



**Jupiter Beach, FL
Saturday, September 6, 2014
9:00 a.m. – 3:00 p.m.
Amberjack Meeting Room**

AGENDA

- I. Welcome and Opening Remarks**
 - A. Roll Call**
 - B. Approval of June 4, 2014, July 11, 2014, and July 16, 2014 Meeting Minutes**
- II. Presentation – Overview of the Legislative Process**
- III. Presentation – Navigating the Operating Budget**
- IV. Presentation – Components of Salary Budget Management**
- V. Resource Allocation**
- VI. FY 2014-15 Budget Update**
 - A. Salary Budget**
 - B. Operating Budgets**
 - C. Positions Vacant over 180 Days**
 - D. General Revenue and State Courts Revenue Trust Fund Revenue Projections**
 - E. Trust Fund Cash Statement Overview**
 - F. 4th District Court of Appeal – Reclassification Request**
 - G. 2nd District Court of Appeal – Exception Request**
 - H. 3rd District Court of Appeal – Geographical Difference Adjustments**



VII. FY 2015-16 Legislative Budget Request (LBR)

A. Employee Pay Issue

B. Operating Issues

C. Fixed Capital Outlay Issues

D. Certification of New Judgeships

E. Discussion and Priority Determination of LBR Issues

VIII. Other Business and Adjournment

**District Court of Appeal Budget Commission
Tallahassee, FL
June 4, 2014**



Members Present

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

Judge Vincent Torpy
Judge William Van Nortwick, Jr.
Marshal Jo Haynes
Marshal Veronica Antonoff
Marshal Daniel DiGiacomo
Marshal Charles Crawford

Members Absent

Judge Melanie May

Others Present

PK Jameson, Theresa Westerfield, Dorothy Wilson, Elizabeth Garber and other OSCA staff

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

Agenda Item I.: Welcome and Approval of March 28, 2014 Minutes

Judge Alan Lawson welcomed members and called the District Court of Appeal Budget Commission (DCABC) meeting to order at 1:03 p.m. A motion was made by Judge Torpy to adopt the March 28, 2014 meeting minutes as drafted. Judge Shepherd seconded and the motion passed without objection.

Agenda Item II.: Status of FY 2013-14 Budget

A. Salary Budgets

Dorothy Wilson presented the Salary Budgets as of May 29, 2014. The final adjusted liability for all district courts was under the salary appropriation by \$603,784. She pointed out that this amount is not annualized and will change slightly when the June salary budgets are finalized. Ms. Wilson further noted that June typically has the highest amount of leave payouts. Judge Lawson requested that Ms. Wilson explain what rate is available for next year

for a rate distribution. Ms. Wilson explained that the budget office will be performing a payroll audit in June as part of the process in developing the FY 2014-15 payroll projections and will provide those projections to the commission at their next meeting. She noted that FY 2014-15 Law Clerks below the minimum and incentives obligation is calculated to be over \$200,000.

B. 1st DCA Request

Theresa Westerfield reviewed the 1st DCA exception request to reclassify a current Career Attorney to a Director of Central Staff. Judge Torpy motioned to approve Option 1, but with an effective date of June 16, 2014. Judge Shepherd seconded and the motion was approved without objection.

C. Operating Budgets

Ms. Wilson reported on the status of the FY 2013-14 operating budgets as of May 31, 2014.

D. State Courts Revenue Trust Fund

Dorothy Wilson provided an overview of the State Courts Revenue Trust Fund (SCRTF) cash balance through May 31, 2014. The cash balance at year end was estimated at \$1.2 million. The balance included \$1.8 million appropriated in the FY 2014-15 General Appropriations Act (HB 5001) to mitigate the FY 2013-14 revenue deficit. The anticipated cash carry forward is \$940,000. Ms. Wilson also noted that the chief justice submitted a FY 2014-15 appropriations release plan seeking to release 100% of GR salary appropriations due to insufficient cash balance in the SCRTF to cover July payroll and the July GR Service Charge. Ms. Wilson informed the commission that notification had been received on June 3, 2014 that the holdback budget amendment had been approved and subsequently posted.

Agenda Item III.: 2014 Legislative Session – General Appropriations Act (GAA) Overview

Dorothy Wilson provided an overview of the issues that were funded by the legislature and the two issues subsequently vetoed by the Governor. Theresa Westerfield reviewed the Back of the Bill Section 8 Pay and Benefits noting the pay issue was not vetoed and there were no changes in benefits or the authority to pay Florida Bar Dues.

Agenda Item IV.: FY 2014-15 Allocations

A. Appropriation Summary

Dorothy Wilson presented budget allocation charts based on the Fiscal year 2014-15 appropriations. She noted that new charts would be provided to the members after the meeting that reflected the certification issue and the eFACTS funding.

B. Operating Allocations

Ms. Wilson reviewed the operating budget allotment charts provided for each DCA. Ms. Wilson informed the Marshals that the budget allotment charts would be emailed to them to allow them to allocate these funds to the appropriate cost centers for FY 2014-15.

Agenda Item V.: FY 2015-16 Legislative Budget Request (LBR)

A. LBR Timelines

Dorothy Wilson reviewed the FY 2015-16 LBR and Capital Improvement Program Plan (CIPP) Fixed Capital Outlay LBR timelines noting the date for the approval of the LBR by the Chief Justice and the Court had been confirmed for October 1, 2014. Ms. Wilson stated the technical instructions would be emailed out on Monday, June 9, 2014.

B. Discussion of LBR Issue Strategy

Dorothy Wilson discussed the strategy for LBR issues for FY 2015-16, noting the continuation of the statewide pay issue will be filed.

1. Recurring Costs: Judge Shepherd motioned to approve Option 2, each DCA submit specific requests for their critical needs within the official funding methodologies. Judge Torpy seconded and the motion passed with Judge Northcutt noted in opposition.
2. Non-recurring Costs: Judge Torpy motioned to approve Option 1, each DCA submit their requests for non-recurring issues. Judge Shepherd seconded and the motion passed without objection.
3. Other Request: Judge Lawson noted that the DCA's should move forward with filing a recurring issue to address ongoing maintenance. However, instead of titling it as a statewide maintenance issue, title as an issue that can clearly demonstrate how under appropriated the DCA's are to address maintenance issues when they arise. Judge Torpy

motioned to adopt Option 1 to file an issue in the LBR. Judge Shepherd seconded and the motion passed without objection.

Agenda Item VI.: Pay Issues for Courts System Employees

A. Implementation of FY 2014-15 Special Pay Issue: Status Report

Ms. Westerfield reported the legislature provided first-year funding of the two-year implementation request of the equity and retention issue to address salary issues affecting the State Courts System. Proviso language in the GAA requires that the funds be used for employee position classification salary adjustments to encourage retention, provide salary equity between the judicial branch and other governmental entities, and provide market-based adjustments for recurring employee recruitment problems. This funding cannot be used for across-the-board or individual merit increases, and not all classes will be adjusted. The minimum salaries for affected classes will be adjusted and therefore, not everyone in that class will be adjusted if earning above the minimum. Proviso language requires the funds to be appropriated proportionately within the State Courts System based on the number of full-time equivalent positions, excluding judges. Ms. Westerfield noted that the chief justice wants to keep benchmarks on all classes that currently have benchmarks. This requires that if one budget entity determines a benchmark class a priority, all budget entities would be required to increase the minimum on the affected class. Personnel staff has been receiving and compiling data on affected classes and a staff analysis and preliminary proposals/options are expected to be ready in late June to be presented to the DCABC for consideration. The plan for the entire State Courts System will be submitted to the chief justice for approval and subsequently filed in a budget amendment for a 14 day review by the Legislative Budget Commission (LBC).

B. Performance-Based, Lump Sum Bonuses Authorized During 2013 Legislative Session: Status Report

Dorothy Wilson referenced an email just received by the Governor' Office, notifying that the performance-based, lump sum bonus funding will be available on June 18th, the day before payroll runs. The funding will be equal to the plan submitted. The affected employees who were submitted to receive a bonus may be notified at this time. Those employees should receive the bonus on June 25th and taxes will be taken out of the total amount.

C. Geographical Differences Workgroup

Deferred to Item VII.C.

Agenda Item VII.: FY 2014-15 Budget and Pay Policies

A. Payroll Projection Timeline

Dorothy Wilson reviewed the FY 2014-15 Payroll Projection audit timeline.

B. FY 2014 Rate Distribution

Ms. Wilson stated the payroll audit is scheduled to be completed in July. The DCABC expressed interest in meeting in July, once the audit is complete, to discuss rate distribution. Judge Lawson recommended to consider the rate distribution in conjunction with the pay plan issue.

C. Geographical Differences Workgroup

Judge Shepherd presented the recommendations of the workgroup. The cost to implement the recommendation, including attorneys, is approximately \$91,052. Ms. Wilson stated the DCABC salary budget is adequate to fund the differential at this time. With the exception of career attorneys, all Third District Court of Appeal positions, whose Executive Branch equivalent have a CAD, will be granted the CAD stipulated by Executive Branch. Judge Shepherd motioned to approve funding the competitive differential with an effective date of July 1, 2014. Judge Torpy seconded and the motion passed without objection.

Agenda Item VIII.: Joint Workshop on Model Staffing Levels Report and Recommendations

Judge Van Nortwick and Jessie Emrich presented the report and recommendations. Judge Lawson conducted a self-assessment, asking each DCA individually if they have a need for additional attorneys. The 4th was the only DCA that responded in the affirmative, stating the 4th had a need for one additional attorney.

Agenda Item IX.: Other Business

Ms. Wilson stated the next meeting was scheduled for September 6, 2014 in Jupiter Beach, Florida.

Adjournment

With no other business before the Commission, Judge Lewis motioned to adjourn. Judge Northcutt seconded and the meeting adjourned at 3:00 p.m.

**District Court of Appeal Budget Commission
Video Conference
July 11, 2014**



Members Present

Judge Alan Lawson, Chair
Judge Cory Ciklin
Judge Dorian Damoorgian
Judge Charles Davis, Jr.
Judge Joseph Lewis, Jr.
Judge Frank Shepherd

Judge Richard Suarez
Judge Vincent Torpy
Marshal Veronica Antonoff
Marshal Charles Crawford
Marshal Daniel DiGiacomo
Marshal Daniel McCarthy

Members Absent

Judge Vance Salter
Judge Melanie May
Judge Stevan Northcutt

Marshal Jo Haynes
Judge Clayton Roberts

Others Present

Justice Ricky Polston, PK Jameson, Eric Maclure, Theresa Westerfield, Dorothy Wilson, Elizabeth Garber and other OSCA staff

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

Judge Alan Lawson welcomed members and called the District Court of Appeal Budget Commission (DCABC) meeting to order at 2:05 p.m.

Justice Polston began the meeting with opening remarks reminding everyone that when dealing with the equity/retention issues it is important to remember this is not an across the board pay raise. Each recommendation must be defensible to the legislature and will be very transparent.

Agenda Item I.: Special Pay Issue for Court Employees Appropriated in FY 2014-15

Judge Lawson reviewed the draft plan based on the Chief Judge's proposal for the distribution of the pay plan. Each class group was discussed and resulted in the following recommendation:

- **Law Clerks** – Raise minimum 5% to \$47,834. Senior Law Clerks – raise salaries 4%, but not more than \$3,000. Career Attorneys – raise salaries 5% but not more than \$5,000.

Judge Ciklin made a motion to approve. Judge Lewis seconded and the motion passed without objection.

- **Director of Central Staff** – Benchmark at 95% of the proposed new Supreme Court Director of Central Staff base rate, which would result in new base rate minimum for district court Director of Staff - \$76,206.14. Judge Shepherd made a motion to approve. Judge Lewis seconded and the motion passed without objection.
- **Judicial Assistants (JA)** – Benchmark at 95% of the Supreme Court minimum pay. Resulting in a new base rate for district court JA's of \$35,868.39 and to remove the costs associated with the vacant JA in the First DCA. Judge Shepherd made a motion to approve. Judge Ciklin seconded and the motion passed.
- **Chief Deputy Clerk – District Court** – Raise minimum to \$55,067; raise salaries 5% or to new minimum, whichever is greater. Judge Northcutt motioned to approve. Judge Shepherd seconded and the motion passed without objection.
- **Deputy Marshal – District Court** – Raise minimum to \$55,067; raise salaries 5% or to new minimum, whichever is greater. Judge Northcutt motioned to approve. Judge Shepherd seconded and the motion passed without objection.
- **Senior User Support Analysts** – A proposal to create a new classification for eligible Senior User Support Analyst with a new minimum of \$60,000. Judge Shepherd motioned to approve. Judge Ciklin seconded and the motion passed.
- **Court Security Officer I & II** – Equalize to the Supreme Court proposed new minimum pay for Deputy Marshals which would result in new base rate minimum for district court Court Security Officer II - 35,903.36. Do not assume that current CSO I's are eligible for reclass to CSO II. Propose new minimum that maintains the current distances between the court security officer classes resulting in new base rate minimum for district court Court Security Officer I - 30,664.30. Judge Shepherd motioned to approve. Judge Ciklin seconded and the motion passed.
- **Administrative Assistants (AA)** – Equalize the Administrative Assistant I to the proposed new minimum for a Judicial Assistant - County, i.e., 32,092.77, just as they are currently equalized, and use current differences between the levels resulting in new base rate minimum for Administrative Assistant II - \$34,981.12 and for Administrative

Assistant III - \$41,627.53. Judge Ciklin made a motion to approve. Judge Shepherd seconded and the motion passed.

- **Maintenance Engineer – District Court** – Create a new class - Facilities Director at the minimum pay of \$41,400.06 (average pay of the Facilities Director at the Department of Management Services) this would allow for reclass of eligible current Maintenance Engineer positions. Judge Northcutt made a motion to approve. Judge Damoorgian seconded and the motion passed.
- **Custodial Supervisor** – Increase minimum to the average salary of the Custodial Supervisor in seven state agencies - \$24,346.39. Judge Northcutt made a motion to approve. Judge Damoorgian seconded and the motion passed.
- **Custodial Worker** – Increase minimum maintaining the current difference between the Custodial Supervisor and the Custodial Worker resulting in a new base rate minimum of \$21,682.13. Judge Northcutt made a motion to approve. Judge Damoorgian seconded and the motion passed.
- **Clerical Assistant** – Increase minimum to average Clerk Specialist in 15 state agencies \$22,302.94. Judge Northcutt made a motion to approve. Judge Damoorgian seconded and the motion passed.
- **Legal Secretary** – Increase minimum to average of Justice Administrative Commission Legal Assistant/Secretary I and II - \$31,774.76. Judge Northcutt made a motion to approve. Judge Damoorgian seconded and the motion passed.
- **Deputy Clerk I** – Increase the salary minimum to \$30,764. Judge Shepherd made a motion to approve. Judge Ciklin seconded and the motion passed.
- **Deputy Clerk II** – Increase the salary minimum to \$33,512. Judge Shepherd made a motion to approve. Judge Ciklin seconded and the motion passed.
- **Deputy Clerk III** – Increase the salary to \$41,628. Judge Shepherd made a motion to approve. Judge Ciklin seconded and the motion passed.

Specific retention and/or recruitment issues to be addressed at district court level –
Proposed to give Chris Corzine a 10% raise to retain as “lead” for district courts’ technology.

Any remaining funds would be distributed to DCA's to allow discretion for their specific recruitment and retention issues.

Agenda Item II.: Salary Budget and Payroll Projections

A. FY 2013-14 Salary Budget and Payroll Projections Wrap Up

Dorothy Wilson presented the salary budgets as of June 30, 2014, stating the final adjusted liability was under the salary appropriation by \$451,201. She noted this amount was adjusted for vacancies over 365 days and the adjusted lapse is 1.03% or \$392,331. She noted that the General Revenue (GR) and Administrative Trust Fund had been maximized with only \$448 reverting in GR.

B. FY 2014-15 Salary Budget and Payroll Projections

Dorothy Wilson reviewed the FY 2014-15 salary budgets stating the final adjusted liability is over the salary appropriation by \$135,297. She noted that these amounts were estimates until the retirement adjustment is received. Ms. Wilson noted that lapse generated throughout the fiscal year should be sufficient to cover the deficit.

C. Budget and Pay Policy Recommendations for Chief Justice's Budget and Pay Memorandum

Judge Lawson reviewed the Budget and Pay Memo stating that other than technical changes there were three changes from last year's memo. The three changes were as follows:

1. Guidelines to implement the FY 2014-15 pay plan.
2. Retroactive salary increases approved by the DCABC may not extend back further than two months.
3. Reclassification limit increased from 5% to 10%

Judge Shepherd made a motion to approve the Budget and Pay Memo as presented. Judge Damoorgian seconded and the motion passed without objection.

Other Business and Adjournment

Judge Lawson stated the DCABC would meet on July 16th at 3:00 for final discussions and approval of the pay plan. Judge Lawson reminded the Commission of the upcoming September 6, 2014 meeting in Jupiter Beach. With no other business before the Commission, Judge Northcutt motioned to adjourn. Judge Lawson seconded and the meeting adjourned at 4:25 p.m.

**District Court of Appeal Budget Commission
Video Conference
July 16, 2014**



Members Present

Judge Alan Lawson, Chair
Judge Cory Ciklin
Judge Dorian Damorgian
Judge Charles Davis, Jr.
Judge Joseph Lewis, Jr.
Judge Melanie May
Judge Stevan Northcutt
Judge Frank Shepherd

Judge Richard Suarez
Judge Vincent Torpy
Judge William Van Nortwick, Jr.
Marshal Charles Crawford
Marshal Daniel DiGiacomo
Marshal Jo Haynes
Marshal Daniel McCarthy

Members Absent

Judge Vance Salter

Marshal Veronica Antonoff

Others Present

Justice Ricky Polston, PK Jameson, Eric Maclure, Theresa Westerfield, Dorothy Wilson, Elizabeth Garber and other OSCA staff

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

Judge Alan Lawson welcomed members and called the District Court of Appeal Budget Commission (DCABC) meeting to order at 3:03 p.m.

Agenda Item I.: Special Pay Issue for Court Employees Appropriated in FY 2014-15

Judge Lawson reviewed Proposal 1. A roll call vote was taken to adopt all employee groups in the proposal and the motion failed, with five in favor and five opposed. Judge Lawson reviewed each employee group in Proposal 1 for individual votes.

- **Judicial Assistants** – Proposal provides for benchmark at 95% of supreme court minimums, resulting in a new base rate of \$35,868.39 or \$1,000 increase, whichever is greater. Justice Polston noted that the supreme court and the trial courts were recommending adjustments for their judicial assistants. Judge Shepherd made a motion

to approve as proposed. Judge Damoorgian seconded and the motion passed without objection.

- **User Support Analysts** – Proposal provides for a 5% increase to current positions only for retention purposes. The minimum salary was not adjusted. Judge Lewis made a motion to approve as proposed. Judge Northcutt seconded and the motion passed, with Judge Shepherd opposed.
- **Law Clerks** – Proposal provides for increasing the new minimum to \$45,817, which is the same as the trial court law clerks. Judge Ciklin made a motion to approve as proposed and Judge Torpy seconded. A roll call vote was taken and the motion carried, with Judges Suarez and Shepherd opposed.
- **Marshals and Clerks** – Proposal provides \$2,500 for marshals and clerks. Judge Torpy made a motion to approve as proposed and the motion was seconded by Judge Northcutt. A roll call vote was taken and the motion carried, with Judges Ciklin and Lawson opposed.
- **Directors of Central Staff** – Proposal provides for increasing the new minimum to \$82,000. Judge Torpy made a motion to approve as proposed. Judge Northcutt seconded and the motion passed without objection.
- **Chief Deputy Clerk** – Proposal provides for increasing the new minimum to \$57,820 or 5%, whichever is greater. Judge Torpy made a motion to approve as proposed. Judge Northcutt seconded and the motion passed without objection.
- **Chief Deputy Marshal** – Proposal provides for alignment with chief deputy clerk and increasing the new minimum to \$57,820 or 5%, whichever is greater. Judge Torpy made a motion to approve the proposal. Judge Damoorgian seconded and the motion passed without objection.

A roll call vote was taken to use the balance of the plan to address specific retention and/or recruitment issues, with seven in favor and Judges Davis and Northcutt opposed.

Judge Davis made a motion to use the balance of the plan to address issues at the statewide level through the District Court of Appeal Budget Commission. A roll call vote was taken and the

motion failed, with four in favor and six opposed. The balance will be distributed to each court for their specific retention and recruitment issues.

