Monday, July 15, 2019
2:30 p.m. – 4:30 p.m.
Video Conference Meeting

AGENDA

I. Welcome and Opening Remarks
   A. Roll Call
   B. Approval of May 13, 2019, Meeting Minutes

II. FY 2018-19 Budget
   A. Salary Budget
   B. Positions Vacant over 180 Days
   C. Operating Budgets
   D. Trust Fund Cash Statement Overview

III. FY 2019-20 Budget
   A. Start-Up Salary Budget
   B. 2019-20 Budget and Pay Administration Memorandum
   C. 2nd DCA Reclassification Request

IV. Update on Classification and Compensation Study

V. FY 2020-21 Legislative Budget Request (LBR)
   A. 2nd DCA New Courthouse
   B. Unfunded Deputy Marshal Positions
   C. DCA Headquarters; Subsistence/Travel Reimbursement
   D. Judicial Compensation

VI. DCABC Operational Procedures

VII. Other Business

VIII. Future Meetings
   A. August 15, 2019 – Videoconference
   B. August 20, 2019 – Videoconference
   C. September 3, 2019 – DCA Conference-Amelia Island

IX. Adjournment
I. Welcome and Opening Remarks
Members Present
Judge Jonathan Gerber, Chair
Judge Clayton Roberts, Vice Chair
Judge Stevan Northcutt
Judge Kevin Emas
Judge Ivan Fernandez
Judge Spencer Levine
Judge Kerry Evander
Judge Richard Orfinger

Marshal Kevin Taylor
Marshal Jo Haynes
Marshal Veronica Antonoff
Marshal Daniel DiGiacomo
Marshal Charles Crawford

Members Absent
Judge Bradford Thomas
Judge Edward LaRose

Others Present
Judge Stephanie Ray, Judge Nelly Khouzam, Judge Brian Lambert, Lisa Goodner Kiel, Eric Maclure, Dorothy Willard, Beatriz Caballero, and Donna Carmack.

Special Note: It is recommended 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 1:35 p.m. Judge Gerber then asked the commission if there were any objections to the February 25, 2019, meeting minutes. Hearing none, Judge Gerber moved the minutes as approved.

Agenda Item II.: New Member Orientation
Dorothy Willard provided an overview of Supreme Court of Florida Opinion SC01-87 and Florida Rule of Judicial Administration 2.235 and their respective mandates for the creation of the DCABC and its purpose.
Ms. Willard then provided an overview of the DCABC Operational Procedures and noted the procedures were last updated in 2006. Judge Gerber asked the DCABC members to review the current procedures for revisions to be considered for approval at the next DCABC meeting.

Eric Maclure presented an overview of the Legislative Budget Process and noted due to the recent approval of Amendment 10 to the Florida Constitution, the legislative sessions for even-numbered years are required to begin in January and odd-numbered years will begin in March. As such, the Legislative Budget Request (LBR) for FY 2020-21 must be completed and submitted by September 15, 2019, in preparation of early session, scheduled to begin January 14, 2020.

Dorothy Willard then provided training for Navigating the Operating Budget at the court level via FLAIR reports, and stated that DCABC operating reports (salary, rate, and expenditure reports) are distributed by the OSCA Budget Services unit monthly that provide an overview of the statewide budget status throughout the fiscal year. Ms. Willard then explained the components of Salary Budget Management (Rate vs. Dollars) and provided an overview of how salary is managed with lapse.

**Agenda Item III.: Fiscal Year 2018-19 Budget Status**

**A. Salary Budget**
Dorothy Willard presented the Salary Budget as of April 30, 2019 and reported the adjusted liability under salary appropriation is projected at $763,915.

**B. Positions Vacant Over 180 Days**
Dorothy Willard presented the Positions Vacant over 180 Days as of April 30, 2019. Ms. Willard noted the General Appropriations Act for FY 2019-20 did not include any cuts in positions.

**C. Operating Budgets**
Dorothy Willard presented the FY 2018-19 Operating Budgets as of April 30, 2019.

**D. Trust Fund Cash Statement Overview**
Dorothy Willard presented the Administrative Trust Fund (ATF) Cash Analysis and reported the cash balance as of April 30, 2019, was ($31,239) due to the 4th quarter Worker’s Compensation payment not being receive timely, then noted the trust fund cash balance is now reflecting a positive balance.
**Agenda Item IV.: Rate Distribution of $137,700**

Judge Gerber reported approval of the rate distribution was received from Chief Justice Canady, with restrictions, then requested Lisa Goodner Kiel provide an overview of the approval.

Ms. Kiel reported that historically, the supreme and appellate courts have applied years of experience, performance, and the market as levels of consideration when discussing staff pay and noted these considerations should continue, along with good judgement and available budget, when distributing rate increases. However, for Judicial Assistants and Marshals, the chief justice would like to ensure that rate distributions do not result in a rate of pay at or above the Supreme Court approved rate. Judge Gerber stated to bring these two class titles to the rate approved by the Supreme Court would utilize approximately $24,000 of the approved $137,700 distribution. Ms. Kiel then conveyed the court is amicable to a final rate distribution prior to fiscal year-end should the Salary Budget Committee (SBC) determine there are enough funds available to support that action. Judge Gerber then welcomed discussion.

Judge Orfinger moved to include Clerks and Marshals in the $137,700 rate distribution, then request another rate distribution prior to year-end that would include any Judicial Assistants. Judge Roberts seconded the motion. With no objections, Judge Gerber moved the motion as unanimously approved and requested each court submit their distribution request by COB Monday, May 20, 2019, to ensure the rate distribution is reflected in May’s pay.

Judge Gerber then stated that he will ask for another rate distribution to be distributed prior to the June 18, 2019 payroll deadline based on recommendations received by the SBC.

**Agenda Item V.: FY 2019-20 Budget and Pay Memo**

Judge Gerber thanked Judge Roberts, Judge Northcutt, Judge Orfinger, the marshal’s, Lisa, Eric, and Dorothy for their efforts in preparing a budget and pay memo for next fiscal year, then asked Eric Maclure to provide an update to the commission.

Mr. Maclure reported that all that remains of this task is to codify parameters and clarify the statewide salary vs. the amount that will be allocated to each court for Chief Judge Rate Distributions. Judge Northcutt added that the SBC is hoping to have the FY 2019-20 Budget and Pay Memo finalized prior to June 30, 2019.

Judge Gerber then provided an explanation of the Budget and Pay Memo and its guidelines to the incoming DCABC members.
Agenda Item VI.: FY 2019-20 Legislative Update

Judge Gerber asked Judge Roberts to provide an update to the commission. Judge Roberts reported the approval of the pay plan and the 5th DCA hurricane windows, noting that the Governor’s vetoes are not yet known, and then reported the 2nd DCA courthouse was not funded and the LBR for Reimbursement for Judges Residing More than 50 Miles from Headquarter was previously deferred for submission as a FY 2020-21 LBR. Judge Roberts also reported legislative approval of the jurisdictional increase in county and circuit cases (sunsets January 1, 2023) and noted the workload change may impact the appellate courts.

A. Classification Salary Adjustment Recommendations

Judge Gerber asked Lisa Kiel to provide parameters of the recently approved Classification and Pay Study. Ms. Kiel reported that proviso language requires the funds be allocated proportionately and efforts are underway to update current class codes with the assistance of employees via updated job descriptions. Appellate courts are being represented by Daniel DiGiacomo, Fourth DCA Marshal, in this endeavor. Ms. Kiel noted the vendor’s final report should be complete by July 8, 2019 and LBR issues are currently due to the OSCA by July 15, 2019.

Judge Gerber reiterated there is minimal turnaround time for the DCABC to agree or disagree with the vendor’s report. Judge Northcutt asked for clarification regarding the adjustment of class titles/pay and the distribution determination. Ms. Kiel said we would receive one report from the vendor and it would be easiest to address both those issues at once, but it is unknown at this time how those decisions will be made. Ms. Kiel reported the Supreme Court will consider the distribution recommendations at the August 15, 2019, court conference.

Agenda Item VII.: Fiscal Year 2020-21 LBRs

A. Timeline

Dorothy Willard reviewed the LBR timeline for FY 20-21, noting the date of submission to the Legislature will be September 13 or 16, 2019, and noted technical instructions will be distributed May 15, 2019.

B. Discussion of Potential LBRs

- 2nd DCA Courthouse: Judge Gerber reported that Judge Khouzam will be reviewing the 2019-20 LBR submission for any revisions needed.
• Travel Reimbursements for District Court Judges Residing More than 50 Miles from District Court Headquarters: Judge Gerber stated this submission will be comparable to the FY 2019-20 LBR submitted for the Supreme Court.
• Unfunded Deputy Marshal Positions (7.0): Judge Gerber stated this issue may be readdressed if the Classification and Pay Study is unable to address and fix this issue.

**Agenda Item VIII.: Other Business**
Judge Gerber stated the current DCABC Operational Procedures do not address email voting, which is currently being utilized by the commission; therefore, he will edit the procedures to include email as a voting tool and submit to the commission for consideration of approval.

**Agenda Item IX.: Next Videoconference – July 15 or 16**
Judge Gerber stated Dorothy Willard will distribute an availability poll this week to determine the date and time for the next DCABC videoconference meeting, which will be held July 15 or July 16.

**Agenda Item X.: Adjournment**
With no other business before the commission, the meeting was adjourned at 3:58 p.m.
II. FY 2018-19 Budget
**Agenda Item II.A.: Salary Budget**

**FY 2018-19 District Courts of Appeal Salary Budget**

**June 2019**

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Projected Full Employment Payroll Liability through June 30, 2019</td>
<td>44,551,788</td>
</tr>
<tr>
<td>2</td>
<td>DROP Liability through June 30, 2019</td>
<td>0</td>
</tr>
<tr>
<td>3</td>
<td>Law Clerk Below Minimum Pay Plan Liability through June 30, 2019</td>
<td>0</td>
</tr>
<tr>
<td>4</td>
<td>Law Clerk Incentives Pay Plan Liability through June 30, 2019</td>
<td>0</td>
</tr>
<tr>
<td>5</td>
<td>Overtime Liability through June 30, 2019</td>
<td>0</td>
</tr>
<tr>
<td>6</td>
<td>Total Projected Payroll Liability through June 30, 2019</td>
<td>44,551,788</td>
</tr>
<tr>
<td>7</td>
<td>Salary Appropriation</td>
<td>(44,280,219)</td>
</tr>
<tr>
<td>8</td>
<td>Projected Liability OVER/(UNDER) Salary Appropriation @ Full Employment</td>
<td>271,569</td>
</tr>
<tr>
<td>9</td>
<td>Actual Payroll Adjustments through June 30, 2019</td>
<td>(1,319,808)</td>
</tr>
<tr>
<td>10</td>
<td>Adjusted Liability OVER/(UNDER) Salary Appropriation @ Full Employment</td>
<td>(1,048,239)</td>
</tr>
<tr>
<td>11</td>
<td>Remaining Leave Payouts</td>
<td>0</td>
</tr>
<tr>
<td>12</td>
<td><strong>FINAL - Adjusted Liability OVER/(UNDER) Salary Appropriation @ Full Employment</strong></td>
<td>(1,048,239)</td>
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## Agenda Item II.B.: Positions Vacant Over 180 Days as of July 8, 2019

