



Tampa, FL
Thursday, June 20, 2013
9:00 a.m. – 3:30 p.m.
Royal Palm Ballroom 1-2

AGENDA

- I. Welcome and Opening Remarks**
 - A. Roll Call**
 - B. Approval of May 14, 2013 Meeting Minutes**

- II. 2013 Legislative Session Wrap-up**
 - A. General Appropriation Act (GAA) – Section 7 Overview**
 - B. GAA – Section 8 Overview**

- III. FY 2012-13 Year End Budget Wrap Up**
 - A. Salary Budgets**
 - B. Rate Distribution Update**
 - C. Operating Budgets**
 - D. Trust Fund Cash Overview**

- IV. Resources Allocation Implementation Plan – Work Group Status Reports**
 - A. Work Group 1**
 - B. Work Group 2**
 - C. Work Group 3**
 - D. Work Group 4**

- V. FY 2013-14 Allocations**
 - A. Appropriation Summary**
 - B. Operating Allocations**
 - C. eFacts Implementation Allocations**



VI. FY 2014-15 Legislative Budget Request (LBR)

A. LBR Timelines

B. Discussion of LBR Issue Strategy

VII. FY 2013-14 Budget and Pay Policies: Payroll Projection Timeline

VIII. Other Business and Adjournment

A. Next Meeting: August 23, 2013, Orlando

District Court of Appeal Budget Commission
Video Conference Meeting
May 14, 2013



Members Present

Judge Richard Orfinger, Chair
Judge Simone Marstiller
Judge Robert Benton, II
Judge Morris Silberman
Judge Stevan Northcutt
Judge Frank Shepherd
Marshal Veronica Antonoff
Marshal Charles Crawford

Judge Linda Wells
Judge Dorian Damoorgian
Judge Melanie May
Judge Vincent Torpy
Judge William Van Nortwick, Jr.
Marshal Stephen Nevels
Marshal Jo Haynes
Marshal Glen Rubin

Others Present

Daniel Digiacomio, Judge Alan Lawson, Deputy Marshal Gino Detrick, Lisa Goodner, Theresa Westerfield, Dorothy Wilson and OSCA staff

Welcome and Opening Remarks

Judge Richard Orfinger welcomed members and recognized the incoming 4th DCA Marshal Daniel DiGiacomo. Judge Orfinger called the District Court of Appeal Budget Commission (DCABC) meeting to order at 3:22 p.m.

Approval of 12/17/12 Meeting Minutes

A motion was made by Judge May to adopt the December 17, 2012 meeting minutes as drafted. Judge Torpy seconded and the motion was passed without objection.

FY 2012-13 Rate Distribution

Judge Orfinger explained that there were two items for consideration on the meeting agenda. The first was a rate distribution for FY 2012-13 and second, individual Salary Budget exception requests submitted by the 1st, 2nd and 4th District Courts of Appeal (DCA). Judge Orfinger mentioned that if the DCABC decided to consider and approve the individual salary exceptions, most likely the 3rd and 5th DCA would submit exception requests as well.

Judge Orfinger stated that the statewide policies implemented by the DCABC have generated a savings and the DCABC could consider a rate distribution for the current fiscal year. Judge Orfinger inquired if the rate distribution were approved, would there be a need for the individual salary exceptions. Judge Marstiller responded that if the rate distribution were approved, the 1st

DCA would not pursue the requested salary budget exception. Judge Silberman indicated the 2nd DCA would still pursue the reclassification request. Judge May replied the 4th DCA would not pursue the salary exception if the rate distribution was approved.

Dorothy Wilson reviewed the FY 2012-13 Rate Distribution proposal, explaining that the distribution would provide each court with an allocation allowing them to provide certain employees a rate increase based on parameters approved by the DCABC. The rate increases would be effective in the current fiscal year, pending the approval of the DCABC recommendations by the Chief Justice, and would have a recurring impact on the payroll projections for the FY 2013-14.

Ms. Wilson further explained that the payroll projections for FY 2013-14 are scheduled to be completed and presented to the DCABC during the August 23, 2013 meeting. There are several unknown factors that will impact the payroll projections including Health and Retirement Premium increases for full time positions and Health Premiums for OPS employees. While these issues were funded by the Legislature we are unable to determine if they were fully funded until the funding is released by the Governor's office sometime in late July. The 2013-14 payroll projections will also be impacted by the Social Security Cap, \$14,732 and the estimated Law Clerk Pay Plan Liability, \$187,781 both of which are unfunded. The rate savings as of March 31, 2013 was \$38,763. Ms. Wilson noted that any stagnant vacancies were backed out to allow for a true picture of the lapse that may be generated next year. She added that lapse savings are temporary.

Ms. Wilson presented the following options to determine the amount of rate to distribute.

Option One: Distribute \$38,763 in rate based on rate savings as of March 31, 2013 (estimated impact to salary and benefits is \$43,771)

Option Two: Distribute \$50,000 in rate (estimated impact to salary and benefits is \$56,415)

Option Three: Distribute \$75,000 in rate (estimated impact to salary and benefits is \$84,623)

Judge Silberman made a motion for Option Three. Judge Northcutt seconded the motion. A roll call vote was taken and the motion passed unanimously.

Dorothy Wilson presented the following options to determine how to distribute the rate equitably across the five DCA's.

Option One: Distribute the rate based on the number of FTE in each DCA excluding the Judges and the vacant positions of one year or more.

Option Two: Distribute the rate based on the number of FTE in each DCA excluding the Judges. *Note: Previous rate distributions in other budget entities have been calculated using FTE excluding the Judges since their salary is set in the General Appropriations Act and are unable to receive rate increases.*

Option Three: Distribute the rate based on the total number of Judges in each DCA.

Judge Torpy made a motion for Option Two. Judge Marstiller seconded the motion. A roll call vote was taken and the motion passed unanimously.

Theresa Westerfield reviewed the next decision for consideration, to determine the parameters for the rate distribution. The following considerations were posed for the DCABC's approval:

1. Allow increases up to those provided in the Personnel Regulations governing:
 - Appointment rates
These are currently limited in the FY 2012-13 Budget and Pay Administration memorandum (Budget & Pay Memo) to the minimum of the class unless an exception for up to 10% above the minimum is approved by the DCABC; Personnel Regulations allow appointment rates up to 10% above the minimum of the class for those employees possessing training and/or experience above the minimum requirements for the class which is directly related and immediately usable.
 - Upward reclassifications, including Lead Workers
These are currently limited in the Budget & Pay Memo to those which result in a salary increase of 5% or less over the original classification or over the employee's current salary, whichever is greater unless an exception for a resulting salary increase of over 5% is approved by the DCABC; upward reclassifications are analogous to promotions and, as such, Personnel Regulations relating to salary increases upon promotion would apply.

- Promotions

These are currently limited in the Budget & Pay Memo to 5% above the employee's salary prior to the promotion if the increase to the minimum of the class is less than 5% unless an exception for up to 10% of the employee's salary prior to promotion is approved by the DCABC; Personnel Regulations allow an increase of up to 10% above the employee's salary prior to the promotion if the employee's salary prior to promotion is at or above the minimum of the higher class; Personnel Regulations also allow for an increase of 10% above the minimum of the pay range for the higher class if the employee possesses training and/or experience above the minimum requirements for the class which is directly related and immediately usable.

2. Limit special pay increases to 10% above the employee's current salary.
3. Allow increases, limited to 10% above the employee's current salary, for reassignments with justification, e.g., when a reassignment results in an advanced role such as the "Director of Writs and Motions" in the 1st DCA.
4. Any unused rate on June 30, 2013, shall be returned to the statewide pool on July 1, 2013.

Ms. Westerfield further explained that the intention was that 10% would be the maximum for each employee, cumulative for the year.

Judge May made a motion to adopt the considerations as presented. Judge Silberman seconded the motion. A roll call vote was taken and the motion passed unanimously.

2nd DCA Salary Budget Exception Request

The 2nd DCA presented an exception request to reclassify an Administrative Assistant II position to a User Support Analyst. This position is critical in order to restore the User Support Analyst position. The incumbent's current salary is \$30,320.04. The incumbent would be slated to receive a promotional pay increase to the minimum of the class, which is \$39,708.48. The reclassification results in an increase of \$9,388.44 (31%) in rate at a cost of \$10,592.98, including benefits.

Judge Orfinger requested clarification that under the current Budget & Pay Memo, even if the position was vacant, would it require DCABC approval. Theresa Westerfield confirmed that under the current memo it would require approval.

Judge Shepherd presented a motion to fund half of the increase from the statewide allocation and fund the other half from the 2nd DCA's portion of the rate distribution. Judge Torpy seconded the motion. Judge Silberman remarked that the 2nd DCA would like the reclassification increase to be fully funded from the statewide allocation. Judge Marstiller suggested the option to fund statewide but to revisit the amount of the rate distribution approved.

Judge Orfinger took a verbal vote for the following two options:

Option One: To fund half of the increase from the statewide allocation and the other half to be funded from the 2nd DCA's portion of the rate distribution.

Option Two: Fund the 2nd DCA request from the statewide allocation and approve \$64,000 in rate distribution to distribute across the five DCA's.

The verbal vote resulted in the passage of Option One.

Upcoming Meetings

Dorothy Wilson reminded the members that the next DCABC meetings were scheduled for June 20, 2013 in Tampa and August 23, 2013, location to be determined.

Adjournment

With no other business before the Commission, the meeting adjourned at 4:59 p.m.

STATE COURTS SYSTEM
FY 2013/14 CONFERENCE REPORT ON SENATE BILL 1500
WITH GOVERNOR'S VETOES

5/20/13 11:34 AM

	Budget Entity/Issues	Issue Code	FTE	General Revenue	GR Non-Recurring	Trust	Total GR and Trust
1	SUPREME COURT - 22010100						
2	Florida Appellate Courts Tech. Solution (EFACTS) Tech. Support	36313C0		52,223			52,223
3	Death Penalty Tracking System - Post Conviction Case Management			30,000	30,000		30,000
4	CIP - Maintenance and Repair (roof, building sealant, ADA upgrades, site hardening)	990M000		4,869,455	4,869,455		4,869,455
5	TOTAL SUPREME COURT		0.0	4,951,678	4,899,455	0	4,951,678
6	EXECUTIVE DIRECTION - 22010200						
7	ISS Infrastructure Replacement	24010C0		90,508	90,508		90,508
8	Judicial Inquiry System Re-Write	35005C0		375,000	250,000		375,000
9	Florida Appellate Courts Tech. Solution (EFACTS) Tech. Support	36313C0		606,103	517,405		606,103
10	Death Penalty Tracking System - Post Conviction Case Management			20,000	20,000		20,000
11	Continuation of Post-Adjudicatory Drug Court	5406010		297,429			297,429
12	TOTAL EXECUTIVE DIRECTION		0.0	1,389,040	877,913	0	1,389,040
13	ADMINISTERED FUNDS - 22020100						
14	Small County Historic Courthouse Restoration- Clay \$300,000; Bradford \$200,000} - VETOED			500,000	500,000		500,000
15	TOTAL ADMINISTERED FUNDS		0.0	500,000	500,000	0	500,000
16	DISTRICT COURT OF APPEAL - 22100600						
17	2nd DCA Operational Increases	4600600		32,000			32,000
18	CIP - 2nd DCA Air Handler Replacement	990M000/080043		327,462	327,462		327,462
19	CIP - 3rd DCA HVAC Renovation	990M000/080101		80,661	80,661		80,661
20	CIP - 5th DCA HVAC Renovation			41,963	41,963		41,963
21	CIP - 5th DCA Exterior Building Sealant	990M000/080956		19,239	19,239		19,239
22	CIP - 2nd DCA Driveway Expansion Lakeland Courthouse - VETOED	990M000/081600		30,450	30,450		30,450
23	CIP - 5th DCA Skylight Replacement	990M000/082528		75,000	75,000		75,000
24	CIP - 4th DCA ADA and Security Facility Study	990S000/080062		50,000	50,000		50,000
25	TOTAL DISTRICT COURT OF APPEAL		0.0	626,325	594,325	0	626,325

STATE COURTS SYSTEM
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5/20/13 11:34 AM

	Budget Entity/Issues	Issue Code	FTE	General Revenue	GR Non-Recurring	Trust	Total GR and Trust
26	TRIAL COURTS - 22300100/22300200						
27	Child Advocacy Centers	3000115		3,500,000	3,500,000		3,500,000
28	Senior Judge for Citrus County Workload	3000420		88,415	88,415		88,415
29	Funding for Due Process Deficits	3000810		500,000		500,000	1,000,000
30	Base Budget Reduction - Removes funding for GPS monitoring pilot program in the 18th Circuit	33V3600		(316,000)			(316,000)
31	Domestic Violence GPS monitoring pilot program	33V3600		316,000	316,000		316,000
32	Criminal justice update for information services-system for Village of Virginia Gardens - VETOED	3630560		44,150	44,150		44,150
33	Veterans Courts in Clay, Pasco, Okaloosa, Pinellas and Alachua counties	5000000		750,000	600,000		750,000
34	Court Interpreting Pilot	5303000		100,000	100,000		100,000
35	Post-Adjudicatory Drug Court Continuation	5406010		5,543,957	5,543,957		5,543,957
36	National Mortgage Foreclosure Settlement (Senate Bill 1852)			21,262,579	21,262,579		21,262,579
37	TOTAL TRIAL COURTS		0.0	31,744,951	31,410,951	500,000	32,244,951
38	TOTAL JUDICIAL BRANCH		0.0	38,711,994	37,782,644	500,000	39,211,994

**STATE COURTS SYSTEM
FY 2013/14 CONFERENCE REPORT ON SENATE BILL 1500
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5/20/13 11:34 AM

Proviso

1	The funds provided in Specific Appropriations 3156 through 3225 shall not be used to fund any facility study or architectural/engineering study to assist in planning for the current or future needs of the Second District Court of Appeal
2	From the funds in Specific Appropriation 3178A, \$500,000 in nonrecurring general revenue funds is provided for the restoration of small county historic courthouses. Clay \$300,000 Bradford \$200,000
3	From the funds in Specific Appropriation 3185, \$32,000 in recurring general revenue funds is provided to the Second District Court of Appeal to address minimum security requirements and day-to-day operating needs for the facility.
4	The funds in Specific Appropriation 3191 are provided to the Second District Court of Appeal for the replacement of air handlers.
5	From the funds in Specific Appropriation 3191A, \$50,000 in nonrecurring general revenue funds is provided to the state courts to contract for an architectural and engineering study of the Fourth District Court of Appeal facility to address ADA compliance and court security issues.
6	The funds in Specific Appropriation 3193A are provided to the Second District Court of Appeal to reconstruct its driveway.
7	The Office of Program Policy Analysis and Government Accountability (OPPAGA) shall evaluate the effectiveness of Florida's post-adjudicatory drug courts. The review shall assess performance based on program output metrics (e.g., program completion), cost metrics (e.g., cost per successful completion), and outcome metrics (e.g., re-arrest and re-incarceration rates of program participants). The report shall also compare program performance across the 8 post-adjudicatory drug court programs and identify reasons that performance may vary across programs. The report shall include recommendations for improving the effectiveness of these programs. OPPAGA shall report its findings and recommendations to the Speaker of the House of Representatives and the President of the Senate by January 13, 2014.
8	From the funds in Specific Appropriation 3201, \$3,500,000 in nonrecurring general revenue funds shall be distributed to the 25 Children's Advocacy Centers throughout Florida based on the proportion of children served by each center during calendar year 2012. This funding may not be used to supplant local government reductions in Children's Advocacy Center funding. Any reductions in local government funding for the centers shall result in the withholding of funds appropriated in this line item. The Florida Network of Children's Advocacy Centers may spend up to \$25,000 in this line item for contract monitoring and oversight.

**STATE COURTS SYSTEM
FY 2013/14 CONFERENCE REPORT ON SENATE BILL 1500
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5/20/13 11:34 AM

9	From the funds in Specific Appropriation 3203, \$600,000 in nonrecurring general revenue funds shall be distributed to Okaloosa, Pasco, Pinellas, and Clay counties and \$150,000 in recurring general revenue funds shall be distributed to Alachua County to create, pursuant to ss. 948.08(7)(a) and 948.16(2)(a), F.S., felony and/or misdemeanor pretrial veterans' treatment intervention programs to address the substance abuse and mental health treatment needs of veterans and service members charged with criminal offenses.
10	From the funds in Specific Appropriation 3203A, \$44,150 in nonrecurring general revenue funds is provided to update the criminal justice information system for the Village of Virginia Gardens.
11	From the funds in Specific Appropriation 3204, \$316,000 in nonrecurring general revenue is distributed to the Eighteenth Judicial Circuit to continue its program to protect victims of domestic violence with Active Global Positioning Satellite (GPS) technology.

Back of the Bill Language

12	SECTION 36. There is hereby appropriated the sum of \$693,912 in nonrecurring trust fund authority to the State Courts Revenue Trust Fund in the State Courts Due Process Cost category within the State Court System. Funds shall be used for Fiscal Year 2012-2013 court ordered payments for attorney fees in criminal conflict cases in excess of the flat fee established in law as specified in line item 828 of the Fiscal Year 2012-2013 General Appropriations Act. This section is effective upon becoming law.
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Item II. B.	GAA Section 8 Overview																	
PAY	<p>Competitive pay adjustment for eligible employees* effective October 1, 2013: For employees with a base rate of pay of \$40,000 or less on September 30, 2013, an annual increase of \$1,400. For employees with a base rate of pay greater than \$40,000 on September 30, 2013, an annual increase of \$1,000; provided however, in no instance shall an employee's base rate of pay be increased to an annual amount less than \$41,400. (Example: If an employee's base rate is \$40,200, the increase would be \$1,200 so as to equal \$41,400.)</p>																	
	<p>If an ineligible employee achieves performance standards subsequent to the salary increase implementation date but on or before the end of the fiscal year, the employee may receive an increase; however, such increase shall be effective on the date the employee becomes eligible but not retroactively.</p>																	
	<p>Any salary increase or bonus provided shall be pro-rated based on the full-time equivalency of the employee's position. (OPS employees are not eligible for an increase or bonus.)</p>																	
	<p>Minimums for each pay grade shall not be adjusted. Maximums for each pay grade shall be adjusted upward by 6%. The intent is for all eligible employees to receive the increases specified herein, even if they exceed the cap.</p>																	
	<p>Funds are provided to allow the Chief Justice to provide discretionary one-time lump sum bonuses of \$600 to eligible* permanent employees in order to recruit, retain and reward quality personnel pursuant to a policy adopted by the Chief Justice for judicial branch employees, which is consistent with s. 110.1245(2), F.S. (For example, s. 110.1245(2) (f), F.S. limits bonus distributions to 35% of the branch's total authorized positions and states that bonuses shall be paid in June of each year, from funds authorized by the Legislature in an appropriation specifically for bonuses.)</p>																	
	<table border="0"> <thead> <tr> <th data-bbox="281 1089 632 1122">Judicial Salaries</th> <th data-bbox="632 1089 1003 1162">Effective 7/1/13 (2%)</th> <th data-bbox="1003 1089 1900 1162">Effective 10/1/13 (\$1,000)</th> </tr> </thead> <tbody> <tr> <td data-bbox="281 1162 632 1195">Supreme Court Justice</td> <td data-bbox="632 1162 1003 1195">\$161,200</td> <td data-bbox="1003 1162 1900 1195">\$162,200</td> </tr> <tr> <td data-bbox="281 1195 632 1227">Judges - District Court of Appeal</td> <td data-bbox="632 1195 1003 1227">\$153,140</td> <td data-bbox="1003 1195 1900 1227">\$154,140</td> </tr> <tr> <td data-bbox="281 1227 632 1260">Judges - Circuit Court</td> <td data-bbox="632 1227 1003 1260">\$145,080</td> <td data-bbox="1003 1227 1900 1260">\$146,080</td> </tr> <tr> <td data-bbox="281 1260 632 1292">Judges - County Courts</td> <td data-bbox="632 1260 1003 1292">\$137,020</td> <td data-bbox="1003 1260 1900 1292">\$138,020</td> </tr> </tbody> </table>			Judicial Salaries	Effective 7/1/13 (2%)	Effective 10/1/13 (\$1,000)	Supreme Court Justice	\$161,200	\$162,200	Judges - District Court of Appeal	\$153,140	\$154,140	Judges - Circuit Court	\$145,080	\$146,080	Judges - County Courts	\$137,020	\$138,020
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Judges - Circuit Court	\$145,080	\$146,080																
Judges - County Courts	\$137,020	\$138,020																
Life & Disability Insurance	no change in current plans																	

*employees who are, at a minimum, meeting their required performance standards, if applicable

Prescription Drug Program	no change in current plans (e.g., no increase in co-pays)
Health Insurance	no change in current plans nor in <u>employee</u> paid premiums including those with "agency payroll" benefits (state share will increase 10% in March, 2014)
Bar Dues	Payment of bar dues authorized
Merit Pay	Authorization to grant merit pay increases from existing resources "based on the employee's exemplary performance as evidenced by a performance evaluation conducted pursuant to chapter 60L-35, Florida Administrative Code, or a similar performance evaluation applicable to other pay plans. The Chief Justice may exempt judicial branch employees from the performance evaluation requirements of this paragraph. "

Agenda Item III.A.: Salary Budget

FY 2012-13 District Courts of Appeal Salary Budget

MAY 2013

ALL FUND SUMMARY

1	Projected Full Employment Payroll Liability through June 30, 2013	35,180,127
2	Salary Appropriation (Includes Health adjustments for May - June 2013)	(35,161,500)
3	Projected Liability OVER/(UNDER) Salary Appropriation @ Full Employment	18,627
4	Actual Payroll Adjustments through May 31, 2013	(753,651)
5	Adjusted Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(735,024)
6	Estimated Remaining Leave Payouts (based on two year average May to June)	7,238
7	FINAL - Adjusted Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(727,786)
8	Projected Law Clerk Pay Plan Liability through June 30, 2013	36,721
9	Adjusted Liability OVER/(UNDER) Salary Appropriation including projected liability for the Law Clerk Pay Plan	(691,065)

Item III. B. Rate Distribution Update

DCA	Distribution	Expended	Remaining
First	19,943	19,910	33
Second	16,867	16,867	0
Third	11,457	11,457	0
Fourth	13,791	13,084	707
Fifth	12,942	12,942	0
TOTAL	75,000	74,260	740

Agenda Item III.C.: Operating Budget

Current Status:

The data below represents the status of the FY 2012-13 operating budget as of May 31, 2013.

General Revenue Fund

Category	District	Appropriation	Expended / Encumbered	Remaining Balance	% Expended / Encumbered
Other Personal Services	1st	10,249	0	10,249	0.00%
	4th	6,644	2,720	3,924	40.94%
	5th	49,874	43,733	6,141	87.69%
	TOTAL	66,767	46,453	20,314	69.57%
Expenses	1st	1,425,124	1,387,253	37,871	97.34%
	2nd	811,053	718,345	92,708	88.57%
	3rd	221,218	172,986	48,232	78.20%
	4th	281,917	248,387	33,530	88.11%
	5th	253,842	198,763	55,079	78.30%
	TOTAL	2,993,154	2,725,733	267,421	91.07%
Operating Capital Outlay	1st	4,642	0	4,642	0.00%
	2nd	40,097	40,095	2	100.00%
	3rd	16,551	12,172	4,379	73.54%
	4th	18,274	0	18,274	0.00%
	5th	5,800	5,340	460	92.07%
	TOTAL	85,364	57,608	27,756	67.48%
Senior Judge Days	1st	7,700	0	7,700	0.00%
	2nd	1,127	710	417	63.01%
	3rd	16,968	13,848	3,120	81.61%
	4th	8,995	6,391	2,604	71.05%
	5th	7,000	5,326	1,674	76.09%
	TOTAL	41,790	26,276	15,514	62.88%
Contracted Services	1st	83,594	24,592	59,002	29.42%
	2nd	188,346	168,989	19,357	89.72%
	3rd	108,650	70,471	38,179	64.86%
	4th	304,818	273,902	30,916	89.86%
	5th	61,237	51,604	9,633	84.27%
	TOTAL	746,645	589,557	157,088	78.96%
DCA Law Library	1st	86,641	31,521	55,120	36.38%
	2nd	34,602	22,093	12,509	63.85%
	3rd	9,975	9,163	812	91.86%
	4th	3,874	0	3,874	0.00%
	5th	15,705	12,768	2,937	81.30%
	TOTAL	150,797	75,545	75,252	50.10%

Agenda Item III.C.: Operating Budget

Current Status:

The data below represents the status of the FY 2012-13 operating budget as of May 31, 2013.

