



Friday, July 24, 2015
10:00 am
Video Conference Meeting

AGENDA

- I. Welcome and Opening Remarks
 - A. Roll Call
 - B. Approval of September 6, 2014, and January 8, 2015 Meeting Minutes

- II. FY 2015-16 Allocations
 - A. Appropriations Summary
 - B. Operating Allocations

- III. FY 2016-17 Legislative Budget Request (LBR)
 - A. Employee Pay Issue
 - B. Operating Issues
 - C. Fixed Capital Outlay Issues
 - D. Certification of New Judgeships
 - E. Discussion and Priority Determination of LBR Issues

- IV. Marshal Special Pay Increase Update

- V. Other Business and Adjournment
 - A. Next Meeting: September 29, 2015, Tallahassee, Florida

If you are unable to join by video conference, the number to call into the meeting is 850-487-8439 ext. 900153#.

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



Members Present

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

Judge Vincent Torpy
Judge Clayton Roberts
Marshal Charles Crawford
Marshal Daniel DiGiacomo
Marshal Jo Haynes
Marshal Daniel McCarthy

Members Absent

Judge Vance Salter
Judge Dorian Damoorgian

Marshal Veronica Antonoff

Others Present

PK Jameson, Eric Maclure, Dorothy Wilson, Elizabeth Garber and other OSCA staff

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

Agenda Item I.: Welcome and Approval of June 4, 2014, July 11, 2014, and July 16, 2014 Minutes

Judge Alan Lawson welcomed members and called the District Court of Appeal Budget Commission (DCABC) meeting to order at 9:00 a.m.

Judge Shepherd noted a correction to the June 4, 2014 minutes under Agenda Item V.B. The minutes reflected that Judge Shepherd motioned to approve, the correction notates that Judge Davis motioned to approve. Judge Roberts reviewed a correction to the July 16, 2014 minutes, noting the minutes did not reflect his attendance. A motion was made by Judge Torpy to adopt the minutes as amended. Judge Shepherd seconded and the motion was passed without objection.

Agenda Item II.: Overview of the Legislative Process

Eric Maclure and Dorothy Wilson presented an Overview of the Legislative Process presentation.

Agenda Item III.: Navigating the Operating Budget

Dorothy Wilson presented a presentation on Navigating the Operating Budget.

Agenda Item IV.: Components of Salary Budget Management

Dorothy Wilson presented a presentation on Components of Salary Budget Management.

Agenda Item V.: Resource Allocation

Judge Northcutt presented the report, recommendations and methodology for the resource allocation. Jessie McMillan reviewed the proposed Legislative Budget Request (LBR) recommendations and the need to determine whether Workers Compensation should be included or not.

The recommendations for the resource allocation were to distribute vacancies as they occur, through attrition and to reallocate the vacancies within the First DCA. Judge Lawson agreed the First DCA vacancies need to be reallocated. He also recommended appointing a workgroup to work with Judge Roberts and Judge Suarez to review and determine a recommendation on methodology. Judge Lawson inquired if the vacant Judicial Assistant and Library positions in the First can be reclassified to Law Clerks. Dorothy Wilson responded that they can be reclassified as long as the DCA's agree to absorb any additional costs resulting from the reclassifications.

Judge Lawson recommended the reallocation of the First DCA vacancies; reallocating two position to the Second, one position to the Fourth, and one position to the Fifth. Judge Lawson further stated that the reallocation would negate the need for the LBR issues for Central Staff Workload for the Second and Fifth DCA's. Judge Torpy motioned to approve reallocating the vacancies as recommended. Judge Lewis seconded and the motion passed without objection.

Agenda Item VI.: FY 2014-15 Budget Update

A. Salary Budget

Dorothy Wilson presented the Salary Budgets as of August 31, 2014. The final adjusted liability for all district courts was under the salary appropriation by \$314,837. She noted September payroll would include the retro pay for July and August. Ms. Wilson stated that the budget office would audit the payroll projections once the pay plan has been fully implemented.

B. Operating Budgets

Ms. Wilson reported on the status of the FY 2014-15 operating budgets as of August 31, 2014.

C. Positions Vacant over 180 Days

Dorothy Wilson reviewed the positions vacant over 180 days. She noted that these positions have been monitored since last year, when the Governor began picking up positions that remain vacant for longer than 180 days.

D. General Revenue and State Courts Revenue Trust Fund Revenue Projections

Kris Slayden reviewed the revenue projections for General Revenue (GR) and State Courts Revenue Trust Fund (SCRTF). She noted the SCRTF has dropped significantly due to foreclosure filings. There is a loan provision in place and the legislature has the ability to appropriate money to repay the loan. Ms. Slayden commented that one solution would be a fund shift back to GR.

Judge Lawson reported that the branch has been communicating with the legislature that the estimates are incorrect, stating the need to address this issue in a way that does not divert funding from other issues. Judge Lawson stated the court system brings in significantly more than is allocated from filing fees that are deposited into GR. Judge Lawson recommended to pursue shifting stable filing fees to SCRTF. Dorothy Wilson commented that one of the biggest factors is a lack of recurring GR, expenditures continually increase with employee costs. She noted it may be beneficial to look into moving operating budgets to SCRTF instead of solely salary. Ms. Wilson commented this issue is also on the trial courts radar as well.

