



Video Conference
Friday, August 23, 2013
2:00 p.m. – 5:00 p.m.

AGENDA

- I. Welcome and Opening Remarks**
 - A. Roll Call**
 - B. Approval of June 20, 2013 Meeting Minutes**

- II. FY 2012-13 Wrap Up**
 - A. Salary Budgets**
 - B. Operating Budgets**
 - C. Trust Fund Cash Statement Overview**

- III. FY 2013-14 Budget Update**
 - A. Salary Budget and Payroll Projections**
 - B. Budget and Pay Policy Recommendations for Chief Justice’s Budget and Pay Memorandum**
 - C. Salary Exception Requests**

- IV. FY 2013-14 General Revenue and State Courts Revenue Trust Fund Revenue Projections**

- V. FY 2014-15 Legislative Budget Request**
 - A. Enhancing Existing Resources: Pay Issues**
 - B. Operating Issues**
 - C. Fixed Capital Outlay Issues**
 - D. Certification of New Judgeships**
 - E. Discussion and Priority Determination of LBR Issues**

- VI. Other Business and Adjournment**

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



Members Present

Judge Richard Orfinger, Chair
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 Vincent Torpy
Judge William Van Nortwick, Jr.
Marshal Stephen Nevels
Marshal Jo Haynes
Marshal Daniel DiGiacomo

Members Absent

Judge Simone Marstiller
Judge Melanie May

Others Present

Judge Joseph Lewis, Jr., Judge Charles Davis, Jr., Judge Richard Suarez, Judge Cory Ciklin, Theresa Westerfield, Dorothy Wilson and other OSCA staff

Welcome and Opening Remarks

Judge Richard Orfinger welcomed members and recognized the new incoming members present, Judge Davis, Judge Lewis, Judge Suarez and Judge Ciklin. Judge Orfinger also welcomed the new 4th DCA Marshal Daniel DiGiacomo. Judge Orfinger called the District Court of Appeal Budget Commission (DCABC) meeting to order at 9:00 a.m.

Approval of 5/14/13 Meeting Minutes

A motion was made by Judge Shepherd to adopt the May 14, 2013 meeting minutes as drafted. Judge Torpy seconded and the motion was passed without objection.

2013 Legislative Session Wrap-up

General Appropriations Act (GAA) – Section 7 Overview

Dorothy Wilson reviewed the General Appropriations Act (GAA) – Section 7, stating that legislature came close to passing the \$400,000 statewide DCA maintenance request and the commission may want to consider continuing to pursue a recurring statewide maintenance issue during the 2014-15 Legislative Budget Request (LBR). Ms. Wilson remarked that the Governor vetoed the 2nd DCA Driveway Expansion project.

Judge Orfinger remarked that it was a very successful session and attributes the success to Senator Negron.

GAA – Section 8 Overview

Theresa Westerfield reviewed the GAA – Section 8 Overview stating the Judges salary 2% restore will be effective July 1, 2013, the competitive pay adjustment will be effective October 1, 2013, there were not changes to employee benefit premiums and Bar Dues are allowable. Ms. Westerfield further explained that funds were provided to allow the Chief Justice to provide discretionary one-time lump sum bonuses of \$600 to eligible employees. The Chief Justice will be developing a plan to implement bonuses in June 2014. To be eligible, employees must be permanent employees who are, at a minimum, meeting their required performance standards. Ms. Westerfield further explained that language was added to allow the Chief Justice to exempt certain employees from Performance Evaluations.

FY 2012-13 Year End Wrap Up

Salary Budgets

Dorothy Wilson presented the Salary Budgets as of May 31, 2013 for the DCA's. The final adjusted liability for all district courts was under the salary appropriation by \$727,786. She pointed out that this amount doesn't take into account the annualized actions or rate distributions that may have occurred since the May 14, 2013 meeting. She reported that the remaining projected Law Clerk Pay Plan liability through June 30, 2013 is \$36,721. Ms. Wilson stated the budget office would work with the Marshals for the Projected Law Clerk Pay Plan liability for next fiscal year.

Rate Distribution

Theresa Westerfield presented an update on the rate distribution approved at the May 14, 2013 meeting. She reported that of the \$75,000 rate approved for distribution, \$74,260 rate has been expended, which equates into \$85,000 when benefits are included.

Operating Budgets

Ms. Wilson reported on the status of the FY 2012-13 operating budgets as of May 31, 2013 for General Revenue (GR) and the Administrative Trust Fund (ATF). Ms. Wilson stated that Contracted Services expenditures are beginning to level off and that the budget office will work with the Marshals to determine if funds need to be permanently realigned to other categories.

Trust Fund Cash Statements

Ms. Wilson reported on the status of the State Courts Revenue Trust Fund (SCRTF) stating a balance of \$5.4 million is anticipated to carry forward into next fiscal year. She stated there would be a fund shift of expenditures from SCRTF to GR in order to maximize GR and preserve cash in the trust funds to meet first quarter expenditures in FY 2013-14. Ms. Wilson reported on the status of the ATF cash statement stating the remaining balance as of May 31, 2013 is close to \$466,325. She noted that any remaining cash in this trust fund would revert, similar to GR.

Resource Allocation Implementation Plan – Work Group Status Reports

Judge Orfinger recognized Judge Silberman to discuss the reports and recommendations of Resource Allocation Implementation. Judge Silberman thanked Judge Marsteller, the members of the workgroups and OSCA staff for all their assistance.

Work Group 1

The charge for Workgroup 1 was presented recommending 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. 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.

Judge Orfinger discussed since the DCABC moved to a statewide Salary Management Plan each DCA has been able to hire positions when vacant, continue implementation of the Law Clerk Pay Plan and provide a rate distribution in the current year. Judge Orfinger further stated it could take a year or two to determine the new norm and what type of lapse will be generated from the implementation of the statewide management.

Judge Torpy moved Option Two to remove the charge. Judge Benton seconded and the motion passed without objection.

Work Group 2

Judge Silberman reported on the progress of Workgroup 2, detailing the four charges of the workgroup and its recommendations for each charge.

The first charge was to examine variances among the district courts in the implementation of Personnel Regulations and propose uniform implementation policies, as needed.

The workgroup recommended the management of leave remain with supervising judge, adopt a policy to encourage employees to use earned annual leave on a yearly basis and to add language to the State Courts Personnel Regulation 4.09(3)(B) regarding donation of sick leave.

Theresa Westerfield commented that Personnel is currently in the process of revising leave rules and this language is included with those revisions.

A motion was made by Judge Morris to adopt the workgroups recommendations for. Judge Northcutt seconded and the motion passed without objection.

Charge 2 is deferred to later in the minutes.

Judge Silberman reported on the third charge to ensure full implementation of the current Law Clerk Pay Plan in all district courts. This issue was discussed at the July 20, 2012 DCABC 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.

No action was needed at this time.

Judge Silberman reported the fourth charge which was to 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 are differentials and issues regarding recruitment and retention. The following positions appear to present the most difficult issues due to low minimum salaries; Deputy Clerks, Deputy Marshals and Clerical positions.

The workgroup recommends, as an intermediate solution for recruitment problems, that the DCABC recommend to the Chief Justice additional language for the Fiscal Year 2013-14 Budget and Pay Administration Memorandum in Section 5, Other Personnel Actions. The workgroup further recommends that, if the language approved, the DCABC periodically review the documentation submitted to determine whether sufficient data exists to justify recommending permanent competitive are differentials.

Judge Torpy motioned to approve the workgroup recommendation for the additional language to be included in the Fiscal Year 2013-14 Budget and Pay Memo. Judge Silberman seconded and the motion passed without objection.

Judge Shepherd spoke to the cost of living differential across the state remarking that Miami-Dade is the most expensive. Judge Shepherd further remarked that in the past there have been cost of living adjustments. Judge Shepherd requested that the incoming chair appoint a workgroup to explore available options.

Judge Orfinger agreed that the cost of living differential is an issue but stressed there needs to be reliable data and a comparative study to determine the differential and how to advance.

A motion was made by Judge Shepherd to agree in principle that there is a cost of living differential around the state and to appoint a workgroup to determine options on how to proceed. Judge Wells seconded the motion.

Judge Orfinger remarked there is still the question as to what is the most valid data to quantify the inequities. Judge Orfinger offered to determine the inequities, quantify them, and how to proceed as a friendly amendment to Judge Shepherd's first motion. Judge Shepherd accepted and the motion passed without objection.

Judge Silberman reported on charge five to 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 Fiscal Year 2013-14, 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 Fiscal year 2014-15) and available salary appropriation. The DCABC would make the appropriate recommendation to the Chief Justice for inclusion in the annual Budget and Pay Memorandum.

Judge Silberman motioned to approve individual salary increases may exceed 10%. Judge Torpy seconded and the motion passed without objection.

Judge Silberman reported that the workgroup was charged with reviewing and recommending competitive changes to the Law Clerk Pay Plan as identified in charge two. 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 a step plan that would keep the current \$2,500 at the end of year one, beginning in year three a 3% increase would be provided in those years where no promotion is received, after eleven years maintain the 3% up to a maximum salary of \$131,130 which is 90% of the Federal maximum.

Judge Orfinger responded to the workgroup recommendation stating that whatever recommendation the DCABC makes would need to be defended to the Supreme Court and believes that there will be some push back concerning the pay increase plan when no other class of employees has one. Judge Orfinger further stated that in short order, there would be Law Clerks earning more than Marshals and Clerk of Court. The proposed recommendation would be a significant impact to the \$40 million DCA budget. Judge Orfinger stressed that the DCABC needs to propose a plan that has some chance of being approved. Judge Orfinger recommended an alternative proposal which uses the current plan as a base and look at the minimums, address an increase of each minimum by five percent, then add a fourth bump to a Career Attorney II at ten years, working with Theresa Westerfield to determine the amount.

Judge Silberman agreed the workgroup proposal was a wish list for where the DCABC wants to be and encouraged a fair consideration of the proposal.

Judge Benton commented that the importance of the Law Clerks has been well articulated and was glad the DCABC is looking at this but felt the DCABC should move to put the DCA minimum and maximums on parity with the Supreme Court.

Judge Orfinger inquired if the three percent in the DCA Step Plan would be in addition or in lieu of any pay increase for State employees. Judge Silberman responded it would be in lieu of a pay increase.

Theresa Westerfield commented that would require some type of proviso language.

Dorothy Wilson explained the issue would end up having to be brought to the legislature each year for funding. Ms. Wilson commented that both alternative proposals would require LBR.

Judge Morris motioned to adopt Judge Orfinger's alternative plan but to keep the workgroup plan as an aspirational goal. Judge Torpy seconded. Judge Shepherd recommended melding the two alternative plans to create a modified alternative plan. This plan would equalize salary minimum and maximum for DCA and Supreme Court Law Clerks and adjust the minimum by five percent. Finally it would add a 4th level Career Attorney II at ten years.

A motion was made by Judge Orfinger to adopt the modified alternative plan. Judge Silberman seconded and the motion passed without objection.

Workgroup 3

Judge Orfinger reported that for workgroup three to revise DCABC operating procedures as needed to accommodate changes from work group recommendations and that no action is required at this time.

Workgroup 4

Greg Youchock reported on the status of workgroup four. The joint workgroup established between the District Court of Appeal Performance and Accountability Commission (DCAP&A) and the DCABC was 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. The results of the workgroup were to maintain the 2008 Needs Assessment methodology for the clerks and marshals. As related to central staff, to the extent practicable, adopt the best practices where the allocation methodology and analysis remaining pending.

Greg Youchock reported that Best Practices are still in process. Workgroup is looking at using existing case weights, time and resource constraints prevent a full study at this time. Mr. Youchock further reported the workgroup would try to schedule a conference call between June 26-28, 2013. At this time there is no action required of the DCABC.

Judge Van Nortwick remarked the workgroup would try to have more information by August but more than likely would be later in the Fall.

Judge Orfinger commented that each district uses their central staff differently, the districts have the ability internally, as the study develops data, each district can determine if they have more or less staff than needed and can shift staff, as vacancies occur, to where most needed.

Judge Damoorgian remarked that maybe through attrition as each district determines unneeded staff, each district could reallocate funds. Judge Damoorgian inquired if the committee is looking into systems available. Judge Van Nortwick replied the intent is to look at electronic filing. During the first year, personnel would be needed to deal with any issues the system would generate, but once the system is up and running, issues level off. Judge Wells commented that the redistribution in workload in regards to electronic filing would help with workload inequities.

FY 2013-14 Allocations

Appropriation Summary

Dorothy Wilson presented budget allocation charts based on the Fiscal year 2013-14 appropriations. Ms. Wilson explained that the Fiscal Year 2013-14 appropriations were derived from taking the Fiscal year 2012-13 appropriations, adding any 2012-13 technical adjustments made by the legislature including permanent budget amendments, nonrecurring funding adjustments and adding any new funding approved for FY 2013-14.

