



**Friday, July 22, 2016
2:00 p.m. – 4:00 p.m.
Video Conference Meeting**

AGENDA

- I. Welcome and Opening Remarks**
 - A. Roll Call**
 - B. Approval of June 27, 2016 Meeting Minutes**

- II. FY 2015-16 Budget Wrap-Up**
 - A. Salary Budget**
 - B. Operating Budgets**
 - C. Trust Fund Cash Statement Overview**

- III. FY 2016-17 Budget Outlook**
 - A. Salary Budget**
 - B. Trust Fund Cash Statement Projections**
 - C. Recommendations from the Salary Budget Committee**
 - D. Positions Vacant over 180 Days**

- IV. Recommendations for FY 2016-17 Budget and Pay Administration Memorandum**

- V. FY 2017-18 Legislative Budget Requests (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**

- VI. Other Business and Adjournment**

If you are unable to join by video conference, the number to call into the meeting is 850-487-8439 ext. 900152#

I. Welcome and Opening Remarks

**District Court of Appeal Budget Commission
Video Conference Call
June 27, 2016**



Members Present

Judge Alan Lawson, Chair
Judge Wendy Berger
Judge Cory Ciklin
Judge Jonathan Gerber
Judge Stevan Northcutt
Judge Clayton Roberts
Judge Leslie Rothenberg
Judge Richard Suarez

Judge Bradford Thomas
Judge Craig Villanti
Marshal Veronica Antonoff
Marshal Charles Crawford
Marshal Daniel DiGiacomo
Marshal Jo Haynes
Marshal Daniel McCarthy
Justice Ricky Polston

Members Absent

Judge Vance Salter

Others Present

P.K. Jameson, Eric Maclure, Dorothy Willard 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 December 9, 2015, Minutes

Judge Alan Lawson welcomed members and called the District Court of Appeal Budget Commission (DCABC) meeting to order at 1:28 p.m.

Judge Lawson inquired if there were any edits to the December 9, 2015, meeting minutes. With no update to the minutes, Judge Lawson requested the minutes be approved as drafted. With no objections, the December 9, 2015, minutes were adopted as drafted.

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

A. Salary Budget

Dorothy Willard presented the Salary Budgets as of May 31, 2016, stating the final adjusted liability under salary appropriation at full employment was \$926,113. Ms. Willard noted that resources between General Revenue and the trust funds would be maximized in June to ensure cash is preserved in the State Courts Revenue Trust Fund.

B. Operating Budgets

Dorothy Willard presented the Operating Budgets as of May 31, 2016, noting that there have been several budget amendments and other actions to maximize resources among the DCA's, and the remaining appropriation is down to \$246,000 remaining. Judge Lawson thanked the First DCA for working with others and inquired if the legislative budget request (LBR) that wasn't filed for the security machines was funded. Marshal Haynes replied that the Second DCA did not have the funds available this year to fund the request. Judge Lawson encouraged the marshals to maximize resources to limit reversions.

C. Trust Fund Cash Statement Overview

Dorothy Willard presented the State Courts Revenue Trust Fund Cash Analysis as of May 31, 2016, noting the ending cash balance was \$6,344,041. Ms. Willard stated the ending cash balance maximizes General Revenue and reflects the trust fund loan repayment of \$6.3 million. Dorothy Willard reviewed the Administrative Trust Fund (ATF) cash statement as of May 31, 2016. The ATF ending cash balance was \$345,880.60. Ms. Willard noted that any remaining ATF funds would be reverted after the certified forward period.

D. Positions Vacant over 180 Days

Dorothy Willard presented the Positions Vacant over 180 Days as of May 31, 2016, noting there were currently three positions vacant that met the criteria. Judge Roberts stated position #000680, Appellate Judicial Assistant, was recently filled. Judge Lawson inquired if there was a plan to fill the remaining two vacant positions. Judge Roberts replied there is a plan to fill position #008351, Career Attorney only and recommended speaking in the future on how to proceed with the remaining vacant position #000067, Clerical Assistant. Judge Lawson suggested looking into filling a security position.

Beatriz Caballero reported that on May 23, 2016, the U.S. Department of Labor, Wage and Hour Division, signed a new rule that takes effect in December 2016, changing the salary threshold from \$23,660 to \$47,476 for those eligible to receive overtime. Additional information will be communicated prior to December 1, 2016.

Agenda Item III.: FY 2016-17 Allocations

A. Appropriation Summary

Dorothy Willard presented the FY 2016-17 Appropriations Summary.

B. Operating Allocations

Dorothy Willard presented the FY 2016-17 Operating Budgets stating they would be emailed to the marshals to allow them to allocate these funds to the appropriate cost centers for FY 2016-17. Judge Lawson inquired if funds could be moved between Other Personal Services (OPS) and Salaries. Ms. Willard explained that funds can be moved between categories via a budget amendment. Judge Lawson requested the Budget Management Committee review whether there is a need to increase the OPS dollars that are available, stating the court needs to have the ability to utilize OPS dollars when vacancies occur. Judge Northcutt agreed and also recommended the court have an overlap procedure in place.

Agenda Item IV.: FY 2017-18 Legislative Budget Request

A. LBR Timeline

Dorothy Wilson reviewed the FY 2017-18 LBR and Capital Improvement Program Plan (CIPP) Fixed Capital Outlay LBR timelines, stating the DCABC would meet via video conference on July 22, 2016, to approve LBR issues.

B. Discussion of LBR Issue Strategy

Judge Lawson recommended employing the same strategy as previous years. Each DCA submits specific requests for their critical needs within the official funding methodologies and each DCA Marshal discusses and submits their requests for non-recurring issues. Dorothy Willard noted there were two statewide issues that needed to be addressed, stating the budget office requires guidance in preparation for the upcoming meeting on July 22, 2016.

1. Employee Pay Issue - Judge Lawson recommended moving forward and submitting the Phase II of the pay issue. Judge Northcutt motioned to submit the pay issue as a top priority. Judge Ciklin seconded, and the motion was unanimously approved.
2. Building, Facilities Maintenance and Operational Upkeep Issue – Judge Lawson stated the request puts the DCA’s in a position to address building issues that may come up, noting the amount of the request may need to be updated due to the need of LBR’s decreasing. Judge Lawson asked P.K. Jameson to weigh in on the issue. Ms. Jameson stated it is a legitimate need but recommended determining if the issue should be submitted in the upcoming LBR or to wait a year or two and pick the issue back up during a later LBR submission. Judge Ciklin stated the realization of the need for funds if a major component goes out and requires repair. He further stated to reduce the amount of the request, showing there was thought put into the requested need and possibly

renaming it to an emergency repairs reserve fund. Judge Lawson inquired if the issue would be better filed in a trust fund, to escrow and prepare for major issues. Ms. Willard noted that if the trust fund was stable it could be an option, however, the stability must be proven. Judge Lawson recommended removing the Fourth DCA square footage to account for the new building and reducing the amount of the issue down, adding in the narrative that the amount may be reduced in the supplemental based on the Second DCA study being completed in December. Judge Northcutt motioned to approve Judge Lawson's recommendation. Judge Roberts seconded, and the motion passed without objection.

Adjournment

Technical difficulties occurred with the video conference causing all five DCA's to be disconnected. Judge Lawson requested an email be sent stating the meeting was adjourned due to disconnect and any issues remaining would be discussed at the next meeting. With no other business before the commission, Judge Lawson adjourned the meeting at 2:30 p.m.

II. FY 2015-16 Budget Wrap-Up

Agenda Item II.A.: Salary Budget

**FY 2015-16 District Courts of Appeal Salary Budget
JUNE 2016**

1	Projected Full Employment Payroll Liability through June 30, 2016	40,999,029
2	Salary Appropriation	(41,228,186)
3	Projected Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(229,157)
4	Actual Payroll Adjustments through June 30, 2016	(735,882)
5	FINAL - Adjusted Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(965,040)

General Revenue	(0)
State Courts Revenue Trust Fund	(962,661)
Administrative Trust Fund	(2,379)
	<u>(965,040)</u>
	<u><u>(965,040)</u></u>

Lapse Percentage 2.09% or \$862,581

Lapse Percentage Adjusted for FTE vacant for 365 days: 1.81% or \$744,794

Agenda Item II.B.: Operating Budgets

The data below represents the status of the FY 2015-16 operating budget as of June 30, 2016

General Revenue Fund

Category	District	Appropriation	Expended / Encumbered	Remaining Balance	% Expended
Other Personal Services	1st	2	0	2	0.00%
	2nd	894	894	0	100.00%
	3rd	27,617	24,237	3,380	87.76%
	4th	0	0	0	0.00%
	5th	42,615	39,118	3,497	91.79%
	TOTAL	71,128	64,249	6,879	90.33%
Expenses	1st	1,447,124	1,409,482	0	97.40%
	2nd	825,766	816,681	9,085	98.90%
	3rd	189,437	180,450	8,987	95.26%
	4th	328,724	315,924	12,800	96.11%
	5th	278,205	267,946	10,259	96.31%
	TOTAL	3,069,256	2,990,482	78,774	97.43%
Operating Capital Outlay	1st	4,642	2,754	1,888	59.33%
	2nd	101,073	99,994	1,079	98.93%
	3rd	88,864	88,362	502	99.44%
	4th	14,799	14,536	263	98.22%
	5th	60,427	55,437	4,990	91.74%
	TOTAL	269,805	261,083	8,722	96.77%
Senior Judge Days	1st	2,700	0	2,700	0.00%
	2nd	8,261	7,102	1,160	85.96%
	3rd	0	0	0	0.00%
	4th	0	0	0	0.00%
	5th	4,016	3,551	465	88.42%
	TOTAL	14,977	10,652	4,325	71.12%

Agenda Item II.B.: Operating Budgets

The data below represents the status of the FY 2015-16 operating budget as of June 30, 2016

General Revenue Fund

Category	District	Appropriation	Expended / Encumbered	Remaining Balance	% Expended
Contracted Services	1st	41,594	20,706	20,888	49.78%
	2nd	256,050	250,923	5,127	98.00%
	3rd	98,355	98,284	71	99.93%
	4th	154,242	153,149	1,093	99.29%
	5th	44,694	44,678	16	99.96%
	TOTAL		594,935	567,739	27,196
DCA Law Library	1st	56,641	41,793	14,848	73.79%
	2nd	34,977	32,324	2,653	92.42%
	3rd	9,411	9,410	1	99.99%
	4th	15,874	15,484	390	97.55%
	5th	15,705	15,705	0	100.00%
	TOTAL		132,608	114,717	17,891
Lease/Lease Purchase	1st	16,895	16,129	766	95.47%
	2nd	10,334	10,334	0	100.00%
	3rd	5,136	4,528	608	88.17%
	4th	11,084	4,037	7,047	36.42%
	5th	2,846	2,767	79	97.23%
	TOTAL		46,295	37,795	8,500

Administrative Trust Fund

Category	Appropriation	Expended / Encumbered	Remaining Balance	% Expended
Expenses	94,669	83,412	11,257	88.11%
Operating Capital Outlay	27,000	18,076	8,924	66.95%
TOTAL	121,669	101,487	20,182	83.41%

Agenda Item II.C.: Trust Fund Cash Balances - SCRTF

State Courts System
State Courts Revenue Trust Fund - Monthly Cash Analysis
Fiscal Year Reporting 2015-2016 (Official Estimates)