<table>
<thead>
<tr>
<th>DISTRICT COURT</th>
<th>COST CENTER</th>
<th>Cost Center Name</th>
<th>Position Number</th>
<th>Class Title</th>
<th>FTE</th>
<th># of Days Vacant</th>
<th>Date Position Vacant</th>
<th>Base Rate</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>111</td>
<td>Judicial Administration</td>
<td>004397</td>
<td>Judicial Assistant</td>
<td>1.00</td>
<td>357</td>
<td>07/16/18</td>
<td>35,868.36</td>
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<tr>
<td>1</td>
<td>111</td>
<td>Judicial Administration</td>
<td>008685</td>
<td>Judicial Assistant</td>
<td>1.00</td>
<td>355</td>
<td>07/18/18</td>
<td>35,868.36</td>
</tr>
<tr>
<td>2</td>
<td>115</td>
<td>Facility Maint &amp; Mgmt</td>
<td>001659</td>
<td>Custodial Supervisor</td>
<td>1.00</td>
<td>249</td>
<td>11/01/18</td>
<td>24,346.44</td>
</tr>
<tr>
<td>3</td>
<td>112</td>
<td>Law Clerks &amp; Central Staff</td>
<td>001664</td>
<td>Law Clerk</td>
<td>1.00</td>
<td>205</td>
<td>12/15/18</td>
<td>45,817.20</td>
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<tr>
<td>*</td>
<td>000</td>
<td>Reserve</td>
<td>000079</td>
<td>Custodial Worker</td>
<td>0.50</td>
<td>0</td>
<td>00/00/00</td>
<td>10,841.04</td>
</tr>
<tr>
<td>*</td>
<td>000</td>
<td>Reserve</td>
<td>004395</td>
<td>Administrative Secretary I</td>
<td>1.00</td>
<td>0</td>
<td>00/00/00</td>
<td>27,819.84</td>
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<tr>
<td>*</td>
<td>000</td>
<td>Reserve</td>
<td>011839</td>
<td>Deputy Marshal-District Court</td>
<td>1.00</td>
<td>0</td>
<td>00/00/00</td>
<td>35,903.36</td>
</tr>
<tr>
<td>*</td>
<td>000</td>
<td>Reserve</td>
<td>011924</td>
<td>Deputy Marshal-District Court</td>
<td>1.00</td>
<td>0</td>
<td>00/00/00</td>
<td>35,903.36</td>
</tr>
<tr>
<td>*</td>
<td>000</td>
<td>Reserve</td>
<td>011927</td>
<td>Deputy Marshal-District Court</td>
<td>1.00</td>
<td>0</td>
<td>00/00/00</td>
<td>35,903.36</td>
</tr>
<tr>
<td>*</td>
<td>000</td>
<td>Reserve</td>
<td>011928</td>
<td>Deputy Marshal-District Court</td>
<td>1.00</td>
<td>0</td>
<td>00/00/00</td>
<td>35,903.36</td>
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<tr>
<td>*</td>
<td>000</td>
<td>Reserve</td>
<td>011929</td>
<td>Deputy Marshal-District Court</td>
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<td>*</td>
<td>000</td>
<td>Reserve</td>
<td>011931</td>
<td>Deputy Marshal-District Court</td>
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<td>0</td>
<td>00/00/00</td>
<td>35,903.36</td>
</tr>
<tr>
<td>*</td>
<td>000</td>
<td>Reserve</td>
<td>011932</td>
<td>Deputy Marshal-District Court</td>
<td>0.50</td>
<td>0</td>
<td>00/00/00</td>
<td>17,951.68</td>
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</tbody>
</table>

* Note: There is no funding associated with these positions.
The data below represents the status of the FY 2018-19 operating budget as of June 30, 2019.

### General Revenue Fund

<table>
<thead>
<tr>
<th>Category</th>
<th>District</th>
<th>Appropriation</th>
<th>Expended / Encumbered</th>
<th>Remaining Balance</th>
<th>% Expended</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1st</td>
<td>24,809</td>
<td>6,645</td>
<td>18,164</td>
<td>26.78%</td>
</tr>
<tr>
<td></td>
<td>2nd</td>
<td>14,560</td>
<td>8,661</td>
<td>5,899</td>
<td>59.48%</td>
</tr>
<tr>
<td></td>
<td>3rd</td>
<td>3,644</td>
<td>3,643</td>
<td>1</td>
<td>99.97%</td>
</tr>
<tr>
<td></td>
<td>4th</td>
<td>34,793</td>
<td>33,013</td>
<td>1,780</td>
<td>94.88%</td>
</tr>
<tr>
<td></td>
<td>5th</td>
<td>62,439</td>
<td>49,716</td>
<td>12,723</td>
<td>79.62%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>140,245</strong></td>
<td><strong>101,677</strong></td>
<td><strong>38,568</strong></td>
<td><strong>72.50%</strong></td>
</tr>
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</table>

### Expenses

<table>
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<tr>
<th>District</th>
<th>Appropriation</th>
<th>Expended / Encumbered</th>
<th>Remaining Balance</th>
<th>% Expended</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st</td>
<td>1,425,124</td>
<td>1,403,319</td>
<td>21,805</td>
<td>98.47%</td>
</tr>
<tr>
<td>2nd</td>
<td>1,088,341</td>
<td>1,084,880</td>
<td>3,461</td>
<td>99.68%</td>
</tr>
<tr>
<td>3rd</td>
<td>239,033</td>
<td>229,245</td>
<td>9,788</td>
<td>95.91%</td>
</tr>
<tr>
<td>4th</td>
<td>261,223</td>
<td>250,230</td>
<td>10,993</td>
<td>95.79%</td>
</tr>
<tr>
<td>5th</td>
<td>261,386</td>
<td>252,135</td>
<td>9,251</td>
<td>96.46%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>3,275,107</strong></td>
<td><strong>3,219,809</strong></td>
<td><strong>55,298</strong></td>
<td><strong>98.31%</strong></td>
</tr>
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</table>

### Operating Capital Outlay

<table>
<thead>
<tr>
<th>District</th>
<th>Appropriation</th>
<th>Expended / Encumbered</th>
<th>Remaining Balance</th>
<th>% Expended</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st</td>
<td>4,082</td>
<td>1,625</td>
<td>2,457</td>
<td>39.81%</td>
</tr>
<tr>
<td>2nd</td>
<td>45,648</td>
<td>45,646</td>
<td>2</td>
<td>100.00%</td>
</tr>
<tr>
<td>3rd</td>
<td>20,589</td>
<td>18,333</td>
<td>2,256</td>
<td>89.04%</td>
</tr>
<tr>
<td>4th</td>
<td>41,509</td>
<td>41,509</td>
<td>0</td>
<td>100.00%</td>
</tr>
<tr>
<td>5th</td>
<td>10,417</td>
<td>9,021</td>
<td>1,396</td>
<td>86.60%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>122,245</strong></td>
<td><strong>116,134</strong></td>
<td><strong>6,111</strong></td>
<td><strong>95.00%</strong></td>
</tr>
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</table>

### Senior Judge Days

<table>
<thead>
<tr>
<th>District</th>
<th>Appropriation</th>
<th>Expended / Encumbered</th>
<th>Remaining Balance</th>
<th>% Expended</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st</td>
<td>7,700</td>
<td>0</td>
<td>7,700</td>
<td>0.00%</td>
</tr>
<tr>
<td>2nd</td>
<td>8,261</td>
<td>6,848</td>
<td>1,413</td>
<td>82.89%</td>
</tr>
<tr>
<td>3rd</td>
<td>3,424</td>
<td>3,424</td>
<td>0</td>
<td>100.00%</td>
</tr>
<tr>
<td>4th</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0.00%</td>
</tr>
<tr>
<td>5th</td>
<td>9,011</td>
<td>6,087</td>
<td>2,924</td>
<td>67.55%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>28,396</strong></td>
<td><strong>16,359</strong></td>
<td><strong>12,037</strong></td>
<td><strong>57.61%</strong></td>
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## Agenda Item II.C.: Operating Budgets

The data below represents the status of the FY 2018-19 operating budget as of June 30, 2019.

### General Revenue Fund

<table>
<thead>
<tr>
<th>Category</th>
<th>District</th>
<th>Appropriation</th>
<th>Expended / Encumbered</th>
<th>Remaining Balance</th>
<th>% Expended</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Contracted Services</strong></td>
<td>1st</td>
<td>79,385</td>
<td>26,472</td>
<td>52,913</td>
<td>33.35%</td>
</tr>
<tr>
<td></td>
<td>2nd</td>
<td>232,496</td>
<td>227,539</td>
<td>4,957</td>
<td>97.87%</td>
</tr>
<tr>
<td></td>
<td>3rd</td>
<td>270,088</td>
<td>269,877</td>
<td>211</td>
<td>99.92%</td>
</tr>
<tr>
<td></td>
<td>4th</td>
<td>174,464</td>
<td>170,093</td>
<td>4,371</td>
<td>97.49%</td>
</tr>
<tr>
<td></td>
<td>5th</td>
<td>77,562</td>
<td>70,036</td>
<td>7,526</td>
<td>90.30%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td>833,995</td>
<td>764,016</td>
<td>69,979</td>
<td>91.61%</td>
</tr>
</tbody>
</table>

| **DCA Law Library**       | 1st      | 86,641        | 51,722                | 34,919            | 59.70%     |
|                           | 2nd      | 34,977        | 32,062                | 2,915             | 91.67%     |
|                           | 3rd      | 8,601         | 8,601                 | 0                 | 100.00%    |
|                           | 4th      | 0             | 0                     | 0                 | 0.00%      |
|                           | 5th      | 15,705        | 15,003                | 702               | 95.53%     |
| **TOTAL**                 |          | 145,924       | 107,388               | 38,536            | 73.59%     |

| **Lease/Lease Purchase**  | 1st      | 16,895        | 13,301                | 3,594             | 78.73%     |
|                           | 2nd      | 14,853        | 14,442                | 411               | 97.23%     |
|                           | 3rd      | 3,887         | 3,461                 | 426               | 89.03%     |
|                           | 4th      | 4,586         | 4,586                 | 0                 | 99.99%     |
|                           | 5th      | 12,446        | 8,838                 | 3,608             | 71.01%     |
| **TOTAL**                 |          | 52,667        | 44,628                | 8,039             | 84.74%     |

### Administrative Trust Fund

<table>
<thead>
<tr>
<th>Category</th>
<th>Appropriation</th>
<th>Expended / Encumbered</th>
<th>Remaining Balance</th>
<th>% Expended</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenses</td>
<td>94,669</td>
<td>52,310</td>
<td>42,359</td>
<td>55.26%</td>
</tr>
<tr>
<td>Operating Capital Outlay</td>
<td>27,000</td>
<td>12,020</td>
<td>14,980</td>
<td>44.52%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>121,669</td>
<td>64,329</td>
<td>57,340</td>
<td>52.87%</td>
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</table>
## Agenda Item II.D.: Trust Fund Cash Statement Overview

**ADMINISTRATIVE TRUST FUND**

**FY 2018-19 Cash Statement**

*As of June 30, 2019*

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>FY 2018-19</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Beginning Balance July 1, 2018</td>
<td>5,835</td>
</tr>
<tr>
<td>2</td>
<td>Revenues Received</td>
<td>1,904,211</td>
</tr>
<tr>
<td>3</td>
<td>Expenditures</td>
<td>(1,739,625)</td>
</tr>
<tr>
<td>4</td>
<td>Cash Balance as of June 30, 2019</td>
<td>170,421</td>
</tr>
</tbody>
</table>
III. FY 2019-20 Budget
Agenda Item III.A.: Start-Up Salary Budget

FY 2019-20 District Courts of Appeal Salary Budget

START-UP

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Projected Full Employment Payroll Liability through June 30, 2020¹</td>
<td>45,297,229</td>
</tr>
<tr>
<td>2</td>
<td>Projected DROP Liability through June 30, 2020²</td>
<td>39,128</td>
</tr>
<tr>
<td>3</td>
<td>Projected Law Clerk Below Minimum Pay Plan Liability through June 30, 2020</td>
<td>27,857</td>
</tr>
<tr>
<td>4</td>
<td>Projected Law Clerk Incentives Pay Plan Liability through June 30, 2020</td>
<td>144,566</td>
</tr>
<tr>
<td>5</td>
<td>Projected Overtime Liability through June 30, 2020 (Based on GR two year average and SCRTF three year average)</td>
<td>14,217</td>
</tr>
<tr>
<td>6</td>
<td>Total Projected Payroll Liability through June 30, 2020</td>
<td>45,522,997</td>
</tr>
<tr>
<td>7</td>
<td>Estimated Salary Appropriation</td>
<td>(44,920,880)</td>
</tr>
<tr>
<td>8</td>
<td>Projected Liability OVER/(UNDER) Salary Appropriation @ Full Employment</td>
<td>602,117</td>
</tr>
<tr>
<td>9</td>
<td>Projected Leave Payouts through June 30, 2020 (Based on GR/SCRTF two year average and ATF three year average)</td>
<td>92,808</td>
</tr>
<tr>
<td>10</td>
<td>FINAL - Adjusted Liability OVER/(UNDER) Salary Appropriation @ Full Employment</td>
<td>694,925</td>
</tr>
</tbody>
</table>

¹Projected Full Employment Payroll Liability has been adjusted to remove the 8.0 unfunded FTE.

