7
2.5 Other Entities Within the Judicial System 2-8
2.5.1 Judicial Nominating Commissions 2-8
2.5.2 Judicial Qualifications Commission 2-9
2.5.3 Clerks of Court 2-9
2.5.4 State Attorneys 2-10
2.5.5 Public Defenders 2-11
2.6 Funding of the Judicial System 2-11
2.7 Strengths, Weaknesses and Reliability of Financial Data 2-18

3.0 ELEMENTS OF THE JUDICIAL SYSTEM 3-1

3.1 Methodology for Development of Program and Activity Definitions 3-1
3.2 Judicial System Programs and Activities 3-3
3.3 Summary of Elements 3-5
3.3.1 State Attorneys and State Attorney's Office Administration 3-9
3.3.2 Public Defenders and Public Defender's Office Administration 3-14
3.3.3 Court-Appointed Counsel 3-19
3.3.4 Witnesses/Evaluators 3-23
3.3.5 Indigency Examiners 3-28
3.3.6 Judicial Qualifications Commission 3-32
3.3.7 Courthouse Facilities (District Courts of Appeal and Supreme Court) .. 3-35
3.3.8 Jury Management 3-36
3.3.9 Judges 3-43
3.3.10 Judicial Support 3-46
3.3.11 Court Reporters 3-50
3.3.12 Court Interpreters 3-54
3.3.13 Court-based Mediation and Arbitration 3-58
3.3.14 Case Management 3-63
3.3.15 Court Administration 3-69
3.3.16 Legal Support 3-76
3.3.17 Masters/Hearing Officers 3-80
3.3.18 Clerk of Court Administration 3-85
3.3.19 Communications Services (Information Systems/Technology) 3-90
3.3.20 Guardianship Services 3-94
3.3.21 Other Programs and Services 3-99
3.3.22 Victim Services 3-103
3.3.23 Witness/Evaluator Coordination/Management 3-107
3.3.24 Public Law Library 3-111

TABLE OF CONTENTS (Continued)

3.4 Issues Not Addressed in Section 3.3 3-114

4.0 REMAINING PROJECT PHASES 4-1

APPENDICES

Appendix A: Key Stakeholder Issues
Appendix B1: Counties/Circuits Selected for Site Visits
B2: Site Visit Interview Contacts Matrix
B3: Interview Guides and Information Requests
B4: Site Visit Interview Summaries
Appendix C: Chapter 2000-237, Laws of Florida (Chapter 29, F.S.)
Appendix D1: "Essential Element" definitions proposed by Trial Court Budget Commission
D2: Supreme Court of Florida Amendments to Florida Rules of Judicial Administration, SC00-429, August 31, 2000
Appendix E1: "Public Constitutional Rights: The Driving Force on Expenditures For the Florida Judicial System," Professor Joseph Little
E2: Constitutional analysis of Chapter 29, F.S., Attorney George Meros
E3: Summary Comparison of Legal Opinions Relative to Chapter 29, F.S.
Appendix F1: State Attorneys and State Attorney's Office Administration
F2: Public Defenders and Public Defender's Office Administration
F3: Court-Appointed Counsel
F4: Witnesses/Evaluators
F5: Indigency Examiners
F6: Judicial Qualifications Commission
F7: Courthouse Facilities (District Courts of Appeal and Supreme Court)
F8: Jury Management
F9: Judges
F10: Judicial Support
F11: Court Reporters
F12: Court Interpreters
F13: Court-based Mediation and Arbitration
F14: Case Management
F15: Court Administration
F16: Legal Support
F17: Masters/Hearing Officers
F18: Clerk of Court Administration
F19: Communications Services (Information Systems/Technology)
F20: Guardianship Services
F21: Other Programs and Services
F22: Victim Services
F23: Witness/Evaluator Coordination/Management
F24: Public Law Library

INDEMNIFICATION CLAUSE

The analysis contained in this report is our best professional opinion, but it is submitted with the understanding that the Legislature will exercise its independent judgment regarding analysis of the issues and how those issues addressed in this report are ultimately resolved.

1.0 INTRODUCTION

1.0 INTRODUCTION

The Florida Legislature issued a request for proposals to conduct research and provide analytical and other support to the Legislature regarding the implementation of Revision 7 to Article V of the Florida Constitution. MGT of America, Inc., was the successful bidder and was issued a contract executed by the presiding officers of the Legislature to provide assistance to the Legislature. The project includes five phases; MGT was engaged to complete the first four. These four phases include:

Phase 1: Description of the Court System Operations

Phase 2: Recommendations to Increase Efficiency/Reduce Costs of Essential Services

Phase 3: Standardized Staffing and Cost Models

Phase 4: Recommendations on Court-related Revenue

This report contains the results of MGT's analysis for Phase 1 of our engagement.

1.1 Project Background

Article V

Article V of the Florida Constitution provides for the judicial branch of state government, including its structure, functions, responsibilities, and governance. Significant changes were made to Article V in 1972, when Florida voters approved a major court restructuring to provide for a more unified and cohesive trial court system. The 1972 amendment designated funding responsibilities of the counties, the state, and court users. Over time, as the Office of Program Policy Analysis and Government Accountability (OPPAGA) reported, "State and county governments disagreed on how much each should contribute; county governments believed that the state should

assume a larger share of the cost that occurred."[1] According to the Florida Association of Counties, to this end, after "20 years of unsuccessful pleading with the Legislature to assume more of the costs of its court system, Florida county leaders were compelled to pursue an amendment to the state constitution."[2] This amendment, referred to as Revision 7, was passed in 1998 and assigns specific cost responsibilities to the state. It is to be fully implemented by 2004.

Revision 7

As noted above, Revision 7 to Article V of the Constitution was approved by Florida's voters in 1998. The amendment language relevant to funding is contained in Section 14. In addition to providing for continuing state appropriations for the salaries of justices and judges, Section 14 generally provides that:

- funding for the state courts system, state attorneys' offices, public defenders' offices, and court-appointed counsel are to be provided from state revenues;
- funding for the offices of the clerks of the circuit and county courts performing court-related functions . . . is to be provided by adequate and appropriate filing fees for judicial proceedings and service charges and costs for performing court-related functions as required by law. However, if certain fees cannot be levied because doing so would bar access to the courts, the state is required to provide funds to the clerks to cover resulting revenue shortfalls; and
- funding requirements of the county or municipality are to include communications services, existing radio systems, existing multiagency criminal justice information systems, and the cost of construction or lease, maintenance, utilities, and security of facilities for the trial courts, public defenders' offices, state attorneys' offices, and the offices of the clerks of the circuit and county courts performing court-related functions. Counties are also required to pay reasonable and necessary salaries and costs and expenses of the state courts system to meet local requirements as determined by law.

[1] OPPAGA, "Many Article V Trial Courts Funding Issues Still Need to be Resolved." *OPPAGA Information Brief*, Report No. 01-54, November 2001.
[2] Florida Association of Counties, "Article V/Revision 7: A Briefing for County Commissioners." January 2001.

Chapter 2000-237, Laws of Florida

To implement the provisions of Revision 7, the 2000 Legislature passed CS/SB 1212, which was adopted as Chapter 2000-237, Laws of Florida. Section 1 of the bill describes the state's role in providing financial support to various entities as follows:

- State Courts System – to include the essential elements of the Supreme Court, district courts of appeal, circuit courts, county courts, and essential supports thereto.

- Offices of the Public Defenders and State Attorneys – to include those essential elements of the 20 state attorneys' and public defenders' offices as determined by general law.

- Court-appointed counsel – to include counsel appointed to ensure due process in criminal and civil proceedings in accordance with state and federal constitutional guarantees.

In addition, in describing funding requirements, the bill directs that:

- The offices of the clerks of the circuit and county courts are to provide court-related functions by charging adequate and appropriate filing fees for judicial proceedings and service charges and costs for performing court-related functions.

- County funding requirements are outlined pursuant to those itemized in Revision 7. The legislation provides for continuing funding responsibilities of the counties for existing elements of the state courts system, state attorneys' offices, public defenders' offices, court-appointed counsel, and the offices of the clerks of the circuit and county courts performing court-related functions, consistent with current law and practice until the Legislature expressly assumes the responsibility for funding those elements. Counties are required to fund the cost of communications services, existing radio systems, existing multiagency criminal justice information systems, and the cost of construction or lease, maintenance, utilities and security of facilities for the circuit courts and county courts, public defenders' offices, state attorneys' offices, and the offices of the clerks of the circuit and county courts.

- The Legislature is not obligated to fund current programs in the future if the programs are not designated as an essential element of the system as part of the implementation of Revision 7.

1.2 Phase 1 Directives

As noted earlier, this report addresses Phase 1 of MGT's engagement with the Legislature. Phase 1 provided for a description of judicial system operations and involved the following relevant tasks:

- an overview of trial court operations and costs;
- on-site review of court operations at selected county and circuit court locations;
- development of activity and program definitions, costs, and performance data; and
- preparation and submission of Phase 1 report.

To complete these tasks, MGT first reviewed pertinent sections of the federal and Florida constitutions and Florida Statutes regarding the judicial system, its organization and roles, and mandated responsibilities/functions. MGT also obtained and reviewed the trial court program definitions in the Uniform Chart of Accounts (UCA), as well as other available financial and programmatic information.

Next, MGT met with numerous key organizations and stakeholder groups to gather information on:

- opinions and perceptions regarding Revision 7, progress to date, and plans for the future;
- key issues of general concern;
- key issues of particular concern to stakeholders;
- prior studies/analyses conducted and assessment of results;
- ongoing and/or future studies/analyses;
- studies, analyses, issue papers and/or other documents relevant to the study; and
- pertinent cost data collected to date by each stakeholder.

A list of key organizations and stakeholder groups interviewed and a summary of their major issues is provided in Appendix A.

MGT's next major task involved the selection of four counties and four circuits, plus Circuit 11 (Miami-Dade) for on-site reviews. A set of selection criteria was developed and submitted for approval to the Legislature's project management team. The circuits and counties selected for inclusion in this review are provided in Appendix B1. A list of officials within each county and circuit who were included in the on-site interview process is provided in Appendix B2. The interview guides and information requests used for the on-site portion of this project are included as Appendix B3. Site visit interview summaries are included in Appendix B4.

MGT reviewed the "essential elements" of the judicial system as defined by Chapter 2000-237, Laws of Florida, (Chapter 29, F.S.) (Appendix C) and reviewed the "essential elements" proposed by the Trial Court Budget Commission (TCBC),[3] included as Appendix D, to evaluate the pros and cons and the supporting justification for the proposed definitions.The next step was to identify all other programs and activities that have been identified through various statewide surveys or reports. As such, MGT developed a preliminary but comprehensive list of trial court activities and programs, with concise definitions, based on information:

- specified in Chapter 2000-237, Laws of Florida (Chapter 29, F.S.);
- developed by the Trial Court Budget Commission;
- collected from the on-site reviews and survey questionnaires; and
- provided by other trial court stakeholders.

Finally, to determine which programs and activities should be included on a list for detailed, comprehensive analysis, consideration was given to consolidation of key programs and activities with apparent statewide relevance into broader elements, which will be presented in Chapter 3.0.

[3] As discussed and defined in the "Update on Article V Funding" report by the Trial Court Budget Commission, March 14, 2001.

1.3 Overview of Remaining Chapters

This report comprises four chapters, including this chapter. The remaining chapters are:

- Chapter 2.0, Florida's Judicial System. This chapter provides an overview of the judicial system and a description of each entity within the system. Cost data is also provided.
- Chapter 3.0, Elements of the Judicial System. This chapter provides detailed information on program and activity definitions, including constitutional and statutory authorizations, detailed definitions, and related cost information.
- Chapter 4.0, Remaining Project Phases. This chapter briefly describes the remaining project phases.

2.0 FLORIDA'S JUDICIAL SYSTEM

2.0 FLORIDA'S JUDICIAL SYSTEM

The state courts system, established by Article V of the Constitution of the State of Florida, consists of the following primary entities (as defined by Chapters 25, 26, 34, and 35, Florida Statutes).

- Florida Supreme Court (Chapter 25, F.S.)
- District Courts of Appeal (Chapter 35, F.S.)
- Circuit Courts (Chapter 26, F.S.)
- County Courts (Chapter 34, F.S.)

The Supreme Court is the highest court of the state, and must hear all judgments imposing the death penalty, district court decisions declaring a statute or a provision of the state Constitution invalid, actions of statewide agencies relating to public utilities, and bond validation judgments. Also, the Chief Justice of the Florida Supreme Court is the administrator of the state courts system, among other responsibilities pursuant to Article V §2(b) of the Florida Constitution. The Court is charged with additional responsibilities, as well, which will be further detailed below.

The district courts of appeal serve as the final appellate review for litigated cases. There are five courts of appeal in the state, charged with deciding appeals from circuit courts in most civil and criminal cases. These courts also enjoy jurisdiction in appeals from county courts where a provision of the Constitution or state statute is held invalid, and for judgments of great public importance.

The circuit courts are the level at which most cases, both civil and criminal, originate. These are courts of general jurisdiction, handling civil cases involving amounts greater than $15,000, as well as major criminal infractions, domestic relations allegations, probate issues, and county courts appeals.

County courts in Florida are commonly referred to as "the peoples' courts," as most of the work within these courts involves citizen disputes, including civil cases

involving amounts less than $15,000, traffic offenses, minor criminal offenses, and ordinance violations, among others. Pending the amount in dispute is less than $2,500, it is possible for members of the public to bring their own claims to court without an attorney, within the small claims division of the county courts.

Exhibit 2-1 provides an overview of the organization structure of Florida's judicial system.

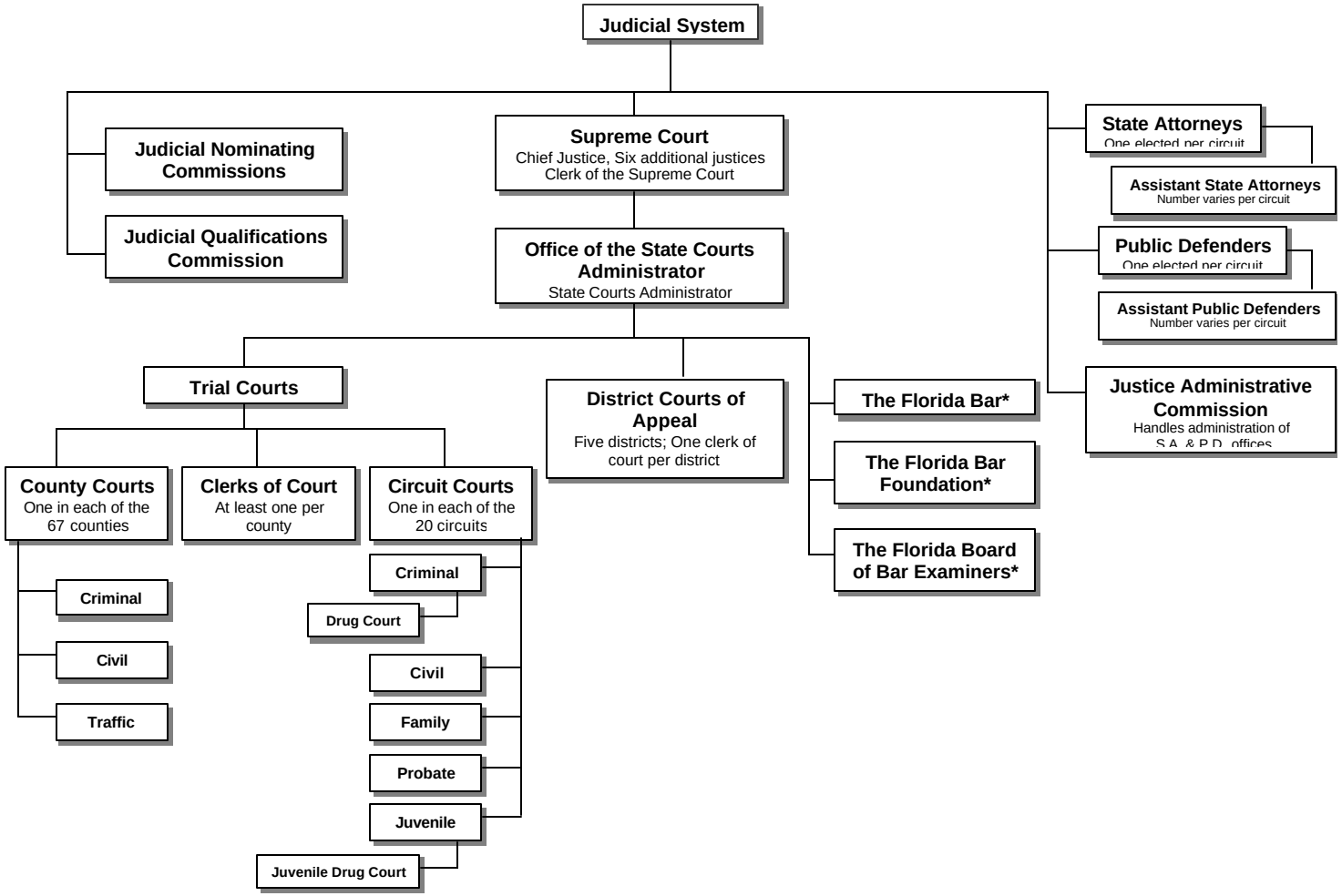
2.1 The Supreme Court of Florida

The Supreme Court of Florida is the highest court of the state. It is composed of seven Justices, each of whom must be a qualified elector residing in Florida who has enjoyed admittance to the practice of law in Florida for the preceding ten years. A minimum of five Justices must participate in every case, and at least four must agree in order to ultimately reach a decision. The official headquarters of the Court is in Tallahassee, Florida, at the Supreme Court Building.

The jurisdiction of the Supreme Court is set forth in the Constitution, although some degree of flexibility is retained by which the Legislature may add or remove certain types of cases. Review by the court is mandatory for cases falling within the following categories:

- final orders imposing death sentences;
- district court decisions declaring a state statute or provision of the state Constitution invalid;
- bond validations; and
- certain orders of the Public Service Commission on utility rates and services.

EXHIBIT 2-1
FLORIDA'S JUDICIAL SYSTEM



* Arms/Auxiliaries of the Supreme Court

Additionally, it is within the discretion of the court to review any decision of a District Court of Appeal that:

- expressly declares valid a state statute;
- construes a provision of the state or federal Constitution;
- affects a class of constitutional or state officers; or
- directly conflicts with a decision of another district court or of the Supreme Court on the same question of law.

The Supreme Court may review certain categories of judgments, decisions, and questions of law certified to it by the district courts of appeal and federal appellate courts. It also has the constitutional authority to issue the extraordinary writs (orders commanding people or entities to perform or refrain from performing particular acts) of prohibition, *mandamus*, *quo warranto*, and *habeas corpus*, as well as issue all other writs necessary to the complete exercise of its jurisdiction (such as an order to stay lower court proceedings). Advisory opinions to the Governor (relating to the Governor's constitutional duties and powers) are upon request also rendered by the court.

The court promulgates rules governing practice and procedure in all Florida courts and holds exclusive authority to regulate the admission and discipline of Florida lawyers. In order to facilitate such regulatory power, the court adopted a professional code of conduct (to guide professional action), created The Florida Bar (to oversee bar governance), and established the Florida Board of Bar Examiners (to regulate the admissions process). As well as regulating the conduct of Florida's lawyers, the court is also charged with the discipline and removal of judicial officers. This is done pursuant to the Code of Judicial Conduct, and upon recommendation of the Judicial Qualifications Commission.

In 1972, the Office of the State Courts Administrator (OSCA) was created by the Supreme Court in order to assist the court in carrying out its management and

administrative responsibilities. OSCA serves as the liaison between the court system and the legislative branch, executive branch, auxiliary agencies of the Court (such as the Florida Bar, Florida Bar Foundation, and the Board of Bar Examiners), and national court research and planning agencies, and carries out its duties pursuant to Rule 2.030(e)(2), Florida Rules of Judicial Administration.

OSCA assists the court through overseeing a uniform case reporting system, assisting in preparation of the court operating budget, and assessing the need for judges and specialized court divisions. Additional responsibilities of OSCA currently include administration and provision of technical assistance for such specialized programs as:

- Family Court;
- Mediation Services;
- Guardian Ad Litem (currently planned for transfer);
- Drug Court;
- Jury Management;
- Alternative Juvenile Approaches; and
- Others.

2.2 The District Courts of Appeal

Most trial court decisions entering the appellate process are decided at the district courts of appeal level. Due to an undue burden on the Supreme Court (which, until establishment of the district courts of appeal, heard all appeals), the district courts of appeal were first approved in Florida in 1957. The state is divided into five districts, each having its own district court of appeal. These are located in Tallahassee, Lakeland, Miami, West Palm Beach, and Daytona Beach. Decisions of the district courts of appeal represent final appellate review. While a displeased appellant may request further review from the Florida Supreme Court or the U.S. Supreme Court, neither of those is required to accept the case. In most cases, such requests are denied.

The district courts of appeal hear appeals of final judgments (or orders) of trial courts that are not taken from county to circuit court or that are unable to be appealed directly to the Supreme Court. The district courts of appeal also have authority, per the Constitution, to issue writs of *certiorari*, *mandamus*, *quo warranto*, prohibition, and *habeas corpus*. These courts are also, per general law, granted the power to review most actions taken by state agencies in carrying out the duties of the executive branch.

The judges, making up each of the three-judge panels within each district court of appeal in Florida, have identical eligibility requirements for appointment to office as the Justices of the Supreme Court, and may only serve six-year terms with eligibility for successive terms through a merit retention vote of electors. They are also subject to the same procedures and conditions for discipline and removal.

2.3 The Circuit Courts

The circuit courts are sometimes referred to as courts of general jurisdiction, as most cases (both criminal and civil) originate at this level. The overwhelming majority of jury trials in Florida take place in these courts, before one judge. Pursuant to the Constitution, circuit courts are established to serve each of the 20 judicial circuits established by the Legislature. Depending on both the caseload and population of the area, the number of judges for each circuit varies.

While circuit courts enjoy general trial jurisdiction over matters not statutorily assigned to the county courts, these courts also hear appeals from the county courts. Jurisdiction of these courts includes, among others:

- original jurisdiction over civil disputes involving more than $15,000;
- criminal prosecutions for all felonies;
- suits regarding declaratory judgments;

- issues involving the estates of decedents, minors, and persons adjudicated to be incompetent;
- juvenile-related cases; and
- requests for injunctions.

Also, as with those courts mentioned above, the circuit judges may issue writs of *certiorari*, *mandamus*, *quo warranto*, prohibition, and *habeas corpus*, as well as all other writs necessary.

Circuit court judges must be resident electors of Florida and admitted to the practice of law for the preceding five years. These individuals are elected through nonpartisan contested elections, or appointed by the governor from a field of nominees compiled by a Judicial Nominating Commission to fill a mid-term vacancy. Circuit court judges serve six-year terms and are subject to the same policies and procedures as those judicial officials above.

2.4 The County Courts

Per state Constitution, a county court is established in each of the 67 counties in Florida, and each county court has at least one judge. Similar to the circuit courts mentioned above, the caseload and population of the county may cause the number of judges to vary. Eligibility for county judge is dependent on the individual's being a resident of the county, as well as being a member of The Florida Bar for five years (except in counties with a population of 40,000 or less, where the person must simply be a member of The Florida Bar). These judges are elected or appointed to six-year terms, as with circuit judges, and are subject to the same disciplinary standards as those above (with one exception: that, in lieu of impeachment, county judges may face suspension by the Governor).

These courts are typically referred to as the "people's courts," largely due to the volume of citizen disputes (such as traffic offenses, misdemeanors, and small monetary disputes) that take place in these courts. As such, the overwhelming majority of nonjury trials take place in these courts, before one judge. Per statute, the jurisdiction of county courts extends to civil disputes involving $15,000 or less for causes of action accruing on or after July 1, 1992 (and those involving $10,000 or less for actions accruing on or after July 1, 1990).

