



**Conference Call**  
**Wednesday, December 9, 2015**  
**2:30 pm – 3:30 pm**

**Call number: 1-888-670-3525**  
**Access Code: 2356634197#**

## **AGENDA**

- I. Welcome and Opening Remarks
  - A. Roll Call
  - B. Approval of September 29, 2015, Meeting Minutes
  
- II. Status of FY 2015-16 Salary Budget
  - A. Payroll Projections
  - B. Exception Requests
    - 1. 5<sup>th</sup> DCA – Reclassification Request
    - 2. 2<sup>nd</sup> DCA – Overlap Request
    - 3. 1<sup>st</sup> DCA – Promotional Increase Request
  - C. Recommendations From the Salary Budget Committee
  
- III. FY 2016-17 Legislative Update
  - A. Governor’s Budget Recommendations
  
- IV. Other Business and Adjournment

# **I. Welcome and Opening Remarks**

**District Court of Appeal Budget Commission  
Tallahassee, Florida  
September 29, 2015**



**Members Present**

Judge Alan Lawson, Chair  
Judge Cory Ciklin  
Judge Bradford Thomas  
Judge Craig Villanti  
Judge Wendy Berger  
Judge Stevan Northcutt  
Judge Jonathan Gerber  
Judge Richard Suarez

Judge Clayton Roberts  
Marshal Veronica Antonoff  
Marshal Charles Crawford  
Marshal Daniel DiGiacomo  
Marshal Jo Haynes  
Marshal Daniel McCarthy  
Justice Ricky Polston

**Members Absent**

Judge Vance Salter  
Judge Leslie Rothenberg

**Others Present**

PK Jameson, Eric Maclure, Dorothy Willard, 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 July 24, 2015, Minutes**

Judge Alan Lawson welcomed members and called the District Court of Appeal Budget Commission (DCABC) meeting to order at 8:35 a.m.

Judge Suarez noted a correction to the July 24, 2015, minutes under Agenda Item I.B. The minutes reflected that Judge Shepherd requested the minutes be distributed prior to the meeting materials to allow time to properly review. The correction notates that the minutes be distributed within 30 days of each meeting. A motion was made by Judge Roberts to adopt the minutes as amended. Judge Villanti seconded and the motion was passed without objection.

**Agenda Item II.: DCABC Orientation**

Judge Lawson provided a brief overview of the DCABC, specifically the history prior to FY 2013-14 when all resources were managed by each individual court. Since FY 2013-14 the DCABC transitioned to statewide salary management. This allowed for those courts that previously held positions open for extended periods of time in order to manage their salary

budgets the ability to hire and no longer have to hold positions vacant. Judge Lawson stated the DCABC holds in-person meetings twice a year, typically meeting when determining the Legislative Budget Request (LBR) strategies and after the Legislative Session.

**A. Florida Rule of Judicial Administration 2.235**

Dorothy Willard presented Florida Rule of Judicial Administration 2.235.

**B. DCABC Operational Procedures**

Dorothy Willard presented the DCABC Operational Procedures. Ms. Willard stated the procedures were last updated in 2006 and welcomed any input, stating that any recommended changes would be reviewed at a future meeting.

**C. Presentation – Overview of the Legislative Process, Navigating the Operating Budget, and Components of Salary Budget Management**

Eric Maclure and Dorothy Willard presented an Overview of the Legislative Process presentation. Ms. Willard noted that the LBR was due on September 15, 2015, this year instead of the normal October 15<sup>th</sup> statutory deadline. Mr. Maclure remarked that the Governor's recommendations on the budget are expected in early December. Mr. Maclure further noted that the 2016 legislative session will convene in early January as a result of an enactment, as authorized by the State Constitution, which changed the start date for this one even-numbered-year session.

Dorothy Willard presented on Navigating the Operating Budget and on Salary Budget Management. Judge Northcutt spoke on the history of budget management prior to statewide salary management. Judge Northcutt stated when budgets were managed by each DCA it created imbalances among the DCA's. During the budget cuts in FY 07-08 and FY 08-09, there was no fair way to distribute cuts; therefore, each DCA had to offer up any available budget. The budget cuts required the DCA's to work together and has fostered a culture of cooperation and openness. Dorothy Willard remarked that prior to statewide salary management there were courts that held positions open for years, posing the risk of those positions being cut during the legislative session and courts that were unable to implement their law clerk pay plan. Since the transition to statewide salary management has been implemented, this is no longer necessary and all courts are now able to fully implement the law clerk pay plan.