Operating Allocations

Ms. Wilson reviewed the operating budget allotment charts provided for each DCA. Ms. Wilson informed the Marshals that the operating budget allotment charts would be emailed to each individual DCA for completion.

eFacts Implementation Allocations

Alex Krivosheyev reported that the legislature approved a lump sum appropriation for eFacts implementation that needs to be equitably distributed among the district courts. Mr. Krivosheyev presented the following two options to distribute the non-recurring resources:

Option A – Non-recurring resources based on OPS hours with the remainder set in Reserve

Option B – Non-recurring resources based on proportional distribution of each Appellate Court's estimated scanning hours.

Judge Orfinger proposed the DCABC adopt Option B stating there is no need for reserve funds. A motion was made by Judge Torpy to adopt Option B. Judge Benton seconded and the motion passed without objection.

FY 2014-15 Legislative Budget Request (LBR)

LBR Timelines

Dorothy Wilson reviewed the District Courts of Appeal 2014-15 LBR Timeline and Fixed Capital Outlay Timeline. Ms. Wilson emphasized the budget requests deadline to OSCA Office of Budget Services is July 31, 2013 and the Marshals deadline to notify OSCA Budget Services Manager of intent to file issue(s) for FCO is June 26, 2013 by noon.

Discussion of Strategy for LBR Issues

Ms. Wilson noted last year, the DCABC's approved strategy for filing recurring and non-recurring issues for the FY 2013-14 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. Ms. Wilson offered the following three options for the Commission's consideration to address the DCA's needs for the FY 2014-15 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 and LBR.

Judge Torpy offered a motion to approve Option 2. Judge Silberman seconded the motion and it was adopted without objection.

Ms. Wilson presented the following two options to address the non-recurring costs for the FY 2014-15 LBR:

- Option 1: Each DCA submit their requests for non-recurring issues.
- Option 2: Do not file an LBR.

Judge Torpy motioned to approve Option 1. Judge Silberman seconded and the motion passed without objection.

Dorothy Wilson presented for consideration the option to file a recurring maintenance issue to be used to address ongoing maintenance and repairs for all DCA's. Additionally she presented to

the DCABC the option to consider filing an issue for a statewide facility study as filed in the FY 13-14 LBR. Judge Torpy motioned to pursue a recurring statewide facility study and recurring statewide maintenance issue. Judge Silberman seconded and the motion passed without objection.

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

Dorothy Wilson reviewed the FY 2013-14 Payroll Projections timeline, stating the FY 2013-14 Payroll Projections will be presented to the DCABC for approval at the August 23, 2013 meeting.

Other Business

Dorothy Wilson reminded the members that the next DCABC meeting was scheduled for August 23, 2013 in Orlando. Judge Silberman recognized Judge Orfinger for his outstanding service to the Commission and presented a plaque in honor of his service.

Adjournment

With no other business before the Commission, the meeting adjourned at 12:00 p.m.

District Court of Appeal Budget Commission
 August 23, 2013
 Video Conference

Agenda Item II.A.: Salary Budgets

**FY 2012-13 District Courts of Appeal Salary Budget
 JUNE 2013**

1	Projected Full Employment Payroll Liability through June 30, 2013	35,181,480
2	Salary Appropriation	(35,161,500)
3	Projected Liability OVER/(UNDER) Salary Appropriation @ Full Employment	19,980
4	Actual Payroll Adjustments through June 30, 2013	(818,195)
5	Adjusted Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(798,215)
6	Estimated Remaining Leave Payouts	0
5	FINAL - Adjusted Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(798,215)

6	Projected Law Clerk Pay Plan Liability through June 30, 2013	0
7	Adjusted Liability OVER/(UNDER) Salary Appropriation including projected liability for the Law Clerk Pay Plan	(798,215)

General Revenue	(109)
State Courts Revenue Trust Fund	<u>(798,106)</u>
	<u>(798,215)</u>

Actual Lapse Percentage - 2.47% or \$868,983

Actual Leave Payouts - \$41,574

District Court of Appeal Budget Commission
August 23, 2013
Video Conference

Agenda Item II.B.: Operating Budgets

The data below represents the status of the FY 2012-13 operating budget as of June 30, 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	46,184	3,690	92.60%
	TOTAL	66,767	48,904	17,863	73.25%
Expenses	1st	1,425,124	1,398,531	26,593	98.13%
	2nd	803,053	752,073	50,980	93.65%
	3rd	219,218	211,928	7,290	96.67%
	4th	281,917	269,033	12,885	95.43%
	5th	253,842	237,763	16,079	93.67%
	TOTAL	2,983,154	2,869,328	113,826	96.18%
Operating Capital Outlay	1st	4,642	0	4,642	0.00%
	2nd	50,097	49,995	102	99.80%
	3rd	16,551	14,092	2,459	85.14%
	4th	18,274	18,219	55	99.70%
	5th	5,800	5,340	460	92.07%
	TOTAL	95,364	87,646	7,718	91.91%
Senior Judge Days	1st	7,500	0	7,500	0.00%
	2nd	1,427	1,420	7	99.53%
	3rd	16,868	16,689	179	98.94%
	4th	8,995	7,102	1,894	78.95%
	5th	5,500	5,326	174	96.84%
	TOTAL	40,290	30,536	9,754	75.79%
Contracted Services	1st	83,594	29,285	54,309	35.03%
	2nd	185,746	183,039	2,707	98.54%
	3rd	111,250	83,198	28,052	74.79%
	4th	304,818	286,842	17,976	94.10%
	5th	62,737	53,690	9,047	85.58%
	TOTAL	748,145	636,055	112,090	85.02%
DCA Law Library	1st	86,641	34,785	51,856	40.15%
	2nd	34,602	34,464	138	99.60%
	3rd	9,975	9,974	1	99.99%
	4th	3,874	588	3,286	15.17%
	5th	15,705	13,101	2,604	83.42%
	TOTAL	150,797	92,912	57,885	61.61%

Agenda Item II.B.: Operating Budgets

The data below represents the status of the FY 2012-13 operating budget as of June 30, 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	5,772	544	91.38%
	4th	13,576	9,461	4,115	69.69%
	5th	12,446	11,165	1,281	89.71%
	TOTAL		62,686	56,744	5,942
Other Data Processing Services	1st	34,720	34,720	0	100.00%
	2nd	35,599	35,599	0	100.00%
	3rd	28,930	28,930	0	100.00%
	4th	37,445	37,004	441	98.82%
	5th	34,406	34,406	0	100.00%
	TOTAL		171,100	170,659	441

Administrative Trust Fund

Category	Appropriation	Expended / Encumbered	Remaining Balance	% Expended / Encumbered
Expenses	94,669	58,147	36,522	61.42%
Operating Capital Outlay	27,000	2,488	24,512	9.22%
TOTAL	121,669	60,635	61,034	49.84%

Agenda Item II.C.: Trust Fund Cash Statement Overview

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

Using Actual Revenues and Expenditures 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 ³	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	8,168,270	98,554,871
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	105	3,710,321
8	Mortgage Foreclosure Settlement Funds							4,993,500						4,993,500
9	Refunds/Miscellaneous	6,692	15,221	5,173	16,075	1,552	181	2,713	808	2,373	(371)	16	4,078	54,510
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	8,172,452	107,313,203
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	17,035,216	111,468,191
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)	(5,473,699)	(75,858,707)
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)	(1,141,278)	(2,124,052)
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)	(995)	(14,821)
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)	(6,615,972)	(89,107,295)
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	10,419,244	10,419,244

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.

³ SCRTF expenditures for June in the amount of \$1,659,831 were paid from General Revenue.

Agenda Item II.C.: Trust Fund Cash Statement Overview

**State Courts System
 Administrative Trust Fund
 June 30, 2013**

District Court of Appeal	Beginning Balance	Revenue Received	Expenditures	Balance
1st DCA - Workers Compensation	88,230.95	1,761,190.44	0.00	1,849,421.39
Salaries and Benefits - 010000	0.00	0.00	(1,602,727.00)	(1,602,727.00)
Expenses - 040000	0.00	0.00	(55,277.36)	(55,277.36)
Human Resources Services - 107040	0.00	0.00	(2,163.00)	(2,163.00)
Ending Cash Balance	88,230.95	1,761,190.44	(1,660,167.36)	189,254.03

Agenda Item III.A.: FY 2013-14 Salary Budget and Payroll Projections

FY 2013-14 District Courts of Appeal Salary Budget

1	Projected Full Employment Payroll Liability through June 30, 2014	38,177,943
2	Estimated Salary Appropriation	(38,025,780)
3	Projected Liability OVER/(UNDER) Salary Appropriation @ Full Employment	152,163
4	Estimated Leave Payouts (based on two year average)	25,784
5	FINAL - Adjusted Liability OVER/(UNDER) Salary Appropriation @ Full Employment	177,947
6	Projected Law Clerk Pay Plan Liability through June 30, 2014	168,362
7	Adjusted Liability OVER/(UNDER) Salary Appropriation including projected liability for the Law Clerk Pay Plan	346,309

Supreme Court of Florida

500 South Duval Street
Tallahassee, Florida 32399-1925

RICKY L. POLSTON
CHIEF JUSTICE
BARBARA J. PARIENTE
R. FRED LEWIS
PEGGY A. QUINCE
CHARLES T. CANADY
JORGE LABARGA
JAMES E.C. PERRY
JUSTICES

THOMAS D. HALL
CLERK OF COURT

SILVESTER DAWSON
MARSHAL

MEMORANDUM

TO: Chief Judges of the District Courts of Appeal
Marshals

FROM: Chief Justice Ricky L. Polston

DATE: August 26, 2013

SUBJECT: Budget and Pay Administration for Fiscal Year 2012/13

I have established the following budget and pay administration policies for the current fiscal year, consistent with the recommendations of the District Court of Appeal Budget Commission (DCABC). Substantive changes from the prior year's policy are underlined.

A. Personnel Actions

1. Court Staff Salaries

~~State Courts System employees' salaries remain the same.~~
Effective October 1, 2013, eligible¹ employees whose base rate of pay is \$40,000 or less on September 30, 2013 will receive an annual increase of \$1,400.

¹ "Eligible" employees refer to employees who are, at a minimum, meeting their required performance standards, if applicable. For the State Courts System, employees who are not working under a Performance Improvement Plan are assumed to be meeting their required performance standards.

Effective October 1, 2013, eligible employees with a base rate of pay greater than \$40,000 on September 30, 2013 will receive an annual increase of \$1,000; provided however, in no instance shall the base rate of pay for these employees be increased to annual amount less than \$41,400.

For the purpose of determining the applicable increase for part-time employees, the full-time equivalent value of the base rate of pay on September 30, 2013, shall be used; but the amount of the annual increase for a part-time employee shall be proportional to the full-time equivalency of the employee's position.

The minimums for each pay grade shall not be adjusted during the 2013-14 fiscal year and the maximums for each pay grade shall be adjusted upward by 6.0 percent, effective July 1, 2013.

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

2. Judicial Salaries

Effective July 1, 2013, a district court judge's salary is \$150,077 \$153,140.

Effective October 1, 2013, a district court judge's salary is: \$154,140.

3. Salary Budget Management

- a. It does not appear to be necessary to hold positions vacant in the district courts at this time. However, the District Court of Appeal Budget Commission will monitor the salary budget and impose such restrictions as necessary in order to cover payroll costs through the end of the fiscal year.

- b. Subject to available salary appropriation, a rate distribution may be made during FY 13/14.
 - i. Distribution to the district courts will be based on the total number of eligible FTE in each district (less judges).
 - ii. Individual salary increases may not exceed 10 percent.
 - iii. No retroactive salary increases are permitted unless approved by the DCABC due to special circumstances.
 - iv. When it is anticipated that allocations for a district court will not be used by June 30, 2014, the DCABC will determine whether to re-purpose the funds or let the funds revert for statewide budget management.

4. Other Personnel Actions

- a. Initial appointment rates must be at the minimum of the class pay range. The chief judge may request an exception from the DCABC. These requests should be sent to the Chair of the DCABC with copies to the State Courts Administrator. If the chief judge provides documentation to the State Courts Administrator that the affected position has been advertised no fewer than two times, 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.
- b. Upon promotion, an employee's salary shall be increased to the minimum of the class to which the employee is being promoted. However, if that increase is less than five percent (5%), the chief judge or his/her designee may approve a promotional increase for an employee of up to five percent (5%) of the employee's salary prior to promotion, provided such an increase will not place the employee's salary above the maximum for the new range. The chief judge may request an exception by the DCABC. These requests should be sent to the Chair of the DCABC with copies to the State Courts Administrator.