Adjournment

With no other business before the Commission, Judge Northcutt motioned to adjourn. Judge Suarez seconded and the meeting adjourned at 5:05 p.m.

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Agenda Item V.: Resource Allocation

District Court of Appeal Budget Commission

September 6, 2014 Meeting

First District Court of Appeal

Current and Recommended FTE by Element

as of July 1, 2014

Judges	15.0
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Element	Cost Center	Current FTE	Recommended FTE*	Net Need
<i>Judicial Processing of Cases</i>				
Judicial Assistants	111	16.0	15.0	(1.0)
Law Clerks and Central Staff Attorneys	112	47.0	TBD	-
<i>Court Records and Case Management</i>				
Clerk's Office	114	17.0	Tabled	-
Central Staff Support	119	3.0	4.0	1.0
<i>Judicial Administration</i>				
Court Administration/Marshal's Office	210	5.0	4.0	(1.0)
Security	118	3.0	3.0	0.0
Facility Maintenance and Management ¹	115	0.0	0.0	0.0
Information Systems Support	117	2.0	3.0	1.0
Library	180	1.0	1.0	0.0
Total		94.0	30.0	0.0

* Based on DCAP&A 2008 Recommended Staffing Levels and funding formulas.

¹ The Department of Management Services is currently responsible for the Facility Maintenance and Management for the First District.

District Court of Appeal Budget Commission

September 6, 2014 Meeting

Second District Court of Appeal Current and Recommended FTE by Element as of July 1, 2014

Judges	16.0
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Element	Cost Center	Current FTE	Recommended FTE*	Net Need
<i>Judicial Processing of Cases</i>				
Judicial Assistants	111	16.0	16.0	0.0
Law Clerks and Central Staff Attorneys	112	41.0	TBD	-
<i>Court Records and Case Management</i>				
Clerk's Office	114	16.0	Tabled	-
Central Staff Support	119	3.0	4.0	1.0
<i>Judicial Administration</i>				
Court Administration/Marshal's Office	210	5.0	5.0	0.0
Security ¹	118	2.25	4.5	2.25
Facility Maintenance and Management	115	2.5	3.0	0.5
Information Systems Support	117	2.0	3.0	1.0
Library	180	0.0	1.0	1.0
Total		87.75	36.5	5.75

* Based on DCAP&A 2008 Recommended Staffing Levels and funding formulas.

¹ The Second District Currently uses a contractual services staffing model.

**District Court of Appeal Budget Commission
September 6, 2014 Meeting**

**Third District Court of Appeal
Current and Recommended FTE by Element
as of July 1, 2014**

Judges	10.0
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Element	Cost Center	Current FTE	Recommended FTE*	Net Need
<i>Judicial Processing of Cases</i>				
Judicial Assistants	111	10.0	10.0	0.0
Law Clerks and Central Staff Attorneys	112	22.0	TBD	-
<i>Court Records and Case Management</i>				
Clerk's Office	114	11.0	Tabled	-
Central Staff Support	119	0.0	3.0	3.0
<i>Judicial Administration</i>				
Court Administration/Marshal's Office	210	4.0	4.0	0.0
Security	118	2.0	3.0	1.0
Facility Maintenance and Management	115	3.0	4.0	1.0
Information Systems Support	117	2.0	3.0	1.0
Library	180	0.0	1.0	1.0
Total		54.0	28.0	7.0

* Based on DCAP&A 2008 Recommended Staffing Levels and funding formulas.

District Court of Appeal Budget Commission
September 6, 2014 Meeting

Fourth District Court of Appeal
Current and Recommended FTE by Element
as of July 1, 2014

Judges	12.0
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Element	Cost Center	Current FTE	Recommended FTE*	Net Need
<i>Judicial Processing of Cases</i>				
Judicial Assistants	111	12.0	12.0	0.0
Law Clerks and Central Staff Attorneys	112	33.0	TBD	-
<i>Court Records and Case Management</i>				
Clerk's Office	114	14.0	Tabled	-
Central Staff Support	119	0.0	3.0	3.0
<i>Judicial Administration</i>				
Court Administration/Marshal's Office	210	3.0	4.0	1.0
Security	118	2.0	3.0	1.0
Facility Maintenance and Management	115	2.0	3.0	1.0
Information Systems Support	117	1.0	3.0	2.0
Library	180	0.0	1.0	1.0
Total		67.0	29.0	9.0

* Based on DCAP&A 2008 Recommended Staffing Levels and funding formulas.

**District Court of Appeal Budget Commission
September 6, 2014 Meeting**

**Fifth District Court of Appeal
Current and Recommended FTE by Element
as of July 1, 2014**

Judges	11.0
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Element	Cost Center	Current FTE	Recommended FTE*	Net Need
<i>Judicial Processing of Cases</i>				
Judicial Assistants	111	11.0	11.0	0.0
Law Clerks and Central Staff Attorneys	112	30.0	TBD	-
<i>Court Records and Case Management</i>				
Clerk's Office	114	11.0	Tabled	-
Central Staff Support	119	2.0	3.0	1.0
<i>Judicial Administration</i>				
Court Administration/Marshal's Office	210	3.0	4.0	1.0
Security	118	2.0	3.0	1.0
Facility Maintenance and Management	115	3.0	5.0	2.0
Information Systems Support	117	2.0	3.0	1.0
Library	180	0.0	1.0	1.0
Total		64.0	30.0	7.0

* Based on DCAP&A 2008 Recommended Staffing Levels and funding formulas.

**District Court of Appeal Budget Commission
September 6, 2014 Meeting**

**District Courts of Appeal
Current and Recommended FTE by Element
as of July 1, 2014**

	First District			Second District			Third District			Fourth District			Fifth District			Total		
Judges	15.0			16.0			10.0			12.0			11.0			64.0		
Element	Current FTE	Recommended FTE*	Net Need	Current FTE	Recommended FTE*	Net Need	Current FTE	Recommended FTE*	Net Need	Current FTE	Recommended FTE*	Net Need	Current FTE	Recommended FTE*	Net Need	Current FTE	Recommended FTE*	Net Need
<i>Judicial Processing of Cases</i>																		
Judicial Assistants	16.0	15.0	(1.0)	16.0	16.0	0.0	10.0	10.0	0.0	12.0	12.0	0.0	11.0	11.0	0.0	65.0	64.0	(1.0)
Law Clerks and Central Staff Attorneys	47.0	TBD	-	41.0	TBD	-	22.0	TBD	-	33.0	TBD	-	30.0	TBD	-	173.0	TBD	-
<i>Court Records and Case Management</i>																		
Clerk's Office	17.0	Tabled	-	16.0	Tabled	-	11.0	Tabled	-	14.0	Tabled	-	11.0	Tabled	-	69.0	Tabled	-
Central Staff Support	3.0	4.0	1.0	3.0	4.0	1.0	0.0	3.0	3.0	0.0	3.0	3.0	2.0	3.0	1.0	8.0	17.0	9.0
<i>Judicial Administration</i>																		
Court Administration/Marshal's Office	5.0	4.0	(1.0)	5.0	5.0	0.0	4.0	4.0	0.0	3.0	4.0	1.0	3.0	4.0	1.0	20.0	21.0	1.0
Security ¹	3.0	3.0	0.0	2.25	4.5	2.25	2.0	3.0	1.0	2.0	3.0	1.0	2.0	3.0	1.0	11.25	16.5	5.25
Facility Maintenance and Management ²	0.0	0.0	0.0	2.5	3.0	0.5	3.0	4.0	1.0	2.0	3.0	1.0	3.0	5.0	2.0	10.5	15.0	4.5
Information Systems Support	2.0	3.0	1.0	2.0	3.0	1.0	2.0	3.0	1.0	1.0	3.0	2.0	2.0	3.0	1.0	9.0	15.0	6.0
Library	1.0	1.0	0.0	0.0	1.0	1.0	0.0	1.0	1.0	0.0	1.0	1.0	0.0	1.0	1.0	1.0	5.0	4.0
Total	94.0	30.0	0.0	87.75	36.5	5.75	54.0	28.0	7.0	67.0	29.0	9.0	64.0	30.0	7.0	366.75	153.5	28.75

* Based on DCAP&A 2008 Recommended Staffing Levels and funding formulas.

¹The Second District Currently uses a contractual services staffing model.

²The Department of Management Services is currently responsible for the Facility Maintenance and Management for the First District.

District Court of Appeal Budget Commission

September 6, 2014 Meeting

Law Clerks and Central Staff Attorneys

Filings and Weighted Filings Data

FY 2011-12 through FY 2013-14

Chart 1 - Three Year Filings Including Workers Compensation

	Fiscal Year	1st	2nd	3rd	4th	5th	Total
Filings	2011-12	6,652	6,834	3,390	4,865	5,062	26,803
	2012-13	6,065	6,081	3,399	4,623	4,693	24,861
	2013-14	6,053	6,256	3,172	4,881	4,586	24,948
	Average	6,257	6,390	3,320	4,790	4,780	25,537
Attorneys	2014-15	47	41	22	33	30	173
Filings Per Attorney	Average	133	156	151	145	159	148

Chart 2 - Three Year Filings Excluding Workers Compensation

	Fiscal Year	1st	2nd	3rd	4th	5th	Total
Filings	2011-12	6,386	6,839	3,393	4,880	5,068	26,566
	2012-13	5,872	6,087	3,409	4,638	4,693	24,699
	2013-14	5,841	6,259	3,172	4,908	4,587	24,767
	Average	6,033	6,395	3,325	4,809	4,783	25,344
Attorneys	2014-15	42	41	22	33	30	168
Filings Per Attorney	Average	144	156	151	146	159	151

Chart 3 - Three Year Weighted Filings Including Workers Compensation*

	Fiscal Year	1st	2nd	3rd	4th	5th	Total
Weighted Filings	2011-12	6,894	7,284	3,964	5,646	5,306	29,094
	2012-13	6,363	6,557	4,166	5,469	4,939	27,494
	2013-14	6,466	6,943	3,949	6,059	5,102	28,520
	Average	6,574	6,928	4,026	5,725	5,116	28,369
Attorneys	2014-15	47	41	22	33	30	173
Filings Per Attorney	Average	140	169	183	173	171	164

Chart 4 - Three Year Weighted Filings Excluding Workers Compensation*

	Fiscal Year	1st	2nd	3rd	4th	5th	Total
Weighted Filings	2011-12	6,535	7,284	3,964	5,646	5,306	28,735
	2012-13	6,091	6,557	4,166	5,469	4,939	27,223
	2013-14	6,195	6,943	3,949	6,059	5,102	28,248
	Average	6,274	6,928	4,026	5,725	5,116	28,069
Attorneys	2014-15	42	41	22	33	30	168
Filings Per Attorney	Average	149	169	183	173	171	167

Note: 2014-15 attorneys based on FTE allotment as of July 2014.

* Weighted filings are divided by 100 for presentation purposes.

District Court of Appeal Budget Commission

September 6, 2014 Meeting

Law Clerks and Central Staff Attorneys Including Workers Compensation FTEs and Workload

Allocation - Proposed Redistribution using Current Resources

District	Current FTE	Proposed Distribution based on Percent of Filings	Difference	Proposed Distribution based on Percent of Weighted Filings	Difference
1	47	42	-5	40	-7
2	41	43	2	42	1
3	22	22	0	25	3
4	33	32	-1	35	2
5	30	32	2	31	1
Total	173	173	0	173	0

LBR - Proposed Distribution using Requested Resources

District	Current FTE	Recommended LBR FTE*	Proposed Distribution based on Percent of Filings ¹	Difference	Proposed Distribution based on Percent of Weighted Filings ¹	Difference
1	47	2.8 Attorneys x 64 Judges plus 5.0 FTE for Workers Compensation	45	-2	43	-4
2	41		46	5	45	4
3	22		24	2	26	4
4	33		35	2	37	4
5	30		34	4	33	3
Total	173	184	184	11	184	11

*Based on DCAP&A 2008 Recommended Staffing Levels and funding formulas, which included holding harmless the 5.0 FTE in the 1st DCA associated with the Workers Compensation Unit.

¹ Proposed distribution is based on percent of filings and weighted filings, which does not hold harmless the 5.0 FTE in the 1st DCA associated with the Workers Compensation Unit.

District Court of Appeal Budget Commission

September 6, 2014 Meeting

Law Clerks and Central Staff Attorneys

Excluding Workers Compensation FTEs and Workload

Allocation - Proposed Redistribution using Current Resources

District	Current FTE	Proposed Distribution based on Percent of Filings	Difference	Proposed Distribution based on Percent of Weighted Filings	Difference
1*	42	40	-2	38	-4
2	41	42	1	41	0
3	22	22	0	24	2
4	33	32	-1	34	1
5	30	32	2	31	1
Total	168	168	0	168	0

* Excludes 5.0 FTE associated with the Workers Compensation Unit.

LBR - Proposed Distribution using Requested Resources

District	Current FTE	Recommended LBR FTE*	Proposed Distribution based on Percent of Filings ¹	Difference	Proposed Distribution based on Percent of Weighted Filings ¹	Difference
1	42	2.8 Attorneys x 64 Judges	43	1	40	-2
2	41		45	4	44	3
3	22		24	2	26	4
4	33		34	1	37	4
5	30		34	4	33	3
Total	168	179	179	11	179	11

*Based on DCAP&A 2008 Recommended Staffing Levels and funding formulas. Does not include 5.0 FTE in the 1st DCA associated with the Workers Compensation Unit.

¹ Distribution of recommended resources based on percent of filings and weighted filings. This formula distributes all FTEs, excluding the 5.0 FTE in the Workers Compensation Unit and the associated filings.

**District Court of Appeal Budget Commission
and
Commission on District Court of Appeal Performance
and Accountability**

**Report and Recommendations of the
Joint Workgroup on Model Staffing Levels**

June 2, 2014

Joint Workgroup Members

The Honorable William Van Nortwick, Jr., Appellate Judge, First District Court of Appeal,
Chair

The Honorable Dorian K. Damoorgian, Chief Judge, Fourth District Court of Appeal

Ms. Jacinda Haynes, Marshal, Second District Court of Appeal

The Honorable Stevan Northcutt, Appellate Judge, Second District Court of Appeal

The Honorable Vance E. Salter, Appellate Judge, Third District Court of Appeal

Staff Support

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Maggie Evans, Court Operations Consultant

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Gregory Youchock, Chief of Court Services

Introduction

The District Court of Appeal Budget Commission (DCABC), in 2012, approved several recommendations outlined by the Resource Allocation Workgroup regarding budget management policies of the district courts. As part of these recommendations, the DCABC approved employing a statewide approach to managing appropriations and establishing uniform budget management policies and guidelines. To aid in implementation of these recommendations, Judge Richard B. Orfinger, then DCABC Chair, created multiple workgroups to address development of budgetary policies necessary to support implementation of the approved recommendations. A workgroup, the Joint Workgroup on Model Staffing Levels (Joint Workgroup), was established comprising members from both the Commission on District Court of Appeal Performance and Accountability (DCAP&A) and the DCABC. The Joint Workgroup was charged with establishing a statewide model for staffing levels that includes guidelines for periodic reallocation of FTE. The resources in which the Joint Workgroup was charged with reviewing included the clerks of court, marshals, judicial assistants, law clerks (i.e., suite attorneys) and central staff of the district courts. The Joint Workgroup met several times, through in-person meetings and videoconferences, to discuss each staffing resource, solicit input from various sources within the districts, and analyze potential impacts to staffing needs.

Based on input from the district clerks of court and the district marshals, the Joint Workgroup decided to maintain the methodologies for the clerks and marshals as expressed in the DCAP&A's *Recommendations for the Court Funding Stabilization Initiative, Statement of Need* (November 2008) (**Appendix A**). With the impact to staffing needs as a result of the implementation of e-filing and electronic case processing still unknown, changes to the methodology for clerks of court is premature at this time. Consensus from the district court marshals indicated the current calculations used are adequate for determining need. No changes were recommended to the judicial assistant allocation.

As to central staff resources, it was decided further examination of central staff workload was needed to develop a statewide, uniform workload methodology for calculating the need and equitable resource allocation for central staff attorneys. Due to limited resources, it was determined that a time study for central staff attorneys was not feasible. Consequently, Judge William A. Van Nortwick, Jr., Joint Workgroup Chair, and Judge Orfinger directed Office of the State Courts Administrator (OSCA) staff to examine current judicial relative case weights used in the certification of new judgeships for possible use in assessing appellate central staff workload.

Background on the Weighted Judicial Workload Methodology (Judicial Relative Weights)

Judicial relative case weights are based on the Delphi¹ principles of consensus determination. The case weights provide information regarding the relative judicial workload involved in each type of case disposed on the merits and allow for a comparative assessment of the distribution of judicial workload between districts. In 2005, through a consensus process, district court judges

¹ The Delphi is a group facilitation technique that aims to seek convergence and consensus on the opinions of informed participants (experts) through a series of structured questions.

established a mid-ranked case (Appeal from Criminal Judgment and Sentence at 100 points) and set relative weights of each case category in relation to the mid-ranked case based on how much more or less work is required to dispose of a typical case in that group.²

A similar process was developed for determining a case weighted methodology for appellate law clerks. In this process, questions pertaining to the rank order of each appellate case type and proportional relationship to other case types will be presented to elbow clerks and central staff attorneys. Each response will be used to determine the relative weights. It is important to note that relative weights will not represent anything but a distinction of attorney workload between the different types of cases. The weights will not be a measurement of actual minutes or any specific unit of time.

The process in this evaluation requires five steps. The first step is to establish categories of similar cases (or case groups). During step 2, the case groups are rank ordered in terms of attorney workload. In step 3, the mid-ranked case group is selected and assigned a relative weight of 100. The magnitude of the remaining case groups in relation to the mid-ranked group is approximated by the sampled experts in step 4. Step 5 uses the information captured in step 4 to create the relative weights. Due to time constraints, a time study will not be conducted to validate the relative case weights.

Central Staff Workgroup - Establishing Appellate Law Clerk Case Weights (Methodology)

To aid the Joint Workgroup in the analysis of central staff workload, a workgroup of appellate law clerks was created consisting of members from each district, including four central staff attorneys and one suite attorney.³ With the assistance of the Central Staff Workgroup (Workgroup), OSCA staff proposed conducting a modified case weighting process for central staff based on the judicial relative case weights appropriately adjusted to reflect central staff workload. The challenge faced by OSCA staff and the Workgroup included developing a single, statewide methodology that will evaluate the work and needs of the five district courts in a consistent manner while accounting for the different systems and practices for using central staff attorneys across the districts. Any proposed workload model would need to allow for the continued viability of each court's operation, allow flexibility in the individual staffing choices of the judges, and address variations and changes in workload.

The Workgroup met via videoconference on October 31, 2013 to begin reviewing information regarding judicial relative case weights, available case data, and the proposed framework for a relative weighted workload methodology for determining central staff resource distribution and need. The Workgroup considered several methodological issues, including the following:

- How does the work of suite attorneys impact the calculation of central staff workload?

² See Commission on District Court of Appeal Performance and Accountability, Workload Report to the Supreme Court (2005). <http://www.flcourts.org/core/fileparse.php/260/urlt/2005DCAWorkloadReport.pdf>

³ The First DCA, Second DCA, Fourth DCA, and Fifth DCA were represented by central staff attorneys. The Third DCA was represented by a suite attorney.

- Can the existing judicial relative case weights be modified to reflect central staff workload?
- What is an appropriate measure of workload (ex. filings, motions, dispositions)?
- What are the appropriate appellate law clerk case groups?
- What is the mid-rank case that should be used for developing relative weights?

Throughout the districts, several different systems and practices are employed for using suite attorneys and central staff attorneys. In some instances, suite attorneys perform work similar to central staff attorneys while central staff attorneys may be asked to perform the duties of suite attorneys. The Third District Court of Appeal (DCA) does not employ a central staff attorney model and prefers a system whereby judges review incoming files and then direct their staff as to what additional steps are needed in terms of necessary research or writing. To account for these differences, the Workgroup decided to capture the workload for both suite attorneys and central staff attorneys to obtain an overall perspective of appellate law clerks. Although organizational structures and workload assignments differ across the five districts, the benefits of using a relative case weight model include having the ability to observe changes in workload over time and allow for a comparative assessment across districts. Filings, unlike dispositions on merit used in the judicial workload model, were selected as the unit of measure as the number of filings would best capture the full work performed by appellate law clerks. It was noted many filings are not brought to disposition on the merits; however, that does not mean work was not performed by law clerks processing those filings.