E. Trust Fund Cash Statement Overview

Dorothy Wilson provided an overview of the SCRTF and Administrative Trust Fund (ATF) cash balance through August 31, 2014. Ms. Wilson noted that once the certified forward process is completed, cash within the ATF will revert.

F. 4th District Court of Appeal – Reclassification Request

Judge Ciklin presented the 4th DCA's reclassification request. Judge Shepherd inquired if the 4th would be able to operate the Marshal's office if this request was approved. Judge Ciklin responded that they would still be able to operate efficiently. Judge Torpy motioned to approve the request. Judge Shepherd seconded and the motion passed without objection.

G. 2nd District Court of Appeal – Exception Request

Jo Haynes presented the 2nd DCA's exception request, stating the \$1,000 was similar to the Judicial Assistant's. Judge Torpy motioned to approve the request. Judge Ciklin seconded and the motion passed without objection.

H. 3rd District Court of Appeal – Geographical Difference Adjustments

Judge Lawson reported that the workgroup recommendation to provide a geographical pay adjustment for the 3rd DCA, which was previously approved to fund and recommend to include in the Budget and Pay Memo, was not approved by the court to include in the Budget and Pay Memo. The court concluded this would create branch wide inequities. Judge Shepherd commented that he is in the process of drafting a letter with data and history and requesting a meeting to possibly achieve this through a CAAD. Judge Lawson stated it was indicated that the court did not want the geographical adjustment even through a CAAD. PK Jameson confirmed Judge Lawson statement. Dorothy Wilson reported that any employees that had previously received additional pay would not be asked to repay. This would be treated as if they had received the pay plan early. Judge Torpy motioned for Judge Lawson to request the Supreme Court reconsider its position. Judge Davis seconded and the motion passed.

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

A. Employee Pay Issue

Dorothy Wilson presented the Employee Pay Issue. Judge Torpy motioned to approve Options 2 and 5. Judge Ciklin seconded and the motion passed without objection.

B. Operating Issues

The 2nd and 5th DCA's withdrew their Central Staff Workload Issues based upon the reallocation of the 1st DCA vacancies. Judge Torpy motioned to approve all remaining operating issues. Judge Ciklin seconded and the motion passed without objection.

C. Fixed Capital Outlay Issues

Judge Torpy motioned to approve all Fixed Capital Outlay issues as presented. Judge Ciklin seconded and the motion passed without objection.

D. Certification of New Judgeships

This item was presented for informational purposes only, no decision is needed at this time.

E. Discussion and Priority of LBR Issues

Dorothy Wilson presented the priority listing for LBR issues. The Employee Pay Issue was classified as 1 priority, the 5th DCA Fixed Capital Outlay issue was reclassified as 1 priority, the 2nd and 5th DCA Central Staff Workload issues were removed, and all other priority classifications remained the same as presented. Judge Davis motioned to approve as amended. Judge Lewis seconded and the motion passed without objection.

Agenda Item VIII.: Other Business

Judge Roberts motioned to follow the recommendations set forth by the Unified Compensation on Judicial Salaries. Judge Suarez seconded and the motion passed without objection.

Adjournment

With no other business before the Commission, Judge Lawson adjourned at 12:34 p.m.

**District Court of Appeal Budget Commission
Video Conference
January 8, 2015**



Members Present

Judge Alan Lawson, Chair
Judge Stevan Northcutt
Judge Dorian Damoorgian
Judge Charles Davis, Jr.
Judge Joseph Lewis, Jr.
Judge Frank Shepherd
Judge Richard Suarez
Judge Vincent Torpy
Judge William Palmer

Marshal Veronica Antonoff
Marshal Charles Crawford
Marshal Daniel DiGiacomo
Marshal Daniel McCarthy
Marshal Jo Haynes
Justice Ricky Polston
Judge Vance Salter

Members Absent

Judge Clayton Roberts

Judge Cory Ciklin

Others Present

Judge Kerry Evander, Blan Teagle, Eric Maclure, Dorothy Wilson, Elizabeth Garber and other OSCA staff

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

Judge Alan Lawson welcomed members and called the District Court of Appeal Budget Commission (DCABC) meeting to order at 10:00 a.m.

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

Agenda Item I.: Rate Distribution

Dorothy Wilson presented the salary budget as of December 31, 2014. Dorothy continued through explaining the charts and noted on the FY 2014-15 Lapse Analysis chart that the estimated lapse percentage for FY 2014-15 is 1.14%, that averaged with FY 2013-14 lapse percentage estimated that \$445,882 would be generated in lapse for FY 2015-16. Ms. Wilson emphasized that this year is only the second year under statewide salary management and a new norm is being generated. Using the estimated lapse, Dorothy explained the chart that analyzed

the estimated FY 2015-16 salary budget. Ms. Wilson emphasized that the final liability under appropriation is not actual cash that will be reverted and that General Revenue (GR) will be maximized to preserve cash in the State Courts Revenue Trust Fund (SCRTF).