Based on Actual Revenues and Expenditures
for July - June

Article V Revenue Estimating Conference Projections

1	February 17, 2015	8,039,637	6,947,557	6,807,650	6,807,650	6,862,401	6,412,574	6,265,253	6,476,131	7,343,390	7,591,996	7,163,314	7,290,079	84,007,632
2	July 20, 2015	6,561,983	6,828,194	6,799,712	6,354,508	6,793,505	5,955,919	6,177,546	6,446,962	6,790,973	7,101,311	6,758,100	6,531,555	79,100,268
3	December 21, 2015	6,868,704	6,719,579	6,300,345	6,087,832	6,220,803	5,683,231	5,825,111	6,085,369	6,425,501	6,732,494	6,399,132	6,174,465	75,522,566
4	State Courts Revenue Trust Fund	July	August	September	October	November	December	January	February	March	April	May	June	Year-To-Date Summary*
5	Beginning Balance	2,088,732	444,866	522,613	234,579	410,665	543,499	237,314	126,244	5,312,899	5,161,665	4,949,972	7,611,762	2,088,732
6	Fee and Fine Revenue Received*	6,878,304	6,719,629	6,278,232	6,109,945	6,229,304	5,150,568	6,561,439	5,580,726	6,498,177	7,125,798	6,312,538	6,423,336	75,867,994
7	Cost Sharing (JAC transfers/\$3,695,347 due annually)	842,914		80,924	842,903	80,924		923,842			842,917	80,925		3,695,347
8	Refunds/Miscellaneous	2,862	52,973	4,782	5						3,215		8	63,844
9	Total Revenue Received	7,724,080	6,772,602	6,363,938	6,952,852	6,310,228	5,150,568	7,485,280	5,580,726	6,498,177	7,971,929	6,393,463	6,423,344	79,627,185
10	Available Cash Balance	9,812,811	7,217,468	6,886,551	7,187,431	6,720,893	5,694,067	7,722,594	5,706,970	11,811,076	13,133,594	11,343,435	14,035,106	81,715,917
11	Staff Salary Expenditures	(7,769,999)	(6,693,983)	(6,651,332)	(6,685,217)	(6,677,029)	(6,655,820)	(6,656,581)	(6,692,941)	(6,648,609)	(6,691,759)	(6,630,252)	(6,797,909)	(81,251,431)
12	Staff Salary Expenditures - GR Shift				1,500,000	500,000	1,200,000	460,000		0	0	2,900,000	6,227,148	12,787,148
13	Refunds	(788)	(873)	(640)	(1,873)	(365)	(933)	(1,193)	(1,130)	(803)	(795)	(1,420)	(253)	(11,063)
14	SCRTF Loan in accordance with 215.18(2), F.S.								6,300,000				(6,300,000)	0
15	Total SCRTF Operating Expenditures	(7,770,786)	(6,694,855)	(6,651,972)	(5,187,089)	(6,177,394)	(5,456,753)	(6,197,774)	(394,071)	(6,649,411)	(6,692,554)	(3,731,672)	(6,871,014)	(68,475,346)
16	<i>8% General Revenue Service Charge</i>	(1,597,159)			(1,589,677)			(1,398,576)			(1,491,068)			(6,076,479)
17	Ending Cash Balance	444,866	522,613	234,579	410,665	543,499	237,314	126,244	5,312,899	5,161,665	4,949,972	7,611,762	7,164,092	7,164,092

* 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 2016 (1,588,934)

Agenda Item II.C.: Trust Fund Cash Balances - ATF

State Courts System
 FY 2015-16 Cash Statement
 Administrative Trust Fund
 As of June 30, 2016

22100600-DCA	Beginning Balance	Revenue Received	Expenditures	Refunds	Ending Balance
1st DCA - 22110000120-WC	57,181.46	1,860,111.95	0.00	0.00	1,917,293.41
1st DCA - 22110000190-Recycle 000400	0.00	258.00	0.00	0.00	258.00
Prior Year Refunds	0.00	20.00	0.00	0.00	20.00
Salaries 010000	0.00	0.00	(1,742,502.49)	0.00	(1,742,502.49)
Salaries 010000-Move to Expenditures	0.00	0.00	0.00	0.00	0.00
Expenses 040000	0.00	0.00	(86,013.71)	0.00	(86,013.71)
OCO 060000	0.00	0.00	(15,473.74)	0.00	(15,473.74)
Prior Year Certified Forwards	0.00	0.00	(10,979.06)	0.00	(10,979.06)
Human Resources Transfer to DMS 107040	0.00	0.00	(2,222.00)	0.00	(2,222.00)
Refunds 220020	0.00	0.00	0.00	0.00	0.00
DCA Ending Cash Balance	57,181.46	1,860,389.95	(1,857,191.00)	0.00	60,380.41

III. FY 2016-17 Budget Outlook

Agenda Item III.A.: Salary Budget

FY 2016-17 District Courts of Appeal Salary Budget

START-UP

1	Projected Full Employment Payroll Liability through June 30, 2017	41,527,718
2	Projected DROP Liability through June 30, 2017	171,323
3	Projected Law Clerk Below Minimum Pay Plan Liability through June 30, 2017	41,768
4	Projected Law Clerk Incentives Pay Plan Liability through June 30, 2017	145,384
5	Projected Overtime Liability through June 30, 2017 (Based on FY15-16 Average)	17,420
6	Total Projected Payroll Liability through June 30, 2017	41,903,614
7	Estimated Salary Appropriation ¹	(41,570,381)
8	Projected Liability OVER/(UNDER) Salary Appropriation @ Full Employment	333,233
9	Estimated Remaining Leave Payouts (Based on FY15-16 Average)	54,394
10	FINAL - Adjusted Liability OVER/(UNDER) Salary Appropriation @ Full Employment	387,626

¹ Estimated Salary Appropriation includes anticipated supplemental amounts for Health and Retirement expected to be released by OPB in August.

	Scenario 1	Scenario 2	Scenario 3	Scenario 4
FY 2015-16 Actual Lapse	861,669			
2 yr. average Lapse		792,315		
FY 2015-16 Actual Lapse adjusted for FTE vacant for 365 days			744,794	
Adjusted 2 yr. average Lapse for FTE vacant for 365 days				733,878
minus FY 2016-17 Projected Deficit	(405,875)	(405,875)	(405,875)	(405,875)
Estimated FY 2016-17 Reversion	455,794	386,440	338,919	328,003
minus .5% of salary budget held as Reserve	(207,851)	(207,851)	(207,851)	(207,851)
Estimated FY 2016-17 Spending Flexibility	247,943	178,589	131,068	120,152

Agenda Item III.B.: Trust Fund Cash Balances - SCRTF

State Courts System
State Courts Revenue Trust Fund - Monthly Cash Analysis
Fiscal Year Reporting 2016-2017 (Official Estimates)

Based on REC Revenues and Estimated Expenditures for July - June

Article V Revenue Estimating Conference Projections

1	December 21, 2015	6,238,332	6,238,332	6,238,332	6,238,332	6,238,332	6,238,332	6,238,332	6,238,332	6,238,332	6,238,332	6,238,332	6,238,332	6,238,332	74,859,980
2															
3	State Courts Revenue Trust Fund	July	August	September	October	November	December	January	February	March	April	May	June	Year-To-Date Summary*	
4	Beginning Balance	7,164,092	6,682,962	6,866,929	7,050,896	6,661,499	6,845,466	7,029,433	6,640,037	6,824,004	7,007,971	6,618,575	6,802,541	7,164,092	
5	Fee and Fine Revenue Received*	6,238,332	6,238,332	6,238,332	6,238,332	6,238,332	6,238,332	6,238,332	6,238,332	6,238,332	6,238,332	6,238,332	6,238,332	74,859,980	
6	Cost Sharing (JAC transfers/\$3,695,347 due annually)	923,837			923,837			923,837			923,837			3,695,347	
7	Refunds/Miscellaneous													0	
8	Total Revenue Received	7,162,168	6,238,332	6,238,332	7,162,168	6,238,332	6,238,332	7,162,168	6,238,332	6,238,332	7,162,168	6,238,332	6,238,332	78,555,327	
9	Available Cash Balance	14,326,261	12,921,294	13,105,260	14,213,064	12,899,831	13,083,798	14,191,601	12,878,369	13,062,335	14,170,139	12,856,906	13,040,873	85,719,419	
10	Staff Salary Expenditures	(6,052,987)	(6,052,987)	(6,052,987)	(6,052,987)	(6,052,987)	(6,052,987)	(6,052,987)	(6,052,987)	(6,052,987)	(6,052,987)	(6,052,987)	(6,052,987)	(72,635,839)	
11	Prior Year Certified Forwards - Staff Salary													0	
12	Refunds	(1,378)	(1,378)	(1,378)	(1,378)	(1,378)	(1,378)	(1,378)	(1,378)	(1,378)	(1,378)	(1,378)	(1,378)	(16,539)	
13	Total SCRTF Operating Expenditures	(6,054,365)	(6,054,365)	(6,054,365)	(6,054,365)	(6,054,365)	(6,054,365)	(6,054,365)	(6,054,365)	(6,054,365)	(6,054,365)	(6,054,365)	(6,054,365)	(72,652,378)	
14	<i>8% General Revenue Service Charge</i>	(1,588,934)			(1,497,200)			(1,497,200)			(1,497,200)			(6,080,533)	
15	Ending Cash Balance	6,682,962	6,866,929	7,050,896	6,661,499	6,845,466	7,029,433	6,640,037	6,824,004	7,007,971	6,618,575	6,802,541	6,986,508	6,986,508	

* 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 2017 (1,497,200)

**Agenda Item III.C.: Recommendations from the
Salary Budget Committee**

DCABC SALARY COMMITTEE

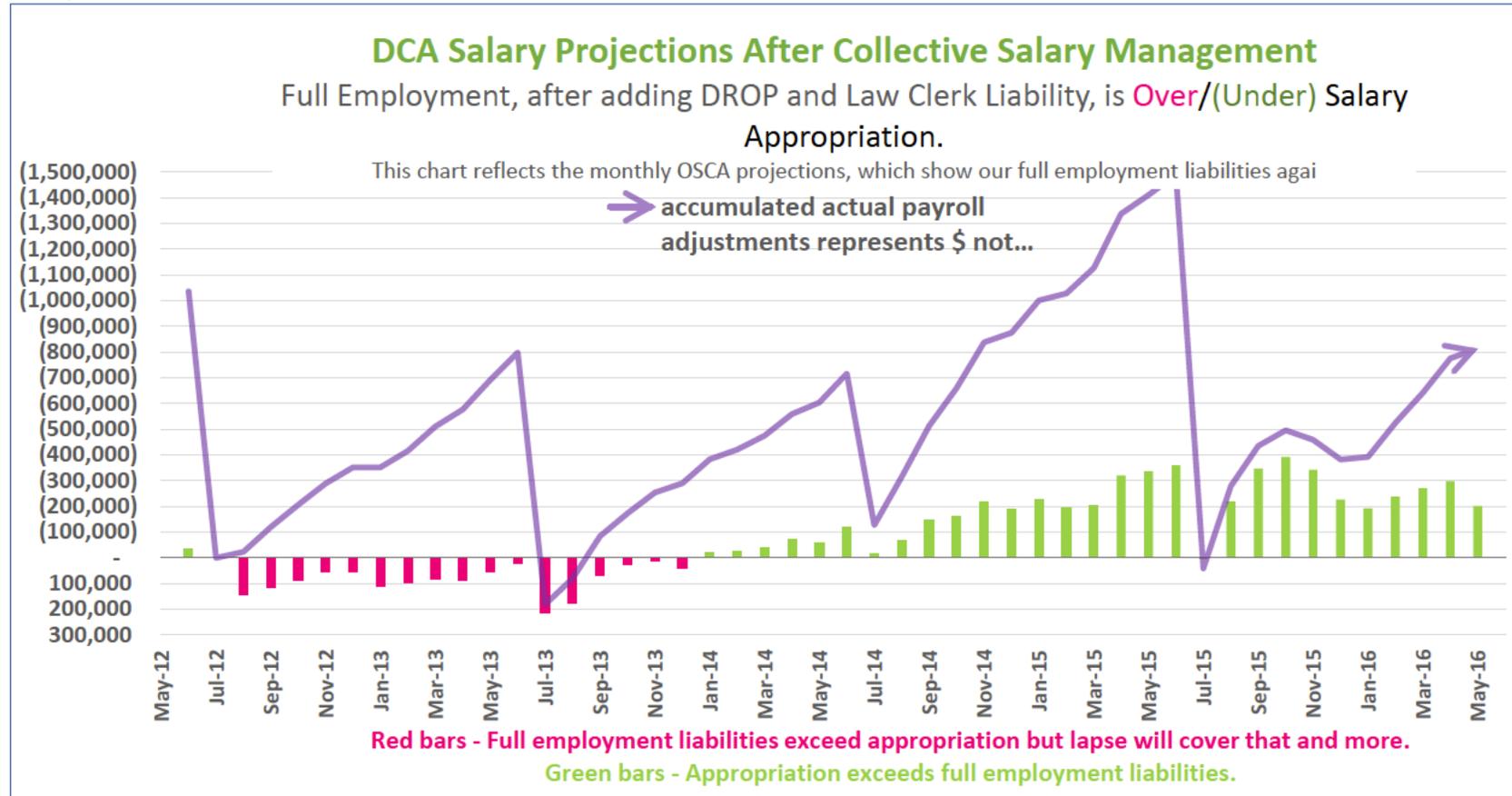
REPORT

JULY 22, 2016

- I. Historical salary and rate trends under collective management
- II. Salary projections for FY 2016-17
 - A. Appropriation Adjustment
 - B. Rate Distribution Methodology
- III. Pay Plan Phase II
 - A. Benchmarking
 - B. Recommendations
- IV. Salary Management Recommendation
 - A. SCRTF deficit obligations
 - B. Budget and Pay Memo Recommendations
 - C. Law Clerk Pay Plan regarding law clerks not members of The Florida Bar
- V. Pending Funding Formula and Allocation Issues
 - A. Deputy Clerk
 - B. Attorney Allocation
 - C. Security

I. HISTORICAL SALARY AND RATE TRENDS UNDER COLLECTIVE MANAGEMENT

Salary \$ ¹



¹ Due to Lapse, which represents those actions that result in actual salary expenditures less than the full employment liability (vacancies and expected released rate transactions), we can spend our full salary appropriation it is safe to push our full employment liability into negative at the beginning of the fiscal year.