- c. Regarding Donation of Sick Leave, State Courts Personnel Regulations section 4.09(3)(B): In the case of the district courts of appeal, the chief judge of the employee's court may notify the chief judges of the other district courts of appeal of the request for donations. Any chief judge of a district court of appeal may notify the employees of his/her respective court of the request for donations.
- d. Other than regulations limited by these "Other Personnel Action" policies and procedures and the sharing of sick leave donations across the district courts, all regulations provided in the State Courts System Personnel Manual (https://intranet.flcourts.org/osca/personnel/bin/personnel_regulationsmanual.pdf) remain in effect.
- ~~5.~~ Appointment rates are to be made in accordance with the policies outlined in the Appellate Law Clerk Pay Plan. Any incentive adjustments and promotional increases made at the discretion of the employing judge and chief judge, shall be consistent with the Appellate Court Law Clerk Pay Plan, a current copy of which is found in **Attachment I**.
- ~~6.~~ No overlap of positions is permitted. The chief judge may request an exception from the DCABC. These requests should be sent to the Chair of the DCABC with copies to the State Courts Administrator.
7. Positions approved for upward reclassifications are limited to those reclassifications which result in a salary increase of five percent (5%) or less over the original classification. If a position is reclassified within these limitations, the chief judge may approve a promotional increase for the incumbent not to exceed five percent (5%) of the employee's current salary or to the minimum of the new class, whichever is greater, provided such an increase will not place the employee's salary above the maximum for the new range.
8. An employee who is selected for an acting appointment in a managerial position, i.e., Marshal, Clerk, or Director of Central Staff, is eligible for a five percent (5%) pay increase or the amount necessary to bring the employee's pay to the minimum of the higher

class, whichever amount is lower, for the period of time the employee is in an acting managerial capacity, provided the employee has completed two months of service in the acting capacity.

B. Budget Administration

1. Budget Category Adjustments

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

C. Fixed Capital Outlay (FCO) Projects and Administration

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

D. Authorized Travel

1. Out-of-State Travel

In order to implement funds appropriated in the 2013/14 ~~2012/13~~ General Appropriations Act for state employee travel, with prior approval of the chief judge and submission of a Travel Authorization Form (TAR), expenses to attend conferences, educational or other informative sessions of the Council of Chief Judges of the State Courts of Appeal may be reimbursed since this travel is mission critical to the operations of the District Courts of Appeal. The chief judge of each court may also authorize mission critical travel to attend meetings, conferences, seminars, training classes, and travel for events in addition to the Council of Chief Judges of the State Courts of

Appeal and other than those covered in Sections 4, 5, and 7 below, provided that all expenses are paid with a source of funding other than state funds.

2. Intra-District Travel

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

3. Intra-State Travel

I am delegating authority to the chief judge to approve travel for activities that are critical to each court's mission. In accordance with the 2013/14 ~~2012/13~~ GAA Implementing Bill (SB 1502) (~~HB 5003~~), funds may not be used to pay for travel by state employees to conferences or staff training activities unless the agency head (chief judge) has approved in writing that such activities are critical to the court's mission. Education and training activities must be directly related to employees' current job duties and have primary benefit to the state.

~~Upon recommendation of the DCABC, for FY 2012/13 only, the chief judge may approve travel for National Association of Women Judges (NAWJ) members to attend the 2012 NAWJ annual education conference in Miami, Florida.~~

4. Travel Expenses – Florida Bar Meetings

You are encouraged to continue to support judicial participation in meetings of the following sections and committees, which are provided as a guideline for the chief judges of the district courts:

a. Annual and Midyear Meetings

Chief judges and the chair and chair-elect of the Florida Conference of District Court of Appeal Judges will be reimbursed for reasonable travel expenses for their attendance

at the mid-year and annual meetings of The Florida Bar. These expenses will be charged against your district court budget.

b. Supreme Court-Appointed Committees

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

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

c. Selected Committees

District court judges and other court staff who are serving as members of selected committees and sections of The Florida Bar may be reimbursed for reasonable travel expenses associated with the meetings of those groups with prior approval from the chief judge or designee and submission of a Travel Authorization Request (TAR) form. These expenses will be charged against your district court budget. The committees and section to which this policy applies are:

- Alternative Dispute Resolution Section Executive Council
- Appellate Court Rules Committee
- Appellate Practice Section Executive Council
- Civil Procedure Rules Committee
- Code and Rules of Evidence Committee
- Constitutional Judiciary Committee
- Continuing Legal Education Committee
- Criminal Law Section Executive Council
- Criminal Procedure Rules Committee
- Family Law Rules Committee

- Family Law Section Executive Council
- Florida Probate Rules Committee
- Judicial Administration & Evaluation Committee
- Judicial Nominating Procedures Committee
- Juvenile Court Rules Committee
- Law Related Education Committee
- Legal Needs of Children Committee
- Pro Bono Legal Services Committee
- Professional Ethics Committee
- Professionalism Committee
- Real Property, Probate and Trust Law Section Executive Council
- Rules of Judicial Administration Committee
- Small Claims Rules Committee
- Traffic Court Rules Committee
- Trial Lawyers Section Executive Council

These specific guidelines apply to all committee and section related travel:

- d. Room charges that exceed the established conference rate will be reimbursed only up to that rate. Judges are encouraged to make alternative arrangements, at lower rates, when at all possible. Room charges in excess of \$150.00 per night, including taxes, should be avoided, but when that is not possible, excess charges must be justified on travel vouchers submitted for reimbursement.
- e. For approved committee and section meetings, same day travel must be utilized whenever possible. Necessary overnight travel will be reimbursed for the night immediately before or after the date of the committee meeting only if same day travel cannot be accomplished or presents an undue hardship.
- f. No reimbursement for attendance at Supreme Court oral argument representing a section or committee will be paid.

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

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

Reasonable travel expenses necessary for participation in State Courts System committees or commissions (e.g., District Courts of Appeal Budget Commission, Standard Jury Instructions Committee - Criminal) will be paid without prior authorization, from the budgets of and in accordance with the travel guidelines established for each committee. Reimbursement for attendance at Supreme Court oral argument to represent a committee or commission must be approved in advance by the Chief Justice.

6. Travel Expenses for Legislative Hearings

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

7. Out-of-State Educational Travel

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

E. General Travel Guidelines

1. Rules Governing Per Diem and Lodging for Overnight Travel

According to State Chief Financial Officer policy, a traveler may not claim per diem or lodging reimbursement for overnight travel within

fifty (50) miles (one-way) of his or her headquarters or residence, (calculated in accordance with the Department of Transportation Official Map Miles) whichever is less, unless the circumstances necessitating the overnight stay are fully explained by the traveler and approved by the Agency Head. I am delegating this approval authority to chief judges, with the exception of the travel funded through the Court Education Trust Fund, travel associated with the circuit and county conferences' business programs, and travel funded by state budgetary sources other than the district courts. Official written approval from the chief judge must be attached to the reimbursement voucher when submitted for payment. Vouchers without this approval will be returned.

2. Lodging Room Rate Limits

Hotel room charges that exceed \$150.00 per night, including taxes, should be avoided, and less costly alternatives secured when possible. Charges in excess of \$150.00, including taxes, must be justified on travel vouchers submitted for reimbursement. This rate does not apply to travel sponsored by Court Education Trust Fund, or travel funded by state budgetary sources other than individual district courts budgets. Rates funded by these sources will be set by the paying entity.

3. Prohibition of Class C Meal Reimbursement

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

4. TAR Submission for Convention and Conference Travel

Travel reimbursements for convention or conference travel (with the exception of judges' participation in the district court conference), must be submitted for payment with a Travel Authorization Request (TAR) form, according to State of Florida travel guidelines. TAR forms will be prepared by the OSCA on the judges' behalf for district court conference education and business programs.

F. Senior Judge Compensation

Senior judge compensation is \$350 for each day of service for FY 2013/14 ~~2012/13~~. **Attachment IV** reflects the allocation of senior judge days for each district court. Any necessary travel expenses for senior judges to serve must be paid from each court's allocation.

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

The 2013/14 ~~2012/13~~ General Appropriations Act allows for the payment of Florida Bar membership fees for employees that require membership as a condition of their employment by the state. (For a list of eligible position titles, please refer to the memorandum of July 1, 2013 ~~2, 2012~~ from Jackie Knight.)

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

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

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

RLP/ssb

Attachments

cc: Lisa Goodner
Blan Teagle
Dorothy Wilson
Theresa Westerfield
Jackie Knight
Steven Hall

Item III.C. Second DCA Exception Request

Issue: Second District Court of Appeal Chief Judge Charles A. Davis submitted a request for an exception to the FY 2012/13 Budget and Pay Administration memorandum to provide an initial appointment at 10% over the minimum. (See attached letter.)

Discussion:

The request can be approved by the DCABC pursuant to the FY 2012/13 Budget and Pay Administration memorandum which allows for exceptions for up to 10% above the minimum for initial appointments.

Chief Judge Davis notes that Judge Doug Wallace has offered a judicial assistant position to Ms. Geraldine Thomas, who worked with Judge Wallace when he was in private practice and who has nearly 30 years' experience in the field as a legal assistant and paralegal. Ms. Thomas is a registered paralegal. Judge Davis writes that she is "highly proficient in Microsoft Office Suite and WestLaw" and that her "exceptional skills and experience, combined with the fact that her work ethic and competency are already well known to Judge Wallace are sufficient justification for an initial appointment at 10% over the minimum."

A ten percent increase over the current minimum of \$30,320.04 for an appellate judicial assistant in the district court would bring the starting salary to \$33,352, requiring an additional 3,032 in rate with a cost of \$3,475, including benefits.

Option 1: Approve the exception.

Option 2: Do not approve the exception.



CHARLES A. DAVIS, JR
CHIEF JUDGE
CHRIS W. ALTENBERND
STEVAN T. NORTHCUTT
DARRYL C. CASANUEVA
MORRIS SILBERMAN
PATRICIA J. KELLY
CRAIG C. VILLANTI
DOUGLAS A. WALLACE
EDWARD C. LAROSE
NELLY N. KHOUZAM
MARVA L. CRENSHAW
ROBERT J. MORRIS, JR.
ANTHONY K. BLACK
DANIEL H. SLEET
JUDGES

JAMES BIRKHOLO
CLERK
JACINDA (JO) HAYNES
MARSHAL

DISTRICT COURT OF APPEAL
SECOND DISTRICT
1005 E. MEMORIAL BOULEVARD
LAKELAND, FLORIDA 33801-0327

PLEASE REPLY TO:
 P.O. BOX 327
LAKELAND, FL 33802-0327
(863) 499-2290
 1700 N. TAMPA ST. #300
TAMPA, FL 33602-2653
(813) 272-3430

August 12, 2013

The Honorable C Alan Lawson
Chair, DCABC
300 South Beach Street
Daytona Beach, FL 32114

VIA: E-mail

Dear Judge Lawson:

I write to request an exception to the minimum appointment policy for Judge Doug Wallace's judicial assistant. Judge Wallace's current judicial assistant will retire in September at an annual salary \$48,926.

Judge Wallace has offered the position to Ms. Geraldine Thomas. Ms. Thomas, who worked with Judge Wallace when he was in private practice, has nearly 30 years' experience in the legal field as a legal assistant and a paralegal. She is a Florida registered paralegal and is highly proficient in Microsoft Office Suite and WestLaw.

I recognize that the initial appointment at minimum policy is there for a good reason. However, Ms. Thomas' exceptional skills and experience, combined with the fact that her work ethic and competency are already well known to Judge Wallace, are sufficient justification for an initial appointment at 10% over the minimum, or \$33,352. I appreciate our policy on hiring maximums as necessitated by budget constraints; however I feel it would be our loss should we not be able to obtain Mrs. Thomas' service due to the application of the policy in this instance.

Thank you for your prompt consideration of this request.

Sincerely,

Charles A. Davis

Cc: Office of the State Courts Administrator
Encl. Resume reflecting the last 20 years of her 30 years' experience

Agenda Item IV: FY 2013-14 General Revenue and State Courts Revenue Trust Fund Revenue Projections

General Revenue Forecast and Post-Session Financial Outlook (GR):

The official FY 2013/14 GR estimates were revised on August 9, 2013, and were estimated to be approximately \$26.2 billion in recurring and non-recurring funds. The total available GR, which includes estimated revenues, carry forward amounts, transfers, and other items, is estimated to be \$29.2 billion in FY 2013/14. The Financial Outlook Statement, which incorporates the GR estimates adopted at the August 9, 2013, Estimating Conference and the effective appropriations for FY 2013/14, indicates that at the end of FY 2013/14, there will be a surplus of \$1.9 billion (see **Attachment A**).

For FY 2014/15 and FY 2015/16, the conference principals adopted GR revenue estimates of \$27.3 and \$28.6 billion, respectively. The FY 2016/17 GR revenue estimate is \$29.9 billion and the FY 2017/18 estimates is \$31.4 billion (see **Attachment B**).

Article V Revenue Estimating Conference:

The Article V Revenue Estimating Conference met on August 6, 2013, to adopt the official revenue projections for the State Courts Revenue Trust Fund (SCRTF) for the next five fiscal years. Proposed forecasts were provided to the conference principals by the Legislative Office of Economic and Demographic Research, the Executive Office of the Governor, the Office of the State Courts Administrator, and the Clerks of Court Operations Corporation.

For FY 2013/14, the conference principals adopted a revenue estimate of \$100.5 million, which will be used to fund the \$87.6 million estimated SCRTF budget authority for FY 2013/14 (see **Attachment C**).