Judge Northcutt discussed the history of the courts imbalances prior to statewide management. Judge Northcutt suggested reviewing the salary budget on a monthly basis by a couple judges and all marshals and determine if any actions are necessary. Secondly, Judge Northcutt suggested spending some of their savings to raise the marshals to the clerks, and to distribute any remaining funds to the individual districts. Judge Damoorgian agreed with Judge Northcutt but felt that the funds should be distributed to the districts to be used at the Chief Judges discretion. Judge Shepherd commented that he generally agrees with both Judge Northcutt and Judge Damoorgian but verbalized the distribution should also rectify the disparity between the Director of Central Staff positions. Judge Lawson inquired as what the target distribution should be and Judge Northcutt responded that the Commission should not distribute down to zero but that the target should be somewhat conservative. Judge Northcutt reiterated that the salary budget should be monitored month-to-month with a distribution now.

Judge Shepherd indicated his agreement that there should be monthly monitoring of the salary budget. Judge Shepherd proposed a motion to form a committee consisting of two judges appointed by the DCABC chair and all the marshals to review the monthly salary budget reports and make recommendations to the DCABC. His motion also included distributing \$93,670 (half of the (\$187,340 listed on the December 2014 Salary Budget) to 1) equalize the Marshals to the clerks, 2) address the Director of Central Staff positions, 3) address the DCTD positions, and 4) distribute any remaining to the districts to be used at the Chief Judges discretion. Judge Lawson inquired if the \$187,340 was the correct amount to be considered for the rate distribution, asking staff if that was the correct number to use. Dorothy Wilson responded that the correct amount to start with was listed in line 3 on the Analysis of FY 2015-16 Projected Salary Budget chart (\$122,144) due to this being annualized. Judge Lawson asked what the implication of doing a monthly analysis would be. Ms. Wilson responded that it would require an additional amount of time and personnel resources. Ms. Wilson suggested the analysis be done on a quarterly basis. Judge Shepherd amended his motion to 1) distribute \$61,072 (half of the \$122,144) and 2) proposed committee to review and report recommendations on a quarterly basis. Judge Torpy seconded for discussion and further details.

Judge Torpy indicated that the priority should be to raise the Director of Central Staff positions to the median salary of \$86,130.84 and then to provide the remaining funds to move the marshal positions as close to the clerks as the money could do. Judge Torpy offered an amendment to

Judge Shepherd's motion, equalizing the Director of Central Staff positions to the median salary of \$86,130.84 and equalizing the marshals and clerks to the extent possible using the remainder of the \$61,072. Judge Damoorgian seconded the amendment and the amendment passed. Judge Lawson called for a roll call vote on the amended motion and the motion passed unanimously.

Judge Lawson stated he would appoint two judges to the committee along with the marshals. He also reminded the Commission that the approved rate distribution would be sent to the Chief Justice for approval. Justice Polston requested the Chief Justice be aware that he was in support of the rate distribution.

Agenda Item II.: DCA Technology Officer Classification

Blan Teagle provided an update stating there currently is a placeholder filed listing a new minimum of \$72,200 in Phase II of the pay plan pertaining to equity, retention and recruitment issues. Mr. Teagle stated OSCA has reached out to the Marshals and Trial Court Administrators for input and recommendations. In order to determine the correct new minimum, OSCA is comparing to Trial Court Administrators, as well as other class titles elsewhere within the State. Mr. Teagle stated he anticipates an amended LBR issue in February and noted that all amended issues must be approved by the Supreme Court.

Other Business

Judge Lawson reported that the House met yesterday and so far has indicated a positive reception. The budget picture is looking better, there is now expected to be a \$1 billion surplus. Judge Lawson also stated in a House Justice Appropriations Committee yesterday that members spoke up regarding the state of the court buildings and the need to take care of them.

Adjournment

With no other business before the Commission, Judge Damoorgian motioned to adjourn. Judge Torpy seconded and the meeting adjourned at 11:22 a.m.

All District Courts of Appeal FY 2015-2016 Appropriations

Issue	FTE*	Rate	Salaries & Benefits 010000	OPS 030000	Expense 040000	OCO 060000	Comp Sr. Judges 100630	Contracted Services 100777	Risk Mgmt 103241	Salary Incentive Payments 103290	Law Library 103732	Lease Purchase 105281	HR Services 107040	ODP 210014	Fixed Capital Outlay (See Issue line for category)	Total
FTE and Rate																
1	2014-15 FTE Legislative Startup Appropriation	445.0	29,666,003													
Legislative Technical Adjustments																
2	Issue Code 1001380 Salary Increases for FY 2014-15 Court Employees (Judges) Effective 7/1/2014		803,003													
General Revenue (GR)																
3	2014-15 General Revenue Legislative Start Up Appropriation		22,086,758	66,767	3,146,562	85,364	51,790	681,645	149,062		162,797	62,686	100,698	171,100		26,765,229
Legislative Technical Adjustments																
4	Issue Code 1001090 Risk Management Premium Adjustment for FY 2015-16								(13,829)							(13,829)
5	Issue Code 1001380 Salary Increases for FY 2014-15 Court Employees (Judges) Effective 7/1/2014		634,332													634,332
6	Issue Code 1001400 Florida Retirement System Adjustment for FY 2014-15 Normal Cost and Unfunded Actuarial Liability		215,080													215,080
7	Issue Code 1001410 Health Insurance Subsidy - Retirees for FY 2014-15		15,427													15,427
8	Issue Code 1005900 Reallocation of Human Resources Outsourcing												2,288			2,288
9	Issue Code 160F050 Transfer of Contracted Services to Other Personal Services - ADD			15,000												15,000
10	Issue Code 160F060 Transfer of Contracted Services to Other Personal Services - DEDUCT							(15,000)								(15,000)
11	Issue Code 160F220 Transfer Appropriations between Budget Entities to Realign Expenditures - ADD			72,800									1,115			73,915
12	Issue Code 160F250 Transfer of Contracted Services to Salaries and Benefits - ADD		86,131													86,131
13	Issue Code 160F260 Transfer of Contracted Services to Salaries and Benefits - DEDUCT							(86,131)								(86,131)

