



**Video Conference Meeting
Friday, March 28, 2014
3:00 pm – 4:00 pm**

AGENDA

- I. Welcome and Roll Call**

- II. Approval of January 16, 2014 Minutes**

- III. Fourth District Court of Appeal – FTE Request**

- IV. State Courts Revenue Trust Fund Update**

- V. Legislative Update**

**District Court of Appeal Budget Commission
VideoConference Call
January 16, 2014**



Members Present

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

Judge Cory Ciklin
Judge Vincent Torpy
Marshal Stephen Nevels
Marshal Jo Haynes
Marshal Veronica Antonoff
Marshal Daniel DiGiacomo
Marshal Charles Crawford

Members Absent

Judge William Van Nortwick, Jr.
Judge Melanie May

Others Present

Lisa Goodner, Theresa Westerfield, Eric Maclure, Dorothy Wilson, Elizabeth Garber and other OSCA staff

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

Agenda Item I.: Welcome and Opening Remarks

Judge Alan Lawson welcomed members and called the District Court of Appeal Budget Commission (DCABC) meeting to order at 3:30 p.m.

Agenda Item II.: Approval of August 23, 2013 and September 18, 2013 Minutes

A motion was made by Judge Torpy to adopt the August 23, 2013 and September 18, 2013 meeting minutes as drafted. Judge Shepherd seconded and the motion was passed without objection.

Agenda Item III.: Recommendations from the Geographical Difference Workgroup

Judge Lawson presented the recommendations from the geographical difference workgroup. Judge Lawson stated that two votes would need to be approved. The first vote would be to approve the recommendations in concept and the second vote would be approved in regards to how and when the recommendations would be funded and he noted two technical changes to the report 1) the implementation would be recurring instead of non-recurring 2) the CAD will be matching that of the Executive Branch as of the date of this report. Judge Lawson noted that the career attorneys were not included in the recommendation when all other staff were considered. Judge Shepherd stated that it would cost \$10,601.78 in order to include the career attorneys in the recommendation and the decision by the workgroup was to exclude them from the recommendation.

Judge Lawson called for a vote. Judge Damoorgian motioned to approve recommendations from the geographical difference workgroup with the two technical changes. Judge Northcutt seconded and the motion passed without objection. Judge Lawson stated that with no objection they would defer the decision on how and when to fund the recommendations until after session. Judge Shepherd stated that if the pay plan issue is not funded that he would like this issue to be addressed as a top priority when the salary needs are addressed.

Agenda Item IV.: Amended Fourth DCA Courthouse Renovation Issue for FY 2014-15 Legislative Budget Request

A. Mold/Water Intrusion LBR

Judge Damoorgian presented the 4th DCA mold and water intrusion LBR request and stated that due to the recent mold intrusion that the court has experienced the renovation costs will include funds for the mold and water intrusion totaling \$7,243,000. Judge Lawson asked Dorothy Wilson and Lisa Goodner if this would be accomplished by amending the existing courthouse renovation issue or if this issue would be a new issue to file. Dorothy Wilson stated, if approved, we would amend the currently filed issue. Lisa Goodner commented that the mold issue has already been discussed with the Legislative and Governor's staff.

Judge Torpy motioned to approve the amended issue to include the mold renovations. Judge Shepherd seconded and the motion passed without objection.

B. Alternative New Construction LBR

Judge Gerber and Judge Damoorgian presented the alternative new construction LBR issue. Judge Damoorgian explained that the analysis of the new building construction was done in order to demonstrate feasibility, with the approval of the Supreme Court. He also mentioned that the first year funding request would be for the design and engineering/architectural costs of the building and the subsequent year request for the construction. He explained that the property that the 4th DCA is sitting on would not be sold until after the move to the new facility. The amount of approximately \$288,000 would be needed in fiscal year 2014-15 for the building plans, and the site purchase and construction would be requested in fiscal year 2015-16. Judge Lawson expressed concerns on staying in the building for 2 more years due to the mold. Judge Damoorgian spoke about the current building's deterioration. He also spoke about the \$25,000 that was spent in October for mold removal, and that they could continue to remediate the mold issues temporarily until the new building was completed. Judge Lawson explained that the first year request to the Legislature would need to be for the \$288,000 and include funds for issues that could occur with the building, including the mold. Judge Lawson mentioned that the new building plans did not currently include the fixtures, furniture, equipment, and secure parking and asked if they needed to be factored in. Lisa Goodner explained that those items would need to be factored into the estimate for the issue.