As indicated in **Attachment D**, for FY 2014/15 and FY 2015/16, the principals adopted revenue estimates of \$96.4 and \$87.4 million, respectively. The FY 2016/17 estimate is \$80.3 million, and the FY 2017/18 revenue estimate is \$80.7 million.

Decision Needed:

None. For informational purposes only. The OSCA will continue to monitor GR and trust fund revenues closely.

District Court of Appeal Budget Commission

Meeting August 23, 2013

General Revenue Estimating Conference¹

Estimated GR Revenues, Effective Appropriations, and Estimated
Year-End GR Balance

FY 2013/14
(in Billions)

FY 2013/14 Estimated Revenues (Recurring and Non-Recurring)	\$26.2
Carry Forwards, Transfers, and Other Items	\$3.0
FY 2013/14 Total Available General Revenue¹	\$29.2
FY 2013/14 Effective Appropriations²	\$27.3
June 30, 2014 Estimated GR Balance	\$1.9

¹ Based on the results of the August 9, 2013, General Revenue Estimating Conference.

² Appropriations are based on current law, as it is currently administered.

District Court of Appeal Budget Commission Meeting August 23, 2013

General Revenue Estimating Conference ¹

General Revenue Estimates

FY 2013/14 through FY 2017/18

(in Billions)

FY 2013/14	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
\$26.2	\$27.3	\$28.6	\$29.9	\$31.4

¹ Based on the results of the August 9, 2013, General Revenue Estimating Conference.

District Court of Appeal Budget Commission
Meeting August 23, 2013
Article V Revenue Estimating Conference
Revenue Projections by Source
State Courts Revenue Trust Fund
FY 2013/14
(in Millions)

Source	FY 2013/14 Projected Revenue ¹	Percent of Total Revenue
\$5 Civil Traffic Assessment	\$12.5	12.4%
\$25 Speeding Fine Increase	\$6.4	6.3%
18% Driving School Reduction	\$4.7	4.7%
Real Property/Foreclosure Revenue: \$770 Portion of the Total \$1,900 Filing Fee	\$32.7	32.5%
\$115 Increase in Probate	\$6.6	6.6%
\$195 Redirect/Increase in Circuit Civil (Excluding Foreclosures)	\$22.4	22.3%
\$95 Redirect in Family	\$6.8	6.8%
Appellate \$50 Filing Fee	\$0.3	0.3%
\$10 County Civil Claims (Evictions)	\$1.4	1.4%
\$15 County Civil Claims	\$2.3	2.3%
\$1 Circuit and County Proceedings	\$1.1	1.1%
Court Ordered Mediation Services ²	\$3.4	3.4%
Total	\$100.5	100.0%
Estimated FY 2013/14 SCRTF Budget Authority	\$87.6	

¹ Projected Revenues from the August 6, 2013, Article V Revenue Estimating Conference.

² Court Ordered Mediation Services includes the fee charged for Mediation Certification Licenses.

**District Court of Appeal Budget Commission
Meeting August 23, 2013**

Article V Revenue Estimating Conference
State Courts Revenue Trust Fund Projections
FY 2013/14 through FY 2017/18
(in Millions)

	FY 2013/14	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
February 6, 2013 Conference (OLD)	\$109.2	\$95.7	\$82.4	\$79.0	\$79.4
August 6, 2013 Conference (NEW)	\$100.5	\$96.4	\$87.4	\$80.3	\$80.7

District Court of Appeal Budget Commission
August 23, 2013
Videoconference

**Item V.A. FY 2014-15 Legislative Budget Request – Enhancing Existing
Resources: Employee Pay Issues**

1. Salary Equity and Salary Flexibility

Background

In the FY 2013/14 Legislative Budget Request (LBR), \$5.5 million was requested to provide a 3.5% competitive salary adjustment to all State Court System (SCS) employees. The request noted that SCS employee pay has fallen further behind competing employers in state and local government and that the average salary of SCS employees was nearly 10% behind competing employers. (Subsequent to the submission of the LBR, an updated comparison of average state salaries by class was conducted and this update reflected that the average salary of forty-three executive branch classes was actually 11.45% higher than SCS classes.)

The request also reported that in the Office of the State Courts Administrator (OSCA) alone, nearly 10% of the workforce (between 2009 and June 2012) had accepted positions with executive branch agencies and that the average pay increase realized by those employees was over \$6,800 with five of the employees taking positions with salary increases over \$10,000, not including enhanced benefit packages. (Again, subsequent to the submission of the LBR, the data was re-examined for only the 2011 and 2012 years. Seventeen OSCA employees [10% of the OSCA workforce] had been lost to the executive and legislative branches during just those two years. The average increase for these employees was \$5,845 [13% above salary upon leaving SCS]. Four of the employees experienced an increase of over \$10,000.)

The salary appropriation for the State Courts System does not provide necessary flexibility for the branch to address a number of salary problems nor to respond to dynamic, shifting employment market factors.

One-half of the branch's salary appropriation is a fixed cost needed for judicial salary obligations and, with no flexibility to hold those positions open to generate lapse dollars, salary problems as they appear cannot be addressed. At the

beginning of each fiscal year, all levels of the court have been required to develop policies to generate the necessary salary dollars to meet projected payroll liability. These policies have taken on various forms including such requirements as holding positions open for a specified number of days, hiring all new employees at the minimum, limiting promotional salary increases to 5% above current salary (instead of the 10% flexibility in the State Courts System's Classification and Pay Plan), prohibiting any overlap of positions, etc.

Although challenges surrounding salary limitations are extremely varied across the levels of court and across the state, the following represents a sample of the issues the branch has been unable to adequately address:

- Selected, targeted adjustments to specific classes as well as to geographical areas as needs arise in either or both cases due to recruitment and retention problems.
- Salary compression, i.e., where the salary differential between those of newly hired (junior) employees versus those of long-term (senior) employees is smaller than it should be. This compression occurs between classes as well as within classes.
- Salary inversion, i.e., when salary compression, left unadjusted, results in junior employees' salaries being greater than senior employees' salaries. Like salary compression, salary inversion can occur between classes as well as within classes.
- Merit increases. Like competitive pay, being recognized for excellent service and performance is a motivating factor for continued improvement in support of creating efficiencies for the branch.
- Counter offers. This has resulted in the loss of key managers and other high performers, who had developed broad knowledge bases of critical judicial branch operations. Their loss is compounded by long-term, high performing employees who have recently retired or will be retiring, resulting in an essential need to develop and retain existing high performing and high potential employees to ensure expertise. Filling knowledge gaps with experienced employees ensures the continued development of efficiencies in the work of the State Courts System.

Current Situation and Issue

The SCS 3.5% employee salary adjustment request was not funded during the 2013 Legislative Session. The General Appropriations Act for FY 13-14, however, does provide for a competitive pay adjustment of \$1,400 for employees with a base rate

of pay of \$40,000 or less on September 30, 2013 and, for employees with a base rate of pay more than \$40,000 on September 30, 2013, the increase is \$1,000 (although all employees with a base rate of pay between \$40,001 and \$40,399 would be granted an increase that would bring them up to \$41,400). Applying the GAA salary adjustments to the base salaries in the June 30, 2013 rate report results in 56% of all SCS employees receiving an increase above 3.5% of their current base salary and 44% will receive an increase below 3.5%.

The FY 13-14 competitive pay adjustment had no affect on the SCS's ability to keep pace with the executive branch agencies. Recent news from *Human Resource Executive* (www.hreonlin.com, 7/15/13) regarding wages notes that the annual wage increase has hovered between 2.5 percent and 3 percent since a few years after the recession officially ended (December 2009). Sources indicate large companies are expecting to pay about 3 percent more this year while small employers (with fewer than 100 employees) are raising their pay by 4.1 percent. The report notes that small companies are raising their pay because they have to do so to get the candidates they want.

The branch continues to experience difficulty in reaching its Long Range Strategic Plan goal of supporting competency and quality. Success in this regard depends on the branch's ability to attract, hire and retain highly qualified and competent employees. As well, competitive pay is a motivating factor for continued improvement in support of creating efficiencies for the branch. As the economy improves, the employment environment is sure to become increasingly competitive.

Option chart (Attachment A).

At its August 3, 2013 meeting, the Trial Court Budget Commission (TCBC) voted to recommend filing an LBR issue for a multiyear request, requesting a six percent salary increase for FY 2014-15 with a portion to address salary equity and a portion to address salary flexibility.

See Attachment B

Decision Needed:

1. File an LBR issue for salary equity and flexibility.
2. Do not file an LBR issue for salary equity and flexibility.

2. Staff Attorney Pay

Background and Issue

The DCABC voted at its June 20, 2013 meeting, within their FY 14-15 LBR discussion, that the minimum and maximum salaries for Supreme Court and district court appellate law clerks be equalized; that the current minimums be adjusted 5% upward; and that a new Career Attorney class be created (10% over the “new” minimum for a Career Attorney) for a fourth level of law clerk at ten years of appellate law clerk service.

Attachment C reflects the costs of such increases for law clerk minimums.

The costs of creating a new Career Attorney class 10% over the “new” minimum for a Career Attorney) for a fourth level of law clerk at ten years of appellate law clerk service for FY 14-15 are estimated at \$316,974 (recurring). However, an additional \$775,776 in recurring dollars would need to be requested in order to continue funding the increases year over year. (This issue would not affect current Career Attorneys who are already above the proposed new class.)

At its August 3, 2013 meeting, the TCBC initially approved the filing of an LBR trial court law clerk pay issue benchmarked at 95% of the district courts’ final LBR request for appellate law clerk pay, and to provide a \$3,500 incentive at the conclusion of the eighth year of service. Subsequently in the meeting, however, the TCBC agreed that the trial court law clerk pay issue would fit within the larger salary flexibility issue and need not be filed as a separate issue.

Likewise, the Supreme Court Budget Oversight Committee made a similar finding at its August 19, 2013 meeting while also noting that law clerk pay branchwide needs further study and closer examination prior to any action on the issue.

Decision Needed:

1. File an LBR issue to provide funding to adjust the current pay minimums of the law clerk classes to 5% above current Supreme Court staff attorney classes and an issue to create a new Career Attorney class 10% over the “new” minimum for a Career Attorney) for a fourth level of law clerk at ten years of appellate law clerk service.
2. Do not file an LBR issue for law clerk pay or a fourth level of law clerk.

3. Information Technology Support Pay

Background and Issue

The DCABC reviewed salary comparisons for selected district court positions at its June 20, 2013 meeting. For the LBR, pay for positions in Information Technology (IT), was selected for further consideration. In the interim, the marshals developed a proposal to maintain the existing User Support Analyst positions; restructure the Senior User Support Analyst position to provide for a minimum of four years' experience and some network KSAs with a proposed annual salary minimum of \$47,000 (current minimum is \$41,694.12); and create a new management/administrator IT class, Systems Administrator – District Court, with a minimum salary of \$60,456 for employees whose duties, experience and responsibility are consistent with the KSAs of a system administrator.

See Attachment D

Staff has reviewed the proposal and found that for the ten Senior User Support Analyst positions in the SCS (6 positions in district courts of appeal and four positions in OSCA), the average salary is \$48,279. In addition, research indicates that average starting salaries for IT user support positions range from a high of about \$58,000 in Tallahassee to a low of about \$45,000 in Lakeland. Although the proposed new minimum of \$47,000 appears reasonable and justifiable given the salary research findings, the effect of increasing the minimum for the Senior User Support Analyst class needs to be examined in light of the salary structure for all the positions in the SCS Technology classifications and would require the creation of a new pay grade. If this new minimum were adopted after the October 1, 2013 pay increases, the rate needed to adjust two senior user support analysts in the district courts would be 4,446 with a cost of \$5,091.

In regard to the creation of a System Administrator – District Court, further research needs to be conducted to determine if an existing SCS Technology classification might already encompass the KSAs needed by the district courts of appeal or whether a new classification specification needs to be developed and vetted through the Appellate Court Technology Committee.

4. Security Officer Pay

Background and Issue

Again, as a result of the DCABC having reviewed salary comparisons for selected district court positions at its June 20, 2013 meeting, the DCABC identified the security officer classes (Court Security Officer I – District Court, minimum salary of \$22,768.44, and Court Security Officer II – District Court, \$26,658.48) as priorities for consideration in the LBR of increased minimums. The marshals propose one class for district court security personnel with a starting salary of about \$34,000, noting that for a beginning police officer with no experience in Volusia County, the starting salary is \$34,000. Court security officers in the district courts are required to have two to three years of related experience (positions are responsible for screening visitors, monitoring activity utilizing video surveillance equipment, patrolling building and grounds, managing emergency situations, and performing related clerical tasks).

Because the duties of the security officer classifications are not comparable to the duties of a police officer, staff recommends consideration be given to the proposal for one class of district court security personnel but with a minimum of \$27,819.84 (pay grade 14). If this new minimum were adopted after the October 1, 2013 pay increases, the rate needed to adjust four security officers would be 14,046 with a cost of \$16,098.

