

### **Agenda Item III: Request from the Supreme Court: Court Interpreting Fiscal Impact**

#### **Background**

The Supreme Court, at their June 29, 2011 Conference, reviewed the *Recommendations for the Provision of Court Interpreting Services in Florida's Trial Courts* submitted by the Commission on Trial Court Performance and Accountability (TCP&A). One of the major points of the proposed standards of operations and best practices include expanding spoken language court interpreting services to all court proceedings, defined as including “any civil or criminal event or proceeding presided by a judge, magistrate, or hearing officer”, and court managed activities, defined as “any activity or service operated or managed by the court system”. Due to the possible additional cost associated with several of the recommendations, the Supreme Court directed the Trial Court Budget Commission (TCBC) to determine the overall cost for implementing those recommendations with a potential fiscal impact. OSCA staff worked with the circuits to determine the potential fiscal impact of implementing the proposed standards and best practices.

#### **Issue**

The circuits were surveyed from September 23 to October 4, 2011. The main objectives of the survey were to 1) determine the extent to which the court interpreting program would need to be expanded to comply with the proposed standards/best practices that have a potential fiscal impact and 2) identify the additional resources that would be needed in order to fully implement the new requirements proposed in the recommended standards/best practices.

Three Possible Methodologies for Determining Fiscal Impact:

Actual Circuit Requests - The circuits, in their survey responses, indicated an additional need of 96.5 FTE, \$3,086,233 in contractual funds, and \$6,628,795 in expense funds to fully implement the proposed standards and best practices (see Attachment B). The total amount of additional requested resources by the circuits is \$15,018,957. This methodology produced the Low Estimate as seen on the chart in Attachment B.

UDR Data - As an alternative method to estimating fiscal impact, OSCA staff estimated the number of court interpreting events anticipated if services were expanded to all court divisions. This was calculated using a recommended ratio of 3.5 SRS filings to every 1 UDR language events in court divisions in which interpreting services would be required (see Attachment A). The recommended ratio was developed based on the average of the statewide and median ratio of SRS filings to UDR events in currently required divisions of court. This proportion was then applied to the number of SRS filings in all court divisions to estimate the number of anticipated language events if interpreting services were expanded to all divisions. The 11th Circuit indicated, in their survey response, that they are performing above the current court interpreting requirements. To account for this increase, the number of UDR language events was reduced by 25%, which is the estimated amount of civil interpreting events indicated by the circuit. Using this methodology, the total amount of additional resources needed is \$19,048,929. This methodology produced the Medium Estimate as seen on the chart in Attachment B.

*Average Percent Increase in Budgets* - As a third possible method, staff calculated the estimated total funding need of the circuits based on FY 2011/12 allocations and additional resources needed as indicated in the survey responses provided by the circuits (see Attachment B). The estimated total need of the circuits shows an average percent increase of 250.1% among circuits, or in other words, an average need of 2.5 times the current allocation. Using this methodology, the total amount of additional resources needed is \$22,654,064. This methodology produced the High Estimate as seen on the chart in Attachment B.

### **Decision Needed**

Due to the wide variation in the three different estimate calculations, and the uncertainty of the extent to which services would be expanded under the proposed standards and best practices, the committee may want to deviate from normal practices and recommend a cost estimate range to the Supreme Court for consideration.

A potential issue in determining the estimated cost is related to the current salary structure for court interpreters. Some circuits have indicated an inability to recruit and retain qualified court interpreters based on the current salary structure. This may impact the availability of a circuit to implement the expansion of court interpreting services and new requirements as proposed in the standards and best practices. The estimates provided below were developed using the current salary structure for court interpreters.

**Low Estimate** - Additional funding need as indicated in each circuit's survey requests, \$15,018,957.

**Medium Estimate** - Additional funding need based on estimated 210.3% increase in UDR events, \$19,048,929.

**High Estimate** - Additional funding need based on 2.5 times the current allocation, \$22,654,064.

### **FMC Recommendation**

Recommend to the Supreme Court the potential fiscal impact for implementing the proposed standards and best practices is estimated to be \$22,654,064.

