

District Court of Appeal Budget Commission
Video Conference Call
June 20, 2017



Members Present

Judge Jonathan Gerber, Chair
Judge Wendy Berger
Judge Stevan Northcutt
Judge Clayton Roberts
Judge Bradford Thomas
Judge Richard Suarez
Judge Craig Villanti
Judge Jay Cohen

Marshal Veronica Antonoff
Marshal Charles Crawford
Marshal Jo Haynes
Judge Cory Ciklin
Judge Leslie Rothenberg
Judge Darryl Casanueva
Marshal Daniel McCarthy
Marshal Daniel DiGiacomo

Members Absent

Judge Vance Salter

Others Present

P.K. Jameson, Eric Maclure, Dorothy Willard and other OSCA staff

Special Note: It is recommended that these minutes be used in conjunction with the meeting materials.

Agenda Item I.: Welcome and Opening Remarks

Judge Jonathan Gerber welcomed members and called the District Court of Appeal Budget Commission (DCABC) meeting to order at 3:00 p.m.

Judge Gerber thanked Judge Villanti, Judge Ciklin and Judge Suarez for their service to the DCABC and noted that effective July 1, 2017, Judge Larose, Judge Lagoa and Judge Levine would be joining as members of the DCABC.

Judge Gerber inquired if there were any edits to the July 22, 2016, and January 19, 2017, meeting minutes. Judge Thomas motioned to approve the minutes as drafted. Judge Northcutt seconded, and the motion was unanimously passed.

Agenda Item II.: Status of FY 2016-17 Budget

A. Salary Budget

Dorothy Willard presented the Salary Budgets as of May 31, 2017, stating the final adjusted liability under salary appropriation at full employment was \$652,759. Ms. Willard noted that a decision was needed in reference to rate distribution funds remaining on June 30th, and whether those funds would be carried forward. Ms. Willard stated there were currently \$924 in the 1st DCA and \$1 in the 2nd DCA. Judge Thomas motioned to defer to the Salary Budget Committee. Judge Suarez seconded and the motion was passed.

A.1. Second DCA Appellate Judicial Assistant CAD Request

Beatriz Caballero reviewed the 2nd DCA request, stating it would result in an increase for five employees. Marshal Jo Haynes noted the original request was to resolve the issue for the five employees that do not have a CAD in their salary. Ms. Haynes stated that if a CAD is added, it would be an across the board raise for all JA's. Judge Gerber stated due to Personnel regulations, the request increased to 39,000 to create a CAD, therefore the 2nd DCA amended the request to be a special pay increase.

Judge Cohen noted the 1st and 5th DCA's experience issues concerning JA salary, stating it is hard to be competitive and that the salary should be consistent. Judge Thomas expressed that the 1st DCA would like to pursue an agenda item to address current fiscal year, to make the JA salary uniform. Judge Thomas remarked that a system wide approach would be the prudent path. Dorothy Willard recommended the Salary Budget Committee look into the issue, noting that there is certain criteria to create a CAD and to ensure all DCA's meet the criteria. Judge Gerber tasked the Salary Budget Committee to look into a system wide approach. Judge Northcutt motioned to approve Option 2, approve a special pay increase, in accordance with Section 3.b.vi., of the November 22, 2016, Fiscal Year 2016-17 Budget and Pay Administration memorandum, for the specific employees outlined in the 2nd DCA's memorandum dated May 9, 2017. Judge Thomas seconded, and the motion was unanimously approved.

A.2. Minimum Salary for Director of the Central Staff

Beatriz Caballero reviewed the issue regarding how to address newly hired Director of Central Staff in relation to the current class minimum set at \$73,795.