DCABC Rate and Salary Committee, July 2016

FY 14-15				
14-Jul	428.5	28,840,844	1,136,192	12 new FTE funded plus 2 pulled from reserve for 4DCA security
14-Aug		28,780,059	(60,785)	
14-Sep		29,545,017	764,958	salary issue implemented
14-Oct		29,563,623	18,606	chief judge spending
14-Nov		29,510,250	(53,373)	
14-Dec		29,513,874	3,624	
15-Jan		29,504,226	(9,648)	
15-Feb		29,577,779	73,553	53,096 rate distribution - effective date January
15-Mar		29,570,955	(6,824)	
15-Apr		29,459,742	(111,213)	March number has been adjusted on the April report ?????
15-May		29,427,981	(31,761)	
15-Jun				no reports
FY 15-16				
15-Jul				no reports
15-Aug		29,376,227	(51,754)	difference since May report
15-Sep	430.5	29,423,594	47,367	AA II FTE funded for the 4th and 5th DCA for FTE equity in admin.
15-Oct		29,354,477	(69,117)	
15-Nov		29,399,420	44,943	75k rate distribution approved but not all spent
15-Dec	433.5	29,509,024	109,604	funded 1 fte in 3rd (CSO II), 4th (lc), and 5th(lc)
16-Jan		29,513,478	4,454	
16-Feb		29,544,197	30,719	chief judge 9k rate spending implemented this month
16-Mar		29,522,276	(21,921)	
16-Apr		29,496,891	(25,385)	
16-May		29,481,991	(14,900)	

Rate Trends. The above chart show our monthly rate adjustments, after accounting for law clerk pay plan liabilities. (Negative numbers reflect a decrease from the previous month, meaning less spending.)

In FY 12-13, there was a single 61,689 rate distribution.

In FY 13-14, there was no rate distribution.

The last two years' data demonstrates that after implementation of Pay Plan Phase 1 in September 2014, and funding 5.0 additional FTE, and three rate distributions, our rate position in May 2016 is 63,026 lower than it was in September 2014.

Recommendation: At the beginning of each year, available and released rate (other than that required to fund the law clerk pay plan liability), should be reallocated in a manner that will adjust for equity and other disparities among the districts and maximize the use of available salary dollars. Each chief judge should have access to rate dollars that may be used to set salaries to meet the needs and priorities of his or her court, subject to Section 7 of the Personnel Regulations Manual and the Budget and Pay Memo.

II. SALARY PROJECTIONS FOR FY 2016-17

OSCA's salary projection is our primary document. Each month this report indicates our most conservative salary position, as it is liability based. The salary committee, with input from the marshals, can project those positive salary actions that will offset liabilities projected by the OSCA report. With the right information, we can see the upcoming salary dollar accruals or deficits and make recommendations for increasing or decreasing salary expenditures to maximize the salary appropriation during the year.

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

1	Projected Full Employment Payroll Liability through June 30, 2016	40,746,446
2	Projected DROP Liability through June 30, 2016	213,733
3	Projected Law Clerk Below Minimum Pay Plan Liability through June 30, 2016	70,637
4	Projected Law Clerk Incentives Pay Plan Liability through June 30, 2016	93,995
6	Total Projected Payroll Liability through June 30, 2016	41,124,811
7	Estimated Salary Appropriation	(41,343,971)
8	Projected Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(219,160)
9	Actual Payroll Adjustments through August 31, 2015	(95,278)
10	Adjusted Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(314,438)
11	Estimated Leave Payouts (based on two year average)	36,064
12	FINAL - Adjusted Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(278,374)

The chart above is the first chart produced for last fiscal year. **Full Employment Liability** is the annual salary expenditures projected to the end of the fiscal year IF all salaries were to remain the same as of the month of the report and there were no vacancies, i.e., all positions were filled the entire time.

Lines 1-6 OSCA projections are liability-based to reflect the annual full employment obligations from the month of the report through the end of the year. As personnel actions occur, lines 2-4 are either reduced or increased and the liability is then reflected in line 1.

Line 7 Salary appropriation from all sources, General Revenue (GR), Workers' Comp (WCTF) and State Court Revenue Trust Fund (SCRTF). To maximize General Revenue funds at the end of the year, OSCA adjusts salary charges to make sure that all of the GR is spent, leaving unused salary dollars in our SCRTF.

Line 8 The difference between liability and appropriation is reflected. (Negative numbers) indicate that at full employment we are projecting to spend less than our appropriation.

Line 9 Accumulated salary dollars that were projected as liabilities through the current month but not spent because of vacancies, etc. This contributes to the salary lapse.

Line 10 Over/(Under) Combines lines 8 and 9 to reflect our liability position against our appropriation in the current year. Again, (negative numbers) indicate salary dollars projected to not be spent in the current fiscal year. These dollars are available to spend but we must factor in the ongoing (recurring) liability when we elect to spend using transactions that require rate. Overtime and overlap are ways to spend these dollars in the current year without increasing the following years' liability. Another way is to give rate/special pay increase to law clerks or sr. law clerks who are scheduled to receive increases the following fiscal year, thus increasing expenditures this year while decreasing our liability for their pay plan raise next year. E.g., giving 1,000 rate distribution/special pay increase to a sr. law clerk who currently has 4 years' service and will be eligible for career attorney next year --spending the 1,000 captures available salary in the current year while reducing the liability of bringing them to career attorney next year. Funding new positions, upward reclassifications, and increases to career attorneys are examples of salary actions that would have ongoing (recurring) liability implications.

Line 11 Represents a guess based on the average of the last two years' leave payouts. At the beginning of a fiscal year, marshals who know that they will have an employee with a substantial leave payout should let Budget know if the salary committee is planning to tighten expenditures.

Positive transactions that release rate and salary. Typically, we see these transactions when judges enter on DROP (a salary savings because it reduces the employer's retirement contribution for that judge) and when an employee who is paid above the minimum terminates. OSCA projections are liability-based and do not attempt to project positive transactions. For example, they reflect judge DROP liability (the cost of a judge on DROP terminating and being replaced by a judge not on DROP but they do not capture the projected savings of a judge who will be going on DROP). The salary committee can project an offset of this cost of this transition by tracking those judges who will be entering DROP. Of course, OSCA's report will eventually reflect this "net" out when the action actually happens, but the ability to project it in advance would allow us to target our salary actions prior to seeing the effect of these transactions.

Anticipating positive transactions can allow the districts to push spending forward in the fiscal year to maximize the use of dollars while not negatively impacting recurring obligations. For example, if we are in an (under) salary posture of (\$242,563), meaning our full employment liabilities for the year are 242,563 less than our appropriation, and we know that a career attorney will retire in December, releasing \$20,000 in rate (79,607 current rate less 59,607 career attorney minimum for her replacement), it is safe to distribute that \$20,000 released rate to other career attorneys in July. Because of the recurring nature of rate transactions, dollars left on the table in the early months of the fiscal year cannot be recaptured by spending later in the year.

DCABC Rate and Salary Committee, July 2016

A. An appropriation correction of approximately \$113k that was reflected in May 2016 will be carried forward. Workers' Comp -- There is a total of \$1,981,957 in the DCA budget but the transfer amount is only \$1,868,772, which makes \$113,185 unfunded budget meaning we do not have the authority to spend it. The amount was reduced from the available appropriation to reflect accurately. If you look on the appropriation summary for FY 2016-17 that was presented in the materials at the last meeting, there is a footnote pertaining to the unfunded budget amount of \$113,834. This will be deducted as of the start-up budgets and will not be included in the available appropriation throughout the year to reflect accurately and enable the budget committee to base any recommendations on solid numbers.

**FY 2015-16 District Courts of Appeal Salary Budget
APRIL 2016**

1	Projected Full Employment Payroll Liability through June 30, 2016	40,999,718
2	Projected DROP Liability through June 30, 2016	37,195
3	Projected Law Clerk Below Minimum Pay Plan Liability through June 30, 2016	1,846
4	Projected Law Clerk Incentives Pay Plan Liability through June 30, 2016	6,877
5	Remaining Chief Judge Discretionary Funds	6
6	Total Projected Payroll Liability through June 30, 2016	41,045,641
7	Salary Appropriation	(41,342,671)
8	Projected Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(297,030)
9	Actual Payroll Adjustments through April 30, 2016	(489,897)
10	Adjusted Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(786,926)
11	Estimated Leave Payouts	10,745
12	FINAL - Adjusted Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(776,181)

**FY 2015-16 District Courts of Appeal Salary Budget
MAY 2016**

1	Projected Full Employment Payroll Liability through June 30, 2016	41,001,054
2	Projected DROP Liability through June 30, 2016	19,899
3	Projected Law Clerk Below Minimum Pay Plan Liability through June 30, 2016	2,238
4	Projected Law Clerk Incentives Pay Plan Liability through June 30, 2016	3,465
5	Remaining Chief Judge Discretionary Funds	6
6	Total Projected Payroll Liability through June 30, 2016	41,026,660
7	Salary Appropriation	(41,228,186)
8	Projected Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(201,526)
9	Actual Payroll Adjustments through May 31, 2016	(617,567)
10	Adjusted Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(819,093)
11	Estimated Leave Payouts	6,164
12	FINAL - Adjusted Liability OVER/(UNDER) Salary Appropriation @ Full Employment	(812,928)

III. PAY PLAN PHASE II: EQUITY, RETENTION, RECRUITMENT

The Committee prepared a response to the following request from OSCA Personnel to the marshals and TCAs:

As you are aware, the judicial branch successfully implemented Phase I of the State Courts System Pay Plan in FY 14-15, and has continued actively working on Phase II for the branch during subsequent legislative sessions and is doing so again for the FY 17-18 Legislative Budget Request. Staff of OSCA have some internal deadlines to meet during the upcoming months and a mid-September deadline in order to present to the Supreme Court a supplemental or modified LBR issue amount for Phase II. To update the data for Phase II of this project, particularly the recruitment and retention aspects of the analysis, **we are seeking and need your assistance in completing and emailing to me two exercises similar to the ones Blain asked you to complete in December of 2014. Therefore, I request your feedback on or before close of business Friday, July 14th on the following:**

Exercise 1: Please review Attachment 1. Attachment 1 is a combined list of classes adjusted in the district and trial courts for FY 14-15. Some of these classes may be revisited if the trial and/or district courts have persistent recruitment and/or retention issues. After reviewing this chart, if you see areas where you have had documented, verifiable issues, please report those to us in an email to me, with copy to Cheryl Campbell.

Exercise 2: Please review Attachment 2. Attachment 2 displays a total of 46 classes in the trial and district courts that were not adjusted in FY 14-15. We need you to review all non-adjusted classes in this attachment and in the same email to me, with copy to Cheryl, give us your feedback on the recruitment and retention issues you have experienced with those classes.

We know that in December of 2014 you gave Blain your written assessments of the equity, retention, and recruitment issues you found with respect to these classes at that time, but to make the best and most up-to-date business case we need you to update that analysis to reflect the pay issues you face in 2016. The issues you face today may be very similar and may pertain to the same job classes, but we need to verify that if it continues to be the case. We also need to make adjustments if your equity, retention and recruitment issues have shifted at all to other classes where you might not have been seeing these issues the last time you completed this exercise.

Thank you,

Beatriz Caballero

Chief, Office of Personnel Services

For the DCBC's information, the Committee has included. Following the attachments provided with the OSCA request (after page 11) are the Pay Plan Phase I funding summary, which reflects that **many classes in the district courts were adjusted**, and the response submitted by Judge Northcutt on behalf of the Committee.

Click to view the [SCS Salary Schedule](#), which includes minimums and maximum salaries for SCS employee classifications.

