

**District Court of Appeal Budget Commission**  
**Video Conference**  
**July 24, 2015**



**Members Present**

Judge Alan Lawson, Chair  
Judge Stevan Northcutt  
Judge Clayton Roberts  
Judge Craig C. Villanti  
Judge Cory Ciklin  
Judge Richard Suarez  
Judge William Palmer

Marshal Veronica Antonoff  
Marshal Charles Crawford  
Marshal Daniel DiGiacomo  
Marshal Daniel McCarthy  
Marshal Jo Haynes

**Members Absent**

Judge Vance Salter

**Others Present**

Judge Frank A. Shepherd, Eric Maclure, Dorothy Wilson, Beatriz Caballero, Elizabeth Garber and other OSCA staff

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

Judge Alan Lawson welcomed members and called the District Court of Appeal Budget Commission (DCABC) meeting to order at 10:15 a.m.

**Agenda Item I.B.: Approval of September 6, 2014, and January 8, 2015, Meeting Minutes**

Judge Lawson and Judge Shepherd noted the September 6, 2014, minutes, Agenda Item VI.H., required amending. Judge Suarez noted the January 8, 2015, minutes, Agenda Item II, required amending. Judge Roberts motioned to approve the minutes as amended. Judge Suarez seconded, and the amended minutes were approved unanimously. Judge Shepherd requested that the minutes be distributed within 30 days of each meeting.

**Agenda Item II.: FY 2015-16 Allocations**

**A. Appropriations Summary**

Dorothy Willard presented the FY 2015-16 Appropriations Summary, noting a correction on issue code 1001380 that judges should not have been cited on the salary increase as this increase for FY 2014-15

was for staff only. Ms. Willard noted the fund shift contained within the summary was the DCA portion of the \$18.5 million branch wide issue approved by the Legislature. Judge Lawson further clarified that the fund shift Dorothy mentioned was moving State Courts Revenue Trust Fund (SCRTF) to General Revenue (GR) and inquired if the \$18.5 million approved would solve the court system deficit. Ms. Willard responded that during session this amount was enough to prevent a deficit; however, she further noted there was a Revenue Estimating Conference (REC) on July 20<sup>th</sup> which resulted in revenues being adjusted down. Due to the revenues decreasing, it is anticipated that there will be a deficit close to \$3 million in the SCRTF.

### **B. Operating Budgets**

Dorothy Willard presented the FY 2015-16 Operating Budgets stating they were emailed to the marshals earlier in the week with a return due date of July 30, 2015, and will be posted in FLAIR by close of business July 31, 2015.

## **Agenda Item III.: FY 2016-17 Legislative Budget Request (LBR)**

### **A. Employee Pay Issue**

Eric Maclure briefly reviewed the employee pay issue stating it was the same issue as filed in the FY 2015-16 LBR but which was not funded. The issue requests the second-year funding for court staff salary issues in the amount of \$5,902,588. Judge Northcutt inquired who the \$5.9 million was for and if it was for the branch overall. Judge Lawson responded stating that the issue was branch wide. Judge Northcutt asked if there was a DCA amount determined at this point. Eric Maclure stated the \$5.9 million is same number that was in the FY 15-16 LBR and the DCA portion was \$200,322. He further stated that OSCA, in consultation with the marshals, focused on analyzing positions that were not addressed during the first phase. In addition, the analysis included consideration of salary compression that occurred when the minimum salary level for some positions was increased but existing employees above the minimum did not experience a change in salary. Judge Suarez remarked that as the year progresses the Commission will be examining rate to do a rate distribution, and that it would be beneficial to know what issues the second year phase includes. Judge Shepherd agreed, stating it would be good to know for what the funding would be used. Judge Ciklin stated that the DCA's do not want to lose sight of what they intended to create from this phase and need to continue to deem vital, as with the DCA Technology Officers. Judge Lawson stated the attorneys need to be addressed and placed at trial court level. Judge Shepherd remarked Phase II should include Technology Officers, step plan, and any issues deemed necessary at the time. Mr. Maclure stated that the implementation of any second phase funding would go through a similar implementation process as Phase I.

Judge Lawson inquired if there were any objections to Option I, approve including Phase II of the staff pay issue in the DCA recommended FY 2016-17 legislative budget request. No objections were noted, and Option I was unanimously recommended. The DCABC also voiced its support for the State Courts System, as part of its FY 2016-17 LBR, taking the same approach on judicial salaries as it did during the FY 2015-16 budget cycle.

#### **A. Operating Issues**

Judge Lawson presented the DCA operating issues for the Commission's consideration.