2.5 Other Entities Within the Judicial System

In addition to the four levels of courts discussed above, several entities play a major role within the broader judicial system. These include, but are not limited to, the following:

- Office of the State Courts Administrator (OSCA), discussed above
- Judicial Nominating Commissions
- Judicial Qualifications Commission
- Clerks of Court
- State Attorneys
- Public Defenders.

2.5.1 Judicial Nominating Commissions

The Judicial Nominating Commissions (JNC) provide recommendations for vacancies within the judicial branch. These recommendations (provided as a list of three candidates) are given to the governor, who fills vacancies based on the recommendations. Separate nine-member nominating commissions exist for the Supreme Court, district courts of appeal, and each circuit (which make nominations for both circuit and county judges).

The governor appoints all nine members of each commission? five directly and four based on nominations from The Florida Bar board of governors. By statute, at least six members of each commission must also be members of The Florida Bar, but no JNC

members may hold a judicial office concurrent with their commission membership. JNC members serve for a term of four years.

2.5.2 Judicial Qualifications Commission

The Judicial Qualifications Commission (JQC) is responsible for investigating and recommending judicial discipline. In cases where the JQC finds a demonstration of unfitness to hold office, the JQC recommends removal of that individual to the Supreme Court of Florida. The JQC may also recommend the reprimand of a judge whose conduct warrants such.

The commission is composed of 15 members, each of whom serves a six-year term:

- two District Courts of Appeal judges, two circuit judges, and two county judges, elected by their respective peers;
- four Florida Bar members elected by the board of governors of The Florida Bar; and
- five public members appointed by the governor.

2.5.3 Clerks of Court

The primary role of the clerks of court, as related to the judicial system, is to manage and preserve the record of judicial proceedings. The clerks of court are assigned many responsibilities, including reporting case filings and dispositions, collecting court costs and fees, and maintaining a docket for court cases. Pursuant to Article V §16 of the Florida Constitution, each county elects a clerk of the circuit court. The duties of the clerk of the circuit court may be divided by special or general law between two officers. In such a case, one must serve as the clerk of court, while the other serves as ex officio clerk of the board of county commissioners, auditor, recorder, and custodian of all county funds. There may be a clerk of the county court if authorized

by general or special law. The Supreme Court (25.191, F.S.) and the district courts of appeal (35.21, F.S.) each appoint clerks of court who hold office at the pleasure of the court.

2.5.4 State Attorneys

State attorneys, serving pursuant to Article V §17 of the Florida Constitution and Chapter 27, Florida Statutes, shall "appear in the circuit and county courts within his or her judicial circuit and prosecute or defend on behalf of the state all suits, applications, or motions, civil or criminal, in which the state is a party." Statutes provide exceptions for proceedings related to children (Chapter 39), children and families in need of services cases (Chapter 984), and delinquency and interstate compact on juveniles cases (Chapter 985).

Florida's criminal procedure is similar to that of other states. Criminal proceedings are initiated primarily by law enforcement agencies by filing a criminal complaint with the clerk of courts. The criminal charges detailed in that complaint must be reviewed by the state attorney's office to determine evidentiary and legal sufficiency. When this is established, it is the responsibility of the state attorney to commence formal legal proceedings against the defendants named in the complaint in the trial courts. Such cases are prosecuted through to settlement, dismissal, or jury verdict.

The state attorney's office primarily prosecutes criminal actions, but they are also responsible for some civil proceedings, including Baker Act hearings (394.467, F.S.) and sexually violent predator civil commitments (775.21, F.S.). It is also the responsibility of the state attorney's office to work cooperatively with the public defender's office to ensure the fair operation of the criminal justice system.

2.5.5 Public Defenders

Public Defenders, serving pursuant to Article V §18 of the Florida Constitution and Chapter 27, Florida Statutes, shall "represent, without additional compensation, any person who is determined by the court to be indigent who is:

(a) under arrest for, or is charged with, a felony;

(b) under arrest for, or is charged with, a misdemeanor, a violation of chapter 316 which is punishable by imprisonment, criminal contempt, or a violation of a municipal or county ordinance in the county court, unless the court, prior to trial, files in the cause an order of no imprisonment which states that the defendant will not be imprisoned if he or she is convicted;

(c) alleged to be a delinquent child pursuant to a petition filed before a circuit court; or

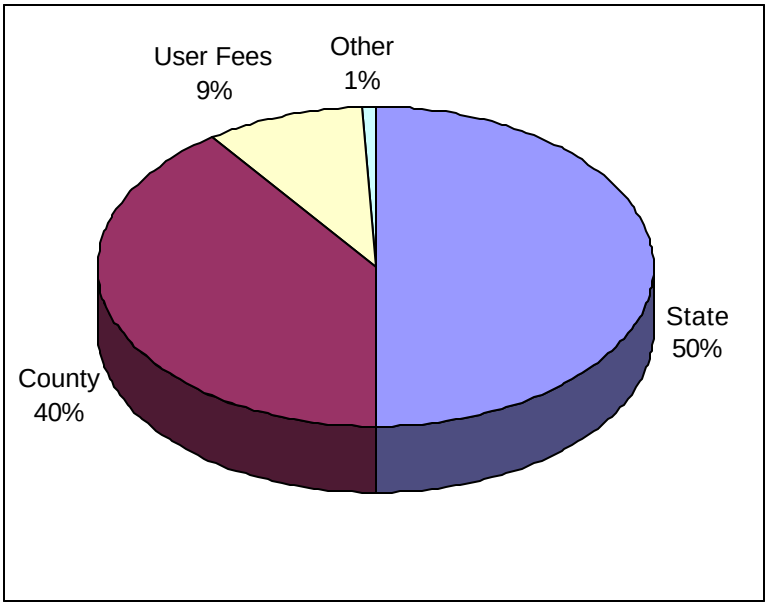
(d) sought by petition filed in such court to be involuntarily placed as a mentally ill person or sexually violent predator or involuntarily admitted to residential services as a person with developmental disabilities. However, a public defender does not have the authority to represent any person who is a plaintiff in a civil action brought under the Florida Rules of Civil Procedure, the Federal Rules of Civil Procedure, or the federal statutes, or who is a petitioner in an administrative proceeding challenging a rule under chapter 120, unless specifically authorized by statute." (27.51, F.S.)

In other words, public defenders represent indigent persons charged with misdemeanors or felonies, as well as those who are involuntarily placed (due to developmental disability or mental illness).

2.6 Funding of the Judicial System

Funding for the various entities that comprise the judicial system comes from a combination of direct state appropriations, county appropriations, user fees and grants, and contracts (some of which are funded by other arms of the state). The vast majority of the funding for most entities comes from state and county appropriations, as seen in Exhibit 2-2.

EXHIBIT 2-2
PERCENTAGE OF TOTAL FUNDING FOR FLORIDA'S JUDICIAL SYSTEM BY FUNDING ENTITY



The relative mix of revenue by source differs across the various judicial system entities. For instance, the Supreme Court and the district courts of appeal are totally state funded, whereas the trial courts receive funding from both the state and the counties. State attorneys and public defenders are funded primarily by the state, though some counties provide considerable supplemental funding. The funding patterns for clerks of courts differ from the other entities in the judicial system, since the clerks do not receive direct state support and, instead, rely heavily on user fees. (Even though some counties operate on a "budget clerk" basis, for our purposes we assume that fee revenue is a major source of the county funds allocated to the clerks.)

Exhibit 2-3 provides a visual illustration of which judicial system entities, and activities within each entity, are typically supported by each revenue source. For instance, salaries for judges in the trial courts are fully funded by the state, whereas salaries for other types of personnel and operating expenses of the trial courts can be funded from either state or county sources.

Further, Exhibit 2-3 illustrates how the funding sources for each entity are to be addressed in the current project.

- Of particular importance for the current project are those areas in the matrix that are coded as "County funding to be considered for state funding under Revision 7." Based on future determination by the Legislature of "essential elements," certain of the costs now borne by the counties is likely to be assumed by the state.

- A second focus of the project is the category "Court functions of the clerks' offices to be fully funded from user charges." Chapter 29 establishes the goal that court user fees be adjusted such that they become adequate to support the court-related functions of the clerks.

- A third area of concern is coded "Current state funding to be assessed for efficiency opportunities." Phase 2 of the current project will identify "best practices" that will be considered during the development of costing and staffing models in phase 3.

- The remaining areas of the matrix are outside the scope of the current project. In some cases, no revenue from the particular source is allocated to a particular entity.

EXHIBIT 2-3
OVERVIEW OF FUNDING ISSUES FOR PROJECT
FLORIDA JUDICIAL SYSTEM

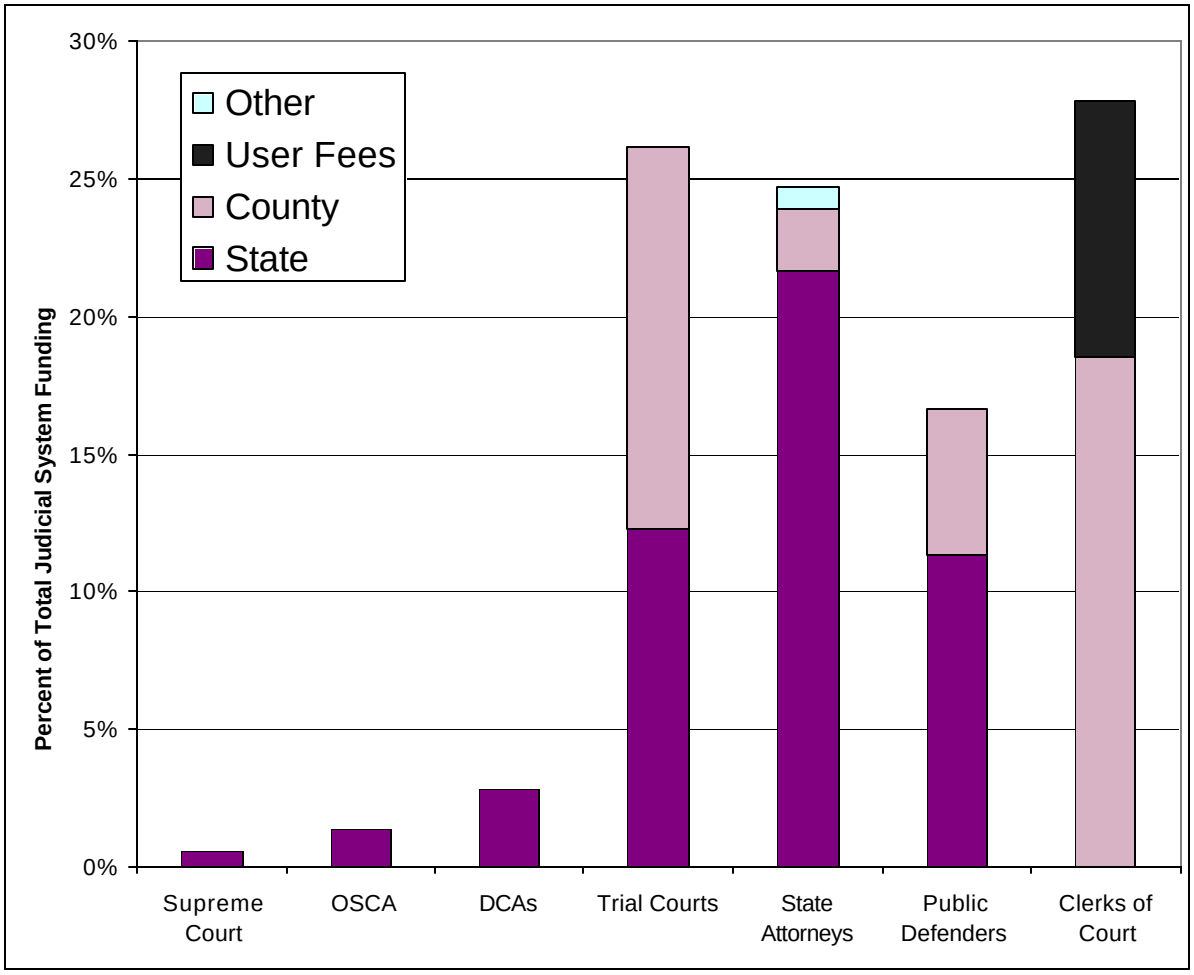
Entity	Purpose of Expenditure	Source of Revenue: State Appropriations	County Appropriations	User Charges	Grants and Other Non-Recurring Funds
Supreme Court	Judges' Salaries Other Salaries Other Expense				
DCA	Judges' Salaries Other Salaries Other Expense				
Circuit Court	Judges' Salaries Other Salaries Other Expense				
County Court	Judges' Salaries Other Salaries Other Expense				
State Attorney	Attorneys' Salaries Other Salaries Other Expense				
Public Defender	Attorneys' Salaries Other Salaries Other Expense				
Clerk of Court	Clerks' Salaries Other Salaries Other Expense				

Key:

Shading	Implication for Project
	County funding to be considered for state funding under Revision 7
	Court functions of clerks' offices to be fully funded from user charges
	Current state funding to be assessed for efficiency opportunities
	Funding for clerk for noncourt functions; outside scope of project
	Outside scope of project
	No funding provided for this entity/purpose from this source
	Dedicated user fees, and general user fees if part of county general fund, may support entities other than clerk.

Exhibit 2-4 provides a graphic overview of the relative amounts of funding for each entity from each source. As seen in the exhibit, slightly over half of the funding for the trial courts appears to come from county sources. Similarly, about one-third of public defender funding statewide comes from the counties. State attorneys statewide are much less reliant on county funding than either the courts or public defenders. User fees account for approximately one-third of clerk of court funding. Although fully funded by the state, the Supreme Court, OSCA, and the district courts of appeal represent a relatively small proportion of current state funding for the judicial system.

EXHIBIT 2-4
RELATIVE REVENUES BY SOURCE BY ENTITY
FLORIDA JUDICIAL SYSTEM



Finally, given the emphasis on county funding for the judicial system, Exhibit 2-5 provides a summary overview of county expenditures in fiscal year 2000 on the judicial system by activity-based categories derived from the Uniform Chart of Accounts (UCA). This information comes from the Annual Financial Report (AFR) that each county submits to the State Comptroller each year. The AFRs have been audited by independent CPA firms, pursuant to 218.32, F.S. The audited AFRs for FY2000 indicate that approximately $700 million was expended by the counties on the judicial system, of which up to $600 million might be eligible for transfer to state funding sources (i.e., after excluding courthouse security and facilities that are defined as county responsibility under Chapter 29). The actual amount to be assumed by the state, of course, will depend on what programs and activities the Legislature determines to be essential and on further refinements of the cost information.

EXHIBIT 2-5
COUNTY EXPENDITURES ON JUDICIAL SYSTEM: FY 2000 ANNUAL FINANCIAL REPORTS

Activity	Account Codes	FY 2000 Audited Annual Financial Reports	Percentage of Total FY 2000 Expenditures
Court Administration	601,611,631,651,671, 691,721,741,761	46,293,274	6.6%
State Attorney Administration	602,612,632,652,672, 692,722,742,762	19,542,055	2.8%
Public Defender Administration	603,613,633,653,673, 693,723,743,763	21,419,691	3.1%
Clerk of Court Administration	604,614,634,654,674, 694,724,744,764	308,478,742	44.0%
Judicial Support	605	11,425,710	1.6%
Trial Court Law Clerks/Legal Support	606	529,670	0.1%
Appeals	607	3,009,841	0.4%
Jury Management	608	3,409,150	0.5%
Court Reporter Services	615,635,655,675,695, 725,745	18,239,560	2.6%
Clinical Evaluations	616,636,656,676,696, 726,746	4,386,676	0.6%
Court Interpreters	617,637,657,677,697, 727,747	4,087,049	0.6%
Witness Coordination/Management	618,638,658,678,698, 728,748	5,151,210	0.7%
Expert Witness Fees	619,639,659,679,699, 729,749	4,095,083	0.6%
Public Defender Conflicts	621,681,731	36,621,349	5.2%
Drug Courts	622,684	3,861,302	0.6%
Pre-Trial Release	623	6,317,705	0.9%
Community Service Programs	624,732	1,296,741	0.2%
Other Costs	629,649,669,689,709, 719,739,759,769	32,151,175	4.6%
Masters/Hearing Officers	641,661,683,701,751, 765	6,453,940	0.9%
Alternative Dispute Resolution	609,642,662,682,702, 752	8,041,599	1.1%
Domestic Violence Crt/Pro se Services	663,664	4,353,593	0.6%
Court-Based Victim Services	667	2,008,341	0.3%
Custody Investigation/Guardian ad Litem	665,666,685	3,541,685	0.5%
Attorneys' Fees/Public Guardian	703,704	2,978,493	0.4%
Courthouse Security	711	58,558,423	8.4%
Courthouse Facilities	712	38,915,149	5.6%
Information Systems	713	29,736,682	4.2%
Public Law Library	714	6,923,406	1.0%
Misdemeanor Probation	733	8,981,886	1.3%
Unallocated Expenditures		0	0.0%
Subsidies		0	0.0%
Other General Governmental Services	519	0	0.0%
Total		700,809,180	100.0%
Total without Courthouse Security and Courthouse Facilities	711,712	603,335,608	86%

2.7 Strengths, Weaknesses and Reliability of Financial Data

The county expenditure information for FY 2000, which was shown earlier in Exhibit 2-5, is based on aggregations of related accounts in the Uniform Chart of Accounts (UCA) that are used for judicial entities. The aggregations were developed as a joint effort by staff from the Legislative Committee on Intergovernmental Relations (LCIR), the Office of the Auditor General, and the State Comptroller. Overall, 117 codes in the UCA were collapsed into 29 categories of related activities. The names of the accounts that were combined into each of the broader activities are listed in Exhibit 2-6.

When the summary audited AFR data were compiled, many stakeholders feared that current expenditures for their entities were under-reported, and that situation might cause the Legislature to not appropriate adequate amounts to replace current county-provided funding. In an effort to analyze these concerns and to provide the Legislature with additional information, the staff from LCIR sought corresponding data from each stakeholder entity.

In some cases, such as for the court clerks and OSCA, the stakeholder entity had recently completed a financial survey of their constituency. When existing data were available, LCIR cross-walked survey results into the same activity aggregations that had been used in its summary of audited AFR data. In other cases, such as for the state attorneys and public defenders, LCIR invited the state association to undertake a survey of its members to identify suggested data refinements.

Although most of the financial analyses to date have been based on data from the 2000 fiscal year, more recent data have become available. The audited AFRs for county fiscal years ending on September 30, 2001, were submitted to the State Comptroller during fall 2002. Although summary AFR data for FY 2001 are available, review of this newer information by the stakeholder entities is just beginning.

EXHIBIT 2-6
GROUPING OF UCA ACCOUNTS INTO JUDICIAL SYSTEM ACTIVITIES

Activity	Account Codes	Major Account Title	Minor Account Title
Court Administration			
	601	General Administration	Court Administration
	611	Circuit Court-Criminal	Court Administration
	631	Circuit Court-Civil	Court Administration
	651	Circuit Court-Family	Court Administration
	671	Circuit Court-Juvenile	Court Administration
	691	Circuit Court-Probate	Court Administration
	721	County Court-Criminal	Court Administration
	741	County Court-Civil	Court Administration
	761	County Court-Traffic	Court Administration
State Attorney Administration	602	General Administration	State Attorney Administration
	612	Circuit Court-Criminal	State Attorney
	632	Circuit Court-Civil	State Attorney
	652	Circuit Court-Family	State Attorney
	672	Circuit Court-Juvenile	State Attorney
	692	Circuit Court-Probate	State Attorney
	722	County Court-Criminal	State Attorney
	742	County Court-Civil	State Attorney
	762	County Court-Traffic	State Attorney
Public Defender Administration	603	General Administration	Public Defender Administration
	613	Circuit Court-Criminal	Public Defender
	633	Circuit Court-Civil	Public Defender
	653	Circuit Court-Family	Public Defender
	673	Circuit Court-Juvenile	Public Defender
	693	Circuit Court-Probate	Public Defender
	723	County Court-Criminal	Public Defender
	743	County Court-Civil	Public Defender
	763	County Court-Traffic	Public Defender
Clerk of Court Administration	604	General Administration	Clerk of Court Administration
	614	Circuit Court-Criminal	Clerk of Court
	634	Circuit Court-Civil	Clerk of Court
	654	Circuit Court-Family	Clerk of Court
	674	Circuit Court-Juvenile	Clerk of Court
	694	Circuit Court-Probate	Clerk of Court
	724	County Court-Criminal	Clerk of Court
	744	County Court-Civil	Clerk of Court
	764	County Court-Traffic	Clerk of Court
Judicial Support	605	General Administration	Judicial Support
Trial Court Law Clerks/Legal Support	606	General Administration	Trial Court Law Clerks/Legal Support
Appeals	607	General Administration	Appeals
Jury Management	608	General Administration	Jury Management
Court Reporter Services	615	Circuit Court-Criminal	Court Reporter Services
	635	Circuit Court-Civil	Court Reporter Services
	655	Circuit Court-Family	Court Reporter Services
	675	Circuit Court-Juvenile	Court Reporter Services
	695	Circuit Court-Probate	Court Reporter Services
	725	County Court-Criminal	Court Reporter Services
	745	County Court-Civil	Court Reporter Services

EXHIBIT 2-6 (Continued)
GROUPING OF UCA ACCOUNTS INTO JUDICIAL SYSTEM ACTIVITIES

Activity	Account Codes	Major Account Title	Minor Account Title
Clinical Evaluations	616	Circuit Court-Criminal	Clinical Evaluations
	636	Circuit Court-Civil	Clinical Evaluations
	656	Circuit Court-Family	Clinical Evaluations
	676	Circuit Court-Juvenile	Clinical Evaluations
	696	Circuit Court-Probate	Clinical Evaluations
	726	County Court-Criminal	Clinical Evaluations
	746	County Court-Civil	Clinical Evaluations
Court Interpreters	617	Circuit Court-Criminal	Court Interpreters
	637	Circuit Court-Civil	Court Interpreters
	657	Circuit Court-Family	Court Interpreters
	677	Circuit Court-Juvenile	Court Interpreters
	697	Circuit Court-Probate	Court Interpreters
	727	County Court-Criminal	Court Interpreters
	747	County Court-Civil	Court Interpreters
Witness Coordination/ Management	618	Circuit Court-Criminal	Witness Coordination/Mgmt.
	638	Circuit Court-Civil	Witness Coordination/Mgmt.
	658	Circuit Court-Family	Witness Coordination/Mgmt.
	678	Circuit Court-Juvenile	Witness Coordination/Mgmt.
	698	Circuit Court-Probate	Witness Coordination/Mgmt.
	728	County Court-Criminal	Witness Coordination/Mgmt.
	748	County Court-Civil	Witness Coordination/Mgmt.
Expert Witness Fees	619	Circuit Court-Criminal	Expert Witness Fees
	639	Circuit Court-Civil	Expert Witness Fees
	659	Circuit Court-Family	Expert Witness Fees
	679	Circuit Court-Juvenile	Expert Witness Fees
	699	Circuit Court-Probate	Expert Witness Fees
	729	County Court-Criminal	Expert Witness Fees
	749	County Court-Civil	Expert Witness Fees
Public Defender Conflicts	621	Circuit Court-Criminal	Public Defender Conflicts
	681	Circuit Court-Juvenile	Public Defender Conflicts
	731	County Court-Criminal	Public Defender Conflicts
Drug Courts	622	Circuit Court-Criminal	Drug Court
	684	Circuit Court-Juvenile	Juvenile Drug Court
Pre-Trial Release	623	Circuit Court-Criminal	Pre-Trial Release
Community Service Programs	624	Circuit Court-Criminal	Community Service Programs
	732	County Court-Criminal	Community Service Programs
Other Costs	629	Circuit Court-Criminal	Other Circ. Ct.-Criminal Costs
	649	Circuit Court-Civil	Other Circuit Court-Civil Costs
	669	Circuit Court-Family	Other Family Court Programs
	689	Circuit Court-Juvenile	Other Circuit Court-Juvenile
	709	Circuit Court-Probate	Other Circ. Ct.-Probate Costs
	719	General Operations	Other Operating Costs
	739	County Court-Criminal	Other Cnty Ct.-Criminal Costs
	759	County Court-Civil	Other County Court-Civil Costs
	769	County Court-Traffic	Other County Ct.-Traffic Costs

EXHIBIT 2-6 (Continued)
GROUPING OF UCA ACCOUNTS INTO JUDICIAL SYSTEM ACTIVITIES

Activity	Account Codes	Major Account Title	Minor Account Title
Masters/Hearing Officers	641	Circuit Court-Civil	Masters/Hearing Officers
	661	Circuit Court-Family	Masters/Hearing Officers
	683	Circuit Court-Juvenile	Masters/Hearing Officers
	701	Circuit Court-Probate	Masters/Hearing Officers
	751	County Court-Civil	Masters/Hearing Officers
	765	County Court-Traffic	Masters/Hearing Officers
Alternative Dispute Resolution	609	General Administration	Pre-filing ADR Programs
	642	Circuit Court-Civil	Alternative Dispute Resolution
	662	Circuit Court-Family	Alternative Dispute Resolution
	682	Circuit Court-Juvenile	Alternative Dispute Resolution
	702	Circuit Court-Probate	Alternative Dispute Resolution
	752	County Court-Civil	Alternative Dispute Resolution
Domestic Violence Crt/Pro se Services	663	Circuit Court-Family	Pro Se Services
	664	Circuit Court-Family	Domestic Violence Court
Court-Based Victim Services	667	Circuit Court-Family	Court-Based Victim Services
Custody Investigation/ Guardian ad Litem	665	Circuit Court-Family	Custody Investigations
	666	Circuit Court-Family	Custody & Visitation Evals.
	685	Circuit Court-Juvenile	Guardian ad Litem
Attorneys' Fees/ Public Guardian	703	Circuit Court-Probate	Attorneys' Fees
	704	Circuit Court-Probate	Public Guardian
Courthouse Security	711	General Operations	Courthouse Security
Courthouse Facilities	712	General Operations	Courthouse Facilities
Information Systems	713	General Operations	Information Systems
Public Law Library	714	General Operations	Public Law Library
Misdemeanor Probation	733	County Court-Criminal	Misdemeanor Probation

Exhibit 2-7 provides a range of estimates of recent levels of county expenditures on the judicial system by aggregate categories derived from the UCA. Three estimates are provided.