OSCA Attachment I. Classes Adjusted in FY 2014-15

Class Title	NEW Annual Minimum	% of Change FY14-15
ADMINISTRATIVE ASSISTANT I	\$32,092.77	15.36%
ADMINISTRATIVE ASSISTANT II	\$34,981.12	15.37%
ADMINISTRATIVE ASSISTANT III	\$41,627.53	15.26%
ADMINISTRATIVE HEARING OFFICER	\$85,006.20	4.48%
ADMINISTRATIVE MAGISTRATE	\$90,915.52	11.75%
ADMINISTRATIVE SERVICES MANAGER	\$61,291.72	16.87%
APPELLATE JUDICIAL ASST - DISTRICT COURT	\$35,868.39	18.30%
ASSISTANT SUPERVISING COURT INTERPRETER	\$47,568.91	5.00%
BUDGET ANALYST	\$48,359.46	11.96%
BUDGET MANAGER	\$55,940.77	12.00%
BUDGET SERVICES MANAGER	\$71,371.00	11.96%
BUDGET SPECIALIST	\$38,593.75	11.67%
CHIEF DEPUTY CLERK - DISTRICT COURT	\$57,820.00	33.86%
CHIEF DEPUTY COURT ADMINISTRATOR	\$83,618.00	7.92%
CHIEF OF PERSONNEL SERVICES	\$68,942.26	8.15%
CLERICAL ASSISTANT	\$22,302.94	6.25%
CLERK - DISTRICT COURT	\$117,483.04	30.98%
COURT ANALYST	\$38,343.64	6.17%
COURT INTERPRETER-CERTIFIED	\$43,331.15	5.00%
COURT OPERATIONS CONSULTANT	\$55,680.64	6.17%
COURT OPERATIONS MANAGER	\$53,028.86	6.17%
COURT SECURITY OFFICER I -DISTRICT COURT	\$30,664.30	34.68%
COURT SECURITY OFFICER II-DISTRICT COURT	\$35,903.36	45.20%
CUSTODIAL SUPERVISOR	\$24,346.39	30.68%
CUSTODIAL WORKER	\$21,682.13	30.68%
DEPUTY CLERK I - DISTRICT COURT	\$30,764.00	15.40%

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DEPUTY CLERK II - DISTRICT COURT	\$33,512.00	15.40%
DEPUTY CLERK III - DISTRICT COURT	\$41,628.00	15.26%
DEPUTY MARSHAL - DISTRICT COURT	\$57,820.00	27.63%
DIRECTOR OF ADMINISTRATIVE SERVICES	\$80,467.00	3.85%
FACILITIES DIRECTOR - DISTRICT COURT	\$41,400.06	NEW CLASS FY14-15
GENERAL COUNSEL	\$85,915.14	5.60%
HEARING OFFICER	\$77,278.20	4.72%
HUMAN RESOURCE MANAGER	\$54,017.81	8.15%
INFORMATION SYSTEMS CONSULTANT II	\$67,545.94	9.65%
JUDICIAL ASSISTANT - CIRCUIT COURT	\$33,980.58	17.01%
JUDICIAL ASSISTANT - COUNTY COURT	\$32,092.77	15.36%
LAW CLERK - DISTRICT COURT	\$45,817.20	0.57%
MAGISTRATE	\$82,650.48	12.00%
MAINTENANCE ENGINEER - DISTRICT COURT	\$29,056.80	17.51%
MARSHAL - DISTRICT COURT	\$106,146.64	36.99%
PERSONNEL MANAGEMENT ANALYST	\$46,713.79	8.15%
PERSONNEL SPECIALIST	\$35,772.30	8.15%
PERSONNEL TECHNICIAN	\$32,791.12	8.15%
SENIOR COURT OPERATIONS CONSULTANT	\$64,457.12	6.17%
SENIOR TRIAL COURT LAW CLERK	\$55,202.40	16.20%
SENIOR USER SUPPORT ANALYST-DISTRICT CT	\$53,213.40	27.63%
SUPERVISING COURT INTERPRETER	\$55,067.04	5.00%
TRIAL COURT ADMINISTRATOR	\$115,000.00	41.35%
TRIAL COURT LAW CLERK	\$45,817.20	5.56%
TRIAL COURT TECHNOLOGY OFFICER	\$90,250.08	20.53%

OSCA Attachment 2. Classes Not Adjusted In FY 14-15

Class Title	Annual Minimum
ACCOUNTANT I	\$27,819.84
ACCOUNTANT II	\$30,320.04
ACCOUNTANT III	\$33,076.56
ACCOUNTANT IV	\$36,115.32
ACCOUNTING SERVICES SUPERVISOR	\$43,193.52
ADMINISTRATIVE SECRETARY I	\$27,819.84
ADMINISTRATIVE SECRETARY II	\$30,320.04
ALTERNATIVE DISPUTE RESOLUTION DIRECTOR	\$52,444.80
CAREER ATTORNEY - DISTRICT COURT	\$59,607.00
CAREER ATTORNEY - DISTRICT COURT (PP 86)	\$59,607.00
COMMUNICATION SPECIALIST	\$41,267.76
COMMUNICATIONS COORDINATOR	\$52,444.80
COURT COUNSELOR	\$34,559.04
COURT INTERPRETER	\$37,756.20
COURT PROGRAM SPECIALIST I	\$30,320.04
COURT PROGRAM SPECIALIST II	\$36,115.32
COURT REPORTER I	\$47,569.08
COURT REPORTER II	\$52,444.80
COURT STATISTICIAN	\$43,193.52
DIGITAL COURT REPORTER	\$31,664.64
DIRECTOR OF CASE MANAGEMENT	\$73,795.08
DIRECTOR OF CENTRAL STAFF	\$73,795.80
DIRECTOR OF COMMUNITY RELATIONS	\$63,746.88
DRUG COURT MANAGER	\$47,569.08
ELECTRONIC TRANSCRIBER	\$26,658.48
FAMILY COURT MANAGER	\$49,947.12
FINANCE AND ACCOUNTING MANAGER	\$63,746.88

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FISCAL ASSISTANT	\$24,727.32
MANAGER COURT REPORTING SERVICES	\$57,942.72
MANAGER ELECTRONIC COURT REPORTING	\$43,193.52
MEDIATION SERVICES COORDINATOR	\$45,303.72
MEDIATOR-CIRCUIT/FAMILY	\$45,303.72
PROGRAM ASSISTANT	\$24,727.32
PROGRAM COORDINATOR	\$43,193.52
PURCHASING MANAGER	\$45,303.72
PURCHASING SPECIALIST	\$31,664.64
PURCHASING TECHNICIAN	\$24,727.32
SCOPIST	\$34,559.04
SECRETARY	\$20,991.72
SECRETARY SPECIALIST	\$22,768.44
SENIOR COURT PROGRAM SPECIALIST	\$41,267.76
SENIOR LAW CLERK	\$53,585.76
SENIOR PSYCHOLOGIST	\$47,569.08
SENIOR SECRETARY	\$24,727.32
TRAINING MANAGER	\$45,303.72
USER SUPPORT ANALYST	\$39,708.48

Special Pay Issue - District Courts of Appeal as proposed by the District Courts of Appeal Budget Commission on July 16, 2014 (subsequently corrected 7.21.14)

31	Rate Target	Dollar Target	Employee Group	Issue	Decided Methodology
14	803,128.00	\$923,757.00			
3	Cost	Cost	Regular benefit costs are 15.02% of rate; Special Risk benefit costs are 27.47% of rate; Sr. Mgt. benefit costs are 28.79% of rate		
4	(365,187.33)	(\$420,038.47)	LAW CLERKS	Equity, Retention	Adjust Law Clerks to new minimum of \$45,817.20 (same as Trial Court Law Clerks). Adjust Senior Law Clerk salaries by 4%, not to exceed \$3,000. Adjust Career Attorney salaries by 5%, not to exceed \$5,000. Rate cost: 365,187.33 . 134 of 168 FTE affected.
5	(\$4,287.68)	(\$4,931.69)	DIRECTOR OF CENTRAL STAFF	Equity	Adjust the salaries to a minimum of \$82,000 (without change in salary schedule minimum). Rate Cost: 4,287.68 2 of 5 FTE affected.
6	(89,888.63)	(\$103,389.90)	JUDICIAL ASSISTANTS	Retention, Recruitment	Benchmark at 95% of the Supreme Court minimum pay. Resulting in a new base rate for district court JAs - \$35,868.39 or a salary adjustment of \$1,000, whichever is greater. Rate cost: 89,888.63 . 64 of 65 FTE affected (1 FTE to be reclassified not affected).
7	(25,943.57)	(\$29,840.29)	CHIEF DEPUTY CLERK - DISTRICT COURT	Equity	Adjust minimum to \$57,820; adjust salaries to new minimum or by 5%, whichever is greater. Rate cost: 25,943.57 . 5 of 5 FTE affected.
8	(27,992.79)	(\$32,197.31)	DEPUTY MARSHAL - DISTRICT COURT	Equity	Adjust minimum to \$57,820; adjust salaries to new minimum or by 5%, whichever is greater. Rate cost: 27,992.79 . 5 of 5 FTE affected. Corrected subsequent to meeting. Add'l rate needed from 7.11.14 meeting was overstated by 4,204.51 in Proposal 1 spreadsheet for 7.16.14 meeting.
9	(19,627.55)	(\$22,575.61)	SENIOR USER SUPPORT ANALYST	Equity, Retention, Recruitment	New classification of District Court Technology Officer to be established. Further research needed for proper classification so not to be part of this plan. Adjust minimum to 53,213.40 or a salary adjustment of 5%, whichever is greater. Rate cost: 19,627.55 . One per district, 5 of 6 FTE affected.
10	(52,484.46)	(\$64,127.14)	COURT SECURITY OFFICER I & II - DISTRICT COURT	Equity, Retention, Recruitment	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. Apply 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. Rate cost: 52,484.46 . 7 of 8 FTE affected.
11	(26,685.47)	(\$30,693.63)	ADMINISTRATIVE ASSISTANTS	Retention	Equalize the AAI to the proposed new minimum for a JA - 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 AAI - 34,981.12 and for AAIII - 41,627.53. Rate cost: 26,685.47 . 8 of 14 FTE affected.

31	Rate Target	Dollar Target	Employee Group	Issue	Decided Methodology
14	803,128.00	\$923,757.00			
3	Cost	Cost	Regular benefit costs are 15.02% of rate; Special Risk benefit costs are 27.47% of rate; Sr. Mgt. benefit costs are 28.79% of rate		
12	(25,835.34)	(\$29,715.81)	MAINTENANCE ENGINEER - DISTRICT COURT	Equity	Create a new class - Facilities Director at the minimum pay of \$41,400.06 (average pay of the Facilities Directors at the Department of Management Services). Would allow for reclass of eligible current Maintenance Engineers. Rate cost: 25,835.34 . 3 of 4 FTE affected.
13	(1,465.97)	(\$1,686.16)	CUSTODIAL SUPERVISOR	Equity	Adjust minimum to the average salary of the Custodial Supervisor in seven state agencies - 24,346.39. Rate cost: 1,465.97 . 1 of 3 FTE affected.
14	(3,885.77)	(\$4,469.41)	CUSTODIAL WORKER	Equity	Adjust minimum maintaining the current difference between the Custodial Supervisor and the Custodial Worker resulting in a new base rate minimum of \$21,682.13. Rate cost: 3,885.77 . 1 of 4 FTE affected.
15	0.00	\$0.00	CLERICAL ASSISTANT	Equity	Adjust minimum to average salary of Clerk Specialist in 15 state agencies (22,302.94). No cost . No FTE affected. The 2 incumbents are above new minimum.
16	0.00	\$0.00	LEGAL SECRETARY	Equity	Adjust minimum to average of Justice Administrative Commission Legal Assistant/Secretary I and II (31,774.76). No cost . No FTE affected. The 1 incumbent is above new minimum.
17	(30,668.11)	(\$35,274.46)	DEPUTY CLERK I	Retention, Equity	Adjust minimum to \$30,764. Rate cost: 30,668.11 . 12 of 13 FTE affected.
18	(33,351.89)	(\$38,361.34)	DEPUTY CLERK II	Retention, Equity	Adjust minimum to \$33,512. Rate cost: 33,351.89 . 15 of 21 FTE affected.
19	(22,515.93)	(\$25,897.82)	DEPUTY CLERK III	Equity	Adjust minimum to \$41,628. Rate cost: 22,515.93 . 10 of 24 FTE affected.
20	(6,901.89)	(\$7,938.55)	USER SUPPORT ANALYST	Equity	Adjust salaries by 5%. Rate cost: 6,901.89 . 3 of 3 FTE affected.
21	(25,000.00)	(\$32,197.50)	Marshals and Clerks	Equity	Adjust salaries by \$2,500. Rate cost: 25,000 . 10 of 10 FTE affected.
22	(6,973.75)	(\$8,021.21)	Needed to retain Corzine as "lead" for district courts' technology (in addition to amount already calculated in line 9)		
23	(23,695.11)	(\$27,564.67)	Specific retention and/or recruitment issues to be addressed at district court level		
24	10,736.76	\$ 4,836.03	Balance	Add balance to line 23 Specific retention and/or recruitment issues to be addressed at district court level	

MEMORANDUM

To: Beatriz Caballero

From: Judge Stevan Northcutt

Date: July 19, 2016

RE: Pay Plan Phase II

There being no DCABC meeting scheduled prior to the response deadline, the Commission's Rate and Salary Committee is submitting a response. However, we anticipate that the full DCABC will be consulted in this process and will have an opportunity to give input and comment on OSCA's recommendations.