²Projected DROP Liability for all participants was $365,486. The DROP Liability has been reduced by ($326,358), removing the participants reported to stay throughout the fiscal year. Please note the additional liability of $326,358 will be incurred in the fiscal year that the participants exit the Judicial Branch and may increase/decrease annually as employer costs are adjusted by the Legislature.
III.B. 2019-20 Budget and Pay Administration Memorandum
District Court of Appeal Budget Commission
July 15, 2019
Video Conference

Agenda Item III.B.: 2019-20 Budget and Pay Administration Memorandum

Issue

Annually the chief justice signs budget and pay administration memoranda for the district courts of appeal and the trial courts. The memoranda provide salary and other budget-management policies and procedures for the given fiscal year. The memoranda have served as a tool to help manage the district court and trial court budgets based on known or anticipated conditions in that particular fiscal year.

The memoranda sometimes prescribe salary or other personnel-action policies that are more restrictive than those authorized in the State Courts System’s Personnel Regulations Manual. For example, based on the health of the salary budget, a budget and pay memorandum may require positions to be held vacant for a specified period in order to generate salary lapse and thereby help manage a deficit. Although the Personnel Regulations Manual establishes conditions under which employees may be hired above the minimum pay for the position, a budget and pay memorandum may specify that positions shall be filled at the minimum absent extraordinary circumstances.

Each year the budget commissions make recommendations to the chief justice regarding the content of the memoranda. The District Court of Appeal Budget Commission (DCABC) recommended substantial revisions to the district court memorandum for fiscal year (FY) 2018-19. In recent fiscal years, as the district court salary budget has enabled, the DCABC has recommended distribution of rate among the district courts. The DCABC has established a salary committee that regularly monitors the salary budget and recommends actions to the DCABC. The DCABC proposed establishing a more expedited process for periodic distribution of rate throughout the fiscal year, based on its continual monitoring of the salary budget, without the steps of confirmation of salary appropriation and approval of a rate distribution plan by the chief justice, as is currently required under the FY 2017-18 memorandum. The DCABC’s recommendations for the FY 2018-19 memorandum reflected this approach. In addition, some of the recommendations proposed relaxing more restrictive policies and aligning policies more closely with those in the Personnel Regulations Manual.

In February 2019, Chief Justice Charles Canady, in a letter to Chief Judge Jonathan Gerber, DCABC chair, noted that the changes proposed by the DCABC were significant and raised a number of important considerations. He asked staff of the Office of the State Courts Administrator (OSCA) to work with the DCABC to better understand the underlying issues and the proposed substantive and procedural solutions. Chief Justice Canady noted that, in the meantime, the district courts would continue to operate under the FY 2017-18 memorandum.
In response, Chief Judge Gerber formed a budget and pay memorandum workgroup comprised of Judge Stevan Northcutt, Judge Richard Orfinger, the district court marshals, Interim State Courts Administrator Lisa Kiel, and OSCA staff. Chief Judge Gerber and Judge Clay Roberts, DCABC vice chair, also participated in meetings of the workgroup.

While the workgroup was engaged in a series of discussions and exchanges of draft language beginning in March 2019, the DCABC pursued additional rate distributions. As an alternative to requiring submission and review of a detailed plan with proposed rate changes for each affected position, Chief Justice Canady prescribed the following parameters in approving rate distributions in spring 2019:

- A district court judicial assistant position may not receive a rate increase that would result in a rate of pay at or above $59,478, which is the rate for a Supreme Court judicial assistant.
- District court marshals may not receive a rate increase that would result in a rate of pay above $119,500, which will maintain a difference of at least 2.5% between the rate for the Supreme Court Marshal and the rate for the district court marshals.

The workgroup is submitting for the DCABC’s consideration proposed FY 2019-20 budget and pay memorandum language. If approved by the DCABC, the proposed memorandum language would be submitted to Chief Justice Canady as a recommendation from the DCABC. Attached is the proposed language with the changes indicated in legislative format (Attachment A).

Among some of the proposed revisions to the existing memorandum are:

- Further prescribing the salary-management responsibilities of the DCABC;
- Providing for the state courts administrator to inform the DCABC chair if any actions could cause the district courts to exceed their rate or salary appropriation;
- Providing for the DCABC to make rate allocations to the individual courts, subject to verification by the state courts administrator of available rate and salary appropriation;
- Prescribing personnel actions for which chief judges must use rate allocated by the DCABC, as distinct from those actions that will be funded as part of collective salary management;
- Relaxing more restrictive policies and aligning policies more closely with those in the Personnel Regulations Manual; and
- Providing for the effective date of salary changes.

The attached language also addresses technical and substantive changes to the travel provisions of the memorandum suggested by OSCA staff.¹

¹ Not reflected in the attached document is language OSCA staff is drafting for potential inclusion in the budget and pay memorandum, relating to the approval process for paying membership dues in organizations. Section 215.345, F.S., requires approval by the head of the state agency or the judicial branch, or the designated agent thereof, to use state funds for paying membership dues. The Department of Financial Services is requiring submission of supporting documentation as part of a request to the department for advance approval to pay membership dues. In addition, revisions may be necessary to the travel provisions to reflect any changes in state or judicial branch travel policies or practices.
Also attached are documents that show how key provisions changed through the workgroup process from what the DCABC originally approved in August 2018 – an engrossed version (Attachment B) and a redline/marked up version (Attachment C).

In discussing allocation of FTE and targeted rate adjustments, the proposed budget and pay administration language references the guiding principles adopted by the DCABC and contemplates attachment of the principles to the memorandum. A copy of the guiding principles is attached for reference (Attachment D).

**Decision Needed**

Option 1: Approve submission of the attached FY 2019-20 budget and pay memorandum language as a recommendation to Chief Justice Canady. The submission letter from the DCABC chair would acknowledge that the Chief Justice has previously indicated his intent to add provisions addressing the judicial assistant and marshal salary parameters noted above, as well as other provisions, which are not part of the DCABC’s recommendation. **Note:** The language drafted by the workgroup may necessitate adjustment for format, style, and other technical changes. Therefore, this option includes staff latitude to make non-substantive revisions before the document is submitted to the Chief Justice, as well as any revisions as noted in footnote 1.

Option 2: Although the DCABC adopted its clerk/marshal salary equalization policy in 2014, if the Chief Justice adds limiting language as to the marshals’ salary the result will indirectly link the district court clerks’ salaries to the salary of the Supreme Court’s marshal. Approve Option 1 but amend paragraph A.4. regarding marshal and clerk pay:

A.4. **The salaries of the clerks of the district courts shall be equalized among themselves, and the salaries of the marshal of the district courts shall be equalized among themselves.**

Option 3: Do not approve and consider an alternative.
MEMORANDUM

TO: Chief Judges of the District Courts of Appeal
    Marshals

FROM: Chief Justice Charles T. Canady

DATE: July XX, 2019

SUBJECT: Budget and Pay Administration for Fiscal Year 2019-20

I have established the following budget and pay administration policies for the current fiscal year, consistent with the recommendations of the District Court of Appeal Budget Commission (DCABC) and also addressing other issues. Changes from the prior year’s memo are in legislative format.

A. Salary Budget Management

1. The DCABC shall continue to monitor the salary budget and impose such restrictions as necessary to cover payroll costs through the end of the fiscal year. The state courts administrator shall inform the chair of the DCABC if any action(s) authorized by this memorandum could cause the district courts to exceed their rate or salary appropriation.

2. The DCABC shall manage collectively and on a statewide basis rate and salary dollars necessary to equitably meet the salary needs of each district, including but not limited to:
   a. Law clerk appointment, incentive adjustments, and promotional increases in accordance with the policies outlined in the Appellate Court Law Clerk Pay Plan, a current copy of which is found in Attachment I.
b. Allocation of FTE and targeted rate adjustments supported by the Guiding Principles adopted by the DCABC, a current copy of which is found in Attachment XX;

c. Positions approved for reclassification, lead worker or administrative worker;

d. Promotional increases, overtime, leave payout, overlap costs; and

e. Approved chief judge exception requests under paragraph B, “Personnel Actions.”

3. Subject to available rate and salary appropriation, which has been verified by the state courts administrator, the DCABC may approve a rate allocation to the individual district courts for use by the chief judges as authorized under paragraph B, “Personnel Actions.” When it is anticipated that allocations for a district court will not be used by June 30, the DCABC will assess the health of the salary budget and determine whether to re-purpose the funds, allow the allocation to carry forward, or revert for statewide management.

4. The pay rate of the district court clerks and marshals shall be equalized. No clerk or marshal will be eligible to receive a salary increase unless the District Court of Appeal Budget Commission approves an equal increase for all clerks and marshals of the district courts.

**AB.** Personnel Actions

1. Other than regulations limited by these “Personnel Actions” policies and procedures and the sharing of sick leave donations across the district courts, all regulations in the State Courts System Personnel Regulations Manual (https://intranet.flcourts.org/osca/personnel/bin/personnel_regulationsmanual.pdf) remain in effect. Where authority is reserved for the chief justice or his or her designee in the Personnel Regulations Manual, the DCABC is the “designee” unless otherwise noted below. All requests requiring DCABC approval or requesting an exception to these “personnel actions” should be e-mailed to the chair of the DCABC with copies to the state courts administrator.

1. Court Staff Salaries

a. The salaries of the clerks of the district courts shall be equalized among themselves, and the salaries of the marshals of the district courts shall be equalized among themselves. The starting salary for the clerk is $117,483 and for the marshal $114,878.64. Effective October 1, 2017, the starting salary for
the clerk is $118,483.08 and for the marshal $115,878.72. No clerk or marshal of a district court will be eligible to receive a special pay increase, or salary rate allocation, unless the District Court of Appeal Budget Commission recommends an equal increase for all clerks and/or marshals of the district courts to the Supreme Court for final approval.

b. Effective October 1, 2017, eligible employees with a base rate of pay is $40,000 or less on September 30, 2017, will receive an annual increase of $1,400.

Effective October 1, 2017, eligible employees with a base rate of pay greater than $40,000 on September 30, 2017 will receive an annual increase of $1,000; provided however, in no instance may an employee’s rate of pay be increased to annual amount less than $41,400.