### **Agenda Item III.: FY 2014-15 Budget Wrap-Up**

#### **A. Salary Budget**

Dorothy Willard presented the Salary Budgets as of June 30, 2015, stating the final lapse percentage adjusted by removing the lapse generated by the new certification vacant positions was 1.76% or \$722,581.

#### **B. Operating Budget**

Dorothy Willard presented the Operating Budget as of September 20, 2015, stating the certified forward amounts would be finalized after September 30, 2015.

#### **C. Trust Fund Cash Statement Overview**

Dorothy Willard presented the Trust Fund Cash Statement as of June 30, 2015. Ms. Willard remarked in FY 2014-15 the branch received a \$15.4 million loan, and looking forward to FY 2015-16, there is a current year deficit of \$2.3 million; however, it is anticipated this amount would be covered through lapse generated branchwide if revenues come in as projected. Justice Polston remarked that the trust fund also includes a service charge. Ms. Willard responded stating the trust fund is charged a mandatory 8% service charge by Department of Financial Services (DFS) quarterly as well as required to maintain a 5% reserve, both of which are not accounted for in the revenue estimates by EDR.

### **Agenda Item IV.: Status of FY 2015-16 Budget**

#### **A. Salary Budgets**

Dorothy Willard presented the FY 2015-16 Start-up Salary Budgets stating the budget office recently changed the procedure concerning how the eligibility for the law clerk pay plan is calculated. The OSCA Budget Office will reach out to the marshals when there is a new law clerk hire to confirm the date of hire and whether there is previous experience that would impact the incentive calculation. Ms. Willard then reviewed the Salary Budgets as of August 31, 2015. She indicated the deficit the DCAs began the year with had been covered at this time by additional lapse that had been generated through turnover and the final adjusted liability for all district courts was under the salary appropriation by \$278,374.

#### **B. Operating Budgets**

Dorothy Willard reported on the status of the Operating Budgets as of August 31, 2015. Judge Northcutt remarked that the DCABC does not manage the operating budget, that each marshal manages the budget for their individual court. Ms. Willard stated typically the DCABC does not

interject unless there are unusual circumstances such as a reduction exercise. Ms. Willard used the x-ray machine request as an example for the current fiscal year when the marshals were directed by the DCABC to work together to address the unmet need. She indicated the marshals could begin to look at pooling unobligated funds together in May to try and address this need, likely through the submission of a budget amendment.

**C. Positions Vacant over 180 Days**

Dorothy Willard reviewed the positions vacant over 180 days, stating there are currently no positions vacant over 180 days within the District Courts of Appeal.

**D. Trust Fund Cash Statement Overview**

Dorothy Willard presented the Trust Fund Cash Statement Overview as of August 31, 2015.

**Agenda Item V.: Budget and Pay Policy Recommendations for Chief Justice's Budget and Pay Memorandum**

Dorothy Willard reviewed the Budget and Pay Memo stating the travel section was updated to include travel to the National Center for State Courts annual conference. Ms. Willard remarked all other changes were technical in nature. Judge Ciklin indicated a need for clarification on the language related to special pay increases for law clerks, between the Budget and Pay Memo and the Law Clerk Pay Plan, directing members to page 32 and 42, respectively. A motion was made by Judge Northcutt to approve the Budget and Pay Memo. Judge Ciklin seconded and the motion was unanimously approved.

