

**District Court of Appeal Budget Commission
Jupiter Beach, Florida
September 6, 2014**



Members Present

Judge Alan Lawson, Chair
Judge Cory Ciklin
Judge Charles Davis, Jr.
Judge Joseph Lewis, Jr.
Judge Melanie May
Judge Stevan Northcutt
Judge Frank Shepherd
Judge Richard Suarez

Judge Vincent Torpy
Judge Clayton Roberts
Marshal Charles Crawford
Marshal Daniel DiGiacomo
Marshal Jo Haynes
Marshal Daniel McCarthy

Members Absent

Judge Vance Salter
Judge Dorian Damoorgian

Marshal Veronica Antonoff

Others Present

PK Jameson, Eric Maclure, Dorothy Wilson, Elizabeth Garber 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 Approval of June 4, 2014, July 11, 2014, and July 16, 2014 Minutes

Judge Alan Lawson welcomed members and called the District Court of Appeal Budget Commission (DCABC) meeting to order at 9:00 a.m.

Judge Shepherd noted a correction to the June 4, 2014 minutes under Agenda Item V.B. The minutes reflected that Judge Shepherd motioned to approve, the correction notates that Judge Davis motioned to approve. Judge Roberts reviewed a correction to the July 16, 2014 minutes, noting the minutes did not reflect his attendance. A motion was made by Judge Torpy to adopt the minutes as amended. Judge Shepherd seconded and the motion was passed without objection.

Agenda Item II.: Overview of the Legislative Process

Eric Maclure and Dorothy Wilson presented an Overview of the Legislative Process presentation.

Agenda Item III.: Navigating the Operating Budget

Dorothy Wilson presented a presentation on Navigating the Operating Budget.

Agenda Item IV.: Components of Salary Budget Management

Dorothy Wilson presented a presentation on Components of Salary Budget Management.

Agenda Item V.: Resource Allocation

Judge Northcutt presented the report, recommendations and methodology for the resource allocation. Jessie McMillan reviewed the proposed Legislative Budget Request (LBR) recommendations and the need to determine whether Workers Compensation should be included or not.

The recommendations for the resource allocation were to distribute vacancies as they occur, through attrition and to reallocate the vacancies within the First DCA. Judge Lawson agreed the First DCA vacancies need to be reallocated. He also recommended appointing a workgroup to work with Judge Roberts and Judge Suarez to review and determine a recommendation on methodology. Judge Lawson inquired if the vacant Judicial Assistant and Library positions in the First can be reclassified to Law Clerks. Dorothy Wilson responded that they can be reclassified as long as the DCA's agree to absorb any additional costs resulting from the reclassifications.

Judge Lawson recommended the reallocation of the First DCA vacancies; reallocating two position to the Second, one position to the Fourth, and one position to the Fifth. Judge Lawson further stated that the reallocation would negate the need for the LBR issues for Central Staff Workload for the Second and Fifth DCA's. Judge Torpy motioned to approve reallocating the vacancies as recommended. Judge Lewis seconded and the motion passed without objection.

Agenda Item VI.: FY 2014-15 Budget Update

A. Salary Budget

Dorothy Wilson presented the Salary Budgets as of August 31, 2014. The final adjusted liability for all district courts was under the salary appropriation by \$314,837. She noted September payroll would include the retro pay for July and August. Ms. Wilson stated that the budget office would audit the payroll projections once the pay plan has been fully implemented.

B. Operating Budgets

Ms. Wilson reported on the status of the FY 2014-15 operating budgets as of August 31, 2014.

C. Positions Vacant over 180 Days

Dorothy Wilson reviewed the positions vacant over 180 days. She noted that these positions have been monitored since last year, when the Governor began picking up positions that remain vacant for longer than 180 days.

D. General Revenue and State Courts Revenue Trust Fund Revenue Projections

Kris Slayden reviewed the revenue projections for General Revenue (GR) and State Courts Revenue Trust Fund (SCRTF). She noted the SCRTF has dropped significantly due to foreclosure filings. There is a loan provision in place and the legislature has the ability to appropriate money to repay the loan. Ms. Slayden commented that one solution would be a fund shift back to GR.