2. Judicial Salaries

Effective July 1, 2017, a district court judge’s salary is $154,140.

Effective October 1, 2017, a district court judge’s salary is $169,554.

2. Original Employment Rates

a. Original employment rates up to ten percent over the minimum of the class pay range may be approved by the chief judge when the candidate is exceptionally qualified as a prescribed in regulation 7.02-1 and the additional rate is within a district’s available rate allocation as established by the DCABC.

b. If the chief judge documents that a position has been advertised no fewer than two times and that neither no applicant met the qualifications or that no qualified applicant would accept the position at the minimum salary, the chief judge may advertise and approve an appointment up to ten percent over the minimum of the class pay range.

c. In order to maintain equity with the circuit judicial assistant positions in the first, second and fifth districts, appointment rates above the minimum are authorized for 1500, 3600, and 3000, respectively.

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*"Eligible" employees refer to employees who are, at a minimum, meeting their required performance standards, if applicable. Employees classified as being other personnel services (OPS) employees are not eligible for an increase. For the State Courts System, employees who are not working under a Performance Improvement Plan are assumed to be meeting their required performance standards.*
3. Special Pay Increases. Individual special pay increases up to ten percent may be approved by the chief judge pursuant to regulation 7.03-4 when the rate is within a district’s rate allocation as established by the DCABC. Individual increases over ten percent must be approved by the chief justice.

4. Attorney Increases. One-year incentive adjustments and promotional increases to senior law clerk or career attorney made at the discretion of the employing judge and chief judge shall be consistent with the Appellate Court Law Clerk Pay Plan.

5. Acting Managerial Appointments. An employee appointed as “acting” clerk, marshal or director of central staff for two months or more is eligible for a ten percent (10%) pay increase. If the appointment period exceeds six months and the employee meets the minimum qualifications of the position, the chief judge may request that the DCABC increase the employee’s pay for an amount up to the minimum of the class for the period the employee serves in an acting managerial capacity.

6. Overlap in Position. Overlap in Position pursuant to regulation 7.10, including overlap for periods longer than the periods specified in this regulation, may be approved by the DCABC, upon a determination that sufficient salary dollars are available, and the overlap period is necessary to avoid disruption or for the efficient operation of the district.

7. Effective Date of Salary Changes.
   a. The effective date for special pay increases authorized by the chief judge may not be prior to the first day of the month that a Personnel Action Request (PAR) can be processed on the regular monthly payroll.
   b. The DCABC shall determine the effective date for actions requiring DCABC approval. The DCABC may approve retroactive salary increases. However, retroactivity may not be more than two pay periods, and in no instance shall the effective date be earlier than the date of the request.

8. Position Class and Lead/Administrative Worker Designations. Subject to the state courts administrator’s determination of proper classification or lead worker or administrative designation, the DCABC must approve the funding for:
   a. reclassification requests that will result in a rate increase of ten percent or more over the original classification; and
b. upward pay adjustments for positions designated as lead-worker or administrative worker.

3. Salary Budget Management

a. It does not appear to be necessary to hold positions vacant in the district courts at this time. However, an included employee under the Fair Labor Standards Act should not work overtime without advance approval from his or her supervisor. The District Court of Appeal Budget Commission will monitor the salary budget and impose such restrictions as necessary in order to cover payroll costs through the end of the fiscal year.

b. Subject to available rate and salary appropriation, as confirmed by the Chief Justice, a rate distribution may be made during FY 2017–18.

i. A rate distribution plan shall be submitted by the DCABC to the Chief Justice for approval prior to implementation of a rate distribution to ensure equity between the Districts and Supreme Court positions.

ii. Distribution to the district courts will be based on the total number of eligible FTE in each district (less judges) unless otherwise directed by the DCABC.

iii. Individual salary increases may not exceed 10 percent.

iv. The effective date of actions may begin the first day of the month following the Chief Justice’s confirmation of available rate and salary appropriation and approval of a rate distribution plan. A Personnel Action Request (PAR) for all rate distribution actions must be submitted to the OSCA Personnel Office for processing on the next available monthly payroll. No retroactive salary increases are permitted.

v. When it is anticipated that allocations for a district court will not be used by June 30, 2019 June 30, 2018, the DCABC will assess the health of the salary budget and determine whether to re-purpose the funds or let the funds revert for statewide budget management.

vi. Outside of any rate distribution, no special pay increases are permitted. The chief judge may request an exception from the DCABC. These requests should be sent to the Chair of the DCABC with copies to the State Courts Administrator.

4. Other Personnel Actions
a. Initial appointment rates must be at the minimum of the class pay range. The chief judge may request an exception from the DCABC. These requests should be sent to the Chair of the DCABC with copies to the State Courts Administrator. If the chief judge provides documentation to the State Courts Administrator that the affected position has been advertised no fewer than two times and that either no applicant met the qualifications or that no qualified applicant would accept the position at the minimum salary, appointment up to 10% above the minimum salary is summarily approved.

b. Upon promotion, an employee’s salary shall be increased to the minimum of the class to which the employee is being promoted. However, if that increase is less than five percent (5%), the chief judge or his/her designee may approve a promotional increase for an employee of up to five percent (5%) of the employee’s salary prior to promotion, provided such an increase will not place the employee’s salary above the maximum for the new range. The chief judge may request an exception by the DCABC. These requests should be sent to the Chair of the DCABC with copies to the State Courts Administrator.

9. Regarding Donation of Sick Leave, SCS State Courts Personnel Regulations section 4.09(3)(B): In the case of the district courts of appeal, the chief judge of the employee’s court may notify the chief judges of the other district courts of appeal of the request for donations. Any chief judge of a district court of appeal may inform the employees of his or her respective court of the request for donations.

5. Law clerk appointment rates are to be made in accordance with the policies outlined in the Appellate Law Clerk Pay Plan. Any incentive adjustments and promotional increases made at the discretion of the employing judge and chief judge, shall be consistent with the Appellate Court Law Clerk Pay Plan, a current copy of which is found in Attachment I. No special pay increases are permitted. The chief judge may request an exception from the DCABC. These requests should be sent to the Chair of the DCABC with copies to the State Courts Administrator.

6. Overlap of positions in accordance with the State Courts System Personnel Regulations may be approved by the DCABC upon determination that sufficient salary dollars are available and the overlap is necessary to avoid disruption in efficient operation of the district. These requests should be sent to the Chair of the DCABC with copies to the State Courts Administrator.

7. Positions approved for upward reclassifications are limited to those reclassifications which result in a salary increase of ten percent (10%) or less over the original
classification. If a position is reclassified within these limitations, the chief judge may approve a promotional increase for the incumbent not to exceed five percent (5%) of the employee’s current salary or to the minimum of the new class, whichever is greater, provided such an increase will not place the employee’s salary above the maximum for the new range. The chief may request an exception by the DCABC. These requests should be sent to the Chair of the DCABC with copies to the State Courts Administrator.

8. An employee who is selected for an acting appointment in a managerial position, i.e., Marshal, Clerk, or Director of Central Staff, is eligible for a five percent (5%) pay increase or the amount necessary to bring the employee’s pay to the minimum of the higher class, whichever amount is lower, for the period of time the employee is in an acting managerial capacity, provided the employee has completed two months of service in the acting capacity.

9. Other Personal Services (OPS) funds are authorized this fiscal year to meet temporary employment needs of the districts.

a. If it is determined that adjustments are needed to your OPS category funding via a transfer from another operating category, please complete the budget amendment form outlined in Section B.1. below.

b. Hourly rates above the minimum must include justification.

C. Budget Administration

1. Budget Category Adjustments

Section 216.181, Florida Statutes, requires that all budget amendments from the judicial branch must be requested only through the Chief Justice and must be approved by the Chief Justice and the Legislative Budget Commission. If it is determined, after reviewing your operating budgets that you need adjustments from one operating budget category to another, please complete the transfer form (in hard-copy or by e-mail) and send it to Dorothy Willard, Chief of Budget Services, so that appropriate budget amendments can be processed. Attachment II provides instructions and the form for this purpose.

D. Fixed Capital Outlay (FCO) Projects and Administration

District Court Fixed Capital Outlay Projects and Administration of In re: District Court Fixed Capital Projects, No. AOSC11-3 (Fla. Jan 14, 2011), provides for the
oversight and monitoring of district court courthouse construction projects. See Attachment III for policy guidelines.

E. Authorized Travel

1. Mission Critical Determination; Approval Authority and Requirements

   a. Section 111, SB 2502 57, SB 2502, Chapter 2019-116 2017-74, Laws of Florida, provides that “the funds appropriated to each state agency which may be used for travel by state employees are limited during the 2019-2020 2017-2018 fiscal year to travel for activities that are critical to each state agency’s mission.” Consistent with guidance memorandum No. 2, 2019-2020 No. 3, 2017-2018 from the Department of Financial Services, this budget and pay administration memorandum sets forth my initial determination of the types of activities that I deem mission critical for the State Courts System and that may, consistent with this memorandum, necessitate travel by state employees:

      i. Activities related to the adjudication of cases.
      ii. Business meetings and other activities related to the administrative operations and responsibilities of the Supreme Court, the district courts of appeal, the circuit courts, the county courts, and the Office of the State Courts Administrator.
      iii. Meetings and operational activities of commissions, committees, workgroups, and similar bodies created by the Supreme Court.
      iv. Meetings and operational activities of the judicial conferences.
      v. Meetings and operational activities of The Florida Bar and of commissions, committees, workgroups, and similar bodies created by The Florida Bar.
      vi. Meetings of local, state, national, or international organizations the agenda of which includes subjects related or beneficial to the operation of courts.
      vii. Educational, training, or similar conference, conventions, meetings, or events that benefit justices, judges, and court system staff through the provision or exchange of information on court-related matters or matters affecting the courts, including but not limited to education programs organized or sponsored under the oversight of the Florida Courts Education Council.
b. In approving travel as authorized and prescribed in this memorandum, the chief judge or designee must approve the travel in advance and in writing, state how the specific travel activity is critical to the court’s mission consistent with the initial determination in paragraph a., and state that consideration was given to the use of teleconferencing or other forms of electronic communication as an alternative to the travel. The chief judge of the Second District Court of Appeal may prescribe in writing “blanket” approval for ordinary travel between court facilities within the district. If the chief judge delegates travel approval to a designee, the chief judge should prescribe the delegation in writing and retain a copy in the court’s file. In addition, the district should retain the documentation approving the travel required by this paragraph.

c. Each voucher seeking reimbursement for travel expenses must include a statement describing how the travel was critical to the mission of the court system. The statement can reference that the travel was for one or more of the types of activities determined to be mission critical in paragraph a. Examples of mission-critical statements include:

- “Travel to attend a meeting of a Supreme Court committee, as determined to be mission critical pursuant to the Chief Justice’s budget and pay administration memorandum.”

- “Attendance at the Florida Court Personnel Institute was for a training activity benefiting court system staff, which is recognized as mission critical pursuant to the Chief Justice’s budget and pay administration memorandum.”

- “Travel to attend a meeting of the Civil Procedures Rules Committee of The Florida Bar, as determined to be mission critical pursuant to the Chief Justice’s budget and pay administration memorandum.”

- “Traveler was asked to testify before a legislative committee on issues affecting dependency cases, which is mission-critical travel related to the adjudication of cases and the administrative operation of the district under the Chief Justice’s budget and pay administration memorandum.”

In addition to a mission-critical statement, when a traveler is seeking reimbursement for attendance at a conference or convention, he or she must include on the reimbursement voucher a statement of the benefits accruing to
the State of Florida by virtue of attendance and must attach an approved Travel Authorization Request form.