All District Courts of Appeal FY 2015-2016 Appropriations

Issue	FTE*	Rate	Salaries & Benefits 010000	OPS 030000	Expense 040000	OCO 060000	Comp Sr. Judges 100630	Contracted Services 100777	Risk Mgmt 103241	Salary Incentive Payments 103290	Law Library 103732	Lease Purchase 105281	HR Services 107040	ODP 210014	Fixed Capital Outlay (See Issue line for category)	Total
14 Issue Code 2000070 Transfer Appropriations to Realign Other Personal Services to Contracted Services - DEDUCT				(14,560)												(14,560)
15 Issue Code 2000070 Transfer Appropriations to Realign Other Personal Services to Contracted Services - ADD							14,560									14,560
16 Issue Code 2103011 Nonrecurring Expenditures - Certification of Additional Judgeships					(45,276)											(45,276)
17 Issue Code 3400320 Fund Shift to Adjust for SCRTF Revenue Shortfall			3,042,410													3,042,410
New Funding																
18 Issue Code 990S000 Fourth District Court of Appeal New Courthouse Construction - DMS MGD															12,008,689	12,008,689
19 Issue Code 990S000 3rd DCA - Court Building Remodeling for Security and Building System Upgrades - DMS MGD															2,700,000	2,700,000
20 Issue Code 990M000 5th DCA Heating Ventilating and Air Conditioning Replacement - DMS MGD															642,506	642,506
Administrative Trust Fund (ATF)																
21 2014-15 ATF Legislative Start Up Appropriation			1,755,447		94,669	27,000							2,145			1,879,261
Legislative Technical Adjustments																
22 Issue Code 1001380 Salary Increases for FY 2014-15 Court Employees (Judges) Effective 7/1/2014			75,360													75,360
23 Issue Code 1001400 Adjustment for FY 2014-15 Normal Cost and Unfunded Actuarial Liability			17,637													17,637
24 Issue Code 1001410 Health Insurance Subsidy - Retirees for FY 2014-15			537													537
25 Issue Code 1005900 Reallocation of Human Resources Outsourcing													49			49

All District Courts of Appeal FY 2015-2016 Appropriations

Issue	FTE*	Rate	Salaries & Benefits 010000	OPS 030000	Expense 040000	OCO 060000	Comp Sr. Judges 100630	Contracted Services 100777	Risk Mgmt 103241	Salary Incentive Payments 103290	Law Library 103732	Lease Purchase 105281	HR Services 107040	ODP 210014	Fixed Capital Outlay (See Issue line for category)	Total
State Courts Revenue Trust Fund (SCRTF)																
26	2014-15 SCRTF Legislative Start Up Appropriation		15,886,737													15,886,737
Legislative Technical Adjustments																
27	Issue Code 1001380 Salary Increases for FY 2014-15 Court Employees (Judges) Effective 7/1/2014		213,922													213,922
28	Issue Code 1001400 Adjustment for FY 2014-15 Normal Cost and Unfunded Actuarial Liability		159,575													159,575
29	Issue Code 1001410 Health Insurance Subsidy - Retirees for FY 2014-15		1,577													1,577
30	Issue Code 1604260 Transfer of Salaries and Benefits to Salary Incentive Payments - ADD (4th DCA)									2,890						2,890
31	Issue Code 1604270 Transfer of Salaries and Benefits to Salary Incentive Payments - DEDUCT (4th DCA)		(2,890)													(2,890)
32	Issue Code 2000010 Transfer Appropriations between Appropriation Categories to Realign Expenditures - DEDUCT (5th DCA)		(4,000)													(4,000)
33	Issue Code 2000020 Transfer Appropriations between Appropriation Categories to Realign Expenditures - ADD (5th DCA)									4,000						4,000
34	Issue Code 3400320 Fund Shift to Adjust for SCRTF Revenue Shortfall		(3,042,410)													(3,042,410)