Note, as a general matter, that we disagree with the "minimum-centric" approach assumed by the exercise. The 2014 GAA proviso language attendant to Phase I of the special pay issue said nothing about minimums. Rather, funds were appropriated for "position classification salary adjustments" to

1. "encourage employee retention,"
2. "provide equity adjustments to equalize salaries between the judicial branch and other governmental entities for similar positions and duties," and
3. "provide market-based adjustments necessary to remedy recurring employee recruitment problems for specific position classifications."

Adjusting minimums is most applicable to the third element, but it has almost no impact on the other two goals of the appropriation. Raising minimums only increases the salaries of the lowest-paid employees. For this reason, the DCABC's Phase I distribution, while raising a number of minimums, was more directed to raising salaries either than the plan submitted by the trial courts or than this exercise seems to assume.

Consequently, in Phase I the DCAs were able to grant salary increases to a greater percentage of their employees. Moreover, this approach allowed the DCAs to temper or avoid salary compression issues attendant to simply raising minimums. Finally, by investing our share of the Phase I appropriation across salary ranges in particular classes, we have realized a greater "return," i.e., as employees have left, more of the appropriation has been returned to us for further use than would have been the case if the appropriations were simply invested in raising the wages of the lowest-paid employees to the new minimums.

Because the attachments to your exercise only reflect or anticipate changes to minimum salaries, they do not accurately reflect the breadth of the DCAs' use of the Phase I appropriation, nor do they likely predict the manner in which the DCAs would use any Phase II appropriation.

Finally, note that Attachment I falsely reports that the DCA clerk minimum salary was raised 30.98% and that the DCA marshal minimum was raised 36.99%. DCA clerks and marshals are constitutional officers who are specifically exempted from the State Courts System Classification and Pay Plan. They do not have minimum salaries. To the contrary, pursuant to a long-standing agreement of the DCA chief judges that is reflected in the Budget and Pay Memorandum, all DCA clerks receive the same salary and all DCA marshals receive the same salary. From the Phase I appropriation the ten of them were each given a raise of \$2,500, which amounted to roughly a 2.2% raise for the clerks and a 2.4% raise for the marshals.

These misstatements may well be the source of the chief justice's mistaken belief that the district court clerks and marshals received exorbitant raises.

With that being said, the committee offers the following response prepared by the marshals:

Employment Issues (Exercise 1 and 2 are combined because the district courts blended minimum adjustments and across the board adjustments in Phase I):

- 1) **Facilities Director** – Since the inception of the position, the Fourth DCA has had four Facilities Directors. The prior two directors both left due to lack of pay. In hiring the last director, we received a total of five applications. Of the five applicants, only two were qualified, and of the two qualified applicants, only one responded for an interview. The requirements for the Facilities Director's position necessitates a higher minimum salary to attract more qualified applicants and make the position more competitive with the private sector market.

Prior to the creation of the Facilities Director position, the Second DCA existed with the services of Maintenance Engineers, relying heavily on contracted services for a wide variety of trade work. We have had two Facilities Directors since the position classification was created in 2014. Both times the candidate pool was ridiculously underwhelming. This last time, several applicants declined to interview based on the fact that the salary was not commensurate with the job requirements and employment market. To properly maintain our state buildings, with essentially one person, we need this individual to possess both professional project management skills and a wide range of hands-on technical trade skills.

- 2) **Court Security Officer II** – The CSO II pay is substantially lower than what other law enforcement agencies pay for entry level officers in the area, yet it has higher requirements for employment. One of the Fourth DCA's CSO II is actively applying with several other agencies in the area. All of the agencies to which the CSO II applied have starting salaries in the \$50,000 a year range, along with guaranteed step pay plans. The other CSO II employed by the Fourth is not actively applying with other agencies, but does regularly check the starting salaries and has considered applying to other agencies to realize the near \$20,000 pay increase and guaranteed step raises. The Third DCA also has significant problems recruiting qualified individuals. The

CSO II needs a higher minimum salary and CAD, at least in the 3rd and 4th districts, and a step pay plan in order to recruit and retain qualified employees.

- 3) **Deputy Marshal** – Pay plan 86 for deputy marshal (a benefit package that currently goes to state courts administrator, clerk, marshal, chief deputy clerk and director of central staff and JAs).

Change Deputy Marshal title to Chief Deputy Marshal to be consistent with the Chief Deputy Clerk.

- 4) **Technology Positions** – Technology is no longer a helpful productivity tool. Without technology the districts cannot perform their mission. Issues with these positions have already been communicated both through the DCBC and ACTC. It is critical that the districts be able to recruit and retain qualified technology professionals.

- The District Court Technology Officer classification, as approved and recommended by the DCABC in Phase I, has still not been created for those courts that have or would like to recruit at this level.
- The District Court System Administrator classification is incorrectly titled Sr. User Support – District Court and this title is a barrier to recruiting qualified applicants. The ACTC, OSCA’s ISS and the district courts use “System Administrator” when referring to these positions.
- Sr. User Support and User Support - Minimums need to be increased. These IT positions are critical to daily operations and all core mission functions. The paperless court has significantly elevated the responsibilities of this position. For example, user support staff members in these position are college educated with significant technology skills and expertise. We could never fill these positions for this minimum salary amount. This starting salary should be adjusted upward to no less than \$45k. If not we will have significant hiring difficulties when these employees leave.
- All available technology classifications should be available to the districts, to be used as appropriate based on the individual’s skills and duties. Each district should be able to have at minimum a Technology Officer or System Administrator and be able to fill the second position with another System Administrator, a Sr. User Support Analyst or User Support Analyst position.

5) **Salary Compression**

This applies to classes affected by the minimum-centric approach in Phase I, but is especially notable in the deputy clerk classes, as there is a larger group of them at each court. Salary compression created by Phase I has negatively impacted the moral of the more senior employees who find their newer counterparts making similar salaries. The classification salary ranges have become essentially meaningless. This is not a good business model for equity or retention.

6) **Career Attorney Step Plan**

Due to the lack of legislative increases, many Career Attorneys throughout the state have stagnated at their current salary levels. It is becoming increasingly difficult for the courts to retain their most qualified personnel who serve at the heart of the organization. In order to incentivize the attorneys to remain with the organization a Career Attorney pay plan is needed. Creating three steps in the career attorney position (CA1, CA2, CA3) with two years between CA1 and CA2, and three years between CA2 and CA3 would create a 10 year pay plan for attorneys, similar to what was adopted in 2012 by the DCABC's Resource Allocation Workgroup (a.k.a., the Judge Marstiller report). The DCABC's recommendation to use Phase I dollars for an across the board increase was an effective first step in supporting retention; establishing a formal step plan work would significantly increase the courts' ability to retain their career attorneys.

- 7) **Non-attorney classes** - Retention of all employees, including non-attorney employees, has become increasingly difficult. The stagnation of salaries, the inability to progress through a salary range, the one year vesting of the automatic investment plan retirement option, and the tendency of millennials to change jobs at a higher rate than their predecessors makes retaining employees very difficult. The DCA's are becoming increasingly susceptible to high turnover which leads to increased costs, decreased productivity, loss of institutional knowledge, and decreased morale. All non-attorney positions need a three step pay plan which allows them to progress through the salary range similar to law clerks.

Cc: Chief Judge Alan Lawson, Chair DCABC

Proposed LC Step Plan

	Yrs. Exp.	\$1,000 step	\$1,200 step	\$1,500 step ***	\$1,700 step	\$2,000 step
Law Clerk	0-1	45,817.20	45,817.20	45,817.20	45,817.20	45,817.20
Sr. Law Clerk	2-5	53,585.76	53,585.76	53,585.76	53,585.76	53,585.76
Career Attorney I	5	59,607.00	59,607.00	59,607.00	59,607.00	59,607.00
	6	60,607.00	60,807.00	61,107.00	61,307.00	61,607.00
	7	61,607.00	62,007.00	62,607.00	63,007.00	63,607.00
	8	62,607.00	63,207.00	64,107.00	64,707.00	65,607.00
	9	63,607.00	64,407.00	65,607.00	66,407.00	67,607.00
Career Attorney II	10-14	64,607.00	65,607.00	67,107.00	68,107.00	69,607.00
	11	65,607.00	66,807.00	68,607.00	69,807.00	71,607.00
	12	66,607.00	68,007.00	70,107.00	71,507.00	73,607.00
	13	67,607.00	69,207.00	71,607.00	73,207.00	75,607.00
	14	68,607.00	70,407.00	73,107.00	74,907.00	77,607.00
Career Attorney III	15-19	69,607.00	71,607.00	74,607.00	76,607.00	79,607.00
	16	70,607.00	72,807.00	76,107.00	78,307.00	81,607.00
	17	71,607.00	74,007.00	77,607.00	80,007.00	83,607.00
	18	72,607.00	75,207.00	79,107.00	81,707.00	85,607.00
	19	73,607.00	76,407.00	80,607.00	83,407.00	87,607.00
Career Attorney IV	20-24	74,607.00	77,607.00	82,107.00	85,107.00	89,607.00
	21	75,607.00	78,807.00	83,607.00	86,807.00	91,607.00
	22	76,607.00	80,007.00	85,107.00	88,507.00	93,607.00
	23	77,607.00	81,207.00	86,607.00	90,207.00	95,607.00
	24	78,607.00	82,407.00	88,107.00	91,907.00	97,607.00
Career Attorney V	25+	79,607.00	83,607.00	89,607.00	93,607.00	99,607.00

IV. SALARY MANAGEMENT

A. SCRTF Shortfall

The 2016 legislature funded \$8.5k GR shift to address the SCRTF deficit, of which \$1,300,000 was attributed to the district courts (line 7 on page 15 of 32, June 27 materials).

B. [Budget and Pay Memo](#) Recommendations

The DCABC should make only those recommendations necessary to effectuate our common salary management scheme, which scheme exists for two reasons: a) maximize the use of salary dollars; b) ensure that salary dollars are fairly and equitably available to each court. To the extent possible, each district should have the discretion and flexibility in its use of salary dollars, consistent with the SCS Personnel Manual and the budget and pay memo. See Guiding Principles approved by the DCABC on January 6, 2011.

1. Overlap.

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.

Overlap of positions in accordance with the SCS Personnel Regulations may be approved by the DCBC Salary Committee upon determination that sufficient salary dollars are available and the overlap is necessary to avoid disruption in efficient operation of the district.

Appendix Rate, FTE and Salary Data as of July 9, 2016

Sum of POS FTE July 2016						
	1st	2nd	3rd	4th	5th	Grand Total
110						
JUDGE	15	16	10	12	11	64
110 Total	15	16	10	12	11	64
111						
JA	15	16	10	12	11	64
111 Total	15	16	10	12	11	64
112						
CAREER ATTORNEY	25	27	14	12	12	90
DIRECTOR OF CENTRAL STAFF	2	1		1	1	5
LAW CLERK	12	7	6	16	14	55
SENIOR LAW CLERK	6	8	2	6	5	27
112 Total	45	43	22	35	32	177
114						
CHIEF DEPUTY CLERK	1	1	1	1	1	5
CLERK	1	1	1	1	1	5
DEPUTY CLERK I	3	4	2		1	10
DEPUTY CLERK II	6	5	1	4	5	21
DEPUTY CLERK III	5	5	6	6	3	25
ADMIN SEC I	1					1
114 Total	17	16	11	12	11	67
115						
CUSTODIAL SUPERVISOR		1	1		1	3
CUSTODIAL WORKER		0.5	1	1	1	3.5
FACILITIES DIRECTOR		1	1	1	1	4
115 Total		2.5	3	2	3	10.5
117						
USER SUPPORT ANALYST	1	1	1	1	1	5
SYSTEM ADMINISTRATOR	1	1	1	1	1	5
117 Total	2	2	2	2	2	10
118						
COURT SECURITY OFFICER I	3		2			5
COURT SECURITY OFFICER II			1	2	2	5
DEPUTY SHERIFF POLK *						
DEPUTY SHERIFF HILLSBOROUGH *						
118 Total	3		3	2	2	10

*1.15 equivalent

Appendix Rate, FTE and Salary Data as of July 9, 2016

Sum of POS FTE July 2016						
	1st	2nd	3rd	4th	5th	Grand Total
119						
ADMIN ASST II	2	1		1	1	5
ADMIN ASST I		1				1
COURT PROGRAM SPECIALIST II		1				1
ADMIN ASST III	1					1
ADMIN SEC I					1	1
119 Total	3	3		1	2	9
210						
ADMIN ASST II		1	1	2	1	5
ADMIN ASST I			1		1	2
CLERICAL ASSISTANT	2					2
DEPUTY MARSHAL	1	1	1	1	1	5
MARSHAL	1	1	1	1	1	5
SECRETARY SPECIALIST		1				1
ADMIN ASST III	1	1				2
210 Total	5	5	4	4	4	22
Grand Total	105	103.5	65	82	78	433.5

Distribution of FTE and Rate across Activities.