**Agenda Item VI.: Recommendations from the Salary Budget Committee**

Judge Northcutt presented the recommendations from the Salary Budget Committee, which consists of Judge Northcutt, Judge Roberts and the five marshals. Judge Northcutt stated that he and Dorothy Willard met on September 28, 2015, and discussed the current year salary budget and the calculation of a conservative amount to propose a rate distribution. The recommendation is similar to the methodology as used by the trial courts. The proposed method uses the average 2 year lapse and deducting 0.5% leaves a 0.89 % lapse, which applied to the current year appropriation equals \$367,961 in dollars and equate to 320,217 in rate available for use. He indicated that this amount, if distributed, is estimated to be covered by lapse generated by vacant positions; however, the salary budget committee would continue to monitor the salary budgets monthly for any necessary impacts. Judge Northcutt presented the following recommendations from the committee:

1. The 4<sup>th</sup> and 5<sup>th</sup> DCA are each short one employee in the Marshal Office based on the funding formulas. It is recommended to use 2.0 unfunded FTE and 69,962 in rate to establish these positions with an Administrative Assistant II position for each court.
2. Distribute rate to each court to be used at the Chief Judges discretion to address specific issues within their court.
3. Salary Budget Committee to come back to the DCABC with recommendations on how to distribute remaining rate in a future meeting.

Justice Polston requested from a court perspective to be mindful of other courts when increasing staff attorneys, specifically systematic increases within the whole court. Judge Roberts recommended increasing the chief discretionary portion to 12,000. Judge Ciklin offered an increase to 15,000 followed by a recommendation by Judge Thomas to increase it to 20,000. Judge Lawson noted that because there are large systematic issues to be addressed, that a lesser amount may need to be recommended at this time in order to potentially have funds to address those other issues in the future. Judge Ciklin motioned to approve a rate distribution to give 69,962 to establish Administrative Assistant II positions in the 4<sup>th</sup> and 5<sup>th</sup> DCA's, distribute 15,000 in discretionary funds to each chief judge, and for the Salary Budget Committee to come back in January to the DCABC with recommendations on any additional uses for available rate. Judge Northcutt seconded and the motion passed unanimously. Judge Lawson asked Justice Polston if the letter to the Chief Justice could indicate his approval. Justice Polston agreed the letter may reflect his agreement with the rate distribution, with the understanding that the rate distribution will not be used to effectuate the special pay increase for the marshals previously discussed by the DCABC.

### **Agenda Item VII.: Staff Attorney Recommendations**

Judge Northcutt presented the staff attorney recommendations, stating Judge Lawson tasked Judge Roberts and himself to measure caseloads and analyze if any inequities existed among the DCAs. As a result of the analysis, the 4<sup>th</sup> DCA averages a net need of one position with the 2<sup>nd</sup> DCA averaging a negative net need of one position. It is recommended the 4<sup>th</sup> DCA receive a central staff attorney position from the 2<sup>nd</sup> DCA through attrition. Once a position in the 2<sup>nd</sup> DCA becomes vacant, they will reach out to the 4<sup>th</sup> DCA and work with OSCA Personnel Office to transfer the position at that time. It is further recommended that this type of analysis be completed at the beginning of every fiscal year to determine if a reallocation of positions is necessary. A motion was made by Judge Ciklin to approve the recommendation. Judge Berger seconded, and the motion was unanimously passed.

**Adjournment**

With no other business before the Commission, Judge Lawson adjourned at 11:31 a.m.

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## **II. Status of FY 2015-16 Salary Budget**

**Agenda Item II.A.: Status of FY 2015-16 Budget - Salary Budget**

**FY 2015-16 District Courts of Appeal Salary Budget  
NOVEMBER 2015**

<b>1</b>	Projected Full Employment Payroll Liability through June 30, 2016	40,800,121
<b>2</b>	Projected DROP Liability through June 30, 2016	137,911
<b>3</b>	Projected Law Clerk Below Minimum Pay Plan Liability through June 30, 2016	9,521
<b>4</b>	Projected Law Clerk Incentives Pay Plan Liability through June 30, 2016	30,361
<b>5</b>	Remaining Chief Judge Discretionary Funds	40,827
<b>6</b>	<b>Total Projected Payroll Liability through June 30, 2016</b>	<b>41,018,742</b>
<b>7</b>	Salary Appropriation	(41,343,971)
<b>8</b>	<b>Projected Liability OVER/(UNDER) Salary Appropriation @ Full Employment</b>	<b>(325,229)</b>
<b>9</b>	Actual Payroll Adjustments through October 31, 2015	(136,045)
<b>10</b>	Adjusted Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(461,274)
<b>11</b>	Estimated Leave Payouts (based on two year average)	19,817
<b>12</b>	<b>FINAL - Adjusted Liability OVER/(UNDER) Salary Appropriation @ Full Employment</b>	<b>(441,458)</b>