- ***FY2000 Audit*** – The first column of expenditure information in the exhibit contains data drawn for the audited Annual Financial Reports that each county submitted to the State Comptroller for the fiscal year ending on September 30, 2000.

- ***FY2000 Entity Estimate Summary*** – The LCIR and Auditor General provided an opportunity for entity representatives to develop revised estimates of FY2000 expenditures by account category. These amounts are listed in the second column of expenditure information. (Although staff from the Auditor General were involved in compiling the

entity estimates, the Auditor General has not expressed an opinion regarding the reliability of the revised data.)

- ***FY2001 Audit*** – The final column of expenditure information comes from the same source as the first column, but represents information from one fiscal year later.

As seen in the exhibit, the totals for each of the three estimates are in the $600 million range. The sum of the entity estimates for FY2000 are about $23 million, or 4 percent, greater than the sum of the audited AFRs. The FY2001 audits reflect an increase in county expenditures for the judicial system of more than $50 million, or a 9 percent increase, as compared with the audit reports for the prior year.

Although the overall totals of the three estimates all fall in the $600 million range, significant variances exist for individual activity categories. For instance, expenditures for court reporter services in FY2000 increased from $18 million in the AFRs to $28 million in the entity estimates.

EXHIBIT 2-7
COUNTY EXPENDITURES ON JUDICIAL SYSTEM: COMPARISON OF ESTIMATES FROM DIFFERENT SOURCES

Activity	FY 2000 Audited Annual Financial Reports	FY 2000 Entity Estimates Summary	Difference in Audit and Entity Estimate FY 2000		FY 2001 Audited Annual Financial Reports	Difference in Audits: FY 2000 & FY 2001	
			Amount	Percent		Amount	Percent
Court Administration	46,293,274	58,351,338	12,058,064	26%	55,281,384	8,988,110	19%
State Attorney Administration	19,542,055	19,830,901	288,846	1%	20,719,277	1,177,222	6%
Public Defender Administration	21,419,691	21,102,492	(317,199)	-1%	22,854,932	1,435,241	7%
Clerk of Court Administration	308,478,742	275,171,154	(33,307,588)	-11%	323,920,693	15,441,951	5%
Judicial Support	11,425,710	5,765,959	(5,659,751)	-50%	12,068,068	642,358	6%
Trial Court Law Clerks/Legal Support	529,670	1,921,632	1,391,962	263%	6,357,719	5,828,049	1100%
Appeals	3,009,841	1,313,348	(1,696,493)	-56%	2,877,608	(132,233)	-4%
Jury Management	3,409,150	4,183,883	774,733	23%	3,400,277	(8,873)	0%
Court Reporter Services	18,239,560	28,321,961	10,082,401	55%	19,330,658	1,091,098	6%
Clinical Evaluations	4,386,676	9,414,775	5,028,099	115%	4,799,288	412,612	9%
Court Interpreters	4,087,049	5,474,813	1,387,764	34%	4,775,903	688,854	17%
Witness Coordination/Management	5,151,210	8,628,835	3,477,625	68%	5,376,965	225,755	4%
Expert Witness Fees	4,095,083	6,026,156	1,931,073	47%	3,045,525	(1,049,558)	-26%
Public Defender Conflicts	36,621,349	37,291,240	669,891	2%	39,382,294	2,760,945	8%
Drug Courts	3,861,302	2,368,511	(1,492,791)	-39%	4,798,898	937,596	24%
Pre-Trial Release	6,317,705	4,165,809	(2,151,896)	-34%	6,830,200	512,495	8%
Community Service Programs	1,296,741	2,040,716	743,975	57%	1,192,065	(104,676)	-8%
Other Costs	32,151,175	4,002,824	(28,148,351)	-88%	32,736,015	584,840	2%
Masters/Hearing Officers	6,453,940	9,402,451	2,948,511	46%	7,211,202	757,262	12%
Alternative Dispute Resolution	8,041,599	8,489,727	448,128	6%	8,133,142	91,543	1%
Domestic Violence Crt/Pro se Services	4,353,593	8,959,345	4,605,752	106%	4,813,012	459,419	11%
Court-Based Victim Services	2,008,341	463,144	(1,545,197)	-77%	2,193,532	185,191	9%
Custody Investigation/Guardian ad Litem	3,541,685	5,438,431	1,896,746	54%	3,779,201	237,516	7%
Attorneys' Fees/Public Guardian	2,978,493	3,117,411	138,918	5%	3,522,551	544,058	18%
Courthouse Security	58,558,423	0	(58,558,423)	-100%	64,283,126	5,724,703	10%
Courthouse Facilities	38,915,149	0	(38,915,149)	-100%	58,003,973	19,088,824	49%
Information Systems	29,736,682	61,425,738	31,689,056	107%	40,430,406	10,693,724	36%
Public Law Library	6,923,406	2,275,097	(4,648,309)	-67%	5,590,526	(1,332,880)	-19%
Misdemeanor Probation	8,981,886	72,963	(8,908,923)	-99%	9,257,724	275,838	3%
Unallocated Expenditures	0	13,121,323	13,121,323	0%		-	0%
Subsidies	0	17,625,293	17,625,293	0%		-	0%
Other General Governmental Services	0	275,552	275,552	0%		-	0%
Total	700,809,180	626,042,822	(74,766,358)	-11%	776,966,166	76,156,986	11%
Total without Courthouse Security and Courthouse Facilities	603,335,608	626,042,822	22,707,214	4%	654,679,067	51,343,459	9%

Several factors help to explain the differences in reported totals between the audited AFRs and the sum of the entity estimates for FY2000. These include:

- Incomplete definitions in the UCA may have lead to different interpretations on how to code a specific type of expenditure. Different interpretations can be made by different individuals within the same county as well as across the 67 counties. In our site visit interviews, several county financial officers expressed concern about the UCA? both the structure itself and the adequacy of the definitions.

- Small counties may have found that some of the UCA categories call for more detailed breakouts than how their entities are organized for operations. For instance, a single employee may have duties that span several account codes and the county financial report included all of the employee's salary as an expenditure for a single category rather than allocating the cost across all applicable accounts.

- The cost survey conducted by the court clerks did not use UCA codes and the results later had to be cross-walked at the state-level to build the entity estimate exhibit.

- The OSCA cost survey also did not use UCA codes and, in some cases, LCIR staff was unable to assign a standard UCA code to a survey category.

- Not all counties participated in the various surveys, requiring that estimates be included for their information.

Some coding changes between the audited AFRs and the surveys merely reallocated dollars from one category to another and would not have affected the overall totals. However, other coding changes moved expenditures from accounts for other county departments into judicial system entities, leading to the greater reported total for the survey results.

The LCIR staff is repeating the survey process with the FY2001 data. After the audited AFRs from the counties were received by the State Comptroller by the due date of September 30, 2002, a new compilation was prepared (and is summarized in Exhibit 2-6). New surveys by the judicial system entities are currently under way and will lead to a separate estimate of FY2001 expenditure levels. Since the 2001 fiscal year was already closed before analysis of FY2000 data began, the forthcoming comparison of the FY2001 AFRs and survey results is expected to show many of the same coding differences as were found for FY2000.

FY2002 expenditure data, which are due to the State Comptroller on September 30, 2003, are expected to be better. The Auditor General, the State Comptroller, and the stakeholder entities (especially the court clerks) have been working with county

CFOs since the FY2000 analyses to achieve a more uniform interpretation of UCA categories.

Even with the effort to achieve more uniform reporting, there are likely to continue to be activities where judgement on how to record an expenditure will be required. The FY2002 Annual Financial Reports can be expected to reflect expenditures in categories that are more likely to be assumed by the state under Revision 7 than were the AFRs for earlier periods when less incentive existed to select one category instead of another.

For the analyses in subsequent phases of the current project, MGT will focus on the FY2000 expenditure information, since that is the most complete data set currently available. The Legislature may wish to continue to rely on the FY2000 data set since this information has been subject to more review and is less subject to "gaming the system."

3.0 ELEMENTS OF THE JUDICIAL SYSTEM

3.0 ELEMENTS OF THE JUDICIAL SYSTEM

As noted in Chapter 1.0, this report represents Phase 1 of the Article V study and focuses on providing an overview of trial court operations and costs, and the development of program and activity definitions, costs, and performance data. This chapter provides detailed information on program and activity definitions, organized as elements of the judicial system. Information provided includes constitutional and statutory authorizations, detailed definitions, and related cost information.

3.1 Methodology for Development of Program and Activity Definitions

There are two primary sources that have been identified in the RFP for consideration in MGT's review and recommendation relative to the development of program and activity definitions and the identification of "essential court elements." These sources have been identified as:

- Chapter 2000-237, Laws of Florida (Chapter 29, F.S.), and
- essential elements identified by the Trial Court Budget Commission (TCBC).[1]

Exhibit 3-1 provides a side-by-side comparison of the elements selected by each entity to be included as essential elements of the judicial system. Although the lists of essential elements developed by these two entities share some common elements, there is one important distinction. The Trial Court Budget Commission, representing the courts, includes only those elements they believe to be part of the "courts" system proper and essential in facilitating "case adjudication"; that is, developing ways to move cases through the courts system most efficiently. The Legislature, through Chapter 29, F.S., more broadly focuses on the entire "judicial system" and issues involving "due

[1] As discussed and defined in the "Update on Article V Funding" report by the Trial Court Budget Commission, March 14, 2001.

process." As such, Chapter 29, F.S., addresses judicial functions of the state attorneys' and public defenders' offices, while the TCBC would not. Further, the TCBC includes such court functions as "Case Management," "Court Administration," and "Masters/Hearing Officers," which the Legislature does not recognize in Chapter 29, F.S.

EXHIBIT 3-1
COMPARISON OF ELEMENTS IDENTIFIED IN CH. 29, F.S., AND BY THE TCBC

Chapter 29[1]	Element	Trial Court Budget Commission[2]
x	State Attorneys and Public Defenders	
x	Court-appointed counsel	
x	Investigation for indigency waivers	
x	Judicial Qualifications Commission	
x	Construction and maintenance of District Courts of Appeal and Supreme Court facilities	
x	Juror compensation and expenses	
x	Witnesses, expert witnesses & mental health professionals called by a state attorney, public defender, or court-appointed counsel	x
x	Judges and Judicial Assistants	x
x	Judicial support	x
x	Court reporting services	x
x	Auxiliary aids and services for people with disabilities	x
x	Foreign language interpreters	x
	Alternative dispute resolution	x
	Case management	x
	Court administration	x
	Hidden Costs[3]	x
	Legal	x
	Masters/Hearing Officers	x

Source: Chapter 29, Florida Statutes, and the Trial Court Budget Commission.

[1] The Legislature, through Chapter 29, F.S., broadly focuses on the entire "judicial system" and issues involving "due process."

[2] The Trial Court Budget Commission, representing the courts, includes only those elements they believe to be part of the "courts" system proper and essential in facilitating "case adjudication"; that is, developing ways to move cases through the courts system most efficiently.

[3] Potentially includes any cost paid for by an agency other than the court that is necessary for the operation of the court.

3.2 Judicial System Programs and Activities

In addition to reviewing the elements identified in Chapter 29, F.S., and by the TCBC, MGT was also required to develop a more comprehensive list of all trial court programs and activities. This was accomplished through a review of information gathered from on-site visits, and from sources such as the OSCA program inventory, Florida Association of Court Clerks Performance and Accountability survey, Florida Association of Counties technology survey, and OPPAGA's review of the Public Defenders' and State Attorneys' functions.

To begin the process of identifying all additional court programs and activities, a preliminary list of trial court programs and activities was compiled using available data sources. Exhibit 3-2 provides a comprehensive listing of our finding through this exercise.

EXHIBIT 3-2
PRELIMINARY PROGRAMS/ACTIVITIES LIST BY SOURCE OF IDENTIFICATION

Program/Activity	Chapter 29, F.S.	TCBC	Surveys*
Alternative Dispute Resolution		x	x
Appeals			x
Auxiliary Aids & Services	x	x	x
Case Management		x	x
Clerk of Court Administration			x
Clinical/Psychiatric Evaluations	x		x
Communications	x		x
Community Service Programs			x
Court Administration		x	x
Court Interpreters	x	x	x
Court Reporter Services	x	x	x
Courthouse Facilities (DCA/Supreme Court)	x		
Courthouse Security	x		
Criminal Justice Information System	x		x
Drug Courts			x
Expert Witnesses	x		x
Family Court Services			x
Guardianship Review			x
Indigence Examiners	x		x
Indigent Counsel – Criminal			x
Indigent Counsel – Non-Criminal			x
Information Systems/Technology	x		x
Judges	x	x	x
Judicial Qualifications Commission	x		
Judicial Support	x	x	x
Jury Management	x		x
Juvenile Alternative Sanctions			x
Juvenile Diversionary Programs			x
Legal Support		x	x
Masters/Hearing Officers		x	x
Misdemeanor Probation			x
Pre-Trial Diversion Services			x
Pre-Trial Release Services			x
Public Defender Administration	x		x
Public Defender Conflicts	x		x
Public Guardianship			x
Public Law Library			x
State Attorney Administration	x		x
Treatment Services			x
Truancy Services			x
Victim Services			x
Witness Coordination/Management			x
Witnesses	x	x	x

* Key programs/activities identified in survey documents, as described in Section 3.2.

3.3 Summary of Elements

Based on these findings, we have formulated a list of elements that identify the major programs and activities performed within the state courts system. These programs and activities have been organized as "elements," as required in the RFP. Exhibit 3-3 provides a summary of these elements by identified authority. The numbers listed next to the elements correspond with a related element summary and matrix. The matrix for each major element was developed to display the elements contained on this list. The matrix attempts to provide all directly relevant, available information, including:

- concise definition;
- who primarily identified the element (or program/activity within the element);
- whether the element (or program/activity within the element) is constitutionally mandated, and under what circumstances this mandate applies;
- whether the element (or program/activity within the element) is statutorily mandated, with relevant cites;
- whether the element (or program/activity within the element) is statutorily authorized, with relevant cites;
- who the primary requestor of the element is (or program/activity within the element);
- who the primary user of the element is (or program/activity within the element);
- who the payers for the element are (or program/activity within the element); and
- Uniform Chart of Accounts codes definitions through which financial data have been collected and certified to the state.

As directed in the RFP, programs and activities must be categorized at three levels: The first level should include those programs and activities that are essential to maintain a constitutionally adequate court system (minimum required). The second level should include those programs and activities that

are statutorily mandated, and the final level should include all other criminal and civil court system programs and activities.

In conjunction with the evaluation of the constitutionality of the elements identified in this study, two legal opinions are provided. Written legal opinions relative to Chapter 29, F.S., by Professor Joseph Little, University of Florida College of Law, and Tallahassee attorney George Meros, GrayHarris, are provided as Appendices E1 and E2, respectively. A summary comparison of the legal opinions is included as Appendix E3.

It should be noted that, although elements may not meet the test of constitutionally mandated, this is not a determination of effectiveness or reasonableness of the functions being performed.

EXHIBIT 3-3
SUMMARY OF ELEMENTS OF THE JUDICIAL SYSTEM BY IDENTIFIED AUTHORITY

ELEMENT	CONSTITUTIONALLY MANDATED	STATUTORILY MANDATED	STATUTORILY AUTHORIZED	NO STATUTORY AUTHORITY IDENTIFIED
1 State Attorneys & Administration				
-State Attorney	X			
-Administration		X	X	
2 Public Defenders & Administration				
-Public Defender	X			
-Administration		X	X	
3 Court-Appointed Counsel*	X	X	X	
4 Witnesses/Evaluators	X	X	X	
5 Indigency Examiners	X		X	
6 Judicial Qualifications Commission	X	X		
7 Courthouse Facilities (District Court of Appeal and Supreme Court)	X			
8 Jury Management*	X	X		
9 Judges	X	X		
10 Judicial Support*		X	X	
11 Court Reporters	X	X		
12 Court Interpreters	X	X	X	
13 Court-based Mediation and Arbitration		X	X	
14 Case Management*				
-Drug Court		X		
-Case Management				X
15 Court Administration				
-Administrative supervision of circuit by Chief Judge	X	X		
-General Administration				X
16 Legal Support*				X
17 Masters/Hearing Officers*			X	
18 Clerk of Court Administration				
-Clerk of Court	X			
-Administration		X	X	
19 Communications Services (Information Systems/Technology)*	X	X		
20 Guardianship Services		X	X	
21 Other Programs and Services		X	X	
22 Victim Services*		X		
23 Witness/Evaluator Coordination/Management*		X		
24 Public Law Library			X	

* See discussion and accompanying exhibit for each element for more detailed authority on constitutional status.

For each of the 24 identified elements of the judicial system, the following information is provided:

- a detailed narrative,
- a matrix, and
- a list of all identified key documentation relating to the element at both the state and selected circuit/county levels.

Within the matrices, the following information is provided:

- the document or organization that originally identified the element (These include Chapter 2000-237, *Laws of Florida* (Chapter 29, F.S.); the Trial Court Budget Commission; and survey documents created by various entities, as described in Section 3.2.);
- a thorough definition based on definitions used by the identifying documents or organizations, as well as definitions used in the Uniform Chart of Accounts;
- whether the element is constitutionally required, statutorily mandated, and/or statutorily authorized, and for whom, with relevant cites;
- who requests, uses, and pays for the programs captured in the element; and
- relevant Uniform Chart of Accounts codes.

MGT has attempted to identify costs and any available performance data for each element. Statewide cost and performance data are based on information previously developed by trial court stakeholders. Available cost and performance data collected as part of the on-site review process are referenced in the related documentation provided on each element, and will be utilized in subsequent phases of this study.

3.3.1 State Attorneys and State Attorneys' Office Administration (Element 1)

3.3.1.A Summary

DISCUSSION

This element is addressed in Chapter 29 but was not included by the Trial Court Budget Commission on its list of essential elements, as this is not part of the courts system proper.

The definition developed by MGT for this element is similar to the Uniform Chart of Accounts (UCA) codes definitions used to collect information on county expenditures. However, MGT's definition also includes the elected state attorney in each circuit and all appointed assistant state attorneys, which are funded by the state. Also included in this element are all costs associated with the administration of state attorneys' offices, including salaries of all state attorneys and assistant state attorneys, salaries or fees for administrative and investigative personnel, costs for contractual services, and all operating costs not captured in 29.008, F.S.

COST INFORMATION

County expenditures for this category are calculated to be $19,542,055, according to the FY2000 audited annual financial report. The corresponding FY2000 entity estimate summary of expenditures is calculated to be $19,830,901, representing an entity report total of $288,846 more than captured in the audited data.

Note: To determine total costs for this element, as defined here, funding for state attorneys and assistant state attorneys positions that is appropriated by the Legislature through the Justice Administrative Commission (JAC) office would be added. However,

this study addresses only county expenditure issues, so these state costs are not displayed here.

CONCLUSION

The state attorney in each judicial circuit is constitutionally mandated pursuant to Article V, Section 18. The state currently funds the state attorney and most of the assistant state attorney positions (See Exhibit 3-4).

There are several statutory mandates providing for assistants and other staff to support the state attorneys' offices. There are also statutory mandates authorizing expenditures.

Although the provision of administrative services is not directly constitutionally mandated, the Constitution does provide that state attorneys shall appoint such assistant attorneys as may be authorized by law. Various laws provide for the employment of assistant state attorneys, investigators, and clerical, secretarial, and other personnel. Additionally, the state attorney is authorized to employ and executive director. As such, the state has implemented this constitutional provision and has recognized the need for such services to provide for effective representation of the state.

While the level of administrative services provided is not specified in law, to be without some level of administration in the state attorneys' offices would likely result in inefficiencies in the provision of services to the state.

EXHIBIT 3-4
STATE ATTORNEYS AND STATE ATTORNEY'S OFFICE ADMINISTRATION

Identified by	Chapter 2000-237, Chapter 29; surveys	
Definition	All personnel, contractual, and operating costs associated with the administration and operation of State Attorneys' Offices. These may include salaries for State Attorneys and assistant state attorneys, and salaries or fees for administrative and investigative personnel, costs for contractual services, and all operating costs not captured in F.S. 29.008.[1]	
Constitutionally Required - Cite	Yes: Article V, Section 17 (election of a state attorney in each judicial circuit).	
For Whom?	Public	
Statutorily Mandated - Cite	F.S. 27.01-27.0061 generally. Specifically, 27.33 (submission of annual budget), 27.34 (salaries and related costs), and 27.3455 (annual revenues and expenditures).	
Statutorily Authorized - Cite	F.S. 27.01-27.0061 generally. Specifically, 27.181 (appointment of assistant state attorneys), and 27.25 (authorization to employ personnel), 27.18 (assistant to state attorney).	
Program Requestors	Public	
Program Users	Public	
Program Payers	State; Counties	
Uniform Chart of Accounts Codes	General Administration 602 Circuit Court - Criminal 612, Civil 632, Family 652, Juvenile 672, Probate 692 County Court - Criminal 722, Civil 742, Traffic 762	
Approximate Level of County Funding	FY2000 Audited Annual Financial Report	$19,542,055
	FY2000 Entity Estimate	$19,830,901
	FY2001 Audited Annual Financial Report	$20,719,277

[1] Incorporates definitions used in the UCA.