As a result of the above methodological discussion, the Workgroup developed 20 case groups based on similar attorney work and available case categories captured by filing data (see **Appendix B**). Notice of Appeal (NOA) – Criminal Judgment and Sentence was selected by the Workgroup as the mid-ranked case. This case group was selected as it is a common filing in which many appellate law clerks would have a working knowledge.

Appellate Law Clerk Weighted Caseload Survey

In order to develop relative case weights reflective of central staff workload, the Workgroup recommended surveying appellate law clerks (both central staff and suite attorneys) with at least two years of tenure with the courts and experience processing Notice of Appeal (NOA) – Criminal Judgment and Sentence cases. OSCA staff sent a survey to career attorneys⁴ and senior law clerks⁵ who met the eligibility requirements in each district and asked them to assign a relative case weight to the 19 case groups in comparison to the mid-ranked case. Of the 110 surveys sent to eligible participants, 67 responses were used in the analysis of relative case weights. The survey, summary of responses, and average relative weight by case group for central staff attorneys, suite attorneys, and overall attorneys are shown in **Appendix C**.

⁴ The essential function of career attorneys within the district is to train and supervisor new attorneys, and review and evaluate court cases and make recommendations to judges. Career attorneys are required to have at least 5 years of working experience.

⁵ The essential function of senior law clerks within the district is to lead in providing assistance to judges in processing appeal cases. Senior law clerks are required to have at least 2 years of working experience.

Central Staff Workgroup - Workload Model

The Central Staff Workgroup met again by conference call on February 5, 2014 to review the results of the survey and develop a model reflective of central staff workload. The model first determines the statewide weighted filings by multiplying the relative case weights by the number of cases filed. Next, the statewide weighted filings are divided by the total number of appellate law clerks to obtain the state's weighted filings per law clerk. The state's weighted filings per law clerk are then applied to each district's weighted filings to calculate their estimated total appellate law clerk FTE need. Finally, the appellate law clerk resource need is derived by subtracting the current number of appellate law clerks from the estimated total appellate law clerk FTE need. The FTE need can be used in two ways, 1) to determine new law clerk resources to be requested through a legislative budget request, and 2) aid in determining inequities in the distribution of resources across districts for purposes of reallocation. **Appendix D** provides examples of how the workload model is applied to determine resource need. It should be noted, any changes (increases or decreases) to appellate law clerk FTE would occur within central staff attorneys. Under this workload model, the current ratio of two suite attorneys per judge will be maintained. OSCA staff also reviewed the FTE need based on unweighted filings and noted only a slight variation in FTE need from using the weighted filings. It was determined weighted filings would more accurately capture the need for resources by accounting for the different types of filings each district receives during the year.

As mentioned previously, and shown in **Appendix C**, the appellate law clerk survey captured the average relative weight by case group for central staff attorneys, suite attorneys, and for overall attorneys. The Workgroup considered the appropriateness of using the Central Staff Average Relative Weights or the Overall Average Relative Weights in reflecting the workload of central staff. There was concern that the Overall Average Relative Weights may not accurately reflect the workload of central staff. There are some case groups in which suite attorneys gave a greater or lesser relative weight than those of the central staff attorneys, raising the question as to whether the inclusion of the suite attorney survey responses would unfairly skew the overall average.⁶ Concerns were also expressed regarding the impact of the Worker's Compensation unit in the First DCA in the calculation of workload need. Questions arose as to whether the Worker's Compensation case type, filings, and associated central staff FTE should be included in a statewide methodology when only one district is processing these types of cases.

Central Staff Workgroup - Recommendations

Four analyses, using FY 2012/13 filings, were presented to the Workgroup for consideration. Each analysis applied variations in the use of the average relative weights (either using the Overall Average Relative Weights or the Central Staff Average Weight). To be consistent, the weighted filings per total attorneys (both suite attorneys and central staff attorneys) were used in the determination of resource need when using the Overall Average Relative Weights. Total weighted filings per central staff attorney only were used when Central Staff Average Weights

⁶ As noted in the Appellate Law Clerk Weighted Caseload Survey Results (Appendix C), the ratio of survey respondents compared to actual law clerk FTE are more heavily weighted to the central staff as compared to the population.

were included in the workload model. The four analyses⁷ are listed below along with the resulting resource distribution and proposed need (See **Appendix D** for the calculation of need).

Analysis 1: FTE Need using Overall Weights and Current Total FTE

	First	Second	Third	Fourth	Fifth	Total FTE
Estimated Total FTE Need	40.0	41.3	26.2	34.4	31.1	173.0
Difference (A positive value indicates a deficit.)	-7.0	0.3	4.2	1.4	1.1	0.0

Analysis 2: FTE Need using Central Staff Weights and Current Central Staff FTE

	First	Second	Third	Fourth	Fifth	Total FTE
Estimated Central Staff FTE Need	10.4	10.7	6.9	9.0	8.0	45.0
Difference (A positive value indicates a deficit.)	-6.6	1.7	4.9	0.0	0.0	0.0

Analysis 3: FTE Need using Overall Weights and Current Total FTE (excluding the Worker’s Compensation case type and associated central staff FTE⁸)

	First	Second	Third	Fourth	Fifth	Total FTE
Estimated Total FTE Need	37.6	40.5	25.7	33.8	30.5	168.0
Difference (A positive value indicates a deficit.)	-4.4	-0.5	3.7	0.8	0.5	0.0

Analysis 4: FTE Need using Central Staff Weights and Current Central Staff FTE (Excludes the Worker’s Compensation case type and associated central staff FTE. Adjustments were also made to the Third DCA law clerks, moving two suite attorneys to the central staff attorney category⁹)

⁷ Each analysis assumes no statewide need for additional resources.

⁸ The First DCA indicated 5 FTE are currently assigned to the Worker’s Compensation unit.

⁹ Although, the 3rd DCA does not have a central staff model similar to the other DCA’s, it is believed there are some suite attorneys that are performing work similar to central staff attorneys. The 3rd DCA’s weighted filings per suite attorneys are lower than the other DCA’s. In order to bring the number of weighted filings per suite attorneys more aligned with the other DCA weighted filings, 2 suite attorney FTEs were moved to the central staff FTE total. This adjustment is intended to capture some of the central staff attorney related work that may be performed by suite attorneys.

	First	Second	Third	Fourth	Fifth	Total FTE
Estimated Central Staff FTE Need	9.3	10.1	6.5	8.5	7.6	42.0
Difference (A positive value indicates a deficit.)	-2.7	1.1	2.5	-0.5	-0.4	0.0

After careful review of the four analyses, the Workgroup recommended two methodologies for the Joint Workgroup’s consideration, *Analysis 1* and *Analysis 3*. Ultimately, the Workgroup determined the use of the Overall Average Relative Weights to be most appropriate. Selecting the Overall Average Relative Weights best addressed the previously expressed challenges of accounting for multiple staffing models employed within the districts. The Workgroup recommended the methodology presented in *Analysis 1* for requesting additional central staff resources, excluding the negative FTE need in the First DCA, as part of the FY 2015/16 legislative budget request. When determining the need for additional resources the Workgroup believed the workload of all central staff attorneys, including central staff assigned to the Worker’s Compensation unit, should be considered. For purposes of allocation and potential redistribution of resources, the Workgroup recommended the methodology demonstrated in *Analysis 3*. Due to the uniqueness of the Worker’s Compensation unit in the First DCA, the Workgroup did not believe work associated with the unit should be included in any methodology used for reallocation of resources.

Joint Workgroup - Recommendations

The Joint Workgroup met via videoconference on March 18, 2014 and May 27, 2014, to review the materials and recommendations from the Central Staff Workgroup. Much like the Central Staff Workgroup, the Joint Workgroup considered the role of suite attorneys, the appropriateness of the average relative weights (overall or central staff only), and the inclusion of certain case groups in the calculation of workload. Many of the same concerns of the Central Staff Workgroup were expressed and contemplated by the Joint Workgroup. The Joint Workgroup approved the following recommendations for model staffing levels.

LBR Methodology for Central Staff Attorneys

The Joint Workgroup recommends maintaining the current funding methodology adopted by the DCABC based on a ratio of 0.8 central staff attorney FTE per judge and 2.0 law clerk FTE per judge.¹⁰ After the analysis completed by OSCA staff and the Central Staff Workgroup, the Joint Workgroup determined that, nevertheless, there is insufficient information to suggest a more appropriate methodology for requesting resources. Further, although the Central Staff Workgroup recommended *Analysis 1* as a LBR methodology, the Joint Workgroup concluded that *Analysis 1* did not provide an adequate justification to the Legislature for a request for additional central staff resources. The Joint Workgroup also considered the establishment of a

¹⁰ The ratio of 2.8 law clerks per judge is supported by findings from the National Center for State Courts (NCSC). The NCSC report can be accessed at http://cdm16501.contentdm.oclc.org/cdm/ref/collection/appellate/id/947#img_view_container.

weighted filings threshold for establishing a district's need for resources; however, the Joint Workgroup did not feel there is adequate information to institute such a threshold.

Allocation Methodology for Central Staff Attorneys

For allocation and redistribution of existing resources, the Joint Workgroup is recommending the use of methodologies as calculated under either *Analysis 1* or *Analysis 3*. The Joint Workgroup defers to the DCABC to determine a preferred methodology. The following policy guidelines for reallocating existing central staff FTE are recommended by the Joint Workgroup.

1. Reallocation should be based on a 3 year average need.
2. Reallocations should occur through attrition only - no filled positions should be reallocated.
3. A threshold should be established of minimum excess FTE net need to be met in order for reallocation to occur.

Maintain Existing Funding Formulas

As mentioned previously in the report, the Joint Workgroup recommends maintaining the current funding methodologies for clerks of court, marshals, judicial assistants, and suite attorneys. Due to the implementation of electronic filing and case processing within the district courts, modifications to the staffing model should be deferred until the electronic system is fully implemented and operational in each district. Based on the consensus among district court marshals that current calculations for need are adequate, the Joint Workgroup does not recommend changes to the current funding methodology for the marshals' offices. No changes are recommended to the judicial assistant allocation.

Appendices

- A. DCAP&A Funding Methodologies as Adopted by the DCABC**
- B. Appellate Law Clerk Case Groups**
- C. Appellate Attorney Survey and Results**
- D. Appellate Law Clerk Relative Case Weights and Workload Methodology**

DCAP&A Funding Methodologies as Adopted by DCABC

Judicial Processing of Cases

Judicial Assistants

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

Law Clerks

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

Central Staff Support

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

Library

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

Senior Judge Days

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

Court Records and Case Management

Clerk's Office

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

Cases Filed:

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

Case Processing:

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

Cases Disposed:

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

Judicial Administration

Court Administration and Marshal's Office

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

DCAP&A Funding Methodologies as Adopted by DCABC

Judicial Administration Continued

Security

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

Facility Maintenance and Management

Facility Maintenance

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

Technology

Information Systems Support and Desktop Support

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

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

OPS

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

Expense

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

OCO (Recurring)

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

OCO (Non-Recurring)

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

Contracted Services (Non-staffing related functions)

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

Commission on District Court of Appeal Performance & Accountability

Recommendations for the Court Funding Stabilization Initiative *Statement of Need*

Introduction

Due to the recent budgetary shortfall, the judicial branch has initiated a Court Funding Stabilization plan with both short-term and long-term objectives. In the short-term, the objective is to minimize additional reductions in court budgets and restore the ability to utilize vacant positions. Over the long-term, the objectives are to determine necessary funding levels to allow for the reasonable staffing and support for essential court elements at all levels of the court and equitably across all jurisdictions; restructure the funding framework for the State Courts System's budget to protect the courts' ability to perform constitutional functions in times of economic decline; and assess the impact of loss of resources to better convey to policymakers the negative outcomes for Florida's citizens. In order to achieve these objectives, the branch has developed a multi-faceted approach that includes the following:

1. Develop a statement of need, through court committees and other entities, to represent the level of funding required throughout the branch.
2. Develop an appropriate funding framework for the branch through the court budget commissions.
3. Develop an impact assessment using information from the circuit and district courts to assess the impact of the loss of resources and the impact of the chronic underfunding of the branch.
4. Generate a position paper on court funding.
5. Formal approval of the position paper by the State Court System leadership and the Supreme Court.
6. Evaluation by an independent authority, such as an economist and/or other appropriate entity, in order to validate the economic impact of an inadequately funded court system.
7. Engagement of stakeholders through interactive dialogue with various groups (Florida Bar steering group, business coalitions, and public interest partners) to inform them about the position paper, to gain their support, and to finalize preparations for moving forward with statutory, budgetary, and/or constitutional proposals.

The recommendations in this report pertain to step one, developing a statement of need for the district courts of appeal.

Background

Prior to the establishment of the Court Funding Stabilization Initiative, the District Court of Appeal Budget Commission (DCABC) began discussions regarding the identification of resource usage in each district court and a transition towards a statewide operational norm for allocating resources. Specifically, the DCABC considered certain principles for use in formulating budgetary decisions for the district courts. At their April 29, 2008 meeting, the DCABC considered adopting six principles, listed below. The DCABC approved principles A., B., C., and D.; however principles E. and F. were tabled.

- A. ***Allocation of resources among the DCAs must be fair and equitable, based on identifiable allocation measures.***
- B. ***The allocation and use of resources must be transparent.*** No method of distributing our resources can be reliable unless we all are accountable. Each court should promptly and accurately report the manner in which it is using the resources allocated to it.
- C. ***To the extent possible, each DCA should have discretion and flexibility in its use of resources.*** Once the DCABC has determined how resources should be allocated among the five courts, each court should have the ability to govern its own use of those resources in accordance with State of Florida and State Court System rules and regulations.
- D. ***To the extent possible, any reallocation of existing resources should be accomplished in the manner least likely to disrupt the workflow of the courts or the lives of the employees affected.*** Equitable, predictable allocation principles should promote stability in our courts, not destabilize them. Sudden and dramatic shifts of resources from court to court could significantly disrupt the workflow of an affected court and demoralize its staff.
- E. ***All judges must be treated equally.*** Every judge should be afforded the same level of personal staff.
- F. ***Every court is entitled to at least the minimum resources necessary to operate in its unique situation.*** Every court faces factors that it cannot control and that affect its minimum operating requirements, e.g., number of judges; nature, age and size of physical plant; local utility rates, etc.

Goal

Per the direction of the Chief Justice, the Commission on District Court of Appeal Performance and Accountability (DCAP&A) was tasked with developing recommended methodologies for determining the total funding needs of each district court element. These recommendations were objectively developed to reflect a statewide perspective of the need for resources and to ensure that each methodology may be properly defended to the legislature and others. The recommended methodologies are intended to broadly address the needs of all districts, despite variations in case processing practices and resource usage across the state.

Limited time parameters prevented the DCAP&A from conducting in-depth studies in order to develop more data driven methodologies. However, in addition to the above budget commission principles, the DCAP&A was able to review methodologies utilized by the federal courts, other state courts (which undertook substantial studies to develop their methodologies), the Florida Department of Management Services, The Florida Bar's Law Office Management Assistance Service, the private business and legal community, and those institutionalized by the Trial Court Budget Commission. A review of district court caseload statistics was also crucial to the development of the recommendations.

The recommendations are provided on the following pages by district court element. Recommendations are not provided for desktop support elements, as these will be addressed by the Appellate Court Technology Committee in conjunction with other technology recommendations.

Judicial Assistants (Cost Center 111)

Recommendation:

Based on the existing number of district court judges (less the decertified judgeship in the Third District), represent the need for judicial assistants using a ratio of one judicial assistant per judge¹.

Justification:

Judicial assistants provide highly responsible and independent administrative, secretarial, and clerical support to assigned judges. They are often involved in developing work processes and may perform case management functions that support judges in their primary constitutional role within the judicial branch. Without this resource, a judge's ability to effectively carry out his or her duties would be compromised.

Historically, judicial assistants have been funded at a level of one judicial assistant per judge. Further, this ratio is consistent with the funding of judicial assistants in the trial courts. In the district courts, each judicial assistant supports not only a judge but also the judges' two law clerks. The funding of one judicial assistant per every two law clerks and one judge is in keeping with the 1:3 staffing ratio used by private law firms as confirmed by The Florida Bar's Law Office Management Assistance Service.

Associated Data:

District	FY 2008/09 Allotment			FY 2009/10 Recommended Judicial Assistant FTE Ratio of 1:1
	Judicial Assistant FTE	Judge FTE	Judicial Assistants Per Judge	
First	16	15	1.1	15
Second	15	14	1.1	14
Third ²	10	10	1.0	10
Fourth	12	12	1.0	12
Fifth	10	10	1.0	10
State	63	61		61

¹ The DCAP&A also recommends that districts be permitted to hire a law clerk into a judicial assistant slot, but only if the district remains within the funding amount allocated to Cost Center 111.

² The Third District includes the FTE reduction for a Judicial Assistant and Judge effective January 2009.

Law Clerks and Central Staff Attorneys (Cost Center 112)

Recommendation:

Represent the need for total attorneys using a ratio of two law clerks per judge and at least .8 central staff attorneys per judge (reasonable) or 1.2 central staff attorneys per judge (optimum).³

Justification:

Majority Position (Judge Vance Salter, Judge William Van Nortwick, Judge Chris Altenbernd, Ms. Mary Cay Blanks, and Mr. Tom Hall)

Although each district should have flexibility in determining how law clerks are deployed, central staff attorneys should be considered separately from law clerks working in a judicial suite. The latter category of attorneys, “law clerks” (sometimes referred to as “elbow clerks”), are the two research attorneys assigned to, and hired by, each appellate judge. The “two law clerks per judge” formula has proven efficient over a course of many years; it is equitable as among districts and the judges within a district; and it parallels the “partner and two associate” team typical in private law firms.

Central staff attorneys are specialists in particular types of cases: post-conviction criminal cases, petitions for special writs and for habeas corpus, and worker’s compensation appeals, for example. Special tasks can be performed by these attorneys to “work up” a case for more efficient processing by the panel of judges assigned to the case. In post-conviction cases, for example, it is often important for the central staff attorneys to review prior applications by the same defendant, the records and rulings in those prior cases, and the accuracy of representations made by the defendant and the State in the parties’ submissions.

Four of the five districts rely on central staff attorneys; the Third District does not have a central staff. At present, the Third District has one court attorney who assists with court-wide functions such as orders in the clerk’s office, maintenance of the library, and legal services to the court itself (contract review regarding outside vendors and management of litigation pertaining to the court, for example). In prior years, there were two additional attorneys to assist Third District judges on a “floating” basis when the law clerks are absent for vacations, illness, or other excused absence. The First District has a unique and separate allocation of central staff attorneys and support personnel to its specially-funded worker’s compensation appeal unit, and the other districts lack venue to hear those appeals. No study has been conducted by the districts, and no data-driven methodology developed, regarding appropriate central staff attorney levels. In an effort to identify some form of “one size fits all” methodology for district central staff attorney levels, however, the DCAP&A considered these parameters:

- 1) Total case filings per district. This metric is problematic, however, because each district has a mix of different types of cases requiring different levels of judicial and central staff attorney attention.
- 2) Weighted dispositions per district. This metric was developed several years ago and is utilized in the determination of judicial staffing levels for annual certification or decertification. It recognizes that all appellate cases are not alike,

³ The DCAP&A also noted that a districts’ ability to dispose of a high volume of cases is in part the result of the courts’ ability to retain senior career staff attorneys. Thus, the DCAP&A suggests that having a staffing mix of senior and less experienced attorneys is essential to the courts’ ability to handle its caseload. Further, if time and resources permit in the future, the DCAP&A recommends that a time study be conducted of attorney usage in order to develop a case weighted methodology.

and that different “weights” are appropriate based on the differing levels of time and attention required. Demonstrating that increased case filings do not necessarily produce more weighted dispositions, three districts had an increase in number of cases filed between FY 2006-07 and FY 2007-08, but had a reduced total for weighted dispositions between the two years when the types of cases were appropriately weighted.

- 3) Eligible cases per district. Recognizing that central staff attorneys work primarily on certain types of post-conviction cases and special writs, this metric considers the total number of such cases “eligible” for central staff review.
- 4) Central staff attorneys per judge. In the federal appellate system and the California system, a certain ratio of central staff attorneys per appellate judge is considered appropriate. This is a simple methodology, but it may not be equitable when comparing one district with weighted dispositions justifying the certification and approval of one or more additional judgeships (but judgeships not approved by the legislature) to another district with weighted dispositions justifying a decertification. In effect, central staff attorneys act in part as a safety valve to improve the efficiency of a district unable to obtain the additional judicial positions warranted by its workload.

