

**District Court of Appeal Budget Commission Meeting**  
**June 23, 2006**  
**Boca Raton, Florida**  
**(9:00 a.m. - 2:00 p.m.)**

**DCABC Members Present:**

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

**Others Present:**

Marshal Donald Brannon  
Marshal Velma Johnson  
Marshal Dottie Munro  
Marshal Glen Rubin  
Lisa Goodner  
OSCA Staff

**Absent:**

Judge David Gersten  
Judge George Shahood  
Judge Robert Pleus, Jr.  
Judge William Palmer  
Marshal Ty Berdeaux

Judge Charles Kahn called the District Court of Appeal Budget Commission (DCABC) meeting to order at 9:10 a.m. Judge Kahn asked for a motion to approve the minutes from the April 4, 2006, meeting. The motion to adopt the minutes was made by Judge Stevenson and seconded by Judge Cope. The motion was approved without objection.

**Final Review 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 III, Membership* – Judge Kahn referred the members to Section III, relating to membership requirements of the commission. The language was changed to read: The membership consists of the chief judge of each district court of appeal and one additional judge from each district court of appeal, as designated by the chief judge. The chief justice will designate the chairperson and vice chairperson. The marshal of each district court of appeal shall serve as a non-voting member.

*Section IV, Meetings* – Judge Kahn referred the members to Section IV, 2 relating to regularly scheduled meetings of the commission. The language was changed to read: At

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the discretion of the chairperson, meetings, including special or emergency meetings, may be held by video conference. Any meeting may be closed by the vote of three members of the Commission, when permitted by the Florida Rule of Judicial Administration, 2.051. The motion to formally adopt the operational procedures was made by Judge Cope and seconded by Judge Fulmer. The motion was approved unanimously without objection. Judge Kahn informed the members that he would submit the operational procedures to the Supreme Court for final adoption.

**2006 Legislative Session Wrap-up**

Dorothy Burke briefed the members regarding the status of new funding issues within the General Appropriations Act and reviewed the Governor's vetoed issues. Line items for the Second District Court of Appeal annex and the Fourth District Court of Appeal remodeling amounts were vetoed by the Governor for FY 2006-07. Additionally, Ms. Burke discussed the final conference report (HB 5001, Sections 7 and 8) and outlined relevant line item issues, proviso language, fixed capital outlay projects, salary increases, health insurance and benefits, the appellate case management system (e-filing), and Florida Bar dues provisions, to the commission.

Charlotte Jerrett informed the members about legislation approved by the Governor relating to per diem and travel expenses. CS/CS/SB 428 (chapter law number 2006-41) changes the rate of per diem from \$50 to \$80; raises the subsistence reimbursement for meals: breakfast was increased from \$3 to \$6; lunch was increased from \$6 to \$11; and dinner was increased from \$12 to \$19. The mileage allowance for use of a privately owned vehicle was increased from 29 cents per mile to 44.5 cents per mile. Also, Class C Travel (one day travel) meals will not be reimbursed. The effective date of the legislation is July 1, 2006.

The outcome of the classification and pay study was discussed by Judge Kahn and Lisa Goodner. Funding for this issue was not appropriated, but the issue will remain a top priority for the upcoming legislative session.

**Status Report of Current Year Budgets**

Dorothy Burke briefed the members regarding the status of the operating budgets, as of May 31, 2006. The total payroll expenditures in the five District Courts of Appeal were under appropriation by \$165,353; \$389,757 has been generated in lapse and annual leave/sick leave payouts total \$10,864; the total rate was under the approved rate by \$357,828. In the OPS category, \$375,047 has been expended (74.8 percent of the \$500,821 appropriation); in the expense category, \$2,077,498 has been expended and/or encumbered (82 percent of the \$2,582,271 appropriation); in the OCO category, \$54,585 has been expended (29.3 percent of the \$186,001 appropriation); and in the law library category, \$468,512 has been expended (78.7 percent of the \$595,188 appropriation).

