

**District Court of Appeal Budget Commission
Tallahassee, FL
June 4, 2014**



Members Present

Judge Alan Lawson, Chair
Judge Joseph Lewis, Jr.
Judge Clayton Roberts
Judge Charles Davis, Jr.
Judge Stevan Northcutt
Judge Frank Shepherd
Judge Richard Suarez
Judge Dorian Damoorgian
Judge Cory Ciklin

Judge Vincent Torpy
Judge William Van Nortwick, Jr.
Marshal Jo Haynes
Marshal Veronica Antonoff
Marshal Daniel DiGiacomo
Marshal Charles Crawford

Members Absent

Judge Melanie May

Others Present

PK Jameson, Theresa Westerfield, 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 March 28, 2014 Minutes

Judge Alan Lawson welcomed members and called the District Court of Appeal Budget Commission (DCABC) meeting to order at 1:03 p.m. A motion was made by Judge Torpy to adopt the March 28, 2014 meeting minutes as drafted. Judge Shepherd seconded and the motion passed without objection.

Agenda Item II.: Status of FY 2013-14 Budget

A. Salary Budgets

Dorothy Wilson presented the Salary Budgets as of May 29, 2014. The final adjusted liability for all district courts was under the salary appropriation by \$603,784. She pointed out that this amount is not annualized and will change slightly when the June salary budgets are finalized. Ms. Wilson further noted that June typically has the highest amount of leave payouts. Judge Lawson requested that Ms. Wilson explain what rate is available for next year

for a rate distribution. Ms. Wilson explained that the budget office will be performing a payroll audit in June as part of the process in developing the FY 2014-15 payroll projections and will provide those projections to the commission at their next meeting. She noted that FY 2014-15 Law Clerks below the minimum and incentives obligation is calculated to be over \$200,000.

B. 1st DCA Request

Theresa Westerfield reviewed the 1st DCA exception request to reclassify a current Career Attorney to a Director of Central Staff. Judge Torpy motioned to approve Option 1, but with an effective date of June 16, 2014. Judge Shepherd seconded and the motion was approved without objection.

C. Operating Budgets

Ms. Wilson reported on the status of the FY 2013-14 operating budgets as of May 31, 2014.

D. State Courts Revenue Trust Fund

Dorothy Wilson provided an overview of the State Courts Revenue Trust Fund (SCRTF) cash balance through May 31, 2014. The cash balance at year end was estimated at \$1.2 million. The balance included \$1.8 million appropriated in the FY 2014-15 General Appropriations Act (HB 5001) to mitigate the FY 2013-14 revenue deficit. The anticipated cash carry forward is \$940,000. Ms. Wilson also noted that the chief justice submitted a FY 2014-15 appropriations release plan seeking to release 100% of GR salary appropriations due to insufficient cash balance in the SCRTF to cover July payroll and the July GR Service Charge. Ms. Wilson informed the commission that notification had been received on June 3, 2014 that the holdback budget amendment had been approved and subsequently posted.

Agenda Item III.: 2014 Legislative Session – General Appropriations Act (GAA) Overview

Dorothy Wilson provided an overview of the issues that were funded by the legislature and the two issues subsequently vetoed by the Governor. Theresa Westerfield reviewed the Back of the Bill Section 8 Pay and Benefits noting the pay issue was not vetoed and there were no changes in benefits or the authority to pay Florida Bar Dues.

Agenda Item IV.: FY 2014-15 Allocations

A. Appropriation Summary

Dorothy Wilson presented budget allocation charts based on the Fiscal year 2014-15 appropriations. She noted that new charts would be provided to the members after the meeting that reflected the certification issue and the eFACTS funding.

B. Operating Allocations

Ms. Wilson reviewed the operating budget allotment charts provided for each DCA. Ms. Wilson informed the Marshals that the budget allotment charts would be emailed to them to allow them to allocate these funds to the appropriate cost centers for FY 2014-15.

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

A. LBR Timelines

Dorothy Wilson reviewed the FY 2015-16 LBR and Capital Improvement Program Plan (CIPP) Fixed Capital Outlay LBR timelines noting the date for the approval of the LBR by the Chief Justice and the Court had been confirmed for October 1, 2014. Ms. Wilson stated the technical instructions would be emailed out on Monday, June 9, 2014.