**Agenda Item II.B.1.: Fifth District Court of Appeal – Reclassification Request**

**Issue:** The Fifth District Court of Appeal (5<sup>th</sup> DCA) submitted a request for reclassification analysis to the Office of the State Courts Administrator. If approved, an exception request to the Fiscal Year 2015-16 Budget and Pay Administration Memorandum would be needed by the Chief Justice.<sup>1</sup>

**Discussion:** The 5<sup>th</sup> DCA is requesting to reclassify position #04457, Deputy Clerk II to Deputy Clerk III. The duties being performed by the incumbent in the position are more in line with the class specifications of a Deputy Clerk III than that of a Deputy Clerk II. The incumbent's current salary is \$34,516.22, and, if this action is approved, the new salary for a Deputy Clerk III at the minimum would be \$41,628, resulting in a 20.6% increase to the incumbent's current salary.

The reclassification request results in a rate cost of 7,111.78 and an annualized salary dollar cost of \$8,172.14.

The Fiscal Year 2015-16 Budget and Pay Administration Memorandum does not provide for an exception to be granted by the District Court of Appeal Budget Commission (DCABC); however, it has been the past practice of the Chief Justice to seek input from a budget commission before acting on exception request to the Budget and Pay Administration Memorandum.

**Decision Needed:**

- Option 1: Provide recommendation of approval by the DCABC to the Chief Justice supporting the exception request to exceed the ten percent (10%) limitation as stipulated in the FY 2015-16 Budget and Pay Administration Memorandum.
- Option 2: Do not provide a recommendation of support of the exception request to the Chief Justice.

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<sup>1</sup> Section A.7.: Positions approved for upward reclassifications are limited to those reclassifications which result in a salary increase of ten percent (10%) or less over the original classification.



C. ALAN LAWSON  
CHIEF JUDGE

THOMAS D. SAWAYA  
WILLIAM D. PALMER  
RICHARD B. ORFINGER  
VINCENT G. TORPY, JR  
KERRY I. EVANDER  
JAY P. COHEN  
WENDY W. BERGER  
F. RAND WALLIS  
BRIAN D. LAMBERT  
JAMES A. EDWARDS  
JUDGES

JOANNE P. SIMMONS  
CLERK

CHARLES R. CRAWFORD  
MARSHAL

**DISTRICT COURT OF APPEAL**  
FIFTH DISTRICT  
300 SOUTH BEACH STREET  
DAYTONA BEACH, FLORIDA 32114  
386.947.1500 COURT  
386.255.8600 CLERK

November 13, 2015

Chief Judge C. Alan Lawson, Chairman  
District Court of Appeal Budget Commission  
Fifth District Court of Appeal  
300 S. Beach St.  
Daytona Beach, FL 32114

Chief Judge Lawson:

I am writing to request approval of the DCABC for the upward reclassification of a Deputy Clerk II position to that of a Deputy Clerk III. Clerk Joanne Simmons has requested the upgrade after analyzing the duties being performed by the employee occupying the position as the compare to those duties outlined in the DCII and DCIII job descriptions. Please find the attached state courts position description reclassification request form. Since the minimum starting salary for DCIII is greater than 10% above that for DCII, DCABC approval is necessary.

It should be noted that the Fifth District Court of Appeal currently has only two Deputy Clerk III positions, while the 1<sup>st</sup> has 5, the 2<sup>nd</sup> has 5, the 3<sup>rd</sup> has 6 and the 4<sup>th</sup> has 6.

I am forwarding a copy of this letter, and the reclassification request form to OSCA as well for their review.

Thank you for your consideration in this matter.