2. Travel Out of the United States

The Chief Justice must approve in advance and in writing travel out of the United States, regardless of the source of funds for payment of the travel.

3. Out-of-State Travel

a. The Chief Justice must approve in advance and in writing all out-of-state travel paid in whole or in part with state funds.

b. In order to implement funds appropriated in the 2017–18 General Appropriations Act for state employee travel, with prior approval of the chief judge and submission of a Travel Authorization Form (TAR), expenses to attend conferences, educational or other informative sessions of the Council of Chief Judges of the State Courts of Appeal may be reimbursed since this travel is mission critical to the operations of the District Courts of Appeal. The chief judge of each court may also authorize mission critical travel to attend meetings, conferences, seminars, training classes, and travel for events in addition to the Council of Chief Judges of the State Courts of Appeal and other than those covered in Sections 6, 7, and 9 below, provided that all expenses are paid with a source of funding other than state funds.

c. Notwithstanding subsections a. and b. above, travel to attend the National Association for Court Management Annual Conference and the National Conference of Appellate Court Clerks Annual Meeting when held out of state is determined herein to be mission critical, and travel expenses may be paid with state funds.

4. Intra-District Travel

Intra-district travel necessary as a result of case-related activities or administrative matters may be approved by the chief judge or designee, provided such travel is in support of the administration of justice consistent with the Rules of Judicial Administration.

5. Intra-State Travel
Intra-state travel necessary as a result of case-related activities or administrative matters may be approved by the chief judge or designee, provided such travel is in support of the administration of justice consistent with the Rules of Judicial Administration.

6. Travel Expenses – Florida Bar Meetings

The annual and midyear meetings of The Florida Bar and meetings of committees and sections of The Florida Bar are not organized or sponsored in whole or in part by the judicial branch. You are encouraged to continue to support judicial participation in meetings of the following sections and committees, which are provided as a guideline for the chief judges of the district courts:

a. Annual and Midyear Meetings

Chief judges and the chair and chair-elect of the Florida Conference of District Court of Appeal Judges will be reimbursed for reasonable travel expenses for their attendance at the mid-year and annual meetings of The Florida Bar. These expenses will be charged against your district court budget.

b. Supreme Court-Appointed Committees

Members of Supreme Court-appointed committees staffed by The Florida Bar may be reimbursed for reasonable travel expenses associated with the meetings of those groups with prior approval from the chief judge or designee. These expenses will be charged against your district court budget. The committees and section to which this policy applies are:

- Standard Jury Instructions Committee – Civil
- Standard Jury Instructions Committee – Contract & Business Cases
- Commission on Professionalism

c. Selected Committees

District court judges and other court staff who are serving as members of selected committees and sections of The Florida Bar may be reimbursed for reasonable travel expenses associated with the meetings of those groups with prior approval from the chief judge or designee. These expenses will be charged against your district court budget. The committees and sections to which this policy applies are:
• Alternative Dispute Resolution Section Executive Council
• Appellate Court Rules Committee
• Appellate Practice Section Executive Council
• Civil Procedure Rules Committee
• Code and Rules of Evidence Committee
• Constitutional Judiciary Committee
• Continuing Legal Education Committee
• Criminal Law Section Executive Council
• Criminal Procedure Rules Committee
• Family Law Rules Committee
• Family Law Section Executive Council
• Judicial Administration & Evaluation Committee
• Judicial Nominating Procedures Committee
• Juvenile Court Rules Committee
• Law Related Education Committee
• Legal Needs of Children Committee
• Mental Health and Wellness of Florida Lawyers Committee
• Probate Rules Committee
• Pro Bono Legal Services Committee
• Professional Ethics Committee
• Professionalism Committee
• Real Property, Probate and Trust Law Section Executive Council
• Rules of Judicial Administration Committee
• Small Claims Rules Committee
• Traffic Court Rules Committee
• Trial Lawyers Section Executive Council

• Vision 2016 Commission and Workgroups

The following specific guidelines apply to all Florida Bar committee- and section-related travel:

d. Room charges that exceed the established conference rate will be reimbursed only up to that rate. Judges are encouraged to make alternative arrangements, at lower rates, when at all possible. Room charges in excess of $150.00 per night (room rate only) should be avoided, but when that is not possible, excess charges must be justified on travel vouchers submitted for reimbursement.

e. For approved committee and section meetings, same day travel must be utilized whenever possible. Necessary overnight travel will be reimbursed for the night immediately before or after the date of the committee meeting only if same day travel cannot be accomplished or presents an undue hardship.

f. No reimbursement for attendance at Supreme Court oral argument representing a section or committee will be paid.

g. No reimbursement for attendance at seminars or symposiums representing a section or committee will be paid.

I am asking that you take the necessary steps to communicate this policy to judges in your district, particularly those who are new to the bench, in order to eliminate confusion about the requirements for reimbursement. We want to minimize problems with judges submitting travel vouchers for participation in committees not on the approved list, for which advance approval was not obtained, or where the length of stay was beyond that necessary for committee meeting attendance. Please also communicate this information to appropriate staff.

7. Travel Expenses for Participation in State Courts System Committees or Commissions

Reasonable travel expenses necessary for participation in State Courts System committees or commissions (e.g., District Courts of Appeal Budget Commission, Standard Jury Instructions Committee - Criminal) will be paid
without separate prior authorization, from the budgets of and in accordance with the travel guidelines established for each committee.

Reimbursement for attendance at Supreme Court oral argument to represent a court committee or commission must be approved in advance by the Chief Justice.

8. Travel Expenses for Legislative Hearings

Generally, the OSCA will coordinate travel by judges participating in legislative hearings. Expenses associated with such travel will be paid from your district budget with prior approval of the chief judge or designee, or if such participation is associated with membership on a Supreme Court-appointed committee, expenses will be reimbursed from that committee’s budget. When judges receive personal invitations to appear and testify before a legislative committee, expenses for associated travel will be paid from the district budget with prior approval from the chief judge or designee.

9. Out-of-State Education Travel

Out-of-state educational travel funded through the Court Education Trust Fund will continue to be approved by the Florida Court Education Council in accordance with its established guidelines.

F. General Travel Guidelines

1. Rules Governing Per Diem and Lodging for Overnight Travel

According to State Chief Financial Officer policy, a traveler may not claim per diem or lodging reimbursement for overnight travel within fifty (50) miles (one-way) of his or her headquarters or residence (city to city, calculated in accordance with the Department of Transportation Official Map Miles), whichever is less, unless the circumstances necessitating the overnight stay are fully explained by the traveler and approved by the Agency Head in advance of the travel. I am delegating this approval authority to chief judges; however, this delegation does not apply to travel funded through the Court Education Trust Fund, travel associated with the circuit and county conferences’ business programs, and travel funded by state budgetary sources other than the district courts (e.g., travel funded through a court committee’s budget). Official written approval from the chief justice or designee or chief judge must be attached to the reimbursement voucher when submitted for payment. Vouchers without this
approval will be returned. A reduction in this requirement to less than 35 miles may only be approved by the chief justice or designee under extraordinary circumstances.

2. Lodging Room Rate Limits

Pursuant to Section 112, SB 2502 58, SB-2502, Chapter 2019-116 2017-74, Laws of Florida, “costs for lodging associated with a meeting, conference, or convention organized or sponsored in whole or in part by a state agency or the judicial branch may not exceed $150 per day. An employee may expend his or her own funds for any lodging expenses in excess of $150 per day. For purposes of this section, a meeting does not include travel activities for conducting an audit, examination, inspection, or investigation or travel activities related to a litigation or emergency response.”

When this limitation does not apply, hotel room charges that exceed $150.00 per night (room rate only), still should be avoided, and less costly alternatives secured when possible. Charges in excess of $150.00 (room rate only), must be justified on travel vouchers submitted for reimbursement.

Lodging rates for travel sponsored by the Court Education Trust Fund, or travel funded by state budgetary sources other than individual district budgets, are subject to further limitations set by the paying entity.

Prohibition of Class C Meal Reimbursement

Reimbursement for Class C travel for per diem and subsistence is prohibited in section 112.061(15), Florida Statutes.

3. Convention and Conference Travel

Travel reimbursements for convention or conference travel (with the exception of judges’ participation in district court conference), must be submitted for payment with a Travel Authorization Request (TAR) form, according to State of Florida travel guidelines. TAR forms will be prepared by the OSCA on the judges’ behalf for district court conference education and business programs. The TAR form must include a statement of the benefits accruing to the State of Florida by virtue of attendance. Although an event may be identified by a
different title (e.g., “Symposium” or Summit”), it may by its nature meet the definition of a conference or convention under Florida Administrative Code 69I-42.002 and therefore require a TAR.

In addition to a mission-critical statement, as provided under section D.1.c., the travel voucher seeking reimbursement for attendance at a conference or convention must include the statement of the benefits accruing to the State of Florida by virtue of attendance.

4. Education and Training Activities
Travel for education and training activities must be directly related to the employee’s current job duties and have primary benefit to the State.

G. Senior Judge Compensation

Senior judge compensation is $375 for each day of service for FY 2019-20 2017-48. Attachment IV reflects the allocation of senior judge days for each district court. Any necessary travel expenses for senior judges to serve must be paid from each court’s allocation.

H. Payment of Florida Bar Membership Fees/Legal Education Courses

The 2019-20 2017-18 General Appropriations Act allows for the payment of Florida Bar membership fees for employees that require membership as a condition of their employment by the state. (For a list of eligible position titles, please refer to the memorandum of June 23, 2019 July 3, 2017 from Eric Maclure.)

Payment for legal education courses will be left to the discretion of each chief judge based on the availability of expense money within each district court.

I am requesting that you disseminate the information contained in this memorandum to all judges in your courts. The policies outlined herein will remain in effect until such time as they are succeeded with an updated memorandum.

If you have any questions about budget matters, please contact Sharon Bosley, Acting Chief of Budget Services, at (850) 488-3735. Questions relating to personnel matters should be directed to Dorothy Willard, Acting Chief of Human Resources, at (850) 617-4028. Other finance questions should be directed to Jackie Knight, Chief of Finance and Accounting Services, at (850) 488-3737.

CTC/xx
Attachments

cc: Lisa Kiel
    Eric Maclure
    Blan Teagle
    Sharon Bosley
    Dorothy Willard
    Jackie Knight
    Steven Hall
Changes to the salary language approved by the DCABC in August 2018 (engrossed version):

I have established the following budget and pay administration policies for the current fiscal year, consistent with the recommendations of the DCA Budget Commission (DCABC) and also addressing other issues. Changes from the prior year’s memo are in legislative format.

A. Salary Budget Management

1. The DCABC shall continue to monitor the salary budget and impose such restrictions as necessary to cover payroll costs through the end of the fiscal year. The state courts administrator shall inform the chair of the DCABC if any action(s) authorized by this memorandum could cause the district courts to exceed their rate or salary appropriation.

2. The DCABC shall manage collectively and on a statewide basis rate and salary dollars necessary to equitably meet the salary needs of each district, including but not limited to:
   a. Law clerk appointment, incentive adjustments, and promotional increases in accordance with the policies outlined in the Appellate Law Clerk Pay Plan, a current copy of which is found in Attachment I.
   b. Allocation of FTE and targeted rate adjustments supported by the Guiding Principles adopted by the DCABC, a current copy of which is found in Attachment XX;
   c. Positions approved for reclassification, lead worker or administrative worker;
   d. Promotional increases, overtime, leave payout, overlap costs; and
   e. Approved chief judge exception requests under paragraph B, “Personnel Actions.”

