

**District Court of Appeal Budget Commission  
Video Conference Call Meeting Minutes  
July 23, 2008**

**DCABC Members Present:**

Judge Stevan Northcutt, Chair  
Judge Edwin Browning Jr., Vice Chair  
Judge Paul Hawkes  
Judge Carolyn Fulmer  
Judge Darryl Casanueva  
Judge David Gersten

Judge Juan Ramirez  
Judge George Shahood  
Judge Robert Gross  
Judge William Palmer  
Judge David Monaco

**Others Present:**

Chief Justice Peggy A. Quince  
Marshal Don Brannon  
Marshal Jo Suhr  
Marshal Dottie Munro

Marshal Glen Rubin  
Marshal Ty Berdeaux  
Lisa Goodner  
OSCA Staff

Judge Stevan Northcutt called the District Court of Appeal Budget Commission (DCABC) meeting to order at 2:04 p.m.

**Approval of FY 2007/08 Meeting Minutes**

Judge Northcutt asked for motions to approve the following minutes:

A motion to adopt the August 21, 2007, minutes was made by Judge Browning and seconded by Judge Gersten.

A motion to adopt the August 29, 2007, minutes was made by Judge Gersten and seconded by Judge Casanueva.

A motion to adopt the September 14, 2007, minutes was made by Judge Palmer and seconded by Judge Hawkes.

A motion to adopt the January 25, 2008, minutes was made by Judge Browning and seconded by Judge Shahood.

A motion to adopt the February 12, 2008, minutes was made by Judge Casanueva and seconded by Judge Gersten.

A motion to adopt the February 28, 2008, minutes was made by Judge Shahood and seconded by Judge Ramirez.

A motion to adopt the March 14, 2008, minutes was made by Judge Browning and seconded by Judge Gersten.

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A motion to adopt the April 29, 2008, minutes was made by Judge Monaco and seconded by Judge Casanueva.

A motion to adopt the May 1, 2008, minutes was made by Judge Gross and seconded by Judge Browning.

A motion to adopt the May 2, 2008, minutes was made by Judge Palmer and seconded by Judge Gersten.

A motion to amend the May 6, 2008, minutes was made by Judge Casanueva to add language on page 24: Judge Northcutt restated the amounts offered by each DCA and “offer to park” an additional reduction of \$23,832 on behalf of the 2<sup>nd</sup> DCA. The amended motion was seconded by Judge Gersten.

All motions were unanimously approved without objection.

### **Final Report FY 2007/08 Budget**

Dorothy Wilson briefed the members on the year end status of the FY 2007/08 budget. Salary projections for FY 2007/08, as of June 30, 2008: General Revenue (GR) salary appropriation of 36,460,449 with actual payroll through June 30 in the amount of \$37,456,207. The deficit of \$995,578 was covered with one-time authority to use cash from the Mediation/Arbitration Trust Fund.

Additionally, Ms. Wilson informed the members that FY 2007/08 certified forward payments would be incorporated within the October 2008 monthly operating reports.

### **Overview of FY 2008/09 Budget Allotments**

Ms. Wilson reviewed the annual allotment process for the members. The documents provided include FY 2007-08 cost-to-continue amounts, health insurance and life insurance adjustments, deductions for non-recurring amounts, trust fund authority, Special Appropriations Act (SB 2-C) reductions for FY 2007/08; Special Appropriations Act (HB 7009) reductions for FY 2007/08; General Appropriations Act (HB 5001) reductions for FY 2008/09; and approved budget amendment amounts to realign various operating categories

Each court was provided with a template to record their proposed allotments. Ms. Wilson indicated that position data information from People First was still pending confirmation. Members were asked to review and forward allotment amounts by category to the OSCA budget office.