In considering these methodologies, OSCA staff provided historical data so that computations could be made by district for all attorneys (law clerks and central staff attorneys) or for only the central staff attorneys. After these different methodologies were considered (again, without a deliberate and data-based study), the Commission reached majority and minority recommendations among its eight members.

For the four districts relying significantly on central staff, the majority recommends a reasonable minimum staffing level of two judicial clerks per judge plus 0.8 central staff attorneys per judge,⁴ and an optimum minimum staffing level of 1.2 central staff attorneys per judge. For any district that does not rely significantly on a central staff, the majority recommends a minimum staffing level of two law clerks per judge plus two central staff attorneys for the court as a whole (one court attorney plus one primarily “floating” to cover normal absences by the judicial clerks).

Pending a definitive study focused on the most efficient use of central staff attorneys and the appropriate methodology for adding or subtracting central staff attorneys, and subject to the minimum staffing levels described above, the majority would agree to a higher number of central staff attorneys if produced by the formula “one attorney (including both law clerks and central staff attorneys) per 153 cases filed” proposed by the minority. The majority does not believe that this is a reliable long-term measure, however, because (a) it is more volatile—as case filings vary from year to year by district, it is inefficient to hire and fire based on these fluctuations, and (b) that measure does not reflect the varying composition of cases filed in the five districts and the number of particular categories of cases that benefit most from preparatory work by central staff attorneys. The majority has not identified any court system or study which relies upon a simple “cases filed” metric in determining how many central staff attorneys an appellate court should have.

⁴ The minimum reasonable number of central staff attorneys for the First District is exclusive of the six research attorneys assigned to the unique and separately-funded unit working exclusively on worker’s compensation appeals.

Minority Position (*Judge Martha Warner, Judge William Palmer, and Mr. Ty Berdeaux*)

The methodology for determining the number and need for staff attorneys on the appellate court should rely on case filings and consist of a ratio of one attorney per 153 total filings, with a floor of two law clerks per judge plus two additional central staff attorneys for the court as a whole.

Historically, judges have relied on staff attorneys to assist them in the many tasks necessary to the decision-making process as well as the management of the court. These tasks include, among others: 1) assisting in opinion preparation; 2) preparation of detailed research memos on cases prior to oral argument or conference; 3) various case screening tasks to manage caseload; 4) review and research on motions; 5) attendance at oral argument or case conference. Some courts also assign senior staff attorneys the task of management and training of other staff attorneys. As caseloads grew across the country, courts relied on the creation of central staff to handle discrete portions of the court caseload, particularly those cases involving postconviction matters and writs.

In Florida, two law clerks have been funded with the creation of each judicial position. In addition, four out of five districts have a central staff, each of varying size and each performing different tasks for their respective courts.

Because the caseloads vary widely across the courts and the mix of responsibilities of staff attorneys vary between those courts having central staff and those that do not, a methodology which creates a floor for central staff in those courts having central staff attorneys may overstate any court's need for staff. In many of the courts, the total number of filings has not increased markedly over the last few years but the mix of cases has shifted markedly to postconviction cases usually assigned to central staff. That means that while central staff attorneys may have more cases assigned to them, the personal law clerks may have considerably fewer of the cases generally assigned to chambers. Thus, an efficient use of attorney resources would be to shift some of the central staff caseload to law clerks as needed to assure that resources are being used to their maximum. Using an overall case filings as the methodology for determining the need for staff attorneys, permits a court to use all the staff to handle their caseload in an efficient manner without assigning to it a specific structure.

Basing a methodology on creating a central staff ratio of .8-1.2 lawyer per judge ties the central staff to a measure not directly related to the work that they do. First, the number of judges is determined by a certification of need currently based upon judge dispositions, not case filings. Staff attorneys frequently perform substantial work on cases which never result in a judicial disposition which is counted in the formula. Second, even if a position is needed, it may not be funded. Tying a critical resource such as staff attorneys to the creation of a judicial position may prevent a court in need of staff resources from receiving them, because the methodology would not permit their funding without the creation of another judicial position. Third, if a court's filings go down but a judicial position is not decertified, which is usually the case, then the central staff of one court may have a substantially smaller caseload than another court and would thus violate the principle adopted by DCABC that the allocation of resources among the districts must be fair and equitable.

For these reasons, the minority recommends a funding formula tied to the actual workload and based upon a total number of case filings per staff attorney. We agree with a floor of two law clerks per judge plus two additional central staff attorneys per court. The additional two per court permits those attorneys to perform additional functions, such as screening, training, assistance with motions and orders, all of which are generally not performed by the "law clerks."

Associated Data:

District	Filings ⁵			
	FY 2004/05	FY 2005/06	FY 2006/07	FY 2007/08
First	5,968	6,355	6,837	6,366
Second	6,082	5,989	5,898	6,213
Third	3,181	3,097	3,287	3,345
Fourth	5,051	4,925	4,998	5,194
Fifth	4,285	4,669	4,381	4,415
State	24,567	25,035	25,401	25,533

District	Total Attorneys			
	FY 2004/05	FY 2005/06	FY 2006/07	FY 2007/08
First	43	43	43	43
Second	36	36	38	38
Third	25	25	23	23
Fourth	32	32	33	33
Fifth	26	27	27	28
State	162	163	164	165

District	Filings Per Attorney				Average
	FY 2004/05	FY 2005/06	FY 2006/07	FY 2007/08	
First	139	148	159	148	148
Second	169	166	155	164	164
Third	127	124	143	145	135
Fourth	158	154	151	157	155
Fifth	165	173	162	158	164
State Average⁶	152	153	154	154	153

⁵ Filings include all petitions and notices.

⁶ State Average was derived by averaging the filings per attorney for each district over four years.

District	Majority Position				
	2 FTE Law Clerks Per Judge	Reasonable 0.8 FTE Central Staff Attorneys Per Judge	Reasonable Total ⁷	Optimum 1.2 FTE Central Staff Attorneys Per Judge	Optimum Total ⁸
First	30	12	47	18	48
Second	28	11	39	17	45
Third	20	8	28	12	32
Fourth	24	10	34	14	38
Fifth	20	8	28	12	32
State	122	49	176	73	195

District	FY 2008/09 Annualized Number of Total Filings ⁹	FY 2008/09 FTE Allotment ¹⁰	Minority Position			
			FY 2009/10 Recommended Total Attorneys FTE Ratio of 1 Per 153 Filings ¹¹	2 FTE Law Clerks Per Judge	Central Staff Attorneys (with a floor of 2)	Total ¹²
First	6,621	47	47	30	17	47
Second	6,534	36	43	28	15	43
Third	3,300	20	22	20	2	22
Fourth	5,292	31	35	24	11	35
Fifth	4,824	28	32	20	12	32
State	26,571	162	179	122	57	179

⁷ Reasonable Total is the sum of 2 FTE Law Clerks Per Judge and Reasonable 0.8 FTE Central Staff Attorneys Per Judge. Additionally, the First District is held harmless at 47 positions due to the Workers Compensation Unit (based on legislative intent).

⁸ Optimum Total is the sum of 2 FTE Law Clerks Per Judge and Optimum 1.2 FTE Central Staff Attorneys Per Judge.

⁹ FY 2008/09 Annualized Number of Total Filings is based on actual data for July 2008 through October 2008.

¹⁰ FY 2008/09 Allotment for the Third District does not include the judge reduction effective January 2009.

¹¹ FY 2009/10 Recommended Total Attorneys FTE Ratio of 1 Per 153 Filings. The First District is held harmless at 47 positions due to the Workers Compensation Unit (based on legislative intent).

¹² Total is the sum of 2 FTE Law Clerks Per Judge and a floor of 2 FTE Central Staff Attorneys per district.

Central Staff Support (Cost Center 119)

Recommendation:

Represent the need for central staff support using a ratio of one support position per every three central staff attorneys.

Justification:

The Florida Bar’s Law Office Management Assistance Service verified that the minimum level of staff support should be one assistant per every three central staff attorneys which is the norm in larger firms. Further, according to a newsletter provided by the State Bar of Texas, many firms now assign three lawyers to one administrative assistant. They expect lawyers to efficiently create rough drafts of documents on their own, leaving the formatting and final touches to the administrative support staff. Further, lawyers usually maintain their own calendar using Outlook or other software that permits appointment setting. They also often answer their own phones or let them forward to voicemail.

Associated Data:

District	FY 2008/09 Staff Support FTE Allotment	Majority Position - Reasonable FY 2009/10 Recommendation		Majority Position - Optimum FY 2009/10 Recommendation	
		0.8 FTE Central Staff Attorneys Per Judge	Central Staff Support FTE Ratio of 1 Per 3 Central Staff Attorneys	1.2 FTE Central Staff Attorneys Per Judge	Central Staff Support FTE Ratio of 1 Per 3 Central Staff Attorneys
First	3	12	4	18	6
Second	3	11	4	17	6
Third	1	8	3	12	4
Fourth	0	10	3	14	5
Fifth	2	8	3	12	4
State	9	49	17	73	25

District	FY 2008/09 Staff Support FTE Allotment	Minority Position FY 2009/10 Recommendation	
		Floor for Central Staff Attorneys	Central Staff Support FTE Ratio of 1 Per 3 Central Staff Attorneys
First	3	17	6
Second	3	15	5
Third	1	2	1
Fourth	0	11	4
Fifth	2	12	4
State	9	57	20

Library (Cost Center 180)

Recommendation:

Represent the need for library resources using a ratio of one position per district and a ratio of \$150,000 in special category funding (for other operating costs) per district.

Justification:

For the purpose of developing funding recommendations, the Third and Fourth District court librarians created guidelines for a model district court library. They stated that the mission of a district court of appeal law library and law librarian is to, “provide essential legal resources to enable the judiciary to analyze and apply the correct law to the facts of each case before the court in order to achieve legally accurate opinions.” Further, they stated that to accomplish this mission, “the law library must be up-to-date and provide a diverse, flexible, and accurate primary and secondary body of law on all topics which may appear before the court.” They continued by stating that:

While it is generally accepted that on-line technology (Westlaw, Lexis/Nexis, and internet) will dominate the research capabilities of the courts, a total dependence on any one type of research is not recommended. Complete legal research requires reliance on all possible types of resources because each resource provides potentially different results on an issue. Where inadequacies in one research method surface, it must be possible to turn to other available methods. Further, convenient and user friendly formats, taking individual judicial style and preference into consideration, must be provided. Finally, the law library should be available to the general public, which should have access to basic legal support through print subscriptions.

Lastly, it should be noted that section 29.004, Florida Statutes, provides that, for purposes of implementing section 14, Article V of the State Constitution, revenue appropriated by general law should include “basic legal materials reasonably accessible to the public other than a public law library. These materials may be provided in a courthouse facility or any library facility.” Further, section 35.28, Florida Statutes, pertaining to district court of appeal libraries provides that “the library of each of the district courts of appeal and its custodian shall be provided by rule of the Supreme Court. Payment for books, equipment, supplies, and quarters as provided for in the rules shall be paid from funds appropriated for the district courts, on requisition drawn as provided by law.”

The recommended methodology would bring all districts up to one position in this cost center. Additionally, to allow for flexibility and expansion in special category spending in each district, a funding ratio was determined by using the maximum operating budget as of April 2008 (\$122,562) rounded up to \$150,000 per district. The increase to \$150,000 in special category spending is warranted to allow for a consistent optimum level of access to information in each district as listed below.

Legislative- Official State Statutes & Constitution, Laws of Florida: General and Special Acts, West Annotated Florida Statutes, Florida Administrative Code (First District only), Attorney General Opinions, Florida Session Law Reporter, Local Municipal and County Codes, Florida Administrative Code

Reporters- Florida Law Weekly, Southern Reporter (Florida Cases), including Advance Sheets, Southern Reporter (including Advance Sheets)

Writing Manuals- Bluebook, Elements of Legal Style (Garner, Oxford), Florida Style Manual (Florida State University), Strunk & White Elements of Style

Dictionaries- A Dictionary of Modern Legal Usage (Garner, Oxford), Black's Law Dictionary, Legal Thesaurus, Martindale Hubbell – Florida edition only, Webster's Dictionary, Webster's Thesaurus, Words & Phrases (Thompson/West)

Federal Resources- United States Statutes Annotated (Thompson/West), United States Law Weekly (BNA), Florida Law Weekly (Federal)

Florida Bar Continuing Legal Education Publications- All publications are prepared by The Florida Bar Continuing Legal Education staff and distributed by Lexis/Nexis; and are free to the Law Library and any Judge who requests them. These publications are listed by separate handout in the monthly Florida Bar News.

Law Reviews- All Florida Law School Reviews

Legal Encyclopedias- Florida Jurisprudence, Florida Digest, Corpus Juris Secundum (C.J.S.) (not currently available on Westlaw), All Restatements of the Law, Uniform Laws Annotated (Thompson/West), American Jurisprudence (Am. Jur.)(Thompson/West)

Newsletters- Locally published Legal News

Rules- Florida Rules of Court (State), Florida Rules of Court (Federal), Florida Rules of Court (Local), Florida Criminal Laws and Rules (Thompson/West)

Treatises- Padovano's Florida Appellate Practice (Thompson/West Practice Series), Attorney's Fees in Florida (Hauser)(Lexis/Nexis), Fletcher Cyclopedia Corporations (Thompson/West), Florida Corporations Manual (Lexis/Nexis), Berman's Florida Civil Procedure (Thompson/West), Florida Civil Practice (Ramirez) (Lexis/Nexis), Florida Civil Procedure Forms (DeFoor & Schultz)(Thompson/West), Padovano's Florida Civil Practice (Thompson/West), Trawick's Florida Practice and Procedure (Thompson/West), Trawick's Florida Practice and Procedure (Forms)(Thompson/West), Florida Criminal Sentencing (Revere Publishing), Florida DUI Handbook (Thompson/West Practice Series), Florida Sentencing (Burgess)(Thompson/West Practice Series), Florida Standard Jury Instructions in Civil Cases, Florida Standard Jury Instructions in Criminal Cases Ineffective Assistance of Counsel (Burkoff)(Thompson/West), Making Sense of Search and Seizure Law, a 4th Amendment Handbook (Hubbart)(Carolina Academic Press), Search & Seizure (LaFave)(Thompson/West), Searches & Seizures, Arrests & Confessions (Ringel)(Thompson/West), Wharton's Criminal Law (Thompson/West), Wharton's Criminal Procedure (Thompson/West), Florida Construction Law Manual (Thompson/West), Florida Construction Lien Manual (Raskusin)(Lexis/Nexis), Corbin on Contracts (Lexis/Nexis), Williston on Contracts (Thompson/West), Ehrhardt's Florida Evidence, Florida Evidence Manual (Ramirez)(Lexis/Nexis), McCormick on Evidence (Thompson/West), Modern Scientific Evidence (Faigman)(Thompson/West), Wigmore: A Treatise on Evidence (Aspen Law & Business), Florida Elder Law (Thompson/West), Florida Law Practice(Lexis/Nexis), Appleman on Insurance (Lexis/Nexis), Florida Insurance Law (Thompson/West), Florida Motor Vehicle No Fault Law – PIP (Thompson/West), Florida Law of Trusts (Grimsley & Powell)(Thompson/West), Trawick's Redfearn Wills & Administration in Florida (Thompson/West), Florida Mortgages (Thompson/West Florida Practice Series), Powell on Real Property (Lexis/Nexis), Sutherland Statutory Construction (Thompson/West), Florida Personal Injury Law & Practice (Sawaya)(Thompson/West), The Law of Torts (replaces Prosser & Keaton)(Thompson/West), Anderson's Uniform Commercial Code (Thompson/West), Florida Workers' Compensation (Thompson/West), Workers' Compensation Law (Larson)(Lexis/Nexis), Admiralty & Maritime Law (Schoenbaum)(Thompson/West), Goods in Transit (Sorkin)(Lexis/Nexis), Antieau on Local Government Law (Stevenson)(Lexis/Nexis), Fletcher Cyclopedia Corporations (Thompson/West), Civil Procedure (Florida Pleading and Practice Forms)(Thompson/West), Federal Practice and Procedure (Wright & Miller)(Thompson/West), Moore's Federal Practice (Lexis/Nexis), Newberg on Class Actions (Thompson/West), Hearsay Handbook (Thompson/West)(Trial Practice Series), Search Warrant Law Desk Book (Burkoff)(Thompson/West), Substantive Criminal Law (LaFave)(Thompson/West), Section 1983 Litigation in State Courts (Steinglass)(Thompson/West), Modern Constitutional Law (Thompson/West), Florida Creditor's Rights Manual

(Rakusin)(Lexis/Nexis), Courtroom Criminal Evidence (Imwinkelried)(Lexis/Nexis), Wharton’s Criminal Evidence (Torcia)(Thompson/West), Florida Family Law (Abrams)(Lexis/Nexis), Couch on Insurance (Thompson/West), Scott on Trusts (Aspen Publishers), Trusts & Trustees (Bogert)(Thompson/West), Nichols on Eminent Domain (Lexis/Nexis), Rathkopf’s The Law of Zoning and Planning (Ziegler)(Thompson/West), Real Estate Brokerage Law (Gaudio)(Thompson/West), Real Estate Finance Law (Nelson)(Thompson/West), Florida Torts (Lexis/Nexis), White & Summers Uniform Commercial Code (Thompson/West), Williston on Sales (Squillante)(Thompson/West)

Judicial Suites- Black’s Law Dictionary, Blue Books for each Judge and Law Clerk, Ehrhardt’s Florida Evidence (Thompson/West), Florida Cases (Southern Reporter) (free and/or Supreme Court funded set), Florida Law Weekly, Florida Rules of Court (State)(one for each Judge and Law Clerk), Florida Rules of Court (Federal), Florida Rules of Court (Local), Florida Statutes (Official), Laws of Florida (Official), Florida Style Manual, Florida Jurisprudence if requested (Thompson/West), Florida Statutes Annotated if requested (Thompson/West)

Associated Data:

District	FY 2008/09 FTE Allotment	FY 2009/10 Recommended 1 FTE Per District	FY 2009/10 Recommended \$150,000 Operating Budget for Subscriptions
First	1	1	\$150,000
Second	0	1	\$150,000
Third	0	1	\$150,000
Fourth	1	1	\$150,000
Fifth	1	1	\$150,000
State	3	5	\$750,000

Senior Judge Days (Cost Center 630)

Recommendation:

Represent the need for senior judge days using a statewide ratio of 3 senior judge days used per judge¹³.

Justification:

Historically, senior judge days have been allotted for the current year based on prior year allocations. Thus, there is not a formal methodology for determining the need for senior judges that act as a replacement for judges who are out of the office.

The ratio was determined based on the statewide total FY 2006-07 and FY 2007-08 days used per judge. In the future, if time and resources allow, the DCAP&A may be able to develop recommendations on the proper usage of senior judges in the district courts.

Associated Data:

Time Period	District Court Judges	Senior Judge Days Expended	Days Per Judge
FY 2004/05	62	104	2
FY 2005/06	62	105	2
FY 2006/07	62	160	3
FY 2007/08	62	168	3

FY 2009/10 Recommended Senior Judge Days at a Ratio of 3 Per District Court Judge¹⁴	183
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¹³ Because of the volatility in the need for senior judge days from year to year, the DCAP&A recommends that senior judge days be made available for use from a statewide pool in Cost Center 630 as opposed to individual allocations for each district.

¹⁴ Recommended 183 days calculated using 61 judges due to the decertification of a judgeship in the Third District.

Clerk's Office (Cost Center 114)

Recommendation:

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

Cases Filed

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

Case Processing

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

Cases Disposed

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

Justification:

For the purpose of developing funding recommendations, the appellate court clerks and the supreme court clerk recommended staffing ratios for a Florida intermediate appellate court clerk's office. The clerks have relied on their extensive knowledge and best collective judgments, as well as over 118 years of combined experience with the Florida State Courts System, to develop this recommendation. The proposed funding methodology represents a reasonably staffed Florida appellate court clerk's office and uses the most recent measurable statistical outputs of tasks accomplished in each of the clerk's offices. The reasonably staffed clerk's office is one which can perform the quantifiable functions that are historically required to support the Florida appellate courts.