3. Subject to available rate and salary appropriation, which has been verified by the state courts administrator, the DCABC may approve a rate allocation to the individual district courts for use by the chief judges as authorized under paragraph B, “Personnel Actions.” When it is anticipated that allocations for a district court will not be used by June 30, the DCABC will assess the health of the salary budget and determine whether to re-purpose the funds, allow the allocation to carry forward, or let the funds revert for statewide budget management.

4. The pay rate of the district court clerks and marshals shall be equalized. No clerk or marshal will be eligible to receive a salary increase unless the District Court of Appeal Budget Commission approves an equal increase for all clerks and marshals of the district courts.

B. Personnel Actions

1. Other than regulations limited by these “Personnel Actions” and the sharing of sick leave donations across the district courts, all regulations provided in the State Courts System Personnel Manual (https://intranet.flcourts.org/osca/personnel/bin/personnel_regulationsmanual.pdf) remain in effect. Where authority is reserved for the chief justice or his or her designee in the Personnel Regulations Manual, the DCABC is the “designee” unless otherwise noted below. All requests requiring DCABC approval or requesting an exception to these “personnel actions” should be e-mailed to the chair of the DCABC with copies to the state courts administrator.
2. Original Employment Rates
   a. Original employment rates up to 10% over the minimum of the class pay range may be approved by the chief judge when the candidate is exceptionally qualified as prescribed in regulation 7.02-1 and the additional rate is within a district’s rate allocation as established by the DCABC.
   b. If the chief judge documents that a position has been advertised no fewer than two times and that either no applicant met the qualifications or that no qualified applicant would accept the position at the minimum salary, the chief judge may advertise and approve an appointment up to ten percent over the minimum of the class range.

3. Special Pay Increases. Individual special pay increases of up to ten percent 10% may be approved by the chief judge pursuant to regulation 7.03-4 when the rate is within a district’s rate allocation as established by the DCABC. Individual increases over ten percent 10% must be approved by the chief justice.

4. Attorney Increases. One-year incentive adjustments and promotional increases to senior law clerk and career attorney that are made at the discretion of the employing judge and chief judge shall be consistent with the Appellate Law Clerk Pay Plan.

5. Acting Managerial Appointments. An employee appointed as “acting” clerk, marshal, or director of central staff for two months or more is eligible for a ten percent (10%) pay increase. If the appointment period exceeds six months and the employee meets the minimum qualifications of the position, the chief judge may request that the DCABC increase the employee’s pay for an amount up to the minimum of the class for the period the employee serves in an acting managerial capacity.

6. Overlap In Position. Overlap in position pursuant to regulation 7.10, including overlap for periods longer than the periods specified in this regulation, may be approved by the DCABC upon a determination that sufficient salary dollars are available and the overlap period is necessary to avoid disruption or for the efficient operation of the district.

7. Effective Date of Salary Changes.
   a. The effective date for special pay increases authorized by the chief judge may not be prior to the first day of the month that a Personnel Action Request (PAR) can be processed on the regular monthly payroll.
   b. The DCABC shall determine the effective date for actions requiring DCABC approval. The DCABC may approve retroactive salary increases. However, retroactivity may not be more than two pay periods, and in no instance shall the effective date be earlier than the date of the request.

8. Position Class and Lead/Administrative Worker Designations. Subject to the state courts administrator’s determination of proper classification or lead worker or administrative designation, the DCABC must approve the funding for:
   a. reclassification requests that will result in a rate increase of ten percent (10%) or more over the original classification; and
   b. Upward pay adjustments for positions designated as lead worker or administrative worker.

9. Donation of Sick Leave, SCS Personnel Regulations section 4.09(3)(B): In the case of the district courts of appeal, the chief judge of the employee’s court may notify the chief judges of the other district courts of the request for donations. Any chief judge may inform the employees of his or her respective court of the request for donations.
Changes to the salary language approved by the DCABC in August 2018 (redline version):

The Supreme Court of Florida has established the DCA Budget Commission to: be directly responsible for adopting the policies and procedures governing the development and administration of the budgets affecting its constituency; provide a mechanism for the active involvement of appellate judges and administrative officers in the development of budgetary policy; and develop budgetary practices and procedures that continue to vest primary authority for fiscal management and control of court operations in the chief judge of each court. In re: Amendments to Florida Rules of Jud. Admin. Rule 2.054, 796 So. 2d 477, 477-478 (2001). (Rule 2.054 has since been renumbered to rule 2.235.)

I have established the following budget and pay administration policies are established for the current fiscal year, consistent with the recommendations of the DCA Budget Commission (DCABC) and also addressing other issues. Substantive changes from the prior year’s memo are underlined in legislative format.

A. Salary Budget Management

1. The DCABC shall continue to monitor the salary budget and impose such restrictions as necessary to cover payroll costs through the end of the fiscal year. The state courts administrator shall inform the chair of the DCABC if any action(s) authorized by this memorandum could cause the district courts to exceed their rate or salary appropriation.

2. The DCABC shall collectively manage collectively and on a statewide basis the rate and salary dollars necessary to equitably meet the salary needs of each district, including but not limited to:
   a. Law clerk appointment, incentive adjustments, and promotional increases in accordance with the policies outlined in the Appellate Law Clerk Pay Plan, a current copy of which is found in Attachment I.
   b. Allocation of FTE allocation and targeted rate adjustments supported by the Guiding Principles adopted by the DCABC, a current copy of which is found in Attachment XX;
   c. Positions approved for reclassification, lead worker or administrative worker;
   d. Promotional increases, overtime, leave payout, overlap costs; and
   e. Approved chief judge exception requests under paragraph B, “Personnel Actions.”

3. Subject to available rate and salary appropriation, which has been verified by the state courts administrator, the DCABC may approve a rate allocation to the individual district courts shall timely allocate rate for use by the chief judges as authorized under paragraph B, “Personnel Actions.” to facilitate their day-to-day administration of court personnel decisions in their jurisdiction. When it is anticipated that allocations for a district court will not be used by June 30, the DCABC will assess the health of the salary budget and determine whether to re-purpose the funds, allow the allocation to carry forward, or let the funds revert for statewide budget management.

4. Regarding salaries for positions excluded from the SCS Personnel Regulations: The pay rate of the district court clerks and marshals shall be equalized. No clerk or marshal will be eligible to receive a salary increase unless the District Court of Appeal Budget Commission approves an equal increase for all clerks and marshals of the district courts.

B. Personnel Actions
1. Other than regulations limited by these “Personnel Actions” and the sharing of sick leave donations across the district courts, all regulations provided in the State Courts System Personnel Manual (https://intranet.flcourts.org/osca/personnel/bin/personnel_regulationsmanual.pdf) remain in effect. Where authority is reserved for the chief justice or his or her designee in the Personnel Regulations Manual, the DCABC is the “designee” unless otherwise noted below. All requests requiring DCABC approval or requesting an exception to these “personnel actions” should be e-mailed to the chair of the DCABC with copies to the state courts administrator.

2. **Original Employment Rates**, SCS Personnel Regulations section 7.02:
   a. Initial employment rates up to 10% over the minimum of the class pay range may be approved by the chief judge when the candidate is exceptionally qualified as prescribed in regulation 7.02-1 and the additional rate is within a district’s rate allocation as established by the DCABC.
   b. If the chief judge provides documentations that the affected position has been advertised no fewer than two times and that either no applicant met the qualifications or that no qualified applicant would accept the position at the minimum salary, the chief judge may advertise and approve an appointment up to ten percent 10% above the minimum salary is summarily approved of the class range. e. In order to maintain equity with the circuit judicial assistant positions in the first, second and fifth districts, appointment rates above the minimum are authorized for 1500, 3600, and 3000, respectively.

3. **Special Pay Salary Increases**, SCS Personnel Regulations section 7.03: a. Merit salary advancement and Individual special pay increases of up to ten percent 10% may be approved by the chief judge pursuant to regulation 7.03-4 when the rate is within a district’s rate allocation as established by the DCABC. Individual increases over ten percent 10% must be approved by the DCABC chief justice.

4. **Attorney Increases.** Notwithstanding the SCS Personnel Regulations, one-year incentive adjustments and promotional increases to senior law clerk and career attorney that are made at the discretion of the employing judge and chief judge shall be consistent with the Appellate Law Clerk Pay Plan.

5. **Acting Managerial Appointments.** An employee selected for an appointed as “acting” managerial position (clerk, marshal, or director of central staff) for two months or more is eligible for a ten percent (10%) pay increase. If the appointment period exceeds six months and the employee meets the minimum qualifications of the position, the chief judge may request that the DCABC increase the employee’s pay for an amount up to the minimum of the class for the period the employee serves in an acting managerial capacity.

   d. No retroactive salary increases are permitted unless approved by the DCABC due to special circumstances. However, retroactivity may not extend back further than two months.

6. **Overlap In Position**, SCS Personnel Regulations section 7.10. Overlap in position pursuant to regulation 7.10, including overlap for periods longer than the periods specified in this regulation, may be approved by the DCABC upon a determination that sufficient salary dollars are available and the overlap period is necessary to avoid disruption or for the efficient operation of the district.

7. **Effective Date of Salary Changes.**
   a. The effective date for special pay increases authorized by the chief judge may not be prior to the first day of the month that a Personnel Action Request (PAR) can be processed on the regular monthly payroll.
b. The DCABC shall determine the effective date for actions requiring DCABC approval. The DCABC may approve retroactive salary increases. However, retroactivity may not be more than two pay periods, and in no instance shall the effective date be earlier than the date of the request.

6.8. Position Class and Lead/Administrative Worker Designations. Subject to the state courts administrator’s determination of proper classification or lead worker or administrative designation, the DCABC must approve the funding for:

a. The DCABC must approve upward reclassification requests, lead worker or administrative worker designations that will result in a rate increase of ten percent (10%) or less over the original classification; and

a.b. Upward pay adjustments for positions designated as lead worker or administrative worker.

7.9. Donation of Sick Leave, SCS Personnel Regulations section 4.09(3)(B): In the case of the district courts of appeal, the chief judge of the employee’s court may notify the chief judges of the other district courts of the request for donations. Any chief judge may inform the employees of his or her respective court of the request for donations.

B.C. Budget Administration.
District Court of Appeal Budget Commission
Guiding Principles for Formulating Budgetary Decisions

A. **Allocation of resources among the DCA’s must be fair and equitable, based on identifiable allocation measures.**

B. **The allocation and use of resources must be transparent.** No method of distributing our resources can be reliable unless we all are accountable. Each court should promptly and accurately report the manner in which it is using the resources allocated to it.

C. **To the extent possible, each DCA should have discretion and flexibility in its use of resources.** Once the DCABC has determined how resources should be allocated among the five courts, each court should have the ability to govern its own use of those resources in accordance with State of Florida and State Court System rules and regulations.

D. **To the extent possible, any reallocation of existing resources should be accomplished in the manner least likely to disrupt the workflow of the courts or the lives of the employees affected.** Equitable, predictable allocation principles should promote stability in our courts, not destabilize them. Sudden and dramatic shifts of resources from court to court could significantly disrupt the workflow of an affected court and demoralize its staff.

E. **All judges must be treated equally.** Every judge should be afforded the same level of personal staff.

F. **Every court is entitled to at least the minimum resources necessary to operate in its unique situation.** Every court faces factors that it cannot control and that affect its minimum operating requirements, e.g., number of judges; nature, age and size of physical plan; local utility rates, etc.
III.C. 2nd DCA Reclassification Request
Agenda Item III.C. 2nd DCA Reclassification Exception Request

Issue:

In Fiscal Year 2018-2019, the Second District Court of Appeal (2nd DCA) gave up 1.0 FTE Administrative Assistant I and .50 FTE Custodial Worker to create a Deputy Marshal Supervisor position to address security needs, with a realized rate savings of 2,170.