Decision Needed:

1. Address this issue through existing salary and benefit appropriation.
2. Address this issue using the salary flexibility dollars requested, if funded during the 2014 Legislative Session.
3. File an LBR issue.
4. Do not address this issue at this time.

5. Chief Deputy Clerk and Deputy Marshal Pay

The marshals have submitted a proposal to increase the Chief Deputy Clerk – District Court and Deputy Marshal – District Court minimums to \$50,979 (current minimum is \$45,303.72).

See Attachment E

Staff has reviewed the proposal and had performed some research on this issue previously. The proposed new minimum is not consistent with the SCS pay grade structure, i.e., there is no pay grade with a minimum of \$50,979. Staff would recommend consideration be given to changing the pay grade for these positions to pay grade 27 (minimum \$49,947.12), the pay grade for the Court Operations Manager class in the trial courts. If this new minimum were adopted after the October 1, 2013 pay increases, the rate needed to adjust two deputy marshals would be 6,845 with a cost of \$7,744. Again, no rate would be needed to adjust the chief deputy clerk minimums.

Decision Needed:

1. Address this issue through existing salary and benefit appropriation.
2. Address this issue using the salary flexibility dollars requested, if funded during the 2014 Legislative Session.
3. File an LBR issue
4. Do not address this issue at this time.

Estimated Cost of Options for FY 14-15 LBR Salary Equity and Flexibility Issue

Court Staff	Rate*	2.00%	3.00%	3.50%	4.00%	5.00%	6.00%	6.35% 2005 MAG Study	9% (8.9% is half way between MAG and Ex Branch average difference)	11.45% Ex Branch average difference
Supreme Court	4,724,549	108,287	162,430	189,502	216,573	270,717	324,860	343,810	487,290	619,941
OSCA	8,881,893	203,573	305,359	356,253	407,146	508,932	610,719	646,344	916,078	1,165,455
District Courts	18,451,277	422,903	634,355	740,081	845,807	1,057,258	1,268,710	1,342,718	1,903,065	2,421,121
Circuit Courts	101,176,460	2,318,964	3,478,447	4,058,188	4,637,929	5,797,411	6,956,893	7,362,712	10,435,340	13,276,072
County Courts	10,254,795	235,040	352,560	411,320	470,080	587,600	705,120	746,252	1,057,680	1,345,603
Total	143,488,974	3,288,767	4,933,151	5,755,343	6,577,535	8,221,918	9,866,302	10,441,836	14,799,453	18,828,193

* based on June 2013 rate utilized including estimated October 1, 2013 increases

**Estimated Cost of Options for FY 14-15 LBR
 Salary Equity and Flexibility Issue**

Court Staff	Rate*	2.5% FLEXIBILITY	3.5% EQUITY	6% TOTAL ISSUE
Supreme Court	4,724,549	\$ 135,358	\$ 189,502	\$ 324,860
OSCA	8,881,893	\$ 254,466	\$ 356,253	\$ 610,719
District Courts	18,451,277	\$ 528,629	\$ 740,081	\$ 1,268,710
Circuit Courts	101,176,460	\$ 2,898,706	\$ 4,058,188	\$ 6,956,893
County Courts	10,254,795	\$ 293,800	\$ 411,320	\$ 705,120
Total	143,488,974	\$ 4,110,959	\$ 5,755,343	\$ 9,866,302

* based on June 2013 rate utilized including estimated October 1, 2013 increases

FY 14-15 LBR Law Clerk Pay Issue

Supreme Court	Current minimums	Proposal to equalize to Sup Ct Staff Atty salaries at 5% above Sup Ct Staff Atty current minimum salaries
Staff Attorney	49,352.28	51,819.89
Senior Staff Attorney	57,733.56	60,620.24
Career Staff Attorney	66,115.80	69,421.59

Senior Staff Attorney over Staff Attorney	14.52%	14.52%
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Career Attorney over Senior Staff Attorney	12.68%	12.68%
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DCA <u>Estimated Costs</u>	\$781,628.75
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new level of Career Attorney at 10 years at 10% above new minimum for Career Attorney
76,363.75

Note: Neither of these issues would affect current staff attorneys who are already above the proposed or who will be above the new minimums after the October 1, 2013 \$1,000 salary adjustment.

ATTACHMENT D

Proposal to Create a System Administrator - District Court

The nature of the technology support needs in the district courts has changed significantly since the sr. user support class was created in the 1990s. At that time, both technology support positions shared the same tasks, taking care of the basic maintenance of printers, desktop workstations, word-processing and e-mail programs. As the reliance on technology grew, the sr. user support analyst assumed the more complex and critical tasks.

Our district court technology positions have evolved with the technology and now provide advanced operational functions and infrastructure tasks necessary to manage and support local and wireless networks, hardware, desktop and peripherals, numerous software applications and operating systems, client/server e-mail applications, legal research tools, including network servers, desktop equipment, laptops, a multitude of court-owned and user provided mobile devices, local and networked printers, local and networked scanning equipment, audio-video recording equipment, video conferencing systems, and Voice over Internet Protocol (VoIP) phones, critical information technology security processes, web publishing, managing owner and vendor maintenance, and all of the related end-user training.

The sr. user support analyst evaluates technologies and provides technical recommendations on the adoption and acquisition of technology items. Administers access and provides support to all courts systems including e-filing, e-mail, file sharing and video sharing. Manages the inventory of all technology property items. Manages all court technology projects to ensure that all requirements are met and completed on time. Supervises the work of the user support analyst and performs the duties of that position as needed. Provides 24/7 IT management and technical support for court users and critical systems. Provides technology leadership and guidance as a member of the court's Emergency Management Team in accordance with the court's Continuity of Operations Plan.

Current SCS salaries in the sr. user support class range from \$43,675 to \$59,541. All are below the midpoint of the range, which is \$60,456. While experience is an important component of compensation, the sr. user support minimum is not competitive for the district court application and progression within the salary range has not kept pace with the market.

There should be three technology classifications available for use by the district courts so that each court can determine its needs and recruit and retain more experienced user support technicians and network and systems operations managers. Courts could create a support system that best suits their needs and the duties, responsibilities and

KSAs of their IT staff, electing to have two sr. user support positions or a system administrator and a user support analyst.

- **User Support Analyst.** Maintain the existing technician position for first-level user support with the minimum remaining at 39,708;
- **Sr. User Support - District Court.** Create a new technician/administrative support class with a minimum of \$47k (for purposes of discussion) with a minimum of 4 years' experience and some network KSAs; and
- **Systems Administrator- District Court.** Create a new management/administrator class with a minimum salary of \$60,456 (for purposes of discussion), for employees who duties, experience and responsibility are consistent with the KSAs of a system administrator.

Sr. User Support Analyst - District Court. There are 6.0 FTE positions currently classified as sr. user support analyst in the district court budget entity. If the new class and \$47,000 minimum is adopted after the October 1 pay increases, the total rate needed for this action would be \$4443 to adjust two positions.

Class Title	State Hire Date	Annual Salary
SENIOR ...	03/05/2012	\$45,863.28
SENIOR ...	06/07/1989	\$59,540.52
SENIOR ...	11/01/2007	\$47,614.32
SENIOR ...	10/01/1999	\$59,525.04
SENIOR ...	07/01/2013	\$41,694.12
SENIOR ...	04/17/2000	\$51,500.04

System Administrator - District Court. There are 6.0 FTE positions currently classified as sr. user support analyst in the district court budget entity. In the event that five positions (assumes only one per court) were eligible to be classified as system administrators after the October 1 pay increases, the total rate needed would be \$33,237 to adjust three of the positions.

Attachment E

Proposal to adjust the Chief Deputy Clerk and Deputy Marshal minimums

The current minimums for the chief deputy clerk and deputy marshal positions are too low to recruit and retain qualified staff in these key management positions. Both are key professional management positions, comprising essential functions and complex activities critical to the core operations of their respective offices. Our courts rely on their expertise and depth of experience in their areas of responsibility.

The 2005 Classification and compensation Study for the Florida State Courts System (aka MAG study) proposed that these positions share the same pay grade and minimum salary. The \$50,979 minimum salary recommended by the MAG study should be adopted. If the new minimum is adopted after October 1 pay increases, the total rate needed for this action would be \$8909 to adjust two deputy marshals. No rate would be required for the chief deputy clerk minimum adjustment.

Class Title	State Hire Date	Annual Salary
DEPUTY ...	09/24/1996	\$55,512.12
DEPUTY ...	07/01/2011	\$45,745.68
DEPUTY ...	10/01/1999	\$59,301.60
DEPUTY ...	09/01/2011	\$45,303.72
DEPUTY ...	12/18/1996	\$60,836.76

Class Title	State Hire Date	Annual Salary
CHIEF D...	05/27/1968	\$71,421.12
CHIEF D...	09/01/1982	\$74,632.08
CHIEF D...	09/01/1977	\$66,591.60
CHIEF D...	08/13/1979	\$59,859.60
CHIEF D...	02/06/1980	\$62,726.76

Item: V.B.: FY 2014-15 Legislative Budget Request – Operating Issues

1st District Court of Appeal: No issues requested

2nd District Court of Appeal:

1. Issue – *Appellate Court Maintenance*
Activity – Facility Maintenance and Management

The Second District Court of Appeal (DCA) requests \$19,750 in non-recurring funds to make necessary repairs to the Lakeland courthouse. The district's operating budget is sufficient to address day-to-day operations but it cannot support a wide variety of predictable (or unexpected) preventative maintenance or repairs associated with extending the life of a variety of building systems. The repairs required at this time are:

Roof Repairs: The Second DCA proposes to extend the life of the roof by repairing the leaking "blisters" in the membrane of the low slope roof. Over time, gas or water becomes trapped between the layers of membrane, which then heats up and creates a "blister." Blisters vary in size from a few inches to over 10 feet in length. As long as the blister is intact the system is not compromised, but eventually the blister will break open and moisture will enter the roofing system at these locations. Preventative maintenance required includes replacing caulk at counter flashing, installing roof cement and membrane to flashing joints and applying aluminum coating, installing gutter seals to edge metal joints and re sealing drain clamps. The cost for roof repair is \$12,750.

Seal Parking Lot: The Second DCA proposes to apply a seal coat to the asphalt parking lot to extend the life of the surface and avoid more expensive repairs. Asphalt surfaces can be effectively protected by using a seal coating resistant to water, gas and oil, salt, chemicals, and *UV radiation*. A seal coat acts as a barrier between the elements and the pavement and will delay the degradation of the asphalt. The cost to seal the parking lot is \$7,000.

If this issue is not funded these repairs and preventative maintenance will not be made, to the detriment of the building.

Contracted Services:	<u>\$19,750</u>
Budget Request Total:	\$19,750 (non-recurring)

Note – The 2nd DCA reports that this issue could be absorbed in the \$400,000 building maintenance request, if funded.

Item: V.B.: FY 2014-15 Legislative Budget Request – Operating Issues

2nd District Court of Appeal:

**2. Issue – *Central Staff Workload – Career Attorney 2 FTE*
Activity – *Judicial Processing of Cases***

The Second District Court of Appeal (DCA) requests \$191,832 in recurring salary and benefits for two staff attorneys.

The Second DCA has operated with 14 judges since 1994, during which time the district's filings have increased by 40%. The district's ability to manage such a considerable and significant increase in filings has in the past been due to the availability of central staff attorneys and the effective use of technology. Currently, each of the district's 14 judges has two staff attorneys and the central staff department operates with nine attorneys, totaling 37.0 FTE attorneys.

The impact of inadequate staffing on the district's ability to effectively perform its mission has been noted by the supreme court. Specifically, the supreme court attributed the workload needs in the district with the growth in prison population and postconviction motions and the fact that there were "fewer central staff attorneys to assist the judges with legal research and related case processing matters due to budget reductions." (In Re: Certification of Need for Additional Judges, December 15, 2011.)

The need for 2.0 FTE staff attorneys is further justified by evidence that the second district's filings-to-staff attorney ratio is significantly higher than the statewide average. There are 166.0 FTE staff attorneys in the district court system. Dividing all district court filings (24,893 filings in FY 2012-13) by 166 results in a statewide average of 150 filings-per-staff-attorney. The second district's ratio for this same time period was 164 filings-per-attorney. Two additional attorneys would result in a ratio of 156 filings per attorney.

Rate: 131,136

Salaries and Benefits:

Career Attorney	2.0 FTE	\$171,310
Expense:		\$ 20,068 (\$7,546 non-recurring)
HR Services:		\$ 454
Budget Request Total:		\$191,832 (\$7,546 non-recurring)

Item: V.B.: FY 2014-15 Legislative Budget Request – Operating Issues

3rd District Court of Appeal:

**1. Issue – *Acquisition of Office Workstations for the Clerk’s Office*
Activity – Court Records and Case Flow Management**

The Third District Court of the Appeal (DCA) requests a total of \$48,889 in non-recurring funds to purchase new office workstations for the clerk’s office staff: \$43,286 in the Operating Capital Outlay (OCO) category and \$5,603 in the Contracted Services category.