To accomplish the task of creating a funding methodology, the clerks, with the assistance of OSCA staff, gathered statistical data from the case management system, including data on cases filed, cases disposed, records maintained, incoming docket entries, motions, orders, and mandates. The clerks also identified common and essential functions in every clerk's office and categorized them into three basic stages of an appellate case: cases filed, case processing, and cases disposed. Workload allocations were then assigned to ten core functions. It should be noted that the average length of service of the current staff was taken into consideration when the workload allocations were determined. Longevity of service has a positive effect on staffing needs, and the workload allocations per clerk would have been much lower (i.e., the number of deputies needed to perform the same function would be higher) if the length of service had been lower.

The clerks examined in-depth the staffing and experience in each court that has been required historically to perform the individual tasks, including the number of units a well-qualified and experienced deputy could be expected to perform in a year. While the total number of tasks performed in each function is quantifiable, who performs those tasks may be different in each court and spread among various deputies based on the individual deputies' skills, abilities, and training. Also affecting the allocations was the high level of experience of the deputy clerks in each of the clerk's offices. The results of the application of the allocations were then validated

when applying the only study found regarding the staffing of a state intermediate appellate court clerk's office. That study was completed in 1996 in California and relied on a time and motion study from 1985.

It was also noted by the clerks that regardless of the methodology results, non-quantifiable factors such as the amount of judicial staff supported, pro se litigant support, and other efficiency and effectiveness factors should be considered when determining whether it is necessary to increase or decrease staff in an appellate clerk's office.

The DCAP&A has approved the clerks' recommended methodology based on the above ten ratios.

Associated Data (See the Appendix on page 24 and 25 for a more detailed table as provided by the clerks):

Stage	Ratios	FY 2009/10 Recommended Clerk Positions					
		1st	2nd	3rd	4th	5th	Total
Cases Filed	Set Up Deputy (1 FTE Per 2,000 Cases Filed)	3.18	3.11	1.7	2.6	2.21	12.77
	Docketing Deputy (1 FTE Per 40,000 Entries)	1.4	1.06	0.8	1.1	1.1	5.39
	Total	5	4	2	4	3	18
Case Processing	Motions Deputy (1 FTE Per 7,500 Motions)	2.36	1.71	1.8	2.1	1.2	9.19
	Orders Deputy (1 FTE Per 15,000 Orders)	2.07	1.63	1.1	1.7	1.04	7.44
	Filing/Closed File Maintenance Deputy (1 FTE Per 5,000 Records Maintained)	2.12	2.05	1.1	1.6	1.33	8.2
	Inquiries/Counter/Telephone Deputy (1 FTE Per 5,000 Records Maintained)	2.12	2.05	1.1	1.6	1.33	8.2
	Total	9	7	5	7	5	33
Dispositions	Case Assignments/Calendars Deputy (1 FTE Per 3,000 Dispositions)	2.07	2.01	1.1	1.7	1.5	8.38
	Opinions Deputy (1 FTE Per 5,000 Dispositions)	1.24	1.2	0.7	1.0	0.9	5.01
	Record Destruction Deputy (1 FTE Per 10,000 Dispositions)	0.62	0.6	0.3	0.5	0.45	2.51
	Mandates/Record Return/Rehearings Deputy (1 FTE Per 2,500 Mandates)	1.53	1.54	0.8	1.2	1.13	6.16
	Total	5	5	3	4	4	22
Clerk of Court		1	1	1	1	1	5
FY 2009/10 Total Recommended		20	18	11	16	13	78
FY 2008/09 FTE Allotment		17	16	11	13	10	67

Judicial Administration (Cost Center 210)

Recommendation:

Represent the need for court administration positions based on a threshold of four positions per district including: one marshal, one deputy marshal, one personnel specialist or accountant III, and one administrative assistant II; with one extra administrative assistant II position allocated per each additional facility.

Justification:

For the purpose of developing funding recommendations, the appellate court marshals recommended a staffing threshold for the court administration cost center. The marshals are charged with the responsibility of executing the process of the court. As the custodian of the court building and its contents, the marshal is charged with providing executive oversight and management. In order to manage the day to day operations of the court, it is necessary to have a professionally trained staff to assist in carrying out those responsibilities. The marshals also provide management oversight for security, facilities, and information systems, although staff for these functions is not included in this activity. Similar to the methodology used in the trial courts, the cost of administration includes a threshold of personnel to perform various functions:

Executive Direction

- Overseeing all administrative and fiscal responsibilities
- Emergency Planning, response and recovery
- ADA compliance and coordination
- Public Information Officer
- EEO compliance
- Attend court sessions and record
- Liaison with the Office of the State Courts Administrator

Fiscal Management

- Preparation of annual Legislative budget and Capital Improvements Plan
- Maintaining fiscal records for audit and review
- Purchasing
- Processing accounts payable
- Monitoring expenditures to ensure that the court stays within its approved budget
- Reconciliation of all financial records
- Preparation of contracts
- Working with Department of Management Services regarding pending fixed capital outlay projects
- Property and records management
- Strategic and operational planning for the court
- Preparation of financial work papers and certified forwards

Human Resources

- Recruitment and selection of personnel
- Background checks of new employees
- Payroll processing
- Personnel issues including recruitment and selection, processing all personnel action forms, lateral transfers, leave of absence, Family Medical Leave Act, Open Enrollment
- Insurance issues – assisting employees with insurance changes and open enrollment
- Maintains spreadsheets pertaining to personnel and attendance
- Employee Assistance Plan
- Training employees in the use of Time and Attendance
- Verifying and approving time sheets

Facilities support

- General maintenance and preventive maintenance and cleaning of court facilities and grounds
- Monitoring of HVAC and boiler equipment
- Maintaining equipment in good working condition
- Card access control
- Security support
- Reception duties

Each district court of appeal requires a marshal position and two support personnel with experience and skills in fiscal management, budgeting and human resources and facility operations. Additionally, each district court requires one administrative support position per facility to provide parallel support for the courier and mail operations, courtroom set-up for OA, maintaining office supplies, and acting as a liaison with judges and court staff located in different buildings.

The DCAP&A has approved the marshals' recommended methodology.

Associated Data:

District	FY 2008/09 FTE Allotment	FY 2009/10 Recommended FTE
First	5	4
Second	7	5
Third	4	4
Fourth	3	4
Fifth	2	4
State	21	21

Security (Cost Center 118)

Recommendation:

Represent the need for security positions based on a threshold of three positions (or equivalent contract or OPS dollars) per district with 1.5 extra positions allocated per each additional facility.

Represent the need for non-recurring OCO funding based on the need to install and upgrade security equipment including cameras, X-ray imaging systems, walk-through metal detectors, and electronic monitoring equipment (CCTV and card access).

Justification:

For the purpose of developing funding recommendations, the appellate court marshals recommended a staffing threshold and a non-recurring OCO request for the security cost center. With ever-increasing incidents of violence in courthouses it is imperative that each of the courts have a secure environment in which to conduct the appellate process. A courthouse must provide a stable, relatively predictable environment where judges, court staff, and the public can conduct activities without disruption or harm and without fear of such disturbance or injury. The ability to carry out the judicial responsibilities in an open, secure and accessible manner is a fundamental component of the exercise of the rule of law.

Effective courthouse security is a carefully designed balance between architectural solutions, allocation of security personnel, compliance with established security procedures, and installation and optimization of security systems and equipment. All of these work together to impede, detect, access and neutralize all unauthorized external and internal activity. The cost of security includes the following components:

Security Personnel

- Each court facility should be secured by qualified armed officers during times when the court is open to the public and in the off-hours when judges and court staff may be working. Two officers are required during open hours (limits distractions during the screening process, provides coverage to front security station should a security officer be called away from the station, provides for physical perimeter security (rounds) while maintaining front security coverage, essential backup during incidents, etc.) and one officer during off-hours when the building is typically occupied by judges or staff.
- Security officers may be employees of the court or contracted from private firms or local sheriff's office.
- Anyone entering the courthouse should be screened for weapons. All mail and packages should be screened as well.
- All entrances, parking areas, as well as the perimeter of the courthouse should be under continuous electronic surveillance that is monitored by security personnel during the secure hours.

Physical Security

- Physical security by definition is the physical measures designed to safeguard personnel, prevent unauthorized access to material (facilities, equipment, and documents) and to protect against sabotage, damage and theft.

- Security equipment should be installed and maintained in compliance with guidelines, which include: closed circuit TV, access controls, advanced alarms, and high security lighting.

The recommended methodology **does not** include support for protective intelligence or protective investigation functions, criminal investigation or additional personal security required during a high-profile or other heightened threat incident.

The DCAP&A has approved the marshals' recommended methodology.

Associated Data:

District	FY 2008/09 FTE Allotment ¹⁵	FY 2009/10 Recommended FTE
First	3	3
Second	0	4.5
Third	2	3
Fourth	0	3
Fifth	1	3
State	6	16.5

¹⁵ The Second and Fourth Districts use a contractual services staffing model.

Facilities Maintenance and Management (Cost Center 115)

Recommendation:

Represent the need for facilities maintenance and management resources using:

- 1) A threshold of one maintenance engineer per district.
- 2) A ratio of one custodian per every 16,000 square feet of building space maintained.
- 3) A funding threshold for other operating expenses (e.g., lease payments, utilities, grounds maintenance) based on historical expenditures with a cost-of-living increase applied.

Justification:

For the purpose of developing funding recommendations, the appellate court marshals recommended a staffing threshold, a staffing ratio, and a funding threshold for other operating expenses. Facilities maintenance and management is essential to ensuring a clean, safe and functional environment for all court personnel and visitors. Proper maintenance activities are not only critical to maintaining the proper appearance of facilities and grounds but extending the useful life of equipment and structures as well. The district courts of appeal must develop effective funding methodologies to ensure that resources allocated to this activity are reasonable.

Districts courts can establish reasonable maintenance resource levels by adopting staffing formulas using generally accepted industry standards, outsourcing services and implementing preventative maintenance and energy management programs. Functions covered in facilities maintenance and management include:

- Facilities upkeep (structural repairs, modifications, cleaning)
- Equipment repair and preventative maintenance
- Household supplies
- Grounds and landscape maintenance
- Utilities (electric, water, sewer, garbage)
- Insurance (property, boiler, etc.)
- Leasing (office equipment, office space)
- Replacement Furniture and Equipment (under \$1,000)
- Operating Capital Outlay (equipment \$1,000 or more)

The maintenance engineer is responsible for the upkeep and repair of all district court facilities and equipment. Duties include performing routine maintenance, major repairs and other capital projects. The maintenance engineer reports directly to the marshal and deputy marshal. The district courts of appeal require that the aforementioned duties be performed by a qualified maintenance engineer on a daily basis. The district courts should provide one FTE maintenance engineer per court location.

Custodians are responsible for the cleaning and waste disposal at all district court facilities. Custodians report to the marshal and deputy marshal and are not part of the Maintenance Department. This is a common and desired practice in site-based decision making, and allows the principal to be held accountable for the cleanliness of the court. The custodial department is headed by a custodial supervisor. As the district courts of appeal face factors that they cannot control which affect minimum operating custodial requirements (i.e., size of physical plant, population of building, etc.), each courts maintains its own practice of custodial staffing levels, household supply consumption and product pricing trends to determine household funding

levels. Finally, it has also been determined that the Florida Department of Management Services uses a service ratio of 16,000 gross square feet per custodian.

Each district court of appeal is also responsible for maintaining the grounds in accordance with the dignity of the institution. This includes, but is not limited to:

- Grass cutting
- Tree and shrub trimming / pruning
- Fertilization (lawn, trees, shrubs)
- Weed and pest control
- Re-sod of damaged areas
- Irrigation system maintenance

As the district courts of appeal face factors that they may not be able to control which affect minimum operating levels for grounds and landscape maintenance requirements, each court maintains a practice of using historical contractual service expenditures to determine sufficient grounds and landscape maintenance funding levels.

As the district courts of appeal face factors that they may not be able to control which affect minimum operating levels for facilities (i.e., plumbing repairs, etc.) each court maintains a practice of using in-house resources and/or outside contractors to service the facility needs of the court.

Finally, district courts of appeal face factors that they may not be able to control which affect the cost for lease payments and utilities. These are costs that must be funded for each district.

The DCAP&A has approved the marshals' recommended methodology.

Associated Data:

District	FY 2008/09 FTE Allotment	Building Square Footage	FY 2009/10 Recommendations		
			Facilities Engineer FTE (1 FTE Per District)	Custodian FTE (1 FTE Per 16,000 Building Square Feet)	Total
First	3.0	49,000	1	3	4
Second	2.5	29,745	1	2	3
Third	3.0	48,300	1	3	4
Fourth	2.0	39,000	1	3	4
Fifth	5.0	57,100	1	3	4
State	15.5	223,145	5	14	19

Operating Categories for All Cost Centers – Expense, Contracted Services, OPS, Recurring OCO, and Non-recurring OCO

Recommendation:

Represent the need for expense using current FY 2008-09 expense allotments added to expense dollars allotted for new positions at a rate of \$10,112 per position (\$6,700 recurring and \$3,412 non-recurring).

Represent the need for contracted services *for non-staffing related functions* using the highest historical expenditures (over the last three years) with a cost-of-living increase applied.

Represent the need for OPS funding using the highest historical expenditures (over the last three years) with a cost-of-living increase applied.

Represent the need for recurring OCO using the highest historical expenditures (over the last three years) with a cost-of-living increase applied.

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

Justification:

The above recommendation is consistent with the methodologies being utilized by the trial courts, as a part of the Court Funding Stabilization Initiative, to cost-out operating categories. Some cost centers may be exempt from the above methodologies if their needs are already addressed by another methodology used for a specific element.

Essential equipment that has expended its useful life must be replaced. The marshal of each district court determines future need for replacement furniture, equipment, and OCO at the beginning of the legislative budget process and includes sufficient funding for replacement of these items in what is called the Capital Improvements Program request or CIP. A funding methodology must be adopted that will sufficiently address both of these related elements for each court. Further, a line item for replacement furniture and equipment, for items costing less than \$1,000, exists in the operating budget of each district court. Chapter 216 FS defines operating capital outlay (OCO) as "the appropriation category used to fund equipment, fixtures, and other tangible personal property of a non-consumable and non-expendable nature." Items purchased as OCO maintain a cost above \$1,000 and have a useful life expectancy exceeding one year.

Each district court is diligent in ensuring that prices it pays for supplies, equipment and services are reasonable. Procedures for conducting cost comparisons prior to contracting for facility maintenance-related goods and services, and the use of state contract purchasing services which provide reduced prices for commodities and services through volume discounts, ensure that the expenditures are kept to a minimum. Contracts are periodically re-bid to enhance competition. This strengthens methodologies that employ historical expenditures and best business practices.

Associated Data:

Associated data will be prepared per the direction of the DCA Budget Commission.

APPENDIX

Revised Florida District Courts of Appeal Reasonable Clerk's Office Staffing Needs
(Based on FY 07-08 Statistics)

	1st	2nd	3rd	4th	5th	Total
<u>Cases Filed</u>	6368	6216	3347	5195	4413	25539
Setup Deputy (per 2,000 cases filed)	3.18	3.11	1.67	2.60	2.21	12.77
Incoming Docket Entries	56043	42549	30920	42471	43935	215918
Docketing Deputy (per 40,000 entries)	1.40	1.06	0.77	1.06	1.10	5.40
Total Cases Filed Deputies	5	4	2	4	3	18
<u>Case Processing</u>						
Motions (review, tracking, processing, & assignment)	17719	12853	13786	15628	8981	68967
Motions Deputy (per 7,500 motions)	2.36	1.71	1.84	2.08	1.20	9.20
Orders (prepared, issued, tracked, called out)	31086	24508	15732	24823	15638	111787
Orders Deputy (per 15,000 orders)	2.07	1.63	1.05	1.65	1.04	7.45
Records Maintained	10576	10262	5465	8073	6631	41007
Filing/Closed File Maintenance Deputy (per 5,000 records maintained)	2.12	2.05	1.09	1.61	1.33	8.20
Inquiries/Counter/Telephone Deputy (per 5,000 records maintained)	2.12	2.05	1.09	1.61	1.33	8.20
Total Case Processing Deputies	9	7	5	7	5	33

Dispositions	6205	6018	3408	4973	4492	25096
Case Assignments/Calendars Deputy (per 3,000 dispositions)	2.07	2.01	1.14	1.66	1.50	8.37
Opinions Deputy (per 5,000 dispositions)	1.24	1.20	0.68	0.99	0.90	5.02
Record Destruction Deputy (per 10,000 dispositions)	0.62	0.60	0.34	0.50	0.45	2.51
Mandates	3822	3858	2021	2873	2814	15388
Mandates/Record Return/Rehearings Deputy (per 2,500 mandates)	1.53	1.54	0.81	1.15	1.13	6.16
Total Disposition Deputies	5	5	3	4	4	22
Total Cases Filed Deputies	5	4	2	4	3	18
Total Case Processing Deputies	9	7	5	7	5	33
Total Disposition Deputies	5	5	3	4	4	22
Total Reasonable Deputy Clerk Staffing	19	17	10	15	12	73
Clerk	1	1	1	1	1	5
Total Reasonable Clerks' Offices Staff	20	18	11	16	13	78
Total Staffing as of April 2008*	17	17	14	16	10	74
Current Total Staffing*	17	17	11	13	10	68

*Staffing figures indicate the total number of employees working in the clerks' offices regardless of cost center assignment.

Revised 11/13/08

Case Filings Categories and Appellate Law Clerk Case Groups

	Case Filings Categories	Appellate Law Clerk Case Groups
Petitions	Certiorari	Petitions - Certiorari
	Petition to Review Non-Final Agency Action	
	Habeas Corpus	Petitions - Habeas Corpus
	Mandamus	Petitions - Mandamus
	Petition for Belated Appeal	
	Ineffective Assistance of Counsel	Petitions - Ineffective Assistance of Counsel
	Prohibition	Petitions - Prohibition
	Coram Nobis	Petitions - All Other
	Other Original Proceedings	
	Quo Warranto	
	Petition to Review Orders Excluding the Press or Public	
Notices of Appeal	Administrative Unemployment Compensation	NOA - Administrative (Unemployment Compensation)
	Administrative Other	NOA - Administrative (Other)
	Civil	NOA - Civil Final
		NOA - Civil Non-Final
	Criminal Post Conviction (3.800 & 3.801)	NOA - Criminal Summary Postconviction (3.800 & 3.801)
	Criminal Post Conviction (3.850 & 3.853)	NOA - Criminal Summary Postconviction (3.850 & 3.853)
		NOA - Criminal Nonsummary Postconviction (3.850 & 3.853)
	Criminal Judgment and Sentence	NOA - Criminal Judgment and Sentence
	Juvenile - Delinquency	
	Juvenile - Other	
	Criminal State Appeals	NOA - Criminal State Appeals
	Criminal Habeas Corpus	NOA - Criminal Habeas Corpus and Other
	Criminal Other	
	Juvenile Dependency	NOA - Juvenile Dependency & TPR
	Juvenile TPR	
	Workers Compensation	NOA - Workers Compensation
	All Family Matters	Included in NOA - Civil (both Final and Non-Final)
All Probate/Guardianship Matters	Included in NOA - Civil (both Final and Non-Final)	
Criminal Anders	NOA - Criminal Anders (Trial)*	
	NOA - Criminal Anders (Plea)*	

* Both Criminal Anders (Trial) and Criminal Anders (Plea) represent 1/2 the total Criminal Anders filings.

Appellate Law Clerk Weighted Caseload Survey Instructions

Case Types

To reduce the number of case types to be weighed, the District Courts of Appeal Central Staff Workgroup has grouped cases together in instances where they agreed the cases represented similar attorney "workload." There are 19 case groups.

Survey Scenario

Imagine that you have been assigned 19 cases representing each of these 19 grouped case types. **Each will be representative of the average work required for that case group.** Based on your personal experience with cases in each group, you should assign each a relative weight that reflects your estimation of attorney work required to process a case in that case group.

It is critical that you assume each of these cases will require the **average** attorney workload to process a case in that group. For example, for the cases in each group, the briefs (or motions, petitions and responses) and records are of average length.

- The volume of a particular case type in your court is not directly relevant to its weight.
- Do not consider the efforts of other staff in the processing of the case.