General Revenue Fund

Category	District	Appropriation	Expended / Encumbered	Remaining Balance	% Expended / Encumbered
Lease/Lease Purchase	1st	16,895	16,895	0	100.00%
	2nd	13,453	13,452	1	99.99%
	3rd	6,316	5,512	804	87.27%
	4th	13,576	9,461	4,115	69.69%
	5th	12,446	11,170	1,276	89.75%
	TOTAL		62,686	56,489	6,197
Other Data Processing Services	1st	34,720	31,191	3,529	89.84%
	2nd	35,599	33,792	1,807	94.93%
	3rd	28,930	25,652	3,278	88.67%
	4th	37,445	33,202	4,243	88.67%
	5th	34,406	31,702	2,704	92.14%
	TOTAL		171,100	155,540	15,560

Administrative Trust Fund

Category	Appropriation	Expended / Encumbered	Remaining Balance	% Expended / Encumbered
Expenses	94,669	45,063	49,606	47.60%
Operating Capital Outlay	27,000	0	27,000	0.00%
TOTAL	121,669	45,063	76,606	37.04%

Agenda Item III.D.: Trust Fund Cash Overview

**State Courts System
State Courts Revenue Trust Fund - Monthly Cash Analysis
Fiscal Year Reporting 2012-2013**

Using Actual Revenues and Expenditures for May and
REC revenue for June.

Article V Revenue Estimating Conference Projections

1	July 11, 2012	9,150,000	9,150,000	9,150,000	9,150,000	9,150,000	9,150,000	9,150,000	9,150,000	9,150,000	9,150,000	9,150,000	9,150,000	109,800,000
2	November 8, 2012	9,150,000	9,150,000	9,150,000	9,150,000	8,887,500	8,887,500	8,887,500	8,887,500	8,887,500	8,887,500	8,887,500	8,887,500	107,700,000
3	February 6, 2013	9,150,000	9,150,000	9,150,000	9,150,000	8,887,500	8,887,500	8,887,500	7,807,500	7,807,500	7,807,500	7,807,500	7,807,500	102,300,000
4	State Courts Revenue Trust Fund	July	August	September	October	November	December	January	February	March	April	May	June	Year-To-Date Summary
5	Beginning Balance (Carried Forward Cash from FY 11-12)	4,154,989	3,662,611	5,165,006	6,916,972	4,266,011	6,556,261	2,931,359	7,613,799	8,949,972	9,104,302	9,261,400	8,862,764	4,154,989
6	Fee and Fine Revenue Received ¹	6,365,347	8,951,356	9,240,274	8,064,141	9,240,642	7,746,640	7,768,106	8,416,596	8,357,140	8,760,735	7,475,624	7,807,500	98,194,102
7	Cost Sharing (JAC transfers/\$3,695,347 due annually)	681,932	147,552	106,817	737,872	187,669	0	923,911	175		923,842	448		3,710,216
8	Mortgage Foreclosure Settlement Funds							4,993,500				16		4,993,516
9	Refunds/Miscellaneous	6,692	15,221	5,173	16,075	1,552	181	2,713	808	2,373	(371)			50,417
10	Total Revenue Received	7,053,972	9,114,129	9,352,264	8,818,088	9,429,862	7,746,821	13,688,230	8,417,579	8,359,513	9,684,205	7,476,088	7,807,500	106,948,250
11	Available Cash Balance	11,208,960	12,776,740	14,517,270	15,735,060	13,695,874	14,303,082	16,619,588	16,031,377	17,309,485	18,788,507	16,737,487	16,670,264	111,103,239
12	Staff Salary Expenditures ²	(2,277)	(6,924,176)	(6,959,679)	(7,019,806)	(7,138,909)	(7,003,379)	(7,009,641)	(7,046,772)	(7,025,989)	(7,154,701)	(7,099,679)	(7,247,646)	(77,632,654)
13a	July Staff Salary Expenditures - Circuit						(4,367,916)							(4,367,916)
13b	July Staff Salary Expenditures - County				(496,628)									(496,628)
13c	July Staff Salary Expenditures - Supreme Court				(351,102)									(351,102)
13d	July Staff Salary Expenditures - OSCA				(490,308)									(490,308)
13e	July Staff Salary Expenditures - DCA				(1,145,102)									(1,145,102)
14	Mortgage Foreclosure Settlement Expenditures								(33,444)	(177,561)	(398,684)	(373,085)	(4,010,726)	(4,993,500)
15	Transfer to ATF for Attorney Payments Over the Flat Fee									(999,895)				(999,895)
16	Refunds	(465)	(1,305)	(678)	(1,740)	(705)	(428)	(1,253)	(1,190)	(1,738)	(1,846)	(2,480)		(13,826)
17	Prior Year Certified Forwards	(1,932,570)	(686,252)	(639,942)										(3,258,764)
18	Total SCRTF Operating Expenditures	(1,935,312)	(7,611,734)	(7,600,298)	(9,504,686)	(7,139,613)	(11,371,723)	(7,010,893)	(7,081,406)	(8,205,183)	(7,555,231)	(7,475,244)	(11,258,372)	(93,749,696)
19	<i>8% GRSC Executive</i>	(5,611,037)			(1,964,362)			(1,994,896)			(1,971,876)	(399,480)		(11,941,652)
20	Ending Cash Balance	3,662,611	5,165,006	6,916,972	4,266,011	6,556,261	2,931,359	7,613,799	8,949,972	9,104,302	9,261,400	8,862,764	5,411,891	5,411,891

¹ Early remittance of July revenues in the amount of \$3,123,787.56 was received in June. Projected revenues are based on the REC official annual revenue estimate.

² SCRTF expenditures for July in the amount of \$6,851,056.02 were paid from General Revenue.

Item III.D.: Trust Fund Cash Overview

**State Courts System
 Administrative Trust Fund
 May 31, 2013**

District Court of Appeal	Beginning Balance	Revenue Received	Expenditures	Refunds	Balance
1st DCA - 22110000120-WC	88,230.95	1,761,190.44	0.00	0.00	1,849,421.39
Salaries 010000	0.00	0.00	(1,335,869.38)	0.00	(1,335,869.38)
Expenses 040000	0.00	0.00	(45,063.36)	0.00	(45,063.36)
Human Resources billing-DMS	0.00	0.00	(2,163.00)	0.00	(2,163.00)
Ending Cash Balance	88,230.95	1,761,190.44	(1,383,095.74)	0.00	466,325.65

District Court of Appeal Budget Commission
June 20, 2013
Tampa, FL

Agenda Item IV.A.: Work Group 1

Charge: Recommend ways to provide incentive(s) to the courts to implement their own cost-saving and efficiency measures over and above the uniform policies and guidelines.

Results: Upon further review and in consultation with Judge Orfinger and Judge Wells, a determination was made to postpone the charge of Work Group 1 until further discussion could be had between the full DCABC to determine if this charge should move forward or be removed.

Decision

Needed: **Option One:** Continue with original charge.

Option Two: Remove charge of Work Group 1.

**DISTRICT COURT OF APPEAL BUDGET COMMISSION
RESOURCE ALLOCATION IMPLEMENTATION – WORKGROUP 2**

Report and Recommendations¹

March 22, 2013

Workgroup Members

Judge Simone Marsteller (1st DCA), Chair

Judge Morris Silberman (2nd DCA)

Judge Frank Shepherd (3rd DCA)

Judge Melanie May (4th DCA)

Judge Vincent Torpy (5th DCA)

Nonvoting Workgroup Members

Marshal Veronica Antonoff (3rd DCA)

Marshal Glen Rubin (4th DCA)

OSCA Support Team

Theresa Westerfield

David Pepper

Terri Williams

Delcynth Schloss

¹ Judge Shepherd will submit a supplemental memorandum on geographic cost-of-living issues.

WORKGROUP 2 – CHARGES

On August 2, 2012, District Court of Appeal Budget Commission Chair Richard B. Orfinger appointed workgroup members to recommend selected implementation strategies pursuant to the approved DCA *Salary Budget Allocation and Management Report and Recommendations*. This workgroup, Group 2, was charged with the following:

1. Examine variances among the district courts in the implementation of Personnel Regulations and propose uniform implementation policies, as needed.
2. Review and recommend competitive changes to the Law Clerk Pay Plan.
3. Ensure full implementation of the current Law Clerk Pay Plan in all district courts.
4. Specify new hire salary ranges for non-exempt employee classifications to address recruitment needs and include as recommendations to the Chief Justice’s Annual Budget and Pay Administration Memorandum.
5. Establish overall policies to ensure that district courts have equal opportunity to give raises to employees in all classifications.

WORKGROUP MEETINGS AND MATERIALS

The workgroup met on September 18, 2012, October 17, 2012, November 27, 2012, and January 13, 2013. The OSCA Support Team compiled, and the workgroup studied, the following information:

- DCA Leave Payouts Fiscal Year 2010-2011
- DCA Family Medical Leave and Military Leave Hours² FY 2010-2011 and FY 2011-2012

² There were no paid military leave hours for any of the DCAs in FY 10/11 or in FY 11/12.

Item IV.B.

- DCA Reassignments, Demotions and Reclassification FY 2009-2010 through FY 2011-2012
- Parental Leave Practices for DCA Personal Staff by each DCA
- Judicial Positions Excluded from Personnel Regulations
- Summary of Regulations Applicable to Personal Staff of Judicial Officer of Appellate Courts
- Summary of Regulations Applicable to Employees Not Designated as Staff of Judicial Officers
- Personnel Regulations regarding Annual Leave Accrual, Use, Transfer, and Payment
- Personnel Regulations regarding Sick Leave Accrual, Use, Donation, Transfer, Forfeiture, and Payment
- Personnel Regulations regarding Disability Leave with Pay
- Notes regarding Representative Mayfield's and Senator Fasano's views on accrued leave and payouts
- March 18, 2009 Guidance on Maternity Leave for Appellate Personal Staff
- "Other Personnel Actions" in Budget and Pay Administration Memorandum for Fiscal Year 2012/13
- Personnel Regulations regarding Special Pay Increases, Salary Increases Upon Promotion, Pay Upon Demotion, Pay Upon Reassignment, Pay Upon Transfer, and Downward Pay Adjustments
- Steps for determining if a position is exempt or non-exempt
- Personnel Regulations regarding types of paid leave allowed to be used in conjunction with parental leave
- Research findings regarding parental leave policies with supplemental information
- Average Salary Comparison 2010 Florida Bar Survey
- Bureau of Labor Statistics May 2011 re: law clerk and lawyer salaries
- Florida State Agencies Attorney Pay Ranges
- Federal Law Clerk Salary Comparison
- Summary of federal law clerk qualifications, salary and benefits
- Various articles regarding attorney wages
- Appellate Court Law Clerk Pay Plan
- Various law clerk pay plan proposals with costs
- History of District Court Law Clerk Minimum Salaries
- State Employee Pay Increase History
- District Court Law Clerk Annual Pay Plan Requests and Funding

Item IV.B.

- MAG Study 2005 Proposed District Court Law Clerk Minimum
- MAG Study Total Proposed Funding for Appellate Law Clerks
- District Court Law Clerk Average Salaries if MAG Study Funded
- Salary Schedule – District Court Positions (excluding personal staff)
- Personnel Regulations re: New Hire Starting Salaries
- Provisions in Budget and Pay Administration FY 2012/13 Memorandum re: initial appointment rates
- 2nd, 3rd, and 4th DCAs All Staff at 10% Above Minimum, including costs as of March, 2013
- Provisions in Trial Court Budget and Pay Administration FY 2011/12 re: initial appointment rates and exception requests
- Personnel Regulations re: competitive area differential
- Florida Administrative Code re: Competitive Area Differential Additive and Critical Market Pay Additive
- Practices re: salary percentage increase for promotions
- Personnel Regulations re: Salary Increases Upon Promotion
- Provisions in Budget and Pay Administration FY 2012/13 Memorandum re: promotional increases
- Empsight International, LLC report: *2012 Policies, Practices & Merit Report*
- Cost of Living Comparisons for all district court locations

WORKGROUP RECOMMENDATIONS

1. ***Examine variances among the district courts in the implementation of Personnel Regulations and propose uniform implementation policies, as needed.***

The workgroup looked for variations in parental leave, family medical leave and military leave practices; leave payouts; position reclassifications; salary changes for demotions, transfers and reassignments; and end-of-year annual leave credits. The workgroup also discussed challenges concerning sick leave donations due to the overall small number of leave accruing positions in each court.

The workgroup recommends that:

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- *The management of parental leave for personal staff remain with the supervising judge.*
- *Pursuant to the State Courts Personnel Regulations Section 4.08 (1)(G), district courts should adopt a policy to encourage leave-accruing employees to use earned annual leave on a current yearly basis so as to insure that employees will not normally accrue excess leave. However, again pursuant to State Courts Personnel Regulations Section 4.08 (1)(H), all accrued annual leave up to 360 hours must remain credited as of the close of business on December 31.*
- *Finding no variances in the implementation of Personnel Regulations governing family medical leave, military leave, position reclassifications or salary changes for demotions/transfers/reassignments, no uniform policies are needed for these activities.*
- *The DCABC should recommend to the Supreme Court, adding the following language to State Courts Personnel Regulation 4.09(3)(B) regarding Donation of Sick Leave:*

“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 notify the employees of his/her respective court of the request for donations. “

2. *Review and recommend competitive changes to the Law Clerk Pay Plan.*

The workgroup examined the current Appellate Court Law Clerk Pay Plan, background research and materials, and a number of options to devise a competitive pay plan for appellate law clerks that addresses the appellate courts’ recruitment and retention needs.

The workgroup recommends that the DCABC approve and submit to the Supreme Court the proposed Appellate Law Clerk Pay Plan as reflected in the

Item IV.B.

chart attached as Appendix 1 and the proposed revised implementation plan attached as Appendix 2.

3. *Full implementation of the Law Clerk Pay Plan in all courts.*

This issue was discussed at the July 20, 2012 District Court of Appeal Budget Commission meeting in Orlando, Florida. The costs of all pending actions pursuant to the Law Clerk Pay Plan were included in the salary budget report and the DCABC agreed to recommend to the Chief Justice language for the Fiscal Year 2012-13 Budget and Pay Administration Memorandum: "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 in the discretion of the employing judge and chief judge, shall be made consistent with the Law Clerk Pay Plan." The Chief Justice subsequently provided the recommended language in the memorandum (August 3, 2013) thus ensuring that the Law Clerk Pay Plan could be fully implemented in all courts.

4. *Specify new hire salary ranges for non-exempt employee classifications to address recruitment needs and include as recommendations to the Chief Justice's Annual Budget and Pay Administration Memorandum.*

The workgroup reviewed a number of background documents and scenarios for minimum salary ranges, paying particular attention to the Second, Third and Fourth District Courts of Appeal. Discussions were had regarding competitive area differentials and issues regarding recruitment and retention. The following positions appear to present the most difficult recruitment issues due to low minimum salaries:

- Deputy Clerks
- Deputy Marshals
- Clerical positions, e.g., Administrative Assistants, Administrative Secretaries, Legal Secretary and Clerical Assistants
- Custodial positions, e.g., Custodial Supervisor, Custodial Worker, Maintenance Engineer

Item IV.B.

The workgroup recommends, as an intermediate solution for recruitment problems, that the DCABC recommend to the Chief Justice additional language for the Fiscal Year 2012-13 Budget and Pay Administration Memorandum at Section 5, Other Personnel Actions:

- a. Initial appointment rates must be at the minimum of the class pay range. The chief judge may request an exception for up to 10% above the minimum 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, either that 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.*

The workgroup further recommends that, if the language above is approved, the DCABC periodically review the documentation submitted to determine whether sufficient data exists to justify recommending permanent competitive area differentials.

- 5. Establish overall policies to ensure that district courts have equal opportunity to give raises to employees in all classifications.*
- The workgroup recommends that, beginning in FY 13/14, the DCABC set a rate amount for the district courts to use for salary increases, subject to other planned or unforeseen significant budget events (e.g., several judges exiting DROP in FY 14/15) and available salary appropriation. The DCABC would make the appropriate recommendation to the Chief Justice for inclusion in the annual Budget and Pay Memorandum, and should include the following provisions:*

Item IV.B.

- *Distribution to the district courts would be based on the total number of eligible³FTE in each district (less judges).*
- *Individual salary increases may not exceed [5 percent] [10 percent].*
- *No retroactive salary increases are permitted unless approved by the DCABC due to special circumstances.*
- *When it is anticipated that allocations for a district court will not be used by June 30 of the fiscal year, the DCABC will determine whether to re-purpose the funds or let the funds revert for statewide budget management.*

³ If the proposed Law Clerk Pay Plan becomes effective, law clerks would not be eligible.

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APPENDICES

Appendix 1: Appellate Law Clerk Compensation Plan (Proposed)

Appendix 2: Florida State Courts System Appellate Law Clerk Pay Plan as of ~~January 1, 1990~~ July 1, 2014 (Proposed)

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Title	Current Minimum
Staff Attorney (SC)	49,352.28
Law Clerk (DCA)	45,556.08
Senior Staff Attorney (SC)	57,733.56
Senior Law Clerk (DCA)	53,585.76
Career Staff Attorney (SC)	66,115.80
Career Law Clerk (DCA)	59,607.00

DCA Step Plan			
Entry	50,111.69	10% over current Law Clerk minimum	
1	52,611.69	*	2,500.00
2	61,623.62	15% over current Senior Law Clerk minimum	9,011.93
3	63,472.33	**	1,848.71
4	65,376.50		1,904.17
5	71,528.40	20% over current Career Law Clerk minimum	6,151.90
6	73,674.25		2,145.85
7	75,884.48		2,210.23
8	78,161.01		2,276.53
9	80,505.84		2,344.83
10	82,921.02		2,415.18
11+		***	3,280.93

* Keep current 2,500 increase at end of year 1

** Beginning year 3, 3% annual increase, except promotion years

*** Years 11+, maintain 3% annual increase, to a maximum 131,130 (90% of Federal maximum)

Implementing this proposal will require an estimated increase of \$1,749,806 at a cost of \$1,974,306. An additional estimated annual cost of \$621,738 to maintain the plan would also be needed. [Maintenance cost calculated by using an average increase of \$3,280 over ten years times the number of FTE (168).]

NOTE: It would still be necessary to develop salary range(s) for supervising attorneys (e.g., Director of Central Staff)

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Possible Supreme Court Step Plan			
Entry	54,287.51	10% over current Staff Attorney minimum	
1	56,787.51	*	2,500.00
2	66,393.59	15% over current Sr. Staff Attorney minimum	9,606.08
3	68,385.40	**	1,991.81
4	70,436.96		2,051.56
5	79,338.96	20% over current Career Staff Atty. minimum	8,902.00
6	81,719.13		2,380.17
7	84,170.70		2,451.57
8	86,695.82		2,525.12
9	89,296.70		2,600.87
10	91,975.60		2,678.90
11+		***	3,768.81

* Keep current 2,500 increase at end of year 1

** Beginning year 3, 3% annual increase, except promotion years

*** Years 11+, maintain 3% annual increase, to a maximum 131,130 (90% of Federal maximum)

Implementing this proposal will require an estimated increase of \$513,284 at a cost of \$579,138. An additional estimated annual cost of \$131,829 to maintain the plan would also be needed. [Maintenance cost calculated by using an average increase of \$3,769 over ten years times the number of FTE (31).]

NOTE: It would still be necessary to develop salary range(s) for supervising attorneys (e.g., Director of Central Staff)

PROPOSED

FLORIDA STATE COURTS SYSTEM APPELLATE COURT LAW CLERK PAY PLAN AS OF ~~JANUARY 1, 1990~~ JULY 1, 2014

This proposal for a revised Appellate Law Clerk Pay Plan provides for a 10% increase for the minimum salaries of the Staff Attorney and Law Clerk classes, a 15% increase for the minimum salaries of the Senior Staff Attorney and Senior Law Clerk classes, and a 20% increase for the minimum salaries of the Career Staff Attorney and Career Law Clerk classes. The proposal maintains the current incentive adjustment of \$2,500 at the completion of one year of service with a court. It also maintains the promotional steps currently in place. A 3% adjustment beginning the third year of service and annually, except for promotion years, is also proposed. It is further proposed that the 3% annual increase would continue until the law clerk reached a maximum salary set against 90% of the federal law clerk maximum.

IMPLEMENTATION POLICIES

Unless capitalized, the term law clerk refers to the law clerk class series.

When the term Law Clerk is used it includes the Staff Attorney class used in the Supreme Court; the term Senior Law Clerk includes the Senior Staff Attorney class used in the Supreme Court; and the term Career Law Clerk includes the Career Staff Attorney class used in the Supreme Court.

The following policies shall govern appointments, incentive adjustments, promotions, pay increases, and utilization of rate and salary dollars for appellate court law clerks, effective ~~January 1, 1990~~ July 1, 2014:

APPOINTMENT

Law clerks may be appointed to positions in the appellate courts by either an original or a reinstatement appointment.

An original appointment may be made to the class of Law Clerk, Senior Law Clerk or Career Attorney and involves placing a ~~candidate~~ law clerk on the State Courts System payroll for the first time. Law clerks who have been admitted to the Florida Bar or another state Bar ~~and~~ but who have less than one year of experience

Item IV.B.

~~practicing in the practice of law subsequent to passing the Bar admission shall be appointed at the minimum salary for the Law Clerk class. Law clerks who have not been admitted to the Florida Bar or another state Bar shall be hired at 10% below the minimum salary for the Law Clerk class. Law clerks who have been admitted to the Florida Bar and who have at least one year of experience in the practice of law subsequent to passing the Bar may be hired at up to 10% above the minimum salary for the Law Clerk class at the chief judge's discretion. A Law clerk with extraordinary, prior, non legal experience may be appointed at up to 5% above the minimum.~~

An attorney who has been admitted to the Florida Bar or another state Bar, and who has at least two years experience in the practice of law, or as a law clerk subsequent to ~~passing the Bar admission~~, may be appointed to the Senior Law Clerk class at the minimum salary. ~~An attorney who has been admitted to the Florida Bar and who has at least three years experience in the practice of law, subsequent to passing the Bar, may be appointed to the Senior Law Clerk class at up to 10% above the minimum salary at the chief judge's discretion. Original appointments to the Senior Law Clerk class in excess of the 10% above the minimum salary must be approved in advance by the Chief Justice.~~

An attorney who has been admitted to the Florida Bar or another state Bar, and who has at least five years experience in the practice of law or as a law clerk subsequent to ~~passing the Bar admission or five years experience as a law clerk~~, may be appointed to the Career Attorney class at the minimum salary. ~~An attorney who has at least six years experience in the practice of law subsequent to passing the Florida Bar or another state bar exam, may be appointed at up to 10% above the minimum salary at the chief judge's discretion. Original appointments to the Career Attorney class in excess of the 10% above the minimum salary must be approved in advance by the Chief Justice.~~

The chief judge of a district court has the discretion to appoint a Law Clerk, Senior Law Clerk or Career Attorney at up to two steps above the applicable minimum salary for the class if the attorney possesses professional legal experience other than that indicated above including, but not limited to, greater number of years of law practice, or extensive experience as an appellate law clerk in another Florida appellate court or in another state. Any original appointment sought to be made in excess of two steps above the applicable minimum salary must be approved by the Chief Justice before an offer of employment is made.