## Trial Court Budget Commission Meeting October 19, 2011

### Court Interpreting Circuit/County Court SRS Filings, and UDR Court Interpreting Events Fiscal Year 2009/10<sup>1</sup>

Column	A	B	C	D	E	F	G	H	I	J	K
Total SRS filings for Divisions in which Court Interpreting Services are currently required											
Circuit	Circuit Criminal	County Criminal	Delinquency	Dependency <sup>2</sup>	Domestic and Repeat Violence	Involuntary Civil Commitment	Total	Court Interpreting UDR Language Events <sup>3</sup>	Ratio of SRS Filings to UDR Language Events	Total SRS Filings in ALL Divisions <sup>4</sup>	Estimated Number of Court Interpreting Language Events based on the average of the statewide and median ratio of 3.5:1
1	9,438	17,096	2,660	747	4,399	1	34,341	1,681	20:1	107,456	30,702
2	4,648	9,539	1,382	289	1,885	4	17,747	651	27:1	68,389	19,540
3	2,736	3,978	706	88	1,644	1	9,153	608	15:1	32,017	9,148
4	12,120	28,784	4,122	678	6,907	3	52,614	3,427	15:1	255,988	73,139
5	11,382	15,203	2,995	766	4,632	1	34,979	4,743	7:1	144,333	41,238
6	18,821	36,638	3,793	979	7,724	4	67,959	2,926	23:1	230,732	65,923
7	9,891	30,037	2,791	622	4,630	4	47,975	3,954	12:1	158,215	45,204
8	4,432	13,550	1,208	249	1,702	4	21,145	840	25:1	72,311	20,660
9	16,447	28,931	5,319	945	6,160	2	57,804	22,743	3:1	298,571	85,306
10	10,149	20,950	3,561	578	4,929	2	40,169	11,210	4:1	126,416	36,119
11	24,291	48,783	5,644	920	9,185	4	88,827	212,587	0.4:1	886,320	253,234
12	6,759	12,285	1,582	427	3,410	31	24,494	15,682	2:1	111,502	31,858
13	13,693	27,255	4,368	1,269	7,982	2	54,569	18,099	3:1	298,309	85,231
14	4,777	11,303	1,125	351	1,261	0	18,817	902	21:1	58,100	16,600
15	9,480	30,572	2,412	543	3,440	2	46,449	26,517	2:1	380,654	108,758
16	1,350	3,132	201	60	562	0	5,305	1,723	3:1	18,472	5,278
17	16,731	32,409	5,160	793	8,164	2	63,259	21,304	3:1	503,660	143,903
18	8,959	25,457	2,939	470	4,070	1	41,896	2,187	19:1	166,685	47,624
19	6,020	15,521	2,359	476	1,963	0	26,339	13,968	2:1	104,657	29,902
20	9,661	22,014	3,278	673	4,653	2	40,281	21,984	2:1	187,916	53,690
<b>Total</b>	<b>201,785</b>	<b>433,437</b>	<b>57,605</b>	<b>11,923</b>	<b>89,302</b>	<b>70</b>	<b>794,122</b>	<b>387,736</b>	<b>2:1</b>	<b>4,210,703</b>	<b>1,203,058</b>
<b>Recommended Ratio (based on statewide and median ratio)</b>									<b>3.5:1</b>	<b>Statewide Percent Increase</b>	<b>210.3%</b>

1. The data provided above was extracted from the Office of the State Courts Administrator static file and are the official trial court statistics. Complete SRS data was not available for FY 2010/11.

2. Dependency includes Termination of Parental Rights.

3. Court Interpreting language includes Spanish, Haitian-Creole, Other, and Sign. The number of court interpreting language events for Circuit 11 does not include services provided under the cost sharing arrangement for the circuit. Circuit 11 UDR data was further reduced by 25% (70,862 events) to account for those language events occurring in civil divisions beyond current requirements as stated in the circuit's survey response.

4. Total SRS filings include filings in Circuit Criminal, Domestic and Repeat Violence, Other Domestic Relations, Delinquency, Dependency, Circuit Civil, Involuntary Civil Commitment, Probate, County Criminal, Criminal Traffic and DUI, County Civil, and Civil Traffic Infractions. Note: Civil Traffic Infractions include FY 09/10 actual data. These data do not include all Civil Traffic Infractions reported to the Department of Highway Safety and Motor Vehicles by the clerks of court. They only represent those Civil Traffic Infractions involving a judge or hearing officer.