Assigning weights from Base Line

Appeal from Criminal Judgment and Sentence = 100 point case

To insure that each participant ranks the cases relative to a common base line, the DCA RAW has assigned the Appeal from Criminal Judgment and Sentence case group (which includes Juvenile Delinquency and Juvenile Other) a weight of 100 points. Please assign a relative weight to the other 19 case groups based on how much more or less work is required to process a "typical", "average", or "normal" version of each case group.

- The lowest weight you can assign to a case type grouping is "1".
- There is no limit to the highest weight that you can assign relative to the 100 point case.
- You may assign the same weight to more than one case type grouping.

Examples

If you think the work required by a case group represents one-fifth of the work required by the 100 point case group, assign a relative weight of "20"; if you think a case group requires 50% more work, assign a relative weight of "150"; if you think a case group requires the same work as the Appeal from Criminal Judgment and Sentence case group, assign a weight of "100". **If you do not have experience with a case group, enter N/A for not applicable.**

Survey Time Frame

The Appellate Law Clerk Weighted Caseload Survey will be available for completion from November 18, 2013 through December 3, 2013. If you experience any problems, please contact Arlene Johnson with the Office of the State Courts Administrator at (850) 922-5103 or johnsona@flcourts.org.

Appellate Law Clerk Weighted Caseload Survey

- ✓ The Appellate Law Clerk Weighted Caseload Survey was conducted from November 18, 2013 through December 3, 2013.
- ✓ 110 appellate law clerks with at least two years' work experience and experience with Judgment and Sentence cases were eligible to participate in the survey. The distribution of eligible participants by district is outlined below.

District	Eligible Participants
1	34
2	28
3	15
4	14
5	19
Total	110

- ✓ Sixty nine survey responses were received (15 from the first district, 21 from the second district 12 from the third district 10 from the fourth district, and 11 from the fifth district).
- ✓ Two responses were identified as outliers. These outliers are not part of this analysis. An outlier was provided by a Suite Attorney in the second district and a Suite Attorney in the third district.
- ✓ Sixty seven survey responses were used in the analysis. The distribution of survey responses by district and position is outlined below.

District	Central Staff Attorney	Suite Attorney	Total
1	6	9	15
2	4	16	20
3	1	10	11
4	6	4	10
5	8	3	11
Total	25	42	67

Appellate Law Clerk Weighted Caseload Survey Results - Average Relative Weight By Delphi Case Type

Sorted by Central Staff Attorney Average Relative Weight

Column	A	B	C	D
Delphi Case Type	Central Staff Attorney Average Relative Weight	Suite Attorney Average Relative Weight	Overall Average Relative Weight	FY 2012-13 Filings
NOA - Civil Final (Includes Civil, Family, and Probate/Guardianship)	185	166	171	5,093
Petitions - Certiorari (Includes Certiorari and Review Non-Final Agency Action)	162	138	148	1,204
NOA - Worker's Compensation	156	101	117	232
NOA - Civil Nonfinal (Includes Civil, Family, and Probate/Guardianship)	150	141	143	1,157
NOA - Juvenile Dependency (Includes Dependency and TPR)	129	129	129	494
NOA - Administrative (Other)	121	124	123	462
NOA Criminal Nonsummary Postconviction (Includes 3.850 and 3.853)	111	107	108	557
Petitions - Prohibition	108	92	100	592
NOA - Judgment and Sentence	100	100	100	3,405
Petitions - Ineffective Assistance of Appellate Counsel	98	93	95	512
NOA Criminal Summary Postconviction (Includes 3.850 and 3.853)	98	91	94	2,766
NOA - Criminal State Appeals	94	107	103	206
Petitions - Habeas Corpus	87	82	84	779
NOA - Criminal Anders (Trial)	83	87	86	912
NOA Criminal Summary Postconviction (Includes 3.800 and 3.801)	82	81	82	1,947
NOA - Criminal Habeas Corpus and Other Criminal	80	86	84	680
Petitions - All Other (Includes Coram Nobis, Quo Warranto, Review Orders Excluding the Press or Public, and Other Original Proceedings)	77	94	84	63
NOA - Administrative (Unemployment Compensation Only)	57	71	67	572
Petitions - Mandamus and Belated Appeal	55	70	63	2,386
NOA - Criminal Anders (Plea)	48	46	47	912
Number of FTE Respondents	25	42	67	
Actual FTE	45	122	167	

District Courts of Appeal
Workload Analysis Using Overall Average Relative Case Weights and FY 2012-13 Filings

Column	A	B	C	D	E	F	G	H	
			FY 2012-13 Filings						
Line	Delphi Case Type	Overall Average Relative Case Weight	First	Second	Third	Fourth	Fifth	Total Filings	
1.	Petitions - Certiorari (Includes Certiorari and Review Non-Final Agency Action)	148	338	244	204	250	168	1,204	
2.	Petitions - Habeas Corpus	84	154	162	162	161	140	779	
3.	Petitions - Mandamus and Belated Appeal	63	847	526	137	388	488	2,386	
4.	Petitions - Ineffective Assistance of Appellate Counsel	95	126	138	11	98	139	512	
5.	Petitions - Prohibition	100	121	142	90	125	114	592	
6.	Petitions - All Other (Includes Coram Nobis, Quo Warranto, Review Orders Excluding the Press or Public, and Other Original Proceedings)	84	22	18	10	10	3	63	
7.	NOA - Administrative (Unemployment Compensation Only)	67	453	21	39	30	29	572	
8.	NOA - Administrative (Other)	123	236	60	55	67	44	462	
9.	NOA - Civil Final (Includes Civil, Family, and Probate/Guardianship)	171	926	1,049	1,114	1,220	784	5,093	
10.	NOA - Civil Nonfinal (Includes Civil, Family, and Probate/Guardianship)	143	104	282	206	358	207	1,157	
11.	NOA - Criminal Summary Post Conviction (Includes 3.800 and 3.801)	82	379	615	304	279	370	1,947	
12.	NOA - Criminal Summary Postconviction (Includes 3.850 and 3.853)	94	602	735	378	468	583	2,766	
13.	NOA - Criminal Nonsummary Postconviction (Includes 3.850 and 3.853)	108	122	213	37	78	107	557	
14.	NOA - Criminal State Appeals	103	41	56	16	41	52	206	
15.	NOA - Criminal Habeas Corpus and Other Criminal	84	171	69	175	107	158	680	
16.	NOA - Juvenile Dependency (Includes Dependency and TPR)	129	136	136	40	59	123	494	
17.	NOA - Workers' Compensation	117	232	0	0	0	0	232	
18.	NOA - Criminal Anders (Trial)	86	180	271	77	101	283	912	
19.	NOA - Criminal Anders (Plea)	47	180	271	77	101	283	912	
20.	NOA - Judgment and Sentence (Includes Delinquency, Other Juvenile and Judgment and Sentence)	100	734	1,079	277	697	618	3,405	
21.	Total Filings		6,104	6,087	3,409	4,638	4,693	24,931	
22.	Total Weighted Filings		636,293	655,747	416,551	546,932	493,877	2,749,400	
23.	Total Judges (in FTE)		15	16	10	12	11	64	
24.	Total Attorneys (in FTE)		47	41	22	33	30	173	
25.	Suite Attorneys (in FTE)		30	32	20	24	22	128	
26.	Central Staff Attorneys (in FTE)		17	9	2	9	8	45	
27.	Weighted Filings Per Total Attorneys (in FTE)		13,538	15,994	18,934	16,574	16,463	15,892	
28.	Weighted Filings Per Suite Attorneys (in FTE)		21,210	20,492	20,828	22,789	22,449	21,480	
29.	Weighted Filings Per Central Staff Attorneys (in FTE)		37,429	72,861	208,276	60,770	61,735	61,098	
30.	Total Weighted Filings		636,293	655,747	416,551	546,932	493,877	2,749,400	
31.	Total Attorney FTE		47	41	22	33	30	173	
32.	Estimated FTE Need (Total Weighted Filings divided by Weighted Filings Per Total Attorney FTE)		40.0	41.3	26.2	34.4	31.1	173.0	
33.	Difference (A positive value indicates a deficit.)		-7.0	0.3	4.2	1.4	1.1	0	

Note: FY 2012-13 filings include 13 nonsummary 3.800 criminal postconviction cases. A delphi case type was not created to account for these filings. In this analysis, the 13 filings are included in the NOA - Criminal Summary Postconviction (includes 3.800 and 3.801) delphi case type.

District Courts of Appeal
Workload Analysis Using Central Staff Average Relative Case Weights and FY 2012-13 Filings

Column	A	B	C	D	E	F	G	H
			FY 2012-13 Filings					
Line	Delphi Case Type	Central Staff Average Relative Case Weight	First	Second	Third	Fourth	Fifth	Total Filings
1.	Petitions - Certiorari (Includes Certiorari and Review Non-Final Agency Action)	162	338	244	204	250	168	1,204
2.	Petitions - Habeas Corpus	87	154	162	162	161	140	779
3.	Petitions - Mandamus and Belated Appeal	55	847	526	137	388	488	2,386
4.	Petitions - Ineffective Assistance of Appellate Counsel	98	126	138	11	98	139	512
5.	Petitions - Prohibition	108	121	142	90	125	114	592
6.	Petitions - All Other (Includes Coram Nobis, Quo Warranto, Review Orders Excluding the Press or Public, and Other Original Proceedings)	77	22	18	10	10	3	63
7.	NOA - Administrative (Unemployment Compensation Only)	57	453	21	39	30	29	572
8.	NOA - Administrative (Other)	121	236	60	55	67	44	462
9.	NOA - Civil Final (Includes Civil, Family, and Probate/Guardianship)	185	926	1,049	1,114	1,220	784	5,093
10.	NOA - Civil Nonfinal (Includes Civil, Family, and Probate/Guardianship)	150	104	282	206	358	207	1,157
11.	NOA - Criminal Summary Post Conviction (Includes 3.800 and 3.801)	82	379	615	304	279	370	1,947
12.	NOA - Criminal Summary Postconviction (Includes 3.850 and 3.853)	98	602	735	378	468	583	2,766
13.	NOA - Criminal Nonsummary Postconviction (Includes 3.850 and 3.853)	111	122	213	37	78	107	557
14.	NOA - Criminal State Appeals	94	41	56	16	41	52	206
15.	NOA - Criminal Habeas Corpus and Other Criminal	80	171	69	175	107	158	680
16.	NOA - Juvenile Dependency (Includes Dependency and TPR)	129	136	136	40	59	123	494
17.	NOA - Workers' Compensation	156	232	0	0	0	0	232
18.	NOA - Criminal Anders (Trial)	83	180	271	77	101	283	912
19.	NOA - Criminal Anders (Plea)	48	180	271	77	101	283	912
20.	NOA - Judgment and Sentence (Includes Delinquency, Other Juvenile and Judgment and Sentence)	100	734	1,079	277	697	618	3,405
21.	Total Filings		6,104	6,087	3,409	4,638	4,693	24,931
22.	Total Weighted Filings		655,002	675,452	436,643	569,294	507,087	2,843,478
23.	Total Judges (in FTE)		15	16	10	12	11	64
24.	Total Attorneys (in FTE)		47	41	22	33	30	173
25.	Suite Attorneys (in FTE)		30	32	20	24	22	128
26.	Central Staff Attorneys (in FTE)		17	9	2	9	8	45
27.	Weighted Filings Per Total Attorneys (in FTE)		13,936	16,474	19,847	17,251	16,903	16,436
28.	Weighted Filings Per Suite Attorneys (in FTE)		21,833	21,108	21,832	23,721	23,049	22,215
29.	Weighted Filings Per Central Staff Attorneys (in FTE)		38,530	75,050	218,322	63,255	63,386	63,188
30.	Total Weighted Filings		655,002	675,452	436,643	569,294	507,087	2,843,478
31.	Central Staff Attorney FTE		17	9	2	9	8	45
32.	Estimated FTE Need (Total Weighted Filings divided by Weighted Filings Per Central Staff Attorney FTE)		10.4	10.7	6.9	9.0	8.0	45.0
33.	Difference (A positive value indicates a deficit.)		-6.6	1.7	4.9	0.0	0.0	0.0

Note: FY 2012-13 filings include 13 nonsummary 3.800 criminal postconviction cases. A delphi case type was not created to account for these filings. In this analysis, the 13 filings are included in the NOA - Criminal Summary Postconviction (includes 3.800 and 3.801) delphi case type.

District Courts of Appeal
Workload Analysis Using Overall Average Relative Case Weights and FY 2012-13 Filings
Worker's Compensation Not Included

Column	A	B	C	D	E	F	G	H
			FY 2012-13 Filings					
Line	Delphi Case Type	Overall Average Relative Case Weight	First	Second	Third	Fourth	Fifth	Total Filings
1.	Petitions - Certiorari (Includes Certiorari and Review Non-Final Agency Action)	148	338	244	204	250	168	1,204
2.	Petitions - Habeas Corpus	84	154	162	162	161	140	779
3.	Petitions - Mandamus and Belated Appeal	63	847	526	137	388	488	2,386
4.	Petitions - Ineffective Assistance of Appellate Counsel	95	126	138	11	98	139	512
5.	Petitions - Prohibition	100	121	142	90	125	114	592
6.	Petitions - All Other (Includes Coram Nobis, Quo Warranto, Review Orders Excluding the Press or Public, and Other Original Proceedings)	84	22	18	10	10	3	63
7.	NOA - Administrative (Unemployment Compensation Only)	67	453	21	39	30	29	572
8.	NOA - Administrative (Other)	123	236	60	55	67	44	462
9.	NOA - Civil Final (Includes Civil, Family, and Probate/Guardianship)	171	926	1,049	1,114	1,220	784	5,093
10.	NOA - Civil Nonfinal (Includes Civil, Family, and Probate/Guardianship)	143	104	282	206	358	207	1,157
11.	NOA - Criminal Summary Post Conviction (Includes 3.800 and 3.801)	82	379	615	304	279	370	1,947
12.	NOA - Criminal Summary Postconviction (Includes 3.850 and 3.853)	94	602	735	378	468	583	2,766
13.	NOA - Criminal Nonsummary Postconviction (Includes 3.850 and 3.853)	108	122	213	37	78	107	557
14.	NOA - Criminal State Appeals	103	41	56	16	41	52	206
15.	NOA - Criminal Habeas Corpus and Other Criminal	84	171	69	175	107	158	680
16.	NOA - Juvenile Dependency (Includes Dependency and TPR)	129	136	136	40	59	123	494
17.	NOA - Criminal Anders (Trial)	86	180	271	77	101	283	912
18.	NOA - Criminal Anders (Plea)	47	180	271	77	101	283	912
19.	NOA - Judgment and Sentence (Includes Delinquency, Other Juvenile and Judgment and Sentence)	100	734	1,079	277	697	618	3,405
20.	Total Filings		5,872	6,087	3,409	4,638	4,693	24,699
21.	Total Weighted Filings		609,149	655,747	416,551	546,932	493,877	2,722,256

22.	Total Judges (in FTE)	15	16	10	12	11	64
23.	Total Attorneys (in FTE)	42	41	22	33	30	168
24.	Elbow Clerks (in FTE adjusted for 3rd DCA)	30	32	20	24	22	128
25.	Central Staff Attorneys (in FTE adjusted for 3rd DCA and Worker's Comp)	12	9	2	9	8	40
26.	Weighted Filings Per Total Attorneys (in FTE)	14,504	15,994	18,934	16,574	16,463	16,204
27.	Weighted Filings Per Elbow Clerks (in FTE)	20,305	20,492	20,828	22,789	22,449	21,268
28.	Weighted Filings Per Central Staff Attorneys (in FTE)	50,762	72,861	208,276	60,770	61,735	68,056

29.	Total Weighted Filings	609,149	655,747	416,551	546,932	493,877	2,722,256
30.	Total Attorney FTE	42	41	22	33	30	168
31.	Estimated FTE Need (Total Weighted Filings divided by Weighted Filings Per Total Attorney FTE)	37.6	40.5	25.7	33.8	30.5	168.0
32.	Difference (A positive value indicates a deficit.)	-4.4	-0.5	3.7	0.8	0.5	0.0

Note: FY 2012-13 filings include 13 nonsummary 3.800 criminal postconviction cases. A delphi case type was not created to account for these filings. In this analysis, the 13 filings are included in the NOA - Criminal Summary Postconviction (includes 3.800 and 3.801) delphi case type.

District Courts of Appeal
Workload Analysis Using Central Staff Average Relative Case Weights and FY 2012-13 Filings
3rd DCA Adjustment and Excluding Worker's Compensation

Column	A	B	C	D	E	F	G	H	
			FY 2012-13 Filings						
Line	Delphi Case Type	Central Staff Average Relative Case Weight	First	Second	Third	Fourth	Fifth	Total Filings	
1.	Petitions - Certiorari (Includes Certiorari and Review Non-Final Agency Action)	162	338	244	204	250	168	1,204	
2.	Petitions - Habeas Corpus	87	154	162	162	161	140	779	
3.	Petitions - Mandamus and Belated Appeal	55	847	526	137	388	488	2,386	
4.	Petitions - Ineffective Assistance of Appellate Counsel	98	126	138	11	98	139	512	
5.	Petitions - Prohibition	108	121	142	90	125	114	592	
6.	Petitions - All Other (Includes Coram Nobis, Quo Warranto, Review Orders Excluding the Press or Public, and Other Original Proceedings)	77	22	18	10	10	3	63	
7.	NOA - Administrative (Unemployment Compensation Only)	57	453	21	39	30	29	572	
8.	NOA - Administrative (Other)	121	236	60	55	67	44	462	
9.	NOA - Civil Final (Includes Civil, Family, and Probate/Guardianship)	185	926	1,049	1,114	1,220	784	5,093	
10.	NOA - Civil Nonfinal (Includes Civil, Family, and Probate/Guardianship)	150	104	282	206	358	207	1,157	
11.	NOA - Criminal Summary Post Conviction (Includes 3.800 and 3.801)	82	379	615	304	279	370	1,947	
12.	NOA - Criminal Summary Postconviction (Includes 3.850 and 3.853)	98	602	735	378	468	583	2,766	
13.	NOA - Criminal Nonsummary Postconviction (Includes 3.850 and 3.853)	111	122	213	37	78	107	557	
14.	NOA - Criminal State Appeals	94	41	56	16	41	52	206	
15.	NOA - Criminal Habeas Corpus and Other Criminal	80	171	69	175	107	158	680	
16.	NOA - Juvenile Dependency (Includes Dependency and TPR)	129	136	136	40	59	123	494	
17.	NOA - Criminal Anders (Trial)	83	180	271	77	101	283	912	
18.	NOA - Criminal Anders (Plea)	48	180	271	77	101	283	912	
19.	NOA - Judgment and Sentence (Includes Delinquency, Other Juvenile and Judgment and Sentence)	100	734	1,079	277	697	618	3,405	
20.	Total Filings		5,872	6,087	3,409	4,638	4,693	24,699	
21.	Total Weighted Filings		618,810	675,452	436,643	569,294	507,087	2,807,286	
22.	Total Judges (in FTE)		15	16	10	12	11	64	
23.	Total Attorneys (in FTE)		42	41	22	33	30	168	
24.	Elbow Clerks (in FTE)		30	32	18	24	22	126	
25.	Central Staff Attorneys (in FTE)		12	9	4	9	8	42	
26.	Weighted Filings Per Total Attorneys (in FTE)		14,734	16,474	19,847	17,251	16,903	16,710	
27.	Weighted Filings Per Elbow Clerks (in FTE)		20,627	21,108	24,258	23,721	23,049	22,280	
28.	Weighted Filings Per Central Staff Attorneys (in FTE)		51,568	75,050	109,161	63,255	63,386	66,840	
29.	Total Weighted Filings		618,810	675,452	436,643	569,294	507,087	2,807,286	
30.	Central Staff Attorney FTE		12	9	4	9	8	42	
31.	Estimated FTE Need (Total Weighted Filings divided by Weighted Filings Per Central Staff Attorney FTE)		9.3	10.1	6.5	8.5	7.6	42.0	
32.	Difference (A positive value indicates a deficit.)		-2.7	1.1	2.5	-0.5	-0.4	0.0	

Note: FY 2012-13 filings include 13 nonsummary 3.800 criminal postconviction cases. A delphi case type was not created to account for these filings. In this analysis, the 13 filings are included in the NOA - Criminal Summary Postconviction (includes 3.800 and 3.801) delphi case type.