The work areas for the Clerk’s Office staff were configured and furnished in 1976, more than thirty-five years ago. The furniture is mismatched and in disrepair. The work areas are also potential safety hazards. Electrical power sources and data lines are provided by sub-standard vertical power poles in three work area locations, and by extension cords and power strips under desks in other locations. The furniture does not meet modern electronic office equipment needs and requirements.

Modernization and upgrading the staff work areas in the Clerk’s Office will maximize the use of available office space, enhance efficiency and productivity, allow for proper computer connectivity, and reduce noise levels in the areas. In addition, proper ergonomic design of the workstations will prevent repetitive strain injuries, which result in worker’s compensation and long-term disability claims. The design of the requested workstations will integrate power and data lines within the units, thereby alleviating existing issues.

This request is consistent with recent legislative directives to implement electronic filing and case management in the courts. The Third District Court of Appeal implemented electronic filing and case management effective July 1, 2013. Failure to fund this budget request will impede the productivity, efficiency and court access interests which motivated the migration to electronic filing in the Court.

Operating Capital Outlay:	\$43,286
Contracted Services:	<u>\$ 5,463</u>
Budget Request Total:	\$48,889 (non-recurring)

4th District Court of Appeal: No issues requested

5th District Court of Appeal: No issues requested

Item: V.B.: FY 2014-15 Legislative Budget Request – Operating Issues

Other Requests

**1. Issue – *Operational Increases – Statewide Facility Maintenance*
Activity – **Facilities Maintenance and Management****

The District Courts of Appeal (DCA) request \$400,000 in recurring funding to address operational needs for facilities maintenance and repairs: \$87,500 in Expenses, \$177,000 in Operating Capital Outlay (OCO) and \$135,500 Contracted Services categories.

The DCA is responsible for the operation of four facilities located in Lakeland, Miami, West Palm Beach and Daytona Beach. Progressive aging and operating budget limitations have significantly reduced the ability of the courts to address the operational maintenance and repairs needs of the four facilities. The facilities range in age from 32 – 52 years old. These aging structures require constant maintenance and repairs to keep the courts operational. Presently, there are not sufficient resources appropriated to the appellate courts to address ongoing maintenance/repairs, emergency expenditures, and/or critical failure of building system components.

Funds are regularly needed to address usual but infrequent expenditures above the base budgets allocated to the courts. These expenditures do not occur every year but are vital to operations. Most are cyclical and collectively they represent a significant liability each fiscal year. As the building system components such as HVAC equipment age, their reliability decreases and failures occur. While some maintenance and repairs issues can be planned and factored into the legislative budget request, other issues require emergency action. Other preventative maintenance and other issues associated with maintaining buildings such as pressure washing, roof maintenance, carpet replacement/cleaning, interior/exterior painting and asphalt resealing have been deferred due to lack of funding.

This request is intended to address issues with both the interior and exterior of the buildings. Some examples of systems or areas requiring maintenance include but are not limited to security, lighting, plumbing, electrical, HVAC, telecommunications, flooring, roofing, lawn, parking lots and sidewalks. If this issue is not funded, the courts do not have sufficient resources to properly maintain the four facilities. System failures have and may again result in court closures.

Expenses:	\$ 87,500
Operating Capital Outlay:	\$177,000
Contracted Services:	<u>\$135,500</u>
Budget Request Total:	\$400,000 (recurring)

Item V.C.: FY 2014-15 Legislative Budget Request – Fixed Capital Outlay

1st District Court of Appeal: Not Applicable.

2nd District Court of Appeal:

1. Issue - Driveway Expansion, Lakeland Courthouse – DMS Managed

The Second District Court of Appeal requests \$30,450 to reconstruct its driveway so that the connection provides a sufficient width and turn radius for vehicles to safely enter the court's parking area.

The public entrance to the Lakeland courthouse is located on Memorial Boulevard, which is on Highway 92, a 4-lane divided highway with heavy car and truck traffic. The posted speed limit is 35 mph, yet it is often exceeded. The court's driveway is only 24 feet wide for 2-way traffic (i.e., "in" movement and "out" movement). Due to the limited turn radius and width of the driveway, vehicles turning in must come to a near stop on the highway before completing the turn. Employees and visitors frequently report that they fear being rear-ended before they can complete the turn. On May 25, 2012, there was a three vehicle accident with injuries involving someone entering the court's driveway.

The driveway width and outside radius must be increased in order to relieve interference between the entering and exiting traffic, which adversely affects traffic flow and creates a safety hazard for vehicles that are attempting to enter the court's parking area.

Construction Costs	\$26,500	
Engineering Costs		\$ 2,500
DMS Fee	\$	<u>1,450</u>

Budget Request Total: \$30,450

3rd District Court of Appeal:

1. Issue – Roll-down Electric Motorized Hurricane Storm Shutters

The Third District Court of Appeal requests \$88,294 to acquire and install hurricane storm shutters for the annex building of the courthouse complex. The courthouse building is located in a high risk hurricane zone. Its annex building is a two-story structure that houses six of the court's ten judicial suites and the court's main conference room, all of which are located on the

Item V.C.: FY 2014-15 Legislative Budget Request – Fixed Capital Outlay

second floor. The first floor space is an open covered parking area. The annex, which was constructed in 1990, has no impact resistant windows or protective storm window coverings.

The window envelopes have been weakened significantly due to age and wind driven rain that occurred during the three major hurricanes that impacted South Florida in the last years. During one of those storms, one judicial suite suffered significant water damage from water leaks, which required air quality testing and mold remediation actions to correct the problem. During the execution of a prior funded project, AECOM, the architectural firm which prepared the drawings for impact resistant windows, discovered that the existing window frames in all of the annex's judicial suites have no tie beams or supporting window structures required by the Miami-Dade County building code for impact windows. As a consequence, the structural openings will not support impact resistant windows without major reconstruction of the window frames and supporting walls. The storm shutters are the most cost-effective measure to not only protect the building contents, but also prevent further window deterioration.

All windows on the second floor annex are fixed and cannot be opened which necessitates the need to install roll-down, electric, motorized aluminum shutters. The shutters will meet the requirements of the Miami-Dade County building code specifications.

Failure to fund this budget request jeopardizes the structural integrity of the annex building during a hurricane, breaching the second floor windows and potentially destroying its interior, furnishings, and technology equipment.

Construction Costs	\$73,578
Contingency Fees	\$11,037
Building Escalation	<u>\$ 3,379</u>

Budget Request Total: \$88,294

3rd District Court of Appeal:

2. *Issue – Acquisition and Installation of Emergency Generator System*

The Third District Court of Appeal requests \$212,814 to purchase an emergency, natural-gas fueled, electrical generator system for the courthouse complex.

This request includes the addition of a new 300 kilowatt (KW) standby emergency generator which will not only supply electricity during a power outage, but will also replace the court's failed and uninterruptible power supplies that serve the life safety systems. Those systems include designated luminaries for means of egress illumination, stairway illumination, and exit

Item V.C.: FY 2014-15 Legislative Budget Request – Fixed Capital Outlay

signage. As a temporary measure the court currently has a limited number of lighting fixtures containing battery backup ballasts which provide emergency egress lighting for approximately 15 minutes. The requested emergency generating system will support all life safety items such as security/fire alarm systems, telephone system, voice/data network, servers and other essential equipment. The generator would also provide emergency power during the frequent power interruptions resulting from the lightning storms in South Florida. In addition, it would be utilized to provide power following outages from tropical storms and hurricanes, allowing the court to continue its operations.

Recently, the local natural gas utility extended their service to an area adjacent to the court, which has provided an opportunity to acquire a natural-gas fueled generating system at a lower cost as opposed to a diesel fueled generator with an in-ground fuel tank.

Failure to fund this request would not only cause the court to interrupt its operations during a power outage but, due to inadequate life safety support, also jeopardize the welfare of employees, visitors and vendors during an emergency evacuation of the courthouse.

Construction Costs	\$177,345	
Contingency Fees		\$ 26,602
Building Escalation		<u>\$ 8,867</u>
Budget Request Total:		\$212,814

3rd District Court of Appeal:

3. *Issue – Replacement of Two Public Entrance Glass Doors for the General Public*

The Third District Court of Appeal requests \$64,023 to replace two outdoor, courtyard public-entrance glass doors.

REDACTED

Item V.C.: FY 2014-15 Legislative Budget Request – Fixed Capital Outlay

REDACTED

Construction Costs	\$47,019	
Architectural/Engineering Fee		\$ 7,600
Contingency Fees	\$	7,053
Building Escalation		\$ 2,351

Budget Request Total: **\$64,023**

3rd District Court of Appeal: _____

4. *Issue – Remodeling of Court Building/Security, Core Systems Upgrade, ADA Compliance and Life Safety – DMS Managed*

The Third District Court of Appeal (DCA) requests \$6,010,704 to update Court security by Remodeling the courthouse entrance, first and second floors, street frontage structures, and to upgrade core building systems.

REDACTED

In order to complete the courthouse remodeling in a logical and cost effective manner, this project has been separated into three phases: Phase I totaling \$2,137,506, Phase II totaling \$2,752,424, and Phase III totaling \$1,120,774. It is requested that Phase I, II and III be funded in FY 2014-2015, FY 2015-2016 and FY 2016-2017, respectively.

Item V.C.: FY 2014-15 Legislative Budget Request – Fixed Capital Outlay

REDACTED

Phase I

REDACTED



Item V.C.: FY 2014-15 Legislative Budget Request – Fixed Capital Outlay

REDACTED

Life Support Systems

The FY 2006-2007 engineering study recommended replacing the court’s outdated fire alarm system, including the alarm panel and all remote sensor devices. The court requests funds to upgrade its two elevators with digital controls for life safety purposes, and new door operator controls that comply with current Miami-Dade County Code and 2010 ADA requirements. In order to comply with F.S. 633.085(1)(c), and bring the elevators and related fire safety equipment to State Fire Code requirements, it is imperative that the court receive funding to make the necessary repairs and upgrades.

Impact Windows for Building Annex

During the execution of a prior funded project, AECOM, the architectural firm which prepared the drawings for impact windows for the main and annex buildings, discovered that all of the existing window frames in the annex’s judicial suites do not have tie beams or supporting window structures required by the Miami-Dade County building code for impact windows. The annex building was added in 1989-90, whereas the main building was completed in 1976. As a result of the missing tie beams, the structural opening will not support the installation of impact resistant windows without major reconstruction of the window frame and supporting walls. Due to the discovery of this structural defect, the Court did not have sufficient funds for the Annex building windows, and is therefore including a budget request in order to install the rest of the impact windows in the annex.

The budget for Phase I, FY 2014-2015, of the project as set forth above is as follows:

Construction	\$1,301,444	
DMS Fees		\$ 32,536
Architectural & Engineering Fees, Phase I		\$ 130,144
Architectural & Engineering Fees, Phase II		\$ 214,405
Contingency Fees	\$	195,217
Public Areas Facilities Study		\$ 100,000
Art Allowance		\$ 65,072
Building Escalation		\$ 93,177
PHASE I TOTAL:		\$2,137,506

Item V.C.: FY 2014-15 Legislative Budget Request – Fixed Capital Outlay

Phase II

REDACTED

Clerk's Office Remodeling

The clerk's office has not been remodeled since 1976 and has outgrown its workspace. While the clerk's office would gain additional space needed by remodeling the clerk's office, it will not meet current space needs. In addition, only two visitors can utilize the public area of the clerk's office at one time due to the cramped conditions in that room. The remodeling would modify the clerk's public entry area, into a secure, usable waiting area allowing additional room for the installation of desktop computers which the public may use in the future. This reconfiguration will also upgrade the public area to meet 2010 ADA requirements.

Marshal's Office

The marshal's office, designed and completed in 1976, has outgrown its current space. Rather than add onto the building, which would be more costly, the court will remodel the court library. The court would then be able to use part of the library for the clerk's and marshal's offices. The cost would include corridor ceiling and lighting upgrades for the first floor, first floor painting, and the addition of signage to meet 2010 ADA requirements.

Lawyers' Lounge

The fire-rated doors leading into the recently renovated Lawyers' Lounge must be replaced with fire-rated ADA compliant doors.

Public Areas Compliance with the Revised 2010 ADA Standards for Accessible Design

In 2007, Chief Justice R. Fred Lewis directed the courts to conduct a Court Accessibility Survey

Item V.C.: FY 2014-15 Legislative Budget Request – Fixed Capital Outlay

to determine the accessibility of court facilities within each district. The survey identified six areas in the Third DCA that are not in compliance. These are: public parking, main entrance, lobby, public bathrooms, courtroom and the public area of clerk's office.

Public Parking

The existing public parking lot does not have the required number of handicapped accessible parking spaces and no accessible route from the parking spaces to the existing ramp. In addition, the existing ramp that connects the parking area with the courtyard lacks required handrails and it has a slope of 8.3%, far exceeding the 2% requirements of the 2010 ADA requirements.