3.3.1.B ***Related Documentation***

STATE-LEVEL

- Constitutional language for section referenced in Exhibit 3-4 (Article V, Section 17).
- Statutory language for sections referenced in Exhibit 3-4 (27.01-27.0061, F.S.).
- Uniform Accounting System Manual Expenditure/Expense Account information for Chart of Accounts codes referenced in Exhibit 3-4 (General Administration code 602, Circuit Court – 612, 632, 652, 672, and 692, and County Court – 722, 742, and 762).
- State Attorney Schedule of Pay Grades, October 1, 2002.

CIRCUIT/COUNTY-LEVEL

- 11th Circuit organizational charts, salaries, and class codes for all office positions by funding entity.
- Third Circuit organizational chart, community gun violence prosecution program narrative, and victims of crime act (VOCA) grant application.
- Sixth Circuit organizational chart, position salary schedules, and county funded position salaries.
- Pinellas County FY 2002-2003 approved budget for the state attorney.
- Sixth Circuit estimated receipts from special programs, FY 2002-2003.
- Ninth Circuit organizational chart with position counts and itemized Article V funding for state attorneys by Orange County.
- Ninth Circuit county funding for State Attorney's Office.
- Union County (Eighth Circuit) organizational chart, employee salaries/administration costs, job descriptions.
- Union County (Eighth Circuit) services/costs provided to state attorney by Union County.
- Union County (Eighth Circuit) VOCA agreement.
- Union County (Eighth Circuit) State attorney court-related expenditures.
- Union County (Eighth Circuit) 2002 Annual Report: Project Payback and monthly measures report, July 2001 through June 2002.
- 20th Circuit organizational chart.

- Flagler County organizational chart, positions and titles.
- St. Lucie County organizational chart, employee listing by functional area and job title.
- Lee County funding for State Attorney's Office.

3.3.2 Public Defenders and Public Defender's Office Administration (Element 2)

3.3.2.A Summary

DISCUSSION

This element is addressed in Chapter 29 but was not included by the Trial Court Budget Commission on its list of essential elements, as this is not part of the courts system proper.

The definition that MGT has developed for this element is different from the UCA codes definitions. MGT specifically excludes all types of court-appointed counsel from this category, including case-specific conflict, excessive caseload conflict, and court-appointed counsel not within the purview of the public defender, such as counsel appointed to indigent parents in dependency cases (see discussion regarding "Court-Appointed Counsel," Element 3). In addition, MGT's definition includes the salary of the elected public defender in each circuit.

COST INFORMATION

To provide an accurate county cost figure for this category, all court-appointed counsel should be removed and reported under the "Court-Appointed Counsel" category (Element 3). The UCA codes definitions associated with Public Defenders and Public Defender Administration exclude only case-specific conflict counsel costs. As noted in Element 3, there are three types of court appointed counsel that must be considered in calculating county expenditures.

County expenditures for this category are calculated to be $24,429,532, according to the FY2000 audited annual financial report. The corresponding FY2000 entity estimate summary of expenditures is calculated to be $22,415,840, representing an entity report total of $2,013,692 less than captured in the audited data.

Note: To determine total costs for this element, state funding for public defender positions and operating expenses that are appropriated by the Legislature through the Justice Administrative Commission (JAC) office would be added. However, this study addresses only county expenditure issues, so these costs are not displayed here.

CONCLUSION

The public defender in each judicial circuit is constitutionally mandated pursuant to Article V, Section 18. The state currently funds public defenders and most assistant public defenders (See Exhibit 3-5).

There are several statutory mandates providing for assistants and other staff to support the public defenders' offices. There are also statutory mandates authorizing expenditures.

Although the provision of administrative services is not directly constitutionally mandated, the Constitution does provide that public defenders shall appoint such assistant public defenders as may be authorized by law. Various laws provide for the employment of assistant public defenders, investigators, and other personnel. As such, the state has implemented this constitutional provision and has recognized the need for such services to provide for effective representation of indigent criminal defendants.

While the level of administrative services provided is not specified in law, to be without some level of administration in the public defenders' offices would likely result in inefficiencies in the provision of services within the judicial system.

EXHIBIT 3-5
PUBLIC DEFENDERS AND PUBLIC DEFENDER'S OFFICE ADMINISTRATION

Identified by	Chapter 2000-237, Chapter 29; surveys	
Definition	All personnel, contractual, and operating costs associated with the administration and operation of Public Defenders' Offices. These may include salaries for Public Defenders and assistant public defenders, and salaries or fees for administrative and investigative personnel, costs for contractual services (not including conflict attorney fees), appeals costs, and all operating costs not captured in F.S. 29.008. This category does not include fees and expenses associated with "Special Assistant Public Defenders," or conflict attorneys.[1]	
Constitutionally Required - Cite	Yes: Article V, Section 18 (election of a public defender in each judicial circuit).	
For Whom?	Public	
Statutorily Mandated - Cite	F.S. 27.5-27.605, generally. Specifically, 27.51(7) (funding for public defenders handling appeals) and 27.54 (expenditures).	
Statutorily Authorized - Cite	F.S. 27.5-27.605, generally. Specifically, 27.53 (appointment of assistants and other staff)	
Program Requestors	Public	
Program Users	Indigent defendants as set out in F.S. 27.51.	
Program Payers	State; Counties	
Uniform Chart of Accounts Codes[2]	General Administration 603 and 607 Circuit Court - Criminal 613, Civil 633, Family 653, Juvenile 673, Probate 693 County Court - Criminal 723, Civil 743, Traffic 763	
Approximate Level of County Funding	FY2000 Audited Annual Financial Report	$24,429,532
	FY2000 Entity Estimate	$22,415,840
	FY2001 Audited Annual Financial Report	$25,732,540

[1] Incorporates definitions used in the UCA.

[2] The UCA codes associated with Conflict Attorneys - Circuit Court - Criminal 621, Juvenile 681, and County Court - Criminal 731 - provide a definition that includes only case-specific conflicts. All conflict cases that occur due to excessive caseload, as certified by the Public Defender, are not captured as "Public Defender Conflicts." These fees and associated costs are now likely captured using the "Public Defender Administration" codes. It is not clear where costs for court-appointed counsel in other mandated situations, such as for indigent parents in dependency cases, are now captured. They may fall somewhere within "Court Administration" or within "Public Defender Administration."

3.3.2.B ***Related Documentation***

STATE-LEVEL

- Constitutional language for section referenced in Exhibit 3-5 (Article V, Section 18).
- Statutory language for sections referenced in Exhibit 3-5 (27.5-27.605, F.S., generally; specifically, 27.51(7), 27.53, and 27.54).
- Uniform Accounting System Manual Expenditure/Expense Account information for Chart of Accounts codes referenced in Exhibit 3-5 (General Administration 603; Circuit Court – 613, 633, 653, 673, and 693; and County Court – 723, 743, and 763).
- Florida Public Defender Schedule of Pay Ranges – By Pay Grade, October 1, 2002.
- Florida Public Defender Association (FPDA), Agency Performance Measures and Standards for FY 2002-03, June 27, 2002.
- FPDA, Position Paper on Public Defender Functions, August 20, 2002.
- "How to Promote Cost-Efficiencies in the Public Defender System Through Legislation," prepared by staff of the Senate Committees on Criminal Justice, Judiciary, and Governmental Reform and Oversight, December 1996.*

CIRCUIT/COUNTY-LEVEL

- 11th Circuit organizational chart (and memorandum), FTEs and rate, and prosecutors' support from general revenue expenditures.
- Third Circuit organizational chart, FY 2002-2003.
- Third Circuit Office of the Public Defender information pamphlet.*
- Sixth Circuit organizational chart; list of vacant positions; list of employees with annual salaries, class codes, and position titles.
- Sixth Circuit set of position descriptions.*
- Pinellas County FY 2002-2003 approved budget for public defender.
- Pasco County Board of County Commissioners funding budget amendment, Letter of approval – Felony attorney position for the public defender, October 2002.
- Sixth Circuit Justice Administration salary exception form – APD position.
- Ninth Circuit Organizational chart with position counts and descriptions.
- Orange County funding provided to Public Defender's Office.

- Union County (Eighth Circuit) organizational chart.
- 20th Circuit positions supplied by counties and monthly workload report.
- 20th Circuit summary of positions and descriptions.*
- Flagler County organizational chart and S-92-54 appointment of public defender and blanket note of discovery.
- St. Lucie County organizational chart.
- Lee County funding for Public Defender.

* Available upon request.

3.3.3 Court-Appointed Counsel (Element 3)

3.3.3.A Summary

DISCUSSION

This element is addressed in Chapter 29 but was not included by the Trial Court Budget Commission on its list of essential elements, as it is not part of the courts system proper. This element was included for data collection purposes in survey documents, as described in Section 3.2.

The definition that MGT has developed for this element is more broadly constructed than that used in surveys, because it includes court-appointed counsel who are being appointed directly by the court, in addition to case-specific conflicts and excessive caseload conflicts.

MGT has categorized court-appointed counsel as follows:

1. Criminal court-appointed counsel, which includes:

   A. private attorneys assigned by the court to handle cases where the defendant is indigent and cannot be represented by the public defender due to ethical conflicts;

   B. private attorneys assigned by the court to handle cases where the defendant is indigent and cannot be represented by the public defender due to excessive caseload; and

2. Civil court-appointed counsel, which includes private attorneys appointed to handle cases in which counsel for an indigent is legally required but not necessarily within the purview of the Public Defender. Examples of this would be representation of indigent parents in dependency cases and Children and Families in Need of Services cases. These cases are not required to be defended by the Public Defender, pursuant to 27.51, F.S. (duties of public defender).

COST INFORMATION

The UCA codes appear to capture data in the “Public Defender Conflicts” category that address only case-specific conflict, as described in 1A, above. Using this more

restricted definition, FY2000 Audited Annual Financial report data provide an expenditure of $36,621,349. The corresponding FY2000 entity estimate is $37,291,240. Overload conflict, as described in 1B, above, may be captured by the "Public Defender Administration" UCA codes definitions. It is unclear where court-appointed counsel, described in 2, above, is being captured within the current UCA codes definitions.

CONCLUSION

While there is a constitutional requirement for the state to provide legal services to indigent defendants, there is no specific constitutional requirement for court-appointed counsel. However, it can be argued, according to Professor Joseph Little, that Article I Sections 9 and 16 indirectly mandate court-appointed counsel in those circumstances when the public defender is precluded by conflict or otherwise from providing counsel for indigents when constitutionally mandated (see Exhibit 3-6). George Meros argues this element is mandated by the Sixth Amendment to the U.S. Constitution, as set out in *Bouie v. State*, 5559 So.2d 1113 (Fla. 1990).

There are specific statutory mandates for court-appointed counsel in case-specific conflicts and for indigent parents in dependency cases.

There are statutory authorizations for conflict attorneys for the court-appointed counsel described in categories 1 and 2 in the discussion section above.

EXHIBIT 3-6
COURT-APPOINTED COUNSEL

Identified by	Chapter 2000-237, Chapter 29; surveys
Definition	Includes all personnel, contractual, and operating costs associated with providing court-appointed attorneys. These attorneys can be classified into two categories: 1) Criminal and 2) Civil. Within the criminal category, there are two types of court-appointed attorneys: a) private attorneys assigned by the court to handle cases where the defendant is indigent and cannot be represented by the public defender due to ethical conflicts; and b) private attorneys assigned by the court to handle cases where the defendant is indigent and cannot be represented by the public defender due to an excessive caseload, as certified to the court by the Public Defender. The civil category includes only private attorneys appointed to handle cases in which counsel for an indigent is legally required, but not necessarily within the purview of the Public Defender, pursuant to F.S. 27.51.[1]
Constitutionally Required - Cite[2]	See footnote 2 for discussion.
For Whom?	
Statutorily Mandated - Cite	F.S. 27.53 (case-specific conflicts); 39.013 (indigent parents in dependency cases)
Statutorily Authorized - Cite	F.S. 27.005 (defines "conflict attorney" as both categories 1 and 2, as stated above); 984.07-08 (parents in CINS/FINS cases)
Program Requestors	Court
Program Users	Indigent defendants
Program Payers[3]	Counties
Uniform Chart of Accounts Codes[4]	Circuit Court - Criminal 621, Juvenile 681 County Court - Criminal 731
Approximate Level of County Funding	FY2000 Audited Annual Financial Report $36,621,349
	FY2000 Entity Estimate $37,291,240
	FY2001 Audited Annual Financial Report $39,382,294

[1] Incorporates definitions used in the UCA and the Florida Statutes. Cases that fall under the civil category may include dependency cases pursuant to F.S. 39.013, and Children and Families in Need of Services cases pursuant to F.S.984.08.

[2] While not explicitly mandated by the constitution, it can be argued that court-appointed counsel are indirectly mandated by Article I, Section 9 to protect due process rights, and Article I, Section 16 to protect the rights of the accused in those circumstances when the public defender is precluded by conflict or otherwise from providing counsel for indigents when constitutionally mandated, per Professor Joseph Little. George Meros argues this element is mandated by the Sixth Amendment to the U.S. Constitution, as set out in Bouie v. State, 5559 So.2d 1113 (Fla. 1990).

[3] It is currently unclear where costs associated with civil category cases are captured, but it is assumed they may fall somewhere within the "Court Administration" element.

[4] The UCA codes associated with conflict attorneys - Circuit Court - Criminal 621, Juvenile 681, and County Court - Criminal 731 - provide a definition that includes only case-specific conflicts. All conflict cases that occur due to excessive caseload, as certified by the Public Defender, are not captured as "Public Defender Conflicts." These fees and associated costs are likely captured in the "Public Defender Administration" category

3.3.3.B ***Related Documentation***

STATE-LEVEL

- Statutory language for sections referenced in Exhibit 3-6 (F.S. 27.53, 27.005, 39.013, and 984.08).
- Uniform Accounting System Manual Expenditure/Expense Account information for Chart of Accounts codes referenced in Exhibit 3-6 (Circuit Court – 621 and 681, and County Court – 731).
- Public Defenders Coordination Office, Conflict Counsel Pilot Project Draft Final Report.
- Florida Public Defender Association (FPDA), "Position Paper on Conflict Representation," August 20, 2002.
- FPDA, "Position Paper on Public Defender Excessive Caseload Conflict of Interest," August 20, 2002.

CIRCUIT/COUNTY-LEVEL

- 11th Circuit Conflict Committee Policies and Procedures.
- Union County Conflict Attorney Fees, October 2001 through September 2002.
- Union County (Eighth Circuit) Conflict Committee review of conflict representation system, January 2000.
- Union County (Eighth Circuit) guidelines for conflicts of interest.
- Union County (Eighth Circuit) Conflict Attorney Management Program power point presentation.
- Sixth Circuit conflict committee standards, May 23, 2002.
- Sixth Circuit Administrative Order re: Court-Appointed Attorneys.
- Sixth Circuit Administrative Order re: Conflict Attorneys, Pinellas and Pasco counties.
- Sixth Circuit Administrative Order re: Jimmy Ryce Act Court-Appointed Attorneys.
- Ninth Circuit, Orange County Comptroller reporting forms for conflict counsel fees.

3.3.4 Witnesses/Evaluators (Element 4)

3.3.4.A Summary

DISCUSSION

This element is addressed in Chapter 29. The Trial Court Budget Commission identified this element as one of their essential elements, but only as it relates to court-appointed witnesses and evaluators. This element has also been captured for data collection purposes in survey documents, as described in Section 3.2, but with different definitions than the definition proposed here.

The definition that has been developed by MGT to capture this element includes fees and/or salaries for witnesses (including expert witnesses) and evaluators (psychological, psychiatric, medical or social, whether on contract or on staff) who provide this service for the Court, the State Attorney, the Public Defender, or Court-Appointed Counsel. Funding for individuals who are providing administrative services for this function is separately identified and is accounted for under the "Witness/Evaluators Coordination/ Management" element (see Exhibit 3-24).

In addition, Florida Statute 40.29 provides for the reimbursement of certain witness- and evaluator-related expenses by the state, which may result in some blurring of state/county expenditure reporting. Florida Statute 40.29 directs the clerk of the court, in and for any county, to make an estimate of the amount necessary during any quarterly fiscal period, beginning July 1 and during each succeeding quarterly fiscal period, for the payment by the state of:

(a) jurors in the circuit court and the county court;

(b) witnesses before the grand jury;

(c) witnesses summoned to appear for an investigation, preliminary hearing, or trial in a criminal case when the witnesses are summoned by a state attorney or on behalf of an indigent defendant;

(d) mental health professionals, under certain circumstances; and

(e) expert witnesses, under certain circumstances.

These estimates are then submitted to OSCA with a request for payment, which OSCA may pay in full or at some reduced amount, if estimates are deemed excessive.

COST INFORMATION

In reviewing the related UCA codes definitions that would constitute this element, we used those codes that appear to capture only the costs associated with the provision of the actual service, not with administration of the program. As noted above, the administrative costs for this function are captured under Element 24. As such, the FY2000 audited annual financial report accounts expenditures of $9,175,668 for the specific activities included in the MGT definition. However, as noted above, this expenditure may include some state reimbursable expenses. Entity estimates of expenditures cannot be calculated with existing data because of the different definitions used by the reporting entities.

CONCLUSION

There is a constitutional mandate for witnesses called on behalf of an indigent defendant (Article I, Sections 9 and 16).

Numerous statutory mandates and authorizations do exist, as noted in Exhibit 3-7, to provide for witnesses (including expert witnesses), for psychological evaluators, and for child custody investigations.

Article 1, Section 9 provides that no person shall be deprived of life, liberty, or property without due process of law. In circumstances where an objective evaluation is necessary to determine competency prior to actions being taken that would result in a person losing their liberty (involuntary commitment, determination of incapacity), for

example, the provision of these evaluative services would be mandatory and essential to guaranteeing due process.

EXHIBIT 3-7
WITNESSES/EVALUATORS

Identified by	Chapter 2000-237, Chapter 29; TCBC[1]; surveys	
Definition	All fees and/or salaries and related costs paid to witnesses (including expert witnesses) and evaluators (including psychological, psychiatric, medical, or social) who testify and/or conduct psychological, psychiatric, medical, or social evaluations, assessments, or investigations on behalf of the Court, the State Attorney, the Public Defender, or Court-Appointed Counsel. These costs should represent the actual personnel cost and related expenses of witnesses and evaluators. [2]	
Constitutionally Required - Cite	Yes: Article I, s. 9 and 16 (witnesses called by indigent criminal defendants to aid in their defense)	
For Whom?	Indigent criminal defendants to aid in their defense.	
Statutorily Mandated - Cite	F.S. 393.11 (developmentally disabled); 744.331 (incapacitated - guardianship); 914.06 (indigents in criminal cases); 916.301 (review of retardation/autism in criminal cases); 921.137 (retardation in capital cases)	
Statutorily Authorized - Cite	F.S. 39.407(3)(b) (dependent children); 61.20 (child custody); 394.463 (involuntary commitment); 397.6818 (involuntary substance abuse treatment); 916.115 (defendant in a criminal case); 984.19 (CINS/FINS); 985.224 & 985.229 (delinquent children); 985.231(3) (juvenile sex offenders); and 61.20 (child custody investigations)	
Program Requestors	Court, State Attorney, Public Defender, Court-Appointed Counsel	
Program Users	Court, State Attorney, Public Defender, Court-Appointed Counsel	
Program Payers	Counties	
Uniform Chart of Accounts Codes	Circuit Court - Criminal 616 & 619, Civil 636 & 639, Family 656, 659, 665, & 666, Juvenile 676 & 679, Probate 696 & 699 County Court - Criminal 726 & 729, Civil 746 & 749	
Approximate Level of County Funding	FY2000 Audited Annual Financial Report	$9,175,668
	FY2000 Entity Estimate	N/A
	FY2001 Audited Annual Financial Report	$9,149,366

[1] The Trial Court Budget Commission identified this as one of their essential elements only as it relates to court-appointed witnesses and evaluators.

[2] Incorporates definitions used in surveys. All administrative costs associated with witnesses and evaluators are captured in the "Witness/Evaluator Coordination/Management" element. Also included in this element are costs associated with social or custody investigations ordered by the court when child custody is an issue. Surveys previously considered this function part of "Family Court Services."

3.3.4.B ***Related Documentation***

STATE-LEVEL

- Constitutional language for sections referenced in Exhibit 3-7 (Article I, §§1 and 9).
- Statutory language for sections referenced in Exhibit 3-7 (F.S. 393.11, 744.331, 914.06, 916.301, 921.137, 39.407(3)(b), 61.20, 394.463, 397.6818, 916.115, 984.19, 985.224, 985.229, and 985.231(3)).
- Uniform Accounting System Manual Expenditure/Expense Accounts information for Chart of Accounts codes referenced in Exhibit 3-7 (Circuit Court codes 616, 619, 636, 639, 656, 659, 676, 679, 696, and 699, and County Court codes 726, 729, 746, and 749).
- Preliminary Analysis of Expert Witnesses (Including Psychological Evaluations) Ordered by the Court, including statutory and court rule authority, and issues, Office of State Courts Administrator (OSCA).
- Court Ordered Expert Witness Element (including Psychological Evaluations) costs by circuit and county, FY 1999-2000, OSCA.
- Personnel Performing Psychological Evaluations Ordered by the Court.

CIRCUIT/COUNTY-LEVEL

- Sixth Circuit Administrative Order re: Expert Witness/Evaluator fees.
- 20th Circuit related FTEs and pay grades.
- 11th Circuit Court Evaluation Unit, Operational Summary 2002.

3.3.5 Indigency Examiners (Element 5)

3.3.5.A Summary

DISCUSSION

This element is addressed in Chapter 29 but was not included by the Trial Court Budget Commission on its list of essential elements, as it is not part of the courts system proper.

The definition that MGT has developed for this element is based on the definition provided in Chapter 27, and definitions used in survey documents, as described in Section 3.2.

The provision of services for indigents by specific positions was statutorily mandated and funded by the state until December 2001, when authorization for these positions was eliminated. The right to claim indigence, and be provided services as an indigent, is constitutionally mandated, but the process used to make such determination is not.

COST INFORMATION

The UCA codes definitions do not capture this element as a separate expense. Absent earmarked positions to carry out this function, the "costs" for designating indigence would be absorbed within the budgets of the public defenders or judges.

CONCLUSION

There is no specific constitutional requirement for designated indigency examiner positions. However, the determination of indigence is an essential and constitutionally mandated activity to ensure due process to the extent that the state wishes to impose

these costs as a condition upon its obligation to provide these services to indigent defendants.

There are certain statutory references that refer to an indigency service provider. These references should be clarified now that specific positions are not allocated for this function.

EXHIBIT 3-8
INDIGENCY EXAMINERS

Identified by	Chapter 2000-237, Chapter 29; surveys	
Definition	Review and determination of indigence status, and any costs associated with said review. Activities would include investigation of defendants' assets, payment of services for access to defendants' financial records, reviewing files, attending court proceedings, and developing records.[1]	
Constitutionally Required - Cite	Yes: Article I, Section 9 (but see below)	
For Whom?	Anyone claiming indigency, if state wishes to impose these costs as a condition to provide services.	
Statutorily Mandated - Cite	See below.	
Statutorily Authorized - Cite	The authorization for indigency examiners was deleted from statutes during Special Session C, December 2001. However, certain statutes that remain could be interpreted as enabling the examiner positions (F.S. 27.52). Portions of 27.52 also refer erroneously to the indigency examiner ((1)(a)) and to repayment of funds to the county ((2)(c)3.). F.S. 27.005 defines the examiner position.	
Program Requestors	State (Legislature)[2]	
Program Users	State	
Program Payers	State	
Uniform Chart of Accounts Codes	N/A	
Approximate Level of County Funding	FY2000 Audited Annual Financial Report	$0
	FY2000 Entity Estimate	$0
	FY2001 Audited Annual Financial Report	$0

[1] Incorporates definitions used in surveys.