## Trial Court Budget Commission Meeting October 19, 2011 Court Interpreting

Estimated Increase in Resources Needed to Implement the Proposed Standards and Best Practices

Column	A	B	C	D	E	F	G	H	I	J	K	L
	Total Requested Resources											
Circuit	FTE	Estimated FTE Cost	Direct Contractual Services	Expense	Total Requested Resources	FY 2011/12 Allocation <sup>1</sup>	Estimated Total Need (Requested Resource + FY 2011/12 Allocation)	Percent Difference Estimated Total Need and FY 2011/12 Allocation	Low: Additional Need based on Actual Circuit Requests	Medium: Additional Need based on 210.3% Increase in UDR events	High: Additional Need based on 2.5 times current allocation	FMC Recommendation: Additional Need based on 2.5 times current allocation
1	0.0	\$0	\$59,253	\$21,404	\$80,657	\$70,768	\$151,425	114.0%	\$80,657	\$148,809	\$176,972	\$176,972
2	2.0	\$118,581	\$40,000	\$97,105	\$255,686	\$23,067	\$278,753	1108.4%	\$255,686	\$48,505	\$57,685	\$57,685
3	1.0	\$54,219	\$0	\$3,000	\$57,219	\$26,953	\$84,172	212.3%	\$57,219	\$56,676	\$67,402	\$67,402
4	0.0	\$0	\$60,000	\$28,500	\$88,500	\$233,760	\$322,260	37.9%	\$88,500	\$491,545	\$584,573	\$584,573
5	6.0	\$350,597	\$83,000	\$575,858	\$1,009,455	\$168,183	\$1,177,638	600.2%	\$1,009,455	\$353,651	\$420,582	\$420,582
6	2.0	\$115,169	\$827,000	\$5,200	\$947,369	\$275,152	\$1,222,521	344.3%	\$947,369	\$578,583	\$688,084	\$688,084
7	4.0	\$216,876	\$30,000	\$7,000	\$253,876	\$222,139	\$476,015	114.3%	\$253,876	\$467,109	\$555,512	\$555,512
8	0.0	\$0	\$10,000	\$54,700	\$64,700	\$89,067	\$153,767	72.6%	\$64,700	\$187,288	\$222,733	\$222,733
9	4.0	\$213,464	\$32,500	\$301,560	\$547,524	\$696,342	\$1,243,866	78.6%	\$547,524	\$1,464,251	\$1,741,371	\$1,741,371
10	2.0	\$108,438	\$16,000	\$87,130	\$211,568	\$398,920	\$610,488	53.0%	\$211,568	\$838,839	\$997,595	\$997,595
11	10.0	\$566,832	\$436,800	\$3,040,250	\$4,043,882	\$2,735,660	\$6,779,542	147.8%	\$4,043,882	\$5,752,481	\$6,841,175	\$6,841,175
12	0.0	\$0	\$585,000	\$432,530	\$1,017,530	\$289,456	\$1,306,986	351.5%	\$1,017,530	\$608,661	\$723,854	\$723,854
13	1.0	\$41,932	\$109,500	\$251,596	\$403,028	\$571,100	\$974,128	70.6%	\$403,028	\$1,200,895	\$1,428,173	\$1,428,173
14	1.0	\$50,807	\$223,500	\$82,700	\$357,007	\$69,699	\$426,706	512.2%	\$357,007	\$146,561	\$174,299	\$174,299
15	9.0	\$496,060	\$70,000	\$426,228	\$992,288	\$769,314	\$1,761,602	129.0%	\$992,288	\$1,617,695	\$1,923,855	\$1,923,855
16	2.0	\$108,438	\$35,000	\$69,079	\$212,517	\$119,694	\$332,211	177.6%	\$212,517	\$251,690	\$299,324	\$299,324
17	42.0	\$2,287,184	\$372,000	\$19,800	\$2,678,984	\$920,746	\$3,599,730	291.0%	\$2,678,984	\$1,936,123	\$2,302,547	\$2,302,547
18	4.0	\$224,404	\$45,000	\$17,000	\$286,404	\$91,313	\$377,717	313.7%	\$286,404	\$192,011	\$228,350	\$228,350
19	5.0	\$267,683	\$0	\$806,500	\$1,074,183	\$493,845	\$1,568,028	217.5%	\$1,074,183	\$1,038,445	\$1,234,978	\$1,234,978
20	1.5	\$83,245	\$51,680	\$301,655	\$436,580	\$793,765	\$1,230,345	55.0%	\$436,580	\$1,669,110	\$1,985,000	\$1,985,000
<b>Total</b>	<b>96.5</b>	<b>\$5,303,929</b>	<b>\$3,086,233</b>	<b>\$6,628,795</b>	<b>\$15,018,957</b>	<b>\$9,058,943</b>	<b>\$24,077,900</b>	<b>165.8%</b>	<b>\$15,018,957</b>	<b>\$19,048,929</b>	<b>\$22,654,064</b>	<b>\$22,654,064</b>
<b>Average Circuit % Increase</b>								<b>250.1%</b>				

<sup>1</sup> FY 2011/12 Allocations do not include the \$118,531 in due process costs reserve. Circuit 11 FY 2011/12 Allocation does not include \$551,745 for cost sharing.