Judge Lawson suggested to approve an amount up to \$400,000 for the first year costs for building plans and issues that could arise with the old building, and OSCA staff will work with the 4th DCA to get the necessary figures. Judge Davis motioned to approve up to \$400,000 for fiscal year 2014-15. Judge Shepherd seconded and the motion passed without objection. Dorothy Wilson clarified with the Commission that the construction costs for fiscal year 2015-16 would be filed in the LBR as an estimate but would be brought back to the DCABC next year with final figures and consideration for the fiscal year 2015-16 LBR.

Judge Lawson asked each DCA to provide a status on the scanning initiative. Judge Northcutt reported they are only scanning the current files and are not going back at this time. Judge Shepherd reported they are scanning and shredding old and new files. Marshal DiGiacomo reported their district has three vendor quotes and once a vendor is selected they will begin scanning the active files and go to older files if funds permit.

Other Business

Judge Northcutt raised the issue to potentially use historical salary reversions to fund salary issues in the event the proposed pay plan is not funded. Judge Shepherd requested that a work

group be established to address the different salary issues among the courts. Judge Lawson remarked he would look into it.

Adjournment

With no other business before the Commission, the meeting adjourned at 4:31 p.m.

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District Court of Appeal Budget Commission
March 28, 2014
Video Conference Meeting

Agenda Item III.: Fourth District Court of Appeal – FTE Request

Issue:

The Fourth District Court of Appeal (DCA) request approval from the District Court of Appeal Budget Commission (DCABC) to utilize two FTE from the unfunded reserve (see attached letter). There are currently a total of 18.50 FTE in the unfunded reserve.

The Fourth DCA currently contracts with the Sheriff's Office to provide security for their court. This request would change the model with which they currently operate their security from a contractual model to an employee model. In order to make this transition, they are requesting FTE from the unfunded reserve to establish two Court Security Officer II positions to provide the security within their court. These positions would be hired effective July 1, 2014, to provide ample time to cancel the contract with the Sheriff's Office. The total cost of these positions, based on the current benefit packages, is estimated from \$74,409 to \$91,550, depending on the benefits selected by the individuals hired. Additionally, these employee costs are subject to change with any adjustments made during the 2014 Legislative Session. The Fourth DCA has sufficient funds to transition to the employee model which will also reduce their overall cost of court security.

Options:

1. Approve the request and allow the Fourth DCA to utilize two FTE from the unfunded reserve, effective July 1, 2014.
2. Deny the request.

DORIAN K. DAMOORGIAN
CHIEF JUDGE
MARTHA C. WARNER
W. MATTHEW STEVENSON
ROBERT M. GROSS
CAROLE Y. TAYLOR
MELANIE G. MAY
CORY J. CIKLIN
JONATHAN D. GERBER
SPENCER D. LEVINE
BURTON C. CONNER
ALAN O. FORST
MARK W. KLINGENSMITH
JUDGES



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MARILYN
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CLERK
PAT BARNDT
CHIEF DEPUTY CLERK
DANIEL DIGIACOMO
MARSHAL
GINO DETRICK
DEPUTY MARSHAL

MEMORANDUM

TO: Judge C. Alan Lawson, DCABC Chairman

CC: Judge Gerber, Lisa Goodner, Daniel DiGiacomo

FROM: Dorian Damoorgian, Chief Judge 

DATE: March 18, 2014

SUBJECT: FTE Request – Fourth District Court of Appeal

On behalf of the Fourth District Court of Appeal, I respectfully request the District Court of Appeal Budget Commission's budgetary approval to exchange recurring contracted services funding (presently \$102,000) for salary dollars to fund two full time Court Security Officer II – District Court positions from the unfunded FTE allocations currently appropriated to the district courts.

The estimated annual cost to fund the two security positions is \$82,129.24 (with the assumption of a starting salary at the minimum plus benefits). The addition of the two positions will double our available security personnel. This change will bring us to parity with the majority of other district courts of appeal in terms of the number of security personnel. The approval of this request will allow the Fourth District to reduce the overall cost of court security in our operating budget. The transfer of these funds will result in the above-listed benefits, while remaining within our current overall budget allocation.

Your consideration of this request is appreciated. If you have any questions regarding this matter, please feel free to contact me at (561) 242-2030.