Cost Center List	
Judges	110
JA's	111
Law Clerks, Central Staff	112
Clerk's Office	114
Facility Maintenance & Mgt	115
Information Systems Support	117
Security	118
Central Staff Support	119
Library	180
Marshal & Admin Staff	210
Facility Lease	211
DCA Automation	380
Comp to Retired Judges	630

FTE and Rate Overview as of July 9, 2016 LAS/PBS				
Activity	FTE	%	Sum of Rate	%
Judges	64	14.76%	9,864,960	33.64%
JA's	64	14.76%	2,814,025	9.60%
Law Clerks, Central Staff	177	40.83%	10,681,740	36.42%
Clerk's Office	67	15.46%	3,109,056	10.60%
Facility Maintenance & Management	10.5	2.42%	344,751	1.18%
Information Systems Support	10	2.31%	531,485	1.81%
Security	10	2.31%	341,383	1.16%
Central Staff Support	9	2.08%	326,735	1.11%
Marshal & Admin Staff	22	5.07%	1,311,185	4.47%
Total	433.5	100%	29,325,320	100%

Agenda Item III.D: Positions Vacant over 180 Days

District Court	Cost Center	Cost Center Name	Position #	Class Title	FTE	# of Days Vacant	Date Position Vacant	Base Rate
1st	120	Workers Compensation Unit	008351	Career Attorney	1.00	809	05/01/2014	\$59,607.00
1st	210	Judicial Administration	000067	Clerical Assistant	1.00	383	07/01/2015	\$22,302.96
3rd	210	Judicial Administration	001665	DEPUTY MARSHAL - DISTRICT COURT	1.00	184	01/16/2016	\$57,819.96

**IV. Recommendations for FY 2016-17 Budget and Pay
Administration Memorandum**



Supreme Court of Florida

500 South Duval Street
Tallahassee, Florida 32399-1925

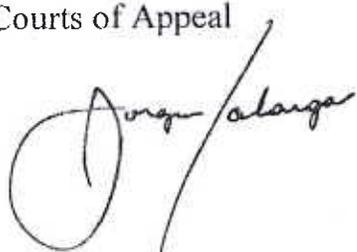
JORGE LABARGA
CHIEF JUSTICE
BARBARA J. PARIENTE
R. FRED LEWIS
PEGGY A. QUINCE
CHARLES T. CANADY
RICKY POLSTON
JAMES E.C. PERRY
JUSTICES

JOHN A. TOMASINO
CLERK OF COURT

SILVESTER DAWSON
MARSHAL

MEMORANDUM

TO: Chief Judges of the District Courts of Appeal
Marshals

FROM: Chief Justice Jorge Labarga 

DATE: October 28, 2015

SUBJECT: Budget and Pay Administration for Fiscal Year 2015-16

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

- A. Personnel Actions - Other than regulations limited by these "Personnel Actions" policies and procedures and the sharing of sick leave donations across the district courts, all regulations provided in the State Courts System Personnel Manual
(https://intranet.flcourts.org/osca/personnel/bin/personnel_regulationsmanual.pdf) remain in effect.

1. Court Staff Salaries

~~Pursuant to the Fiscal Year 2014-15 General Appropriations Act, the judicial branch has been provided funding “for position classification salary adjustments for judicial branch employees, excluding judges, to encourage employee retention, provide equity adjustments to equalize salaries between the judicial branch and other governmental entities for similar positions and duties, and provide market-based adjustments necessary to remedy recurring employee recruitment problems for specific position classifications. The funds available for these adjustments shall be allocated proportionately among the circuit and county courts, the district courts of appeal, the Supreme Court, the Office of the State Courts Administrator, and the Judicial Qualifications Commission, based upon the total number of full-time-equivalent positions, excluding judges, employed by each of those components of the judicial branch. The Chief Justice, based upon recommendations from the Trial Court Budget Commission, District Court of Appeal Budget Commission, and the State Courts Administrator, shall submit a plan for such position classification salary adjustments pursuant to section 216.177(2), Florida Statutes.” Therefore, salary adjustments may be made in compliance with the approved plan.~~

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

2. Judicial Salaries

Effective July 1, 2015 ~~2014~~, a district court judge’s salary is \$154,140.

3. Salary Budget Management

- a. It does not appear to be necessary to hold positions vacant in the district courts at this time. However, the District Court of Appeal Budget Commission will monitor the salary budget and impose such restrictions as necessary in order to cover payroll costs through the end of the fiscal year.
- b. Subject to available salary appropriation, as confirmed by the Chief Justice, a rate distribution may be made during FY 2015/16 ~~FY 2014/15~~.
 - i. Distribution to the district courts will be based on the total number of eligible FTE in each district (less judges) unless otherwise directed by the DCABC.
 - ii. Individual salary increases may not exceed 10 percent.
 - iii. No retroactive salary increases are permitted unless approved by the DCABC due to special circumstances. However, retroactivity may not extend back further than two months.
 - iv. When it is anticipated that allocations for a district court will not be used by June 30, 2016 ~~June 30, 2015~~, the DCABC will determine whether to re-purpose the funds or let the funds revert for statewide budget management.
 - v. Outside of any rate distribution, no special pay increases are permitted. The chief judge may request an exception from the DCABC. These requests should be sent to the Chair of the DCABC with copies to the State Courts Administrator.

4. Other Personnel Actions

- a. Initial appointment rates must be at the minimum of the class pay range. The chief judge may request an exception from the DCABC. These requests should be sent to the Chair of the DCABC with copies to the State Courts Administrator. If the chief judge provides documentation to the State Courts Administrator that the affected position has been advertised no fewer than two

times and that either no applicant met the qualifications or that no qualified applicant would accept the position at the minimum salary, appointment up to 10% above the minimum salary is summarily approved. ~~However, if the pending special pay plan issue for district courts is approved with a district-specific salary adjustment amount, the district must first use those funds in this event.~~

- b. Upon promotion, an employee's salary shall be increased to the minimum of the class to which the employee is being promoted. However, if that increase is less than five percent (5%), the chief judge or his/her designee may approve a promotional increase for an employee of up to five percent (5%) of the employee's salary prior to promotion, provided such an increase will not place the employee's salary above the maximum for the new range. The chief judge may request an exception by the DCABC. These requests should be sent to the Chair of the DCABC with copies to the State Courts Administrator.
 - c. Regarding Donation of Sick Leave, State Courts Personnel Regulations section 4.09(3)(B): In the case of the district courts of appeal, the chief judge of the employee's court may notify the chief judges of the other district courts of appeal of the request for donations. Any chief judge of a district court of appeal may notify the employees of his/her respective court of the request for donations.
 - d. ~~Other than regulations limited by these "Other Personnel Action" policies and procedures and the sharing of sick leave donations across the district courts, all regulations provided in the State Courts System Personnel Manual (https://intranet.flcourts.org/osca/personnel/bin/personnel_regulationsmanual.pdf) remain in effect.~~
5. Law clerk appointment rates are to be made in accordance with the policies outlined in the Appellate Law Clerk Pay Plan. Any incentive adjustments and promotional increases made at the discretion of the employing judge and chief judge, shall be consistent with the

Appellate Court Law Clerk Pay Plan, a current copy of which is found in **Attachment I**. No special pay increases are permitted. The chief judge may request an exception from the DCABC. These requests should be sent to the Chair of the DCABC with copies to the State Courts Administrator.

6. No overlap of positions is permitted. The chief judge may request an exception from the DCABC. These requests should be sent to the Chair of the DCABC with copies to the State Courts Administrator.
7. Positions approved for upward reclassifications are limited to those reclassifications which result in a salary increase of ten percent (10%) or less over the original classification. If a position is reclassified within these limitations, the chief judge may approve a promotional increase for the incumbent not to exceed five percent (5%) of the employee's current salary or to the minimum of the new class, whichever is greater, provided such an increase will not place the employee's salary above the maximum for the new range.
8. An employee who is selected for an acting appointment in a managerial position, i.e., Marshal, Clerk, or Director of Central Staff, is eligible for a five percent (5%) pay increase or the amount necessary to bring the employee's pay to the minimum of the higher class, whichever amount is lower, for the period of time the employee is in an acting managerial capacity, provided the employee has completed two months of service in the acting capacity.

B. Budget Administration

1. Budget Category Adjustments

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

of Budget Services, so that appropriate budget amendments can be processed. **Attachment II** provides instructions and the form for this purpose.

C. Fixed Capital Outlay (FCO) Projects and Administration

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

D. Authorized Travel

1. Out-of-State Travel

- a. In order to implement funds appropriated in the 2015/16 ~~2014/15~~ General Appropriations Act for state employee travel, with prior approval of the chief judge and submission of a Travel Authorization Form (TAR), expenses to attend conferences, educational or other informative sessions of the Council of Chief Judges of the State Courts of Appeal may be reimbursed since this travel is mission critical to the operations of the District Courts of Appeal. The chief judge of each court may also authorize mission critical travel to attend meetings, conferences, seminars, training classes, and travel for events in addition to the Council of Chief Judges of the State Courts of Appeal and other than those covered in Sections 4, 5, and 7 below, provided that all expenses are paid with a source of funding other than state funds.
- b. The mission critical national education program, *National Association for Court Management Annual Conference*, is approved when held out of state, and travel expenses may be paid with state funds.

2. Intra-District Travel

Intra-district travel necessary as a result of case-related activities or administrative matters may be approved by the chief judge provided

such travel is in support of the administration of justice as provided for in the Rules of Judicial Administration.

3. Intra-State Travel

I am delegating authority to the chief judge to approve travel for activities that are critical to each court's mission. In accordance with the 2015/16 ~~2014/15~~ GAA Implementing Bill (SB 2502) (~~HB 5001~~), funds may not be used to pay for travel by state employees to conferences or staff training activities unless the agency head (chief judge) has approved in writing that such activities are critical to the court's mission. Education and training activities must be directly related to employees' current job duties and have primary benefit to the state.

4. Travel Expenses – Florida Bar Meetings

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

a. Annual and Midyear Meetings

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

b. Supreme Court-Appointed Committees

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

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

c. Selected Committees

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

- Alternative Dispute Resolution Section Executive Council
- Appellate Court Rules Committee
- Appellate Practice Section Executive Council
- Civil Procedure Rules Committee
- Code and Rules of Evidence Committee
- Constitutional Judiciary Committee
- Continuing Legal Education Committee
- Criminal Law Section Executive Council
- Criminal Procedure Rules Committee
- Family Law Rules Committee
- Family Law Section Executive Council
- Florida Probate Rules Committee
- Judicial Administration & Evaluation Committee
- Judicial Nominating Procedures Committee
- Juvenile Court Rules Committee
- Law Related Education Committee
- Legal Needs of Children Committee
- Pro Bono Legal Services Committee
- Professional Ethics Committee
- Professionalism Committee

- Real Property, Probate and Trust Law Section Executive Council
- Rules of Judicial Administration Committee
- Small Claims Rules Committee
- Traffic Court Rules Committee
- Trial Lawyers Section Executive Council
- Vision 2016 Commission and Workgroups

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

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

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

Reasonable travel expenses necessary for participation in State Courts System committees or commissions (e.g., District Courts of Appeal Budget Commission, Standard Jury Instructions Committee - Criminal) will be paid without prior authorization, from the budgets of

and in accordance with the travel guidelines established for each committee. Reimbursement for attendance at Supreme Court oral argument to represent a committee or commission must be approved in advance by the Chief Justice.