All District Courts of Appeal FY 2015-2016 Appropriations

Issue	FTE*	Rate	Salaries & Benefits 010000	OPS 030000	Expense 040000	OCO 060000	Comp Sr. Judges 100630	Contracted Services 100777	Risk Mgmt 103241	Salary Incentive Payments 103290	Law Library 103732	Lease Purchase 105281	HR Services 107040	ODP 210014	Fixed Capital Outlay (See Issue line for category)	Total
SUMMARY																
35	FY 2015-16 General Revenue Appropriation		26,080,138	140,007	3,101,286	85,364	51,790	595,074	135,233	0	162,797	62,686	104,101	171,100	15,351,195	46,040,771
36	FY 2015-16 Administrative Trust Fund Appropriation		1,848,981	0	94,669	27,000	0	0	0	0	0	0	2,194	0	0	1,972,844
37	FY 2015-16 SCRTF Appropriation		13,212,511	0	0	0	0	0	0	6,890	0	0	0	0	0	13,219,401
38	FY 2015-16 TOTAL All Funds Appropriation		41,141,630	140,007	3,195,955	112,364	51,790	595,074	135,233	6,890	162,797	62,686	106,295	171,100	15,351,195	61,233,016

1st District Court of Appeal FY 2015-2016 Appropriations

Issue	OPS 030000	Expense 040000	OCO 060000	Comp Sr. Judges 100630	Contracted Services 100777	Risk Mgmt 103241	Law Library 103732	Lease Purchase 105281	Total	
General Revenue (GR)										
1	2014-15 General Revenue Legislative Start Up Appropriation	10,249	1,425,124	4,642	7,700	83,594	46,862	86,641	16,895	1,681,707
Legislative Technical Adjustments										
2	Issue Code 1001090 Risk Management Premium Adjustment for FY 2015-16						(8,857)			(8,857)
3	Issue Code 160F220 Transfer Appropriations between Budget Entities to Realign Expenditures - ADD	14,560								14,560
Administrative Trust Fund (ATF)										
4	2014-15 ATF Legislative Start Up Appropriation		94,669	27,000						121,669
SUMMARY										
5	FY 2015-16 General Revenue Appropriation	24,809	1,425,124	4,642	7,700	83,594	38,005	86,641	16,895	1,687,410
6	FY 2015-16 Administrative Trust Fund Appropriation	0	94,669	27,000	0	0	0	0	0	121,669
7	FY 2015-16 TOTAL All FUNDS Appropriation	24,809	1,519,793	31,642	7,700	83,594	38,005	86,641	16,895	1,809,079

2nd District Court of Appeal FY 2015-2016 Appropriations

Issue	OPS 030000	Expense 040000	OCO 060000	Comp Sr. Judges 100630	Contracted Services 100777	Risk Mgmt 103241	Salary Incentive Payments 103290	Law Library 103732	Lease Purchase 105281	Fixed Capital Outlay (See Issue line for category)	Total	
General Revenue (GR)												
1	2014-15 General Revenue Legislative Start Up Appropriation		911,950	27,297	8,261	196,012	16,148	34,977	13,453		1,208,098	
Legislative Technical Adjustments												
2	Issue Code 1001090 Risk Management Premium Adjustment for FY 2015-16					5,350					5,350	
3	Issue Code 2103011 Nonrecurring Expenditures - Certification of Additional Judgeships		(30,184)								(30,184)	
4	Issue Code 160F220 Transfer Appropriations between Budget Entities to Realign Expenditures - ADD	14,560									14,560	
Summary												
5	FY 2015-16 General Revenue Appropriation	14,560	881,766	27,297	8,261	196,012	21,498	0	34,977	13,453	0	1,197,824

3rd District Court of Appeal FY 2015-2016 Appropriations

Issue	OPS 030000	Expense 040000	OCO 060000	Comp Sr. Judges 100630	Contracted Services 100777	Risk Mgmt 103241	Salary Incentive Payments 103290	Law Library 103732	Lease Purchase 105281	Fixed Capital Outlay (See Issue line for category)	Total	
General Revenue (GR)												
1	2014-15 General Revenue Legislative Start Up Appropriation		245,593	13,901	14,818	104,450	59,514		9,600	6,316	454,192	
Legislative Technical Adjustments												
2	Issue Code 1001090 Risk Management Premium Adjustment for FY 2015-16						(16,403)				(16,403)	
3	Issue Code 160F220 Transfer Appropriations between Budget Entities to Realign Expenditures - ADD	14,560									14,560	
New Funding												
4	Issue Code 990S000 3rd DCA - Court Building Remodeling for Security and Building System Upgrades - DMS MGD									2,700,000	2,700,000	
SUMMARY												
5	FY 2015-16 General Revenue Appropriation	14,560	245,593	13,901	14,818	104,450	43,111	0	9,600	6,316	2,700,000	3,152,349