In order to add the necessary number of handicapped accessible parking spaces, portions of the existing asphalt need to be removed to eliminate tree roots and to level the area. A new walkway, 126 feet-long with ADA compliant mats needs to be added to connect the handicap parking spaces with the existing ramp. A landing area needs to be created and portions of the ramp need to be removed and the concrete re-poured to make the ramp accessible to persons with disabilities including individuals who use wheelchairs. Additionally, the slope of the area adjacent to the curb ramp is steeper than the maximum indicated by 2010 ADA requirements.

Lobby

The lobby has five-double doors and one single door that connect this area to various areas of the courthouse. These doors lack the required automatic door openers, compliant hardware, and don't meet the minimum width requirements. While automatic door openers will solve compliance issues for some of the doors, others must be replaced.

Courtroom

The courtroom is accessible through two sets of double doors that were installed in 1976, when the building was constructed. The width of their leaves is below the minimum width requirements for double doors without automatic openers. In addition, they lack the required hardware to operate with a closed fist and the force required to open them exceeds the 2010 ADA requirements. The installation of automatic door openers will allow both leaves to swing open at the same time, making the doors accessible to persons with disabilities.

Public Bathrooms

Two bathrooms located in the courtyard are utilized by the public and visitors, while another two are utilized by escorted visitors and vendors as well as employees. All four bathrooms are in disrepair and have never been renovated since their original design in 1976. That design does not meet the current needs or requirements of the 2010 American with Disabilities Act. The bathrooms' entrances, design and configuration, size of stalls and height of sinks, do not comply with the 2010 ADA requirements. Currently, the entrances to the bathrooms and stalls do not have the mandated five-foot wheelchair turning radius. Total renovations of the bathrooms will provide the public, visitors, vendors and employees with an easily accessible and safe bathroom

Item V.C.: FY 2014-15 Legislative Budget Request – Fixed Capital Outlay

without undue restriction.

REDACTED

Public Area of Clerk’s Office

The clerk’s office has not been renovated since 1976 and has outgrown its workspace. Only two visitors can utilize the public area of the clerk’s office at one time due to the cramped conditions in that area. This area is only accessible through a set of hinged double doors. The doors require more than 8.5 pounds of force to open and they lack hardware that is operable with a closed fist. The service counter, which is provided for the distribution of court information or court business transactions, is at a height of 42 ½” and has no area that meets the 36” counter height requirement for accessibility. There is security glass that extends from the top of the counter to the ceiling, making minor repairs to the counter not feasible. In addition, the counsel table work surface, utilized to review the materials provided by the clerk’s office, does not meet the ADA width and height requirements. Both the service counter and work surface need to be replaced.

The budget for Phase II, FY 2015- 2016, of the project as set forth above is as follows:

Construction	\$2,144,050	
DMS Fees		\$ 53,601
Architectural & Engineering Fees, Phase II		Included in Phase I
<u>Contingency Fees</u>	<u>\$</u>	321,607

Item V.C.: FY 2014-15 Legislative Budget Request – Fixed Capital Outlay

Art Allowance	\$	107,202
Building Escalation	\$	<u>125,963</u>

PHASE II TOTAL: \$2,752,424

Phase III

The court is requesting \$1,120,774 for Phase III, FY 2016-2017, to architecturally remodel the remaining portion of the library space into different usage and repave the existing visitor/employees' parking lots.

Court Library Remodeling

Over the last few years, the court dramatically reduced the library's subscriptions freeing up floor space for other needs. A portion of library space will be utilized during the Phase II remodeling of the marshal's and clerk's offices. The remaining space, which has yet to be determined, will be remodeled to provide work space for the court. The remodeling will include mechanical, electrical, and architectural improvements, which will enhance the court's operations.

Paving of the Visitor and Employee Parking Lots

Except for minor repairs and asphalt sealing, the 85,500 square foot visitor and employee parking lots have not been repaved since 1976. It is anticipated that during the course of Phases I and II, the heavy equipment construction traffic will severely deteriorate the already-worn surface area. Due to the age of the asphalt, the only recourse is to totally repave the area after both Phases I and II are completed.

The budget for Phase III, FY 2016-2017, of the project as set forth above is as follows:

Construction	\$	807,038
DMS Fees	\$	20,176
Architectural & Engineering Fees, Phase III	\$	80,704
Contingency Fees	\$	121,056
Art Allowance	\$	40,352
Building Escalation	\$	<u>51,449</u>

PHASE III TOTAL: \$1,120,774

BUDGET REQUEST TOTAL: \$6,010,704 (Non-Recurring)

Item V.C.: FY 2014-15 Legislative Budget Request – Fixed Capital Outlay

4th District Court of Appeal:

1. Issue – ADA Compliance, and Life Safety- DMS Managed

The Fourth District Court of Appeal requests \$3,052,327 to renovate the courthouse so that it is in compliance with the Americans with Disabilities Act (ADA), the United States Marshals' security assessment and life safety issues.

The Fourth District Court of Appeal occupies a building which was originally constructed in 1970 before the ADA was signed into law. As a result, the main entrance, alternative entrances, lobby, bathrooms, clerk's office, and courtroom do not comply with the ADA.

REDACTED

The 2004 hurricanes caused significant water damage to the front of the building as the glass doors, with no shutters, allowed for significant water intrusion. Additionally, carpeting in the judicial suites, conference room, marshal, and central staff areas ranges from 14 to 24 years old and is substantially worn and sullied. Due to its age and condition, the carpet poses health and safety hazards to the employees who work in the affected areas.

Renovations proposed in this request seek to bring the courthouse into compliance with the ADA, replace the aged and worn carpet and bring the front elevation of the structure in compliance with current hurricane building codes. Renovations enumerated in this request will provide all citizens with access to the courthouse and provide a safe working environment.

Failure to bring this building into compliance with ADA guidelines, and replace the carpet, will lead to several negative results. First, any disabled person who is unable to freely access the public portions of this courthouse can file a lawsuit against the court and the State of Florida, resulting in monetary damages, embarrassment, and possible fines.

REDACTED

Third, failure to replace the described carpet will continue to cause the employees in those affected areas to have health and allergy complaints causing usage of employer provided health insurance and sick leave. Finally, redesign and renovation of the front elevation to meet current hurricane codes will avoid a building shutdown and termination of services in the event of a hurricane, and enhance security.

The court requests \$3,052,327 to renovate the courthouse so that it is in compliance with the ADA. The funds requested are derived from an architectural and engineering study conducted to address these issues, as well as vendor quotes

Item V.C.: FY 2014-15 Legislative Budget Request – Fixed Capital Outlay

for carpet replacement. The Legislature appropriated \$50,000 in the 2013 legislative session for the preparation of plans to undertake this renovation.

Construction Costs	\$2,534,843	
Architectural/Engineering Fee		\$ 240,000
DMS Fee	\$	277,484
Budget Request Total:		\$3,052,327

5th District Court of Appeal:

1. Issue – Security Systems

The Fifth District Court of Appeal requests \$125,000 to upgrade court security systems. The present security systems for the court are piecemeal and dated. The software management program for the primary access control system must be run on a stand-alone computer running Windows NT since it is not compatible with newer versions of Windows.

REDACTED

The funding of this request would allow the court to upgrade the access control systems, the court security camera system and the courtroom monitoring/broadcast system. Some of our

Item V.C.: FY 2014-15 Legislative Budget Request – Fixed Capital Outlay

existing infrastructure may be able to be used with the new system, thereby reducing the cost. The cost to complete all the upgrades requested is estimated at \$125,000.

Budget Request Total: \$125,000

5th District Court of Appeal:

2. Issue – Heating, Ventilation and Air Conditioning (HVAC) System – DMS Managed

The Fifth District Court of Appeal (DCA) requests \$724,389 to replace the court’s Heating, Ventilation and Air Conditioning (HVAC) system. The original Fifth DCA building was finished in 1980 and an expansion was completed in 2000. When the building was expanded, an additional air handler and chiller were added to the HVAC system in the newer section. With the technologies of the old system and the newer system separated by two decades, they have had a difficult time working together and communicating from the start. This issue is compounded by the fact that the original system is now 33 years old and the second system 13 years old. Portions of both systems are starting to fail and it is not known from one day to the next if the system will be working or not. The system is currently running with a temporary fix until the new parts are received. System shutdowns are occurring at an increasing rate, and the time it takes to get it repaired, as well as the cost is greater than ever.

While the newer system located in the expanded portion of the facility was constructed with direct electronic control mechanisms, the original HVAC system was not, and still relies on pneumatic air control terminals. This requires an air compressor that runs 24 hours a day, 365 days a year to drive the pneumatics, which are antiquated and unreliable. The systems fail to communicate properly, which results in uneven building temperatures, imprecise controls, extreme temperature swings, difficult working conditions and frequent shut-downs. Energy costs are also difficult to manage given the inefficiency of the system and its controls.

The replacement of the circa 1980 air chiller and the three associated air-handling units, and other various components will allow for the installation of system-wide automated controls that link all HVAC components to a centralized computer. In order to replace the original chiller and the three air handlers, a portion of the second story roof will have to be removed and replaced.

Construction Costs	\$628,132	
Architectural & Engineering Fee		\$ 81,610
DMS Fee	\$	<u>14,647</u>

Budget Request Total: \$724,389

Item V.D.: Certification of New Judgeships

Background:

In July 2006, the Court released its opinion *In Re: Report of the Commission on District Court of Appeal Performance and Accountability – Rule of Judicial Administration 2.035 (No. SC06-397)*. The opinion created a new step in the judicial certification process, requiring each district to submit their requests for new judgeships to the District Court of Appeal Budget Commission for review and approval. The requests for new judgeships and the Budget Commission's approval are then submitted to the Court for consideration.

Issue:

Requests for new judgeships for the upcoming FY 2014-2015 Certification of Need for Additional Judgeships process are due September 6, 2013 and the Commission is not scheduled to meet during the month of September 2013 to review/approve the requests from each district.

Recommendation:

Given the timeline of the FY 2014-2015 Certification of Need for Additional Judgeships process, staff recommends the Commission vote concerning the requests for new judgeships during the week of September 9, 2013 through email.

Item V.E.: Priority Determination of LBR Issues

Chapter 216, Florida Statutes, requires the judicial branch (and all state entities) to list the request for operational expenditures in excess of the base operating budget, including fixed capital outlay issues, in order of priority. Schedule VIIIA of the Legislative Budget Request (LBR) is the means by which this prioritization is provided.

The chart below reflects the Fiscal Year 2014-2015 LBR issues presented to the District Court of Appeal Budget Commission. For those issues approved, please rank the priority order.

OPERATING ISSUES	Amount Requested	Proposed LBR Priority Classification	PRIORITY #
2 nd DCA – Appellate Court Maintenance	\$19,750	2 - Critical	
2 nd DCA – Central Staff Workload - 2.0 Career Attorney	\$191,832	3 - Core Mission Investment	
3 rd DCA – Acquisition of Office Workstations for the Clerk's Office	\$48,889	3 - Core Mission Investment	
All DCAs – Operational Increases - Statewide Facility Maintenance	\$400,000	2 - Critical	

FIXED CAPITAL OUTLAY ISSUES	Amount Requested	Proposed LBR Priority Classification	PRIORITY #
2 nd DCA – FCO – Driveway Expansion, Lakeland Courthouse - DMS Managed	\$30,450	1 - Mandatory	
3 rd DCA – FCO – Hurricane Storm Shutters	\$88,294	2 - Critical	
3 rd DCA – FCO – Acquisition and Installation of an Emergency Generator System	\$212,814	2 - Critical	
3 rd DCA – FCO – Replacement of Two Public Entrance Glass Doors	\$64,023	1 - Mandatory	
3 rd DCA – FCO – Remodeling of Court Building/Security, Core System Upgrade, ADA Compliance and Life Safety - DMS	\$6,010,704	1 - Mandatory	
4 th DCA – FCO – ADA Compliance, Security and Life Safety - DMS Managed	\$3,052,327	1 - Mandatory	
5 th DCA – FCO – Security Systems	\$125,000	2 - Critical	
5 th DCA – FCO – Heating, Ventilation and Air Conditioning (HVAC) System Renovation - DMS Managed	\$724,389	2 - Critical	
All DCAs – Statewide Facility Study	\$240,000	2 - Critical	

LBR PRIORITIZATION 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.

Item V.E.: Attachment

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.

Supreme Court of Florida

500 South Duval Street
Tallahassee, Florida 32399-1925

RICKY L. POLSTON
CHIEF JUSTICE
BARBARA J. PARIENTE
R. FRED LEWIS
PEGGY A. QUINCE
CHARLES T. CANADY
JORGE LABARGA
JAMES E.C. PERRY
JUSTICES

THOMAS D. HALL
CLERK OF COURT

SILVESTER DAWSON
MARSHAL

MEMORANDUM

TO: Chief Judges of the District Courts of Appeal
Marshals

FROM: Chief Justice Ricky L. Polston

DATE: August 26, 2013

SUBJECT: Budget and Pay Administration for Fiscal Year 2012/13

I have established the following budget and pay administration policies for the current fiscal year, consistent with the recommendations of the District Court of Appeal Budget Commission (DCABC). Substantive changes from the prior year's policy are underlined.