6. Travel Expenses for Legislative Hearings

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

7. Out-of-State Educational Travel

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

E. General Travel Guidelines

1. Rules Governing Per Diem and Lodging for Overnight Travel

According to State Chief Financial Officer policy, a traveler may not claim per diem or lodging reimbursement for overnight travel within fifty (50) miles (one-way) of his or her headquarters or residence, (calculated in accordance with the Department of Transportation Official Map Miles) whichever is less, unless the circumstances necessitating the overnight stay are fully explained by the traveler and approved by the Agency Head. I am delegating this approval authority to chief judges, with the exception of the travel funded through the Court Education Trust Fund, travel associated with the circuit and county conferences' business programs, and travel funded by state budgetary sources other than the district courts. Official

written approval from the chief judge must be attached to the reimbursement voucher when submitted for payment. Vouchers without this approval will be returned.

2. Lodging Room Rate Limits

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

3. Prohibition of Class C Meal Reimbursement

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

4. TAR Submission for Convention and Conference Travel

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

F. Senior Judge Compensation

Senior judge compensation is \$350 for each day of service for FY 2015/16 2014/15. **Attachment IV** reflects the allocation of senior judge days for each district court. Any necessary travel expenses for senior judges to serve must be paid from each court's allocation.

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

The 2015/16 ~~2014/15~~ General Appropriations Act allows for the payment of Florida Bar membership fees for employees that require membership as a condition of their employment by the state. (For a list of eligible position titles, please refer to the memorandum of July 2, 2015 ~~3, 2014~~ from Jackie Knight.)

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

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

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

Attachments

cc: Patricia (PK) Jameson
Eric Maclure
Blan Teagle
Dorothy Willard
Beatriz Caballero
Jackie Knight
Steven Hall

JL/rn

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

IMPLEMENTATION POLICIES

The following policies shall govern appointments, incentive adjustments, promotions, pay increases, and utilization of rate and salary dollars for Appellate Court Law Clerks, effective January 1, 1990:

APPOINTMENT

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

An original appointment may be made to the class of Law Clerk, Senior Law Clerk or Career Attorney, and involves placing a candidate on the State Courts System payroll for the first time. Law Clerks who have been admitted to the Florida Bar and who have less than one year of experience practicing law subsequent to passing the Bar shall be appointed at the minimum salary for the Law Clerk class. Law Clerks who have not been admitted to the Florida Bar shall be hired at 10% below the minimum salary for the Law Clerk class. Law Clerks who have been admitted to the Florida Bar and who have at least one year of experience in the practice of law subsequent to passing the Bar may be hired at up to 10% above the minimum salary for the Law Clerk class at the Chief Judge's discretion. A Law Clerk with extraordinary, prior, nonlegal experience may be appointed at up to 5% above the minimum.

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

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

A reinstatement appointment is the act of placing a Law Clerk on the State Courts System payroll who has previously been employed by the State Courts System as a Law Clerk. A reinstated Law Clerk may be appointed at the discretion of the Chief Judge or designee at any rate within the pay range for the class to which the Law Clerk is being reinstated which is equal to or below the rate being paid at the time of separation. The Law Clerk shall not be eligible for

adjustments in the pay range while not employed with the State Courts System; however, if the Law Clerk's salary at the time of separation was lower than the current minimum of the pay range for the class, the Law Clerk shall be paid at least the current minimum rate. The Law Clerk may be paid, at the discretion of the Chief Judge, up to 10% above the minimum of the pay range if the Law Clerk possesses training and experience at least one year in excess of the minimum experience requirements for the class to which they are appointed.

PROMOTION

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

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

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

INCENTIVE ADJUSTMENTS

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

PAY INCREASES

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

Incentive adjustments exceeding \$2,500, promotional pay increases in excess of 10%, unless necessary to bring the Law Clerk to the minimum of the class to which they are being

appointed, and special pay increases exceeding 10% of the employee's base rate of pay during a fiscal year must be approved in advance by the Chief Justice.

UTILIZATION OF LAW CLERK RATE AND SALARY DOLLARS

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

ESTABLISHED: January 1, 1990

REVISED: December 14, 1993

AMENDED: August 27, 1998

AMENDED: November 1, 2001

**DISTRICT COURT OF APPEAL BUDGET AMENDMENT
and
OPERATING BUDGET PROCEDURES**

All requests for budget amendments or operating budget transfers should be submitted by the Chief Judge or his/her designee, to Dorothy Willard, Chief of Budget Services, via e-mail (willardd@flcourts.org) utilizing the attached forms (II-A and II-B). All information fields on the form must be completed in as much detail as possible.

The importance of sufficient detail on the budget amendment request form cannot be emphasized enough. The narrative must include the purpose of the budget amendment, a problem statement describing the events which are necessitating interim budget action, the proposed solution to the problem, and the impact if the budget amendment is not approved. The Legislative Budget Commission, in conjunction with legislative staff, will use the information provided in order to make a decision on whether to approve or disapprove a budget amendment.

Operating budget transfers are differentiated from budget amendments in the following ways:

1. Operating budget transfers will be completed internally at OSCA by Budget Services staff and do not require legislative approval.
2. An operating budget transfer moves funds from one cost center to another cost center within the same category. Example: Transfer \$1,000 from Expense category (040000) and cost center 210 (Judicial Administration) to Expense category (040000) and cost center 112 (Law Clerks).
3. Budget amendments are required by statute and must be approved by the Chief Justice and the legislature when transferring funds from one category to another category. Example: Transfer Expense (040000) to OPS (030000), or transfer Expense (040000) to OCO (060000), within the same cost center or different cost centers.
4. Budget amendments are required by statute for increasing spending authority in trust funds. Budget amendments involving trust fund authority must include a cash analysis which supports the transfer request. The cash analysis will be completed on behalf of the requestor by Budget Services staff.

FLAIR Posting Procedures:

1. Internal operating budget transfer requests will be reviewed and posted no less than weekly. All requests received by the close of business on Tuesday of each week, will be posted in FLAIR by Friday at 5 PM. The adjustment will appear through FLAIR available balance checking on the same day posted and viewable through report generation the following business day. An e-mail confirming the posting of the transfer request will be provided to the requestor by OSCA Budget Services staff as soon as the transaction is complete.
2. Budget amendments will be posted within 48 hours of notification of legislative approval. An e-mail confirming the posting of the budget amendment will be provided to the requestor by OSCA Budget Services staff as soon as the transaction is complete.

Legislative Budget Commission (LBC) Budget Amendments:

1. Budget amendments requiring the approval of the LBC will be placed on the first available meeting date. The LBC typically meets once each quarter.
2. Budget amendment requests received by the following dates and within the deadlines required by the Governor's Office of Policy and Budget will be placed on the first available LBC meeting:

September 1, 2015	October 1, 2015	November 2, 2015
December 1, 2015	January 4, 2016	February 1, 2016
March 1, 2016	April 1, 2016	April 22, 2016

3. Please note budget amendments requiring approval of the LBC for FY 2015-2016 cannot be accepted after April 22, 2016.

If you need assistance or guidance in this regard, please contact Dorothy Willard at 850-488-3735 or Elizabeth Garber 850-488-8414.

**Office of the State Courts Administrator
Office of Budget Services**

revised 7/31/2015

District Court of Appeal - Budget Amendment Request Form					
page of	Org Code	Cost Center Title	Category Code	Category Title	Amount
From					
To					
From					
To					
From					
To					
From					
To					
From					
To					

Would you like this budget amendment made permanent? YES NO

Problem Statement (Required for Budget Amendments ONLY. Describe the purpose for the budget amendment, explanation of why interim budget action is necessary, and impact if not approved. Please use additional sheet, if needed.):

Certify that this request complies with the Criteria for Approval below.

<input type="checkbox"/>	The request does not increase funding provided by the Legislature for issues funded at an amount less than requested.
<input type="checkbox"/>	The request does not restore amounts vetoed by the Governor.
<input type="checkbox"/>	The request is consistent with provisions of Florida law.
<input type="checkbox"/>	The request does not provide funding for any issue requested in the LBR but not funded by the Legislature.

Requestor Signature: _____ **Date:** _____

**Office of the State Courts Administrator
Office of Budget Services**

District Court of Appeal - Internal Operating Transfer Request Form

	Org Code	Cost Center Title	Category Code	Category Title	Amount
From					
To					
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Would you like this internal budget transfer made permanent? YES NO

Requestor Signature: _____ **Date:** _____

BUDGET OFFICE USE ONLY:

Date Request Received: _____

Analyst Assigned To: _____

Date Posted to FLAIR: _____

Date Notification of Posting sent: _____

State Courts System Policy

District Court Fixed Capital Outlay Projects and Administration of In re: District Court Fixed Capital Projects, No. AOSC11-3 (Fla. Jan. 14, 2011)

I. Accountability for Judicial Branch Actions in the Administration of District Court Fixed Capital Outlay (FCO) Projects

This policy sets forth procedures for the oversight and monitoring of district court courthouse construction projects provided by the Supreme Court, through the Office of the State Courts Administrator. This policy is applicable to planning, construction, and post- construction activities. Projects included in this policy must meet the following criteria:

- a. Project requested or funded in accordance with s. 216.011(1)(p), [“Fixed capital outlay” means the appropriation category used to fund real property (land, buildings, including appurtenances, fixtures and fixed equipment, structures, etc.) including additions, replacements, major repairs, and renovations to real property which materially extend its useful life or materially improve or change its functional use and including furniture and equipment necessary to furnish and operate a new or improved facility, when appropriated by the legislature in the fixed capital outlay appropriation category.]
- b. Project funded with state revenues.

II. Legislative Budget Requests

Legislative Budget Requests (LBR) for fixed capital outlay projects must be submitted to the Office of Budget Services within the Office of the State Courts Administrator, as follows:

- a. DCA Marshals will notify the Chief of Budget Services of their court’s intent to file an issue for FCO.
- b. The State Courts Administrator will assign an internal Project Monitor to work with the Marshal on front-end consultation with project components:
 - i. Identify liaison with Department of Management Services (DMS) for DMS managed projects;
 - ii. Review project plan; and

- iii. Review budget for proper format, reasonableness, and financial and technical completeness.
- c. The Office of Budget Services will provide technical training on the format and required information to complete the Capital Improvement Program Plan (CIPP) documents.
- d. The Chief of Budget Services will ensure that the FCO request information is appropriately completed in the Capital Improvement Program Plan (CIPP) for inclusion in the DCA LBR package.
- e. The Office of Budget Services will forward the request to the District Court of Appeal Budget Commission (DCABC) for review and approval, as part of the final DCA LBR package sent to the Supreme Court.

III. Contracting/Obligating Fixed Capital Outlay Project Funds

When funds are appropriated by the Legislature the following steps must be completed before funds may be encumbered:

- a. The Project Monitor will consult with the Marshal on the project implementation plan and timeline.
- b. The Project Monitor will consult with the liaison from DMS (if DMS managed) throughout the implementation phases of the project.
- c. The budget must be reviewed and adjusted for any changes since the original request was submitted. These adjustments include but are not limited to:
 - i. Legislative change to project scope;
 - ii. Legislative change in funding amount;
 - iii. Change to implementation or phase-in schedule;
 - iv. Change in project management (DMS vs. district court); and
 - v. The itemized budget must be reviewed by the Project Monitor for proper format, reasonableness, and financial and technical completeness.
- d. The Chief of General Services will provide consultation to the Marshal regarding the appropriate purchasing mechanisms, when the project is managed by the district court.
- e. The Project Monitor will review all contracts and contract change orders for proper format, reasonableness, scope, financial and technical completeness.
- f. The State Courts Administrator, in consultation with the Project Monitor, must review all contracts before funds are executed.

- g. The State Courts Administrator, in consultation with the Project Monitor, must review all requests for funds to be encumbered.

IV. Making Expenditures Against Fixed Capital Outlay Project Funds

- a. The State Courts Administrator, in consultation with the Project Monitor, must review all expenditures before payment of funds is made.
- b. The Project Monitor will advise the Chief of Finance and Accounting Services on the status of the project funds at the inception of the project, so the appropriate accounting and monitoring structure can be established.
- c. The Chief of Finance and Accounting Services will make payment of expenditures according to the Division of Financial Services audit requirements which include but are not limited to:
 - i. Date of contract;
 - ii. Contract service period;
 - iii. Scope of project;
 - iv. Authorized signatures;
 - v. Allowable/reasonable expenditure;
 - vi. Services/commodities received; and
 - vii. Availability of funds.
- d. The Project Monitor must reconcile expenditures with FLAIR on a monthly basis, and in consultation with the Marshal and the DMS liaison (if DMS managed).
- e. Official accounting records will be maintained in the Office of Finance and Accounting Services.
- f. The district court will maintain all project records in accordance with the Judicial Branch Records Retention Schedule.
- g. Additional supporting records will be maintained by the Project Monitor according to the Judicial Branch Records Retention Schedule and include but are not limited to the following:
 - i. Documents necessary for review and analysis of the budget and expenditures.
 - ii. Correspondence necessary to update the State Courts Administrator and Chief Justice.
 - iii. Correspondence with the Marshal and DMS (if DMS managed).