[2] As reported in the December 2001 Justification Review of Justice Administrative Commission, State Attorneys and Public Defenders, Office of Program Policy Analysis and Government Accountability.

3.3.5.B ***Related Documentation***

STATE-LEVEL

- Constitutional language for section referenced in Exhibit 3-8 (Article I, §9).
- Statutory language for sections referenced in Exhibit 3-8 (F.S. 27.52 and 27.005).
- OPPAGA Justification Review, Justice Administrative Commission, State Attorneys, and Public Defenders, December 2001, pages 19-22.

CIRCUIT/COUNTY-LEVEL

3.3.6 Judicial Qualifications Commission (Element 6)

3.3.6.A Summary

DISCUSSION

The Judicial Qualifications Commission (JQC) is defined as an essential element in Chapter 29, F.S. The Judicial Qualifications Commission was established in 1966 by a referendum to revise the Florida Constitution. It is responsible for investigating complaints against approximately 800 judges in Florida and, if cause is found, recommending to the Florida Supreme Court a reprimand or removal of the judge from the bench.

COST INFORMATION

There is no county funding involved in the operations of the JQC, as the state funds the commission. In FY2000, the budget for the JQC was approximately $770,000, and three employees (two full-time and one part-time) staff the commission.

CONCLUSION

The Judicial Qualifications Commission is an essential element of the state courts system, pursuant to Article V, Section 12.

EXHIBIT 3-9
JUDICIAL QUALIFICATIONS COMMISSION

Identified by	Chapter 2000-237, Chapter 29
Definition	Provision of services by the Judicial Qualifications Commission, an independent agency created by the Florida Constitution solely to investigate alleged misconduct by Florida judges, and related expenses.[1]
Constitutionally Required - Cite	Yes: Article V, Section 12
For Whom?	Public. This is a structural mandate.
Statutorily Mandated - Cite	F.S. 43.20 (implements constitutional mandate)
Statutorily Authorized - Cite	
Program Requestors	Public
Program Users	Public
Program Payers	State
Uniform Chart of Accounts Codes	N/A
Approximate Level of County Funding	FY2000 Audited Annual Financial Report $0
	FY2000 Entity Estimate $0
	FY2001 Audited Annual Financial Report $0

[1] Incorporates information from OSCA.

3.3.6.B ***Related Documentation***

STATE-LEVEL

- Constitutional language for section referenced in Exhibit 3-9 (Article V, §12).
- Statutory language for section referenced in Exhibit 3-9 (F.S. 43.20).
- "Judicial Qualifications Commission & Code of Judicial Conduct," Bar Information Papers, August 2000, The Florida Bar.

CIRCUIT/COUNTY-LEVEL

3.3.7 Courthouse Facilities (District Courts of Appeal and Supreme Court) (Element 7)

3.3.7.A Summary

DISCUSSION

Courthouse Facilities for the District Courts of Appeal and the Supreme Court are defined as an essential element in Chapter 29, F.S. The construction or lease, maintenance, and utilities of courthouse facilities for the Supreme Court of Florida and the District Courts of Appeal is provided for in Article V, Sections 1 and 14.

COST INFORMATION

There is no county funding involved.

CONCLUSION

Courthouse Facilities for the District Courts of Appeal and the Supreme Court is a constitutionally mandated essential element and is funded by the state.

EXHIBIT 3-10
COURTHOUSE FACILITIES (DISTRICT COURTS OF APPEAL AND SUPREME COURT)

Identified by	Chapter 2000-237, Chapter 29	
Definition	Construction or lease, maintenance, and utilities of courthouse facilities for the Supreme Court of Florida and the District Courts of Appeal.[1]	
Constitutionally Required - Cite	Yes: Article V, Sections 1 and 14	
For Whom?	Public	
Statutorily Mandated - Cite		
Statutorily Authorized - Cite		
Program Requestors	Public	
Program Users	Public	
Program Payers	State	
Uniform Chart of Accounts Codes	N/A	
Approximate Level of County Funding	FY2000 Audited Annual Financial Report	$0
	FY2000 Entity Estimate	$0
	FY2001 Audited Annual Financial Report	$0

[1] Definition based on Article V, Section 14 of the Florida Constitution. See Appendix F7 for specific constitutional language.

3.3.7.B ***Related Documentation***

STATE-LEVEL

- Constitutional language for sections referenced in Exhibit 3-10 (Article V, §§1 and 14).
- Statutory language for sections that may apply to Courthouse Facilities (25.271 and 272.04, F.S.).

CIRCUIT/COUNTY-LEVEL

3.3.8 Jury Management (Element 8)

3.3.8.A Summary

DISCUSSION

This element is addressed in Chapter 29 but was not included by the Trial Court Budget Commission on its list of essential elements, as this is not part of the courts system proper.

The definition that MGT has developed for this element includes both administrative personnel costs associated with jury management and the direct expenses required for juror compensation. These expenses include costs related to the issuance of summons, travel and transportation costs, parking, meals, hotel/motel costs, and reimbursement of juror expenses. This definition mirrors that used in the UCA codes reported in category 608. However, the inclusion of "reimbursement of juror expenses" may result in some blurring of state/county expenditure reporting. For example, 40.29, F.S., directs the clerk of the court, in and for any county, to make an estimate of the amount necessary during any quarterly fiscal period, beginning July 1 and during each succeeding quarterly fiscal period, for the payment by the state of:

(f) jurors in the circuit court and the county court;

(g) witnesses before the grand jury;

(h) witnesses summoned to appear for an investigation, preliminary hearing, or trial in a criminal case when the witnesses are summoned by a state attorney or on behalf of an indigent defendant;

(i) mental health professionals, under certain circumstances; and

(j) expert witnesses, under certain circumstances.

These estimates are then submitted to OSCA with a request for payment, which OSCA may pay in full or at some reduced amount, if estimates are deemed excessive.

Also, payment of juror expenses related to meals and lodging is a state-funding requirement (40.26, F.S.) reimbursable to the county. Further, 40.24, F.S., provides for state payment of juror compensation, where applicable. It appears that the only components of Jury Management that are not reimbursable by the state are the issuance of summons, transportation costs, and parking.

COST INFORMATION

County expenditures for this category are calculated to be $3,409,150 according to the FY2000 audited annual financial report. The corresponding FY2000 entity estimated expenditures are calculated to be $4,183,883. As noted earlier, this difference in reported expenditure of $774,000 may involve the reporting of state reimbursable expenses.

CONCLUSION

It can be argued that jury management is constitutionally mandated by Article I, Sections 16 and 22, as noted in Exhibit 3-11. The constitutional mandates for a jury trial in both the civil and criminal context (and, in the criminal context, an express constitutional mandate for a speedy and public trial by an impartial jury) require some state mechanism to summon jurors to service. The mechanism must also protect the requirement that "prospective jurors must be selected at random by the proper selecting officials without systematic and intentional exclusion of any economic, social, religious, racial, political, or geographical group." *State v. Silva*, 259 So.2d 153 (Fla. 1972).

However, it is not as clear to what extent, if any, that juror compensation and expenses are constitutionally mandated. Professor Joseph Little argues that, to the extent that payment should become necessary to obtain juries, then it would be

constitutionally mandated to provide compensation to vindicate the rights of trial by jury guaranteed to indigent defendants. On the other hand, George Meros argues that, because Florida courts have not yet determined the conditions, if any, under which the state would be constitutionally obligated to compensate juries for participating in this duty of citizenship, no conclusion is reached that such compensation would be constitutionally required. See Exhibit 3-11 for additional discussion regarding juror compensation and expenses.

There are a number of relevant statutory mandates requiring the provision of jury service and management of this service, as noted in Exhibit 3-11.

EXHIBIT 3-11
JURY MANAGEMENT

Identified by	Chapter 2000-237, Chapter 29; surveys	
Definition	Includes all costs of court or clerk of court personnel involved in jury management, as well as costs for juror compensation, as outlined in F.S. 40.24. The expenses within this element should include summons costs, travel and transportation costs, parking costs, meals, hotel/motel costs, and reimbursement of juror expenses, as provided in law.[1]	
Constitutionally Required - Cite[2]	Yes: Article I, Sections 16 & 22	
For Whom?	See footnote 2.	
Statutorily Mandated - Cite	F.S. 40.23 (clerk shall summon jurors); 40.235 (lodging for jurors); 40.24 (payment for jurors); 40.26 (meals and lodging for jurors); 40.29 (clerks shall estimate amount for pay of jurors and make requisition); 40.32 (disbursement of pay); 40.34 (payroll for juror pay)	
Statutorily Authorized - Cite		
Program Requestors	Court	
Program Users	Jurors	
Program Payers	State; Counties	
Uniform Chart of Accounts Codes	General Administration 608	
Approximate Level of County Funding	FY2000 Audited Annual Financial Report	$3,409,150
	FY2000 Entity Estimate	$4,183,883
	FY2001 Audited Annual Financial Report	$3,400,277

[1] Incorporates definitions used in surveys.

[2] Article I, Section 22 states that "[t]he right of trial by jury shall be secure to all and remain inviolate." Article I, Section 16 provides that in all criminal prosecutions the accused shall have the right to a speedy and public trial by impartial jury. Additionally, the U.S. Supreme Court has held that due process under the Fourteenth Amendment guarantees the right to jury trial in state criminal cases which, if tried in federal court, would be within the Sixth Amendment's guaranty of trial by jury.

The constitutional mandates for a jury trial in both the civil and criminal context (and, in the criminal context, an express constitutional mandate for a speedy and public trial by an impartial jury) require some state mechanism to summon jurors to service. The mechanism must also protect the requirement that "prospective jurors must be selected at random by the proper selecting officials without systematic and intentional exclusion of any economic, social, religious, racial, political, or geographical group." State v. Silva, 259 So.2d 153 (Fla. 1972).

3.3.8.B ***Related Documentation***

STATE-LEVEL

- Statutory language for sections referenced in Exhibit 3-11 (F.S. 40.23, 40.235, 40.24, 40.26, 40.29, 40.32, and 40.34).
- Uniform Accounting System Manual Expenditure/Expense Account information for Chart of Accounts code referenced in Exhibit 3-11 (General Administration code 608).

CIRCUIT/COUNTY-LEVEL

- Ninth Circuit court services organizational chart.

3.3.9 Judges (Element 9)

3.3.9.A Summary

DISCUSSION

Judges, appointed or elected pursuant to Chapters 25, 26, 34, and 35, F.S., and essential staff, expenses, and cost as determined by general law, are defined as an essential element in Chapter 29, In this element, MGT's definition captures only judges. Essential staff, expenses, and costs are captured in elements 10 and 16, as described below.

The Constitution provides for Judges in Articles I and V, generally, and provides that "all justices and judges shall be compensated only by state salaries fixed by general law." In addition, Article V, Section 9 of the Florida Constitution requires, in part, that the court determine prior to each year's regular legislative session the need for increasing or decreasing the number of state judges.

When a judgeship is established and funded, an appropriation is also requested for a judicial assistant at the current base salary, plus ten percent to allow for competitive hiring in the market. However, these costs are captured in Element 10, Judicial Support. The funding formula also includes one law clerk for every three circuit judges, which are captured in Element 16, Legal Support.

COST INFORMATION

State appropriations are provided annually to fund this element. No county funding is provided.

CONCLUSION

Justices and Judges are constitutionally mandated.

EXHIBIT 3-12
JUDGES

Identified by	Chapter 2000-237, Chapter 29; Trial Court Budget Commission; surveys	
Definition	Provision of services by judges (public officials of the State of Florida who hear and decide cases brought before a court of law), as required by law, and related expenses not captured in other elements. This element does not include funding for judicial assistants or law clerks.[1]	
Constitutionally Required - Cite	Yes: Article I and Article V - generally.	
For Whom?	The public, for protection of constitutional rights.	
Statutorily Mandated - Cite	F.S. 26.031 (number of circuit judges); 34.022 (number of judges per county); 34.171 (reasonable expenses of the offices of circuit and county court judges); and 26.51 (salaries of circuit court judges).	
Statutorily Authorized - Cite		
Program Requestors	Public	
Program Users	Public	
Program Payers	State	
Uniform Chart of Accounts Codes	N/A	
Approximate Level of County Funding	FY2000 Audited Annual Financial Report	$0
	FY2000 Entity Estimate	$0
	FY2001 Audited Annual Financial Report	$0

[1] Incorporates information from Florida Statutes and *The American Heritage Dictionary of the English Language* , Fourth Edition, published by Houghton Mifflin Company. This category includes judicial salaries. Though part of the judicial funding formula used by the state, salaries for judicial assistants are captured in Element 10, Judicial Support, and salaries for law clerks are captured in Element 16, Legal Support.

3.3.9.B ***Related Documentation***

STATE-LEVEL

- Constitutional language for sections referenced in Exhibit 3-12 (Articles I and V).
- Statutory language for sections referenced in Exhibit 3-12 (26.031, 34.022, 34.171, and 26.51, F.S.).
- Supreme Court Opinion No. SC01-2703, January 3, 2002, "In Re: Certification of Need for Additional Judgeships."

CIRCUIT/COUNTY

- 11th Circuit Judicial Growth Profile.
- 11th Circuit Office of the Chief Judge organizational chart, with associated funding sources, FTEs, salaries, benefits, and position descriptions.
- Third Circuit Judicial organizational chart, FY 01-02 and FY 02-03.
- Ninth Circuit Judicial organizational chart.
- 20th Circuit Supreme Court Certification of Need for Additional Judges, FY 2003-2004.
- Letter to Florida Supreme Court re: 2003 Certification of Need for Additional Judges.
- Pinellas County FY 2002-2003 approved budget for the judiciary.*
- 19th Circuit Judicial organizational chart, October 2002.

* Available upon request.

3.3.10 Judicial Support (Element 10)

3.3.10.A Summary

DISCUSSION

Judicial Support, in so far as it includes "essential staff, expenses, and costs as determined by general law," is identified in Chapter 29 as an essential court element. MGT has defined this category to include "costs associated with judicial travel and mileage, furniture, robes, dues, professional services, ceremonial events, support for retired judges utilized by the court, all judicial assistants, including those funded through the judicial funding formula, temporary judicial assistants, and "floating" judicial assistants, and any other costs in support of judges and judicial assistants, not including technology costs." While judicial assistants funded through the judicial funding formula were considered part of the "Judges" category in the related UCA code definition, they have been moved to this element as a more appropriate placement.

In addition to the components in MGT's definition, the UCA code definition for Judicial Support includes judicial libraries, which MGT has captured in Element 16, Legal Support.

COST INFORMATION

County expenditures for this category are calculated to be $11,425,710, according to the FY2000 audited annual financial report. The corresponding FY2000 entity estimate of expenditures is calculated to be $5,765,959, representing an entity report total of $5,659,751 less than the audited annual financial report provides. The expenditures reported here would included costs associated with judicial libraries, which MGT has captured in a different element, as stated above.

CONCLUSION

There is no specific constitutional mandate for this category of funding, but it can be argued that Articles I and V indirectly mandate judicial support, per Professor Joseph Little. Judicial Assistants, although recognized as essential to efficient and effective operation of a judge's office, are not explicitly constitutionally mandated.

Statutory mandates do exist, as noted in Exhibit 3-13, to direct payment of expenses to effectively operate circuit and county judges' offices. Chapter 26, F.S., provides for state payment of travel expenses for judges. Chapter 34, F.S. suggests payment of salaries and expenses of circuit and county court support staff shall be a county responsibility unless the state chooses to pay.

EXHIBIT 3-13
JUDICIAL SUPPORT

Identified by	Chapter 2000-237, Chapter 29; Trial Court Budget Commission; surveys	
Definition	Costs associated with judicial travel and mileage, furniture, robes, dues, professional services, ceremonial events, support for retired judges utilized by the court, all judicial assistants, including those funded through the judicial funding formula, temporary judicial assistants, and "floating" judicial assistants, and any other costs in support of judges and judicial assistants, not including technology costs.[1]	
Constitutionally Required - Cite[2]	See footnote 2 for discussion.	
For Whom?		
Statutorily Mandated - Cite	F.S. 34.171 (salaries of secretaries and assistants of judges, and expenses of the offices of circuit and county court judges); 26.52 (reimbursement of judicial travel expenses)	
Statutorily Authorized - Cite	F.S. 43.26(6) (executive assistant for presiding judge)	
Program Requestors	Judges	
Program Users	Judges	
Program Payers	State; Counties	
Uniform Chart of Accounts Codes	General Administration 605	
Approximate Level of County Funding	FY2000 Audited Annual Financial Report	$11,425,710
	FY2000 Entity Estimate	$5,765,959
	FY2001 Audited Annual Financial Report	$12,068,068

[1] Incorporates definitions used in the UCA and surveys. Though judicial libraries appears in this category in the UCA, it has been moved to "Legal Support" as a more appropriate category. Also, judicial assistants funded through the judicial funding formula, though defined as part of "Judges" in the UCA, have been moved to this element as a more appropriate placement. "Floating" judicial assistants are judicial assistants employed in addition to those funded through the judicial funding formula. They typically "float" between judges within a circuit or county to provide additional support.

[2] While not explicitly mandated by the constitution, it can be argued that Articles I and V indirectly mandate judicial support, per Professor Joseph Little.

3.3.10.B Related Documentation

STATE-LEVEL

- Statutory language for sections referenced in Exhibit 3-13 (F.S. 34.171, 26.52, and 43.26).
- Uniform Accounting System Manual Expenditure/Expense Accounts information for Chart of Accounts codes referenced in Exhibit 3-13 (General Administration code 605).

CIRCUIT/COUNTY

3.3.11 Court Reporters (Element 11)

3.3.11.A Summary

DISCUSSION

This element is specifically addressed in Chapter 29 and was also included by the Trial Court Budget Commission on its list of essential elements. This element was included for data collection purposes in survey documents, as described in Section 3.2.

The definition that MGT has developed for this element provides for the administration of this function, including supervision, coordination, and training of court reporters. The OSCA survey does not reference program administration in its definition.

The Trial Court Budget Commission has established a committee to provide policy recommendations that address performance and accountability in the utilization of court reporting and transcription. The goal is to provide guidance on best business practices in court reporting. A draft report was issued in December.

COST INFORMATION

The UCA codes that capture expenditures in this category appear to exclude any administrative costs associated with managing this function. We assume these costs would be reported using UCA codes definitions within the Court Administration category.

County expenditures for this category are calculated to be $18,239,560, according to the FY2000 audited financial report. The corresponding FY2000 entity estimate summary of expenditures is calculated to be $28,321,961. It may be that entities are reporting the administrative costs associated with this program, although the UCA codes do not specifically address it.

CONCLUSION

There is a specific constitutional requirement for Court Reporters in Article 1, Section 9, for indigent criminal defendants to preserve the record for death penalty cases. Further, there are specific statutory mandates for the use of court reporter services under specified circumstances, as described in Exhibit 3-14.

Although there is no constitutional mandate for court reporter administration, without the provision of supervision, coordination and training of court reporters, inefficiencies could result in providing this service. However, if this service is contracted out, or is delivered in more technologically sophisticated ways, the need for the administration of court reporters program would be significantly lessened. MGT will be addressing this issue in more detail in Phase Two, Best Practices. The administrative costs involved here should be minor in comparison to the actual court reporter costs.

EXHIBIT 3-14
COURT REPORTERS

Identified by	Chapter 2000-237, Chapter 29; Trial Court Budget Commission; surveys	
Definition	Activities include use of staff reporters or contract reporters; includes all use of real-time reporting and the equipment necessary for providing such services; supervision, coordination, and training of court reporters; training in new methods and technologies for producing court records; procurement and maintenance of court reporting equipment; production of written transcriptions of proceedings as requested by the court or litigants.[1]	
Constitutionally Required - Cite	Yes: Article I, Section 9	
For Whom?	Indigent criminal defendants to preserve record for death penalty cases.	
Statutorily Mandated - Cite	F.S. 27.0061 (indigents in criminal cases); 390.01115(4)(e) (judicial waiver of notice in parental notice of abortion act cases); 394.467(6)(a)2 (baker act hearings); 744.109 (guardianship hearings); 741.30(6)(h) (domestic violence injunction); 27.006 (funding guidelines)	
Statutorily Authorized - Cite		
Program Requestors	State Attorney's Office, Public Defender's Office, Court	
Program Users	State Attorney's Office, Public Defender's Office, Court	
Program Payers	Counties	
Uniform Chart of Accounts Codes	Circuit Court - Criminal 615, Civil 635, Family 655, Juvenile 675, Probate 695 County Court - Criminal 725, Civil 745	
Approximate Level of County Funding	FY2000 Audited Annual Financial Report	$18,239,560
	FY2000 Entity Estimate	$28,321,961
	FY2001 Audited Annual Financial Report	$19,330,658

[1] Incorporates definitions used in surveys.

3.3.11.B Related Documentation

STATE-LEVEL

- Constitutional language for section referenced in Exhibit 3-14 (Article I, §9).
- Statutory language for sections referenced in Exhibit 3-14 (F.S. 27.0061, 390.0115, 394.467, 744.109, 741.30, and 27.006).
- Uniform Accounting System Manual Expenditure/Expense Accounts information for Chart of Accounts codes referenced in Exhibit 3-14 (Circuit Court codes 615, 635, 655, 675, and 695, and County Court codes 725 and 745).
- Chapter 2-39, Court Reporter Fees and Services, F.A.C.
- Court Reporters Ordered by the Court, by Circuit (with corresponding FTE totals and personnel costs), Office of State Courts Administrator.
- Legal Requirements for Court Reporting, with excerpts of appropriate Florida Statutes and Court Rules, Office of State Courts Administrator.
- 2002 Court Reporter Survey Summary, Office of State Courts Administrator.
- Analysis of Results, Survey of Court Administrators Re: Court Reporting Practices, Office of State Courts Administrator.
- Overview of Court Reporting Element, Judicial Management Council Committee on Trial Court Performance and Accountability, May 2002.

CIRCUIT/COUNTY

- Union County (Eighth Circuit) Advantages to employee method of court reporting.
- Union County (Eighth Circuit) court reporting department position descriptions.
- Union County (Eighth Circuit) monthly report for court reporting department, September 2002.
- Union County (Eighth Circuit) Supreme Court case law re: court reporting.
- Ninth Circuit court services organizational chart.
- Sixth Circuit (Pinellas County) court reporting fee schedule (contract).
- Sixth Circuit (Pasco County) court reporting fee schedule.
- Sixth Circuit court reporting plan.
- 20th Circuit proposal for two court reporting alternatives.

3.3.12 Court Interpreters (Element 12)

3.3.12.A Summary

DISCUSSION

This element is specifically addressed in Chapter 29 and was also included by the Trial Court Budget Commission on its list of essential elements. This element was included for data collection purposes in survey documents, as described in Section 3.2.

The definition that MGT has developed for this element provides for the administration and training of court interpreters, if circuits have court interpreters on staff. The OSCA survey does not appear to include program administration costs in its definition. Additionally, MGT's definition includes sign language interpreters, which were previously considered in surveys to be part of "Auxiliary Aids & Services."

The Trial Court Budget Commission has identified some key issues relating to the qualifications and use of court interpreters' services. Specifically, according to the TCBC, there is no general law controlling when an interpreter must be appointed by the court, and no comprehensive statute that provides for standards for the qualification of court interpreters or for guidelines for the evaluation of English proficiency of a court participant who may need an interpreter. The TCBC indicates that the National Center for State Courts is currently developing a model code to address these issues. The Trial Court Performance and Accountability Committee has recently issued a report on Best Practices. MGT has been provided a copy of the report for use in Phase 2 of this study.