- *2<sup>nd</sup> District Court of Appeal Additional Leased Space – Tampa*: Option 1 was unanimously approved.
- *X-Ray Machines*: Marshal DiGiacomo noted that upon further analysis, the 4<sup>th</sup> DCA would like to be included in this LBR issue. Judge Lawson expressed his concern regarding the appearance of the issue to the Legislature, noting the 3<sup>rd</sup> and 4<sup>th</sup> district courts previously received funding based on studies that stated all issues were to be addressed. Judge Ciklin responded stating the funding received covers security issues relating to the new building construction. With a move in date of July 2017, the x-ray machine located in the current building needs to be addressed. Judge Suarez agreed that the 3<sup>rd</sup> DCA would withdraw itself from the request, and the 4<sup>th</sup> DCA also agreed not to be included. Judge Lawson asked if there were any objections to filing the issue for the 2<sup>nd</sup> and 5<sup>th</sup> DCA's only. With no objections, Option 1 was unanimously approved.
- *Security Support – Court Security Officer II 5 FTE*: Judge Northcutt stated the narrative required clarification pertaining to the minimum coverage. The three officers cover three shifts, not three on one shift. Judge Lawson requested the marshals to provide details relating to the documented threats to the district courts. He further stated that the language be removed if the requested detailed information would result in the district courts becoming vulnerable. Judge Lawson further requested to clarify the methodology used. Dorothy Willard recommended using unfunded FTE instead of requesting new FTE for the issue. Judge Shepherd inquired if that meant they would use excess rate to cover the issue as well. Judge Lawson responded that there would be insufficient rate, the issue would be submitted utilizing the unfunded FTE, and the request would be for salary funding. Judge Lawson presented Option 1, updated with the previous items discussed, for approval. With no objections noted, Option 1 was unanimously approved.
- *Operational Increases – Statewide Facility Maintenance*: Judge Lawson stated the DCABC should file this issue; however, he noted that, due to DMS managed facilities and the 4<sup>th</sup> DCA new building construction, facilities maintenance will be decreasing and the issue may not be well received. With no objections noted, Option 1 was unanimously approved.

- *Appellate Judiciary Travel*: Judge Lawson stated this was the issue as submitted for the FY 2015-16 LBR and the information contained within requires updating. Judge Lawson asked if there were any objections. With no objections noted, Option 1 was unanimously approved.

## **B. Fixed Capital Outlay Issues**

Judge Lawson presented the DCA Fixed Capital Outlay issues for the Commission's consideration.

- *2<sup>nd</sup> District Court of Appeal – Courthouse Acquisition – DMS Managed*: Option 1 was unanimously approved.
- *3<sup>rd</sup> District Court of Appeal – Supplemental Funding for Remodeling of Court Building for ADA Compliance, Security and Core Systems Upgrade – DMS Managed*: Dorothy Willard requested to allow staff to continue to work with the 3<sup>rd</sup> DCA to make technical adjustments once all CIP forms are received and noted the amount of the request may change once all documentation is received. Judge Suarez stated the 3<sup>rd</sup> DCA CIP forms will be completed and sent today and the 3<sup>rd</sup> will work with Budget on the issue. Option 1, with the caveat to adjust, was unanimously approved.
- *4<sup>th</sup> District Court of Appeal – Courthouse Construction – DMS Managed*: Option 1 was unanimously approved.

## **C. Certification of New Judgeships**

Judge Lawson stated no new judges are being requested by the district courts and this agenda item was for informational purposes and requires no action. Dorothy Willard noted that the Chief Judges would still need to respond to the certification requests when they are sent in August.

## **D. Discussion and Priority Determination of LBR Issues**

Judge Northcutt recommended changing the Security Support – 5.0 FTE issue to classification 2. Critical. The amended priority determination was unanimously approved.

## **Agenda Item IV.: Marshal Special Pay Increase Update**

Judge Lawson informed the DCABC that he had spoken with the Chief Justice about the issue of the special pay increase for the district court marshals, and he reported that the Chief Justice has deferred the issue until August, to allow the Supreme Court to review. Judge Ciklin inquired whether, since the rate distribution was deferred, there is rate to be equally distributed for salary enhancements. Judge Lawson responded that this is only deferred until August, and that if at that time it is not approved there will be available rate. Judge Northcutt requested to respond in a more formal way to address the concerns, before the issue goes to the whole Court. Judge Shepherd questioned why the June special pay increase for the district court marshals had to be submitted to the Chief Justice rather than being

effective upon the DCABC's action. He noted that viewing the DCABC's action as a recommendation raises questions about the purpose of the DCABC. Judge Shepherd also asked what the Supreme Court has submitted to the Legislature to increase marshal pay. Judge Lawson referred the question to Dorothy Willard. Dorothy responded stating the Supreme Court issues would need to be researched to determine what has previously been submitted. Ms. Willard noted that the January 2015 DCABC pay increase for the district court marshals was submitted to the Chief Justice for approval. Judge Shepherd requested the Supreme Court LBR issues be researched and asked Eric Maclure if he had previously researched the authority of the Legislature related to marshal pay. Judge Shepherd directed Eric to email communication dated July 16, 2014, in which Eric indicated that the Legislature does not currently prescribe in law the specific salaries of the marshals. Judge Shepherd further stated the DCA marshals perform functions different from the Supreme Court marshal, that they are misnamed due their duties, and that they perhaps should be called something like "court executives".

### **Other Business**

Judge Lawson stated the next DCABC meeting is scheduled for September 29, 2015, in Tallahassee. Dorothy Willard stated the draft minutes for today's meeting would be sent out for edits prior to the next meeting.

### **Adjournment**

With no other business before the Commission, Judge Lawson adjourned the meeting at 11:23 a.m.