The 2nd DCA requests to modify current staffing in the Marshal’s Office by reclassifying position number 001659, Custodial Supervisor, to an Administrative Assistant I. The minimum rate for a Custodial Supervisor is 24,346.44 and the minimum rate for an Administrative Assistant I is 32,092.77.

In accordance with Section 7 of the January 12, 2018, Fiscal Year 2017-18 Budget and Pay Administration memorandum, this request would require a budgetary exception from the District Court of Appeal Budget Commission.1

Decision Needed:

Option 1: Approve the 2nd DCA’s request to modify current staffing in the Marshal’s Office by reclassification of position number 001659, from a Custodial Supervisor with rate of 24,346.44 to an Administrative Assistant I with a rate of 32,092.77, an increase of 7,746.33. If approved, the request would be submitted to the State Courts Administrator for review and analysis.

Option 2: Do not approve.

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1 FY 2017-18 Budget and Pay Administration Memorandum, Section 7: Positions approved for upward reclassifications are limited to those reclassifications which result in a salary increase of ten percent (10%) or less over the original classification. If a position is reclassified within these limitations, the chief judge may approve a promotional increase for the incumbent not to exceed five percent (5%) of the employee’s current salary or to the minimum of the new class, whichever is greater, provided such an increase will not place the employee’s salary above the maximum for the new range. The chief may request an exception by the DCABC. These requests should be sent to the Chair of the DCABC with copies to the State Courts Administrator.
June 18, 2019

The Honorable Jonathan Gerber
Chief Judge, Fourth District Court of Appeal
110 South Tamarind Ave.
West Palm Beach, FL 33401

Re: Reclassification Request, Custodial Supervisor (#001659) to Administrative Assistant I

Dear Chief Judge Gerber:

In November 2017, the Second DCA gave up 1.5 vacant positions to create a deputy marshal supervisor position to address our security needs in Tampa. The rate associated with the vacant positions totaled $43,934:

- 1.0 FTE Administrative Assistant I (#008063), $32,093
- .5 FTE Custodial Worker, (#000079), $10,841

The Florida Supreme Court subsequently created the Deputy Marshal Supervisor classification in September 2018, which we were able to fill at the class minimum of $40,763.96 in November 2018.

The loss of the administrative position in our marshal’s office has proven to be an unsustainable logistical challenge because of our two locations. The Second DCA requests permission to reclassify our vacant custodial supervisor position ($24,346.39) to an administrative (AAI) position, which will restore the approved staffing threshold for the marshal’s administrative functions.

Please let me know if you have any questions.

Very truly yours,

Edward C. LaRose

ECL:md
Cc: State Courts Administrator
IV. Update on Classification and Compensation Study
Agenda Item IV. – Update on Classification and Compensation Study

Special Pay Issue

The fiscal year 2019-20 General Appropriations Act (GAA) (SB 2500, Enrolled, 2019 Reg. Sess.) provides:

SECTION 8. EMPLOYEE COMPENSATION AND BENEFITS - FISCAL YEAR 2019-2020

(2) SPECIAL PAY ISSUES

(b) Judicial Branch Employees

Effective July 1, 2019, recurring funds are provided in Specific Appropriation 2049 in the amount of $9,790,235 from the General Revenue Fund and $515,736 from trust funds for position classification salary adjustments for judicial branch employees, excluding judges, to encourage employee retention, provide equity adjustments to equalize salaries between the judicial branch and other public and private sector employers for similar positions and duties, and provide market-based adjustments necessary to remedy recurring employee recruitment and retention problems for specific position classifications. The funds available for these adjustments shall be allocated proportionately among circuit and county courts, the district courts of appeal, the Supreme Court, the Office of the State Courts Administrator, and the Judicial Qualifications Commission, based upon the total number of full-time-equivalent positions, excluding judges employed by each of those components of the judicial branch. The Chief Justice, based upon recommendation from the Trial Court Budget Commission, District Court of Appeal Budget Commission, and the State Courts Administrator shall submit a plan for such position classification salary adjustments pursuant to section 216.177(2), Florida Statutes.

The Governor signed the fiscal year 2019-20 budget on June 21, 2019.

Classification and Compensation Study

Background and Two Primary Objectives

In March, the State Courts System (SCS) contracted with a vendor, Evergreen Solutions, Inc., to conduct a comprehensive classification and compensation study that will culminate in a new position classification and compensation system that the SCS can maintain.
Moreover, it will provide the same rigorous evidence-based research to support an implementation plan for the $10.3 million pay issue.

Goals

To ensure the new position classification and compensation system is fair and effective and assists the SCS in attracting and retaining qualified employees, the following must be achieved:

- Ensure positions performing similar work with essentially the same level of complexity, responsibility, and knowledge, skills, and abilities are classified together.
- Provide salaries commensurate with assigned duties.
- Provide justifiable pay differentials between individual classes.
- Provide a competitive position with other truly comparable government entities and private employers within the same geographical areas.
- Analyze total compensation, meaning that in the study and examination of true comparable classes and positions and consider the complete pay package for employees, including all forms of salary, bonuses, benefits, and services offered.
- Provide a competitive salary structure for the specific job market for comparable positions in the public sector.

Three-Phase Approach

Phase 1: Validation and benchmarking of the current position and classification and compensation system.

Phase 2: Development of the new position classification and compensation system.

Phase 3: Roll-out of a training process and materials (including development of a straightforward, easily understood position classification manual that can be used by human resources staff to objectively evaluate new and revised positions to keep the system current and equitable).

Study Schedule

The study is projected for completion in July 2019.

Decision Needed

This issue is presented for informational purposes. As noted, the compensation and classification study will provide information that helps inform the District Court of Appeal Budget Commission’s recommendations to the Chief Justice on the district courts portion of the special pay issue implementation plan. DCABC video conference meetings are scheduled for August 15 and August 20, to consider the study and develop its pay issue recommendations.
V. FY 2020-21 Legislative Budget Request (LBR)
V.A. 2nd DCA New Courthouse
Second District Court of Appeal (2nd DCA) – New Courthouse Building

The 2nd DCA requests $21.0 million as the first-year appropriation for a new courthouse building requiring two years of appropriations.

The Florida Legislature, in Specific Appropriation 3142A of the 2016 General Appropriations Act, directed the Department of Management Services to “contract for a study of the courthouse space and location needs of the Second District Court of Appeal.” On December 22, 2016, DMS submitted to the Legislature the “Second District Court of Appeal Space and Location Needs Study.” The Study’s Executive Summary includes the following facts and recommendations:

- The 2nd DCA has vacated its Lakeland courthouse due to health concerns presented by the 55-year old courthouse’s degradation (p. 8).
- The 2nd DCA now operates in Lakeland in separate leased space (p. 8). However, space exists for only three judges in the Lakeland leased space (p. 8). The Lakeland leased space also includes space for only two central staff attorneys, various support staff, and the Clerk’s and Marshal’s offices, but does not include a courtroom (p. 8).
- The 2nd DCA continues to operate in Tampa in leased space controlled by Stetson University’s College of Law (p. 8). However, the 2nd DCA currently does not have a courtroom under its control (p. 5). All oral arguments take place in a classroom with a bench designed to host moot court and mock trial competitions (p. 5). The lease will expire in 2023.
- All 2nd DCA judges are provided with limited space in the Tampa leased space (p. 8). However, some of the offices are less than ideal (p. 8). By necessity, several of the judges’ staff attorneys and the 2nd DCA’s central staff attorneys work in cubicles and shared offices (p. 8).
- Consolidation into one location would significantly improve the efficiency of the court by streamlining operations, reducing duplicative costs, and improving productivity (pp. 4-5).
- The best long-term option is to build a new state-owned courthouse (p. 6).
- The parcel selection process should first explore state-owned land located in identified submarkets in the Tampa Bay region (p. 6). Consideration should also be given to land owned by other governmental jurisdictions (p. 6).
- Should the acquisition of privately owned land be necessary, the potential purchase price could be high. Although land prices in 2016 ranged up to $150 per square foot (p. 7), land prices in the booming Tampa market have escalated, even by conservative estimates, by 5-10%, perhaps up to $165 per square foot.
- The estimated square foot requirement to build a new state-owned courthouse is 73,149 square feet (pp. 6, 40).
In addition to land acquisition costs, the estimated design and construction costs in 2016 were approximately $440-$460 per sq. ft. or $32.2 to $33.7 million (p. 6). With a 5-10% escalation since 2016, costs may now be up to $37.1 million.

This range of anticipated cost includes the cost differences between developing in a downtown submarket versus other submarkets in addition to specific site conditions (p. 6).

The impact of secured parking – including surface versus structured parking – will also impact overall cost (p. 6).

The estimated cost would also be impacted by the commencement date of construction as pricing changes over time, plus or minus 5% each year (p. 6).

The estimated cost does not include furniture, fixtures, and equipment, which also would need to be purchased (p. 6).

Based on the Study, the 2nd DCA, during the 2018 session, requested $8.2 million for only pre-construction costs, including the cost to acquire a site if not already state-owned, for DMS to retain an architect to design a new courthouse on the selected site, and for DMS to retain a contractor to estimate the costs to construct that design on the selected site, so the 2nd DCA could request those construction costs in future years. However, the requested funds were not included within the 2018 General Appropriations Act.

The 2nd DCA’s request for the 2019 session increased to $20.0 million, reflecting not only pre-construction costs, but also a portion of the construction costs. The estimates in the Study’s 2016 Executive Summary, adjusted for annual construction inflation, indicate a total project cost of approximately $48 million:

- Site/building acquisition: $4.0 million (moderate-priced site based on Study)
- Design/construction/fees: $37.1 to $38.7 million (Study’s estimate, plus recent construction inflation, plus fees)
- Site development/parking: $3 million
- Furniture/fixtures/equip.: $2.3 million (based on DMS Study dated 10-27-15)

The requested funds were not included within the 2019 General Appropriations Act.

Due to the continued urgent need for a courthouse, the 2nd DCA requests $21.0 million in FY 2020-21 (year one) for:

1) the Legislature to select a new courthouse site;
2) the cost to acquire a site or existing building if not already state-owned;
3) DMS to retain an architect to design a new courthouse for the selected site/bldg;
4) DMS to retain a contractor to estimate the costs of the courthouse design; and
5) construction, to be applied along with the FY 2021-22 (year two) appropriation.
If a consolidated state-owned courthouse is not constructed, the 2nd DCA estimates that it will require an additional $1.5 million (recurring) expense dollars for additional leased space for the Tampa branch, beginning in FY 2023-24. Specifically, the Study program plan estimated a total square foot requirement of 73,149. The leased space in Tampa is 26,415 square feet, and the leased space in Lakeland is 12,850 square feet. Based on use and occupancy, the Tampa branch should occupy 60,000 square feet, to include offices and a courtroom located in a secure single-tenant building.

**FY 2020-21 Legislative Budget Request:** $21.0 million (non-recurring)
V.B. Unfunded Deputy Marshal Positions
**District Courts of Appeal – Funding of Unfunded Deputy Marshal FTEs**

The District Court of Appeal Budget Commission requests $473,843 on a recurring basis to fund the 6.5 unfunded deputy marshal FTEs in the District Courts of Appeal budget.

There are presently 6.5 unfunded deputy marshal FTEs remaining in reserve from the FY 2008-09 budget reductions to the District Courts of Appeal budget.