B. Discussion of LBR Issue Strategy

Dorothy Wilson discussed the strategy for LBR issues for FY 2015-16, noting the continuation of the statewide pay issue will be filed.

1. Recurring Costs: Judge Davis motioned to approve Option 2, each DCA submit specific requests for their critical needs within the official funding methodologies. Judge Torpy seconded and the motion passed with Judge Northcutt noted in opposition.
2. Non-recurring Costs: Judge Torpy motioned to approve Option 1, each DCA submit their requests for non-recurring issues. Judge Shepherd seconded and the motion passed without objection.
3. Other Request: Judge Lawson noted that the DCA's should move forward with filing a recurring issue to address ongoing maintenance. However, instead of titling it as a statewide maintenance issue, title as an issue that can clearly demonstrate how under appropriated the DCA's are to address maintenance issues when they arise. Judge Torpy

motioned to adopt Option 1 to file an issue in the LBR. Judge Shepherd seconded and the motion passed without objection.

Agenda Item VI.: Pay Issues for Courts System Employees

A. Implementation of FY 2014-15 Special Pay Issue: Status Report

Ms. Westerfield reported the legislature provided first-year funding of the two-year implementation request of the equity and retention issue to address salary issues affecting the State Courts System. Proviso language in the GAA requires that the funds be used for employee position classification salary adjustments to encourage retention, provide salary equity between the judicial branch and other governmental entities, and provide market-based adjustments for recurring employee recruitment problems. This funding cannot be used for across-the-board or individual merit increases, and not all classes will be adjusted. The minimum salaries for affected classes will be adjusted and therefore, not everyone in that class will be adjusted if earning above the minimum. Proviso language requires the funds to be appropriated proportionately within the State Courts System based on the number of full-time equivalent positions, excluding judges. Ms. Westerfield noted that the chief justice wants to keep benchmarks on all classes that currently have benchmarks. This requires that if one budget entity determines a benchmark class a priority, all budget entities would be required to increase the minimum on the affected class. Personnel staff has been receiving and compiling data on affected classes and a staff analysis and preliminary proposals/options are expected to be ready in late June to be presented to the DCABC for consideration. The plan for the entire State Courts System will be submitted to the chief justice for approval and subsequently filed in a budget amendment for a 14 day review by the Legislative Budget Commission (LBC).

B. Performance-Based, Lump Sum Bonuses Authorized During 2013 Legislative Session: Status Report

Dorothy Wilson referenced an email just received by the Governor's Office, notifying that the performance-based, lump sum bonus funding will be available on June 18th, the day before payroll runs. The funding will be equal to the plan submitted. The affected employees who were submitted to receive a bonus may be notified at this time. Those employees should receive the bonus on June 25th and taxes will be taken out of the total amount.

C. Geographical Differences Workgroup

Deferred to Item VII.C.

Agenda Item VII.: FY 2014-15 Budget and Pay Policies

A. Payroll Projection Timeline

Dorothy Wilson reviewed the FY 2014-15 Payroll Projection audit timeline.

B. FY 2014 Rate Distribution

Ms. Wilson stated the payroll audit is scheduled to be completed in July. The DCABC expressed interest in meeting in July, once the audit is complete, to discuss rate distribution. Judge Lawson recommended to consider the rate distribution in conjunction with the pay plan issue.

C. Geographical Differences Workgroup

Judge Shepherd presented the recommendations of the workgroup. The cost to implement the recommendation, including attorneys, is approximately \$91,052. Ms. Wilson stated the DCABC salary budget is adequate to fund the differential at this time. With the exception of career attorneys, all Third District Court of Appeal positions, whose Executive Branch equivalent have a CAD, will be granted the CAD stipulated by Executive Branch. Judge Shepherd motioned to approve funding the competitive differential with an effective date of July 1, 2014. Judge Torpy seconded and the motion passed without objection.

Agenda Item VIII.: Joint Workshop on Model Staffing Levels Report and Recommendations

Judge Van Nortwick and Jessie Emrich presented the report and recommendations.

Agenda Item IX.: Other Business

Ms. Wilson stated the next meeting was scheduled for September 6, 2014 in Jupiter Beach, Florida.

Adjournment

With no other business before the Commission, Judge Lewis motioned to adjourn. Judge Northcutt seconded and the meeting adjourned at 3:00 p.m.