Agenda Item VI.A.: Salary Budget

**FY 2014-15 District Courts of Appeal Salary Budget
AUGUST 2014**

1	Projected Full Employment Payroll Liability through June 30, 2015	39,806,007
2	Projected DROP Liability through June 30, 2015	77,816
3	Projected Law Clerk Below Minimum Pay Plan Liability through June 30, 2015	57,699
4	Projected Law Clerk Incentives Pay Plan Liability through June 30, 2015	167,370
5	Total Projected Payroll Liability through June 30, 2015	40,108,892
6	Salary Appropriation	(40,175,499)
7	Projected Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(66,607)
8	Actual Payroll Adjustments through August 31,2014	(263,597)
9	Adjusted Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(330,204)
10	Estimated Leave Payouts (based on two year average)	15,367
11	FINAL - Adjusted Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(314,837)

District Court of Appeal Budget Commission
September 6, 2014
Jupiter Beach, Florida

Agenda Item VI.B.: Operating Budgets

The data below represents the status of the FY 2014-15 operating budget as of August 31, 2014.

General Revenue Fund

Category	District	Appropriation	Expended / Encumbered	Remaining Balance	% Expended / Encumbered
Other Personal Services	1st	24,809	0	24,809	0.00%
	2nd	14,560	0	14,560	0.00%
	3rd	14,560	0	14,560	0.00%
	4th	21,204	0	21,204	0.00%
	5th	79,434	9,819	69,615	12.36%
	TOTAL		154,567	9,819	144,748
Expenses	1st	1,425,124	344,838	1,080,286	24.20%
	2nd	911,950	576,647	335,303	63.23%
	3rd	245,593	23,397	222,196	9.53%
	4th	286,917	49,950	236,967	17.41%
	5th	276,978	49,034	227,945	17.70%
	TOTAL		3,146,562	1,043,866	2,102,696
Operating Capital Outlay	1st	4,642	0	4,642	0.00%
	2nd	27,297	17,238	10,059	63.15%
	3rd	13,901	0	13,901	0.00%
	4th	18,274	1,179	17,095	6.45%
	5th	21,250	6,609	14,641	31.10%
	TOTAL		85,364	25,026	60,338
Senior Judge Days	1st	7,700	0	7,700	0.00%
	2nd	8,261	0	8,261	0.00%
	3rd	14,818	0	14,818	0.00%
	4th	18,995	0	18,995	0.00%
	5th	48,533	7,812	40,721	16.10%
	TOTAL		98,307	7,812	90,495
Contracted Services	1st	83,594	2,614	80,980	3.13%
	2nd	196,012	66,892	129,120	34.13%
	3rd	104,450	34,272	70,178	32.81%
	4th	140,687	73,251	67,436	52.07%
	5th	55,771	24,797	30,975	44.46%
	TOTAL		580,514	201,825	378,689

District Court of Appeal Budget Commission
September 6, 2014
Jupiter Beach, Florida

Agenda Item VI.B.: Operating Budgets

The data below represents the status of the FY 2014-15 operating budget as of August 31, 2014.

General Revenue Fund

Category	District	Appropriation	Expended / Encumbered	Remaining Balance	% Expended / Encumbered
DCA Law Library	1st	86,641	7,210	79,431	8.32%
	2nd	34,977	22,074	12,903	63.11%
	3rd	9,600	7,591	2,009	79.07%
	4th	15,874	69	15,805	0.44%
	5th	15,705	5,083	10,622	32.37%
	TOTAL		162,797	42,027	120,770
Lease/Lease Purchase	1st	16,895	13,125	3,770	77.68%
	2nd	13,453	12,935	518	96.15%
	3rd	6,316	2,617	3,699	41.43%
	4th	13,576	4,138	9,438	30.48%
	5th	12,446	10,365	2,081	83.28%
	TOTAL		62,686	43,179	19,507

Administrative Trust Fund

Category	Appropriation	Expended / Encumbered	Remaining Balance	% Expended / Encumbered
Expenses	94,669	14,138	80,531	14.93%
Operating Capital Outlay	27,000	0	27,000	0.00%
TOTAL	121,669	14,138	107,531	11.62%

Agenda Item VI.C: Vacancies over 180 days as of 08/29/14

District Court	Cost Center	Cost Center Name	Position #	Class Title	FTE	# of Days Vacant	Date Position Vacant	Base Rate
1st	111	Judicial Assistants	006572	Appellate Judicial Assistant	1.00	447	06/08/2013	\$30,320.04
1st	112	Law Clerks	004791	Senior Law Clerk	1.00	602	01/04/2013	\$53,585.76
1st	120	Workers Compensation Unit	011670	Law Clerk	1.00	515	04/01/2013	\$45,556.08
1st	180	Library	006549	Librarian	1.00	1,322	01/12/2011	\$31,664.64

Agenda Item VI. D.: General Revenue and State Courts Revenue Trust Fund Revenue Projections

General Revenue Forecast (GR):

The General Revenue Estimating Conference was held on August 7, 2014, adopting a FY 2014/15 estimate, remaining essentially unchanged from the previous forecast, at \$27.2 billion. The FY 2014/15 forecast exceeds FY 2013/14 collections by about \$1.0 billion (or 3.8%), with another \$1.1 billion of growth estimated in FY 2015/16 over the FY 2014/15 estimates. The forecast has been primarily affected by: 1) an increase in sales tax, finally exceeding the previous peak achieved in FY 2006/07; a reduction in estimated corporate income tax revenue collections, due to investing of cash reserves; and 3) a slight reduction in real estate taxes (documentary stamp taxes and intangible taxes), representing a slowing, but still healthy growth in these revenues.

The General Revenue forecast for FY 2014/15, compared with the effective appropriations for FY 2014/15, creates an ending balance of close to \$1.6 billion, even factoring in the \$1.1 billion increase in appropriations from last year.

State Courts Revenue Trust Fund Forecast (SCRTF):

The Article V Revenue Estimating Conference met on July 18, 2014, to review the official revenue projections for the SCRTF for FY 2014/15 and for the next five fiscal years through FY 2019/20.

For FY 2014/15, the conference principals revised the February 2014 revenue estimate of \$95.0 million down to \$83.2 million. The \$11.8 million decrease in the forecast was primarily driven by foreclosure filings continuing to come in below estimate (see **Attachment A**), and they are expected to reach normal levels in FY 2018/19.

	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20
February 13, 2014 Conference (Old)	\$95.0	\$91.3	\$79.4	\$79.8	\$80.3	N/A
July 18, 2014 Conference (New)	\$83.2	\$85.5	\$85.7	\$86.0	\$80.6	\$80.8

The impact of the reduction in the SCRTF estimates will be discussed in the next agenda item.

Decision Needed:

None. The OSCA will continue to monitor GR and trust fund revenues closely and will update the DCABC regularly.

Article V Revenue Estimating Conference
Revenue Projections by Source
State Courts Revenue Trust Fund
FY 2014/15
(in Millions)

Source	February 13, 2014 REC Estimates		July 18, 2014 REC Estimates	
	FY 2014/15 Projected Revenues ¹	Percent of Total Revenue	FY 2014/15 Projected Revenues ¹	Percent of Total Revenue
\$5 Civil Traffic Assessment	\$12.1	12.7%	\$11.5	13.8%
\$25 Speeding Fine Increase	\$6.1	6.4%	\$6.3	7.5%
18% Driving School Reduction	\$4.7	4.9%	\$4.8	5.8%
Real Property/Foreclosure Revenue: \$770 Portion of the Total \$1,900 Filing Fee	\$28.4	29.9%	\$16.0	19.2%
\$115 Increase in Probate	\$6.9	7.3%	\$7.0	8.4%
\$195 Redirect/Increase in Circuit Civil (Excluding Foreclosures)	\$21.8	22.9%	\$22.6	27.2%
\$95 Redirect in Family	\$6.8	7.2%	\$7.0	8.5%
Appellate \$50 Filing Fee	\$0.3	0.3%	\$0.4	0.5%
\$10 County Civil Claims (Evictions)	\$1.4	1.5%	\$1.5	1.8%
\$15 County Civil Claims	\$2.0	2.1%	\$2.0	2.4%
\$1 Circuit and County Proceedings	\$1.1	1.2%	\$0.8	0.9%
Court Ordered Mediation Services ²	\$3.4	3.6%	\$3.4	4.1%
Total ³	\$95.0	100.0%	\$83.2	100.0%

¹ Projected Revenues from the February 13, 2014, and July 18, 2014, Article V Revenue Estimating Conference.

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

³ Totals may not be exact due to rounding.

STATE COURTS REVENUE TRUST FUND
OSCA Projected Deficit
FY 2014/15 and FY 2015/16

FY 2014/15		
1	Beginning Balance July 1, 2014	2,060,034
2	Add: FY 2014/15 Official Revenue Projections ¹	85,024,413
3	Add: Cost Sharing	3,695,347
4	Estimated Total Revenue	90,779,794
5	Less: Estimated Expenditures ²	(99,616,315)
6	Less: Estimated Mandatory GR 8% Service Charge	(6,729,035)
7	Estimated Total Expenditures	(106,345,350)
8	Estimated Ending Cash Balance June 30, 2015	(15,565,556)
9	Add: Cash Needed to Address the Shortfall	15,565,556
10	Estimated Ending Cash Balance June 30, 2015	0

FY 2015/16		
11	Beginning Balance July 1, 2015	0
12	Add: FY 2015/16 Official Revenue Projections ¹	85,500,000
13	Add: Cost Sharing	3,695,347
14	Estimated Total Revenue	89,195,347
15	Less: Estimated Expenditures ²	(99,303,698)
16	Less: Estimated Mandatory GR 8% Service Charge	(6,919,995)
17	Estimated Total Expenditures	(106,223,693)
18	Estimated Ending Cash Balance June 30, 2016	(17,028,346)

¹ Official Article V Revenue Estimating Conference revenue projections, July 18, 2014, of \$83,229,000, updated with July and August 2014 actual revenue and refunds.

² FY 2014/15 and FY 2015/16 Estimated Expenditures are based on the FY 2014/15 GAA less vetos, certified forwards in FY 2014/15, SCRTF pay plan authority, and the supplemental appropriation for retirement adjustments.

State Courts System
 State Courts Revenue Trust Fund - Monthly Cash Analysis
 Fiscal Year Reporting 2014-2015 (Official Estimates)

Based on Actual Revenues and Expenditures for July - August and Estimated for September - June

Article V Revenue Estimating Conference Projections

1	July 18, 2014	6,225,972	6,791,341	7,054,936	6,645,955	6,986,637	6,451,851	6,510,407	6,807,654	7,379,306	7,562,310	7,124,526	7,688,104	83,229,000
2	State Courts Revenue Trust Fund	July	August	September	October	November	December	January	February	March	April	May	June	Year-To-Date Summary*
3	Beginning Balance	2,060,034	1,014,191	548,768	0	0	0	0	0	0	0	0	0	2,060,034
4	Fee and Fine Revenue Received*	7,554,051	7,252,656	7,054,936	6,645,955	6,986,637	6,451,851	6,510,407	6,807,654	7,379,306	7,562,310	7,124,526	7,688,104	85,018,394
5	Cost Sharing (JAC transfers/\$3,695,347 due annually)	842,913	83,409		923,009			923,008			923,008			3,695,347
6	Refunds/Miscellaneous	1,959	4,061											6,019
7	Total Revenue Received	8,398,923	7,340,126	7,054,936	7,568,965	6,986,637	6,451,851	7,433,416	6,807,654	7,379,306	8,485,318	7,124,526	7,688,104	88,719,761
8	Available Cash Balance	10,458,956	8,354,318	7,603,704	7,568,965	6,986,637	6,451,851	7,433,416	6,807,654	7,379,306	8,485,318	7,124,526	7,688,104	90,779,795
9	Staff Salary Expenditures	(7,505,690)	(7,571,922)	(8,406,035)	(8,406,035)	(8,406,035)	(8,406,035)	(8,406,035)	(8,406,035)	(8,406,035)	(8,406,035)	(8,406,035)	(8,406,035)	(99,137,962)
10	Prior Year Certified Forwards - Staff Salary	(101,824)	(36,061)											(137,885)
11	Prior Year Certified Forwards - Mortgage Foreclosure Settlement	(117,622)	(194,995)											(312,617)
12	Refunds	(2,070)	(2,571)	(2,321)	(2,321)	(2,321)	(2,321)	(2,321)	(2,321)	(2,321)	(2,321)	(2,321)	(2,321)	(27,851)
13	Total SCRTF Operating Expenditures	(7,727,206)	(7,805,550)	(8,408,356)	(99,616,315)									
14	<i>8% General Revenue Service Charge</i>	(1,717,559)			(1,748,932)			(1,606,755)			(1,655,789)			(6,729,035)
15	Ending Cash Balance	1,014,191	548,768	(804,652)	(2,588,323)	(1,421,719)	(1,956,505)	(2,581,696)	(1,600,702)	(1,029,050)	(1,578,827)	(1,283,830)	(720,252)	(15,565,556)

* Note: Actual revenues received reported by REC and OSCA differ due to the timing of reporting by the Department of Revenue and FLAIR posting to the SCRTF.

Estimated 8% GRSC for July 2015 (1,789,995)

Agenda Item VI.E.: Trust Fund Cash Statement Overview

**State Courts System
Administrative Trust Fund
August 31, 2014**

District Court of Appeal	Beginning Balance	Revenue Received	Expenditures	Balance
1st DCA - Workers Compensation	43,111.87	466,766.01	0.00	509,877.88
Salaries and Benefits - 010000	0.00	0.00	(231,000.06)	(231,000.06)
Expenses - 040000	0.00	0.00	(19,323.53)	(19,323.53)
OCO - 060000	0.00	0.00	(1,799.95)	(1,799.95)
Ending Cash Balance	43,111.87	466,766.01	(252,123.54)	257,754.34

District Court of Appeal Budget Commission
September 6, 2014
Jupiter Beach, Florida

Agenda Item VI.F.: 4th District Court of Appeal – Reclassification Request

Issue: The 4th District Court of Appeal (DCA) requests to reclassify a vacant Administrative Assistant I position to a User Support Analyst resulting in the need for an exception to the Fiscal Year 2013-14 Budget and Pay Memorandum reclass limitations.¹

Discussion: Based on a memorandum from Chief Judge Dorian Damoorgian, the DCA currently operates with one Senior User Support Analyst who serves all the court's technology needs. Specifically, this position is responsible for providing information technology management and technical support to all court personnel and critical system, 24/7 without any assistance or backup. Even with IT support from the Office of the State Courts Administrator (OSCA), the majority of the 4th DCA's IT operations require in-house support and the court is left without any internal IT support when the Senior User Support Analyst is out on leave. Authorizing a second IT position will substantially reduce the strain on the current IT employee and bring the court in line with the other DCAs, all of whom have two IT positions.

Based on an analysis done by OSCA Budget Services, the total annual cost for the reclassification is \$7,374, which accounts for the increase in the minimum salary for the Administrative Assistant I position, as proposed in the pending pay issue. Additionally, the reclass has not yet been substantively approved by the State Courts Administrator.

Options:

1. Approve the request to reclassification of the Administrative Assistant I position to a User Support Analyst, absorbing the additional costs from the statewide resources.
Note: If this option is selected, the reclass would still be pending substantive approval of the State Courts Administrator.
2. Deny the request.

¹ A.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.

District Court of Appeal Budget Commission
September 6, 2014
Jupiter Beach, Florida

Item VI.G.: 2nd District Court of Appeal – Exception Request

Issue: The Second District Court of Appeal submitted a request for a reclassification analysis resulting in the need for an exception to the Fiscal Year 2013-14 Budget and Pay Administration Memorandum reclass limitations.¹

Discussion: The request was to reclass an Administrative Assistant I in the central staff department, given the changing nature of the administrative assistant positions due to the implementation of e-filing. The duties and responsibilities of the incumbent had developed into a position more closely aligned with that of a case manager. Staff analysis resulted in a recommendation for an upward reclass of the position to a Court Program Specialist II and the reclass was substantively approved by the State Courts Administrator. Second District Court of Appeal Chief Judge Charles A. Davis, Jr. also requests a \$1,000 promotional increase to the incumbent's current salary, which is consistent with the provisions of the Fiscal Year 2013-14 Budget and Pay Administration Memorandum.²

The reclass, with a \$1,000 promotional increase, results in a cost in salary rate of 1,000 and an annualized dollar cost of \$1,150.20.

Options:

1. Approve the request effective September 1, 2014.
2. Deny the request.

¹ A.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.

² A.7. If a position is reclassified within these limitation, 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.

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**Agenda Item VI.H.: 3rd District Court of Appeal – Geographical Difference
Adjustments**

There are no materials for this agenda item.

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September 6, 2014
Jupiter Beach, Florida

Agenda Item VII.A.: FY 2015-16 Legislative Budget Request – Employee Pay Issue

Background: For Fiscal Year 2014-15, the Court filed a Legislative Budget Request for \$9,866,302 in recurring salary dollars to address a wide range of salary issues affecting the State Courts System (SCS). The Court further noted that the SCS needs approximately \$18,828,193 in recurring salary appropriation. However, recognizing the considerable size of such a request, the SCS proposed a two-year implementation period.

The 2014 Legislature provided \$8,132,614 in recurring dollars to fund the equity and retention issue. The second year was not funded. The proviso language in the General Appropriations Act (GAA) requires that the funds be used for employee position classification salary adjustments to 1) encourage retention, 2) provide salary equity between the judicial branch and other governmental entities, and 3) provide market-based adjustments for recurring employee recruitment problems.

The Court also filed a 3.5% competitive pay adjustment issue for SCS employees for FY 2014-15 and, at a minimum, requested that SCS employees be included in any general competitive salary increase as may be provided to other state employees.

This issue was not funded and there was no general competitive pay adjustment or across-the-board increase for state employees in the FY 2014-15 GAA.

Status: At Court Conference on June 27, 2014, the Supreme Court approved the Supreme Court special pay issue plan and the plan recommended by the Trial Court Budget Commission (TCBC) at the June 20, 2014, TCBC meeting. On August 8, 2014, the remaining special pay issue recommended plans (District Court of Appeal Budget Commission, Office of the State Courts Administrator, and Judicial Qualifications Commission), as well as the amended trial court plan, were presented by the Chief Justice to the full Court. The Court subsequently approved the plans on August 14, 2014. A budget amendment for the branch plan, pursuant to the General Appropriations Act, was placed on consultation August 18, 2014, and is scheduled to be through consultation by September 3, 2014.

Issue for FY 15-16: Not all classes in the State Courts System identified for salary adjustments based on retention, recruitment or equity problems, were able to be adjusted with the Fiscal Year 2014-15 funding. For example, the classes in the case management element had been identified as needing adjustments at the June 20, 2014, Trial Court Budget Commission meeting, but there was not sufficient funding to recommend adjustments for those classes to the Chief Justice. In addition, there may be classes that were adjusted but not to the extent for maximizing retention

and recruitment. Additionally, a number of classes were not thoroughly analyzed given time constraints for identifying and analyzing comparables.

Classes where preliminary data did not indicate equity problems may also need to be re-analyzed with updated data. As well, classes with new or continuing indications of retention and recruitment problems may also need to be re-analyzed.

Outreach to the supreme court justices and managers, OSCA managers, marshals, chief judges and trial court administrators could provide staff with assistance in identifying continuing problem classes.

The Trial Court Budget Commission met on August 26, 2014 and recommended option 2 and option 5 below as part of their legislative budget request.

DCABC Decisions Needed:

1. File an LBR issue for the funding identified for the two-year salary equity and flexibility issue in the amount of \$10,695,579 (the original two-year request less the amount funded in FY 2014-15) with the understanding that the amount may be adjusted based on continued analysis.
2. File an LBR issue for the original second-year funding request for the salary equity and flexibility issue in the amount of \$8,961,891 with the understanding that the amount may be adjusted based on continued analysis.
3. Do not file an LBR issue for salary equity and flexibility.
4. File an LBR issue for a 3.5% competitive pay adjustment.
5. Do not file an LBR issue for a 3.5% competitive pay adjustment but work throughout 2015 Legislative Session to insure judicial branch employees are included in any general competitive salary increase as may be provided to other state employees.

Item: VII.B.: FY 2015-16 Legislative Budget Request – Operating Issues

1st District Court of Appeal: No issues requested

2nd District Court of Appeal:

**1. Issue – *Additional Leased Space - Tampa*
Activity – Facility Maintenance and Management**

The Second District Court of Appeal files a placeholder request for \$650,000 associated with additional leased space in Tampa.