Charles R. Crawford  
Marshal

cc: Joanne Simmons  
OSCA Personnel  
OSCA Budget

FAX NUMBER 386.947.3443  
E MAIL ADDRESS 5DCA@FLCOURTS.ORG

**Agenda Item II.B.2.: Second District Court of Appeal – Overlap Request**

**Issue:** The Second District Court of Appeal (2<sup>nd</sup> DCA) requests permission to overlap a position due to extended illness resulting in the need for an exception to the Fiscal Year 2015-16 Budget and Pay Administration Memorandum.<sup>1</sup>

**Discussion:** The 2<sup>nd</sup> DCA is requesting to overlap its facility director's position due to the current incumbent's extended personal illness (see attached letter). The request states a period of up to 370 paid hours, rather than a fixed period of time, is requested as they anticipate that the employee will use a combination of donated sick leave hours and leave without pay. The 2<sup>nd</sup> DCA Marshal clarified the specifics of the request, and it is estimated that the overlap will not exceed six (6) months, from January 1, 2016, through June 30, 2016.

The total estimated impact to the salary budget will be \$8,460.82.

Additionally, in accordance with the Personnel Regulations, if approved, this action will require approval by the Chief Justice.<sup>2</sup>

**Decision Needed:**

- Option 1: Provide recommendation of approval by the District Court of Appeal Budget Commission to the Chief Justice supporting the overlap in excess of seven (7) calendar days.
- Option 2: Do not provide a recommendation of support to the Chief Justice.

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<sup>1</sup> Section A.6.: *No overlap of positions is permitted. The chief judge may request an exception from the DCABC. These requests should be sent to the Chair of the DCABC with copies to the State Courts Administrator.*

<sup>2</sup> Section 7.10.3.A.: *Overlap shall not exceed seven (7) calendar days in positions having a minimum starting salary of \$1,000 per month or more, unless approved by the Chief Justice or designee.*



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

MARY ELIZABETH KUENZEL  
CLERK  
JACINDA (JO) HAYNES  
MARSHAL

**DISTRICT COURT OF APPEAL**  
**SECOND DISTRICT**  
1005 E. MEMORIAL BOULEVARD  
LAKELAND, FLORIDA 33801-2019

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

November 19, 2015

The Honorable C. Alan Lawson  
Chair, DCABC  
300 S. Beach Street  
Daytona Beach, Florida 32114

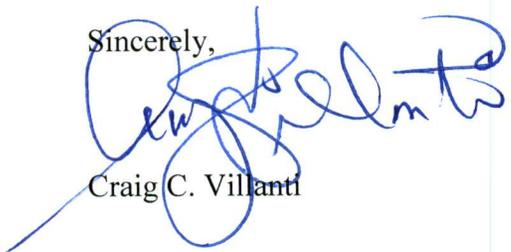
Dear Chief Judge Lawson:

I write to request permission to place second district's facility director position in overlap status due to our current employee's extended personal illness. We have been "making-due" for a few months, but our Lakeland operations require that we select an employee to assume this function position no later than January 2016.

We are requesting permission to overlap for a period of up to 370 paid hours rather than a fixed period of time, as the employee expects to use a combination of donated sick leave and leave-without-pay. If the pay status is an issue, we can certainly work with the Commission to achieve a result that will not tax the district court salary budget, which from my review remains quite healthy.

I ask that you place this matter before the Commission as soon as possible so that we can proceed with the selection process.

Sincerely,

  
Craig C. Villanti

CCV/jh  
Cc: P.K. Jameson

**Agenda Item II.B.3.: First District Court of Appeal – Promotional Increase Request**

**Issue:** The First District Court of Appeal (1<sup>st</sup> DCA) submitted a request for a promotional increase resulting in the need for an exception to the Fiscal Year 2015-16 Budget and Pay Administration Memorandum.<sup>1</sup>

**Discussion:** The 1<sup>st</sup> DCA is requesting to promote their selected candidate for their vacant Director of Central Staff at the salary rate amount of \$86,130.84. This is the amount previously given to three of the Central Staff Directors in January 2015. The 1<sup>st</sup> DCA reports the employee, Todd Sanders, has been with the 1<sup>st</sup> DCA since 2008 and has held various positions. The minimum starting salary for the Director of Central Staff is \$73,795.80. Mr. Sanders salary as a Career Attorney was \$70,304.88, and he has been appointed to the Director of Central Staff position with an annualized salary of \$73,820.16, which equates to a 5% increase above his previous salary as provided for in the Fiscal Year 2015-16 Budget and Pay Administration Memorandum. The 1<sup>st</sup> DCA is seeking approval to adjust his salary to \$86,130.84, which is approximately 16.7% above the minimum starting salary.