V. Reporting Requirements

In addition to the reporting requirements outlined above, the Project Monitor will provide monthly project expenditure reports to the State Courts Administrator and the Chief Justice.

The Project Monitor will also provide the State Courts Administrator and the Chief Justice with quarterly reports on the status of the project. These reports will include but are not limited to:

- a. Status of bid proposals, RFP's, ITN's, contract negotiations, etc.;
- b. Status of project schedule;
- c. Changes to scope or project timeline; and
- d. Issues of concern.

VI. Audit Requirements

The Supreme Court Office of Inspector General will conduct reviews of judicial branch actions in all district court building projects during the planning and building phases of construction, as well as post-construction.

Prepared by Administrative Services Division, Office of the State Courts Administrator, June 1, 2011

ATTACHMENT IV
DCA Budget Allocations
FY 2015-2016

Sr. Judge Days Allocation

District	Senior Judge Compensation	Sr. Judge Days
1	7,700	21
2	8,261	23
3	14,818	41
4	18,995	53
5	2,016	5
Total	51,790	143

V. FY 2017-18 Legislative Budget Requests (LBR)

Agenda Item V.A.: FY 2017-18 Legislative Budget Request (LBR) – Employee Pay Issue

Background

In its Fiscal Year 2014-15 legislative budget request, in order to retain highly skilled employees and to experience more equity with other government salaries, the judicial branch requested \$18,828,193 in recurring salary appropriation. However, recognizing the considerable size of such a request, the judicial branch proposed a two-year implementation period. The 2014 Legislature provided \$8,132,614 for first-year implementation. That funding assisted the judicial branch in making significant headway in addressing retention and salary equity between the branch and other governmental entities for similar positions and duties.

As a top priority of its Fiscal Year 2015-16 and Fiscal Year 2016-17 legislative budget requests, the judicial branch requested second-year funding of \$5,902,588 in recurring salary dollars branch wide, to finish addressing a wide range of salary issues.

The following was the issue narrative submitted for Fiscal Year 2016-17 legislative budget request.

Equity, Recruitment and Retention Pay Issue for State Courts System

1. The Supreme Court requests the second year funding request for \$5,902,588 in recurring salary dollars branch wide, effective July 1, 2016, to complete the necessity of addressing a wide range of salary issues affecting the State Courts System (SCS).

In its Fiscal Year 2014-15 legislative budget request, in order to retain highly skilled employees and to experience more equity with other government salaries, the State Courts System (SCS) requested \$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 for first-year implementation. That funding assisted the judicial branch in making significant headway in addressing retention and salary equity between the branch and other governmental entities for similar positions and duties.

With the first-year funding, the SCS was able to increase pay minimums of more than 100 classes and create 10 new classes within the SCS pay plan. An example of classes that continued to need adjustments were those in the case management element. Although the Trial Court Budget Commission had these classes on its priority list, there was not sufficient first-year funding to recommend adjustments for them to the Chief Justice as part of the implementation plan.

Classes in the trial court mediation element and in the court reporting element also needed analysis in terms of equity, retention, and recruitment. A number of other classes branch wide also needed concentrated analysis including such classes as Administrative Secretary I and II, Director of Community Relations, Finance and Accounting Manager, Secretary, Secretary Specialist, Senior

Secretary, and Training Manager. In addition, continued analysis was needed for some classes that were adjusted but possibly not to the extent for maximizing retention and recruitment.

Following implementation of the first-year funding, staff of the Office of the State Courts Administrator (OSCA) reviewed 79 classes for initial analysis for pay equity, retention, or recruitment issues. Further, staff of OSCA reviewed all classes that were adjusted in the first phase, in order to determine whether there were ongoing equity, retention, or recruitment issues not sufficiently addressed in that phase. Staff of OSCA conducted this research in consultation with trial court administrators and district court marshals.

Based on that analysis, and as a top priority of its Fiscal Year 2015-16 legislative budget request, the SCS requested second-year funding of \$5,902,588 in recurring salary dollars branch wide, effective July 1, 2015, to finish addressing a wide range of salary issues affecting court staff. The narrative accompanying the LBR noted that:

Although positively impacted by the 2014 legislative funding, the branch must continue its progress in reaching its Long Range Strategic Plan goal of supporting competency and quality. Success in this regard continues to depend on the branch's ability to attract, hire and retain highly qualified and competent employees. As Florida's economy continues to improve, the employment environment is sure to become increasingly competitive. The State Courts System needs to be able to retain and recruit top talent in all of its elements to ensure that justice is served in the most efficient and effective manner to the people of Florida.

Because a skilled workforce contributes to fulfillment of the justice system's role in promoting public safety, the judicial branch partnered during the 2015 regular and special legislative sessions with a coalition of justice system entities – including the Attorney General, state attorneys, and public defenders – to advocate for funding to address salary challenges. The cumulative employee pay request of the coalition of justice system entities was \$21.7 million.

The Legislature did not fund the employee pay issue in the Fiscal Year 2015-16 General Appropriations Act.

2. For many of the same reasons, judicial salaries also top the branch's list of priorities. Although a specific dollar amount is not being requested as part of this LBR, it is imperative that the State of Florida be able to recruit and retain quality judges. It only makes sense that the quality of justice for Florida's citizens is directly impacted by the quality of the men and women that Florida elects or appoints as judges. And, it also seems obvious that competitive salaries are essential to the State's ability to attract a high number of highly qualified attorneys willing to run and apply for judicial openings -- or willing to stay on the bench for a full judicial career after their election or appointment. There have already been a number of qualified jurists who have left the bench early - as well as a demonstrable drop in qualified applicants -- as salaries for Florida judges have seriously lagged behind inflation and behind attorney salaries in Florida, federal judicial salaries, and judicial salaries in comparable states.

To understand the breadth of this problem, one need only consider that in the late 1990s through the early 2000s, salaries of Florida Supreme Court justices were kept in line with the salaries of

federal circuit (intermediate appeals court) judges. Now, the salaries of Florida Supreme Court justices lag behind the salaries of federal trial court magistrates, and are \$51,100 per year lower than the salary of a federal intermediate appellate court judge.

Ideally, one would think that a competitive wage for trial judges should compare with an average wage for more experienced lawyers in law firms. Currently, however, Florida's circuit judges make \$38,920 per year less than the median *base* salary for *eight-year* associates (non-partners), using 2015 salary figures from the National Association for Law Placement (NALP) for all size firms.

The State Court System respectfully requests that the legislature implement a multi-year strategy to fully restore judicial salaries to a competitive level, while continuing to benchmark judicial salaries in Florida consistent with Florida Rule of Judicial Administration 2.244(b).

Item: V.B.: FY 2017-18 Legislative Budget Request – Operating Issues

No individual requests were submitted by the 1st, 2nd, 3rd, 4th, or 5th District Courts of Appeal.

Other Requests

Issue: Operational Increases – Statewide Facility Maintenance

On June 27, 2016, the District Court of Appeal Budget Commission (DCABC) approved the FY 2017-18 Legislative Budget Request issue strategy and approved development of an adjusted statewide facility maintenance issue request for recurring funds.

Background

The DCA is responsible for the operation of four facilities located in Lakeland, Miami, West Palm Beach and Daytona Beach. However, on June 27, 2016, the DCABC directed staff to exclude the Fourth DCA from the funding methodology of this request due to no anticipated maintenance needs expected in FY 2017-18 and FY 2018-19 for the newly constructed courthouse building.

Progressive aging and operating budget limitations have significantly reduced the ability of the courts to address the operational maintenance and repairs needs of the facilities. The facilities range in age from 34-54 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.

Issue

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.

The original level of funding for this issue first filed in FY 2013-14, and was determined by the marshals within each District Court of Appeal. The marshals identified issues that were ongoing and/or cyclical that were unable to be covered within the existing base budget. The data gathered at the time was based on the cost estimates of those maintenance/repair issues provided, and on average, \$400,000 was needed annually to address ongoing needs.

The funding methodology for appropriations received in the FY 2016-17 legislative budget request by the Supreme Court for ongoing maintenance/refurbishing was based on a standard utilized by the Department of Management Services (DMS) and was \$1.38 per square foot.

The proposed options for using the DMS standard is broken out as follows:

26,300 Second DCA	26,300 Second DCA
49,730 Third DCA	49,730 Third DCA
	40,495 Fourth DCA
<u>59,000</u> Fifth DCA	<u>59,000</u> Fifth DCA
135,030 Total Square Feet (\$186,342)	175,525 Total Square Feet (\$242,225)

Decision

1. File the issue adjusted to use the Department of Management Services standards and exclude the Fourth DCA from the methodology due to no anticipated maintenance needs expected in FY 2017-18 and FY 2018-19 for the newly constructed courthouse building.
2. File the issue adjusted to use the Department of Management Services standards and include the Fourth DCA, eliminating the need to submit an issue in the future for the portion excluded.
3. File the issue in the amount of \$400,000, as originally requested in FY 2013-14 legislative budget request.
4. Do not file issue.

Agenda Item V.C.: FY 2017-18 Legislative Budget Request – Fixed Capital Outlay

No requests were submitted by the 1st, 2nd, 3rd, or 4th District Courts of Appeal.

5th District Court of Appeal:

Issue – Exterior Building Sealant

The Fifth District Court of Appeal (DCA) requests \$30,086 to replace exterior sealants on the west elevation panels, remove and replace sealants and backing rod at expansion joints at the court's facility located in Daytona Beach.

The courthouse, built in 1980, is constructed of pre cast coquina panels with expansion joints consisting of a urethane sealant, and aluminum framed windows. This surface requires treatment with a clear waterproofing sealant every 5 years to eliminate water intrusion as the exterior panels are porous. Over the course of time, the urethane sealant used to seal expansion joints deteriorates and cracks allowing water intrusion. Voids in the expansion joints causes water damage to walls, carpets, ceiling tiles, equipment and can also breed molds and endanger interior air quality. The court facility is less than 100 feet from the Intracoastal Waterway and approximately one mile from the Atlantic Ocean making the facility vulnerable to gale and hurricane force wind driven rains. Anytime there is a hard rain, water leaks into the building through the seams. Equipment must be covered and ceiling tiles are constantly replaced due to staining from the water.

The proposed project would include pressure cleaning the second floor roof area pre-cast panels on the West elevation. Remove and preplace sealants and backing rod at expansion joints, and applying a BASF EnviroSeal 7 Siloxane sealer to all masonry surfaces (West-side only). The East-Side exterior building sealant was requested and funded in the FY 2013-14 legislative budget request. This project is needed to insure the protection of the building structure and contents from water intrusion along with protecting inside air quality.

If this project is not funded, the structural and interior contents of the building will be compromised and the court personnel may be exposed to mold borne illness. The estimated cost to replace exterior sealant on the west elevation panels, remove and replace sealants and backing rod at expansion joints \$30,086.

Options:

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

Agenda Item V.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.

Request for new judgeships for the upcoming FY 2017-18 Certification of Need for Additional Judgeships process will be sent out the week of August 8th and are due the week of August 29th. Given the timeline of the FY 2017-18 LBR, if any Appellate Court submits an issue, a vote via email, by the DCABC is recommended.

For informational purposes only.

Item V.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 2017-2018 LBR issues presented to the District Court of Appeal Budget Commission. For those issues approved, please rank the priority order.

STATEWIDE ISSUES	Amount Requested	PRIORITY #
Employee Pay Issue ¹	\$5,902,588	
Certification of New Judgeships <i>(if submitted)</i>	TBD	

OPERATING ISSUES	Amount Requested	PRIORITY #
All DCAs – Operational Increases - Statewide Facility Maintenance	TBD	

FIXED CAPITAL OUTLAY ISSUES	Amount Requested	PRIORITY #
5 th DCA – FCO – West Elevation Reseal	\$30,086	

¹ Amount requested is based on previous FY 2016-17 LBR submission. Data analysis is currently underway by OSCA Personnel Services to determine if any data adjustments are needed.

Agenda Item V.E.: Attachment

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.

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.

VI. Other Business and Adjournment