A reinstatement appointment is the act of placing a ~~law clerk~~ on the State Courts System payroll a law clerk who has previously been employed by the State

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Courts System as a law clerk. A reinstated law clerk may be appointed at the discretion of the chief judge ~~or designee~~ at the rate of any step rate within the pay range for the class to which the law clerk is being reinstated which is equal to or below the rate being paid at the time of separation or the applicable step for which the law clerk is eligible, whichever is more. ~~The law clerk shall not be eligible for adjustments in the pay range while not employed with the State Courts System; however, if the law clerk's salary at the time of separation was lower than the current minimum of the pay range for the class, the law clerk shall be paid at least the current minimum rate. The law clerk may be paid, at the discretion of the chief judge, up to 10% above the minimum salary of the pay range class if the law clerk possesses training and experience at least one year in excess of the minimum experience requirements for the class to which they are appointed. However, the chief judge has the discretion to make a reinstatement appointment at up to two steps above the rate the law clerk was paid at the time of separation, if during separation, the law clerk obtained significant legal experience or training.~~

PROMOTION

~~Eligible Law Clerks may be promoted to Senior Law Clerk or Career Attorney with a promotional pay increase of up to 10% of their base rate of pay or raised at least to the minimum salary for the class to which they are promoted at the discretion of the Chief Judge.~~

To be eligible for promotion to Senior Law Clerk, the Law Clerk must be a member of the Florida Bar and have had two years experience as a Law Clerk or a combination of experience as a Law Clerk and in the practice of law. Experience in the practice of law must be subsequent to admission to the Florida Bar or another state Bar. Experience as an appellate court law clerk prior to admission to the Bar will count as long as the Law Clerk is admitted to the Florida Bar prior to the promotion to Senior Law Clerk.

To be eligible for promotion to Career Attorney, the Law Clerk must be a member of the Florida Bar and have had five years experience as a Law Clerk or a combination of experience as a Law Clerk and in the practice of law. Experience in the practice of law must be subsequent to admission to the Florida Bar or another state Bar. Experience as an appellate court law clerk prior to admission to the Bar will count as long as the Law Clerk is admitted to the Florida Bar prior to promotion to Career Attorney.

INCENTIVE ADJUSTMENTS

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Law Clerks who complete one year of service with a court and at the request of their supervising judge commit to a second year may be granted an incentive adjustment of ~~between \$1,500 and \$2,500~~. Chief judges may authorize ~~an~~ the incentive adjustment ~~not exceeding \$2,500~~ upon the recommendation of the supervising judge. Incentive adjustments are not automatic and are at the discretion of the chief judge.

PAY INCREASES

~~Pay increases may be made in order to induce a law clerk to remain with the court, e.g., incentive adjustments up to \$2,500 or special pay increases up to 10%. In addition, pay increases may be made in association with a Law Clerk's promotion to Senior Law Clerk or Career Attorney, e.g., promotional pay increases up to 10% of the employee's base rate of pay or an amount sufficient to bring the law clerk being promoted up to the minimum of the class to which they are appointed. Special pay increase of up to 10% of the employee's base rate of pay may be made to law clerks for the purposes determined justifiable by the Chief Judge. An employee may not receive special pay increases totaling in excess of 10% during the fiscal year.~~

~~Incentive adjustments exceeding \$2,500, promotional pay increases in excess of 10%, unless necessary to bring the law clerk to the minimum of the class to which they are being appointed, and special pay increases exceeding 10% of the employee's base rate of pay during a fiscal year must be approved in advance by the Chief Justice.~~

Upon completing a second year of service with an appellate court, a law clerk who remains with the court may be promoted to Senior Law Clerk at the minimum salary of the Senior Law Clerk class upon the recommendation of the supervising judge and with the approval of the chief judge. At the completion of three years and four years of service with the court, a Senior Law Clerk may receive an increase to the rate of the next step, upon the recommendation of the supervising judge and with the approval of the chief judge.

Upon completion of five years of service with the court, a Senior Law Clerk may be promoted to Career Attorney at the minimum salary of the Career Attorney class upon the recommendation of the supervising judge and with the approval of the chief judge.

After completing six years of service with the court, a Career Attorney is eligible to receive an increase to the rate of the next step each year on his/her

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anniversary date of hire upon the recommendation of the supervising judge and with the approval of the chief judge. The most recent hire date will serve as the anniversary date of law clerks with prior law clerk service.

SALARY MAXIMUM

No appellate law clerk may be paid in excess of ninety percent (90%) of the maximum salary of the 2013 Federal Judiciary Pay Schedule for federal law clerks.

UTILIZATION OF LAW CLERK RATE AND SALARY DOLLARS

All appointments, promotions, ~~incentive adjustments or special pay and salary increases~~, whether approved by the chief judge within his/her delegated authority or by the Chief Justice, are subject to available law clerk rate and salary dollars. Appellate courts may not take any action affecting a law clerk's salary which will create a rate or salary deficit without prior approval of the District Court of Appeal Budget Commission. ~~Law clerk rate will continue to be controlled separately. Surplus rate and salary dollars which may accumulate may be applied to other court support positions, if the court has satisfied the requirements for basic incentive adjustments for law clerks who have completed their first year of service.~~

REVISED: December 14, 1993

AMENDED: August 27, 1998

AMENDED: November 1, 2001

REVISED: TBD

Capitalization changes for this 2013 proposed revision are not noted with strikethrough and underlining.



MEMORANDUM

To: Members of the District Court of Appeal Budget Commission

From: Judge Frank A. Shepherd

Date: June 11, 2013

Re: Supplemental Memorandum on Geographic Cost of Living Issues

The problem of geographic cost of living differences among the district courts of appeal has been on the table since the District Court of Appeal Budget Commission Resource Allocation Workgroup was established by Chief Judge Orfinger in October 2011. OSCA provided Workgroup #2 with data re-confirming the existence of these differences during the course of its recent deliberations. See Exhibit “A.”

Some employee groups in three of the district courts of appeal already receive a geographical cost of living adjustment in their monthly salary. In the Third and Fourth District Courts of Appeal, for example, all appellate judicial assistants receive an adjustment of \$5,000 per year in their paychecks. Notably, prior to the July 20, 2012, meeting of the DCABC, the adjustment was \$4,500 per year. The increase approved by the DCABC on July 20 was a class-wide increase.

During the course of the Workgroup #2 deliberations, OSCA was asked to investigate the geographic differences in the cost of living among the district courts of appeal. In response, OSCA produced a chart illustrating the cost of increasing the minimum salaries of all staff in the Second, Third and Fourth District Courts of Appeal by a hypothetical 10 percent. See Exhibit “B.” Excluding appellate judicial assistants and adjusting for those employees in the three district courts of

appeal who already receive some cost of living adjustment, the total salary and benefit increase across the three district courts of appeal would be an estimated \$369,810.

Finally, OSCA separated from this total the cost of a hypothetical increase of 10 percent in the minimum salaries for the staff of the Third District Court of Appeal alone. The total salary and benefit cost of such an adjustment was estimated by OSCA to be \$50,817. Ex. “B,” p. 7 (last line). I presume this particular display of data was prompted in OSCA’s mind by the undeniable fact that the Third District Court of Appeal staff—prominently including the ten individuals in the clerk’s office and ten in the marshal’s office who are indispensable to the daily operation of the court¹—suffer the greatest financial burden caused by the fortuity of court location.

When Chief Judge Orfinger created the DCABC Resource Allocation Workgroup in October 2011, he spoke of the need for “a fair allocation of resources [that] insures equity among the courts and promotes fairness and equal treatment for all court users.” See Mission Statement to Resource Reallocation Workgroup dated October 28, 2011. Drawing upon Chief Justice Wells’ admonitions at the time of the formation of the DCABC, see Amend. to Fla. Rules of Judicial Admin. (Rule 2.054-Dist. Ct. App. Budget Comm’n), 796 So. 2d 477, 478 (Fla. 2001), he also emphasized the need for members of the DCABC to apply a “statewide perspective” in addressing the resource needs and requirements in each of the district courts of appeal. Id.²

In April 2012, in response to Chief Judge Orfinger’s call, the DCABC adopted a new operating paradigm intended to better promote these principles. See DCABC Resource Allocation Workgroup Salary Budget Allocation and Management Report and Recommendations dated February 17, 2012. At the time,

¹ The salaries for thirty percent of these employees range from \$21,522.24 to \$29,391 per year. This is not a living wage in Miami-Dade County. The average individual personal income in Miami-Dade County is \$51,924. See <http://miami.about.com/od/jobsbusiness/a/costofliving.htm>.

² See also Fla. R. Jud. Admin. 2.235(e) (formerly Fla. R. Jud. Admin. 2.054) (“The District Court of Appeal Budget Commission will . . . represent the interests of the district courts generally rather than the individual interests of a particular district.”); DCABC Guiding Principles for Formulating Budgetary Decisions, adopted on April 29, 2008 (“Allocation of resources among the DCA’s must be fair and equitable, based on identifiable allocation measures.”).

I presented my view that “The asserted ‘wrongs’ needing ‘righting’ as described in the Workgroup Report pale[d] in comparison to the imbalances and inequities . . . caused by the fortuity of court location.” I supported my view with data in the same form, from the same source recently consulted by OSCA in assembling Exhibit “A.” See Minority Report of the Third DCA Regarding Salary and Budget Allocation and Management Report and Recommendations dated March 21, 2012. That data, then as now, reflects the Third District Court of Appeal staff to be the most disadvantaged by far among the district courts of appeal.³ I expressed my regret at the time that this imbalance received no mention among the “imbalances and inequities” enumerated in the Workgroup Report and requested that it be addressed.

My view remains that the issue needs to be addressed in an open and candid fashion by the DCABC. Accordingly, I respectfully request that:

1. The DCABC agree, in principle, there exists a salary and benefit inequity caused by the location of the Third District Court of Appeal.
2. The DCABC form a committee to propose a gradual plan to solve the inequity.

Thank you for your consideration.

³ The Federal Judicial Salary Plan supports this conclusion. According to the Plan, available at www.fedjobs.com/pay/miami.html, the Miami-Fort Lauderdale-Pompano Beach area are the only areas of the state with a geographical cost of living pay differential for federal judicial branch employees. The adjustment is not a District-wide adjustment.



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A salary of **\$50,000** in Tallahassee, Florida could decrease to **\$44,303** in Lakeland, Florida

Tallahassee
 U.S. Avg.
 Lakeland

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Cost of Living Indexes	Tallahassee	Lakeland
Overall	98	87
Food	104	103
Housing	91	55
Utilities	93	94
Transportation	103	101
Health	102	100
Miscellaneous	102	99

Lakeland is **11%** cheaper than Tallahassee.

Housing is the largest factor in the cost of living difference.

Housing is **39%** cheaper in Lakeland.

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Current City	Comparison City	Compare
Rowlett, Texas	Knoxville, Tennessee	Compare
Parsippany, New Jersey	Aurora, Illinois	Compare
San Diego, California	Orlando, Florida	Compare
Toledo, Ohio	Austin, Texas	Compare
Jackson, Mississippi	Kaneohe, Hawaii	Compare
York, Pennsylvania	State College, Pennsylvania	Compare
Hempstead, New York	Charleston, South Carolina	Compare
Spokane, Washington	Tallahassee, Florida	Compare
Minot, North Dakota	Colorado Springs, Colorado	Compare
Newark, Delaware	Charleston, South Carolina	Compare
Corpus Christi, Texas	Ann Arbor, Michigan	Compare
Madawaska, Maine	Bloomington, Illinois	Compare
Brandywine, Maryland	Charleston, South Carolina	Compare
Lake Forest, California	Eureka, California	Compare
Wahum, Massachusetts	Boston, Massachusetts	Compare
Richmond, Virginia	Charleston, South Carolina	Compare
Tallahassee, Florida	Daytona Beach, Florida	Compare
Chillicothe, Ohio	Sparks, Georgia	Compare
Orlando, Florida	Fresno, California	Compare
Wilmington, North Carolina	Charleston, South Carolina	Compare

Salaries in Tallahassee, FL Area
 Average salary for top jobs

Assistant Professor at Florida State University: **\$73,812**

Principial Research Associate at Florida State University: **\$44,220**

More details for Tallahassee jobs

Salaries in Lakeland, FL Area
 Average salary for top jobs

Programmer Analyst at Geosys: **\$81,795**

Technical Personnel Recruiter at Geosys: **\$44,219**

Software Engineer at Geosys: **\$75,736**

More details for Lakeland jobs

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A salary of **\$50,000** in Tallahassee, Florida could decrease to **\$44,608** in Tampa, Florida

Tallahassee
 U.S. Avg.
 Tampa

» Compare these cities in over 100 categories

Cost of Living Indexes	Tallahassee	Tampa
Overall	98	68
Food	104	99
Housing	91	60
Utilities	93	99
Transportation	103	103
Health	102	92
Miscellaneous	102	97

100=national average

Tampa is
11%
 cheaper than
 Tallahassee.

Housing
 is the biggest factor in the cost of living
 difference.

Housing is
33%
 cheaper in
 Tampa.

Salaries in Tallahassee, FL Area

Average salary for top jobs:

- Assistant Professor at Florida State University: **\$73,912**
- Postdoctoral Research Associate at Florida State University: **\$44,220**

[More details for Tallahassee Jobs.](#)

Salaries in Tampa, FL Area

Average salary for top jobs:

- Postdoctoral Research Fellow at H. Lee Moffitt Cancer Center & Research Institute: **\$39,140**
- Research Associate at H. Lee Moffitt Cancer Center & Research Institute: **\$32,876**

[More details for Tampa Jobs.](#)

Most Recent Searches on Cost of Living

Current City	Comparison City	Action
Las Cruces, New Mexico	Baltimore Highlands, Maryland	Compare
Fort Wayne, Indiana	Lexington-Fayette, Kentucky	Compare
Chester, Virginia	Fox Chapel, Pennsylvania	Compare
Las Cruces, New Mexico	Baltimore Highlands, Maryland	Compare
Chester, Virginia	Fox Chapel, Pennsylvania	Compare
Cedar Rapids, Iowa	Oklahoma City, Oklahoma	Compare
Lawrenceville, Georgia	Coconut Creek, Florida	Compare
Cincinnati, Ohio	Naperville, Illinois	Compare
Spokane, Washington	Charleston, South Carolina	Compare
Kingsport, Tennessee	Nashville-Davidson metropolitan government, Tennessee	Compare
Rockville, Maryland	Rouder, Colorado	Compare
Baltimore, Maryland	New Haven, Connecticut	Compare
Las Cruces, New Mexico	Baltimore, Maryland	Compare
Charlottesville, Virginia	Tulsa, Oklahoma	Compare
Minneapolis, Minnesota	Huntsville, Alabama	Compare
Washington, District of Columbia	Dallas, Texas	Compare
Statesboro, Georgia	Las Cruces, New Mexico	Compare
Brandywine, Maryland	Charleston, South Carolina	Compare
Tempe, Arizona	Boca Raton, Florida	Compare
Chester, Virginia	Washington, Pennsylvania	Compare

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A salary of **\$50,000** in Tallahassee, Florida should increase to **\$55,137** in Miami, Florida

Tallahassee
 U.S. Avg.
 Miami

» Compare these cities in over 100 categories

Cost of Living Indexes	Tallahassee	Miami
Overall	98	100
Food	104	105
Housing	91	120
Utilities	93	95
Transportation	103	100
Health	102	108
Miscellaneous	102	100

100 is national average

Miami is **10%** more expensive than Tallahassee.

Housing is the biggest factor in the cost of living difference.

Housing is **31%** more expensive in Miami.

Salaries in Tallahassee, FL Area

Average salary for top jobs:

Assistant Professor at Florida State University	\$73,912
Postdoctoral Research Associate at Florida State University	\$44,220

More details for Tallahassee Jobs

Salaries in Miami-Fort Lauderdale, FL Area

Average salary for top jobs:

Probation Resident at Miami Children's Hospital	\$50,969
Pediatric Surgery Fellow at Miami Children's Hospital	\$67,725

More details for Miami Jobs

Most Recent Searches on Cost of Living

Current City	Comparison City	Compare
San Mateo, California	Union City, California	Compare
Buckingham township (Bucks county), Pennsylvania	Oklahoma City, Oklahoma	Compare
San Mateo, California	Union City, California	Compare
Mammoth Lakes, California	Pacific Grove, California	Compare
Las Cruces, New Mexico	Baltimore Highlands, Maryland	Compare
Las Cruces, New Mexico	Baltimore Highlands, Maryland	Compare
Arlington, Virginia	Cincinnati, Ohio	Compare
Boston, Massachusetts	Denver, Colorado	Compare
West Lafayette, Indiana	Boulder, Colorado	Compare
Philadelphia, Pennsylvania	Hershey, Pennsylvania	Compare
Las Cruces, New Mexico	Baltimore, Maryland	Compare
West Lafayette, Indiana	Boulder, Colorado	Compare
Las Cruces, New Mexico	Baltimore, Maryland	Compare
Philadelphia, Pennsylvania	Hershey, Pennsylvania	Compare
Tallahassee, Florida	Tampa, Florida	Compare
Fort Wayne, Indiana	Portland, Oregon	Compare
Ann Arbor, Michigan	College Park, Maryland	Compare
Eliington, Connecticut	Farmingdale, New York	Compare
Athens-Clarke County, Georgia	Gainesville, Florida	Compare
Ann Arbor, Michigan	College Park, Maryland	Compare

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A salary of \$50,000 in Tallahassee, Florida could decrease to \$48,169 in West Palm Beach, Florida

Tallahassee
U.S. Avg.
West Palm Beach

* Compare these cities in over 100 categories

Cost of Living Indexes	Tallahassee	West Palm Beach
Overall	98	95
Food	104	107
Housing	91	71
Utilities	93	93
Transportation	103	107
Health	102	108
Miscellaneous	102	104

100 = national average

West Palm Beach is **4%** cheaper than Tallahassee.

Housing is the biggest factor in the cost of living difference.

Housing is **22%** cheaper in West Palm Beach.

Most Recent Searches on Cost of Living

Current City	Comparison City	Compare
Anchorage, Alaska	Boston, Massachusetts	Compare
Tulsa, Oklahoma	Cleveland, Ohio	Compare
Harrisburg, Virginia	Charleston, South Carolina	Compare
Bristol, Connecticut	Lancaster, California	Compare
Town City, Iowa	Highlands Ranch, Colorado	Compare
Floissant, Missouri	Palatine, Illinois	Compare
Statesboro, Georgia	Edgewood, Washington	Compare
West Palm Beach, Florida	Southborough, Massachusetts	Compare
Monroe, Michigan	Slidell, Louisiana	Compare
Corpus Christi, Texas	Ann Arbor, Michigan	Compare
West Palm Beach, Florida	Southborough, Massachusetts	Compare
Corpus Christi, Texas	Ann Arbor, Michigan	Compare
Hempstead, New York	Charleston, South Carolina	Compare
Rowlett, Texas	Knoxville, Tennessee	Compare
Indianapolis city, Indiana	San Antonio, Texas	Compare
Rowlett, Texas	Knoxville, Tennessee	Compare
Indianapolis city, Indiana	San Antonio, Texas	Compare
York, Pennsylvania	State College, Pennsylvania	Compare
Denver, Colorado	Huntsville, Alabama	Compare
Statesboro, Georgia	Olympia, Washington	Compare

Salaries in Tallahassee, FL Area

Average salary for top jobs:

- Assistant Professor at Florida State University: \$73,912
- Postdoctoral Research Associate at Florida State University: \$44,220

More details for Tallahassee Jobs

Salaries in Miami-Fort Lauderdale, FL Area

Average salary for top jobs:

- Pediatric Resident at Miami Children's Hospital: \$50,959
- Pediatric Surgical Fellow at Miami Children's Hospital: \$87,725

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Cost of Living Comparison: Tallahassee, Florida - Daytona Beach, Florida

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A salary of **\$50,000** in Tallahassee, Florida could decrease to **\$43,540** in Daytona Beach, Florida

Tallahassee
 U.S. Avg
 Daytona Beach

> Compare these cities in over 100 categories

Cost of Living Indexes	Tallahassee	Daytona Beach
Overall	98	86
Food	104	106
Housing	91	46
Utilities	93	90
Transportation	103	102
Health	102	102
Miscellaneous	102	101

100 = national average

Daytona Beach is **13%** cheaper than Tallahassee.

Housing is the biggest factor in the cost of living difference.

Housing is **48%** cheaper in Daytona Beach.