The Fiscal Year 2015-16 Budget and Pay Administration allows exceptions to be granted by the District Court of Appeal Budget Commission; however such exceptions are limited to no more than 10% by the Personnel Regulations.<sup>2</sup>

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<sup>1</sup> Section A.4.b.: *Upon promotion, an employee's salary shall be increased to the minimum of the class to which the employee is being promoted. However, if that increase is less than five percent (5%), the chief judge or his/her designee may approve a promotional increase for an employee of up to five percent (5%) of the employee's salary prior to promotion, provided such an increase will not place the employee's salary above the maximum for the new range. The chief judge may request an exception by the DCABC. These requests should be sent to the Chair of the DCABC with copies to the State Courts Administrator.*

<sup>2</sup> Section 7.03.5.A.: *When promoted, an employee's salary shall be increased at least to the minimum for the class to which the employee is being promoted. If the amount of increase in being moved to the minimum for the class is less than 10% of the employee's salary before promotion, the employee may be granted an increase of up to 10% above the employee's salary prior to promotion.*

*Section 7.03.5.C.: If an employee possesses training and/or experience above the minimum training and/or experience for the higher class and the Chief Judge/Justice or designee determines that the employee has directly related experience, which is immediately useable, an increase of up to 10% above the minimum of the pay range for the higher class may be granted.*

**Agenda Item II.B.3.: First District Court of Appeal – Promotional Increase Request  
(continued)**

**Decision Needed:**

- Option 1: Approve, as allowed by the Personnel Regulations Section 7.03.5.A., a 10% promotional increase above Mr. Sanders' salary prior to promotion. This would equate to an increase of \$7,030.49, with a new annualized salary of \$77,335.37.
- Option 2: Approve, as allowed by the Personnel Regulations Section 7.03.5.C., a 10% increase above the new minimum of the pay range for the higher class due to the training and/or experience the employee possesses. This would equate to an increase of \$7,379.58, making Mr. Sanders' new annualized salary \$81,175.38.
- Option 3: Do not approve and maintain the employee's current salary of \$73,820.16, which is a 5% increase above his pay prior to his promotion as allowed by the Fiscal Year 2015-16 Budget and Pay Administration Memorandum.

Judge Lawson,

I'm not sure you are aware of this but Randy Porcher, our Director of Workers' Compensation recently left to work for Morgan & Morgan. After a competitive selection process, the selection committee recommended, and I appointed Todd Sanders. Mr. Sanders has been with the 1st DCA since 2008 initially being hired by the Worker's Comp unit and transferring to a career attorney position in Judge Thomas's office in 2010. In private practice he had extensive experience in Workers' Comp both on the claimant and employer/carrier sides of the litigation. He also has experience in other areas of civil litigation. I can provide a more detailed summary of his experience, if needed.

All other Directors in the DCAs are earning a salary of at least \$86,130.84 per year. The predecessor Director of Workers' Comp Unit at First DCA was earning the \$86,130.84 amount. As I recall, sometime in the last year we normed all of the directors up to the \$86,130 amount based on the fact that that Directors not only had to perform high-level research and writing, but they had to manage other attorneys and create a consistent quality of work over the unit. With this understanding, I posted the vacancy as having a salary of \$86,130.84.

OSCA is now telling us that we have to hire Mr. Sanders at the current DCA Directors minimum of \$73,795 per year. Mr. Sanders was previously serving at First DCA as a Career Attorney with a salary of \$70,304 per year. The current minimum salary for DCA Director's is Paragraph 4(b) of the Budget and Pay Policy permits up to a 5% increase over the salary prior to promotion if the old salary is less than a 5% increase. In Mr. Sanders case that would amount to \$73,819.20. I believe that this salary is inconsistent with what the DCABC has established as the appropriate salary for this position.

The Budget and Pay Policy authorizes Chief Judges to request salary exceptions when warranted by specific circumstances. I request that Todd Sanders salary be increased to the standard DCA Director salary of \$86,130.84. This action is necessary to prevent an immediate salary disparity for a staff member serving in a critical leadership position at First DCA.

I request that DCABC approve this request for salary exception as soon as possible, and in advance of the next DCABC meeting.

