

District Court of Appeal Budget Commission Meeting

April 4, 2006

Tallahassee, Florida

(9:00 a.m. - 3:00 p.m.)

DCABC Members Present:

Judge Charles Kahn, Jr., Chair
Judge Matthew Stevenson, Vice Chair
Judge Carolyn Fulmer
Judge Gerald Cope, Jr.
Judge Robert Pleus, Jr.
Judge Edwin Browning, Jr.
Judge Stevan Northcutt
Judge William Palmer

Others Present:

Chief Justice Barbara J. Pariente
Marshal Donald Brannon
Marshal Velma Johnson
Marshal Dottie Munro
Marshal Glen Rubin
Marshal Ty Berdeaux
Lisa Goodner
OSCA Staff

Absent:

Judge David Gersten
Judge George Shahood

Judge Charles Kahn called the District Court of Appeal Budget Commission (DCABC) meeting to order at 9:15 a.m. Judge Kahn began discussions by announcing various legislative meetings that were scheduled with members of the Senate and House. Judge Kahn asked for a motion to approve the minutes from the January 10, 2006, meeting. The motion to adopt the minutes was made by Judge Browning and seconded by Judge Cope. The motion was approved without objection.

Discussion & Adoption of DCABC Operating Procedures

Judge Kahn referred the commission members to the draft operational procedures as listed in Tab 2. The members reviewed, discussed, and voted on the following:

Section IV, Meetings – Judge Cope suggested modifying the language in Section IV, 2, after the last sentence, to add “pursuant to rule 2.051, Florida Rules of Court.”

Section VIII, Appeals – The consensus of the commission was to remove all language relating to appeals.

Judge Pleus moved the recommendations to the operational procedures and Judge Kahn seconded the motion. The motion was approved without objection. Judge Kahn

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informed the members that he would submit the operational procedures to the Supreme Court for final adoption.

Status Report of Current Year Budgets

Charlotte Jerrett briefed the commission members regarding the status of the various operating budgets. The total payroll expenditures in the five District Courts of Appeal are under appropriation by \$22,277; the total rate is under the approved rate by \$301,486. In the OPS category, \$265,317 has been expended; in the expense category, \$1,477,887 has been expended and/or encumbered; in the OCO category, \$54,855 has been expended; and in the law library category, \$289,118 has been expended.

Charlotte Jerrett briefed the commission members regarding the status and expenditures of various fixed capital outlay budgets. The First District Court of Appeal architect services project expenditures totaled \$4,000 (4% of the \$100,000 appropriation); the Second District Court of Appeal lawn/landscape services and fencing and electronic access expenditures totaled \$5,809 (17.6% of the \$32,920 appropriation); the Third District Court of Appeal air conditioning project, there have been no expenditures against this \$86,500 appropriation; the Third District Court of Appeal roof repair project expenditures total \$3,385 (1.6% of the \$204,782 appropriation); and the Fourth District Court of Appeal air conditioning renovation project expenditures total \$36,000 (80% of the \$45,000 appropriation).

Charlotte Jerrett briefed the commission members regarding the use of senior judge days. Judge Cope asked the amount of the total allocation and Ms. Jerrett indicated it was \$173,480, for FY 2005-06.

Finally, Ms. Jerrett updated members regarding the status of upcoming certified forward payments. The time frame for certified forward payments has been shortened to September 30, 2006, which is three months less time for processing, than in previous years.

Update of Appellate Court Case Management Initiative

Mike Love briefed the commission members regarding the status of the appellate court case management initiative. The ISS department is continuing negotiations with IDEA integration to implement the proposed E-filing system (pilot project). The system will be installed in January with full functionality by June of this year (Supreme Court) with hardware updates provided every five years. The Fourth District Court of Appeal will follow after the completion of the Supreme Court's installation and demonstration period. From that point, all remaining appellate courts will begin installation and implementation of the new case management system. Mr. Love indicated total implementation of all appellate courts would be complete in approximately one year. Additionally, a "hotsite" will be put into operation that stores documentation currently on the designated server, with backups performed daily. All files will be retrievable (within fifteen minutes) in the case of an emergency or natural disaster. The "hotsite" location is to be determined.

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Appellate Court IP Phone Update

John Cook briefed the commission members regarding the cost associated with the implementation of IP phones. There are three costs associated with the implementation of the phones: 1) network switches; 2) PolyCom phones; and 3) recurring dollars. For FY 2006-07, the budget request is \$191,620 in non-recurring dollars and \$57,284 in recurring dollars. Mr. Cook also indicated that the IP phones would have an approximate lifespan of five to ten years with unlimited calls in the continental U.S. at no charge.

Legislative Updates

Charlotte Jerrett informed commission members of the current status of the proposed budgets in the House and Senate, and the lack of issues funded with recurring dollars. David Pepper briefed the commission members on the status of the branch wide classification and pay study. Eighty-seven percent of all employees in the State Courts System completed the survey questionnaire. Mr. Pepper is in the process of updating the database to reflect a proposed \$10,000 cap on salary adjustments. Charlotte Jerrett addressed the commission members regarding the legislative intent of the per diem legislation (CS/CS/SB 428 and HCB 6001) and the current status of the bills in the legislative process.

Chief Justice Barbara Pariente addressed the commission members and thanked them for their diligence and hard work during the year.

Update from District Court of Appeal Performance & Accountability Commission

Judge William Van Nortwick addressed the commission members regarding the Commission's status report relating to workload and case management measures. The commission reviewed the process and criteria for determining the resource needs and deployment patterns sufficient to address the workload of the district courts of appeal, including a re-examination of whether 350-filings-per-judge threshold accurately reflects a basis for certifying the need for additional district court of appeal judges. The recommendation was to modify the number of dispositions per judge from 350 to 280 (weighted average), which reflects judges' actual workload versus court workload statistics.

Upcoming Commission Meetings

After reviewing several proposed dates with the members, Judge Kahn announced the next set of meetings of the DCABC would be held Friday, June 23, 2006, in Boca Raton; Monday, August 21, 2006, in Tampa; and Sunday, September 10, 2006, in Ponte Vedra Beach.

With no further business, the meeting adjourned at 1:45 p.m.