Salaries in Tallahassee, FL Area
 Average salary for top jobs:

Assistant Professor at Florida State University	\$73,912
Postdoctoral Research Associate at Florida State University	\$44,220

[More details for Tallahassee Jobs](#)

Salaries in Daytona Beach, FL Area
 Average salary for top jobs:

Medical Technologist Family of Medicine Hospital & Health System	\$20,556/yr
Manager at Masco Contractor Services	\$67,550

[More details for Daytona Beach Jobs](#)

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Current City	Comparison City	Compare
Chillicothe, Ohio	Sparks, Georgia	Compare
Orlando, Florida	Fresno, California	Compare
Wilmington, North Carolina	Charleston, South Carolina	Compare
East Lansing, Michigan	Champaign, Illinois	Compare
Toledo, Ohio	Raleigh, North Carolina	Compare
Orlando, Florida	Fresno, California	Compare
Fairfax, Virginia	Charleston, South Carolina	Compare
Dallas, Texas	Portland, Oregon	Compare
Charlotte, North Carolina	Chicago, Illinois	Compare
Huntsville, Alabama	Bridgport, West Virginia	Compare
Florissant, Missouri	Palatine, Illinois	Compare
Seattle, Washington	Philadelphia, Pennsylvania	Compare
Toledo, Ohio	Buchanan, New York	Compare
Statesboro, Georgia	Olympia, Washington	Compare
Statesboro, Georgia	Edgewood, Washington	Compare
Pittsburgh, Pennsylvania	Rhaca, New York	Compare
Portland, Oregon	San Diego, California	Compare
Towson, Maryland	Charleston, South Carolina	Compare
San Luis Obispo, California	Asheville, North Carolina	Compare
Boston, Massachusetts	Charleston, South Carolina	Compare

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22120000111	8140	000073	1.00	JUDICIAL ASST - DISTRICT COURT	016	03/08/1993	48,889.32	48,889.32		33,352.04	33,352.04	30,320.04		
22120000111	8140	000074	1.00	JUDICIAL ASST - DISTRICT COURT	016	03/03/2008	46,500.00	46,500.00		33,352.04	33,352.04	30,320.04		
22120000111	8140	000082	1.00	JUDICIAL ASST - DISTRICT COURT	016	07/18/1994	41,916.12	41,916.12		33,352.04	33,352.04	30,320.04		
22120000111	8140	000083	1.00	JUDICIAL ASST - DISTRICT COURT	016	12/03/1979	48,926.64	48,926.64		33,352.04	33,352.04	30,320.04		
22120000111	8140	003302	1.00	JUDICIAL ASST - DISTRICT COURT	016	02/13/2006	41,500.08	41,500.08		33,352.04	33,352.04	30,320.04		
22120000111	8140	003833	1.00	JUDICIAL ASST - DISTRICT COURT	016	01/02/2001	47,406.96	47,406.96		33,352.04	33,352.04	30,320.04		
22120000111	8140	004405	1.00	JUDICIAL ASST - DISTRICT COURT	016	09/29/2002	43,983.84	43,983.84		33,352.04	33,352.04	30,320.04		
22120000111	8140	006562	1.00	JUDICIAL ASST - DISTRICT COURT	016	06/30/1999	47,349.84	47,349.84		33,352.04	33,352.04	30,320.04		
22120000111	8140	007021	1.00	JUDICIAL ASST - DISTRICT COURT	016	01/06/1997	47,412.96	47,412.96		33,352.04	33,352.04	30,320.04		
22120000111	8140	008237	1.00	JUDICIAL ASST - DISTRICT COURT	016	06/15/2011	40,500.00	40,500.00		33,352.04	33,352.04	30,320.04		
22120000111	8140	008239	1.00	JUDICIAL ASST - DISTRICT COURT	016	03/21/2005	41,500.08	41,500.08		33,352.04	33,352.04	30,320.04		
22120000111	8140	008693	1.00	JUDICIAL ASST - DISTRICT COURT	016	05/09/2002	41,500.08	41,500.08		33,352.04	33,352.04	30,320.04		
22120000111	8140	008697	1.00	JUDICIAL ASST - DISTRICT COURT	016	04/05/2010	40,500.00	40,500.00		33,352.04	33,352.04	30,320.04		
22120000111	8140	009240	1.00	JUDICIAL ASST - DISTRICT COURT	016	04/03/1989	41,500.08	41,500.08		33,352.04	33,352.04	30,320.04		
22120000112	8270	000069	1.00	CAREER ATTORNEY	062	07/01/2002	63,727.56	63,727.56		65,567.70	65,567.70	59,607.00	1,840.14	2,076.23
22120000112	8270	000071	1.00	CAREER ATTORNEY	062	05/15/1986	76,729.44	76,729.44		65,567.70	65,567.70	59,607.00		
22120000112	8230	000080	1.00	LAW CLERK	060	08/23/2012	45,556.08	45,556.08		50,111.69	50,111.69	45,556.08	4,555.61	5,140.09
22120000112	8270	000081	1.00	CAREER ATTORNEY	062	09/09/1985	76,702.68	76,702.68		65,567.70	65,567.70	59,607.00		
22120000112	8270	000084	1.00	CAREER ATTORNEY	062	04/08/2002	62,477.04	62,477.04		65,567.70	65,567.70	59,607.00	3,090.66	3,487.19
22120000112	8270	003300	1.00	CAREER ATTORNEY	062	09/08/2005	59,607.36	59,607.36		65,567.70	65,567.70	59,607.00	5,960.34	6,725.05
22120000112	8270	003301	1.00	CAREER ATTORNEY	062	11/12/2002	59,607.00	59,607.00		65,567.70	65,567.70	59,607.00	5,960.70	6,725.46
22120000112	8270	003930	1.00	CAREER ATTORNEY	062	07/27/1998	66,567.72	66,567.72		65,567.70	65,567.70	59,607.00		
22120000112	8230	003932	1.00	LAW CLERK	060	08/15/2011	47,056.08	47,056.08		50,111.69	50,111.69	45,556.08	3,055.61	3,447.64
22120000112	8270	003951	1.00	CAREER ATTORNEY	062	04/29/2002	62,477.04	62,477.04		65,567.70	65,567.70	59,607.00	3,090.66	3,487.19
22120000112	8250	004074	1.00	SENIOR LAW CLERK	061	11/28/2011	53,585.76	53,585.76		58,944.34	58,944.34	53,585.76	5,358.58	6,046.08
22120000112	8250	004075	1.00	SENIOR LAW CLERK	061		53,585.76	53,585.76		58,944.34	58,944.34	53,585.76	5,358.58	6,046.08
22120000112	8270	004404	1.00	CAREER ATTORNEY	062	05/02/1994	74,995.56	74,995.56		65,567.70	65,567.70	59,607.00		
22120000112	8270	004407	1.00	CAREER ATTORNEY	062	05/15/1998	71,880.36	71,880.36		65,567.70	65,567.70	59,607.00		
22120000112	8290	006558	1.00	DIRECTOR OF CENTRAL STAFF	035	12/30/1985	90,999.96	90,999.96		81,174.59	81,174.59	73,795.08		
22120000112	8270	006559	1.00	CAREER ATTORNEY	062	08/22/2005	62,000.04	62,000.04		65,567.70	65,567.70	59,607.00	3,567.66	4,025.39
22120000112	8230	006560	1.00	LAW CLERK	060	02/25/2011	47,056.08	47,056.08		50,111.69	50,111.69	45,556.08	3,055.61	3,447.64

Exhibit "B"

2nd, 3rd 4th DCAs All Staff at 10% Above Minimum

Flair Org	Class	Posit #	fte	Class Title	PG	Hire Date	Annual Base	Annual Gross	CAD	10%>min	10% > min w/CAD	Annual Min	Rate	12 MOS \$\$\$
22120000112	8270	006561	1.00	CAREER ATTORNEY	062	01/17/1995	72,377.04	72,377.04		65,567.70	65,567.70	59,607.00		
22120000112	8270	007019	1.00	CAREER ATTORNEY	062	12/01/1992	74,690.28	74,690.28		65,567.70	65,567.70	59,607.00		
22120000112	8230	007020	1.00	LAW CLERK	060	08/21/2007	47,056.08	47,056.08		50,111.69	50,111.69	45,556.08	3,055.61	3,447.64
22120000112	8230	007020	1.00	LAW CLERK	060	08/21/2007	47,056.08	47,056.08		50,111.69	50,111.69	45,556.08	3,055.61	3,447.64
22120000112	8230	007020	1.00	LAW CLERK	060	08/01/2012	47,056.08	47,056.08		50,111.69	50,111.69	45,556.08	3,055.61	3,447.64
22120000112	8230	007020	1.00	LAW CLERK	060	08/01/2012	47,056.08	47,056.08		50,111.69	50,111.69	45,556.08	3,055.61	3,447.64
22120000112	8270	007262	1.00	CAREER ATTORNEY	062	12/01/2003	59,607.36	59,607.36		65,567.70	65,567.70	59,607.00	5,960.34	6,725.05
22120000112	8270	008058	1.00	CAREER ATTORNEY	062	04/01/2002	65,235.24	65,235.24		65,567.70	65,567.70	59,607.00	332.46	375.11
22120000112	8270	008061	1.00	CAREER ATTORNEY	062	03/03/2003	63,728.16	63,728.16		65,567.70	65,567.70	59,607.00	1,839.54	2,075.55
22120000112	8270	008062	1.00	CAREER ATTORNEY	062	05/10/2004	59,607.00	59,607.00		65,567.70	65,567.70	59,607.00	5,960.70	6,725.46
22120000112	8270	008240	1.00	CAREER ATTORNEY	062	01/03/1989	75,488.52	75,488.52		65,567.70	65,567.70	59,607.00		
22120000112	8270	008241	1.00	CAREER ATTORNEY	062	10/13/1986	76,518.96	76,518.96		65,567.70	65,567.70	59,607.00		
22120000112	8230	008242	1.00	LAW CLERK	060	07/09/2012	45,556.08	45,556.08		50,111.69	50,111.69	45,556.08	4,555.61	5,140.09
22120000112	8250	008598	1.00	SENIOR LAW CLERK	061	10/01/2009	53,585.76	53,585.76		58,944.34	58,944.34	53,585.76	5,358.58	6,046.08
22120000112	8250	008694	1.00	SENIOR LAW CLERK	061	03/23/2009	53,585.76	53,585.76		58,944.34	58,944.34	53,585.76	5,358.58	6,046.08
22120000112	8270	008695	1.00	CAREER ATTORNEY	062	06/27/2005	59,607.00	59,607.00		65,567.70	65,567.70	59,607.00	5,960.70	6,725.46
22120000112	8270	008698	1.00	CAREER ATTORNEY	062	05/14/2007	61,107.00	61,107.00		65,567.70	65,567.70	59,607.00	4,460.70	5,033.01
22120000112	8250	008699	1.00	SENIOR LAW CLERK	061	01/07/2010	53,585.76	53,585.76		58,944.34	58,944.34	53,585.76	5,358.58	6,046.08
22120000112	8270	009004	1.00	CAREER ATTORNEY	062	01/12/1993	73,853.88	73,853.88		65,567.70	65,567.70	59,607.00		
22120000112	8230	009239	1.00	LAW CLERK	060	06/30/2011	47,056.08	47,056.08		50,111.69	50,111.69	45,556.08	3,055.61	3,447.64
22120000112	8230	009358	1.00	LAW CLERK	060		45,556.08	45,556.08		50,111.69	50,111.69	45,556.08	4,555.61	5,140.09
22120000112	8250	009395	1.00	SENIOR LAW CLERK	061	11/16/2009	53,585.76	53,585.76		58,944.34	58,944.34	53,585.76	5,358.58	6,046.08
22120000112	8270	011187	1.00	CAREER ATTORNEY	062	08/01/2000	63,424.08	63,424.08		65,567.70	65,567.70	59,607.00	2,143.62	2,418.65
22120000114	2602	000075	1.00	DEPUTY CLERK II	015	09/07/2004	29,039.52	29,039.52		31,943.47	31,943.47	29,039.52	2,903.95	3,276.53
22120000114	2605	000076	1.00	DEPUTY CLERK III	020	11/02/1993	37,041.48	37,041.48		39,726.85	39,726.85	36,115.32	2,685.37	3,029.91
22120000114	2605	000077	1.00	DEPUTY CLERK III	020	10/07/1996	39,117.96	39,117.96		39,726.85	39,726.85	36,115.32	608.89	687.01
22120000114	2602	001511	1.00	DEPUTY CLERK II	015	08/01/2002	30,850.80	30,850.80		31,943.47	31,943.47	29,039.52	1,092.67	1,232.86
22120000114	2601	001660	1.00	DEPUTY CLERK I	013	11/14/2005	27,645.00	27,645.00		29,324.33	29,324.33	26,658.48	1,679.33	1,894.79
22120000114	9030	002862	1.00	CLERK - DISTRICT COURT	039	05/15/1995	113,983.08	113,983.08		98,667.89	98,667.89	89,698.08		
22120000114	2610	002863	1.00	CHIEF DEPUTY CLERK - DISTRICT COURT	024	09/01/1977	65,591.64	65,591.64		47,512.87	47,512.87	43,193.52		
22120000114	2605	003465	1.00	DEPUTY CLERK III	020	11/02/1981	36,115.32	36,115.32		39,726.85	39,726.85	36,115.32	3,611.53	4,074.89

2nd, 3rd 4th DCAs All Staff at 10% Above Minimum

Flair Org	Class	Posit #	fte	Class Title	PG	Hire Date	Annual Base	Annual Gross	CAD	10%>min	10% > min w/CAD	Annual Min	Rate	12 MOS \$\$\$
22120000114	2601	003924	1.00	DEPUTY CLERK I	013	09/25/2006	26,919.84	26,919.84		29,324.33	29,324.33	26,658.48	2,404.49	2,712.98
22120000114	2602	004403	1.00	DEPUTY CLERK II	015	09/08/2005	29,039.52	29,039.52		31,943.47	31,943.47	29,039.52	2,903.95	3,276.53
22120000114	2602	008064	1.00	DEPUTY CLERK II	015	08/28/2000	32,350.92	32,350.92		31,943.47	31,943.47	29,039.52		
22120000114	2605	008244	1.00	DEPUTY CLERK III	020	11/01/1988	39,882.96	39,882.96		39,726.85	39,726.85	36,115.32		
22120000114	2602	008703	1.00	DEPUTY CLERK II	015	01/02/2003	30,807.48	30,807.48		31,943.47	31,943.47	29,039.52	1,135.99	1,281.74
22120000114	2601	008980	1.00	DEPUTY CLERK I	013	08/01/2011	26,658.48	26,658.48		29,324.33	29,324.33	26,658.48	2,665.85	3,007.88
22120000114	2601	009005	1.00	DEPUTY CLERK I	013	01/17/2012	26,658.48	26,658.48		29,324.33	29,324.33	26,658.48	2,665.85	3,007.88
22120000114	2605	009394	1.00	DEPUTY CLERK III	020	08/09/1982	40,502.28	40,502.28		39,726.85	39,726.85	36,115.32		
22120000115	1001	000079	0.50	CUSTODIAL WORKER	001	01/03/2006	8,800.32	8,800.32		18,251.38	18,251.38	16,592.16	9,451.06	10,663.63
22120000115	1107	001658	1.00	MAINTENANCE ENGINEER - DISTRICT COURT	011	07/01/1993	34,163.28	34,163.28		27,200.05	27,200.05	24,727.32		
22120000115	1010	001659	1.00	CUSTODIAL SUPERVISOR	004	12/02/2009	21,080.40	21,080.40		20,494.06	20,494.06	18,630.96		
22120000117	4220	009366	1.00	SENIOR USER SUPPORT ANALYST	102	06/07/1989	59,540.52	59,540.52		45,863.53	45,863.53	41,694.12		
22120000119	2004	000072	1.00	SENIOR SECRETARY	011	04/02/2007	27,200.16	27,200.16		27,200.05	27,200.05	24,727.32		
22120000119	2004	004406	1.00	SENIOR SECRETARY	011	01/28/2002	31,002.72	31,002.72		27,200.05	27,200.05	24,727.32		
22120000119	2004	008704	1.00	SENIOR SECRETARY	011	01/19/2005	29,612.16	29,612.16		27,200.05	27,200.05	24,727.32		
22120000210	6332	000078	1.00	ADMINISTRATIVE ASSISTANT II	016	03/26/2012	30,320.04	30,320.04		33,352.04	33,352.04	30,320.04	3,032.00	3,421.01
22120000210	9050	002861	1.00	MARSHAL - DISTRICT COURT	036	09/08/1988	102,646.68	102,646.68		85,233.06	85,233.06	77,484.60		
22120000210	6210	004408	1.00	DEPUTY MARSHAL - DISTRICT COURT	025	10/18/1999	54,262.44	54,262.44		49,834.09	49,834.09	45,303.72		
22120000210	2003	008063	1.00	SECRETARY SPECIALIST	009	03/12/2001	30,184.32	30,184.32		25,045.28	25,045.28	22,768.44		
22120000210	6335	009357	1.00	ADMINISTRATIVE ASSISTANT III	020	11/01/2005	36,115.32	36,115.32		39,726.85	39,726.85	36,115.32	3,611.53	4,074.89
22120000210	6331	011183	1.00	ADMINISTRATIVE ASSISTANT I	014	02/01/2002	29,033.28	29,033.28		30,601.82	30,601.82	27,819.84	1,568.54	1,769.79
22130000111	8140	000087	1.00	JUDICIAL ASST - DISTRICT COURT	016	10/05/1998	46,463.16	51,463.16	5,000.00	33,352.04	38,352.04	30,320.04		
22130000111	8140	000095	1.00	JUDICIAL ASST - DISTRICT COURT	016	02/21/1994	46,463.16	51,463.16	5,000.00	33,352.04	38,352.04	30,320.04		
22130000111	8140	000096	1.00	JUDICIAL ASST - DISTRICT COURT	016	06/28/2001	42,036.84	47,036.84	5,000.00	33,352.04	38,352.04	30,320.04		
22130000111	8140	003059	1.00	JUDICIAL ASST - DISTRICT COURT	016	08/26/2002	42,036.84	47,036.84	5,000.00	33,352.04	38,352.04	30,320.04		
22130000111	8140	003834	1.00	JUDICIAL ASST - DISTRICT COURT	016	08/01/2007	42,036.84	47,036.84	5,000.00	33,352.04	38,352.04	30,320.04		
22130000111	8140	003943	1.00	JUDICIAL ASST - DISTRICT COURT	016	12/01/2003	42,036.84	47,036.84	5,000.00	33,352.04	38,352.04	30,320.04		
22130000111	8140	004529	1.00	JUDICIAL ASST - DISTRICT COURT	016	02/03/2003	42,036.84	47,036.84	5,000.00	33,352.04	38,352.04	30,320.04		
22130000111	8140	008247	1.00	JUDICIAL ASST - DISTRICT COURT	016	11/08/1979	30,320.04	35,320.04	5,000.00	33,352.04	38,352.04	30,320.04	3,032.00	3,421.01
22130000111	8140	008355	1.00	JUDICIAL ASST - DISTRICT COURT	016	01/04/2005	42,036.84	47,036.84	5,000.00	33,352.04	38,352.04	30,320.04		
22130000111	8140	009396	1.00	JUDICIAL ASST - DISTRICT COURT	016	03/18/1991	48,637.44	53,637.44	5,000.00	33,352.04	38,352.04	30,320.04		

2nd, 3rd 4th DCAs All Staff at 10% Above Minimum

Flair Org	Class	Posit #	fte	Class Title	PG	Hire Date	Annual Base	Annual Gross	CAD	10%>min	10% > min w/CAD	Annual Min	Rate	12 MOS \$\$\$
22130000112	8230	000085	1.00	LAW CLERK	060	08/15/2011	45,556.08	45,556.08		50,111.69	50,111.69	45,556.08	4,555.61	5,140.09
22130000112	8230	000086	1.00	LAW CLERK	060	06/01/2011	48,056.04	48,056.04		50,111.69	50,111.69	45,556.08	2,055.65	2,319.39
22130000112	8270	001488	1.00	CAREER ATTORNEY	062	08/20/2007	65,567.76	65,567.76		65,567.70	65,567.70	59,607.00		
22130000112	8270	001661	1.00	CAREER ATTORNEY	062	04/17/1989	78,765.60	78,765.60		65,567.70	65,567.70	59,607.00		
22130000112	8270	001662	1.00	CAREER ATTORNEY	062	01/04/1999	71,036.16	71,036.16		65,567.70	65,567.70	59,607.00		
22130000112	8270	001663	1.00	CAREER ATTORNEY	062	05/02/2005	62,587.32	62,587.32		65,567.70	65,567.70	59,607.00	2,980.38	3,362.76
22130000112	8270	001664	1.00	CAREER ATTORNEY	062	06/02/1986	81,345.24	81,345.24		65,567.70	65,567.70	59,607.00		
22130000112	8230	001666	1.00	LAW CLERK	060		45,556.08	45,556.08		50,111.69	50,111.69	45,556.08	4,555.61	5,140.09
22130000112	8270	003835	1.00	CAREER ATTORNEY	062	07/01/1988	78,765.60	78,765.60		65,567.70	65,567.70	59,607.00		
22130000112	8270	003942	1.00	CAREER ATTORNEY	062	04/01/2011	59,607.00	59,607.00		65,567.70	65,567.70	59,607.00	5,960.70	6,725.46
22130000112	8270	004037	1.00	CAREER ATTORNEY	062	08/26/1996	71,036.16	71,036.16		65,567.70	65,567.70	59,607.00		
22130000112	8270	004038	1.00	CAREER ATTORNEY	062	02/05/1996	71,036.16	71,036.16		65,567.70	65,567.70	59,607.00		
22130000112	8270	004528	1.00	CAREER ATTORNEY	062	08/31/1987	75,014.88	75,014.88		65,567.70	65,567.70	59,607.00		
22130000112	8270	006294	1.00	CAREER ATTORNEY	062	10/18/1999	69,380.76	69,380.76		65,567.70	65,567.70	59,607.00		
22130000112	8230	006295	1.00	LAW CLERK	060	03/19/2012	50,111.64	50,111.64		50,111.69	50,111.69	45,556.08		
22130000112	8250	006298	1.00	SENIOR LAW CLERK	061	01/03/2011	53,585.76	53,585.76		58,944.34	58,944.34	53,585.76	5,358.58	6,046.08
22130000112	8270	006299	1.00	CAREER ATTORNEY	062	01/16/2002	69,380.76	69,380.76		65,567.70	65,567.70	59,607.00		
22130000112	8270	008248	1.00	CAREER ATTORNEY	062	08/28/1989	78,765.60	78,765.60		65,567.70	65,567.70	59,607.00		
22130000112	8230	008249	1.00	LAW CLERK	060	05/14/2012	50,111.64	50,111.64		50,111.69	50,111.69	45,556.08	0.05	0.05
22130000112	8270	008358	1.00	CAREER ATTORNEY	062	12/20/2010	59,607.00	59,607.00		65,567.70	65,567.70	59,607.00	5,960.70	6,725.46
22130000112	8270	008359	1.00	CAREER ATTORNEY	062	01/12/1990	78,765.60	78,765.60		65,567.70	65,567.70	59,607.00		
22130000112	8230	009078	1.00	LAW CLERK	060	04/04/2012	45,556.08	45,556.08		50,111.69	50,111.69	45,556.08	4,555.61	5,140.09
22130000114	2605	000089	1.00	DEPUTY CLERK III	020	01/16/1996	41,624.88	41,624.88		39,726.85	39,726.85	36,115.32		
22130000114	2601	000091	1.00	DEPUTY CLERK I	013	05/12/2010	27,991.44	27,991.44		29,324.33	29,324.33	26,658.48	1,332.89	1,503.90
22130000114	2605	000092	1.00	DEPUTY CLERK III	020	03/27/2001	37,066.08	37,066.08		39,726.85	39,726.85	36,115.32	2,660.77	3,002.15
22130000114	2601	000094	1.00	DEPUTY CLERK I	013	08/29/2003	31,344.00	31,344.00		29,324.33	29,324.33	26,658.48		
22130000114	2605	000097	1.00	DEPUTY CLERK III	020	12/03/1996	41,624.88	41,624.88		39,726.85	39,726.85	36,115.32		
22130000114	2610	001667	1.00	CHIEF DEPUTY CLERK - DISTRICT COURT	024	10/01/1983	74,632.08	74,632.08		47,512.87	47,512.87	43,193.52		
22130000114	9030	002872	1.00	CLERK - DISTRICT COURT	039	04/28/1982	113,983.08	113,983.08		98,667.89	98,667.89	89,698.08		
22130000114	2602	003580	1.00	DEPUTY CLERK II	015	10/19/2009	30,790.44	30,790.44		31,943.47	31,943.47	29,039.52	1,153.03	1,300.97
22130000114	2605	003940	1.00	DEPUTY CLERK III	020	07/25/1994	47,890.68	47,890.68		39,726.85	39,726.85	36,115.32		