Judge Roberts motioned to jointly propose Option 1, to refer the issue to the full Court and request to increase the minimum salary of the District Court of Appeal Director of Central Staff position to \$86,130.84 and Option 2, consider a special pay increase, in accordance

with Section 3.b.vi., of the November 22, 2016, Fiscal Year 2016-17 Budget and Pay Administration memorandum, for any new hires as they may occur, to present to the Chief Justice, noting Option 1 was preferred to solve the issue once and for all. Judge Northcutt recommended raising the minimum to \$80,000 and to implement a 10% increase on top of the minimum to take the salary to \$86,000, stating if the salary minimum is increased to \$86,000, that would be equalize the new hires to the more experienced incumbents. Judge Roberts noted the positions should be based on the responsibility of the position instead of the experience of the incumbent. Judge Gerber noted that Option 1 would benefit all the DCA's when vacancies occur. Judge Ciklin seconded the motion to jointly propose Option 1 and Option 2. With no objections the motion passed.

A.3. Fourth DCA Reclassification Request

Beatriz Caballero reviewed the 4th DCA's request to reclassify position number 001671, from an Administrative Assistant II to an Administrative Assistant III.

Judge Ciklin motioned to approve Option 1, to approve funding for the 4th DCA's request to reclassify position number 001671 from an Administrative Assistant II to the minimum of an Administrative Assistant III classification, in accordance with Section 7 of the November 22, 2016, Fiscal Year 2016-17 Budget and Pay Administration memorandum. If approved, the request would be submitted to State Courts Administrator for review and analysis. Judge Northcutt seconded, and the motion was unanimously approved.

A.4. Second DCA Reclassification Request

Beatriz Caballero reviewed the 2nd DCA's request to reclassify position number 000075 from a Deputy Clerk II to a Deputy Clerk III.

Judge Northcutt motioned to approve Option 1, to approve funding for the 2nd DCA's request to reclassify position number 000075 from a Deputy Clerk II to the minimum of a Deputy Clerk III classification, in accordance with Section 7 of the November 22, 2016, Fiscal Year 2016-17 Budget and Pay Administration memorandum. If approved, the request would be submitted to State Courts Administrator for review and analysis. Judge Ciklin seconded, and the motion was unanimously approved.

B. Operating Budgets

Dorothy Willard presented the Operating Budgets as of May 31, 2017.

C. Trust Fund Cash Statement Overview

Dorothy Willard presented the State Courts Revenue Trust Fund Cash (SCRTF) Analysis as of May 31, 2017, noting the ending cash balance was \$5,558,816. Ms. Willard stated the SCRTF is in good shape moving into the new fiscal year. Dorothy Willard reviewed the Administrative Trust Fund (ATF) cash statement as of May 31, 2017. The ATF ending cash balance was \$386,609.58. Ms. Willard noted the ending cash balance is anticipated to fall between \$93,000 - \$60,000 and that any remaining ATF funds would be reverted.

Agenda Item III.: FY 2017-18 Budget

A. Salary Budget

Dorothy Willard presented the FY 2017-18 start up salary budget stating the final adjusted liability over salary appropriation at full employment was \$713,117. Ms. Willard noted an adjustment of \$185,334 to the projected DROP liability was made based on feedback from the marshals for those participants that indicated they would stay through the fiscal year. Ms. Willard cautioned that the \$185,334 is a true liability and has the potential to increase or decrease based on future legislative actions to employer costs.

Judge Gerber delegated the FY 2017-18 Start-up Salary Budget to the Salary Budget Committee for review and analysis.

B. Positions Vacant Over 180 Days

Dorothy Willard presented the Positions Vacant over 180 Days as of May 31, 2017. Judge Gerber inquired if the 1st DCA would be opposed to keeping the vacant positions open in order to generate lapse to offset the salary deficit. Judge Roberts responded that the 1st DCA is agreeable to holding the positions vacant.

C. Appropriation Summary

Dorothy Willard presented the FY 2017-18 Appropriations Summary.

D. Operating Allocations

Dorothy Willard presented the FY 2017-18 Operating Budgets and stated they would be emailed to the marshals the following morning to allow them to allocate these funds to the appropriate cost centers for FY 2017-18.