A. Personnel Actions

1. Court Staff Salaries

~~State Courts System employees' salaries remain the same.~~
Effective October 1, 2013, eligible¹ employees whose base rate of pay is \$40,000 or less on September 30, 2013 will receive an annual increase of \$1,400.

¹ "Eligible" employees refer to employees who are, at a minimum, meeting their required performance standards, if applicable. Employees classified as being other personnel services (OPS) employees are not eligible for an increase. For the State Courts System, employees who are not working under a Performance Improvement Plan are assumed to be meeting their required performance standards.

Agenda Item III.B.

Budget and Pay Administration

August 26, 2013

Page 2 of 12

Effective October 1, 2013, eligible employees with a base rate of pay greater than \$40,000 on September 30, 2013 will receive an annual increase of \$1,000; provided however, in no instance shall the base rate of pay for these employees be increased to annual amount less than \$41,400.

For the purpose of determining the applicable increase for part-time employees, the full-time equivalent value of the base rate of pay on September 30, 2013, shall be used; but the amount of the annual increase for a part-time employee shall be proportional to the full-time equivalency of the employee's position.

The minimums for each pay grade shall not be adjusted during the 2013-14 fiscal year and the maximums for each pay grade shall be adjusted upward by 6.0 percent, effective July 1, 2013.

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

2. Judicial Salaries

Effective July 1, 2013, a district court judge's salary is \$150,077 \$153,140.

Effective October 1, 2013, a district court judge's salary is: \$154,140.

3. Salary Budget Management

- a. It does not appear to be necessary to hold positions vacant in the district courts at this time. However, the District Court of Appeal Budget Commission will monitor the salary budget and impose such restrictions as necessary in order to cover payroll costs through the end of the fiscal year.

Agenda Item III.B.

Budget and Pay Administration

August 26, 2013

Page 3 of 12

- b. Subject to available salary appropriation, a rate distribution may be made during FY 13/14.
 - i. Distribution to the district courts will be based on the total number of eligible FTE in each district (less judges).
 - ii. Individual salary increases may not exceed 10 percent.
 - iii. No retroactive salary increases are permitted unless approved by the DCABC due to special circumstances.
 - iv. When it is anticipated that allocations for a district court will not be used by June 30, 2014, the DCABC will determine whether to re-purpose the funds or let the funds revert for statewide budget management.
 - v. Outside of any rate distribution, no special pay increases are permitted. The chief judge may request an exception from the DCABC. These requests should be sent to the Chair of the DCABC with copies to the State Courts Administrator.

4. Other Personnel Actions

- a. Initial appointment rates must be at the minimum of the class pay range. The chief judge may request an exception from the DCABC. These requests should be sent to the Chair of the DCABC with copies to the State Courts Administrator. If the chief judge provides documentation to the State Courts Administrator that the affected position has been advertised no fewer than two times and that either no applicant met the qualifications or that no qualified applicant would accept the position at the minimum salary, appointment up to 10% above the minimum salary is summarily approved.
- b. Upon promotion, an employee's salary shall be increased to the minimum of the class to which the employee is being promoted. However, if that increase is less than five percent (5%), the chief judge or his/her designee may approve a promotional increase for an employee of up to five percent (5%) of the employee's salary prior to promotion, provided such an increase will not place the employee's salary above the maximum for the new range. The chief judge may request an exception by the DCABC. These

Agenda Item III.B.

Budget and Pay Administration

August 26, 2013

Page 4 of 12

requests should be sent to the Chair of the DCABC with copies to the State Courts Administrator.

- c. Regarding Donation of Sick Leave, State Courts Personnel Regulations section 4.09(3)(B): In the case of the district courts of appeal, the chief judge of the employee's court may notify the chief judges of the other district courts of appeal of the request for donations. Any chief judge of a district court of appeal may notify the employees of his/her respective court of the request for donations.
- d. Other than regulations limited by these "Other Personnel Action" policies and procedures and the sharing of sick leave donations across the district courts, all regulations provided in the State Courts System Personnel Manual (https://intranet.flcourts.org/osca/personnel/bin/personnel_regulationsmanual.pdf) remain in effect.
5. Appointment rates are to be made in accordance with the policies outlined in the Appellate Law Clerk Pay Plan. Any incentive adjustments and promotional increases made at the discretion of the employing judge and chief judge, shall be consistent with the Appellate Court Law Clerk Pay Plan, a current copy of which is found in **Attachment I**. No special pay increases are permitted. The chief judge may request an exception from the DCABC. These requests should be sent to the Chair of the DCABC with copies to the State Courts Administrator.
6. No overlap of positions is permitted. The chief judge may request an exception from the DCABC. These requests should be sent to the Chair of the DCABC with copies to the State Courts Administrator.
7. Positions approved for upward reclassifications are limited to those reclassifications which result in a salary increase of five percent (5%) or less over the original classification. If a position is reclassified within these limitations, the chief judge may approve a promotional increase for the incumbent not to exceed five percent (5%) of the employee's current salary or to the minimum of the new class,

Agenda Item III.B.

Budget and Pay Administration

August 26, 2013

Page 5 of 12

whichever is greater, provided such an increase will not place the employee's salary above the maximum for the new range.

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

B. Budget Administration

1. Budget Category Adjustments

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

C. Fixed Capital Outlay (FCO) Projects and Administration

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

D. Authorized Travel

1. Out-of-State Travel

In order to implement funds appropriated in the 2013/14 ~~2012/13~~ General Appropriations Act for state employee travel, with prior

Agenda Item III.B.

Budget and Pay Administration

August 26, 2013

Page 6 of 12

approval of the chief judge and submission of a Travel Authorization Form (TAR), expenses to attend conferences, educational or other informative sessions of the Council of Chief Judges of the State Courts of Appeal may be reimbursed since this travel is mission critical to the operations of the District Courts of Appeal. The chief judge of each court may also authorize mission critical travel to attend meetings, conferences, seminars, training classes, and travel for events in addition to the Council of Chief Judges of the State Courts of Appeal and other than those covered in Sections 4, 5, and 7 below, provided that all expenses are paid with a source of funding other than state funds.

2. Intra-District Travel

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

3. Intra-State Travel

I am delegating authority to the chief judge to approve travel for activities that are critical to each court's mission. In accordance with the ~~2013/14~~ ~~2012/13~~ GAA Implementing Bill (SB 1502) (~~HB 5003~~), funds may not be used to pay for travel by state employees to conferences or staff training activities unless the agency head (chief judge) has approved in writing that such activities are critical to the court's mission. Education and training activities must be directly related to employees' current job duties and have primary benefit to the state.

~~Upon recommendation of the DCABC, for FY 2012/13 only, the chief judge may approve travel for National Association of Women Judges (NAWJ) members to attend the 2012 NAWJ annual education conference in Miami, Florida.~~

4. Travel Expenses – Florida Bar Meetings

Agenda Item III.B.

Budget and Pay Administration

August 26, 2013

Page 7 of 12

You are encouraged to continue to support judicial participation in meetings of the following sections and committees, which are provided as a guideline for the chief judges of the district courts:

a. Annual and Midyear Meetings

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

b. Supreme Court-Appointed Committees

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

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

c. Selected Committees

District court judges and other court staff who are serving as members of selected committees and sections of The Florida Bar may be reimbursed for reasonable travel expenses associated with the meetings of those groups with prior approval from the chief judge or designee and submission of a Travel Authorization Request (TAR) form. These expenses will be charged against your district court budget. The committees and section to which this policy applies are:

- Alternative Dispute Resolution Section Executive Council

Agenda Item III.B.

Budget and Pay Administration

August 26, 2013

Page 8 of 12

- Appellate Court Rules Committee
- Appellate Practice Section Executive Council
- Civil Procedure Rules Committee
- Code and Rules of Evidence Committee
- Constitutional Judiciary Committee
- Continuing Legal Education Committee
- Criminal Law Section Executive Council
- Criminal Procedure Rules Committee
- Family Law Rules Committee
- Family Law Section Executive Council
- Florida Probate Rules Committee
- Judicial Administration & Evaluation Committee
- Judicial Nominating Procedures Committee
- Juvenile Court Rules Committee
- Law Related Education Committee
- Legal Needs of Children Committee
- Pro Bono Legal Services Committee
- Professional Ethics Committee
- Professionalism Committee
- Real Property, Probate and Trust Law Section Executive Council
- Rules of Judicial Administration Committee
- Small Claims Rules Committee
- Traffic Court Rules Committee
- Trial Lawyers Section Executive Council

These specific guidelines apply to all committee and section related travel:

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

Agenda Item III.B.

Budget and Pay Administration

August 26, 2013

Page 9 of 12

- e. For approved committee and section meetings, same day travel must be utilized whenever possible. Necessary overnight travel will be reimbursed for the night immediately before or after the date of the committee meeting only if same day travel cannot be accomplished or presents an undue hardship.
 - f. No reimbursement for attendance at Supreme Court oral argument representing a section or committee will be paid.
 - g. No reimbursement for attendance at seminars, symposiums, etc., representing a section or committee will be paid.
5. Travel Expenses for Participation in State Courts System Committees or Commissions

Reasonable travel expenses necessary for participation in State Courts System committees or commissions (e.g., District Courts of Appeal Budget Commission, Standard Jury Instructions Committee - Criminal) will be paid without prior authorization, from the budgets of and in accordance with the travel guidelines established for each committee. Reimbursement for attendance at Supreme Court oral argument to represent a committee or commission must be approved in advance by the Chief Justice.

6. Travel Expenses for Legislative Hearings

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

7. Out-of-State Educational Travel

Agenda Item III.B.

Budget and Pay Administration

August 26, 2013

Page 10 of 12

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

E. General Travel Guidelines

1. Rules Governing Per Diem and Lodging for Overnight Travel

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

2. Lodging Room Rate Limits

Hotel room charges that exceed \$150.00 per night, including taxes, should be avoided, and less costly alternatives secured when possible. Charges in excess of \$150.00, including taxes, must be justified on travel vouchers submitted for reimbursement. This rate does not apply to travel sponsored by Court Education Trust Fund, or travel funded by state budgetary sources other than individual district courts budgets. Rates funded by these sources will be set by the paying entity.

3. Prohibition of Class C Meal Reimbursement

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

Agenda Item III.B.

Budget and Pay Administration

August 26, 2013

Page 11 of 12

4. TAR Submission for Convention and Conference Travel

Travel reimbursements for convention or conference travel (with the exception of judges' participation in the district court conference), must be submitted for payment with a Travel Authorization Request (TAR) form, according to State of Florida travel guidelines. TAR forms will be prepared by the OSCA on the judges' behalf for district court conference education and business programs.

F. Senior Judge Compensation

Senior judge compensation is \$350 for each day of service for FY 2013/14 ~~2012/13~~. **Attachment IV** reflects the allocation of senior judge days for each district court. Any necessary travel expenses for senior judges to serve must be paid from each court's allocation.

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

The 2013/14 ~~2012/13~~ General Appropriations Act allows for the payment of Florida Bar membership fees for employees that require membership as a condition of their employment by the state. (For a list of eligible position titles, please refer to the memorandum of July 1, 2013 ~~2, 2012~~ from Jackie Knight.)

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

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

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

Agenda Item III.B.

Budget and Pay Administration

August 26, 2013

Page 12 of 12

RLP/ssb

Attachments

cc: Lisa Goodner
Blan Teagle
Dorothy Wilson
Theresa Westerfield
Jackie Knight
Steven Hall

**FLORIDA STATE COURTS SYSTEM
APPELLATE COURT LAW CLERK PAY PLAN**

IMPLEMENTATION POLICIES

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:

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 on the State Courts System payroll for the first time. Law Clerks who have been admitted to the Florida Bar and who have less than one year of experience practicing law subsequent to passing the Bar shall be appointed at the minimum salary for the Law Clerk class. Law Clerks who have not been admitted to the Florida 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, nonlegal experience may be appointed at up to 5% above the minimum.

An attorney who has been admitted to the Florida Bar and who has at least two years experience in the practice of law, subsequent to passing the Bar, 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 and who has at least five years experience in the practice of law subsequent to passing the Bar 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 Bar, 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.

A reinstatement appointment is the act of placing a Law Clerk on the State Courts System payroll who has previously been employed by the State Courts System as a Law Clerk. A reinstated Law Clerk may be appointed at the discretion of the Chief Judge or designee at any 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. The Law Clerk shall not be eligible for

Agenda Item III.B.

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 of the pay range 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.

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. 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. 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

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 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

Agenda Item III.B.

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.

UTILIZATION OF LAW CLERK RATE AND SALARY DOLLARS

All appointments, promotions, incentive adjustments or special pay 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. 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.

ESTABLISHED: January 1, 1990

REVISED: December 14, 1993

AMENDED: August 27, 1998

AMENDED: November 1, 2001