4th District Court of Appeal FY 2015-2016 Appropriations

Issue	OPS 030000	Expense 040000	OCO 060000	Comp Sr. Judges 100630	Contracted Services 100777	Risk Mgmt 103241	Salary Incentive Payments 103290	Law Library 103732	Lease Purchase 105281	Fixed Capital Outlay (See Issue line for category)	Total
General Revenue (GR)											
1	2014-15 General Revenue Legislative Start Up Appropriation	6,644	286,917	18,274	18,995	226,818	16,425	15,874	13,576		603,523
Legislative Technical Adjustments											
2	Issue Code 1001090 Risk Management Premium Adjustment for FY 2015-16						5,726				5,726
3	Issue Code 160F220 Transfer Appropriations between Budget Entities to Realign Expenditures - ADD	14,560									14,560
4	Issue Code 160F260 Transfer of Contracted Services to Salaries and Benefits - DEDUCT					(86,131)					(86,131)
5	Issue Code 2000070 Transfer Appropriations to Realign Other Personal Services to Contracted Services - DEDUCT	(14,560)									(14,560)
6	Issue Code 2000070 Transfer Appropriations to Realign Other Personal Services to Contracted Services - ADD					14,560					14,560
New Funding											
7	Issue Code 990S000 Fourth District Court of Appeal New Courthouse Construction - DMS MGD									12,008,689	12,008,689
State Courts Revenue Trust Fund (SCRTF)											
8	2014-15 SCRTF Legislative Start Up Appropriation										0
Legislative Technical Adjustments											
9	Issue Code 1604260 Transfer of Salaries and Benefits to Salary Incentive Payments - ADD (4th DCA)						2,890				2,890

4th District Court of Appeal FY 2015-2016 Appropriations

Issue		OPS 030000	Expense 040000	OCO 060000	Comp Sr. Judges 100630	Contracted Services 100777	Risk Mgmt 103241	Salary Incentive Payments 103290	Law Library 103732	Lease Purchase 105281	Fixed Capital Outlay (See Issue line for category)	Total
SUMMARY												
10	FY 2015-16 General Revenue Appropriation	6,644	286,917	18,274	18,995	155,247	22,151	0	15,874	13,576	12,008,689	12,546,367
11	FY 2015-16 SCRTF Appropriation	0	0	0	0	0	0	2,890	0	0	0	2,890
12	FY 2015-16 TOTAL All FUNDS Appropriation	6,644	286,917	18,274	18,995	155,247	22,151	2,890	15,874	13,576	12,008,689	12,549,257

5th District Court of Appeal FY 2015-2016 Appropriations

Issue	OPS 030000	Expense 040000	OCO 060000	Comp Sr. Judges 100630	Contracted Services 100777	Risk Mgmt 103241	Salary Incentive Payments 103290	Law Library 103732	Lease Purchase 105281	Fixed Capital Outlay (See Issue line for category)	Total
General Revenue (GR)											
1	2014-15 General Revenue Legislative Start Up Appropriation	49,874	276,978	21,250	2,016	70,771	10,113		15,705	12,446	459,153
Legislative Technical Adjustments											
2	Issue Code 1001090 Risk Management Premium Adjustment for FY 2015-16						355				355
3	Issue Code 2103011 Nonrecurring Expenditures - Certification of Additional Judgeships		(15,092)								(15,092)
4	Issue Code 160F050 Transfer of Contracted Services to Other Personal Services - ADD	15,000									15,000
5	Issue Code 160F060 Transfer of Contracted Services to Other Personal Services - DEDUCT					(15,000)					(15,000)
6	Issue Code 160F220 Transfer Appropriations between Budget Entities to Realign Expenditures - ADD	14,560									14,560
New Funding											
7	Issue Code 990M000 5th DCA Heating Ventilating and Air Conditioning Replacement - DMS MGD									642,506	642,506
State Courts Revenue Trust Fund (SCRTF)											
8	2014-15 SCRTF Legislative Start Up Appropriation										0
Legislative Technical Adjustments											
9	Issue Code 2000020 Transfer Appropriations between Appropriation Categories to Realign Expenditures - ADD (5th DCA)						4,000				4,000

5th District Court of Appeal FY 2015-2016 Appropriations

Issue		OPS 030000	Expense 040000	OCO 060000	Comp Sr. Judges 100630	Contracted Services 100777	Risk Mgmt 103241	Salary Incentive Payments 103290	Law Library 103732	Lease Purchase 105281	Fixed Capital Outlay (See Issue line for category)	Total
SUMMARY												
10	FY 2015-16 General Revenue Appropriation	79,434	261,886	21,250	2,016	55,771	10,468	0	15,705	12,446	642,506	1,101,482
11	FY 2015-16 SCRTF Appropriation	0	0	0	0	0	0	4,000	0	0	0	4,000
12	FY 2015-16 TOTAL All FUNDS Appropriation	79,434	261,886	21,250	2,016	55,771	10,468	4,000	15,705	12,446	642,506	1,105,482

First District Court of Appeal
2015/2016 Operating Budget

Activity	Title	Cost Center	OPS 030000	Expense 040000	OCO 060000	Comp Sr. Judges 100630	Contracted Services 100777	Risk Mgmt. Insurance 103241	Salary Incentive Payments 103290	Law Library 103732	Lease Purchase 105281	TOTAL
General Revenue and State Courts Revenue Trust Fund												
Judicial Processing of Cases	Judges	110										0
	JA's	111										0
	Law Clerks, Central Staff	112										0
	Central Staff Support	119										0
	Library	180								86,641		86,641
	Comp to Retired Judges	630				7,700						7,700
Desktop Support	Information Systems Support	117		8,000								8,000
	DCA Automation	380										0
Judicial Administration	Marshal & Admin Staff	210						38,005				38,005
Court Records & Caseflow Mgt	Clerk's Office	114										0
Security	Security	118										0
Facility Maintenance & Mgt	Facility Maintenance & Mgt.	115										0
	Facility Lease	211										0
Totals			0	8,000	0	7,700	0	38,005	0	86,641	0	140,346