With best regards,

**L. Clayton Roberts, Chief Judge**  
**1st District Court of Appeal**  
**2000 Drayton Drive**  
**Tallahassee FL 32399**

**850-717-8211**

M E M O

TO: Alan Lawson, DCABC Chair

December 2, 2015

FROM: Steve Northcutt

Re: Recommendation for FY 2015-16 Salary & Rate Expenditure

Alan,

Recall that in September the DCABC, applying a very conservative lapse rate of .89 percent, determined that during this fiscal year it should spend an additional \$367,961 in salary dollars, equating to \$320,217 in rate.

At that meeting, the Commission voted to use two unfunded FTE to give the 4<sup>th</sup> and 5<sup>th</sup> DCAs an additional marshal's office position each, at a total rate cost of \$69,962, and to make a rate distribution of \$15,000 to each chief judge. Thus, the Commission spent a total of \$144,962 in rate, leaving a rate balance of \$175,255. The Salary & Rate Committee was asked to make a recommendation for spending that balance.

The committee proposes the following:

--Use three unfunded FTE to create two law clerk positions at \$45,817 each and one new security position for the 3d DCA at \$36,000.

--Make a rate distribution of \$9,524 to each of the DCAs in January.

Total rate cost: \$175,254

Based on our most recent caseload numbers, it appears that the staff attorney positions should be distributed one each to the 4<sup>th</sup> and 5<sup>th</sup> DCAs.

We note that in the chief justice's November 10 letter confirming the availability of appropriated salary dollars for the last rate distribution, he mentioned the "potential for deficits" in the court system salary funds. However, because the DCABC has employed such a conservative lapse percentage to calculate the rate available for distribution, this spending plan will not affect the DCAs' ability to contribute to a trust fund shortfall if one should occur.

In this regard, note that as of the September DCABC meeting, the projected trust fund shortfall for this fiscal year was \$2,308,385. Based on the DCAs' percentage share of the overall branch salary appropriation, our portion of the shortfall would be \$161,362. Thus, in order to contribute to a shortfall and spend

the salary dollars approved in September, the DCAs would need to generate \$529,323 in excess salary dollars this fiscal year. (This figure is approximate; it costs a bit more in salary dollars to create new positions than to fund existing ones.) We have very nearly generated that much already--\$495,803 as of October. Last fiscal year we generated a total of \$941,227 after deducting for the vacant new judge-related positions. The year before that we generated over \$700,000. And two years ago our excess salary dollars topped \$800,000. Clearly, then, barring an unforeseen turn of events that drastically alters projections, we will have more than enough salary dollars both to spend this rate and to meet any potential shortfall obligation.