Judge Lawson reported that the branch has been communicating with the legislature that the estimates are incorrect, stating the need to address this issue in a way that does not divert funding from other issues. Judge Lawson stated the court system brings in significantly more than is allocated from filing fees that are deposited into GR. Judge Lawson recommended to pursue shifting stable filing fees to SCRTF. Dorothy Wilson commented that one of the biggest factors is a lack of recurring GR, expenditures continually increase with employee costs. She noted it may be beneficial to look into moving operating budgets to SCRTF instead of solely salary. Ms. Wilson commented this issue is also on the trial courts radar as well.

E. Trust Fund Cash Statement Overview

Dorothy Wilson provided an overview of the SCRTF and Administrative Trust Fund (ATF) cash balance through August 31, 2014. Ms. Wilson noted that once the certified forward process is completed, cash within the ATF will revert.

F. 4th District Court of Appeal – Reclassification Request

Judge Ciklin presented the 4th DCA's reclassification request. Judge Shepherd inquired if the 4th would be able to operate the Marshal's office if this request was approved. Judge Ciklin responded that they would still be able to operate efficiently. Judge Torpy motioned to approve the request. Judge Shepherd seconded and the motion passed without objection.

G. 2nd District Court of Appeal – Exception Request

Jo Haynes presented the 2nd DCA's exception request, stating the \$1,000 was similar to the Judicial Assistant's. Judge Torpy motioned to approve the request. Judge Ciklin seconded and the motion passed without objection.

H. 3rd District Court of Appeal – Geographical Difference Adjustments

Judge Lawson reported that the workgroup recommendation to provide a geographical pay adjustment for the 3rd DCA, which was previously approved to fund, was not approved by the court to include in the Budget and Pay Memo. The court concluded this would create branch wide inequities. Judge Shepherd commented that he is in the process of drafting a letter with data and history and requesting a meeting to possibly achieve this through a CAAD. Judge Lawson stated it was indicated that the court did not want the geographical adjustment even through a CAAD. PK Jameson confirmed Judge Lawson's statement. Dorothy Wilson reported that any employees that had previously received additional pay would not be asked to repay. This would be treated as if they had received the pay plan early. Judge Torpy motioned for Judge Lawson to request the Supreme Court reconsider its position. Judge Davis seconded and the motion passed unanimously.

Agenda Item VII.: FY 2015-16 Legislative Budget Request (LBR)

A. Employee Pay Issue

Dorothy Wilson presented the Employee Pay Issue. Judge Torpy motioned to approve Options 2 and 5. Judge Ciklin seconded and the motion passed without objection.

B. Operating Issues

The 2nd and 5th DCA's withdrew their Central Staff Workload Issues based upon the reallocation of the 1st DCA vacancies. Judge Torpy motioned to approve all remaining operating issues. Judge Ciklin seconded and the motion passed without objection.

C. Fixed Capital Outlay Issues

Judge Torpy motioned to approve all Fixed Capital Outlay issues as presented. Judge Ciklin seconded and the motion passed without objection.

D. Certification of New Judgeships

This item was presented for informational purposes only, no decision is needed at this time.

E. Discussion and Priority of LBR Issues

Dorothy Wilson presented the priority listing for LBR issues. The Employee Pay Issue was classified as 1 priority, the 5th DCA Fixed Capital Outlay issue was reclassified as 1 priority, the 2nd and 5th DCA Central Staff Workload issues were removed, and all other priority classifications remained the same as presented. Judge Davis motioned to approve as amended. Judge Lewis seconded and the motion passed without objection.

Agenda Item VIII.: Other Business

Judge Roberts motioned to follow the recommendations set forth by the Unified Compensation on Judicial Salaries. Judge Suarez seconded and the motion passed without objection.

Adjournment

With no other business before the Commission, Judge Lawson adjourned at 12:34 p.m.