COST INFORMATION

The UCA code definitions that capture expenditures in this category appear to exclude any administrative costs associated with managing this function. We assume

these costs would be reported using UCA codes definitions within the Court Administration category.

County expenditures for this category are calculated to be $4,087,049, according to the FY2000 audited annual financial report. The corresponding FY2000 entity estimate summary of expenditures is calculated to be $5,474,813, representing an entity report total of $1,387,764 more than captured in the audited data. In addition, these reported expenditures do not include costs associated with sign language interpreters, which are considered in UCA codes definitions to be part of "Auxiliary Aids & Services."

CONCLUSION

There is a specific constitutional requirement for Court Interpreters in Article 1, Section 9, for indigent criminal defendants. Further, there are specific statutory mandates for the use of court interpreter services under specified circumstances, as described in Exhibit 3-15.

It is the position of the TCBC that all criminal defendants have a constitutional right to an interpreter as a matter of due process, to ensure meaningful participation in all proceedings.

A person's due process rights would be adversely affected if they were unable to understand the proceedings. As such, a strong argument can be made for the TCBC position.

EXHIBIT 3-15
COURT INTERPRETERS

Identified by	Chapter 2000-237, Chapter 29; Trial Court Budget Commission; surveys	
Definition	Provision of interpretation and translation services; recruit, train, and supervise staff to perform foreign language translation and foreign and sign language interpretation services; coordinate provision of interpreters and translators; and negotiate and manage contracts for interpreters and translators.[1]	
Constitutionally Required - Cite	Yes: Article I, Section 9	
For Whom?	Indigent criminal defendants	
Statutorily Mandated - Cite[2]	F.S. 90.606 (witnesses who can't hear or understand English or cannot express themselves in English sufficiently to be understood; any mentally or developmentally disabled person or child who cannot be reasonably understood or who cannot understand questioning without the aid of an interpreter); 90.6063 (for a deaf person who is complainant, defendant, witness, or otherwise a party in any court proceedings); 905.15 (in a grand jury for witnesses who don't speak or understand English).	
Statutorily Authorized - Cite	F.S. 92.53(5) (for testimony of witness under 16 years old or person with mental retardation)	
Program Requestors	Any court user in need of translation or interpretation	
Program Users	Any court user in need of translation or interpretation	
Program Payers	Counties	
Uniform Chart of Accounts Codes	Circuit Court - Criminal 617, Civil 637, Family 657, Juvenile 677, Probate 697 County Court - Criminal 727, Civil 747	
Approximate Level of County Funding	FY2000 Audited Annual Financial Report	$4,087,049
	FY2000 Entity Estimate	$5,474,813
	FY2001 Audited Annual Financial Report	$4,775,903

[1] Incorporates definitions used in surveys. Sign language interpreters, formerly listed in Chapter 29 as part of "Auxiliary Aids and Services," have also been added to this element as a more appropriate placement.

[2] The Judicial Management Council's (JMC) Committee on Trial Court Performance and Accountability has identified that there is no general law in Florida controlling when an interpreter must be appointed by the court, and no comprehensive statute that provides for standards for the qualification of court interpreters or for guidelines for the evaluation of English proficiency of a court participant who may need an interpreter. Several other states have statutes in place, and the National Center for State Courts is developing a model code.

The JMC's committee also set out principles of due process and case law that should govern the appointment of court interpreters and said interpreters should be appointed when 1) the participant's inability to comprehend English deprives him or her of an understanding of court proceedings; 2) a fundamental issue or interest is at stake; and 3) no alternative to judicial intervention exists for the resolution of the issue in dispute.

3.3.12.B ***Related Documentation***

STATE-LEVEL

- Constitutional language for section referenced in Exhibit 3-15 (Article I, §9).
- Statutory language for sections referenced in Exhibit 3-15 (F.S. 90.606, 90.6063, 905.15, 92.53).
- Uniform Accounting System Manual Expenditure/Expense Accounts information for Chart of Accounts codes referenced in Exhibit 3-15 (Circuit Court codes 671, 637, 657, 677, 697 and County Court codes 727 and 747).
- Memorandum and Report and Recommendations from Judicial Management Council's Committee on Trial Court Performance & Accountability; March 20, 2002. See especially *Memorandum page 2* and *Report and Recommendations pages 6-7*.
- Overview of Process for Revision 7, Element: Court Interpreters; May 16, 2002.
- Letter from Supreme Court Clerk Thomas D. Hall to First DCA Judge Charles J. Kahn, Jr., Chair of the Rules of Judicial Administration Committee; May 16, 2001, and Proposed Rules for Certification and Regulation of Court Interpreters.
- Model Court Interpreter Act.
- Analysis of Revision 7 Elements: Court Interpreters Ordered by the Court.
- Base Budget (Parts I and II) by circuit (including FTE, Salary & Benefits, and OPS/Expense).
- Base Budget, County Funding, FY 1999-2000 (including FTE, Salary & Benefits, and OPS/Expense).
- Grouping of Circuits by Language Use, Ability to Speak English, and Percentage of Hispanic Residents.
- Court Interpreter Workgroup Best Business Practices binder, Commission on Trial Court Performance and Accountability, October 2002.*

CIRCUIT/COUNTY

- "In-house Interpreters vs. Outsourcing in the Eleventh Judicial Circuit of Florida."
- Ninth Circuit court services organizational chart.
- Pinellas and Pasco counties (Sixth Circuit) interpreter rates.
- Office Notice: Proposed Rule of Judicial Administration re: court interpreters.
- 20th Circuit interpreter services FTEs and paygrades chart.

* Available upon request.

3.3.13 Court-based Mediation and Arbitration (Element 13)

3.3.13.A Summary

DISCUSSION

This element is not addressed in Chapter 29 but was identified by the Trial Court Budget Commission as one of its essential elements. This element has been captured for data collection purposes in survey documents, as described in Section 3.2. Mediation and arbitration services are commonly referred to as "Alternative Dispute Resolution," but due to the broad nature of this terminology and the amount of community-based mediation and arbitration services currently utilized by the courts system, MGT has elected to term this element "Court-based Mediation and Arbitration."

The definition that MGT has developed to capture this element incorporates definitions used in the UCA codes and by the Florida Dispute Resolution Center. This element provides court-based alternatives to adversary litigation, specifically mediation and arbitration programs. Community-based programs are not included in this element, but are included in Element 21, and summarized in Exhibit 3-25.

There are numerous statutory directives and references to court-based mediation and arbitration, as noted in Exhibit 3-16. Chapter 44, F.S., provides for specific circumstances where court-based mediation or arbitration is mandated, and other circumstances that enable the use of these alternative services.

COST INFORMATION

The UCA codes definitions are consistent with the definition proposed by MGT. County expenditures for this category are calculated to be $8,041,599, according to the FY 2000 audited annual financial report. The corresponding FY2000 entity estimated

summary of expenditures is calculated to be $6,489,727, representing an entity report total of $448,128 more than captured in the audited data.

CONCLUSION

There is no constitutional mandate for this category of funding.

Over a decade and a half ago, the Florida Legislature made a concerted effort to find a more suitable method for addressing civil disputes in the court system. As such, in 1988, statewide legislation was created that allows civil trial judges to refer any or all of their civil cases to mediation or arbitration, subject to rules and procedures of the Supreme Court of Florida.[2] This commitment to the use of mediation and arbitration is evidenced by the numerous statutory mandates and authorizations, as noted in Exhibit 3-16, that are currently in place.

The goal of mediation and arbitration is to provide the public with alternative, non-adversarial methods of resolving cases that allow for self-determination and empowerment to the parties, better resolutions for children, cost and time savings to the litigants and the court, and decreases in modifications and appeals.

[2] According to the Florida Dispute Resolution Center's *Florida Mediation and Arbitration Programs: A Compendium*, 15th Edition, August 2002.

EXHIBIT 3-16
COURT-BASED MEDIATION AND ARBITRATION

Identified by	Trial Court Budget Commission; surveys
Definition	All personnel, contractual, and operating costs associated with providing court-based alternatives to adversary litigation, specifically mediation and arbitration programs. This category should not include community-based programs utilized by the court.[1]
Constitutionally Required - Cite	No
For Whom?	
Statutorily Mandated - Cite	F.S. 44.102 (referral to mediation upon the request of one party in any filed civil action for monetary damages, with certain exceptions; all custody, visitation, or other parental responsibility issues as defined in s. 61.13 in each circuit with an established family mediation program; maintenance by chief judge of each circuit of mediators list; funding of nonvolunteer mediators), 44.103 (court-ordered nonbinding arbitration according to Supreme Court rules of practice and procedure); and 44.106 (Supreme Court standards and procedures for mediator and arbitrator qualifications, certification, conduct, discipline, and training).
Statutorily Authorized - Cite	F.S. 44.102 (referral to mediation for filed civil actions for which mediation is not required in Chapter 44; dependency, child-in-need-of-services or family-in-need-of-services cases in circuits in which a dependency or in-need-of-services mediation program has been established); 44.103 (referral to court-ordered, nonbinding arbitration for any contested civil action filed in a circuit or county court); 44.104 (voluntary binding arbitration or voluntary trial resolution for parties in a civil dispute); 44.108 (fee-based funding of programs by county); 61.183 (mediation of any proceeding in which parental responsibility, primary residence, visitation, or support of a child are contested); and 39.601 (mediation for development of a case plan in circuits where dependency mediation services are available).
Program Requestors	Court
Program Users	Court users
Program Payers	County; Fee-based
Uniform Chart of Accounts Codes	General Administration 609 Circuit Court - Civil 642, Family 662, Juvenile 682, Probate 702 County Court - Civil 752
Approximate Level of County Funding	FY2000 Audited Annual Financial Report $8,041,599
	FY2000 Entity Estimate $8,489,727
	FY2001 Audited Annual Financial Report $8,133,142

[1] Incorporates definitions used in the UCA and by the Florida Dispute Resolution Center. This category should include only court-based alternative dispute resolution programs and should not include community-based programs that the court utilizes, such as community service programs, diversion programs, alternative sanctions programs, misdemeanor probation services, pre-trial diversion or release programs, guardians ad litem, attorneys ad litem, or truancy services. These programs are included in the "Other Programs and Services" definition.

3.3.13.B ***Related Documentation***

STATE-LEVEL

- Statutory language for sections referenced in Exhibit 3-16 (Chapter 44; §§61.183 and 39.601).
- Uniform Accounting System Manual Expenditure/Expense Accounts information for Chart of Accounts codes referenced in Exhibit 3-16 (General Administration code 609, Circuit Court codes 642, 662, 682, and 702, and County Court code 752).
- Analysis of Revision 7 Elements, Alternative Dispute Resolution, Office of State Courts Administrator (includes statutory and court rule authority, definition of tasks, and FTE and associated costs per circuit).
- Florida Mediation and Arbitration Programs: A Compendium, 15th Edition, August 2002, Florida Dispute Resolution Center.*

CIRCUIT/COUNTY

- 19th Circuit response to a State inquiry regarding the County Mediation Program, FY 1999-2000 and Calendar 2001.*
- Third Circuit County Ordinance funding ADR in Columbia County.
- Administrative Order establishing family mediation services in the Third Circuit.
- Administrative Order establishing juvenile dependency mediation services in the Third Circuit.
- Administrative Order establishing county court mediation services in Columbia County.
- Sixth Circuit informational brochures: Alternative Dispute Resolution and Family Mediation.*
- Sixth Circuit Administrative Order re: juvenile and unified family court mediation compensation for indigent parties.
- Union County (Eighth Circuit) 2001 ADR Annual Report.
- Criminal mediation article, *The Gainesville Sun.*
- Ninth Circuit court services organizational chart.
- Ninth Circuit Administrative Order re: family mediation referrals.

- Ninth Circuit municipal codes re: service charges to be deposited in Orange County's Mediation-Arbitration account fund.
- 19th Circuit County Mediation Program information, position description, and administrative order.
- 20th Circuit court mediation FTE and pay grade chart.
- Orange County municipal codes authorizing funding for Mediation-Arbitration program.

* Available upon request.

3.3.14 Case Management (Element 14)

3.3.14.A Summary

DISCUSSION

This is a specialized function that is housed within court administration. This element is not specifically addressed in Chapter 29 but was included by the Trial Court Budget Commission on its list of essential elements. This is an example of the Court's definition of an essential element as a service that facilitates "case adjudication," as described earlier in Chapter 3. According to the courts, this category has grown up over time to help courts more efficiently manage caseload. This category was included for data collection purposes in survey documents, as described in Section 3.2. However, the UCA codes definitions include case management within court administration.

Pursuant to case adjudication, the services provided in this element involve staff and administrative expenses for controlling cases to effectuate movement of these cases through the court system from initiation to disposition. This category captures those services such as:

- administration of Drug Court;
- administration of Domestic Violence Court;
- intake and referral services (court staff assigned to help pro se litigants navigate their way through the system); and
- coordination of case processing through specialty programs such as Differentiated Case Management (11th Circuit) and Alternative Dispute Resolution.

As such, there will be significant variance across circuits in the utilization of this service, because of the discretionary nature of determining the best methods within each circuit for facilitating case management. Obviously, the diversity of the population, as well as the number and diversity of case filings, will impact upon the perceived needs of the courts to provide case management services. In dealing with certain specialty courts,

such as juvenile dependency and domestic violence, the courts are required by law to adhere to strict timelines for hearings and case dispositions. Some courts indicate that case management services are vital in adhering to these legal directives.

COST INFORMATION

The UCA codes used to capture expenditures for "Case Management," as defined here, would include costs within the broader category of "Court Administration," so isolated expenditures for Case Management cannot be separately identified with any degree of accuracy using existing data. As such, county expenditures for Court Administration, which totaled $46,293,274, according to the FY 2000 audited annual financial report, provide the only available parameter for cost estimation. Additionally, MGT's definition of Case Management includes county expenditures for juvenile and adult drug court, domestic violence court, and pro se services. These specific functions are captured in separate UCA codes and total an additional $8,126,127, according to the FY2000 audited annual financial report. The combined costs would represent a total county expenditure of $54,419,401, a portion of which would be for Case Management.

As discussed above, given the UCA codes definitions used, MGT cannot calculate an isolated cost for Case Management. For guidance, MGT reviewed the FY2000 OSCA program inventory. The survey calculated the costs for Court Administration and Case Management separately, reporting expenditures of $28,707,408 for Court Administration and $15,972,699 for Case Management, for a total expenditure of $44,680,107. As a general approximation then, OSCA data suggests that Case Management would be approximately 36% of the general Court Administration category.

CONCLUSION

There is no specific constitutional requirement for Case Management. However, it can be argued that Article I, Section 9 (due process) and Article V, Section 2 (administration of court system) indirectly mandate case management, per Professor Joseph Little.

As noted in the Court Administration element, in so far as services provided in this category "facilitate the Chief Judge in his/her responsibility for administrative supervision of each circuit," one could argue for an indirect constitutional mandate. It appears these services have grown up over time to meet specific efficiency and effectiveness goals, which in some cases are statutorily mandated (Chapter 39, Part VI, Chapter 741, F.S.).

Statutory mandates also exist, as noted in Exhibit 3-17, that provide the chief judge of each circuit with the responsibility for administrative supervision over the entire judicial circuit, and to promote the prompt and efficient administration of justice.

EXHIBIT 3-17
CASE MANAGEMENT

Identified by	Trial Court Budget Commission; surveys	
Definition	Includes all costs associated with establishing control over the sequence and timing of court activity, and the coordination of the time and events involved with the movement of cases through the court system from initiation to disposition. Includes personnel, contractual, and operating costs associated with general intake, screening, and evaluation of cases, including contact with litigants and attorneys as appropriate, to determine case processing requirements and needed coordination with other past or pending litigation of a related nature; procedural assistance and referral of litigants to court- and community-based resources; assistance in the assignment of judicial and quasi-judicial resources and calendar coordination; coordination of case processing via Alternative Dispute Resolution or Differentiated Case Management; monitor the progress of cases and assist judges and hearing officers in the expeditious handling of matters; develop, interpret, and assist in the application of management information to make decisions about the allocation of resources, court operations, an efficiency, effectiveness, and accountability. This category includes all non-judicial resources allotted for specialty courts or divisions, such as drug court or domestic violence court.[1]	
Constitutionally Required - Cite[2]	See footnote 2 for discussion.	
For Whom?		
Statutorily Mandated - Cite[3]	F.S. 397.334 (drug court required for each circuit)	
Statutorily Authorized - Cite		
Program Requestors	Court; Court users	
Program Users	Court; Court users	
Program Payers	State (drug court; some personnel); Counties (specialty courts, some personnel)	
Uniform Chart of Accounts Codes[4]	Circuit Court - Criminal 622, Family 663 and 664, Juvenile 684	
Approximate Level of County Funding	FY2000 Audited Annual Financial Report	N/A
	FY2000 Entity Estimate	N/A
	FY2001 Audited Annual Financial Report	N/A

[1] Incorporates definitions used in surveys. This element should represent both administrative and personnel costs associated with case management, as defined above. This element should only include court resources related to case management and should not capture any clerk of court activities and events needed to process a court case or any community service programs, diversion programs, alternative sanctions programs, misdemeanor probation services, pre-trial diversion or release programs, guardians ad litem, attorneys ad litem, or truancy services.

[2] While not explicitly mandated by the constitution, it can be argued that Article I, Section 9 (due process) and Article V, Section 2 (administration of court system) indirectly mandate case management, per Professor Joseph Little.

[3] Many statutes set out strict timelines for hearing and disposition of a case (i.e., juvenile dependency cases, domestic violence cases), and depending on the number of cases within a circuit imposing these timelines (the caseload varies from circuit to circuit), these cases may impose a burden on the court that it cannot meet. Many circuits have argued that the case management functions outlined in the definition are necessary to stay within the legal timelines set out in statute (i.e., Chapter 39, Part VI, Chapter 741), and necessary to provide for the efficient disposition of cases.

[4] The UCA codes for "Court Administration" include costs associated with case management. The two functions have been separated in these definitions. However, costs associated with case management may be captured in the "Court Administration" category in the UCA.

3.3.14.B Related Documentation

STATE-LEVEL

- Statutory language for section referenced in Exhibit 3-17 (F.S. 397.334).
- Uniform Accounting System Manual Expenditure/Expense Accounts information for Chart of Accounts codes referenced in Exhibit 3-17 (Circuit Court codes 663 and 664).
- Case Management: Coordination of External Functions and Court Functions, flowchart, Office of State Courts Administrator (OSCA).
- Executive Agencies Providing Services Supporting Judicial Processes, OSCA.
- Preliminary Analysis of Revision 7 Elements, Case Management (including authority, issues, and definition of tasks), OSCA.
- Analysis of Revision 7 Elements: Case Management (including FTE and personnel costs per circuit), OSCA.
- Case Management Groupings and Functions, OSCA.
- Case Management Number of FTE by Categorized Persons, Statewide, March 2002, OSCA.
- Case Management Number of FTE by Categorized Persons, Statewide by Circuit, March 2002, OSCA.

CIRCUIT/COUNTY

- 11th Circuit Delinquency Case Management System.
- Third Circuit Administrative Order establishing indigence and pro se packet guidelines.
- Sixth Circuit binder regarding differentiated case management.*
- Ninth Circuit Trial Court position inventory for case management (and court administration) for State- and County-funded positions.*
- Ninth Circuit Article V case management staff survey with job descriptions, June 2000.*
- Union County (Eighth Circuit) Family Division monthly reports, July 2001 through October 2002.
- Union County (Eighth Circuit) Family Law Self-help Program.
- Union County (Eighth Circuit) Pro se litigants charts

- 11th Circuit Differentiated Case Management Report; pages ii through xvii.
- Ninth Circuit court services organizational chart.
- Ninth Circuit municipal codes re: teen court cost and fee disbursement.
- Ninth Circuit categorization of current positions: case management (county-funded positions).
- 20th Circuit FTEs and pay grades.

* Available upon request.

3.3.15 Court Administration (Element 15)

3.3.15.A Summary

DISCUSSION

This element is not specifically addressed in Chapter 29 but was included by the Trial Court Budget Commission on its list of essential elements. This element was defined in the OSCA program inventory survey to include the categories of purchasing, personnel and payroll, legal, accounting and auditing, budgeting, transportation, and grants management, and was included for data collection purposes in other surveys.

The definition that MGT has developed for this element is more inclusive than the categories found in survey documents. In addition to the general administrative categories of purchasing, personnel, finance, auditing, budget, and procurement, we have identified the following functions that appear to be part of the day-to-day operations of the courts: ADA coordination, public information, senior judge administration, process server certification, records management, legal advertisements, cars, office supplies, freight costs associated with furniture or equipment, relocation expenses, training, print shop, mailroom, supply room, grant and contract administration, and executive direction.[3]

General counsel, though contained as part of Court Administration in survey documents, has been moved to Element 16, Legal Support, as a more appropriate category.

[3] "Executive direction" includes the court administrator, the chief deputy court administrator, and an assistant, according to OSCA.

COST INFORMATION

The UCA codes used to capture expenditures for "Court Administration," as defined here, would include costs associated with "Case Management," so isolated expenditures for Court Administration cannot be separately identified with any degree of accuracy using existing data. As such, county expenditures for Court Administration, which totaled $46,293,274, according to the FY 2000 audited annual financial report, provide the only available parameter for cost estimation.

As discussed above, given the UCA codes definitions used, MGT cannot calculate an isolated cost for Court Administration. For guidance, MGT reviewed the FY2000 OSCA program inventory. The survey calculated the costs for Court Administration and Case Management separately, reporting expenditures of $28,707,408 for Court Administration and $15,972,699 for Case Management, for a total expenditure of $44,680,107. As a general approximation then, OSCA data suggests that Court Administration would be approximately 64% of the general Court Administration category.

CONCLUSION

There is a constitutional requirement for Court Administration in so far as it applies to administrative supervision of the courts. Article V, Section 2(a) requires that the Supreme Court "shall adopt rules for . . . the administrative supervision of all courts." Article V, Section 2(b) requires that the chief judge of the Supreme Court shall be the chief administrative officer of the judicial system, and Article V, Section 2(d) requires that the chief judge of each circuit shall be responsible for the administrative supervision of the circuit court and county courts in his circuit.

Statutory mandates also exist, as noted in Exhibit 3-18, that provide the chief judge of each circuit with the responsibility for administrative supervision over the entire judicial circuit, and to promote the prompt and efficient administration of justice.

EXHIBIT 3-18
COURT ADMINISTRATION

Identified by	Trial Court Budget Commission; surveys
Definition	All personnel, contractual, and operating costs associated with the administration of the courts, including resources needed to provide support in the areas of personnel, finance, auditing, budget, procurement, Americans with Disabilities Act coordination, public information, senior judge administration, process server certification, records management, legal advertisements, cars, office supplies, freight costs associated with furniture or equipment relocation, training, print shop, mailroom, supply room, grant and contract administration, and executive direction.[1]
Constitutionally Required - Cite	Yes: Article V, Section 2[2]
For Whom?	Administrative supervision of courts/courts system
Statutorily Mandated - Cite	F.S. 43.26 (prompt and efficient administration of justice)[3]
Statutorily Authorized - Cite	
Program Requestors	Court
Program Users	Court
Program Payers	State; Counties
Uniform Chart of Accounts Codes	General Administration 601 Circuit Court - Criminal 611, Civil 631, Family 651, Juvenile 671, Probate 691 County Court - Criminal 721, Civil 741, Traffic 761
Approximate Level of County Funding[4]	FY2000 Audited Annual Financial Report $46,293,274
	FY2000 Entity Estimate $58,351,338
	FY2001 Audited Annual Financial Report $55,281,384

[1] Incorporates definitions used in the UCA and surveys. This category does not include case management functions, witness and evaluator management functions, jury management functions, court reporter services, legal support, court interpreter services, indigency examiners, alternative dispute resolution, guardianship services, victim services, information systems or technology costs, or any alternative sanctions or diversion programs. However, the UCA codes definitions for "Court Administration" do capture case management costs. Though the "General Counsel" function was previously included in this category in surveys, it has been moved to Element 16, Legal Support, as a more appropriate category.