Ongoing security concerns necessitate that the District Courts of Appeal seek funding for these 6.5 unfunded deputy marshal FTEs. It is estimated that $473,843 in salary dollars would be needed annual to fund these 6.5 FTEs.

It is well documented that there is a critical need to improve security in public buildings throughout Florida. District Courts of Appeal are part of this critical need.

The following chart shows the current complement of full-time security FTEs at each District Court of Appeal:

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</tbody>
</table>

* Because the 2d DCA must maintain security at two locations, the 2d DCA uses contractual services dollars to hire temporary security to ensure that qualified officers are present at both locations as needed. However, use of contractual services dollars is not a long-term solution, as such dollars are not dedicated towards security, and may be necessary for other services.

The availability of qualified officers has decreased as qualified officers are employed in higher-paying jobs at public schools and municipalities in the aftermath of tragic mass shootings here and elsewhere. The need for adequate security cannot be understated. Better safety measures requires stronger security.

**FY 2020-21 Legislative Budget Request:** $473,843 (recurring)
District Courts of Appeal – Headquarters; Subsistence/Travel Reimbursement

During the 2019 legislative session, the Legislature created section 25.025, Florida Statutes, entitled “Headquarters,” providing as follows:

(1)(a) A Supreme Court justice who permanently resides outside Leon County shall, if he or she so requests, have a district court of appeal courthouse, a county courthouse, or another appropriate facility in his or her district of residence designated as his or her official headquarters pursuant to s. 112.061. This official headquarters may serve only as the justice’s private chambers.

(b) A justice for whom an official headquarters is designated in his or her district of residence under this subsection is eligible for subsistence at a rate to be established by the Chief Justice for each day or partial day that the justice is at the Supreme Court Building for the conduct of business of the court. In addition to subsistence allowance, a justice is eligible for reimbursement for transportation expenses as provided in s. 112.061(7) for travel between the justice’s official headquarters and the Supreme Court Building for the conduct of the business of the court.

(c) Payment of subsistence and reimbursement for transportation expenses relating to travel between a justice’s official headquarters and the Supreme Court Building must be made to the extent that appropriated funds are available, as determined by the Chief Justice.

(2) The Chief Justice shall coordinate with each affected justice and other state and local officials as necessary to implement paragraph (1)(a).

(3)(a) This section does not require a county to provide space in a county courthouse for a justice. A county may enter into an agreement with the Supreme Court governing the use of space in a county courthouse.

(b) The Supreme Court may not use state funds to lease space in a district court of appeal courthouse, county courthouse, or other facility to allow a justice to establish an official headquarters pursuant to subsection (1).

The workplace and financial needs of District Court of Appeal judges who permanently reside outside of their headquarters’ county are similar to those of Supreme Court justices who permanently reside outside of Leon County.
Recognizing that some District Court of Appeal judges who permanently reside outside of their headquarters’ county may nevertheless live within close proximity of their court’s headquarters, a reasonable minimal distance for consideration of subsistence and travel reimbursement would be 50 miles. That is the current minimal distance required for subsistence and travel reimbursement of certain witnesses in trial proceedings. See § 92.142, Fla. Stat. (2016) (providing that certain witnesses required to appear in a county other than the county of his or her residence and more than 50 miles from his or her residence shall be entitled to per diem and travel expenses at the same rate provided for state employees under s. 112.061).

A survey of the five District Courts reveals that 11 of the state’s 64 District Court Judges currently reside more than 50 miles away from their District Court’s headquarters. Attachment 1 shows the annual non-reimbursed travel-related costs for each of these 11 District Court Judges, ranging between approximately $5,000 to $8,600 per judge, and totaling nearly $90,000.

Although it cannot be predicted at any specific point in the future how many of the state’s 64 District Court of Appeal Judges may reside more than 50 miles from their District Court’s headquarters, it is reasonably safe to assume that the number may grow beyond the current 11 judges at some point in the future, especially given the advent of technology permitting District Court of Appeal Judges to work remotely.

Based on the foregoing, the District Courts of Appeal respectfully request amendment of section 25.025 (as shown in Attachment 2) to provide subsistence and travel reimbursement for District Court of Appeal Judges who permanently reside more than 50 miles outside of their court’s headquarters.

The District Courts of Appeal further respectfully request $125,000 (recurring) to provide subsistence and travel reimbursement for District Court of Appeal Judges who permanently reside more than 50 miles outside of their court’s headquarters.
**ATTACHMENT 1 – Breakdown of DCA Judges Non-Reimbursed Travel Costs**

**Judges Who Drive But Do Not Stay Overnight** (Judges 1 thru 7 are 5th DCA; Judge 8 is 4th DCA)

<table>
<thead>
<tr>
<th>Judge</th>
<th>County Residence</th>
<th>One way mileage</th>
<th>Roundtrip mileage</th>
<th>Cost per trip (.445 cents per mile)</th>
<th>Roundtrips per year</th>
<th>Annual Non-Reimbursed Mileage Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Judge 1</td>
<td>Brevard</td>
<td>87</td>
<td>174</td>
<td>$77.43</td>
<td>104</td>
<td>$8,052.72</td>
</tr>
<tr>
<td>Judge 2</td>
<td>Marion</td>
<td>80</td>
<td>160</td>
<td>$71.20</td>
<td>104</td>
<td>$5,090.80</td>
</tr>
<tr>
<td>Judge 3</td>
<td>St. Johns</td>
<td>62</td>
<td>124</td>
<td>$55.18</td>
<td>104</td>
<td>$5,738.72</td>
</tr>
<tr>
<td>Judge 4</td>
<td>Orange</td>
<td>55</td>
<td>110</td>
<td>$48.95</td>
<td>104</td>
<td>$7,404.80</td>
</tr>
<tr>
<td>Judge 5</td>
<td>Orange</td>
<td>55</td>
<td>110</td>
<td>$48.95</td>
<td>104</td>
<td>$5,090.80</td>
</tr>
<tr>
<td>Judge 6</td>
<td>Orange</td>
<td>55</td>
<td>110</td>
<td>$48.95</td>
<td>104</td>
<td>$5,090.80</td>
</tr>
<tr>
<td>Judge 7</td>
<td>Orange</td>
<td>55</td>
<td>110</td>
<td>$48.95</td>
<td>104</td>
<td>$5,090.80</td>
</tr>
<tr>
<td>Judge 8</td>
<td>St. Lucie</td>
<td>66</td>
<td>132</td>
<td>$58.74</td>
<td>104</td>
<td>$6,108.96</td>
</tr>
<tr>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>TOTAL</strong> $47,668.40</td>
</tr>
</tbody>
</table>

**Judges Who Drive and Stay Overnight** (Judges 1 and 2 are 1st DCA; Judge 3 is 3rd DCA)

<table>
<thead>
<tr>
<th>Judge</th>
<th>County Residence</th>
<th>One way mileage</th>
<th>Roundtrip mileage</th>
<th>Cost per trip (.445 cents per mile)</th>
<th>Annual Non-Reimbursed Mileage Cost</th>
<th>Days Per Year</th>
<th>Annual Non-Reimbursed Per Diem ($80 per day)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Judge 1</td>
<td>Duval</td>
<td>165</td>
<td>330</td>
<td>$146.85</td>
<td>$5,286.60</td>
<td>108</td>
<td>$8,640.00</td>
</tr>
<tr>
<td>Judge 2</td>
<td>Duval</td>
<td>165</td>
<td>330</td>
<td>$146.85</td>
<td>$5,286.60</td>
<td>108</td>
<td>$8,640.00</td>
</tr>
<tr>
<td>Judge 3</td>
<td>Monroe</td>
<td>153</td>
<td>306</td>
<td>$136.17</td>
<td>$4,902.12</td>
<td>108</td>
<td>$8,640.00</td>
</tr>
<tr>
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<td></td>
<td></td>
<td></td>
<td><strong>TOTAL</strong> $15,475.32</td>
<td></td>
<td>$25,920.00</td>
</tr>
</tbody>
</table>

$47,668.40 + $15,475.32 + $25,920.00 = $89,063.72

Section 25.025, Florida Statutes, is amended to read:

(4)(a) A District Court of Appeal judge who permanently resides more than fifty miles from their District Court’s headquarters shall, if he or she so requests, have a county courthouse, or another appropriate facility in his or her county of residence, designated as his or her official headquarters pursuant to s. 112.061. This official headquarters may serve only as the judge’s private chambers.

(b) A District Court of Appeal judge for whom an official headquarters is designated in his or her county of residence under this subsection is eligible for subsistence at a rate to be established by the Chief Justice for each day or partial day that the judge is at their District Court for the conduct of business of the court. In addition to subsistence allowance, a District Court of Appeal judge is eligible for reimbursement for transportation expenses as provided in s. 112.061(7) for travel between the judge’s official headquarters and the District Court’s headquarters for the conduct of the business of the court.

(c) Payment of subsistence and reimbursement for transportation expenses relating to travel between a District Court of Appeal judge’s official headquarters and their District Court must be made to the extent that appropriated funds are available, as determined by the Chief Justice.

(5) The Chief Justice shall coordinate with each affected District Court of Appeal judge and other state and local officials as necessary to implement paragraph (1)(a).

(6)(a) This section does not require a county to provide space in a county courthouse for a District Court of Appeal judge. A county may enter into an agreement with a District Court of Appeal governing the use of space in a county courthouse.

(b) The District Courts of Appeal may not use state funds to lease space in a county courthouse or other facility to allow a District Court of Appeal judge to establish an official headquarters pursuant to subsection (1).
V.D. Judicial Compensation

There are no meeting materials for this agenda item.
VI. DCABC 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, which provides for the commission’s purpose, responsibilities, membership and organization, staff support, and funding.

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 as required by Florida Rule of Judicial Administration 2.235(c).

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. III. 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. 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 voting 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 meeting 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. **Action Taken By Email**: At the discretion of the Chairperson, the Commission or a subcommittee may take action by email, provided that the Chairperson determines that the action is of a limited scope and is not sufficiently complex to necessitate being taken at an in-person, videoconference, or teleconference meeting. Action by the Commission by email is not subject to the notice requirements of section V.5. of these procedures; however, a record of such action shall be maintained. The email initiating the action shall specify a date and time by which voting on the action will be closed. Any votes received after that deadline will not be recorded. Action taken by email will not be deemed final and may not be implemented until the Chairperson, or staff of the OSCA at the direction of the Chairperson, announces by email the outcome of the vote. After an email action is initiated and before the deadline by which voting on the action is closed, a majority of the Commission or the subcommittee, upon motion by any member, may suspend the action by email, and the Chairperson shall schedule the action for an in-person, videoconference, or teleconference meeting.

   b. c. **No Proxy Voting**: A Commission member 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 distributed to the members and posted to the Commission’s website within thirty (30) days of each meeting. Once approved by the DCABC, a finalized copy of the approved minutes will be posted on the Commission’s website.

### VI. IV. Agenda.

1. Recommendations to the Commission and all matters of business or concern to be included in the agenda will be presented solicited by 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 members and the chairperson approve.

### VII. V. 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. VI. 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 Chairperson 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. VII. 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 Commission’s final decision. The supreme court will hear only appeals that are based on the failure of the DCABC Commission to adhere to its guiding principles or its operational procedures and may be taken only after exhausting all other remedies.
X. VIII. Budgeting Policies and Procedures.

1. Policies and procedures governing DCABC budgeting development, management 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.
VII. Other Business

There are no meeting materials for this agenda item.
VIII. Future Meetings

There are no meeting materials for this agenda item.
IX. Adjournment