2015/2016 GR and SCRTF Appropriations (less CIP Funding)

24,809	1,425,124	4,642	7,700	83,594	38,005	0	86,641	16,895	1,687,410
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Total FY 2015-16 General Revenue and State Courts Revenue Trust Fund Appropriation									1,687,410
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Activity	Title	Cost Center	Expense 040000	OCO 060000	TOTAL
Administrative Trust Fund (ATF)					
Judicial Processing of Cases	Workers' Compensation Unit	120	94,669	27,000	121,669
Totals			94,669	27,000	121,669

2015/2016 Beginning ATF Appropriations

94,669	27,000	121,669
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Second District Court of Appeal
FY 2015-2016 Operating Budget

Activity	Title	Cost Center	OPS 030000	Expense 040000	OCO 060000	Comp Sr. Judges 100630	Contracted Services 100777	Risk Mgmt. Insurance 103241	Salary Incentive Payments 103290	Law Library 103732	Lease Purchase 105281	TOTAL
General Revenue and State Courts Revenue Trust Fund												
Judicial Processing of Cases	Judges	110										0
	JA's	111										0
	Law Clerks, Central Staff	112										0
	Central Staff Support	119										0
	Library	180								34,977		34,977
	Comp to Retired Judges	630				8,261						8,261
Desktop Support	Information Systems Support	117		8,000								8,000
	DCA Automation	380										0
Judicial Administration	Marshal & Admin Staff	210						21,498				21,498
Court Records & Casflow Mgt	Clerk's Office	114										0
Security	Security	118										0
Facility Maintenance & Mgt	Facility Maintenance & Mgt	115										0
	Facility Lease	211										0
Totals			0	8,000	0	8,261	0	21,498	0	34,977	0	72,736

2015/2016 GR and SCRTF Appropriations (less CIP Funding)

14,560	881,766	27,297	8,261	196,012	21,498	0	34,977	13,453	1,197,824
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Total FY 2015-16 General Revenue and State Courts Revenue Trust Fund Appropriation	1,197,824
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Third District Court of Appeal
2015/2016 Operating Budget

Activity	Title	Cost Center	OPS 030000	Expense 040000	OCO 060000	Comp Sr. Judges 100630	Contracted Services 100777	Risk Mgmt. Insurance 103241	Salary Incentive Payments 103290	Law Library 103732	Lease Purchase 105281	TOTAL
General Revenue and State Courts Revenue Trust Fund												
Judicial Processing of Cases	Judges	110										0
	JA's	111										0
	Law Clerks, Central Staff	112										0
	Central Staff Support	119										0
	Library	180								9,600		9,600
	Comp to Retired Judges	630				14,818						14,818
Desktop Support	Information Systems Support	117		8,000								8,000
	DCA Automation	380										0
Judicial Administration	Marshal & Admin Staff	210						43,111				43,111
Court Records & Caseflow Mgt	Clerk's Office	114										0
Security	Security	118										0
Facility Maintenance & Mgt	Facility Maintenance & Mgt	115										0
Totals			0	8,000	0	14,818	0	43,111	0	9,600	0	75,529

2015/2016 GR and SCRTF Appropriations (less CIP Funding)

14,560	245,593	13,901	14,818	104,450	43,111	0	9,600	6,316	452,349
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Capital Improvement Projects (CIP) - 3rd DCA Building Remodel - DMS Managed (Category 080179)	2,700,000
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Total FY 2015-16 General Revenue and State Courts Revenue Trust Fund Appropriation	3,152,349
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Fourth District Court of Appeal
2015/2016 Operating Budget

Activity	Title	Cost Center	OPS 030000	Expense 040000	OCO 060000	Comp Sr. Judges 100630	Contracted Services 100777	Risk Mgmt. Insurance 103241	Salary Incentive Payments 103290	Law Library 103732	Lease Purchase 105281	TOTAL
General Revenue and State Courts Revenue Trust Fund												
Judicial Processing of Cases	Judges	110										0
	JA's	111										0
	Law Clerks, Central Staff	112										0
	Central Staff Support	119										0
	Library	180								15,874		15,874
	Comp to Retired Judges	630				18,995						18,995
Desktop Support	Information Systems Support	117		8,000								8,000
	DCA Automation	380										0
Judicial Administration	Marshal & Admin Staff	210						22,151				22,151
Court Records & Caseflow Mgt	Clerk's Office	114										0
Security	Security	118										0
Facility Maintenance & Mgt	Facility Maintenance & Mgt	115										0
Totals			0	8,000	0	18,995	0	22,151	0	15,874	0	65,020

2015/2016 GR and SCRTF Appropriations (less CIP Funding)