2nd, 3rd 4th DCAs All Staff at 10% Above Minimum

Flair Org	Class	Posit #	fte	Class Title	PG	Hire Date	Annual Base	Annual Gross	CAD	10%>min	10% > min w/CAD	Annual Min	Rate	12 MOS \$\$\$
22130000114	2605	008098	1.00	DEPUTY CLERK III	020	09/13/1995	38,850.00	38,850.00		39,726.85	39,726.85	36,115.32	876.85	989.35
22130000114	2605	008352	1.00	DEPUTY CLERK III	020	03/21/1994	39,742.80	39,742.80		39,726.85	39,726.85	36,115.32		
22130000115	1010	001468	1.00	CUSTODIAL SUPERVISOR	004	12/19/1996	25,371.60	26,114.60	743.00	20,494.06	21,237.06	18,630.96		
22130000115	1107	001474	1.00	MAINTENANCE ENGINEER - DISTRICT COURT	011	11/13/2006	43,927.68	45,293.68	1,366.00	27,200.05	28,566.05	24,727.32		
22130000115	1001	001477	1.00	CUSTODIAL WORKER	001	10/19/2009	19,279.08	20,022.08	743.00	18,251.38	18,994.38	16,592.16		
22130000117	4210	008746	1.00	USER SUPPORT ANALYST	101	08/20/2012	43,679.28	43,679.28		43,679.33	43,679.33	39,708.48	0.05	0.05
22130000117	4220	009367	1.00	SENIOR USER SUPPORT ANALYST	102	03/05/2012	45,863.28	45,863.28		45,863.53	45,863.53	41,694.12	0.25	0.28
22130000118	1506	003324	1.00	COURT SECURITY OFFICER II-DISTRICT COURT	011	07/01/2005	28,316.04	28,316.04		27,200.05	27,200.05	24,727.32		
22130000118	1506	009006	1.00	COURT SECURITY OFFICER II-DISTRICT COURT	011	06/23/2008	33,323.16	33,323.16		27,200.05	27,200.05	24,727.32		
22130000210	6331	001476	1.00	ADMINISTRATIVE ASSISTANT I	014	03/04/1996	42,955.56	44,160.56	1,205.00	30,601.82	31,806.82	27,819.84		
22130000210	6332	001479	1.00	ADMINISTRATIVE ASSISTANT II	016	04/07/1978	51,992.16	53,197.16	1,205.00	33,352.04	34,557.04	30,320.04		
22130000210	6210	001665	1.00	DEPUTY MARSHAL - DISTRICT COURT	025	05/31/1994	70,255.80	70,255.80		49,834.09	49,834.09	45,303.72		
22130000210	9050	002871	1.00	MARSHAL - DISTRICT COURT	036	09/02/2003	102,646.68	102,646.68		85,233.06	85,233.06	77,484.60		
22140000111	8140	000099	1.00	JUDICIAL ASST - DISTRICT COURT	016	09/07/1994	35,717.16	40,717.16	5,000.00	33,352.04	38,352.04	30,320.04		
22140000111	8140	000100	1.00	JUDICIAL ASST - DISTRICT COURT	016	12/12/2011	33,802.08	38,802.08	5,000.00	33,352.04	38,352.04	30,320.04		
22140000111	8140	000101	1.00	JUDICIAL ASST - DISTRICT COURT	016	10/17/2005	46,337.16	51,337.16	5,000.00	33,352.04	38,352.04	30,320.04		
22140000111	8140	000107	1.00	JUDICIAL ASST - DISTRICT COURT	016	09/06/2011	33,802.08	38,802.08	5,000.00	33,352.04	38,352.04	30,320.04		
22140000111	8140	003917	1.00	JUDICIAL ASST - DISTRICT COURT	016	04/27/2009	35,717.16	40,717.16	5,000.00	33,352.04	38,352.04	30,320.04		
22140000111	8140	003918	1.00	JUDICIAL ASST - DISTRICT COURT	016	09/16/1996	46,337.16	51,337.16	5,000.00	33,352.04	38,352.04	30,320.04		
22140000111	8140	004046	1.00	JUDICIAL ASST - DISTRICT COURT	016	01/02/2007	35,717.16	40,717.16	5,000.00	33,352.04	38,352.04	30,320.04		
22140000111	8140	004583	1.00	JUDICIAL ASST - DISTRICT COURT	016	03/29/1993	46,337.16	51,337.16	5,000.00	33,352.04	38,352.04	30,320.04		
22140000111	8140	006091	1.00	JUDICIAL ASST - DISTRICT COURT	016	01/02/2002	46,337.16	51,337.16	5,000.00	33,352.04	38,352.04	30,320.04		
22140000111	8140	008251	1.00	JUDICIAL ASST - DISTRICT COURT	016	04/07/1997	46,337.16	51,337.16	5,000.00	33,352.04	38,352.04	30,320.04		
22140000111	8140	008253	1.00	JUDICIAL ASST - DISTRICT COURT	016	09/02/2003	35,717.16	40,717.16	5,000.00	33,352.04	38,352.04	30,320.04		
22140000111	8140	008255	1.00	JUDICIAL ASST - DISTRICT COURT	016	01/29/1987	46,337.16	51,337.16	5,000.00	33,352.04	38,352.04	30,320.04		
22140000112	8270	000102	1.00	CAREER ATTORNEY	062	06/10/2009	62,587.32	62,587.32		65,567.70	65,567.70	59,607.00	2,980.38	3,362.76
22140000112	8230	000103	1.00	LAW CLERK	060	09/20/2010	48,056.04	48,056.04		50,111.69	50,111.69	45,556.08	2,055.65	2,319.39
22140000112	8230	001669	1.00	LAW CLERK	060	09/19/2011	48,056.04	48,056.04		50,111.69	50,111.69	45,556.08	2,055.65	2,319.39
22140000112	8230	001670	1.00	LAW CLERK	060	09/06/2011	45,556.08	45,556.08		50,111.69	50,111.69	45,556.08	4,555.61	5,140.09
22140000112	8230	003303	1.00	LAW CLERK	060	08/15/2011	48,056.04	48,056.04		50,111.69	50,111.69	45,556.08	2,055.65	2,319.39
22140000112	8230	003304	1.00	LAW CLERK	060	08/02/2011	48,056.04	48,056.04		50,111.69	50,111.69	45,556.08	2,055.65	2,319.39

2nd, 3rd 4th DCAs All Staff at 10% Above Minimum

Flair Org	Class	Posit #	fte	Class Title	PG	Hire Date	Annual Base	Annual Gross	CAD	10%>min	10% > min w/CAD	Annual Min	Rate	12 MOS \$\$\$
22140000112	8270	003915	1.00	CAREER ATTORNEY	062	01/07/1998	69,335.64	69,335.64		65,567.70	65,567.70	59,607.00		
22140000112	8230	003916	1.00	LAW CLERK	060	08/13/2012	41,000.88	41,000.88		50,111.69	50,111.69	45,556.08	9,110.81	10,279.72
22140000112	8230	003925	1.00	LAW CLERK	060	08/16/2012	41,000.88	41,000.88		50,111.69	50,111.69	45,556.08	9,110.81	10,279.72
22140000112	8230	004052	1.00	LAW CLERK	060	07/31/2006	48,056.04	48,056.04		50,111.69	50,111.69	45,556.08	2,055.65	2,319.39
22140000112	8230	004053	1.00	LAW CLERK	060	08/23/2010	48,056.04	48,056.04		50,111.69	50,111.69	45,556.08	2,055.65	2,319.39
22140000112	8230	004054	1.00	LAW CLERK	060	06/18/2012	45,556.08	45,556.08		50,111.69	50,111.69	45,556.08	4,555.61	5,140.09
22140000112	8270	004581	1.00	CAREER ATTORNEY	062	06/12/2006	59,607.00	59,607.00		65,567.70	65,567.70	59,607.00	5,960.70	6,725.46
22140000112	8270	004582	1.00	CAREER ATTORNEY	062	05/16/2005	59,607.00	59,607.00		65,567.70	65,567.70	59,607.00	5,960.70	6,725.46
22140000112	8230	004584	1.00	LAW CLERK	060	07/02/2012	45,556.08	45,556.08		50,111.69	50,111.69	45,556.08	4,555.61	5,140.09
22140000112	8230	005028	1.00	LAW CLERK	060	09/07/2010	48,056.04	48,056.04		50,111.69	50,111.69	45,556.08	2,055.65	2,319.39
22140000112	8230	005029	1.00	LAW CLERK	060	07/01/2011	45,556.08	45,556.08		50,111.69	50,111.69	45,556.08	4,555.61	5,140.09
22140000112	8230	006092	1.00	LAW CLERK	060	08/20/2012	41,000.88	41,000.88		50,111.69	50,111.69	45,556.08	9,110.81	10,279.72
22140000112	8230	006093	1.00	LAW CLERK	060	08/29/2011	45,556.08	45,556.08		50,111.69	50,111.69	45,556.08	4,555.61	5,140.09
22140000112	8230	008065	1.00	LAW CLERK	060	12/27/2011	45,556.08	45,556.08		50,111.69	50,111.69	45,556.08	4,555.61	5,140.09
22140000112	8230	008068	1.00	LAW CLERK	060	01/07/2011	45,556.08	45,556.08		50,111.69	50,111.69	45,556.08	4,555.61	5,140.09
22140000112	8270	008069	1.00	CAREER ATTORNEY	062	02/10/1986	82,377.12	82,377.12		65,567.70	65,567.70	59,607.00		
22140000112	8230	008256	1.00	LAW CLERK	060	09/01/2010	48,056.04	48,056.04		50,111.69	50,111.69	45,556.08	2,055.65	2,319.39
22140000112	8270	008257	1.00	CAREER ATTORNEY	062	08/12/1996	69,335.64	69,335.64		65,567.70	65,567.70	59,607.00		
22140000112	8230	008258	1.00	LAW CLERK	060	06/18/2012	41,000.88	41,000.88		50,111.69	50,111.69	45,556.08	9,110.81	10,279.72
22140000112	8230	008259	1.00	LAW CLERK	060	08/01/2012	41,000.88	41,000.88		50,111.69	50,111.69	45,556.08	9,110.81	10,279.72
22140000112	8270	008260	1.00	CAREER ATTORNEY	062	02/01/1988	74,589.00	74,589.00		65,567.70	65,567.70	59,607.00		
22140000112	8230	008261	1.00	LAW CLERK	060	08/22/2011	48,056.04	48,056.04		50,111.69	50,111.69	45,556.08	2,055.65	2,319.39
22140000112	8270	008365	1.00	CAREER ATTORNEY	062	05/30/1995	82,377.12	82,377.12		65,567.70	65,567.70	59,607.00		
22140000112	8270	008366	1.00	CAREER ATTORNEY	062	11/13/2002	68,846.16	68,846.16		65,567.70	65,567.70	59,607.00		
22140000112	8270	009007	1.00	CAREER ATTORNEY	062	04/08/1993	82,377.12	82,377.12		65,567.70	65,567.70	59,607.00		
22140000112	8230	009079	1.00	LAW CLERK	060	08/17/2009	48,056.04	48,056.04		50,111.69	50,111.69	45,556.08	2,055.65	2,319.39
22140000112	8270	009242	1.00	CAREER ATTORNEY	062	06/03/2002	69,171.36	69,171.36		65,567.70	65,567.70	59,607.00		
22140000114	2610	000104	1.00	CHIEF DEPUTY CLERK - DISTRICT COURT	024	02/01/1985	62,726.76	62,726.76		47,512.87	47,512.87	43,193.52		
22140000114	2605	000105	1.00	DEPUTY CLERK III	020	03/27/1995	39,975.00	39,975.00		39,726.85	39,726.85	36,115.32		
22140000114	2602	000106	1.00	DEPUTY CLERK II	015	08/16/2012	29,039.52	29,039.52		31,943.47	31,943.47	29,039.52	2,903.95	3,276.53
22140000114	2602	001576	1.00	DEPUTY CLERK II	015	03/04/1996	36,368.88	36,368.88		31,943.47	31,943.47	29,039.52		

2nd, 3rd 4th DCAs All Staff at 10% Above Minimum

Flair Org	Class	Posit #	fte	Class Title	PG	Hire Date	Annual Base	Annual Gross	CAD	10%>min	10% > min w/CAD	Annual Min	Rate	12 MOS \$\$\$		
22140000114	9030	002879	1.00	CLERK - DISTRICT COURT	039	01/09/1978	113,983.08	113,983.08		98,667.89	98,667.89	89,698.08				
22140000114	2602	003306	1.00	DEPUTY CLERK II	015	03/12/2001	35,715.00	35,715.00		31,943.47	31,943.47	29,039.52				
22140000114	2602	004049	1.00	DEPUTY CLERK II	015	10/31/2011	29,039.52	29,039.52		31,943.47	31,943.47	29,039.52	2,903.95	3,276.53		
22140000114	2605	004051	1.00	DEPUTY CLERK III	020	07/24/1989	50,035.32	50,035.32		39,726.85	39,726.85	36,115.32				
22140000114	2602	004585	1.00	DEPUTY CLERK II	015	07/01/2008	30,039.60	30,039.60		31,943.47	31,943.47	29,039.52	1,903.87	2,148.14		
22140000114	2605	008362	1.00	DEPUTY CLERK III	020	01/31/1994	40,638.36	40,638.36		39,726.85	39,726.85	36,115.32				
22140000114	2605	008363	1.00	DEPUTY CLERK III	020	10/30/1995	38,185.08	38,185.08		39,726.85	39,726.85	36,115.32	1,541.77	1,739.58		
22140000114	2605	009241	1.00	DEPUTY CLERK III	020	06/22/1992	42,525.36	42,525.36		39,726.85	39,726.85	36,115.32				
22140000114	2605	009359	1.00	DEPUTY CLERK III	020	10/03/1988	47,367.96	47,367.96		39,726.85	39,726.85	36,115.32				
22140000115	1107	001674	1.00	MAINTENANCE ENGINEER - DISTRICT COURT	011	10/25/2010	26,031.96	27,397.96	1,366.00	27,200.05	28,566.05	24,727.32	1,168.09	1,317.96		
22140000115	1001	004586	1.00	CUSTODIAL WORKER	001	11/02/1998	30,983.64	31,726.64	743.00	18,251.38	18,994.38	16,592.16				
22140000117	4220	009368	1.00	SENIOR USER SUPPORT ANALYST	102	04/17/2000	51,500.04	51,500.04		45,863.53	45,863.53	41,694.12				
22140000210	6332	001671	1.00	ADMINISTRATIVE ASSISTANT II	016	02/10/1986	48,883.08	50,088.08	1,205.00	33,352.04	34,557.04	30,320.04				
22140000210	9050	002878	1.00	MARSHAL - DISTRICT COURT	036	10/05/1984	102,646.68	102,646.68		85,233.06	85,233.06	77,484.60				
22140000210	6210	008099	1.00	DEPUTY MARSHAL - DISTRICT COURT	025	12/18/1996	60,836.76	60,836.76		49,834.09	49,834.09	45,303.72				
													Cost	327,759	369,810	
														Cost for only 3rd DCA	45,039	50,817

Agenda Item IV.C.: Work Group 3

Charge: Revise DCABC operating procedures as needed to accommodate changes from work group recommendations.

Results: To date no action has been required.

Decision Needed: None.

District Court of Appeal Budget Commission
June 20, 2013
Tampa, FL

Agenda Item IV.D.: DCA Resource Allocation Workgroup – Clerks, Marshals, and Central Staff

Charge: The joint workgroup established between the District Court of Appeal Performance and Accountability Commission (DCAP&A) and the District Court of Appeal Budget Commission (DCABC) is charged with reviewing model staffing levels and periodic reallocation of full-time equivalent positions as workload demands change between the districts. Within its purview are the clerks of court, marshals, and central staff of the district courts.

Issue

History: The Workgroup met once in person with the Commission on DCA Performance and Accountability at the Appellate Judges' Conference on Amelia Island (September 2012) and several times via video-conference to discuss the primary elements of its charge. The Workgroup requested that the marshals and clerks meet to review the 2008 Needs Assessment methodology. As to the central staff piece, the Workgroup asked that an ad hoc central staff workgroup be formed to identify best practices. Subsequent to the identification of the best practices, an allocation methodology is to be developed and approved by the Workgroup. This last piece remains pending.

Action Taken

(Clerks): Via memorandum, the DCA clerks advised the Workgroup that they unanimously agreed that the 2008 recommendations as they relate to the District Courts of Appeal Clerks' offices remain the appropriate method for assessing staffing needs at this time. Because of the numerous variables related to how electronic filing and electronic processing of cases will affect staffing in the clerks' offices, the clerks respectfully request that any modifications to the staffing methodology be deferred until after a well-tested, refined, and reliable electronic filing and case processing system is implemented and fully operational in each district court of appeal.

**Action
Taken**

(Marshals): Prior to the September 2012 Workgroup meeting, Workgroup member Marshal Jo Haynes, Second District, met telephonically with the other four DCA marshals to review the 2008 Needs Assessment for the marshals' offices. It was agreed that the 2008 methodology remained viable for the DCA marshals' offices.

**Action
Taken
(Central-
Staff):**

An ad hoc workgroup comprised of central staff representatives from each district was appointed and met in the fall of 2012. The workgroup identified a series of best practices (attached) that could be adopted for those districts that have a central staff model. Note: four of the five districts have a central staff model, the Third District does not. The best practices were circulated and approved by the Workgroup with recognition that each district court is uniquely organized, with variations in the division of labor between central staff and elbow clerks. Further, the best practices are "suggested" methods and are not considered a standard of operation which connotes a mandatory method of operation.

Results: Clerks - maintain the 2008 Needs Assessment methodology.
Marshals - maintain the 2008 Needs Assessment methodology.
Central Staff - to the extent practicable, adopt the best practices. Allocation methodology and analysis remain pending.

**Decision
Needed:** None.

**District Courts of Appeal Best Practices for Central Staff
First District Court of Appeal Building
Tallahassee, Florida
October 11-12, 2012
Meeting Summary**

In Attendance:

Kent Putnam, Chief Career Attorney, First DCA
Chris McAdams, Central Staff Director, Second DCA
Gale Bramnick, staff attorney to Chief Judge Wells, Third DCA
Joe Levis, Career Attorney, Fourth DCA

Not In Attendance:

Sharon Serra, Central Staff Director, Fifth DCA

OSCA staff to District Court of Appeal Performance and Accountability (DCAP&A):

Maggie Geraci, Court Operations Consultant, Court Services
Patty Harris, Senior Court Operations Consultant, Court Services
Greg Youchock, Chief, Court Services

Others in Attendance:

Judge William A. Van Nortwick, Jr., Chair of DCAP&A and Joint Workgroup
Judge Richard B. Orfinger, Chair of DCABC
Josephine Deyo, Senior Attorney, Court Education
Jenna Simms, Court Operations Consultant,
Deputy State Courts Administrator's Office
Kristine Slayden, Manager, Resource Planning
Blan Teagle, Deputy State Courts Administrator

Meeting Purpose

Judge Orfinger welcomed the group via video conference. As Chair of the District Court of Appeal Budget Commission (DCABC) he reviewed recent commission efforts to better evaluate the work and needs of the five district courts. He observed that the commission is taking a global view of the district courts and encouraged the group to do the same. Judge Orfinger asked the group to strive towards consensus when formulating their recommendations.

Judge Van Nortwick also addressed the group as chair of both the District Court of Appeal Performance and Accountability Commission (DCAP&A) and of the DCABC Joint Workgroup charged with evaluating staffing compliments and allotments across multiple district court categories. He briefly reviewed the workgroup's discussion from their September 9 meeting in Amelia Island. He noted the workgroup's conclusion that an understanding of central staff best practices would be helpful to them in the long-term when evaluating resources and allotments. Judge Van Nortwick also discussed the legislative budget process and how important it is for the district courts to be able to defend their need for additional resources or other funding considerations before the Legislature.

Recommendations Summary

The purpose of the meeting was to review the current work processes used by central staff in the five district courts and determine if any of them could be recommended as best practices. A series of issues previously identified by the DCABC Joint Workgroup were discussed. The goal for each issue was to identify a best practice, where practicable. However, for some issues, no consensus was reached, hence, a best practice was not identified. Each issue and recommendation is discussed below.¹

- 1. Jurisdiction:** all cases should be screened for jurisdiction by staff, not a judge, early in the process. Con: may require new resources or shifting existing resources to accomplish.
- 2. Unemployment Appeals Commission:** assign as a regular appeal.
- 3. Pro Se and Frequent Filer Cases:** issue frivolous warnings and keep a list of those issued. Use the warnings more often (at judicial discretion). Keep a list of repeat filers.
- 4. Anders Cases:** separate plea cases from trial cases. Separate routine versus substantive cases. See classification scheme below.

¹ The recommendations listed in this report come with the continuing caveat that the Third District feels that review by Central staff personnel—first by a central staff screening attorney and then, in many cases, by a second assigned central staff attorney—is not the best allocation of resources. The Third District prefers a system whereby, after files are checked and prepared for review by the clerk's office, judges review incoming files and then direct their staffs and on occasion the two additional attorneys employed by the Court as to what additional steps in terms of research or writing are necessary.

- Simple (plea) – screener reviews and sends to panel - with cover checklist.
- Moderate (Violation of Probation) – screener reviews and sends to either central staff or panel – with cover memorandum or checklist.
- Complex (trial) – screener reviews and sends to judicial suites.
- An experienced attorney should act as the screener.

5. Rule 3 Cases (3.800, 3.850 (A) and (B), and 3.853): screen to remove frivolous cases and to weigh and balance caseload among central staff.

6. Writs and Petitions:

- All writs and motions except certiorari and Non-Final Agency Action (NFAA) should be initially screened and final disposition by central staff.
- Keep certiorari with central staff, resources permitting.
- Non-emergency NFAA should go to judicial chambers.
- Emergency NFAA should go to central staff.
- Habeas Corpus should stay with central staff.
- Belated appeals and ineffective assistance of counsel should go to central staff.

7. Pre-assignment Motions (not assigned to motions panel): allow the clerk of court to grant unopposed extensions of time in appeal cases within parameters of the court. All pre-assignment motions should be processed by central staff. The court should maintain a guide or manual and form orders for motions.

8. Motion Practice (large volume): send to three judge writs/motions panel each week.

9. Notice of Concession Errors (memorandum): determine: A) if the notice of concession is dispositive; and B) if the concession is correct. If the answer to both is yes, then central staff should send to the writs and motions panel to reverse.

10. Summary Affirmances: no formal recommendation offered. Consensus that when applying a cost/benefit test, these types of cases take more staff time to screen than their merit is worth.

11. Case Management Practices for Complex Cases: no formal recommendation advanced.

12. Other: no formal recommendation advanced.

Central Staff Organization by District²

First DCA. There are a total of 15 central staff attorneys, but four of them are assigned to the Workers Compensation unit. There are three administrative support staffers (one additional for the Workers Compensation unit). Four attorneys work in the Writs and Motions unit, including a director who also acts as counsel to the court, but who also carries a full caseload. They focus on predisposition motions and extraordinary writs. They also work on some merits cases, mostly certiorari petitions per *Sheley v. FPC*, 720 So.2d 216 (Fla. 1998). The Rule 3 unit consists of 6 attorneys: the Director, three attorneys who work on summary postconviction appeals and Anders appeals, and two jurisdictional screeners. One central staff attorney supports the clerk's office also by reviewing briefs, mandates, opinions, correspondence (reporter of decisions), etc.

Second DCA. Central staff consists of nine attorneys, including the director. However, the court was only recently allocated a ninth attorney, and the position has been borrowed by a judge who has a staff attorney out on extended medical leave. The director essentially controls the assignment of cases within central staff. Under the current plan, one central staff attorney screens summary post-conviction cases, addresses briefing and record issues when necessary, and resolves approximately 45 cases per month at fast track panels. After screening, the rest of the summary rule 3 cases are assigned to the remaining central staff attorneys, but the high volume of those cases as well as writs and motions assigned to central staff necessitates that an overflow of summary rule 3 cases is assigned to suite attorneys. The central staff attorneys are generally assigned to work on petitions depending upon the type of case, e.g.: one attorney handles all IACCs (petition alleging ineffective assistance of appellate counsel), one screens all certiorari petitions, one screens all mandamus petitions, and one screens all belated appeals; but habeas petitions and prohibitions, as well as emergency motions, are assigned to all of the attorneys except the attorney who screens rule 3 cases. The director assigns all motions that she is not authorized to resolve on her own either to herself or to two other attorneys, generally based on the type of motion or the attorney's history with a particular case. The attorneys assigned to motions, including

² The participants at the meeting developed a diagram showing assignments and duties of judicial officers and staff attorneys, which is included as Attachment A.

the director, also work on writs and on some summary rule 3 appeals, as their workload permits.

Additional duties of central staff attorneys include: monitoring termination of parental rights and dependency proceedings by using a tickler system to issue orders designed to insure timely perfection; issuing orders requiring attorneys who have not obeyed court orders to come before the court, along with preparing memoranda and materials for the panel assigned for the show cause hearing; proofreading orders prepared by the central staff secretaries; participating in ad hoc court committees (for example, the social media committee); and assisting with special projects, such as screening post-conviction appeals for *Shelton* issues. One attorney continually updates internal central staff procedure manuals and guides, as well post-conviction reference files that are shared with other courts or attorneys who request them.

In the Second DCA, additional duties of the director of central staff include screening certified questions from county court and making recommendations to the court conference. Each month, the director reports to the court conference on workload statistics and other items pertinent to central staff. The director reviews and approves reports prepared by the secretaries designed to monitor the status of central staff cases. In conjunction with the chief judge, the central staff hiring committee, and the marshal, the director is charged with recruiting new central staff attorneys or secretaries when positions are open and participating in decisions regarding hiring or termination of employment. The current director serves on the case management committee, the long range planning committee, and the emergency preparedness committee. In addition, the director is often required to devote substantial time to special projects, such as the implementation of eFACTS in the Second DCA. When necessary, the director implements and revises policies for various procedures affecting central staff, such as handling emergency proceedings, with the approval of the chief judge. Occasionally, the director assists judges with preparation of materials for CLE or Inn of Court presentations or, when invited, participates in those programs. Finally, the director is supervised by the chief judge, who occasionally assigns special projects.