### **FY 2008/09 Budget Outlook**

Lisa Goodner briefed the members on the June 23, 2008, Executive Office of the Governor (EOG) memorandum from Jerry McDaniel, Office of Policy and Budget Director. The

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memorandum outlined the FY 2008/09 annual release plan which is to be provided to the Chief Financial Officer (CFO) yearly on August 1, 2008. Ms. Goodner said that the legislature authorized funding to be transferred from the budget stabilization fund, but additional holdback from current year funding amounts would also be necessary. The EOG has proposed an annual release plan which includes a 4% holdback on most operating categories and trust funds. Charlotte Jerrett briefed the members on various scenarios for reductions from recurring appropriations. For instance, a per category 4% holdback plan totaling \$1,512,081 within GR for the appellate courts; a 3% and 4% reduction prorated by each DCA and examples of furlough impacts and options for the appellate courts. Additionally, Ms. Jerrett stated that the Workers' Compensation Appeals Unit funding (Operating Trust Fund) was not exempt from the 4% holdback.

Judge Northcutt asked staff to compile a 1% holdback calculation of the Salaries and Benefits category per DCA for the first quarter, and recessed the meeting at 3:15pm.

Judge Northcutt reconvened the DCABC meeting at 3:30pm. Ms. Wilson e-mailed the members an updated document calculating a 1% holdback for the Salaries and Benefits category for each DCA. After discussions by members, Judge Palmer offered a motion to holdback 1% within the Salaries and Benefits category for the first quarter and a 4% holdback within the Other Personal Services, Expenses, Operating Capital Outlay, Compensation to Retired Judges, Contracted Services, District Court of Appeal Law Library, and Other Data Processing Services categories (all operating categories). The motion was seconded by Judge Browning and unanimously approved.

Ms. Goodner emphasized how damaging further cuts would continue to impact the adjudicatory responsibilities of the branch and that continuing discussions with the Governor's office, Senate and House leadership, legislative staff, as well as various entities within the private sector would be key components in conveying the magnitude of further budget reductions upon the State Courts System. The next scheduled revenue estimating conference will provide more information regarding statewide revenue collections and most likely will be held next month.

Judge Northcutt stated that further discussions of funding methodologies and principles are needed in future fiscal years and that talking points formulated by the chair would be provided to the members.

### **Recommendations for FY 2008/09 Budget and Pay Policies**

Ms. Jerrett briefed the members on the annual budget and pay administration policy considerations for recommendation to the Chief Justice. Last year's memorandum was provided to the members for reference purposes. The budgetary impact of the following actions was discussed: continuation or non-continuation of the hiring freeze; certain classes being exempt from the hiring freeze; if a hiring freeze is lifted, positions remain open for a period certain before filling to build salary lapse amounts; initial appointments made at the minimum; travel freeze

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reinstatement for in-state and or out-of-state travel; and limitations for reimbursement of attendance at Florida Bar meetings. After various discussions, Judge Browning offered a motion that each appellate court should have the discretion to manage their budget within broad policy guidelines and no changes to the previous memorandum were necessary. Judge Palmer seconded the motion. The vote was as follows:

1<sup>st</sup> DCA – Yes

2<sup>nd</sup> DCA – Yes

3<sup>rd</sup> DCA – No

4<sup>th</sup> DCA – Yes

5<sup>th</sup> DCA – Yes

The motion was adopted.

**Issues for FY 2009/10 Legislative Budget Request**

Ms. Wilson briefed the members on the timelines for submittal of the FY 2009-10 Legislative Budget Request (LBR). Ms. Wilson noted that in the past, Capital Improvement Projects (CIP) have been submitted for one fiscal year only. However, if a CIP is requested for FY 2009/10, a five-year plan should be submitted for the remaining “out” years. Instructions will be sent via e-mail to the Marshals this Friday, July 25, 2008. Issue requests should be submitted to the budget office by Monday, August 4, 2008.

**Other Business**

Judge Northcutt stated that the next DCABC meeting would be held in late August or early September and that more details are forthcoming.

With no further business, the meeting adjourned at 4:10 p.m.