This placeholder would serve the district's immediate goals by moving all judicial offices to the Tampa facility as soon as possible. This would be accomplished by leasing an additional floor in our current leased facility at an additional cost of approximately: \$525,000 Expense for Class A Leased space; \$70,000 for Contracted Services for additional security services; and \$55,000 non-recurring Other Capital Outlay (OCO) for furnishings and the required security infrastructure. (The OCO request assumes that some of the built-in furnishings in Lakeland can be moved and repurposed for use in the Tampa space.)

Expenses	\$525,000
Other Capital Outlay	\$ 55,000
Contracted Services	<u>\$ 70,000</u>

Budget Request Total: \$650,000 (55,000 non-recurring)

Options:

1. File the issue as requested.
2. Do not file an issue.

2nd District Court of Appeal:

**2. Issue – *Central Staff Workload – Career Attorney 1 FTE*
Activity – Judicial Processing of Cases**

The Second District Court of Appeal requests \$97,627 for a Career Attorney position. The attorneys in the central staff department work on specific types of cases for the judges of the court to resolve and these cases are typically not handled by the attorneys who assist the judges in their suites. Thus, while the addition of two judicial suites will reduce the district's workload per judge, the workload of the central staff attorneys will not be similarly reduced.

Item: VII.B.: FY 2015-16 Legislative Budget Request – Operating Issues

Currently, a core function of the central staff is to assist in the resolution of summary post-conviction appeals. Criminal Post Conviction filings increased 14.3% between FY 2008-09 and FY 2012-13. In 2013, approximately 1350 summary post-conviction cases were filed in the second district, which represents a workload of 150 cases of that type per year per central staff attorney. This is far higher than in any other district (the fifth district has the next highest at 119 per central staff attorney).

In addition, the second district's central staff attorneys handle a high volume of writ petitions per attorney, approximately 137 writ filings per attorney in FY 2012-13. The only way to keep up with the volume is by hiring and retaining career attorneys who have developed expertise in the case types supported by the central staff unit so that ultimate resolution of these cases by the judges is more expedient. Inevitably, because the volume of summary post-conviction filings is so great, some of them must be assigned to the judicial suite attorneys, who have far less experience in dealing with these types of case. This is not an optimal or efficient use of the court's resources.

The recommended funding methodology for law clerks is 2.8 per judge, which if applied by district (x 16 judges=44.8 FTE) results in a need of an additional 3.8 FTE. If the system was funded at 2.8 per judge (times 64 judges=179 FTE) and distributed based on workload measures the second district's presumed need would be approximately 3.0 additional FTE, using either weighted or un-weighted filings.

Expenses and Human Resource Services amounts for all positions were calculated using the standards outlined in the FY 2015-2016 Legislative Budget Request Instructions adjusted for Voice Over IP telephones, Law Library and includes the calculator costs. All positions are requested at ten percent above the base salary to allow the State Courts System to competitively recruit and retain employees. All FTE costs included in this issue assume a July 1, 2015 effective date.

Rate: 65,568

Salaries and Benefits:

Career Attorney	1.0 FTE	\$86,604
Expenses:		\$10,797 (\$4,158 non-recurring)
HR Services Assessment:		\$ 226

Budget Request Total: 1.0 FTE \$97,627 (\$4,158 non-recurring)

Options:

1. File the issue as requested.
2. Do not file an issue.

Item: VII.B.: FY 2015-16 Legislative Budget Request – Operating Issues

3rd District Court of Appeal: No issues requested

4th District Court of Appeal: No issues requested

5th District Court of Appeal:

**1. Issue – *Central Staff Workload – Career Attorney 1 FTE*
Activity – *Judicial Processing of Cases***

The Fifth District Court of Appeal requests \$97,623 for a Career Attorney position to be utilized in Central Staff.

The ability of the public to have timely, competent and professional access to the judicial system cannot be overstated. Law clerks are a vitally important component of that access. In a recent workload analysis using overall average relative case weights and FY 2012-13 filings, the number of case filings per staff attorney at the Fifth DCA was 168. The average cases per staff attorney among all the District Courts in 2012-2013 was 149. During the 2014 legislative session, the Fifth DCA received funding for one additional judgeship and associated staff positions. Even with the addition of the judge and two new associated staff attorneys, there is an additional need at the Fifth DCA for one more staff attorney.

Expenses and Human Resource Services amounts for all positions were calculated using the standards outlined in the FY 2015-2016 Legislative Budget Request Instructions adjusted for Law Library and includes the calculator costs. All positions are requested at ten percent above the base salary to allow the State Courts System to competitively recruit and retain employees. All FTE costs included in this issue assume a July 1, 2015 effective date

Rate: 65,568

Salaries and Benefits:

Career Attorney	1.0 FTE	\$86,604
Expenses:		\$10,793 (\$3,927 non-recurring)
HR Services Assessment:		<u>\$ 226</u>

Budget Request Total: 1.0 FTE \$97,623 (\$3,927 non-recurring)

Options:

1. File the issue as requested.
2. Do not file an issue.

Item: VII.B.: FY 2015-16 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: VII.B.: FY 2015-16 Legislative Budget Request – Operating Issues

Options:

1. File the issue as requested.
2. Do not file an issue.

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Agenda Item VII.B.: Operating Issues – Appellate Judiciary Travel Issue

Please note the information below is outdated and is presented for informational purposes only as starting point for discussion with the members of the District Court of Appeal Budget Commission.

According to Florida Supreme Court historian Canter Brown, Jr., PhD., the creation and design of Florida's current appellate court system was motivated in large part by a widely-held view that because the entire system operated only in Tallahassee, it did not properly reflect the values and concerns of citizens outside of Florida's panhandle. In 1956, Florida's citizens overwhelmingly adopted a constitutional amendment that revamped the system to address this concern, and created the current system of final appellate courts distributed throughout the state, and a supreme court (of limited jurisdiction) headquartered in Tallahassee (but with justices who had to be selected from the entire state).¹

Although our current system solved the most pronounced geographic diversity issues in Florida's appellate court system, our appellate courts still encompass large geographic areas, with the more "remote" areas still severely underrepresented. For example, Florida's First District Court of Appeal covers six judicial circuits, spanning from the Alabama border in the West to Jacksonville and the Atlantic Ocean on the East. Yet, only one of the court's fifteen judges lives outside of the Second Judicial Circuit (headquartered in Tallahassee). None live in Jacksonville or Gainesville.

Florida's Second District Court of Appeal, headquartered in Lakeland, Florida, is approximately 150 miles (and almost a three-hour drive) from Naples, in the southern and most "remote" area within its jurisdiction. Five of the court's fourteen judges live in the court's headquarters county (Polk), while eight others live within the Tampa Bay Area (or, the Tampa-St. Petersburg-Clearwater, Florida, Metropolitan Statistical Area), where the Second District has a branch courthouse from which most of these judges work. None of the Second District judges live in Naples, and only one lives in the 20th Circuit (which covers Charlotte, Glades, Lee, Hendry and Collier Counties).

Florida's Third and Fourth Districts are more geographically compact than the other appellate jurisdictions. However, all of the judges on Florida's Third District Court of Appeal (headquartered in Miami) live in Dade County. None live in the other circuit within the court's jurisdiction. Florida's Fourth District Court of Appeal encompasses three circuits: the 15th (Palm Beach County); the 17th (Broward County) and the 19th (Indian River, Okeechobee, Martin and St. Lucie Counties). Seven of the court's twelve judges live in Palm Beach County, where the court is located. The rest live in the counties immediately adjacent to Palm Beach County (three in Martin County; two in Broward County). None live in any of the three more remote counties within the court's jurisdiction.

Finally, Florida's Fifth District Court of Appeal encompasses thirteen central Florida counties -- from Citrus and Hernando on the West Coast to St. Johns, Flagler, Volusia and Brevard counties on the East Coast. Three of the court's ten judges live in Volusia County, in the 7th Judicial Circuit, where the court is located. Five live in Orange County, and travel from the 9th Circuit, through the 18th Circuit, to the 7th Circuit each time they travel to the court (a 100-mile round trip). The court's other two judges make a 170-mile round trip drive from Melbourne in Brevard County (part of the 18th Circuit). There are no judges on the court who live in the more remote 5th Circuit (Citrus, Hernando, Lake, Marion and Sumter counties), or in the other remote counties within the court's jurisdiction.

Recently, the Florida Supreme Court appointed a committee to study the appellate courts and their workloads. The District Court of Appeal Workload and Jurisdiction Assessment Committee filed its report in November 2006. This committee also noted the problem of lack of representation from the "outlying areas" of the current appellate courts' jurisdictional boundaries. However, they rejected the idea of creating more branch courthouses (similar to the one in the Second District), as unworkable and too expensive. The committee also considered "chambers dispersion," which is the solution used in the federal appellate system, under which the government provides chambers for each judge in his or her city of residence, and then pays for travel to oral arguments (when the judges are required to be in court).ⁱⁱ It was recommended that this concept receive further study; however, no recommendation was made to pursue chamber dispersion now, largely because of the expense and other state budgeting concerns.ⁱⁱⁱ

However, one easy and relatively inexpensive measure that the legislature could undertake to encourage more applicants from underrepresented areas would be to reimburse appellate judges appointed from remote circuits for travel to the courthouse. Not only would this simple measure encourage more applicants for appellate court positions, and help address the geographic diversity problem, it is also the fair and right thing to do for sitting appellate judges who are now required to travel great distances, at their own expense, for state business.

Section 35.05, Florida statutes, was amended in 2000 to allow for this reimbursement with respect to district judges. Therefore, the necessary funding could simply be appropriated for this purpose. The current estimated annual cost of funding this measure would be under \$135,000 statewide (for all District Courts of Appeal). However, additional language should be added to section 35.05 to mandate compliance. Subsection (3) would be created to read: Any district judge who permanently resides outside of the judicial circuit in which the headquarters of the court is located pursuant to subsection (1), and for whom the state or court has not provided or designated an official headquarters within the judge's home circuit pursuant to subsection (2), may at his or her own expense furnish and operate an office in the judge's home circuit, which shall be that judge's official headquarters pursuant to s. 112.061, by operation of law.

ⁱ Dr. Canter Brown, Jr., Florida History: The Evolution of Florida's Courts In The Context of Other Historical Events (presentation given at 2006 Annual Education Program of the Conference of District Court of Appeal Judges, September 12, 2006, Ponte Vedra, Florida).

ⁱⁱ Unlike trial judges, most of the work of an appellate judge is not conducted in court. Rather, appellate judges spend most of their time reading briefs, reviewing the written record from cases under consideration, researching the law, and drafting legal opinions. Because appellate cases are decided by panels of judges (and not a single judge), appellate judges must also confer with one another regularly with respect to cases under review.

However, a case can be conferenced by telephone, so that all judges need not be in the same location most of the time.

ⁱⁱⁱ The full report can be accessed online at www.floridasupremecourt.org. Under the "Public Information" tab, select "Reports and Studies." A link is found with reports finalized in 2006.

Item VII.C.: FY 2015-16 Legislative Budget Request – Fixed Capital Outlay

1st District Court of Appeal: Not Applicable.

2nd District Court of Appeal:

1. Issue – Courthouse Acquisition – DMS Managed

The Second District Court of Appeal files a placeholder in the amount of \$100,000 to proceed with Department of Management Services (DMS) managed architectural/engineering tasks related to acquiring a consolidated courthouse facility in Tampa.

The Second District Court of Appeal has long outgrown its courthouse in Lakeland, necessitating the utilization of leased office space for over 34 years. An analysis of the historical and present facility operations of the Second District Court of Appeal provides the following information:

- The courthouse in Lakeland cannot be rehabilitated to provide for the district's core operations;
- There is no functional justification for the continued division of the court and the expense of operating from two facilities cannot be justified; and
- The location of the headquarters in Lakeland is no longer justified because Tampa is the population and filing center for the district and it is more geographically accessible to litigants and the public.

In 1979 the Florida Supreme Court's Commission on the Florida Appellate Court Structure concluded that Tampa was an appropriate geographical location for hearing large numbers of appeals. The Commission, and the Supreme Court, recommended that Tampa be the location of a newly constituted district to be created. In 1980, the legislature authorized a Tampa branch to deal with the very large numbers of appeals originating in Hillsborough and Pinellas counties – and also reflecting the new central and west coast moiety of the district's new geographical distribution. See section 35.05, Florida Statutes.

Nearly 50% of the district's filings originate in Hillsborough and Pinellas counties; the district's Tampa location provides litigants, their lawyers, law students, and the general public with ready access to their court within an existing legal community. Further, it saves time and money for the court's employees and judges by eliminating what otherwise would be a long daily commute. Nine of the court's 16 judges are currently located in leased space in Tampa, at an annual cost of \$525,000 for rent, \$18,000 for courier costs, plus the associated administrative and operating costs for IT and security.

Item VII.C.: FY 2015-16 Legislative Budget Request – Fixed Capital Outlay

are an upgrade to the security surveillance and control access systems in the courthouse, installation of fire sprinklers in the courthouse, the acquisition of an emergency generator to ameliorate the present high risk of sewer and water backflow into the courthouse upon loss of power, an upgrade of the public access paths to the courthouse to comply with the 2010 ADA accessibility mandates, re-paving the court's thirty year old parking lots, and related enhancements necessary to the secure, efficient operation of the court.

As described in more detail in last year's request, the courthouse was designed before 1976 under a novel approach that embraced both the tropical environment and the concept of open government. The front of the court building is an open-air, free-flowing structure. While this novel open air design won several design awards in its day, after September 11 these same features and the accessibility of the main entrance poses significant security issues that cannot be resolved without reconstruction. Given the immediate and very serious nature of the security risks posed by the current court facility, the description of the physical structure creating the risks is attached under seal.

For all of these reasons, the Court respectfully requests the above stated supplemental funding to complete the remodeling and upgrading of the courthouse.

Budget Request Total: \$3,873,198 (non-recurring)

Options:

1. File the issue as requested.
2. Do not file an issue.

4th District Court of Appeal:

1. Issue – Courthouse Construction – DMS Managed

The Fourth District Court of Appeal requests \$14,272,600 to continue construction of a new courthouse and a new parking garage to serve the court and seven executive branch departments currently operating on the state-owned property on which the courthouse is being constructed.

The construction will be performed over three fiscal years, with funding provided in the first two years. The legislature provided funding for Fiscal year 2014-15 in the amount of \$7,145,763. Fiscal year 2015-16 costs are estimated to be \$14,272,600 to complete the project.

The continuance of this project will provide a new courthouse for the Fourth District Court of Appeal with a significant useful life. The current 44-year-old courthouse suffers from moisture and mold intrusion and is non-compliant with the Americans with Disabilities Act and a United

Item VII.C.: FY 2015-16 Legislative Budget Request – Fixed Capital Outlay

States Marshals’ Service security assessment. Major renovation would be costly and short-lived. The new courthouse will provide a modern and efficient location for the court’s operations, provide greater security, reduce operational and maintenance costs, and provide better access to public transportation which benefits the public and court employees.

Construction of the new courthouse on the state-owned property will reduce the current available ground parking for the seven executive branch departments currently operating on the property. Therefore, construction of the new parking garage will provide secure parking for the courthouse employees while enhancing parking for the public and the departments’ users.

Back-end financing of a portion of the project still is planned to occur by selling the existing courthouse property in approximately 2018. The current estimated market value of the existing courthouse property is \$3.3 million.

Construction Costs	\$12,670,000
Art Allowance	\$ 40,000
Architectural/Engineering Fee	\$ 1,350,000
DMS Fee	<u>\$ 212,600</u>

Budget Request Total: **\$14,272,600 (non-recurring)**

Options:

1. File the issue as requested.
2. Do not file an issue.

5th District Court of Appeal:

1. Issue – Heating, Ventilation and Air Conditioning (HVAC) Component Replacement – DMS Managed

The Fifth District Court of Appeal (DCA) requests \$642,506 to complete a two-phase plan 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 34 years old and the second system 14 years old. Portions of both systems are starting to fail and frequent break downs occur. This not only results in significant repair costs, but the occasional closing of the court due to extreme temperatures in the building.

Item VII.C.: FY 2015-16 Legislative Budget Request – Fixed Capital Outlay

In FY 2012-13 funding was received to conduct an in-depth HVAC study to determine how to upgrade and repair the system to better assure reliability and redundancy. Due to the urgency of the situation a request was made, and granted in FY 2013-14 for an allocation of \$724,389, based on a pre-study cost estimate.

The HVAC study was completed under the management of DMS in FY 2013-14, and as a result of that study it was determined that substantial additional work and upgrades would be necessary to adequately address the matter. Some of the newly discovered issues include health and safe concerns, such as identifying several locations with materials containing asbestos that will have to be mitigated during construction, and structural deficiency in the 100 ton cooling tower support system that is located on the roof of the building. The estimated cost of correcting all of the deficiencies identified in the study is \$1,260,403. This results in a deficit of \$598,346 from the funded amount for FY 2014-15.

The court has serious concerns about delaying the project entirely until FY 2015-16 due to the system failure rate. Subsequently, through consultation with DMS and the HVAC engineering firm that conducted the study, a two-phase plan was developed. Phase one will begin immediately in the current fiscal year and will utilize an estimated \$286,842 of the current year's \$724,389 allocation. This phase will remedy immediate safety and health concerns as well as upgrade some of HVAC controls and mechanicals. This phase will eliminate the controls and communication problems that frequently occur with the circa 2000 Trane chiller, which is serviceable with the proper communication system and controls.

Phase two, which will occur in FY 2015-16, and is the subject of this LBR will address all remaining mechanical, electrical and control issues throughout the building. It will also remove and replace the circa 1980 chiller, which has exceeded its serviceable lifespan. This chiller, along with associated air handlers will be replaced with new more energy efficient models. The new chiller will become the primary chiller for the building and 2000 Trane will become a reliable redundant system to eliminate the necessity for future court closing should the primary chiller fail. This two-phase plan will result in a total cost of \$1,366,895 over FY 2014-15 & FY 2015-16.

Since only \$286,842 of the FY 2014-15 allocation of \$724,389 will be used in FY 2014-15, the remaining \$437,547 will be carried forward to FY 2015-16 for the phase-two part of the plan. Since phase two cost is estimated at \$1,080,053, this leaves an additional need of \$642,506 to complete the project.

Item VII.C.: FY 2015-16 Legislative Budget Request – Fixed Capital Outlay

Construction Costs	\$317,005
Architectural and Engineering Fee	\$150,950
DMS Fees	\$ 17,298
Contingency and Inflation Costs	<u>\$157,253</u>
Budget Request Total:	\$642,506 (non-recurring)

Options:

1. File the issue as requested.
2. Do not file an issue.

District Court of Appeal Budget Commission
September 6, 2014
Jupiter Beach, Florida

Agenda Item VII.D.: Certification of New Judgeships

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.

No requests were submitted by the First, Second, Third or Fourth District Courts of Appeal for new judgeships for the FY 2015-16 Certification of Need for Additional Judgeships process. The Fifth District Court of Appeal intent to submit an issue is pending. If the Fifth District Court of Appeal does submit an issue, a vote via email, by the DCABC is recommended in the following weeks.

For informational purposes only.

Item VII.E.: Discussion and 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 2015-2016 LBR issues presented to the District Court of Appeal Budget Commission. For those issues approved, please rank the priority order.

STATEWIDE ISSUES	Amount Requested	Proposed LBR Priority Classification	PRIORITY #
Employee Pay Issue	TBD		
Certification of New Judgeships <i>(if submitted)</i>	TBD		

OPERATING ISSUES	Amount Requested	Proposed LBR Priority Classification	PRIORITY #
2 nd DCA – Additional Leased Space - Tampa	\$650,000	2 - Critical	
2 nd DCA – Central Staff Workload - 1.0 Career Attorney	\$97,627	3 - Core Mission Investment	
5 th DCA – Central Staff Workload - 1.0 Career Attorney	\$97,623	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 – Courthouse Acquisition - DMS Managed	\$100,000	2 - Critical	
3 rd DCA – FCO – Supplemental Funding for Court Building/Security, Core System Upgrade and ADA Compliance - DMS	\$3,873,198	1 - Mandatory	
4 th DCA – FCO – Courthouse Construction - DMS Managed	\$14,272,600	1 - Mandatory	
5 th DCA – FCO – Heating, Ventilation and Air Conditioning (HVAC) System Renovation - DMS Managed	\$642,506	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 VII.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.