### **III. FY 2016-17 Legislative Update – Governor’s Budget Recommendations**

JUDICIAL BRANCH  
LEGISLATIVE BUDGET REQUEST  
FY 2016-17

Updated 11/30/15

			Judicial Branch					Governor's Recommended Budget				
Budget Entity/Issues	Issue Code	Category (FCO)	FTE	General Revenue	GR Non-Recurring	Trust	Total GR and Trust	FTE	General Revenue	GR Non-Recurring	Trust	Total GR and Trust
1	<b>BRANCH WIDE - PAY ISSUES</b>											
2	Equity and Retention Pay Issue for State Courts System Employees	4401A80		5,524,009		378,579	5,902,588					-
3	<b>SUPREME COURT - 22010100</b>											
4	Appellate Judiciary Travel	4600620		209,930			209,930					-
5	Supreme Court - Security Support	6800610		78,414	9,445		78,414					-
6	Interior Building Space Refurbishing	7000260		237,360			237,360					-
7	<b>TOTAL SUPREME COURT</b>		<b>0.0</b>	<b>525,704</b>	<b>9,445</b>	<b>-</b>	<b>525,704</b>	<b>0.0</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
8	<b>EXECUTIVE DIRECTION - 22010200</b>											
9	Operational Support for the Judicial Branch	3003015	6.0	707,789	25,650		707,789					-
10	Supreme Court - Annex Building Lease	7000100		63,236			63,236					-
11	<b>TOTAL EXECUTIVE DIRECTION</b>		<b>6.0</b>	<b>771,025</b>	<b>25,650</b>	<b>-</b>	<b>771,025</b>	<b>0.0</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
12	<b>DISTRICT COURT OF APPEAL - 22100600</b>											
13	Appellate Judiciary Travel	4600620		241,310			241,310					-
14	Building, Facilities Maintenance and Operational Upkeep	7000210		400,000			400,000					-
15	2nd DCA Additional Lease Space - Tampa	7000220		293,800	114,500		293,800					-
16	CIP - 3rd DCA Court Remodeling for ADA, Security and Building Systems Upgrades	990M000	080179	6,482,222	6,482,222		6,482,222		6,482,222	6,482,222		6,482,222
17	CIP - 4th DCA Courthouse Construction	990S000	080071	4,775,757	4,775,757		4,775,757		4,775,757	4,775,757		4,775,757
18	CIP - 2nd DCA Facility Space Study	990S000	080171	100,000	100,000		100,000		100,000	100,000		100,000
19	<b>TOTAL DISTRICT COURT OF APPEAL</b>		<b>0.0</b>	<b>12,293,089</b>	<b>11,472,479</b>	<b>-</b>	<b>12,293,089</b>	<b>0.0</b>	<b>11,357,979</b>	<b>11,357,979</b>	<b>-</b>	<b>11,357,979</b>
20	<b>TRIAL COURTS - 22300100/22300200</b>											
21	Case Management Support (funding for 52.5 unfunded FTE requested)	3001610		3,470,377	124,950		3,470,377					-
22	Trial Court Technology Comprehensive Plan	36250C0	65.0	25,299,973	8,494,247		25,299,973					-
23	Court Interpreting Resources	5303100		483,292			483,292					-
24	<b>TOTAL TRIAL COURTS</b>		<b>65.0</b>	<b>29,253,642</b>	<b>8,619,197</b>	<b>0</b>	<b>29,253,642</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

JUDICIAL BRANCH  
LEGISLATIVE BUDGET REQUEST  
FY 2016-17

Updated 11/30/15

			Judicial Branch					Governor's Recommended Budget				
Budget Entity/Issues	Issue Code	Category (FCO)	FTE	General Revenue	GR Non-Recurring	Trust	Total GR and Trust	FTE	General Revenue	GR Non-Recurring	Trust	Total GR and Trust
25	<b>JUDICIAL QUALIFICATIONS COMMISSION - 22350100</b>											
26	Judicial Qualifications Commission Operational Increases	3000070		115,671	3,804		115,671		115,671	3,804		115,671
27	<b>TOTAL JUDICIAL QUALIFICATIONS COMMISSION</b>											
			0.0	115,671	3,804	0	115,671	0.0	115,671	3,804	0	115,671
28	<b>TOTAL JUDICIAL BRANCH</b>											
			71.0	48,483,140	20,130,575	378,579	48,861,719	0.0	11,473,650	11,361,783	0	11,473,650
29	<b>CERTIFICATION OF ADDITIONAL JUDGESHIPS PLACEHOLDER*</b>											
30	<b>Circuit Courts - 3 Judgeships:</b> 2 judgeships for the 5th Circuit 1 judgeships for the 1st Circuit  <b>County Courts - 32 Judgeships:</b> 8 judgeships for Dade and Hillsborough 5 judgeships for Palm Beach 3 judgeships for Duval 2 judgeships for Lee 1 judgeship for Lake, Citrus, Orange, Osceola, Broward, and Seminole  <b>Executive Direction - Fl. Cases Southern 2nd Reporter:</b> 35 Judgeships	3009310	74.0	10,043,288	176,120		10,043,288					-
31	<b>TOTAL JUDICIAL BRANCH WITH CERTIFICATION PLACEHOLDER</b>											
			145.0	58,526,428	20,306,695	378,579	58,905,007	0.0	11,473,650	11,361,783	-	11,473,650

\*The placeholder was based on the Fiscal Year 2015-16 certification of need for additional judges (SC14-2350, issued on December 22, 2014). The Supreme Court issued the Fiscal Year 2016-17 certification opinion on November 19, 2015 (SC15-1991). It certifies the need for 1 circuit judge and 23 county judges. The fiscal impact for the Fiscal Year 2016-17 certification is \$6,904,297 (\$121,380 non-recurring).

## **IV. Other Business and Adjournment**