[2] The constitutional mandate for this element applies only to administrative supervision of the courts. Article V, Section 2(a) requires that the Supreme Court "shall adopt rules for . . . the administrative supervision of all courts." Article V, Section 2(b) requires that the chief judge of the Supreme Court shall be the chief administrative officer of the judicial system, and Article V, Section 2(d) requires that the chief judge of each circuit shall be responsible for the administrative supervision of the circuit court and county courts in his circuit.

[3] The statutory reference does not specifically mandate court administration, however, it gives the chief judge of each circuit administrative supervision over the entire judicial circuit, the power to promote the prompt and efficient administration of justice, and it requires the chief judge to be responsible to the Supreme Court for circuit-specific information about caseload and disposition of cases. A more thorough description of court administration is available in Rule 2.050, Florida Rules of Judicial Administration (see Appendix F15).

3.3.15.B ***Related Documentation***

STATE-LEVEL

- Constitutional language for section referenced in Exhibit 3-18 (Article V, Section 2).
- Statutory language for section referenced in Exhibit 3-18 (F.S. 43.26).
- Court rule language for rule referenced in Exhibit 3-18 (Rule 2.050, Rules of Judicial Administration).
- Uniform Accounting System Manual Expenditure/Expense Accounts information for Chart of Accounts codes referenced in Exhibit 3-18 (General Administration code 601, Circuit Court codes 611, 631, 651, 671, and 691, and County Court codes 721, 741, and 761.)
- Analysis of Revision 7 Elements, Court Administration (including authority and definition of tasks), Office of State Courts Administrator (OSCA).
- Florida State Court System, Circuit Courts, OSCA.
- National Association for Court Management Curriculum Guidelines for Core Competencies.
- Trial Court Administrator Job Descriptions (2), OSCA.
- Trial Court Position Inventory, Court Administration, Circuits 1 through 20, May 2001, OSCA.
- Revision 7 Court Administration Functions, OSCA.
- Trial Court Position Inventory, Executive Court Administration, Statewide, May 2002, OSCA.
- Trial Court Position Inventory, Governor's Administration, Circuits 1-10, 11-20, May 2002, OSCA.
- Trial Court Position Inventory, Other Mgmt Administration, Statewide, May 2002, OSCA.
- Analysis of Revision 7 Elements: Court Administration, Personnel and FTE costs by circuit.
- Trial Court Budget Commission, Funding Methodology Subcommittee Recommendations for FY 2002-2003, June 16, 2001, OSCA.

CIRCUIT/COUNTY

- 19th Circuit Court Administration organizational chart, October 21, 2002.
- 19th Circuit budget comparison report, family, juvenile, county, civil, and court administration programs.
- 19th Circuit Annual Report 2000.*
- 11th Circuit "Justice for all Floridians" notebook (with organizational charts and position descriptions).**
- Third Circuit Court Administration organizational chart, FY 01-02 & 02-03.
- Third Circuit amended budget for court support services, FY 01-02.
- Third Circuit court administration job descriptions and salaries.
- Sixth Circuit organizational chart, position listings, salaries, and compensation.
- Sixth Circuit binder with job descriptions.*
- Pinellas County FY 2002-2003 approved budget for court administration.*
- Ninth Circuit Court Administration, human resources, and fiscal services organizational charts.
- Ninth Circuit job descriptions.*
- Ninth Circuit Trial Court position inventory for court administration (and case management).
- Ninth Circuit programs and services.
- Ninth Circuit salaries and pay plans, by source.
- Ninth Circuit operating expense and capital outlay.
- Ninth Circuit county funding for court administration and programs and services.
- Orange County Article V funding and statement of additional court costs.
- Orange County reclassification of pay plan.
- Union County (Eighth Circuit) organizational chart.
- 20th Circuit organizational chart, FY 2001-2002 fees and revenues, and index of positions (including FTEs and pay grades, and contract services chart).
- 20th Circuit positions descriptions.*

- 20th Circuit audit reports.*
- 20th Circuit year-end budget and expenses.*
- Flagler County (Seventh Circuit) organizational chart and key programs/services.
- Flagler County (Seventh Circuit) job descriptions.*
- Flagler County (Seventh Circuit) strategic plan binder.*
- Lee County grant funding.
- Lee County court administration funding.

* Available upon request.

** A portion of the information is provided, and the rest is available upon request.

3.3.16 Legal Support (Element 16)

3.3.16.A Summary

DISCUSSION

This element is not addressed in Chapter 29 but was included by the Trial Court Budget Commission on its list of essential elements. This element was included for data collection purposes in survey documents, as described in Section 3.2.

The definition that MGT has developed for this element is generally consistent with those used in surveys. It includes the service of staff attorneys, law clerks, and legal resource materials, such as periodicals, books, or electronic research tools. "Judicial Libraries" are included in this category, though previously defined by some surveys as part of "Judicial Support."

MGT's definition also includes resources devoted to the "general counsel" function, though some surveys have included these costs within "Court Administration." According to OSCA, only three circuits (6th, 11th, and 13th) have general counsel positions housed within the court, and all such positions are funded by their respective counties. In other circuits, general counsel duties for the courts are provided by staff attorneys or by county attorneys.

COST INFORMATION

The UCA code that may capture expenditures in this category would be General Administration-Trial Court Law Clerks/Legal Support. County expenditures for this category using the General Administration UCA codes are calculated to be $529,670, according to the FY2000 audited annual financial report. The corresponding FY2000 entity estimate summary of expenditures is calculated to be $1,921,632, representing an entity report total of $1,391,962 more than captured in the audited data.

CONCLUSION

There is no specific constitutional requirement for legal support. However, it is arguable that Article I, Section 9 (due process) and Article V indirectly mandate legal support, per Professor Joseph Little. It can also be argued that 34.171, F.S., extends to payment of costs associated with law clerks, staff attorneys, and other reasonable expenses of the circuit and county courts.

Although there is no constitutional mandate for legal support, the state currently recognizes the need for Judicial Assistants (Element 10) and Law Clerks. The judicial funding formula provides for one law clerk for every three judges. To be without some level of legal support in the judges' offices would likely result in inefficiencies in the provision of services within the courts system, and could impact on the quality of the decisions being made by the courts.

EXHIBIT 3-19
LEGAL SUPPORT

Identified by	Trial Court Budget Commission; surveys	
Definition	All costs associated with legal assistance rendered to judges in all divisions, including law clerks and staff attorneys, and associated expenses, (including general counsel and related staff), and any legal resource materials, such as periodicals, books, or electronic resources.[1]	
Constitutionally Required - Cite[2]	See footnote 2 for discussion.	
For Whom?		
Statutorily Mandated - Cite	F.S. 34.171 (reasonable salaries of secretaries and assistants of circuit and county courts and all reasonable expenses of the offices of the circuit and county court judges)[3]	
Statutorily Authorized - Cite		
Program Requestors	Judges	
Program Users	Judges	
Program Payers	State; Counties	
Uniform Chart of Accounts Codes	General Administration 606	
Approximate Level of County Funding	FY2000 Audited Annual Financial Report	$529,670
	FY2000 Entity Estimate	$1,921,632
	FY2001 Audited Annual Financial Report	$6,357,719

[1] Incorporates definitions used in surveys. Law clerks are currently funded by the state as part of the judicial funding formula at a ratio of one law clerk for every three judges.

[2] While not explicitly mandated by the constitution, it can be argued that Article I, Section 9 (due process) and Article V indirectly mandate legal support, per Professor Joseph Little.

3.3.16.B Related Documentation

STATE-LEVEL

- Statutory language for section referenced in Exhibit 3-19 (F.S. 34.171).
- Uniform Accounting System Manual Expenditure/Expense Accounts information for Chart of Accounts codes referenced in Exhibit 3-19 (General Administration code 606).

CIRCUIT/COUNTY

- 20th Circuit FTEs and pay grades.

3.3.17 Masters/Hearing Officers (Element 17)

3.3.17.A Summary

DISCUSSION

This element is not addressed in Chapter 29 but was identified by the Trial Court Budget Commission as one of its essential elements. This element was included for data collection purposes in survey documents, as described in Section 3.2. MGT's definition is consistent with the definition provided in the OSCA program inventory survey. It includes masters/hearing officers in any division of the court, and all costs associated with, and expenses related to, masters/hearing officers, including travel and mileage, furniture, robes, dues, professional services, and ceremonial events.

COST INFORMATION

The UCA codes definitions that capture this element appear to be consistent with the definition used by MGT. County expenditures for this category are calculated to be $6,453,940, according to the FY2000 audited annual financial report. The corresponding FY2000 entity estimate summary of expenditures is calculated to be $9,402,451, representing an entity report total of $2,948,511 more than captured in the audited data. This discrepancy may be due to the entities reporting expenditures provided from grants provided through the Department of Revenue to enable implementation of Child Support Enforcement Hearing Officers.

CONCLUSION

This element is not constitutionally mandated, but constitutionally authorized only to provide for civil traffic infraction hearing officers (Article V, Section 1).

There are also numerous statutory references that enable the use of masters/hearing officers. These are noted in Exhibit 3-20. As such, the use and funding for this element will vary significantly by circuit, depending upon the availability of county funds and the demand for services.

The TCBC has reported that masters and hearing officers provide three major benefits to the judicial system. First, they supplement the work of judges by performing various tasks that are largely ministerial, managerial, or computational in nature, reducing the time judges must devote to these tasks and in turn increasing the time available to dedicate to more substantive areas of the court caseload. Second, they are able to develop considerable expertise in narrow areas of the law, such as child support enforcement or probate matters. Finally, referral of certain matters to masters or hearing officers allows litigants more time to present matters before a judicial officer than would be possible were all matters handled by a judge.

EXHIBIT 3-20
MASTERS/HEARING OFFICERS

Identified by	Trial Court Budget Commission; surveys	
Definition	Provision of services by masters/hearing officers in any division of the court, and all costs associated with and expenses related to masters/hearing officers, including travel and mileage, furniture, robes, dues, professional services, and ceremonial events.[1]	
Constitutionally Required - Cite	*Constitutionally authorized* in Article V, Section 1.	
For Whom?	Applies only to civil traffic hearing officer system.	
Statutorily Mandated - Cite		
Statutorily Authorized - Cite	F.S. 318.30-318.38 (civil traffic infraction hearing officer program); 744.369(2) (review of guardianship reports); 92.53(3) (videotaping of testimony of victim or witness under age 16 or person with mental retardation); 397.311(7) (involuntary substance abuse treatment proceedings); 397.681 (involuntary substance abuse treatment proceedings); 64.061(4) (sale of property).	
Program Requestors	Court	
Program Users	Court users (Public)	
Program Payers[2]	Florida Department of Revenue grants (from federal grants); Counties; State	
Uniform Chart of Accounts Codes	Circuit Court - Civil 641, Family 661, Juvenile 683, Probate 701 County Court - Civil 751, Traffic 765	
Approximate Level of County Funding	FY2000 Audited Annual Financial Report	$6,453,940
	FY2000 Entity Estimate	$9,402,451
	FY2001 Audited Annual Financial Report	$7,211,202

[1] Incorporates definition used in surveys.
[2] The "Program Payers" for this function differ from circuit to circuit, but, generally, these appear to be the major sources of funding.

3.3.17.B ***Related Documentation***

STATE-LEVEL

- Constitutional language for section referenced in Exhibit 3-20 (Article V, §1).
- Statutory language for sections referenced in Exhibit 3-20 (F.S. 318.30-318.38, 744.369(2), 92.53(3), 397.311(7), 397.681, and 64.061(4)).
- Uniform Accounting System Manual Expenditure/Expense Accounts information for Chart of Accounts codes referenced in Exhibit 3-20 (Circuit Court codes 641, 661, 683, and 701, and County Court codes 751 and 765).
- Related rules of court and procedure.
- Memorandum from Judge Alice Blackwell White, chair, Judicial Management Commission Committee on Trial Court Performance and Accountability, to Chief Justice Harry Lee Anstead, July 2, 2002, and Report and Recommendations.
- Analysis of Revision 7 Elements, Masters and Hearing Officers, Office of State Courts Administrator (OSCA).
- Base Budget: County Funding, FY 1999-2000, Masters and Hearing Officers, OSCA.
- Result of Adding One General Master Position, Trial Court Budget Commission.
- Case filing by Circuit, Calendar Year 1999, in proceedings where Masters or Hearing Officers have been successfully utilized.
- Proposed Education Dollars for Masters and Hearing Officers
- Preliminary Analysis of Statutes and Rules of Court relating to Masters and Hearing Officers, OSCA.
- "Family Court Magistrates: Is it Time to Consolidate the General Master and Child Support Enforcement Hearing Officer Systems?" by Administrative General Master Robert J. Jones, 11th Circuit, *The Florida Bar Journal*, April 1997.
- Legal research relating to the powers and duties of United States Magistrates, OSCA.*

CIRCUIT/COUNTY

- Union County (Eighth Circuit) 2002 Judicial Hearing Officer statistics.
- Union County (Eighth Circuit) general information about the judicial hearing officer program.
- Ninth Circuit Administrative Orders re: civil traffic infraction magistrate.

- Ninth Circuit municipal codes re: collection of funds for civil infraction hearing officer fund.
- 20th Circuit general master FTEs and pay grades.

* Available upon request.

3.3.18 Clerk of Court Administration (Element 18)

3.3.18.A Summary

DISCUSSION

This element is addressed in Chapter 29 but was not included by the Trial Court Budget Commission on its list of essential elements, as it is not part of the courts system proper.

The definition that MGT has developed for this element is more detailed than the code definitions in the UCA. MGT defines the activities contained in this category to include:

- case processing;
- financial processing;
- information and reporting;
- jury and witness processing;
- child support depository services;
- management of case flow performed by employees of the clerk's office; and
- general support for the various divisions of the court.

The intent of this definition is to capture all costs needed for the clerk's offices to complete court-related duties.

COST INFORMATION

County expenditures for this category are calculated to be $308,478,742, according to the FY2000 audited annual financial report. The corresponding FY2000 entity estimate summary of expenditures is calculated to be $275,171,154, representing an entity report total of $33.3 million less than captured in the audited data.

CONCLUSION

Article V, Section 16, provides a constitutional mandate for a clerk of court in each county.

There are several statutory mandates providing for specific authorities of the clerks relative to the courts. There are also statutes enabling clerks of courts to appoint deputy clerks, to empower deputy clerks with certain duties, and to keep minutes of court proceedings.

Although the provision of administrative services is not directly constitutionally mandated, state law provides that clerks may appoint deputy clerks. As such, the state has recognized the need for such services to provide for effective performance of duties of the Clerk of Courts' offices.

To be without some level of administration in the clerks' offices would likely result in inefficient or inadequate provision of services to the judicial system, given the variety of services performed and the size of many of the counties served.

EXHIBIT 3-21
CLERK OF COURT ADMINISTRATION

Identified by	Surveys
Definition	Includes all personnel, contractual, and operating costs of the clerks of circuit and county court associated with court administration, including resources needed to provide case processing services, financial processing services, information and reporting, jury and witness processing services, child support depository services, management of caseflow by the clerk's office, and general support associated with civil, criminal, traffic, and probate divisions of the court. This category should represent all administrative and personnel costs needed for clerk's offices to complete court-related duties.[1]
Constitutionally Required - Cite	Yes: Article V, Section 16.
For Whom?	Clerk of circuit court in each county.
Statutorily Mandated - Cite[2]	F.S. Chapter 28 generally. Specifically, 28.08 (place of residence), 28.09 (clerk ad interim), 28.13 (keep papers), 28.211 (keep progress docket), 28.2221 (electronic access to official records), 28.223 (probate recordation), and 28.29 (recording of orders and judgments).
Statutorily Authorized - Cite	F.S. 28.06 (power to appoint deputy clerks), 28.07 (branch offices), and 28.212 (minutes of court proceedings).
Program Requestors	Court; Clerk of Court
Program Users	Court; Clerk of Court
Program Payers	Counties; Fees
Uniform Chart of Accounts Codes	General Administration 604 Circuit Court - Criminal 614, Civil 634, Family 654, Juvenile 674, Probate 694 County Court - Criminal 724, Civil 744, Traffic 764
Approximate Level of County Funding	FY2000 Audited Annual Financial Report $308,478,742
	FY2000 Entity Estimate $275,171,154
	FY2001 Audited Annual Financial Report $323,920,693

[1] Incorporates definitions used in the UCA and the Florida Association of Court Clerks "Implementation Goals" pamphlet.

[2] There are several sections within Chapter 28 that set out charges for services of the clerk. These fees are mandated, but not specifically listed above. Chapter 28 also includes sections relating to clerks' duties as county recorder (non-court related duties).

3.3.18.B ***Related Documentation***

STATE-LEVEL

- Constitutional language for section referenced in Exhibit 3-21 (Article V, Section 16).
- Statutory language for section referenced in Exhibit 3-21 (F.S. Chapter 28).
- Uniform Accounting System Manual Expenditure/Expense Accounts information for Chart of Accounts codes referenced in Exhibit 3-21 (General Administration code 604, Circuit Court codes 614, 634, 654, 674, 694, and County Court codes 724, 744, and 764).
- Article V, Revision 7 Implementation Goals, Florida Association of Court Clerks, July 2002.*
- Review of the Clerks of Circuit Court Court-Related Expenditures and Revenues (ending Sept. 30, 2002), Florida Association of Court Clerks, May 2002.*
- Recommended Fee Schedule to Fund Court-Related Services of the Clerks of Circuit Court, Florida Association of Court Clerks, October 2000.*
- Article V Performance and Accountability System, Florida Association of Court Clerks.*
- Article V, Revision 7 folder, Florida Association of Court Clerks.*
- Overview of Criminal Court Functions and Activities, Florida Association of Court Clerks.*

CIRCUIT/COUNTY

- Suwannee County organizational chart, pay levels for positions, and summary of duties for positions.
- Union County organizational chart, job responsibilities, financial information, and key programs and services.
- Orange County (Ninth Circuit) clerk of court funding.
- Ninth Circuit clerk of court process flowcharts.
- St. Lucie County clerk binder, including finance department organizational chart, pay grades, FTEs, job descriptions, services, activities, and core work tasks.**
- Lee County clerk organizational chart, employee pay grades and salaries, and pay plans.
- Lee County clerk court-related programs and services.

- Lee County clerk list of contracted services.
- Lee County clerk process flowcharts.
- Lee County position descriptions and survey studies.*
- Orange County (Ninth Circuit) binder, including revenues, surveys, and collections court information.*
- Orange County (Ninth Circuit) clerk's office historical perspective and services provided.
- Orange County (Ninth Circuit) clerk's office vision, mission statement, and strategic initiatives.*
- Orange County (Ninth Circuit) clerk's office revision 7 position.
- Orange County (Ninth Circuit) clerk's office organizational charts, budget, salary schedule, and pay grades.
- Orange County (Ninth Circuit) clerk's office position descriptions.*
- Orange County (Ninth Circuit) clerk's office Article V Performance and Accountability system packets, by division.*
- Sixth Circuit clerk's office survey responses.*
- Sixth Circuit clerk's office efforts to collect fines.*
- Sixth Circuit clerk's office fee schedule.*
- Sixth Circuit clerk's office biennial report, 1999-2001.*
- Sixth Circuit clerk's office workload project data/information inventory.*
- Sixth Circuit clerk's office "Clerks at Work" packet.*
- Sixth Circuit clerk's office organizational charts and FTEs' average length of service.
- Sixth Circuit clerk's office position descriptions.*
- Sixth Circuit clerk's office process flowcharts by division.*
- Sixth Circuit clerk's office services provided.*
- Pinellas County Administrator's list of current classification and pay plans.

* Available upon request.

3.3.19 Communications Services (Information Systems/Technology) (Element 19)

3.3.19.A Summary

DISCUSSION

The Florida Constitution requires the counties to continue to fund the cost of communications services, including existing multi-agency criminal justice information systems. While the Constitution specifies that counties shall be obligated to fund "communications services" and "existing multi-agency criminal justice information systems," Chapter 29, F.S., breaks these out into designated categories, which include:

- telephone services and equipment, including fax machines, video teleconferencing equipment, pagers, and computer lines, and all associated staff and toll charges;
- computer systems and equipment, including hardware, software, maintenance, and support staff; and
- postage, printed documents, radio, courier messenger and subpoena services, support services, all maintenance, supplies, and line charges.

Communications services will continue to be provided by the counties, and as such, were considered outside the scope of this Phase 1 analysis. We chose to include this more detailed definition of information systems/technology because it is the subject of significant focus and research in Phase 2, and there were some existing expenditure data available using UCA codes and surveys, as described in Section 3.2

COST INFORMATION

County expenditures for this category are calculated to be $29,736,682, according to the FY2000 audited annual financial report. The corresponding FY2000 entity estimate summary of expenditures is calculated to be $61,425,738, representing an entity report total of $31,689,056 more than captured in the audited data. In addition,

the UCA codes definitions related to information systems and technology appear to apply only to the courts, not to the clerks of court or State Attorneys' or Public Defenders' offices.

CONCLUSION

The provision of the services captured within this category is constitutionally mandated. Costs are to be borne by the counties. It is also arguable that Article I and Article V, Section 2 indirectly mandate provision of this function.

Statutory mandate provides for the Criminal Justice Information program for information collection, distribution, and analysis.

EXHIBIT 3-22
INFORMATION SYSTEMS/TECHNOLOGY

Identified by	Chapter 2000-237, Chapter 29; Surveys	
Definition	Includes all personnel, contractual, and operating costs associated with hardware, software, network, and other information systems services for the courts (including judges and court staff), state attorneys' and public defenders' offices, and clerks of the court performing court-related functions. This includes all costs associated with support of management responsibilities with regard to technology (bids, grants, etc.); installation, support, and administration of LAN and WAN, and video teleconferencing, and all associated hardware and software costs; installation, support, and administration of databases; application development, maintenance, and enhancement, and all associated hardware and software costs; customer support/help desk; technical training; Web development and support, and all associated hardware and software costs; all hardware and standard software to support judges and court staff; all hardware and software to support case management; and all hardware and software for specialized court applications (i.e., Alternative Dispute Resolution, Domestic Violence) and specialized administrative applications (i.e., personnel, purchasing, inventory). This category includes both personnel and administrative costs, unless otherwise noted, and should include costs associated with the Criminal Justice Information System (and other inter-agency criminal justice systems).[1]	
Constitutionally Required - Cite	Yes: Article V, Section 14[2]	
For Whom?	Counties are required to fund communications services and existing multi-agency criminal justice information systems.	
Statutorily Mandated - Cite	F.S. 943.05 and 943.051 (creates Criminal Justice Information Program for information collection, distribution, and analysis)	
Statutorily Authorized - Cite		
Program Requestors	Court	
Program Users	Court	
Program Payers	State; Counties	
Uniform Chart of Accounts Codes	General Operations 713	
Approximate Level of County Funding	FY2000 Audited Annual Financial Report	$29,736,682
	FY2000 Entity Estimate	$61,425,738
	FY2001 Audited Annual Financial Report	$40,430,406

[1] Incorporates definitions used in the UCA and surveys. This category should include both in-house and contractual costs. This category does not include costs associated with automated or online legal research, as these costs are captured in the "Legal Support" category.

[2] Additionally, it can be argued that Article I and Article V, Section 2 indirectly mandate information technology, per Professor Joseph Little.