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Dorothy Burke briefed the members about the status of fixed capital outlay budgets, as of May 31, 2006. The First District Court of Appeal architect services project expenditures totaled \$44,999 (45 percent of the \$100,000 appropriation); the Second District Court of Appeal lawn/landscape services and fencing and electronic access expenditures totaled \$32,778 (99.5 percent of the \$32,920 appropriation); the Third District Court of Appeal air conditioning project have made no expenditures against the \$86,500 appropriation; the Third District Court of Appeal roof repair project expenditures total \$12,097 (5.9 percent of the \$204,782 appropriation); and the Fourth District Court of Appeal air conditioning renovation project expenditures total \$39,200 (87.1 percent of the \$45,000 appropriation). Ms. Burke stressed that each court has one more year to spend the remaining balance of these projects and that unspent funds will revert to the general revenue fund.

Dorothy Burke briefed the members regarding the number of senior judge days and remaining balances. Discussions arose regarding the outcomes of unused senior judge days. Charlotte Jerrett mentioned that the days are appropriated as a whole in the GAA and then divided based on historical allotments, to each individual court.

**Budget and Pay Administration for Fiscal Year 2006-07**

The draft Budget and Pay Administration memorandum for FY 2006-07 was provided to the members. Charlotte Jerrett discussed the memorandum with the members. Judicial salaries are \$153,140 effective October 1, 2006; a three percent across-the-board pay increase for all state court personnel is also effective October 1, 2006; payment of Florida Bar dues is once again authorized. Ms. Jerrett also referred to a recent memorandum received from the Chief Financial Officer (CFO) outlining a \$150 lodging room rate limit and recommended the commission mirror the CFO's proposal for the State Courts System travel policy. The motion to approve the budget and pay administration memorandum was made by Judge Browning and seconded by Judge Fulmer. The motion was carried without objection.

**Fiscal Year 2006-07 Budget**

Dorothy Burke briefed the members on the operating allotment process. Pursuant to the passage of CS/SB 2610 (chapter law number 2005-152) during the 2005 session with an effective date of July 1, 2006, contractual services can no longer be paid from the expense category. Ms. Jerrett is awaiting specific direction from the CFO's office, so more information will be passed along as it becomes available.

Dorothy Burke briefed the commission members on the status of the X-ray machine replacement issue. Currently, a budget amendment is pending for 100 percent release of funds totaling \$175,000.

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Dorothy Burke briefed the commission members regarding changes in statute, with regard to fixed capital outlay projects. CS/SB 2610 (chapter law number 2005-152) passed during the 2005 session outlining the approval of fixed capital outlay projects by the Chief Justice and the Legislative Budget Commission (LBC). The balance of any fixed capital outlay construction project which is not disbursed but expended, contracted, or committed to be expended prior to February 1 of the second fiscal year of the appropriation, or the third fiscal year if it is a construction project shall be certified by the head of the judicial branch by February 1 to the Executive Office of the Governor and the legislative appropriations committees, the continuation of such unexpended balances. Ms. Burke will forward via e-mail, feedback relating to how each DCA would prefer to have capital outlay funds released in accordance with chapter 216.192, F.S., that allows for releases that correspond with the projects schedule.

Ms. Burke addressed the allocation worksheets listed in Tab 5. Amounts for salaries, pay increases, and health benefits will be added at a later date. Judge Fulmer asked the specific intent of HR services. Ms. Burke and Ms. Jerrett explained that the HR category is pass through funds for CONVERGYS fees, and the amount is based upon the number of FTE's in each budget entity. Additionally, Judge Fulmer asked how to distinguish recurring dollars from non-recurring dollars on the allocation worksheets. Ms. Burke said she would forward a worksheet via e-mail that reflects the breakdown of recurring vs. non-recurring dollars for the members.

Finally, Ms. Jerrett addressed the OPS funding for E-Filing initiatives. Two full time deputy clerks are currently in use by the Supreme Court to scan court documents (\$50,000 allocation, which is generated from the 50.00 filing fee).

**Discussion of FY 2007-08 Legislative Budget Request**

Charlotte Jerrett briefed the members regarding the LBR timeline dates and overall procedures for issue submittal. The commission will discuss pay issues during the July 28, 2006, meeting. DCA budget requests are due by July 31, 2006.

**Upcoming Commission Meetings**

Judge Kahn discussed the dates and times of the next scheduled meetings, which are to be held Friday, July 28, 2006, in Orlando; Monday, August 21, 2006, in Tampa; and Sunday, September 10, 2006, in Ponte Vedra Beach.

With no further business, the meeting adjourned at 11:35 a.m.