Support staff completes orders and similar documents that may be processed in other districts by the clerk's office. In addition, they track cases, compile records, and assist with opinion preparation. The Second DCA lost two administrative support staff during budget cuts. Since that time, judicial assistants also assist with some minor

administrative work, including preparation of “per curiam affirmed” opinions and facing sheets in cases on which their judges are primary.

Third DCA. The Third District Court of Appeal does not employ a central staff model. It does, however, employ two attorneys in addition to those assigned to each judicial suite. These two attorneys, among other things, are assigned the following duties: negotiate and review all contracts to be executed by the chief judge; represent the court in employment and other legal disputes; review all clerk's orders and draft extensions of time for the clerk's office; maintain the court's library; assist senior and visiting judges in preparation of bench memoranda, researching legal issues, drafting opinions, and tracking cases; assist all judicial suites with overflow research and drafting duties; assist the chief judge with administrative duties.

The clerk of court has been delegated the authority to grant certain unopposed motions for extension of time, unopposed motions to supplement the record, and motions to accept briefs as timely filed.

Concerning “cart work” (everything else other than oral argument cases and no request cases—for which each suite’s elbow clerks prepare a summary or other pre-judge review), the Third DCA judges believe that their initial review of incoming files, followed by additional research by elbow clerks (i.e., suite attorneys) as needed, is the most efficient way of disposing of the incoming files directed to each judge’s suite.

Fourth DCA. Central staff consists of nine attorneys, which includes a screening attorney and a motions attorney. Currently, central staff has no support staff; however, judicial assistants are providing some support to the attorneys.

Central staff receives all of the post-conviction appeals (including 3.850 non-summary) and all writs, which are first reviewed by the screener. Currently, *Anders* cases (trial and non-trial) are assigned to chambers. Each central staff attorney receives a set number of cases with a deadline for completion. The screener assigns the cases to maintain a fair and balanced workload and tries to assure that the appellate record is complete before assignment. In reviewing cases for assignment, the screener “weeds out” untimely or clearly frivolous filings and simple recurring issues, e.g., *Shelton*. The screener may recommend warnings or *Spencer* sanctions for abusive filers. The screener prepares disposition memos for writs where no response is recommended. Generally, at least one judge on the assigned panel must endorse an order to require a response.

The screener also handles emergencies and answers jurisdictional questions for the clerk's office.

In addition to post-conviction appeals and writs, central staff may receive special assignments from judges and routinely answer questions from chambers clerks, especially on criminal cases. Central staff is authorized to take certain actions without a judge's endorsement. Please see the attached Central Staff Actions List (Attachment B).

The motions attorney, who works closely with our clerk of court, handles nearly all pre-assignment motions. Motions and emergencies are ruled on by the oral argument (OA) panel for that week using a rotating schedule for non-OA weeks. The clerk's office does some jurisdictional screening (e.g., timeliness, *Dobrick* issues) and issues orders requiring compliance with procedural rules (e.g., requiring proper service of documents). The clerk of court is authorized to issue certain orders. Please see the attached endorsement list (Attachment C). The clerk's office maintains a list of filers who have been prohibited from *pro se* filing and/or warned against frivolous filing.

Currently, the court is seeking approval to hire an administrative assistant to assist both the clerk's office and central staff. In addition to helping process central staff cases, the assistant will be responsible for maintaining the Microsoft Outlook task manager for the central staff attorneys – keeping track of assigned cases, deadlines, filings, and preparing monthly reports.

Fifth DCA. There are seven central staff attorneys, one of which is a director. Two administrative support staff tracks all central staff cases, assist in preparation of case memoranda and prepare monthly and yearly case reports (reports are submitted to the director, who submits them to the chief judge). Staff support also format orders and standard proposed opinions, keep records of all cases and who they are assigned to in the office, monitor time that cases are in the office as well as staff vacation and sick leave. Screening of all central staff cases is completed by a director, who orders responses, orders to show cause, etc., when necessary. The director also is assigned a case load and completes cases which can be disposed of quickly. Central staff attorneys are responsible for all summary post-conviction appeals, *Anders*, certioraris, writs, and emergencies (there is one motions clerk, who is also in the emergency case rotation). The motions clerk is under the umbrella of the clerk of court and handles all pre-perfected/unassigned motions. The director also serves as general counsel for the court (responds to supreme court directives and agency requests such as the Hague

Commission). Central staff also completes any special projects under the direction of the chief judge. Currently, cases are moved both physically and through iDCA (electronic filing); however, the district will be predominantly electronic in the near future.

Issue 1 – Jurisdiction

Jurisdictional review is handled differently across districts. Below is a summary by district.

First DCA – Set up clerks issue a show cause order if the notice of appeal appears to be untimely based on the date of the order indicated on the notice of appeal. If there is no response, the case is administratively dismissed. If appellant responds, the file is referred to the jurisdictional screeners in the Rule 3 unit. They recommend discharge of the show cause order if they find no jurisdictional problem. Such orders are routinely approved by the chief judge. If appellant responds but the recommendation is dismissal, the matter is referred to a three judge Writs and Motions panel.

The screeners also review the appealability of orders in all civil and administrative appeals. A show cause order issues if the order does not appear to be appealable or if the screener finds a timeliness issue not identified during set up, i.e., an untimely motion for rehearing did not postpone rendition of the order. Responses (or lack thereof) are handled in the same manner indicated above.

Motions to dismiss based on lack of jurisdiction are also referred to the jurisdictional screening unit. The cases are not assigned to judicial suites until all jurisdictional issues are resolved. The electronic filing requirements of the First DCA facilitate a process where a large number of cases to be promptly screened by the two attorneys. Cases with jurisdictional problems are dismissed before, not after, the records are prepared and briefs are filed. Staff and judges in the suites focus on the merits of the appeals.

Second DCA – The clerk reviews appeals and original proceedings brought to his attention by the set up deputy clerks with questions regarding appealability, case classification, timeliness and other issues. In addition he reviews all habeas petitions, appeals from habeas denials, termination of parental rights/dependency appeals,

probate appeals and appeals from summary judgments and dismissals of circuit court civil actions, all to determine the appropriate case classification.

As needed, the clerk issues orders to show cause which he is also authorized to discharge upon a satisfactory response being submitted. If the matter cannot clearly and easily be resolved by the clerk by discharging the order to show cause, he passes cases on to central staff for review and presentation to a motions panel. In addition, central staff reviews all motions to dismiss based on jurisdiction and makes recommendations at a motions panel. Once cases are assigned to merits panels, the suite attorneys review the case for jurisdiction when they compile the “summary” that is provided to the judges.

The clerk’s office is also responsible for assigning cases to the judges. Three judges sign off on all dispositions including involuntary dismissals.

Third DCA – The clerk enters date of filing of notice of appeal, according to the date on notice. If more than 30 days elapses, the clerk of court issues an order to show cause. When the response is filed, the chief judge reviews it for timeliness and jurisdiction. Then, rather than going to central staff, cases go straight to an assigned panel.

Fourth DCA – The clerk of court is an attorney. The clerk’s office screens cases for timeliness and issues standard untimeliness orders. If there is no response, the clerk can dismiss. If a response is filed, and the jurisdictional problem is not cleared up, the matter is referred to the motions panel for a ruling. The clerk’s office also screens for other jurisdictional matters, for example, it issues *Dobrick* (premature appeal) orders. The clerk’s office directs jurisdictional/set up questions to the clerk, the motions attorney, or often the screening attorney. Motions to dismiss are handled through the motions attorney and motions panel. Chambers’ clerks assess jurisdiction when they receive cases after they have been perfected. Similarly, the screening attorney, and/or central staff attorneys, assess jurisdiction when the case is screened and when a disposition memo is prepared. Before budget cuts, central staff screened all the court’s cases for jurisdiction except direct criminal appeals. The practice proved unworkable, as the time consumed, outweighed the benefits. The present system has not resulted in any significant problems.

Best Practice Recommendation: all cases should be screened for jurisdiction by staff, not a judge, early in the process. Con: may require new resources or shifting existing resources to accomplish.

Issue 2 – Unemployment Appeals Commission

Most, but not all, of these cases are going to the First DCA. At the First DCA they are treated like any other appeal. In the other districts what few cases they receive are usually assigned to a panel.

Best Practice Recommendation: assign as a regular appeal.

Issue 3 – Pro Se and Frequent Filer Cases

Initially this conversation began with pro se cases proper then evolved into a broader discussion of “frequent filer” cases, characterized as filers who abuse the judicial process. Each district handles them a bit differently. Their specific processes are listed below.

Pro Se Cases

First DCA – Most pro se cases are post-conviction oriented. These cases are typically assigned to the post-conviction unit. They process all of the summary denial cases whereas most or all of the non-summary cases goes to the suites. The post-conviction unit may get some non-summary cases and they do screen for them. There are three attorneys in the post-conviction unit and a director (who also supervises the jurisdictional unit). In addition to supervising, the director also maintains a small caseload of post conviction matters. They stay very busy. Their typical workload is 100-120 cases per month as a unit. This estimate includes the 3.800s (Fl. R. Crim. P. 3.850, 3.800, 3.853) as well.

There is some turnover in the post-conviction unit, which leads to a constant need to train staff. The turnover is related to attorneys being recruited by the judicial suites, because often the judges can offer higher salaries. Some post-conviction unit staff has been there 3-5 years. Over time, post-conviction unit staff become experts in this area of the law. If necessary, the unit does have the option to have a case reassigned to a suite.

Second DCA – Central staff has never done non-summary appeals, only summary appeals. If there were more central staff attorneys, the chief judge might consider having central staff do non-summary appeals. At present, all non-summary appeals go to chambers. There is a pro se handbook online (court’s website). Although not assigned to review all pro se cases, central staff encounters many pro se petitions and motions in the regular course of its work and may develop some familiarity with certain litigants over time.

Third DCA – These matters are sent to the judges' chambers and they handle them. Often, they can be processed quickly. They can also be assigned to the two central staff-like attorneys. Their system works well for them.

Fourth DCA – Most postconviction cases, and a large number of writ cases as well, are filed pro se. As a result, central staff sees many pro se cases. Pro se filers often file pleadings seeking the wrong or inappropriate relief and often do not argue or understand the proper legal standards. These cases can be challenging to understand. Review by an experienced attorney and screening is helpful to redesignate the case if necessary and to prevent frivolous or meritless cases from interfering with review of legitimate claims.

Fifth District – Petitioners and appellants are frequent filers in the majority of pro se cases. When a case is opened, our clerk’s office gathers all cases previously filed in our court regarding the same lower court judgment and sentence and notes them in the file (or notes on iDCA), for the central staff attorney assigned to the new case to review. We do not assign pro se cases or frequent filer cases any differently than other cases.

Frequent Filer Cases

First DCA – Court staff have the ability to enter a name in the case management system and see what they have filed, but have no way to determine the name of the people who have filed eight or more cases in the last five years. The clerk’s office does not keep a running list of individuals who have been given warnings.

Second DCA – This is described as a tedious process. They rarely send out warnings or sanctions. The judges at the Second DCA are generally not receptive to issuing warnings or sanctions unless in extreme situations.

Third DCA – A judge issues an order to show cause why the defendant should not be barred from filing further pro se motions addressing his judgment and sentence pursuant to *Spencer*. Absent such explanation, a panel opinion barring same follows. The clerk’s office keeps a list of frivolous filer warnings issued.

Fourth DCA – Frequent filers are usually prisoners. Frivolous, and sometimes malicious, prisoner filings flood the court system and interfere with the courts’ ability to consider legitimate claims. The clerk’s office notes on the file when a case is set up the case numbers for all prior cases. The court issues warnings about possible sanctions to abusive filers and keeps track of those who have been warned. Generally, if a warning has no effect, the court may refer a prisoner to prison officials for disciplinary procedures or may issue an order to show cause why the prisoner should not be prohibited from further pro se filing, the so-called *Spencer* sanction. If the *Spencer* sanction is imposed, the clerk will reject all future pro se filings unless the document is certified by a lawyer in good standing with the Florida Bar. The clerk’s office maintains a list of filers who have been warned or prohibited from pro se filing.

Fifth District – The director screens all cases and if the case can be disposed of easily, the director assigns the case as DSS (Director Sharon Serra). This can happen more frequently in the case of frequent filer cases (successive and untimely cases are simple and are generally disposed of expeditiously by the director). If there is an abuse of process determined, a *Spencer* order to show cause is issued when the case is completed (reaches disposition); any central staff attorney can make a *Spencer* recommendation to the assigned panel of judges; the recommendation is made in the central staff memorandum and a proposed draft *Spencer* order to show cause is also sent to the panel of judges assigned to the case. Note: The director is also assigned cases like any other central staff attorney (as SS – “Sharon Serra”).

Best Practice Recommendation: issue frivolous warnings and keep a list of those issued. Use the warnings more often (at judicial discretion). Keep a list of repeat filers.

Issue 4 – *Anders* Cases

Anders are Sixth Amendment right to counsel cases, which are on direct appeal. The attorney has to provide a brief that there are no arguable issues. The court reviews and

decides. If there are no arguable issues, the attorney can withdraw. Each district court processes *Anders* cases a bit differently. Their processes are outlined below.

First DCA – The clerk’s office refers all *Anders* briefs to the central staff director and he reviews. He reviews for two primary items: A) does the brief comply with *Anders* requirements, and B) level of complexity (assigned by director), there are three levels: 1. summary (pleas without reserving issues) go to the post-conviction unit; 2. non-summary/writs – cases with a record, suppression, or VOP hearing go to Writs or Mandamus unit or chambers; and 3. *Anders* trial cases, go to chambers.

Second DCA – Central staff does not do *Anders* appeals they go to the judicial suites, as has always been the process. The central staff director sees merit in *Anders* cases coming to central staff. There is a workload difference between *Anders* plea v. trial (trial has bigger record). Believes it may be of benefit to have a check-off (check list) memo.

Third DCA – “Cart work” for judges – judges or suites.

Fourth DCA – Central staff used to handle these cases, but due to budget cuts, they now all go to chambers.

Fifth DCA – *Anders* cases come as a bundle (anywhere from 10-15, with 10 being normal) each week to the central staff office. These cases are not screened by the director. Instead, they are simply assigned to the central staff attorneys (the support staff assigns each case down the list of attorneys). The cases are reviewed by the assigned attorney, who either submits a standard *Causey* memo to the panel recommending affirmance, or in the case where an issue is found, briefing by the public defender is ordered as to a particular issue or issues. Once the brief is received, the assigned attorney reviews the brief one last time and if the issue is determined to be worthy of a merits determination, then the case is recategorized as an “Oral Argument Waived” and sent to the primary judge’s office for consideration (a standard reclassification memo is submitted to the primary judge and the clerk issues a new consideration date; the judge’s staff attorneys are responsible for working up the case for the judge). The central staff attorney is then done with that case.

Recommendation or Best Practice: Best Practice Recommendation: separate plea cases from trial cases. Separate routine versus substantive cases. See classification scheme below.

- Simple (plea) – screener reviews and sends to panel - with cover checklist.
 - Moderate (Violation of Probation) – screener reviews and sends to either central staff or panel – with cover memorandum or checklist.
 - Complex (trial) – screener reviews and sends to judicial suites.
 - An experienced attorney should act as the screener.
-

Issue 5 – Rule 3 Cases (Fl. R. Crim. P. 3.800, 3.850 Summary and Non-Summary, and 3.853)

First the group identified the four types of rule 3 cases (see below). A description of how each district processes rule 3 cases is also provided.

3.800(a) – typically they involve a motion to correct an illegal sentence and frequently do not require a hearing. These cases are usually not complicated, on their face. There are no time limits associated with these types of cases.

3.850 – these cases have a two year time limit.

(A) Summary denial (trial court attaches records to refute claims).

(B) A full or evidentiary hearing is typically conducted. An example of a factual hearing would be to evaluate an ineffective assistance of counsel claim.

3.853 – motion for DNA testing. Untested DNA evidence (these type of cases can be both easy and difficult). Sometimes the court will receive a lot of these cases.

First DCA – Appeals of orders which summarily deny rule 3 motions are assigned to the Rule 3 unit. The unit is assigned 120 cases monthly; the caseload also includes summary Anders appeals. Three full time central staff attorneys and the director, who has a partial caseload, prepare the summaries and opinions. Non-summary postconviction appeals (an evidentiary hearing was conducted in circuit court) are handled as regular merits cases and assigned to the suites.

Second DCA – The clerk of court keeps track of non-summary rule 3 cases and assigns them to suites. All summary rule 3 cases are sent to the attention of one central staff attorney who screens 45-50 per month (usually rule 3.800(a)) on a fast track basis. The attorney develops a short memo citing relevant case law for each, which he recites to

the three assigned judges at a meeting that has been placed on the calendar by the clerk. There, the judges sign off on the citation per curiam affirmed (PCA) or recommend alternate dispositions. The use of citation PCA's may reduce rehearing motions. Citation examples include, the *Shelton* case (federal drug case); *Padilla* (deportation issues); and *Adkins* (Supreme Court of Florida get no review, they are per curiam affirmed citing to *Adkins*), but this list is far from exhaustive. This attorney also screens cases all summary rule 3 appeals to insure that the record is complete and issues orders as necessary.

The remaining summary rule 3 cases are assigned to central staff. Although the screening attorney has done a jurisdictional review, the assigned central staff attorney will again check jurisdiction. The cases are assigned by the clerk to a 3-judge panel, for which the assigned central staff attorney prepares a memo and, if required, a draft opinion. The memo and proposed opinion or PCA are physically circulated with the wallet to each judge on the panel. Because of a shortage of central staff personnel in the past 3 or 4 years, it has been necessary for the clerk's office to assign some summary rule 3 cases to the judicial suites as part of their oral argument waived panels.

Third DCA – The clerk's office reviews file to ensure summary record is complete before it is sent to chambers. All rule 3 cases then go to chambers.

Fourth DCA – The screening attorney reviews batches of the oldest postconviction cases delivered by the clerk's office. The attorney recommends dispositions on clearly meritless and frivolous cases and assesses each remaining case for difficulty. The assessment is based on the amount of time that review of the case is likely to consume based on the size of the record and the number and complexity of the issues raised. A description of the methodology is contained in the meeting notebook materials. The screening attorney assigns a monthly workload of cases (presently 16 but subject to modification) to each attorney. The workload includes writ cases that require further work. The workload is balanced based on the difficulty of the assigned cases so that no attorney receives more work than can reasonably be accomplished within the 30-day deadline. The cases then stay with that attorney through completion. If the central staff attorney recommends an order to show cause, then the 30-day deadline runs from the date the case is perfected. The screening attorney tries to have writ cases perfected before assignment to a central staff attorney.

Fifth DCA – All post-conviction cases are screened by the director, who then completes a cursory review of the case and either assigns them to a central staff attorney (going down the list of attorneys including the director) or assigns them as DSS (Director Sharon Serra). The assigned attorney reviews and prepares a memorandum (setting forth procedural history, law and analysis as it relates to the issues, and a recommendation for disposition). A memo is prepared for all rule 3 cases. Where a rule 3 case has more than 8 issues, a separate list of attorney assignment is utilized, so that no central staff attorney receives more +8 issue cases, than any other central staff attorney.

Best Practice Recommendation: screen to remove frivolous cases and to weigh and balance caseload among central staff.

Issue 6 – Writs and Petitions

The group discussed original versus appellate jurisdiction. Writs of Mandamus were deemed to be either very simple or extremely complicated. Writs of Certiorari are treated differently in the first and second districts. The group discussed Non-Final Agency Action (NFAA), prohibitions (e.g., stand your ground), judicial qualifications, as well as speedy trial writs and petitions.

Best Practice Recommendation: All writs and motions except certiorari and Non-Final Agency Action (NFAA) should be initially screened and final disposition by central staff.

- Keep certiorari with central staff, resources permitting.
 - Non-emergency NFAA should go to judicial chambers.
 - Emergency NFAA should go to central staff.
 - Habeas Corpus should stay with central staff.
 - Belated appeals and ineffective assistance of counsel should go to central staff.
-

Issue 7 – Pre-assignment Motions

These types of motions are typically handled by central staff, either on a rotation basis or by the central staff director, prior to being assigned to a motions panel.

Best Practice Recommendation: allow the clerk of court to grant unopposed extensions of time in appeal cases within parameters of the court. All pre-assignment motions should be processed by central staff. The court should maintain a guide or manual and form orders for motions.

Issue 8 – Motion Practice (Large Volume)

Some districts meet regularly with the judges to discuss (Second DCA), whereas others circulate via email to the judges and rarely meet in person to discuss (First DCA).

Best Practice Recommendation: send to three judge writs/motions panel each week.

Issue 9 – Notice of Concession Errors (Memorandum)

These types of cases occur infrequently. Some districts send to a merits panel. Most districts have no special policy for these types of cases due to their infrequent nature.

Best Practice Recommendation: determine: A) if the notice of concession is dispositive; and B) if the concession is correct. If the answer to both is yes, then central staff should send to the writs and motions panel to reverse.

Issue 10 – Summary Affirmances

Summary affirmances occur infrequently in all districts.

Best Practice Recommendation: no formal recommendation offered. Consensus that when applying a cost/benefit test, these types of cases take more staff time to screen than their merit is worth.

Issue 11 – Case Management Practices for Complex Cases

General consensus that docketing statements should be reviewed and consolidation should occur wherever practicable. Clear direction should be given to the parties on how the case should proceed. Related cases should travel together through the system.

Best Practice Recommendation: no formal recommendation advanced.

Issue 12 – Other

The group discussed jurisdictional screening, the proper role of central staff and the clerk of court, and how many total FTE would be required to properly screen.

Best Practice Recommendation: no formal recommendation advanced.