3.3.19.B ***Related Documentation***

STATE-LEVEL

- Constitutional language for section referenced in Exhibit 3-22 (Article V, Section 14).
- Statutory language for sections referenced in Exhibit 3-22 (F.S. 943.05 and 943.051).
- Uniform Accounting System Manual Expenditure/Expense Accounts information for Chart of Accounts code referenced in Exhibit 3-22 (General Operations code 713).

CIRCUIT/COUNTY

3.3.20 Guardianship Services (Element 20)

3.3.20.A Summary

DISCUSSION

This element is not addressed in Chapter 29, nor was it separately designated as an essential element by the Trial Court Budget Commission, as it is not part of the courts system proper. This element was included for data collection purposes in survey documents. MGT's definition incorporates guardianship services provided in a variety of circumstances, including:

- provision of guardianship review, including reporting on the well-being of the ward, reporting on the protection of the ward's assets, case administration, annual accounting inventory, and guardianship plans;
- specific public guardianship programs established by statute;
- guardians ad litem; and
- attorneys ad litem.

With regard to guardianship review, above, in September 1999, the Supreme Court of Florida established the Committee on Guardianship Monitoring to oversee the investigation and analysis of various models for guardianship monitoring, including the use of professional investigators and volunteers, and to develop performance measures for the guardianship monitoring program. A committee of 16 judges, attorneys, and guardianship professionals was formed and later developed a list of issues preliminarily identified for study (see Appendix F20 for details).

Relevant to public guardianship programs, above, the state established the Statewide Public Guardianship Office within the Department of Elderly Affairs. According to the October 2002 Office *Annual Report*, "the statewide public guardianship

office was created by the Florida Legislature in 2000 to directly address three of the Governor's six priorities:

- to help the most vulnerable among us,
- enhance Florida's environment and quality of life, and
- create a smaller, more effective, more efficient government that fully harnesses the power of technology to achieve these goals."

It should be noted that the goal of the Statewide Public Guardianship Office is to privatize these services, relying on funding provided in part by local, state, and federal dollars.

The guardian ad litem program in the state is currently monitored by OSCA. Sixty-six of the 67 counties in Florida operate guardian ad litem programs using the lay volunteer model and adhere to standards of operation set forth by the Supreme Court. Local administration of guardian ad litem programs is divided along judicial circuit lines, with the chief judge of each circuit responsible for the administration of the program, and the court administrator and program director responsible for daily operations.

COST INFORMATION

The UCA codes definitions capture this element in three parts:

1. attorney fees paid in guardianship cases;
2. all personnel, contractual, and operating costs associated with public guardian programs pursuant to section 744.703(1), F.S.; and
3. all personnel, contractual, and operating costs associated with the operation of a guardian ad litem program pursuant to Florida Statutes 415.508 (now 39.822), 914.17(1), 61.401, and 39.465 (now 39.807).

County expenditures for this category are calculated to be $5,249,422, according to the FY2000 audited annual financial report. These expenditures, representing 1999-

2000 data, would have been reported prior to the current Statewide Public Guardianship Office being established.

During the 2002 Legislative Session, the Statewide Public Guardianship Office was given authority to create a Direct Support Organization (DSO) to provide direct support for the Office (see page 11, *Annual Report*, 2002, Appendix F20). As such, component 2 is not a "county fund-shift" issue under Article V.

CONCLUSION

These services are not constitutionally mandated.

Statutory mandates create a Statewide Office of Public Guardianship within the Department of Elder Affairs and provide for the appointment of guardians ad litem in certain cases involving children. Other statutes provide direction on provision of services for guardianship and create a pilot program for attorneys ad litem through the Office of the State Courts Administrator to better meet the legal needs of dependent children.

A subcommittee of the Florida Bar Commission on the Legal Needs of Children has recommended creation of a Statewide Office of the Children's Advocate to oversee the representation of children in all areas of the law except delinquency, and to provide guardian ad litem representation and legal representation to children. A variation of this recommendation was introduced as legislation during the 2002 session that would have transferred guardians ad litem to the Statewide Office of Public Guardianship within the Department of Elder Affairs.

EXHIBIT 3-23
GUARDIANSHIP SERVICES

Identified by	Surveys	
Definition	Includes all costs incurred in providing guardianship services, including guardianship review under F.S. Chapter 744, public guardian programs established in accordance with F.S. 744.703(1), and guardians and attorneys ad litem. Guardianship review includes costs associated with reporting on the well-being of the ward, reporting on the protection of the ward's assets, case administration, annual accounting reviews, annual accounting inventories, and guardianship plans.[1]	
Constitutionally Required - Cite	No	
For Whom?		
Statutorily Mandated - Cite	F.S. 744.368 (clerk of court review of reports); 39.4086 (attorneys ad litem pilot); and 39.822 , 39.807, and 914.17 (appointment of guardians ad litem).	
Statutorily Authorized - Cite	F.S. 744.703 (establishes Office of Public Guardian in circuits), and related references include 744.702, 744.7021-744.708; 744.107 (court monitors); 744.369 (judicial review of guardianship reports, including field audits); and 61.401-61.405 and 39.820-39.821(guardians ad litem).	
Program Requestors	Court	
Program Users	Those court users for whom guardians are appointed or guardianship reviews are conducted.	
Program Payers	Counties, State, grants, filing fees, fundraising[2]	
Uniform Chart of Accounts Codes	Circuit Court - Probate 703 and 704, Juvenile 685	
Approximate Level of County Funding[3]	FY2000 Audited Annual Financial Report	$5,249,422
	FY2000 Entity Estimate	N/A
	FY2001 Audited Annual Financial Report	$5,997,199

[1] Incorporates definitions used in surveys.

[2] According to the Statewide Public Guardianship Office Annual Report, October 2002, "As of July 1, 2003 - all [public guardianship] services provided will be by private entities, relying on funding provided in part by local, state, and federal dollars."

[3] These totals do not include costs associated with the Ninth Circuit pilot attorney ad litem program.

3.3.20.B Related Documentation

STATE-LEVEL

- Statutory language for sections referenced in Exhibit 3-23 (Public Guardianship: F.S. 744.703, 744.702, and 744.7021-744.708; Guardianship Review: F.S. 744.107, 744.368, 744.369, and related references, including 744.367, 744.3675, 744.3678, 744.362, 744.363, 744.365, 744.3701, 744.371, 744.3715, and 744.372; and guardians and attorneys ad litem: 39.4086, 39.807, 39.822, 914.17, 61.401-61.405, and 39.820-39.821).
- Uniform Accounting System Manual Expenditure/Expense Account information for Chart of Accounts codes referenced in Exhibit 3-23 (Circuit Court - Probate codes 703 and 704).
- The Statewide Public Guardianship Office Annual Report, October 2002.
- Supreme Court Guardianship Monitoring Program description, membership of the Committee on Guardianship Monitoring, and issues preliminarily identified for study.
- Guardian ad litem program description and organization, guardianadlitem.org (maintained by the Fifth Circuit Guardian Ad Litem Program).
- Representation Subcommittee Report, The Florida Bar Commission on the Legal Needs of Children.

CIRCUIT/COUNTY

- Orange County municipal code re: funding for public guardianship.

3.3.21 Other Programs and Services (Element 21)

3.3.21.A Summary

DISCUSSION

This element was created by MGT to address costs associated with programs that are not captured in any of the specific elements included elsewhere in this report. The services contained within this category include:

- community service programs (e.g., juvenile sexual offender commitment programs, community arbitration);
- diversion programs;
- alternative sanctions programs (e.g., juvenile boot camp, teen court);
- misdemeanor probation services;
- pretrial diversion or release programs; and
- truancy services.

MGT created this category to recognize the high profile nature of many of these services and the frequency with which they are mentioned or referenced. As noted in Exhibit 3-24, numerous statutory mandates and authorizations exist for the provision of these services.

COST INFORMATION

To determine costs for this category, we have combined several UCA codes definitions. The cost of the programs and services captured in this definition is $18,867,261, using data from the FY2000 Audited annual financial report. However, because of the different definitions used by the reporting entities, entity estimates of expenditures cannot be calculated with existing data.

CONCLUSION

The majority of these service programs are provided for in some manner statutorily (see Exhibit 3-24). Specific statutorily mandated services include:

- early delinquency intervention program (contingent upon legislative funding and under the purview of the Department of Juvenile Justice);
- Juvenile Assessment Centers (under the purview of the Department of Juvenile Justice);
- pre-trial detention and release program services, including timelines for hearings and burden of showing need falling to the State Attorney (Department of Corrections); and
- misdemeanor probation services (may be contracted out under certain circumstances).

To the extent these programs require action or involvement on the part of the judicial system, administrative costs will be incurred in coordinating this involvement.

EXHIBIT 3-24
OTHER PROGRAMS AND SERVICES

Identified by	Surveys	
Definition	Includes all personnel, contractual, and operating costs associated with community service programs, diversion programs, alternative sanctions programs, misdemeanor probation services, pre-trial diversion or release programs, and truancy services. This category includes all administrative and personnel costs associated with these programs and services.[1]	
Constitutionally Required - Cite	No	
For Whom?		
Statutorily Mandated - Cite[2]	F.S. 985.305 (early delinquency intervention program - but contingent upon appropriation); 907.041 (pretrial release); 985.209 (juvenile assessment centers); and 948.15 (misdemeanor probation services).	
Statutorily Authorized - Cite[2]	F.S. 44.201 (citizen dispute settlement centers); 985.301 (civil citation process); 985.303 (neighborhood restorative justice centers); 985.304 (community arbitration programs); 985.306 (delinquency pretrial intervention program); 985.3065 (prearrest or postarrest diversion program); 985.308 (sexual abuse intervention network); 985.309 (boot camp for children); 943.0582 (juvenile records expunction for prearrest, postarrest, or teen court participants); and 938.19 (teen court).	
Program Requestors	Court; State Attorneys' and Public Defenders' Offices; Other state agencies	
Program Users	Court; Court users	
Program Payers	State; Counties; Grants	
Uniform Chart of Accounts Codes	Circuit Court - Criminal 623, 624 County Court - Criminal 732, 733	
Approximate Level of County Funding	FY2000 Audited Annual Financial Report	$18,867,261
	FY2000 Entity Estimate	N/A
	FY2001 Audited Annual Financial Report	$19,754,636

[1] Incorporates definitions used in surveys. While the mediation and arbitration programs contained within the "Court-based Mediation and Arbitration" element are court-based, the alternative dispute resolution programs contained in this definition are community-based, but involve the court or court entities.

[2] Several of these statutes provide for limited involvement of court entities (including the State Attorneys' and Public Defenders' Offices). F.S. 907.041 provides that certain defendants must be provided pretrial release, but there are no provisions for administration of the services. 907.041(2) provides that "procedures for pretrial release determinations shall be governed by rules adopted by the Supreme Court."

3.3.21.B ***Related Documentation***

STATE-LEVEL

- Statutory language for sections referenced in Exhibit 3-24 (F.S. 985.305, 907.041, 985.209, 948.15, 44.201, 985.301, 985.303, 985.304, 985.306, 985.3065, 985.308, 985.309, 938.19, and 943.0582).
- Uniform Accounting System Manual Expenditure/Expense Accounts information for Chart of Accounts codes referenced in Exhibit 3-24 (Circuit Court codes 623, 624, 685 and County Court code 732, 733).

CIRCUIT/COUNTY

- Third Circuit "Children First" and "Family Builders" high conflict parenting programs invoices.
- Third Circuit Administrative Order establishing parent and child coordinator services in the circuit.
- Sixth Circuit informational brochures regarding guardian ad litem, teen court, and citizen dispute settlement program*
- Ninth Circuit court services organizational chart.
- 20th Circuit FTEs and pay grades.
- Orange County municipal codes re: citizen dispute settlement program, alcohol and drug treatment programs, and juvenile assessment center.

* Available upon request.

3.3.22 Victim Services (Element 22)

3.3.22.A Summary

DISCUSSION

This element is not addressed in Chapter 29, nor was it separately designated as an essential element by the Trial Court Budget Commission, as it is not part of the courts system proper. This element was included for data collection purposes in survey documents, as described in Section 3.2. MGT's definition is consistent with the service definitions used in these surveys.

The state, through statute, has established specific requirements for service provision to victims by numerous departments, including Juvenile Justice, Corrections, Legal Affairs, Law Enforcement, and the courts and state attorneys' offices.

COST INFORMATION

County expenditures for this category are calculated to be $2,008,341, according to the FY2000 audited annual financial report. The corresponding FY2000 entity estimate summary of expenditures is calculated to be $463,144, representing an entity report total of $1,545,197 less than captured in the audited data.

The UCA codes definitions capture this element as "court-based victim services," and appear to capture only those costs that fall under "Circuit Court-Family," though victim services programs may be utilized in various divisions, including Circuit Court-Juvenile and Circuit Court-Criminal, and through other entities, including State Attorneys' offices.

CONCLUSION

This service program is not explicitly constitutionally mandated. However, it can be argued that Article I, Section 16(b) (Rights of . . . victims) indirectly mandates this element.

This service program is authorized by statutory mandate to provide for fair treatment of victims and witnesses in the criminal justice and juvenile justice systems. The courts share in the responsibility for making victim services available with numerous other state agencies and offices.

EXHIBIT 3-25
VICTIM SERVICES

Identified by	Surveys	
Definition	Includes all personnel, contractual, and operating costs associated with providing state attorneys' office-based or court-based victim services. This category represents all administrative and personnel costs related to court-based or state attorneys' office-based victim services, including personnel dedicated to victim assistance, publication costs, and any operational costs.[1]	
Constitutionally Required - Cite[2]	See footnote 2 for discussion.	
For Whom?		
Statutorily Mandated - Cite	F.S. 960.001 (court/state attorneys must provide certain victims' services)	
Statutorily Authorized - Cite		
Program Requestors	Victims of crimes	
Program Users	Victims of crimes	
Program Payers	Counties; Grants	
Uniform Chart of Accounts Codes	Circuit Court - Family 667	
Approximate Level of County Funding	FY2000 Audited Annual Financial Report	$2,008,341
	FY2000 Entity Estimate	$463,144
	FY2001 Audited Annual Financial Report	$2,193,532

[1] Incorporates definitions used in surveys and the UCA. The UCA codes specify that this category applies only to "court-based" victim services in the family division, but many such programs are located in State Attorneys' Offices and in other court divisions.

[2] While not explicitly mandated by constitution, it is arguable that Article I, Section 16(b) (Rights of . . . Victims) indirectly mandates this element, per Professor Joseph Little.

3.3.22.B ***Related Documentation***

STATE-LEVEL

- Statutory language for section referenced in Exhibit 3-25 (F.S. 960.001).
- Uniform Accounting System Manual Expenditure/Expense Accounts information for Chart of Accounts code referenced in Exhibit 3-25 (Circuit Court code 667).

CIRCUIT/COUNTY

3.3.23 Witness/Evaluator Coordination/Management (Element 23)

3.3.23.A Summary

DISCUSSION

This element is not specifically addressed in Chapter 29, nor was it identified in the Trial Court Budget Commission's list of essential elements, as it is not part of the courts system proper. However, this element has been included for data collection purposes in survey documents, as described in Section 3.2.

The definition that MGT has developed for this element provides only for the "management" of the witnesses and evaluators that may be called upon to provide service to the court. Fees paid to the individuals who are providing the actual service are accounted for under MGT's "Witnesses/Evaluators" element (Element 4).

COST INFORMATION

County expenditures for this category are calculated to be $5,151,210, according to the FY2000 audited annual financial report. The corresponding FY2000 entity estimate summary of expenditures is calculated to be $8,628,835, representing an entity report total of $3,477,625 more than captured in the audited data.

The UCA codes definitions used to calculate these costs include only costs associated with witness coordination and management. Evaluator administration costs are likely captured in "Court Administration" or "Clinical Examinations."

CONCLUSION

There is no explicit constitutional mandate for this category of funding. However, it is arguable that Article I, Section 9 (due process) and Article I, Section 16 (rights of the accused) indirectly mandate this element.

Statutory mandates do exist, as noted in Exhibit 3-26, to provide for witness coordinating offices to provide management of the function.

EXHIBIT 3-26
WITNESS/EVALUATOR COORDINATION/MANAGEMENT

Identified by	Surveys	
Definition	Includes all personnel, contractual, and operating costs associated with coordinating and managing all witnesses and evaluators (including psychological, psychiatric, medical, or social) associated with the court. This includes steps taken to ensure witness attendance, including summons, travel, and staff coordination of appearances, but does not include itemized deposition costs. These costs should represent all administrative expenses incurred in the coordination and management of witnesses and evaluators, for all witnesses and evaluators called by the State Attorney, Public Defender, Court-Appointed or Conflict Counsel, and the Court.[1]	
Constitutionally Required - Cite[2]	See footnote 2 for discussion.	
For Whom?		
Statutorily Mandated - Cite	F.S. 43.35 (each circuit)	
Statutorily Authorized - Cite		
Program Requestors	Court	
Program Users	Court	
Program Payers	Counties; State	
Uniform Chart of Accounts Codes	Circuit Court - Criminal 618, Civil 638, Family 658, Juvenile 678, Probate 698 County Court - Criminal 728, Civil 748	
Approximate Level of County Funding	FY2000 Audited Annual Financial Report	$5,151,210
	FY2000 Entity Estimate	$8,628,835
	FY2001 Audited Annual Financial Report	$5,376,965

[1] Incorporates definitions used in surveys. All witness and evaluator fees (including expert witness and psychological, psychiatric, medical, or social evaluator fees) are captured in the "Witnesses/Evaluators" element.

[2] While not explicitly mandated by the constitution, it can be argued that this element is indirectly mandated by Article I, Section 9 (due process) and Article I, Section 16 (rights of the accused), per Professor Joseph Little.

3.3.23.B ***Related Documentation***

STATE-LEVEL

- Statutory language for section referenced in Exhibit 3-26 (F.S. 43.35).
- Uniform Accounting System Manual Expenditure/Expense Accounts information for Chart of Accounts codes referenced in Exhibit 3-26 (Circuit Court codes 618, 638, 658, 678, and 698, and County Court codes 728 and 748).

CIRCUIT/COUNTY

- 20th Circuit witness management FTEs and pay grades.

3.3.24 Public Law Library (Element 24)

3.3.24.A Summary

DISCUSSION

This element is not addressed in Chapter 29, nor was it separately designated as an essential element by the Trial Court Budget Commission, as it is not part of the courts system proper. This element was included for data collection purposes in survey documents, as described in Section 3.2. MGT's definition is consistent with the service definitions used in these surveys, which provides for costs associated with providing legal reference materials to the public.

COST INFORMATION

County expenditures for this category are calculated to be $6,923,406, according to the FY2000 audited annual financial report. The corresponding FY2000 entity estimate summary of expenditures is calculated to be $2,275,097, representing an entity report total of $4,648,309 less than captured in the audited data.

CONCLUSION

This service program is not constitutionally mandated.

The provision of a law library is provided as a clerk of court responsibility under Chapter 28(1), F.S., with authorization to provide funding through fee assessment.

EXHIBIT 3-27
PUBLIC LAW LIBRARY

Identified by	Surveys	
Definition	Costs associated with providing legal reference materials for the public's use.[1]	
Constitutionally Required - Cite	No	
For Whom?		
Statutorily Mandated - Cite		
Statutorily Authorized - Cite	Various statutes enable fee-based funding for public law libraries (F.S. sections 28.2401, 28.241, and 34.041), but none specifically mandate the creation of such libraries.	
Program Requestors	Public	
Program Users	Public	
Program Payers	County; Fee-based funding	
Uniform Chart of Accounts Codes	General Operations 714	
Approximate Level of County Funding	FY2000 Audited Annual Financial Report	$6,923,406
	FY2000 Entity Estimate	$2,275,097
	FY2001 Audited Annual Financial Report	$5,590,526

[1] Incorporates definitions used in surveys.

3.3.24.B ***Related Documentation***

STATE-LEVEL

- Statutory language for sections referenced in Exhibit 3-27 (F.S. 28.2401, 28.241, and 34.041).
- Uniform Accounting System Manual Expenditure/Expense Accounts information for Chart of Accounts codes referenced in Exhibit 3-27 (General Operations code 714).

CIRCUIT/COUNTY

- Orange County (Ninth Circuit) municipal code authorizing law library funding.
- Orange County (Ninth Circuit) municipal code re: service charges for law library.
- Flagler County municipal code authorizing law library funding.
- 20th Circuit law librarian FTE and pay grade.

3.4 Notes of Clarification

Chapter 29, F.S., and the TCBC identified "Auxiliary Aids and Services" as an essential element, though it is not included in the analyses in Section 3.3. This element is predominantly geared toward complying with federal Americans with Disabilities Act guidelines related to facilities. However, one component of this element, sign language interpreters, is a judicial system program/activity and has been retained and captured in Element 12, Court Interpreters.

A second element identified as "essential" by the TCBC that is not included in this chapter is the "Hidden Costs" element. It was excluded from MGT's study because of its vague nature. The TCBC assigned the term to all costs paid for by agencies other than the court that are necessary for the operation of the court and noted that the costs related to this element are not readily identifiable.

Finally, there are 10 UCA codes associated with courts system expenditures that are not directly included in MGT's element definition costs. The definitions for nine of the UCA codes include "all other personnel, contractual, and operating costs for court administration and each court division (circuit court – general operations, criminal, civil, family, juvenile, and probate, and county court – general operations, criminal, and civil) not captured in other UCA codes definitions." The FY2000 audited annual financial report calculates costs through use of these codes definitions at $32,151,175, and entity surveys captured $4,002,824 in expenditures. In developing our elements, MGT definitions were drawn specifically, and we therefore included only cost data categories that appear to provide the closest fit with our definitions. In submitting future annual financial reports, counties may be able to more precisely classify the purpose of these expenditures as part of the essential elements provided in Chapter 3.0.

As part of Phase 1, MGT has preliminarily identified any programs or activities for which responsibility could be transferred to another entity, based on information gathered during on-site interviews with statewide stakeholders and selected circuits/counties. However, recommendations for standardization, centralization, regionalization, improved use of automation, privatization, or best practices will be made during Phase 2.

Several statewide agencies and numerous interviewees in selected circuits and counties mentioned concerns about the lack of information technology standards, and some recommended that oversight by a state agency could correct current problems. Court administration offices in several circuits also suggested that responsibility for indigency examiners and guardians ad litem be removed from the purview of the court and transferred to a different state or local agency.

In addition, activities that do not necessarily fall under the judicial system's roles and responsibilities, such as custody evaluations and drug court-related treatment services, were suggested to be removed from the purview of the courts system entirely. There are several programs that the judicial system is minimally involved in, such as community service programs, diversion programs, truancy services, and misdemeanor probation, that various interviewees suggested should be performed by state or local agencies not affiliated with the court.

4.0 REMAINING PROJECT PHASES

4.0 REMAINING PROJECT PHASES

Upon completion of Phase 1, MGT will continue its research into the operations of the state courts system. This investigation includes the following phases and corresponding tasks.

In Phase 2, MGT will develop recommendations to increase efficiency and reduce the costs of essential activities within the courts system. As part of this phase, MGT will:

- identify best practices;
- evaluate use of technology;
- evaluate centralization or privatization of certain operations;
- develop recommendations; and
- prepare and submit a Phase 2 Report.

Phase 3 will include the evaluation of current staffing and cost models and the creation of standardized staffing and cost models. In Phase 3, MGT will:

- revise current costs for improvement recommendations;
- determine trial court staffing and equipment;
- evaluate prototype staffing and cost models;
- validate staffing/cost models and identify underestimates;
- develop statewide cost estimates for essential activities; and
- prepare and submit a Phase 3 report.

In Phase 4, MGT will look at current revenue structures and revenue collection practices and develop a set of recommendations on court-related revenue. This phase requires MGT to:

- summarize assessment and collection practices;
- recommend improvements in current practices;
- revise revenue structures to meet requirements; and
- prepare and submit a Phase 4 report.