

**District Court of Appeal Budget Commission
Video Conference Call Meeting Minutes
September 3, 2008**

DCABC Members Present:

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

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

Others Present:

Marshal Don Brannon
Marshal Jo Suhr
Marshal Dottie Munro
Marshal Glen Rubin

Marshal Ty Berdeaux
Lisa Goodner
OSCA staff

Absent:

Judge Darryl Casanueva
Judge Juan Ramirez

Judge Stevan Northcutt called the District Court of Appeal Budget Commission (DCABC) meeting to order at 10:05 a.m. A motion to adopt the July 23, 2008, minutes was made by Judge Gersten and seconded by Judge Browning.

Update FY 2008-09 Budget Outlook

Lisa Goodner briefed the members on continuing meetings between the Chief Justice and the Governor's office, legislative members, and legislative staff regarding the status of the budget. The 4% holdback within the Salaries and Benefits category previously requested by the Governor and the Legislature will not be reduced from the State Courts System's salary budgets at this time. The elimination of an additional 282 FTE's within the branch as a whole would have been the result if the latest round of reductions were implemented effective October 1, 2008. Ms. Goodner stressed the serious consequences further cuts would have upon the branch and stated the \$1,367,946 cut within the appellate courts salary budget has been delayed, at this time.

Ms. Goodner stated that additional meetings have been scheduled next week with the Governor's budget director and Senate and House appropriations staff to further address these concerns.

Judge Northcutt asked about the 4% holdback within the remaining operating categories. Charlotte Jerrett referred the members to a document outlining the proposed operating category reduction detail by budget entity (based on a 4% reduction of each category), and the amounts offered by each DCA to cover the 4% holdbacks.

Judge Gross asked about the 4th DCA's ability to use Fixed Capital Outlay (FCO) project funds to offset the 4% holdback. Staff advised that FCO funds are non-recurring funds and if these funds were not expended, contracted, or committed prior to February 1, 2009, they would revert on February 28, 2009. Judge Gross stated that an amended holdback amount would be submitted to the OSCA budget office later today reflecting a 4% holdback from operating categories.

Discussion and Recommendations for FY 2008/09 Budget and Pay Policies

The Commission made recommendations to the Chief Justice regarding budget and pay policies during the July 23, 2008 meeting and voted not to change any of the current guidelines. Justice Quince has referred those recommendations back to the Commission for further study and review. The members discussed each issue in detail and voted on the following policies:

1. Should the current hiring freeze remain in effect? Judge Browning offered a motion to lift the hiring freeze and Judge Shahood seconded the motion. After various discussions by members, the issue was raised that the hiring freeze remains in effect for the Supreme Court, OSCA, and the trial courts, with exceptions approved at the discretion of the Chief Justice. Judge Browning withdrew his motion.

2. Should certain classes be exempt from the hiring freeze? Judge Browning discussed exempting judicial assistants from the hiring freeze. Judge Shahood offered a motion to not allow certain classes to be exempt from the hiring freeze. Judge Northcutt seconded the motion. Judge Palmer offered an amended motion for positions to remain open for 30 days, with an expedited schedule for review of requests. Judge Gersten seconded the motion. The vote passed as follows:

- 1st DCA – No
- 2nd DCA – Yes
- 3rd DCA – Yes
- 4th DCA – Yes
- 5th DCA - Yes

3. If the hiring freeze is lifted, should positions remain open for a period certain before filling to build salary lapse amounts? After various discussions by members, Judge Palmer offered a motion to wait 30 days prior to filling a position and allow the individual chief judge discretionary authority for filling positions. Judge Browning seconded the motion. The vote was as follows:

- 1st DCA – Yes
- 2nd DCA – No
- 3rd DCA – No
- 4th DCA – No
- 5th DCA – Yes

The motion failed.

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Judge Northcutt offered a motion for positions to remain open for 30 days subject to the requesting courts justification to fill positions in that timeframe. Judge Gersten seconded the motion. The vote was as follows:

1st DCA – No
2nd DCA – Yes
3rd DCA – Yes
4th DCA – Yes
5th DCA – Yes

The motion was adopted.

4. Should initial appointments be made at the minimum of the class to provide for a cushion in the salary budget? After various discussions by members, Judge Northcutt stated that the policy of hiring at the minimum has been in place and enforced. Judge Gross withdrew this motion. Judge Northcutt offered a motion to continue the current policy whereby initial appointments would be made at the minimum, with up to 10% above the minimum authorized at the discretion of the Chief Justice. Judge Palmer seconded the motion. The vote was as follows:

1st DCA – Yes
2nd DCA – Yes
3rd DCA – Yes
4th DCA – Yes
5th DCA – Yes

The motion was adopted.

5. Should a travel freeze be reinstated for in-state or out-of-state travel or both? After various discussions by members, Judge Gersten offered a motion for travel to Florida Bar meetings only. Judge Gross seconded the motion. The vote was as follows:

1st DCA – Yes
2nd DCA – Yes
3rd DCA – Yes
4th DCA – Yes
5th DCA – Yes

The motion was adopted.

Judge Northcutt offered an amended motion to implement this policy for the current fiscal year only and to revisit the issue at a later date, as necessary. Judge Northcutt referenced the 2007-08

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budget and pay policy memorandum from Chief Justice Lewis regarding reimbursement. Judge Palmer seconded the motion. The vote was as follows:

1st DCA – Yes
2nd DCA – Yes
3rd DCA – Yes
4th DCA – Yes
5th DCA – Yes

The motion was adopted.

Ms. Goodner stated that education travel was a separate issue and not applicable to this situation.

6. Should reimbursement for attendance at Florida Bar Meetings be limited to the chair and vice chair? The consensus of the members was to reimburse the chair and vice chair who attended Florida Bar meetings. The vote was as follows:

1st DCA – Yes
2nd DCA – Yes
3rd DCA – Yes
4th DCA – Yes
5th DCA – Yes

The motion was adopted.

Discussion and Recommendations for FY 2009/10 Legislative Budget Request

Judge Northcutt introduced the issues for the FY 2009/10 Legislative Budget Request. Judge Northcutt asked if repeat issues from FY 2008-09 could be approved all at the same time. These include, the 2nd DCA's central staff workload issue; 2nd DCA's courier services request; 2nd DCA replacement of furniture and equipment; 2nd DCA's air conditioning request; 2nd DCA security workload request; and the 2nd DCA's security equipment request. Judge Gersten seconded the motion. The vote was as follows:

1st DCA – Yes
2nd DCA – Yes
3rd DCA – Yes
4th DCA – Yes
5th DCA – Yes

The motion was adopted.

Judge Hawkes briefed the members on the 1st DCA's workers compensation unit trust fund issue. Judge Browning offered a motion to approve the issue and Judge Palmer seconded the motion. The vote

was as follows:

1st DCA – Yes
2nd DCA – Yes
3rd DCA – Yes
4th DCA – Yes
5th DCA – Yes

The motion was adopted.

Judge Northcutt offered a motion to approve all remaining FY 2009-10 LBR issues, excluding identical requests which were approved earlier in the meeting. Judge Browning seconded the motion. The vote was as follows:

1st DCA – Yes
2nd DCA – Yes
3rd DCA – Yes
4th DCA – Abstain
5th DCA – Yes

The motion was adopted.

Discussion of Need for Additional Judgeships for FY 2009/10

Judge Northcutt offered a motion that regardless of need, no additional judgeships would be requested by the district courts of appeal. Judge Palmer seconded the motion. The motion passed unanimously.

With no further business, the meeting adjourned at 11:55 a.m.