**Central Staff Best Practices Workshop
October 11-12, 2012
Caseload Breakdown**

	Chief Judge	Panels	Judicial Suites	Central Staff Org Description	Central Staff Duties	Clerk's Office
1DCA	Reviews and approves orders on non-dispositive motions and sua sponte court actions.	3 Judge Writs & Motions Panel: Motions, Emergencies, Jurisdictional Screening, Concessions of Error, petitions and dispositive motions	Direct Appeals Non-Finals 3.850 Non-Summaries Habeas Corpus Denials Certs & NFAA (After OTSC) Anders (Trials)	3 Units (1 Director per Unit) - Worker's Comp, Writs/ Motions, and Post Conviction	Worker's Comp (4 Atty's; 1.0 Asst) – All worker's comps cases – motions, jurisdiction screening, merits. Writs & Motions (4.0 Atty's; 1.5 Asst) – All motions except: unopposed EOTs, atty's fees, rehearings; Writs; Sheley and Other Merits; Emergencies. Rule 3's (6.0 Atty's; 1.5 Asst) – Jurisdictions Screening (Civil and Admin); Summary Rule 3; and Anders (non-Trial)	(1 Atty) Brief Screenings, etc.
2DCA		2 Judge Motions Panel: Pre-Assignment Motions, Writs, and Jurisdictional Issues 2-3 Judge Emergency Panels: Randomly assigned as needed	Direct Appeals Non-Finals Anders 3.850 Non-Summary Cert & NFAA (After OTSC) Some 3.800* Some 3.850 Summaries* * Overflow/Randomly Assigned	1 Central Staff Director assigns cases and oversees 8 attys (when fully staffed) and 3 secretaries. Director or designee is authorized to sign off on most response orders, status orders, and routine unopposed motions.	Most 3.800; Most 3.850 Summaries; Mandamus; Belated Appeals; Prohibition; Cert and NFAA (No OTSC); HC Denials (treating as PC Appeals); Pre-Assignment Motions; IAAC; TPRs (to Perfection); and HC.	Clerk is an attorney who issues jurisdictional OTSC and other orders requiring CS follow-up
3DCA			With Memo From Elbow Clerk – Direct Appeals Non-Finals All OA Cases Reviewed directly by Judge "Cart Work" - 3.800 3.850 Summaries/Non-Summaries All Writs, Motions, Anders, IAAC, & HC	No Central Staff		
4DCA		3 Judge Motion Panel: All Pre-Assignment Motions; emergency motions	Direct Appeals Non-Finals Anders	7 Central Staff Atty's; 1 Motions Clerk; and 1 Screening Clerk. Screening Clerk assigns cases to central staff based on weighted distribution model.	3.800; 3.850 Summary; 3.850 Non-Summary; HC Denials; Writs; IAAC; Belated Appeals; and NFAA.	Clerk is attorney and does some jurisdictional screening
5DCA		3 Judge Panel for Motions and Writs: pre-perfected motions and pre-perfected Jurisdictional screening, emergencies, concessions of error, summary reversals, summary affirmances	Direct Appeals (non-final and final), non-summary 3.850.	7 Central Staff Attorneys, including 1 director; one motions clerk (who is under the Clerk's Umbrella). Director oversees the Central Staff (which includes 2 administrative assistants). Director handles screening all incoming cases orders responses, OTSC, and directs the assignment of cases on a weighted distribution model. The Director also carries a case load and handles the majority of simple cases for expediency. The Director acts as court general counsel (responds to Supreme Court and agencies) when required.	All summary post-conviction appeals; all writs (mandamus, belated appeal, prohibition, certiorari, habeas corpus, emergency writs). The attorneys draft complete memos for each case, making a recommendation for disposition. Motions clerk handles all pre-perfected (unassigned cases) motions, along with being in the rotation (with the 7 central staff attorneys) for emergency writs.	Jurisdictional orders (OTSC, etc.)

**Fourth DCA
Central Staff Actions List**

LIST OF ACTIONS CENTRAL STAFF IS AUTHORIZED TO TAKE WITHOUT JUDGE APPROVAL

Preliminary Orders

Mailbox rule (*Haag*) order - if no cert. of service or prison date stamp

Dobrick orders

Obtain copy of a motion which is the subject of a mandamus petition

Obtain copies of orders or other info regarding whether a petitioner/appellant is represented by counsel

Order missing documents or records necessary to decide a case

Order sworn petitions

Extensions of Time

Grant 1st EoT in writs (30 days for responses, 15 days for replies)

Grant EoT for state to respond to 3.850/3.800 OTSC (up to 90 days)

Grant EoT to file IB in postconviction appeals (up to 90 days)

Grant EoT to file status report (up to 90 days)

Orders to Show Cause & Status Reports

OTSC mandamus where motion pending > 180 days

OTSC belated appeals

Status Reports (up to 90 days)

Grant Unopposed Belated Appeals

Grant belated appeal if uncontested upon state's response

Grant "unopposed" petition for belated appeal if filed by PD or private counsel who represents AAG was contacted

Dismiss Moot Cases

Dismiss mandamus cases that are moot

**Fourth DCA
Endorsement List**

Updated 6/6/11

JUDGES OR CLERK ENDORSEMENTS REQUIRED FOR MOTIONS, ORDERS TO SHOW CAUSE, DISPOSITIONS

Assigned Judge, or if omitted, JA shall inquire and mark number of endorsements needed.

A judge may ask for an extra endorsement.

A. THREE (3) JUDGES:

Attorneys fees or costs (see attachment re: granting attorneys fees)
Dismiss Appeals or writs which clerk does not have authority to dismiss (by motion – if there are 2 denials, only 2 judges required)
Dismiss a party (contested)
Review attorney's fees, costs, bonds
Review lower court orders on stays of lower court proceedings pending appeal (Rule9.310)
Strike brief without leave to file amended brief.

B. TWO (2) JUDGES

Allow amicus briefs (our policy is to not allow unless it is a true amicus).
Brief or petition in excess of page limitation (our policy is to only allow where really necessary, unless it is minimal).
Continue or dispense/waive OA.
Dismiss (motion), if both deny
Intervene/add parties (contested)
Issue order to show cause in cases involving petitions for writ of prohibition.
Reinstatement of appeal which clerk does not have authority to reinstate

C. ONE (1) JUDGE (unless assigned judge requests additional endorsements)

Attachment C

Abate or stay appeal (contested)

Appoint commissioner in belated appeals based on recommendation of central staff.

Consolidation of cases (other than for record purposes only and attorney's fees & costs – not affecting OA).

Dismiss after failure to respond to clerk's order to show cause, where clerk does not have authority to dismiss.

Expedite

Extension of relinquishment.

Extension of time on brief after clerk's final 10 day extension.

Extension of time on court reporter's requests.

Grant OA.

Issue show cause orders in petitions other than prohibition(2 jdg) and belated appeal(clk).

Jurisdictional screening order to show cause (if clerk does not have authority to issue order to show cause).

Length of OA.

Motion to file late cross-appeal (we routinely grant these unless the other side has been prejudiced).

Motion to strike with leave to amend

Order response to any motion

Relinquish jurisdiction, agreed (unless to app't counsel then clerk) and contested.

ONE (1) JUDGE cont'd

Strike portions of brief, record or appendix, or entire brief with leave to amend.

Substitute parties (opposed)

Supplement briefs (opposed)

Transfer appeal to circuit court or proper DCA if improperly filed in this court

Unopposed motion to intervene or add a party

Withdrawal of counsel (problem or non-standard only)

Attachment C

(a) “2/3 judges” means that it goes to a second judge. If those two judges agree, it goes to the clerk. If the first two judges disagree, it goes back to the first judge to reconsider. If those two judges still disagree, it goes to the third judge for a tiebreaker.

(b) “3 judges” means the assigned judge wishes to have the entire panel (merits or motion) review it. It would be helpful if the assigned judge would give the reason.

(c) If assigned judge wants to “defer to merits”, it only takes one judge unless a motion to dismiss (which requires 3). A motion to dismiss which appears to have merit should almost never be deferred unless it is impossible to rule on it at the time.

(d) Once merits panel is assigned, it is up to the judges on the panel to decide how many signatures are needed on a motion; however, any dismissal, decision on merits, or rehearing requires three.

ENDORSEMENTS BY CLERK

D. CLERK – (unless clerk requests judge to review motion then 1 judge unless assigned judge requests additional endorsements)

Accept brief as timely filed prior to order stating appeal will be dismissed if brief is not timely filed.

Accept paper or letter as brief

Amend or correct brief (not enlarged or expanded brief)

Amend directions to clerk or designations to court reporter .

Anders – order requiring defendant to respond and motion to withdraw.

Bankruptcy stay

Clarify briefing schedule

Compel clerk of lower tribunal to prepare/transmit record

Consolidate appeals for record purposes only

Consolidate appeals from attorney’s fees and/or costs judgments with main appeal.

Correction of style of case

Court reporter extensions under 50 days

Attachment C

Defer to merits panel motion to strike motion for attorney's fees

Deny motion for relinquishment of jurisdiction for award of temporary attorney's fees

(dissolution)

Discharge order to show cause. After a response, if there is a problem, case to go to judges.

Dismiss the following types of civil appeals after the clerk issues an order to show cause which says that failure to respond will result in dismissal, and there is no response.

(a) appeals in which the clerk, in a periodic review, observes that the appeal is not

being prosecuted and there is no response to OSC issued by clerk.

(b) appeals in which there is a motion to dismiss for lack of prosecution and no response.

(c) appeals in which the appellant has been ordered to furnish a copy of the order

being appealed, pay the filing fee or obtain an order of indigency, and there has been an OSC and no response. If, after an appeal is dismissed for the reasons in the preceding sentence, and shortly thereafter the appellant cures the problem, clerk

is authorized to reinstate appeal.

The clerk has authority to attempt to solve problems regarding indigency, transcript,

record, by calling counsel or lower court clerk in order to keep appeal moving.

Judges do not need to see responses or status reports which keep appeal moving, unless clerk has a question.

Dismiss unemployment compensation appeals in which a motion to dismiss has been

filed for lack of prosecution and there is no response or any document filed which could

be considered as appellant's brief.

Dismiss a party (agreed)

Dismiss Mandamus petitions for non-compliance

Extensions of time for preparation of briefs and record, including final 10 day extension –

court reporters to receive no more extensions than attorneys except in unusual case –

Clerk has authority to send back to judge any case showing extenuating circumstances requiring the attention of a judge.

This means the clerk can grant up to a total of 120 days and then 10 days. Where there is a valid objection to an extension, the clerk can submit the extension to one judge.

Grant extension of time for responses to writs upon recommendation of central staff.

Grant 15 day extension of time to file motion for rehearing and response

Grant 15 day extension of time to respond to motions

Grant motion to prohibit publication of victim's name in opinion

Grant uncontested belated appeal based on recommendation of central staff.

Indigency, forma pauperis, or waiver of filing fee motions, certificates – including relinquishing to trial court for order of indigency. All handled by clerk until clerk determines indigency not established and dismissal is appropriate, then to judges.

Issue order to show cause on recommendation of central staff in all mailbox rule matters.

Issue order to show cause when no status report has been received when due.

Issue order to show cause in petitions for belated appeal based on central staff recommendation.

Notices or status reports

Omit lower court judge's name from case caption in Petitions for Writ of Mandamus and

Prohibition (9.100)

Order status report in cases held in abeyance because of pending bankruptcy proceedings

or settlement, etc.

Pro hac vice appearance

Relinquish jurisdiction for appointment of counsel.

Request for OA in writs (defer to merits panel – no order required; no circulation prior to merits submission)

Return record on appeal to the trial court

Sanctions (other than \$300 for nonpayment of filing fee which is 1 judge)

Stay or abate appeal - agreed

Stipulation for substitution of attorneys in civil cases (unless client left in lurch)

Attachment C

Strike all briefs with leave to file amended briefs when not in compliance with rules.

Strike all unauthorized replies to responses to motions.

Strike notices of unavailability.

Strike procedural type pleadings filed by a pro se (brief, motions, etc.) who is represented by counsel

Substitute brief before responding brief has been filed

Substitute parties and attorneys (where no objection is filed)

Substitution of attorneys in criminal cases

Supplement, amend, or correct briefs (unopposed)

Supplement, amend, or correct record (opposed or unopposed)

Voluntary or stipulation for dismissal - prior to merits assignment date (assigned judge's

JA to inform other judges)

Withdrawal by public defender and appoint regional conflict counsel

Withdrawal by public defender and to relinquish to appoint special public defender

Withdrawal of counsel (standard; problem or non-standard withdrawals to go to 1 judge)

ATTACHMENT RE: GRANTING ATTORNEY’S FEES

	()	()	()	
	()	()	()	DENY
	()	()	()	
NOTED				
	()	()	()	
GRANT ¹ (Uncond.)				
	()	()	()	
GRANT ² (Family Law)				
	()	()	()	
GRANT ³ (Prevailing)				
	()	()	()	
GRANT ⁴ (Offer Judg)				
	()	()	()	
DISMISS				
	()	()	()	
STRIKE				
	()	()	()	
MOOT				
	()	()	()	
OTHER				
	_____	_____	_____	_____
	Judge	Judge	Judge	
	_____	_____	_____	_____

Date Date Date

Code for Granting Motions for Attorney's Fees

¹ Unconditionally, and the trial court shall set the amount of the attorney's fees to be awarded for this appellate case.

² Conditioned on the trial court determining that [movant] should be awarded fees under section 61.16 and, if so, the amount appropriate for this appellate case. In determining whether to award fees, the trial court should consider financial need and ability and any other factor necessary to do justice and equity between the parties, per *Rosen v. Rosen*, 696 So.2d 697 (Fla.1997).

³ Conditioned on the trial court determining that [movant] is the prevailing party and, if so, to set the amount of the attorney's fees to be awarded for this appellate case.

⁴ Conditioned on the trial court determining that [movant] is entitled to fees under section 768.79 and, if so, to set the amount of the attorney's fees to be awarded for this appellate case.

All District Courts of Appeal FY 2013-2014 Appropriations

Issue	FTE*	Rate	Salaries & Benefits 010000	OPS 030000	Expense 040000	OCO 060000	Comp Sr. Judges 100630	Contracted Services 100777	Risk Mgmt 103241	Law Library 103732	Lease/ Lease Purchase of Equipment 105281	HR Services 107040	ODP 210014	Fixed Capital Outlay See Issue line for category	Total
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FTE

1	2012-13 FTE Legislative Startup Appropriation ¹	414.5	28,143,009												
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General Revenue (GR)

2	2012-13 General Revenue Legislative Start Up Appropriation			18,965,137	66,767	2,995,509	85,364	51,790	726,645	114,417	162,797	58,331	98,946	171,100		23,496,803
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FY 2012-13 Legislative Technical Adjustments

3	Issue Code 1001090 - Risk Management Adjustment									(21,405)						(21,405)
4	Issue Code 1001240 - Retirement Adjustment for FY 2012-13			58,579												58,579
5	Issue Code 1001830 - Health Insurance Premium Adjustment for FY 2012-13			29,810												29,810
6	Issue Code 1005900 - HR Services Adjustment											(2,374)				(2,374)
7	Issue Code 26A1830 - Health Insurance Premium Adjustment for FY 2012-13			149,050												149,050

FY 2012-13 Permanent Budget Amendment Adjustments

8	Issue Code 160F070 - Realign Expense to Lease Purchase of Equipment - deduct					(3,355)										(3,355)
9	Issue Code 160F080 - Realign Expense to Lease or Lease Purchase of Equipment - Add										3,355					3,355
10	Issue Code 160F090 - Realign Contracted Services to Lease Purchase of Equipment - Deduct								(1,000)							(1,000)
11	Issue Code 160F100 - Realign Contracted Services to Lease Purchase of Equipment - Add										1,000					1,000
12	Issue Code 2000010 - Realign Contracted Services to Expense - Deduct								(25,000)							(25,000)
13	Issue Code 2000020 - Realign Contracted Services to Expense - Add					25,000										25,000

All District Courts of Appeal FY 2013-2014 Appropriations

Issue	FTE*	Rate	Salaries & Benefits 010000	OPS 030000	Expense 040000	OCO 060000	Comp Sr. Judges 100630	Contracted Services 100777	Risk Mgmt 103241	Law Library 103732	Lease/ Lease Purchase of Equipment 105281	HR Services 107040	ODP 210014	Fixed Capital Outlay See Issue line for category	Total
FY 2012-13 Nonrecurring Funding Adjustments															
14	Issue Code 2103002 - Nonrecurring - Building, Facility, Maintenance & Operational Upkeep							(51,000)							(51,000)
FY 2013-14 New Funding															
15	Issue Code 4600600 - 2nd DCA Operational Increases							32,000							32,000
16	Issue Code 990M000, Category 080043 - 2nd DCA Air Handler Replacement - DMS Managed													327,462	327,462
17	Issue Code 990M000, Category 080101 - 3rd DCA HVAC Renovation													80,661	80,661
18	Issue Code 990M000, Category 080062 - 4th DCA ADA and Security Facility Study													50,000	50,000
19	Issue Code 990M000, Category 080101 - 5th DCA HVAC Renovation													41,963	41,963
20	Issue Code 990M000, Category 080956 - 5th DCA Exterior Building Sealant													19,239	19,239
21	Issue Code 990M000, Category 082528 - 5th DCA Skylight Replacement													75,000	75,000
Administrative Trust Fund (ATF)															
22	2012-13 ATF Legislative Start Up Appropriation		1,595,289		94,669	27,000						2,216			1,719,174
FY 2012-13 Legislative Technical Adjustments															
23	Issue Code 1001240 - Retirement Adjustment for FY 2012-13		4,929												4,929
24	Issue Code 1001830 - Health Insurance Premium Adjustment for FY 2012-13		2,509												2,509
25	Issue Code 1005900 - HR Services Adjustment											(53)			(53)

All District Courts of Appeal FY 2013-2014 Appropriations

Issue	FTE*	Rate	Salaries & Benefits 010000	OPS 030000	Expense 040000	OCO 060000	Comp Sr. Judges 100630	Contracted Services 100777	Risk Mgmt 103241	Law Library 103732	Lease/ Lease Purchase of Equipment 105281	HR Services 107040	ODP 210014	Fixed Capital Outlay See Issue line for category	Total
26 Issue Code 26A1830 - Health Insurance Premium Adjustment for FY 2012-13			12,545												12,545

State Courts Revenue Trust Fund (SCRTF)

27 2012-13 SCRTF Legislative Start Up Appropriation			14,437,965												14,437,965
FY 2012-13 Legislative Technical Adjustments															
28 Issue Code 1001240 - Retirement Adjustment for FY 2012-13			44,590												44,590
29 Issue Code 1001830 - Health Insurance Premium Adjustment for FY 2012-13			22,692												22,692
30 Issue Code 26A1830 - Health Insurance Premium Adjustment for FY 2012-13			113,460												113,460

SUMMARY

31 FY 2013-14 General Revenue Appropriation			19,202,576	66,767	3,017,154	85,364	51,790	681,645	93,012	162,797	62,686	96,572	171,100	594,325	24,285,788
32 FY 2013-14 Administrative Trust Fund Appropriation	414.5	28,143,009	1,615,272	0	94,669	27,000	0	0	0	0	0	2,163	0	0	1,739,104
33 FY 2013-14 SCRTF Appropriation			14,618,707	0	0	0	0	0	0	0	0	0	0	0	14,618,707
34 FY 2013-14 TOTAL All Funds Appropriation	414.5	28,143,009	35,436,555	66,767	3,111,823	112,364	51,790	681,645	93,012	162,797	62,686	98,735	171,100	594,325	40,643,599

¹ Includes only those established positions; total positions authorized for FY 2013-14 is 433.0

1st District Court of Appeal FY 2013-2014 Appropriations

Issue		OPS 030000	Expense 040000	OCO 060000	Comp Sr. Judges 100630	Contracted Services 100777	Risk Mgmt 103241	Law Library 103732	Lease/Lease Purchase of Equipment 105281	Total
General Revenue (GR)										
1	2012-13 General Revenue Legislative Start Up Appropriation	10,249	1,425,124	4,642	7,700	84,594	43,472	86,641	15,895	1,678,317
FY 2012-13 Legislative Technical Adjustments										
2	Issue Code 1001090 - Risk Management Adjustment						1,327			1,327
FY 2012-13 Permanent Budget Amendment Adjustments										
3	Issue Code 160F090 - Realign Contracted Services to Lease Purchase of Equipment - Deduct					(1,000)				(1,000)
4	Issue Code 160F100 - Realign Contracted Services to Lease Purchase of Equipment - Add								1,000	1,000
Administrative Trust Fund (ATF)										
5	2012-13 ATF Legislative Start Up Appropriation		94,669	27,000						121,669
SUMMARY										
6	FY 2013-14 General Revenue Appropriation	10,249	1,425,124	4,642	7,700	83,594	44,799	86,641	16,895	1,679,644
7	FY 2013-14 Administrative Trust Fund Appropriation	0	94,669	27,000	0	0	0	0	0	121,669
8	FY 2013-14 TOTAL All FUNDS Appropriation	10,249	1,519,793	31,642	7,700	83,594	44,799	86,641	16,895	1,801,313

2nd District Court of Appeal FY 2013-2014 Appropriations

Issue		OPS 030000	Expense 040000	OCO 060000	Comp Sr. Judges 100630	Contracted Services 100777	Risk Mgmt 103241	Law Library 103732	Lease/Lease Purchase of Equipment 105281	Fixed Capital Outlay See Issue line for category	Total
General Revenue (GR)											
1	2012-13 General Revenue Legislative Start Up Appropriation	0	829,033	27,297	8,261	164,012	19,625	34,977	10,098		1,093,303
FY 2012-13 Legislative Technical Adjustments											
2	Issue Code 1001090 - Risk Management Adjustment						(3,879)				(3,879)
FY 2012-13 Permanent Budget Amendment Adjustments											
3	Issue Code 160F070 - Realign Expense to Lease Purchase of Equipment - Deduct		(3,355)								(3,355)
4	Issue Code 160F080 - Realign Expense to Lease or Lease Purchase of Equipment - Add								3,355		3,355
FY 2013-14 New Funding											
5	Issue Code 4600600 - 2nd DCA Operational Increases					32,000					32,000
6	Issue Code 990M000, Category 080043 - 2nd DCA Air Handler Replacement - DMS Managed									327,462	327,462
SUMMARY											
7	FY 2013-14 General Revenue Appropriation	0	825,678	27,297	8,261	196,012	15,746	34,977	13,453	327,462	1,448,886

3rd District Court of Appeal FY 2013-2014 Appropriations

Issue		OPS 030000	Expense 040000	OCO 060000	Comp Sr. Judges 100630	Contracted Services 100777	Risk Mgmt 103241	Law Library 103732	Lease/Lease Purchase of Equipment 105281	Fixed Capital Outlay See Issue line for category	Total
General Revenue (GR)											
1	2012-13 General Revenue Legislative Start Up Appropriation		245,593	13,901	14,818	104,450	27,341	9,600	6,316	0	422,019
FY 2012-13 Legislative Technical Adjustments											
2	Issue Code 1001090 - Risk Management Adjustment						(16,938)				(16,938)
FY 2013-14 New Funding											
3	Issue Code 990M000, Category 080101 - 3rd DCA HVAC Renovation									80,661	80,661
SUMMARY											
4	FY 2013-14 General Revenue Appropriation	0	245,593	13,901	14,818	104,450	10,403	9,600	6,316	80,661	485,742

4th District Court of Appeal FY 2013-2014 Appropriations

Issue	OPS 030000	Expense 040000	OCO 060000	Comp Sr. Judges 100630	Contracted Services 100777	Risk Mgmt 103241	Law Library 103732	Lease/Lease Purchase of Equipment 105281	Fixed Capital Outlay See Issue line for category	Total	
General Revenue (GR)											
1	2012-13 General Revenue Legislative Start Up Appropriation	6,644	261,917	18,274	18,995	302,818	14,328	15,874	13,576	0	652,426
FY 2012-13 Legislative Technical Adjustments											
2	Issue Code 1001090 - Risk Management Adjustment						(1,993)				(1,993)
FY 2012-13 Permanent Budget Amendment Adjustments											
3	Issue Code 2000010 - Realign Contracted Services to Expense - Deduct					(25,000)					(25,000)
4	Issue Code 2000020 - Realign Contracted Services to Expense - Add		25,000								25,000
FY 2012-13 Nonrecurring Funding Adjustments											
5	Issue Code 2103002 - Nonrecurring - Building, Fclty Maint and Operational Upkeep					(51,000)					(51,000)
FY 2013-14 New Funding											
6	Issue Code 990M000, Category 080062 - 4th DCA ADA and Security Facility Study									50,000	50,000
SUMMARY											
7	FY 2013-14 General Revenue Appropriation	6,644	286,917	18,274	18,995	226,818	12,335	15,874	13,576	50,000	649,433

**5th District Court of Appeal
FY 2013-2014 Appropriations**

Issue		OPS 030000	Expense 040000	OCO 060000	Comp Sr. Judges 100630	Contracted Services 100777	Risk Mgmt 103241	Law Library 103732	Lease/Lease Purchase of Equipment 105281	Fixed Capital Outlay See Issue line for category	Total
General Revenue (GR)											
1	2012-13 General Revenue Legislative Start Up Appropriation	49,874	233,842	21,250	2,016	70,771	9,651	15,705	12,446	0	415,555
FY 2012-13 Legislative Technical Adjustments											
2	Issue Code 1001090 - Risk Management Adjustment						78				78
FY 2013-14 New Funding											
3	Issue Code 990M000, Category 080101 - 5th DCA HVAC Renovation									41,963	41,963
4	Issue Code 990M000, Category 080956 - 5th DCA Exterior Building Sealant									19,239	19,239
5	Issue Code 990M000, Category 082528 - 5th DCA Skylight Replacement									75,000	75,000
SUMMARY											
6	FY 2013-14 General Revenue Appropriation	49,874	233,842	21,250	2,016	70,771	9,729	15,705	12,446	136,202	551,835

