

# **DISTRICT COURT OF APPEAL BUDGET COMMISSION OPERATIONAL PROCEDURES**

## **I. Background and Authority.**

The District Court of Appeal Budget Commission (DCABC) is created pursuant to Florida Rule of Judicial Administration 2.235.

## **II. Responsibilities.**

The DCABC shall promote a unified budgetary process, assuring equity and fairness in the allocation of resources. The members of the DCABC are charged with representing the interests of the District Courts generally rather than the individual interests of a particular District.

The responsibilities of the DCABC are as set forth in Florida Rule of Judicial Administration 2.235(b).

## **III. Purpose.**

The purpose of this document is to set forth procedures for the general operations of the Commission.

## **IV. Membership.**

In accordance with Florida Rule of Judicial Administration 2.235, ten individuals shall be appointed by the Chief Justice to serve on the Commission. The membership consists of the chief judge of each district court of appeal, and one additional judge from each district court of appeal, as designated by the Chief Justice. The Chief Justice will designate the Chairperson and vice Chairperson. The Office of the State Courts Administrator (OSCA) will provide staff to record minutes, to notify members of meetings, and other support related to the operation of the Commission. The marshal of each district court of appeal shall serve as a non-voting member.

## **V. Meetings.**

1. Number of Meetings: The Commission will meet no less than three times annually, to include a meeting as soon as possible after adjournment of the regular session of the Florida Legislature.

2. Regular Meetings: The Commission will meet regularly at a time and place designated by the Chairperson. Although Chapter 286, Florida Statutes, is not applicable to the Judicial Branch, regular meetings of the Commission will be open to the public and all official acts of the Commission will be taken at public meetings, provided that the schedule of meetings is available on the Commission's website at [www.flcourts.org](http://www.flcourts.org). At the discretion of the Chairperson, meetings, including special or emergency meetings, may be held by video conference. Any meeting may be closed by a vote of a majority of the Commission, when not prohibited by Florida Rule of Judicial Administration 2.420.

3. Special Meetings: Special meetings, including hearings and workshops may be called by the Chairperson or by a majority of the Chief Judges.

4. Emergency Meetings: An emergency meeting of the Commission may be called by the Chairperson with no less than twenty-four (24) hour's notice whenever, in the opinion of the Chairperson, an issue requires immediate Commission action. Whenever such emergency meeting is called, the Chairperson will notify OSCA staff. OSCA staff will immediately serve either verbal or written notice upon each member of the Commission, stating the date, hour, place, and purpose of the meeting. No other business will be transacted at the meeting unless additional emergency matters are agreed to by a majority of those Commission members in attendance.

5. Notice of Regular Meetings: Notice of regular meetings of the Commission will be posted to the Commission's website by OSCA staff not less than three (3) days before the event and will include a statement of the general subject matter to be considered.

6. Attendance: Attendance at Commission meetings is mandatory and shall be in person unless otherwise approved by the Chairperson.

Notification of absence from a Commission meeting should be made in advance of the meeting to OSCA staff. A member can be present electronically during a scheduled meeting as approved by the Chairperson.

7. Voting:

a. Quorum: Each member shall have one vote. A representative voting member of at least four (4) of the District Courts must be present to constitute a quorum for the transaction of business. A majority vote of those members present is required to take action.

b. No Proxy Voting: A Commission members must be present to vote on issues, either in person, or pursuant to previous approval for electronic participation. No member may authorize another person to vote on any issue in place of the member.

8. Minutes: Minutes will be taken by OSCA staff at Commission meetings and a draft will be posted to the Commission's website within thirty (30) days of each meeting. Once approved by the DCABC, a finalized copy of the minutes will be posted on the Commission's website.

**VI. Agenda.**

1. Recommendations to the Commission and all matters of business or concern to be included in the agenda will be presented to the Chairperson or the OSCA staff prior to any meeting. The Chairperson, with the assistance of OSCA staff, will assemble the items received, including those from Commission members, with sufficient time to prepare the agenda in advance of each meeting and provide a copy of the agenda to each member of the Commission at least three days prior to the meeting. If additional items or supporting documentation become available, a supplemental agenda may be provided one day prior to the meeting. The agenda and any supplemental agenda will be posted on the Commission's website.

2. Commission members may add additional items not included on the published agenda to the full Commission meeting agenda if a majority of the District Courts and the Chairperson approve.

## **VII. Appearances Before the Commission.**

1. The Commission shall provide any person or group a reasonable opportunity to be heard on any agenda item being considered by the Commission.

2. Individuals or representatives of any group who desire to appear before the Commission to address a subject within the Commission's jurisdiction shall submit their requests to the Chairperson of the DCABC for the matter to be included in the agenda. The Chairperson will determine whether the item will be heard and when the item will be heard. The Chairperson may place time limits on any presentation or decline to hear any matter determined to be outside the Commission's jurisdiction.

3. The Chairperson shall have the discretion during the course of a Commission meeting to recognize any individual or representatives of groups to address the Commission on items listed on the Commission's agenda.

## **VIII. Subcommittees.**

The Commission may authorize the establishment of subcommittees. Members are expected to serve on at least one subcommittee. Subcommittees may have members that are not Commission members; however, each committee shall have at least one Commission member. The Chairperson shall appoint the members of each subcommittee and the subcommittee chair. Ad Hoc subcommittees may be appointed by the Chairperson.

Subcommittee meetings may be held at the discretion of the Commission Chair or the chair of any subcommittee. If a subcommittee member misses two consecutive subcommittee meetings, the chairperson of the subcommittee may contact the member regarding the attendance. If a member misses three consecutive subcommittee meetings, the chairperson of the subcommittee may make a motion to recommend replacement of that member on the Commission and if the Commission approves, the Chairperson of the DCABC shall act accordingly.

## **IX. Appeals.**

Only the chief judge of a District Court is authorized to appeal a decision of the District Court of Appeal Budget Commission to the Florida Supreme Court. Any appeal must be made within ten (10) days of the DCABC's final decision. The Supreme Court will hear only appeals that are based on the failure of the DCABC to adhere to its operational procedures and may be taken only after exhausting all other remedies.

## **X. Budgeting Policies and Procedures.**

1. Policies and procedures governing DCABC budgeting development and administration will be developed by the Commission as necessary.

2. Policies and procedures developed and implemented by the Commission will be placed on the Commission's website.

*Date Approved by the DCABC: August 18, 2006*

*Date Approved by Supreme Court: September 28, 2006*