Agenda Item IV.: Recommendations for FY 2017-18 Budget and Pay Memorandum

Dorothy Willard presented the FY 2017-18 Budget and Pay Memorandum stating that technical changes have already been incorporated into the document and the National Conference of Appellate Court Clerks Annual Meeting, which was inadvertently left out of the FY 2016-17 memorandum, was included. Eric Maclure stated the Chief Justice has advised that he would like the following language inserted into the Trial Courts and DCA budget and pay memos: Each circuit/district is responsible for submitting in a timely manner any personnel action that requires processing by the Office of the State Courts Administrator, so that the action can be reviewed and any technical issues related to consistency with budgetary requirements or State Courts System Personnel Regulations can be identified and resolved before the action takes effect.

Judge Gerber advised the members that he would not request a vote on the new language at this time due to the language just being brought to their attention. Judge Northcutt expressed his concern that the proposed FY 2017-18 Budget and Pay Memorandum was not the same as the FY 2016-17 Budget and Pay Memorandum that the DCABC recommended to the chief. Judge Northcutt stated there are a number of provisions that were inserted after the DCABC approved. Judge Gerber tasked the Salary and Budget Committee with reviewing the FY 2017-18 Budget and Pay Memorandum and present recommendations at the next DCABC meeting.

Agenda Item V.: FY 2018-19 Legislative Budget Request (LBR)

A. LBR Timeline

Dorothy Willard reviewed the FY 2018-19 LBR timeline, stating that session will begin in January. As a result of the early session, The LBR is due September 15th instead of October, which makes for a very compressed timeline.

B. Discussion of LBR Issue Strategy

Judge Gerber requested Dorothy Willard to poll the members' in the near future on availability for an August meeting. Judge Gerber stated the 2nd DCA would be the only DCA submitting an LBR building issue. Judge Gerber inquired if any DCA's were intending to submit an LBR issue for FY 2018-19. Marshal Jo Haynes responded that there is a possibility that the 2nd DCA would file a security issue. Ms. Haynes reported that the security issue has been on hold awaiting a report by the Security Task Force. A draft report to the chief justice

from the task force was just received. Ms. Haynes noted that if the chief blesses the report, the moratorium on submitting a security issue should be lifted. Marshal Haynes suggested filing a security issues for salary dollars only and to utilize vacant positions. Judge Gerber tasked all five DCA's to meet and prepare a security model/issue to present. Dorothy Willard recommended when preparing the issue to use resources that were previously used for a different model and applying those funds towards the security issue.

C. Second DCA Courthouse Funding Request

Judge Gerber presented the 2nd DCA Courthouse funding issue, stating in anticipation of the DCABC approving the issue and subsequently the Supreme Court approving the LBR issue, that he and Judge Roberts have begun working the 2nd DCA on an issue to build a consolidated courthouse in the Tampa Bay area. Judge Gerber reported that the Department of Management Services (DMS) Space Study recommends the 2nd DCA be headquartered in the Tampa area. Judge Gerber noted the 2nd DCA is only requesting funding to retain an architect and a contractor in order to develop plans and obtain construction estimates to seek funding in upcoming years.

Agenda Item VI.: Other Business and Adjournment

Other Business

Judge Gerber reviewed the following upcoming DCABC items.

- Dorothy Willard to email DCABC members to propose dates for an August DCABC meeting.
- The Salary Budget Committee have recommendations for review pertaining to items delegated from today's meeting.
- The Florida Conference of District Court of Appeal Judges Annual Education Program will be held on September 5-8, 2017, in Orlando, FL. Tuesday, September 5th from 1:00 – 5:00 will be reserved for a possible follow-up meeting.

Adjournment

Technical difficulties occurred with the video conference causing OSCA to be disconnected, resulting in the meeting being adjourned at 4:27 p.m.