Agenda Item V.B.: Operating Allocations

First District Court of Appeal
2013/2014 Operating Budget

Activity	Title	Cost Center	OPS 030000	Expense 040000	OCO 060000	Comp Sr. Judges 100630	Contracted Services 100777	Risk Mgmt. Insurance 103241	Law Library 103732	Lease/Lease Purchase of Equipment 105281	TOTAL
General Revenue											
Judicial Processing of Cases	Judges	110									0
	JA's	111									0
	Law Clerks, Central Staff	112									0
	Central Staff Support	119									0
	Library	180							86,641		86,641
	Comp to Retired Judges	630				7,700					7,700
Desktop Support	Information Systems Support	117		8,000							8,000
	DCA Automation	380									0
Judicial Administration	Marshal & Admin Staff	210						44,799			44,799
Court Records & Caseflow Mgt	Clerk's Office	114									0
Security	Security	118									0
Facility Maintenance & Mgt	Facility Maintenance & Mgt.	115									0
	Facility Lease	211									0
Totals			0	8,000	0	7,700	0	44,799	86,641	0	147,140

2013/2014 GR Appropriations (less CIP Funding)

10,249	1,425,124	4,642	7,700	83,594	44,799	86,641	16,895	1,679,644
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Activity	Title	Cost Center	Expense 040000	OCO 060000	TOTAL
Adminstrative Trust Fund (ATF)					
Judicial Processing of Cases	Workers' Compensation Unit	120	94,669	27,000	121,669
Totals			94,669	27,000	121,669

2013/2014 Beginning ATF Appropriations

94,669	27,000	121,669
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Agenda Item V.B.: Operating Allocations

**Second District Court of Appeal
FY 2013-2014 Operating Budget**

Activity	Title	Cost Center	OPS 030000	Expense 040000	OCO 060000	Comp Sr. Judges 100630	Contracted Services 100777	Risk Mgmt. Insurance 103241	Law Library 103732	Lease/Lease Purchase of Equipment 105281	TOTAL
General Revenue											
Judicial Processing of Cases	Judges	110									0
	JA's	111									0
	Law Clerks, Central Staff	112									0
	Central Staff Support	119									0
	Library	180							34,977		34,977
	Comp to Retired Judges	630				8,261					8,261
Desktop Support	Information Systems Support	117		8,000							8,000
	DCA Automation	380									0
Judicial Administration	Marshal & Admin Staff	210						15,746			15,746
Court Records & Caseflow Mgt	Clerk's Office	114									0
Security	Security	118									0
Facility Maintenance & Mgt	Facility Maintenance & Mgt	115									0
	Facility Lease	211									0
Totals			0	8,000	0	8,261	0	15,746	34,977	0	66,984

2013/2014 GR Appropriations (less CIP Funding)

0	825,678	27,297	8,261	196,012	15,746	34,977	13,453	1,121,424
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Capital Improvement Projects (CIP) - Air Handler Replacement - DMS Managed (Category 080043)	327,462
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Total FY 2013-14 General Revenue Appropriation with CIP	1,448,886
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Agenda Item V.B.: Operating Allocations

Third District Court of Appeal
2013/2014 Operating Budget

Activity	Title	Cost Center	OPS 030000	Expense 040000	OCO 060000	Comp Sr. Judges 100630	Contracted Services 100777	Risk Mgmt. Insurance 103241	Law Library 103732	Lease/Lease Purchase of Equipment 105281	TOTAL
General Revenue											
Judicial Processing of Cases	Judges	110									0
	JA's	111									0
	Law Clerks, Central Staff	112									0
	Central Staff Support	119									0
	Library	180							9,600		9,600
	Comp to Retired Judges	630				14,818					14,818
Desktop Support	Information Systems Support	117		8,000							8,000
	DCA Automation	380									0
Judicial Administration	Marshal & Admin Staff	210						10,403			10,403
Court Records & Caseflow Mgt	Clerk's Office	114									0
Security	Security	118									0
Facility Maintenance & Mgt	Facility Maintenance & Mgt	115									0
Totals			0	8,000	0	14,818	0	10,403	9,600	0	42,821

2013/2014 GR Appropriations (less CIP Funding)

0	245,593	13,901	14,818	104,450	10,403	9,600	6,316	405,081
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Capital Improvement Projects (CIP) - HVAC Renovation (Category 080101)	80,661
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Total FY 2013-14 General Revenue Appropriation with CIP	485,742
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Agenda Item V.B.: Operating Allocations

**Fourth District Court of Appeal
2013/2014 Operating Budget**

Activity	Title	Cost Center	OPS 030000	Expense 040000	OCO 060000	Comp Sr. Judges 100630	Contracted Services 100777	Risk Mgmt. Insurance 103241	Law Library 103732	Lease/Lease Purchase of Equipment 105281	TOTAL
General Revenue											
Judicial Processing of Cases	Judges	110									0
	JA's	111									0
	Law Clerks, Central Staff	112									0
	Central Staff Support	119									0
	Library	180							15,874		15,874
	Comp to Retired Judges	630				18,995					18,995
Desktop Support	Information Systems Support	117		8,000							8,000
	DCA Automation	380									0
Judicial Administration	Marshal & Admin Staff	210						12,335			12,335
Court Records & Caseflow Mgt	Clerk's Office	114									0
Security	Security	118									0
Facility Maintenance & Mgt	Facility Maintenance & Mgt	115									0
Totals			0	8,000	0	18,995	0	12,335	15,874	0	55,204

2013/2014 GR Appropriations (less CIP Funding)

6,644	286,917	18,274	18,995	226,818	12,335	15,874	13,576	599,433
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Capital Improvement Projects (CIP) - ADA and Security Facility Study (Category 080062)	50,000
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Total FY 2013-14 General Revenue Appropriation with CIP	649,433
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Agenda Item V.B.: Operating Allocations

Fifth District Court of Appeal
2013/2014 Operating Budget

Activity	Title	Cost Center	OPS 030000	Expense 040000	OCO 060000	Comp Sr. Judges 100630	Contracted Services 100777	Risk Mgmt. Insurance 103241	Law Library 103732	Lease/Lease Purchase of Equipment 105281	TOTAL
General Revenue											
Judicial Processing of Cases	Judges	110									0
	JA's	111									0
	Law Clerks, Central Staff	112									0
	Central Staff Support	119									0
	Library	180							15,705		15,705
	Comp to Retired Judges	630				2,016					2,016
Desktop Support	Information Systems Support	117		8,000							8,000
	DCA Automation	380									0
Judicial Administration	Marshal & Admin Staff	210						9,729			9,729
Court Records & Caseflow Mgt	Clerk's Office	114									0
Security	FTE, Contract, and Expenses	118									0
Facility Maintenance & Mgt	FTE, Contract, Expenses	115									0
Totals			0	8,000	0	2,016	0	9,729	15,705	0	35,450

2013/2014 GR Appropriations (less CIP Funding)

49,874	233,842	21,250	2,016	70,771	9,729	15,705	12,446	415,633
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Capital Improvement Projects (CIP) - HVAC Renovation (Category 080101)	41,963
Capital Improvement Projects (CIP) - Exterior Building Sealant (Category 080956)	19,239
Capital Improvement Projects (CIP) - Skylight Replacement (Category 082528)	75,000
Total FY 2013-14 General Revenue Appropriation with CIP	551,835

Agenda Item V.C.: eFacts Implementation Support - Allocation of Resources

The Legislature appropriated to the appellate courts \$88,698 (\$87,360 OPS and \$1,338 HR services) in recurring resources and \$517,405 (\$509,600 OPS and \$7,805 HR services) in non-recurring resources for FY 2013/14 for scanning support associated with eFacts implementation. OSCA staff contacted the appellate courts to gather the necessary information to develop hypothetical equitable distribution of these resources among the appellate courts for DCABC's consideration.

Recurring Resources:

It is proposed that the recurring resources be equally allocated among the five DCAs and the Supreme Court to address scanning needs in FY 2013/14 and beyond (**see column F in Attachment A**).

Decision Needed:

Option A – Approve proposed allocation.

Option B – Do not approve and consider an alternative allocation.

Non-Recurring Resources:

OSCA staff developed hypothetical allocations of non-recurring resources among the DCAs and the Supreme Court. The hypothetical allocations are based on the anticipated scanning hours needed in each appellate court in FY 2013/14. These anticipated scanning hours needed were calculated as follows:

- 1.) Multiplying the anticipated FY 2013/14 DCA case counts by the pages per filing ratio that was developed during the LBR process to calculate total pages.
- 2.) Dividing the total pages by the scanning rate of 600 pages per hour to calculate total scanning hours needed.
- 3.) Adjusting the scanning hours needed for pages with an electronic record and without an electronic record by a percent reduction factor for anticipated reduction in scanning in FY 2013/14 associated with the July 1, 2013, eFiling requirement. Percent reduction factors were either provided by the DCAs or were the same percent reduction factors as utilized during the LBR process (50% reduction applied to hours needed for scanning of pages associated with cases **without** a lower court electronic record; 75% reduction applied to hours needed for scanning of pages associated with cases **with** a lower court electronic record).

The metrics used in the assumptions associated with calculated anticipated scanning hours were circulated among the appellate courts for verification, review, and input. Several DCAs provided alternative metrics to use in the assumptions. The hypothetical allocations in attachment A incorporate the alternative metrics provided by the appellate courts.

Decision Needed:

Option A – Allocate non-recurring resources by multiplying anticipated needed scanning hours in each appellate court by \$14.00 per hour plus benefits. Place remainder of non-recurring funds in reserve (**see Column D in attachment A**).

Option B – Allocate non-recurring resources based on the proportion of anticipated needed scanning hours in each appellate court (**see Column E in attachment A**).

Option C – Do not approve and consider an alternative allocation.

District Court of Appeal Budget Commission

Meeting June 20, 2013

eFacts Implementation Support

	A	B	C	D	E	F
Appellate Courts	Estimated FY 2013/14 Case Counts	Estimated Scanning Hours (Adjusted for July 1, 2013 mandatory electronic records requirement)	Proportion of Each Appellate Court's Estimated Scanning Hours	HYPOTHETICAL OTHER PERSONAL SERVICES (OPS) ALLOCATION FY 2013/14		
				OPTION A Non-Recurring Resources (based on OPS hours)	OPTION B Non-Recurring Resources (based on proportional distribution of the allocation)	Recurring Resources
1st DCA	6,182	1,193	4.3%	\$16,940	\$21,794	\$14,560
2nd DCA	6,484	7,866	28.2%	\$111,701	\$143,702	\$14,560
3rd DCA	3,446	3,796	13.6%	\$53,903	\$69,346	\$14,560
4th DCA	4,680	5,678	20.4%	\$80,628	\$103,727	\$14,560
5th DCA	4,964	6,022	21.6%	\$85,516	\$110,016	\$14,560
Supreme Court	2,753	3,340	12.0%	\$47,428	\$61,016	\$14,560
TOTAL	28,509	27,896	100%	\$396,116	\$509,600	\$87,360
			Reserve	\$113,484		
			Total Option A	\$509,600		

Represents appellate courts that provided alternative metrics for use in the assumptions for calculating estimated scanning hours needed.

2014 - 2015 Legislative Budget Request* Timeline District Courts of Appeal

Thursday, June 20	Preliminary LBR strategy discussion; District Court of Appeal Budget Commission (DCABC) meeting - Tampa, FL
Monday, June 24	Legislative Budget Request (LBR) technical instructions distributed via email to Chief Judges and Marshals
Wednesday, July 31	Budget requests due to OSCA Office of Budget Services
Thursday, August 1- Monday, August 16	Issues and summaries prepared by Office of Budget Services for District Court of Appeal Budget Commission review;
Friday, August 23	District Court of Appeal Budget Commission review and approval of final Legislative Budget Request; TBD
Monday, September 9	Joint Leadership meeting materials sent out via email
Friday, September 13	Joint meeting of Leadership with the Chief Justice, OSCA, District Court of Appeal Budget Commission, Trial Court Budget Commission, JQC and Judicial Conference Chairs to review the LBR recommendations, <i>1:00 p.m. to 4:00 p.m. – Telephone Conference (Executive Conference Center has been reserved for Tallahassee participants)</i>
Wednesday, September 18	Final LBR recommendations distributed to the Supreme Court for Court Conference
Wednesday, September 25	Approval of LBR recommendations by the Chief Justice and the Court
Thursday, September 26 Friday, October 11	LAS/PBS budget input, review, and audit
Monday, October 14	Public Hearing
Tuesday, October 15	Submission of the Legislative Budget Request to the Legislature

*Note: A separate timeline for the Capital Improvement Program Plan submission is provided.

**FY 2014-15 through 2018-19 Capital Improvement Program Plan
(Fixed Capital Outlay Requests)**

**Timeline
District Courts of Appeal**

Thursday, June 20	District Court of Appeal Budget Commission (DCABC) meeting to determine budget strategy for Capital Improvement Program Plan/Fixed Capital Outlay (CIPP/FCO) issues; Tampa, FL
Monday, June 24	Release of CIPP forms and technical instructions distributed via email to Chief Judges and Marshals
Wednesday, June 26 (by noon)	Marshals notify Project Monitor* and OSCA Budget Services Manager of intent to file issue(s) for FCO and begin development of FCO issues
Wednesday, June 26 - Friday, July 19	Marshals develops FCO issues
Friday, July 19	FCO project plans and CIPP forms due to OSCA Project Monitor and FCO narratives due to OSCA Budget Services Office by COB
Friday, July 19 - Monday, August 19	Project Monitor review of FCO issue request. Issues and summaries prepared by Office of Budget Services for Supreme Court Budget Oversight Committee review
Friday, August 23	DCABC meeting to review and approval of final Capital Improvement Plan Requests; Orlando, Florida
Monday, September 9	Joint Leadership meeting materials sent out via email
Friday, September 13	Joint meeting of Leadership with the Chief Justice, OSCA, District Court of Appeal Budget Commission, Trial Court Budget Commission, JQC and Judicial Conference Chairs to review the LBR recommendations, <i>1:00 p.m. to 4:00 p.m. – Telephone Conference (Executive Conference Center has been reserved for Tallahassee participants)</i>
Wednesday, September 18	Final LBR recommendations distributed to the Supreme Court for Court Conference
Wednesday, September 25	Approval of LBR recommendations by the Chief Justice and the Court
Thursday, September 26 Friday, October 11	LAS/PBS budget input, review, and audit

Monday, October 14 Public Hearing

Tuesday, October 15 Submission of the Legislative Budget Request to the Legislature

***Project Manager Contact Information:**

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Agenda Item VI.B.: Discussion of Strategy for LBR Issues

Background:

Each year the District Court of Appeal Budget Commission (DCABC) approves a strategy for the type of Legislative Budget Request to pursue for the next fiscal year. This approach helps to provide guidance to each District Court of Appeal (DCA) when deciding the types of request to file and allows the DCA's to speak with one voice through the Legislative process.

Last year, the DCABC's approved strategy for filing recurring and nonrecurring issues for the FY 2013-14 Legislative Budget Request (LBR) was for each DCA to submit their specific requests for critical needs within the official funding methodologies and to submit requests for any nonrecurring issues. Additionally, the DCABC approved strategy included filing a recurring maintenance issue to address ongoing maintenance and repairs for all state-managed DCA facilities, which was unfunded by the 2013 Legislature.

Decisions Needed:

The following options are offered for the Commission's consideration to address the DCA's needs for the FY 2014-15. Attached are the DCABC adopted Funding Methodologies (Attachment A) and the LBR Priority Classifications (Attachment B).

Recurring Costs:

Option 1: Use the funding methodologies to address additional needs in all elements or select elements.

Option 2: Each DCA submits specific requests for their critical needs within the official funding methodologies.

Option 3: Do not file an LBR.

Non-recurring Costs:

Option 1: Each DCA submit their requests for non-recurring issues.

Option 2: Do not file an LBR.

Other Considerations:

File a recurring maintenance issue to be used to address ongoing maintenance and repairs for all DCA's.

DCAP&A Funding Methodologies as Adopted by DCABC

Judicial Processing of Cases

Judicial Assistants

Methodology based on a ratio of 1.0 judicial assistant FTE per judge.

Law Clerks

Methodology based on ratio of 0.8 Central Staff Attorney FTE per Judge and 2.0 Law Clerk FTE per Judge.

Central Staff Support

Methodology based on 1:3 ratio of support positions to Central Staff Attorneys.

Library

Methodology based on a threshold of 1.0 FTE per district and includes \$150,000 per district in special category funding.

Senior Judge Days

Methodology for the statewide ratio is based on 3 days per DCA judge. Due to the volatility in the need for senior judge days from year to year, they are available for use from a statewide pool in cost center 630 as opposed to individual allocations for each district.

Court Records and Case Management

Clerk's Office

Represent the need for clerk's office positions using a series of ratios:

Cases Filed:

- One position (set-up deputy) per every 2,000 cases filed
- One position (docketing deputy) per every 40,000 entries

Case Processing:

- One position (motion deputy) per every 7,500 motions
- One position (orders deputy) per every 15,000 orders
- One position (file maintenance deputy) per every 5,000 records maintained
- One position (inquiries deputy) per every 5,000 records maintained

Cases Disposed:

- One position (case assignments/calendars deputy) per every 3,000 dispositions
- One position (opinions deputy) per every 5,000 dispositions
- One position (record destruction deputy) per every 10,000 dispositions
- One position (mandates deputy) per every 2,500 mandates

Judicial Administration

Court Administration and Marshal's Office

Methodology based on a threshold of 4.0 FTE per district (one marshal, one deputy marshal, one personnel specialist or accountant III, and one administrative assistant II; with one extra administrative assistant II position allocated per each additional facility).

DCAP&A Funding Methodologies as Adopted by DCABC

Judicial Administration Continued

Security

Methodology based on a threshold of 3.0 FTE (or equivalent contract or OPS dollars) per district with 1.5 extra positions allocated per each additional facility.

Facility Maintenance and Management

Facility Maintenance

Methodology based on a threshold of one maintenance engineer per district and a ratio of one custodian for every 16,000 square feet of building space maintained. The funding threshold for other operating expenses based on historical expenditures with a cost-of-living increase applied.

Technology

Information Systems Support and Desktop Support

Methodology for information systems support based on a threshold of 3.0 FTE Systems Administrator positions (including 1.0 FTE assigned to each district clerks office). Desktop support is based on a threshold level of funding that has been consistent for several years. The methodology was based on the recommendation of the Appellate Court Technology Committee.

Expenses, Other Personnel Services (OPS), Operating Capital Outlay (OCO) and Contracted Services

OPS

Methodology calculated using the highest historical expenditures (over the last three years) with a cost-of-living increase applied.

Expense

Methodology calculated using expense allotments since July 1, 2007 (and use whichever year is the highest), added to expense dollars allotted for new positions.

OCO (Recurring)

Methodology calculated using the highest historical expenditures (over the last three years) with a cost-of-living increase applied.

OCO (Non-Recurring)

Represent the need to replace furniture and equipment (except information systems equipment) at an amount equal to 5% of the cost of furniture and equipment previously purchased.

Contracted Services (Non-staffing related functions)

Methodology calculated using the highest historical expenditures (over the last three years) with a cost-of-living increase applied.

LBR PRIORITY CLASSIFICATIONS

1. Mandatory

The project is mandated by law or is “deemed necessary to correct a potentially unsafe condition, where the loss to life or property is imminent and, if left unattended the asset would be rendered unsafe for use.” (CIP Instructions).

Life Safety and Licensure projects, e.g., necessary to meet fire marshal and health and life safety code requirements.

Environmental (“respond to the issues of dangerous asbestos removal, PCB dangers, and cited leaking storage tanks” per CIP Instructions) and other environmental building issues resulting in health problems.

Handicapped access projects “necessary to meet state and federal requirements for access to and use of facilities by handicapped persons, for example, the new provisions to the Americans with Disabilities Act”. (CIP Instructions)

2. Critical

Security issues not related to building modifications, e.g., security personnel, equipment, etc.

Significant building functions, mechanical, component, or structural failure or other impacts to a building’s operations, integrity or habitability: electrical; HVAC; elevators; security systems; plumbing; roof systems, building envelope (exterior surfaces, doors, and windows); structural systems including all load-bearing elements; interior systems such as ceilings, flooring, and non-load bearing partitions; site projects involving the immediate site beneath the facility.

3. Core Mission Investments

Maintain funding methodologies or improvements designed to enhance elements of the appellate courts, i.e., Judicial Processing of Cases (Judicial Assistants, Law Clerks, Central Staff Support, Library, Senior Judge Days); Court Records and Case Management; Judicial Administration; Security Facility Maintenance and Management; and Technology. Prioritize by tying to the priorities of Long Range Program Plan (per LBR instructions).

Non-building site repairs, e.g., drainage and grounds, and paving.

Maintain infrastructure, e.g., communications, preventive maintenance for basic building functions designed to avoid critical repairs.

Improvements for enhanced health/safety, e.g., ergonomic furniture.

4. Value-Added

Improvements to utility and basic building support, e.g., refurbishing finishes, energy conservation, etc. Any other desirable project to improve the function of the court.

Item VI. B. FY 2014-15 LBR Discussion of LBR Issue Strategy

Salary Comparisons for Selected District Court Positions

Position	Average Starting Salary by City ¹						State Courts System Minimums ²					
	Tallahassee	Tampa	Miami	West Palm Beach	Daytona	Lakeland	Tallahassee	Tampa	Miami	West Palm Beach	Daytona	Lakeland
Admin Secretary	37,000	28,000	31,000	29,000	31,000	28,000	27,820	28,262	29,024	29,024	27,820	27,820
Admin Assistant	33,000	25,000	28,000	26,000	28,000	25,000	27,820	27,820	29,024	29,024	27,820	27,820
Legal Secretary	36,000	27,000	31,000	29,000	31,000	28,000	23,724	24,166	24,949	24,949	23,724	23,724
Clerical Assistant	27,000	20,000	23,000	21,000	23,000	21,000	20,992	21,513	22,196	22,196	20,992	20,992
Deputy Clerk I							26,658	26,658	26,658	26,658	26,658	26,658
Deputy Clerk II							29,040	29,040	29,040	29,040	29,040	29,040
Deputy Clerk III							36,115	36,115	36,115	36,115	36,115	36,115
Custodian	31,000	23,000	26,000	25,000	27,000	22,000	16,592	16,592	17,335	17,335	16,592	16,592
Maintenance (Engineer)	37,000	28,000	31,000	29,000	31,000	28,000	24,727	24,727	26,093	26,093	24,727	24,727
IT User Support	58,000	44,000	49,000	46,000	49,000	45,000	39,708	39,708	39,708	39,708	39,708	39,708
Security Officer	26,000	19,000	22,000	20,000	22,000	20,000	22,768	22,768	22,768	22,768	22,768	22,768

¹ Source: www.indeed.com/salary

² using lowest class in series when add'l levels of class not indicated

**State Courts System
FY 2013-14 Payroll Projections Timeline
District Courts of Appeal**

Wednesday, June 12 - Friday, June 21	Prepare and format FY 2013-14 payroll projection files
Friday, June 21	Production of June Payroll Registry
Monday, June 24 - Monday, July 1	Audit period
Monday, July 1 - Monday, July 8	Review and reconciliation of audit findings
Monday, July 8 - Friday, July 12	Payroll Projections provided to Budget Administrator for review and analysis
Monday, July 15- Friday, July 26	Payroll Projections presented to Chief of Budget Services for final review and approval
Friday, August 23	Distribution of FY 2013-14 Payroll Projections to the District Courts of Appeal Budget Commission