6,644	286,917	18,274	18,995	155,247	22,151	2,890	15,874	13,576	540,568
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Capital Improvement Projects (CIP) - 4th DCA New Court Building - DMS Managed (Category 080071)	12,008,689
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Total FY 2015-16 General Revenue and State Courts Revenue Trust Fund Appropriation	12,549,257
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Fifth District Court of Appeal
2015/2016 Operating Budget

Activity	Title	Cost Center	OPS 030000	Expense 040000	OCO 060000	Comp Sr. Judges 100630	Contracted Services 100777	Risk Mgmt. Insurance 103241	Salary Incentive Payments 103290	Law Library 103732	Lease Purchase 105281	TOTAL
General Revenue and State Courts Revenue Trust Fund												
Judicial Processing of Cases	Judges	110										0
	JA's	111										0
	Law Clerks, Central Staff	112										0
	Central Staff Support	119										0
	Library	180								15,705		15,705
	Comp to Retired Judges	630				2,016						2,016
Desktop Support	Information Systems Support	117		8,000								8,000
	DCA Automation	380										0
Judicial Administration	Marshal & Admin Staff	210						10,468				10,468
Court Records & Caseflow Mgt	Clerk's Office	114										0
Security	FTE, Contract, and Expenses	118										0
Facility Maintenance & Mgt	FTE, Contract, Expenses	115										0
Totals			0	8,000	0	2,016	0	10,468	0	15,705	0	36,189

2015/2016 GR and SCRTF Appropriations (less CIP Funding)

79,434	261,886	21,250	2,016	55,771	10,468	4,000	15,705	12,446	462,976
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Capital Improvement Projects (CIP) - HVAC Replacement - DMS Managed (Category 080184)	642,506
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Total FY 2015-16 General Revenue and State Courts Revenue Trust Fund Appropriation	1,105,482
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District Court of Appeal Budget Commission
July 24, 2015
Video Conference

**Agenda Item III.A.: FY 2016-17 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 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. Time constraints for identifying and thoroughly analyzing comparable positions in those classes prevented such analysis during development of the Fiscal Year 2014-15 LBR. 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.¹ 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 facing employees. 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.

Decision Needed

1. Recommend a Fiscal Year 2016-17 LBR of \$5,902,588 in second-year funding for court staff salary equity, recruitment, and retention issues. Authorize staff to make adjustments in the amount, as necessary, based on any updated or revised analysis.
2. Do not file an LBR for court staff salary equity, recruitment, and retention issues.

Prepared by the OSCA Deputy State Courts Administrator's Office, July 8, 2015

¹ Upon recommendation of the Unified Committee on Judicial Compensation, the SCS also sought in its Fiscal Year 2015-16 LBR a positive salary adjustment for justices and judges, as part of a multi-year strategy to restore their salaries to a competitive level. That request was distinct from the \$5.9 million employee pay issue and did not cite a specific amount.

District Court of Appeal Budget Commission
July 24, 2015
Video Conference

Item: III.B.: FY 2016-17 Legislative Budget Request – Operating Issues

1st District Court of Appeal: No issues requested

2nd District Court of Appeal:

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

The Second District Court of Appeal (DCA) requests \$293,800 (\$114,500 non-recurring) to increase the current leased space in the Tampa Courthouse. Specifically, \$121,300 in Expenses, \$74,500 in Operating Capital Outlay (OCO) and \$98,000 in Contracted Services categories are being requested to acquire an additional 3,259 square feet, equipment and workstations for employees and security services. The addition of two judicial officers, their personal staff and two law clerk positions reallocated to the Second DCA represents an increase of 10.0 FTE in the 2014-15 fiscal year.

The Second DCA has maintained leased office space in Tampa for over 35 years, currently at Stetson’s Tampa Law Center. Nine of the court’s 16 judges are headquartered in Tampa; seven judges are officially headquartered in Lakeland. Because appellate court decisions are made by panels comprised of three judges, all Second DCA judges sit on panels in both locations, so there is not a Lakeland set of judges and a Tampa set for panel composition, rather, all judges rotate within panels to maximize opportunities to create as many combinations as practicable. Although a judge may be designated for one location or another for purposes of headquarters, any case before the court may be set for oral argument or conference in either city. In addition, six of the seven judges currently headquartered in Lakeland live in Tampa or northern Pinellas County (the same is true for most of their staff) and it is more efficient for them to remain at the Tampa branch when they are scheduled for oral arguments, oral argument waived conferences, full-court conferences, or motions panels in Tampa. When this occurs they and their staff require work spaces in Tampa. The marshal provides a small dedicated office for the judges and hoteling space (i.e., shared unassigned seating arrangements in an office environment) for the staff attorneys and judicial assistants. Hoteling is also available in the Lakeland headquarters but it is not utilized as much as in Tampa because returning to the Tampa branch after a Lakeland assignment is on the way home for most of the Tampa judges and court staff.

The Second DCA’s culture is such that the judges prefer to meet in person with each other and with their staff when considering cases. Collegiality is a necessary condition for the effective functioning of an appellate court. It is an important element of the conditions that permit appellate judges to engage in principled deliberation, allowing differing points of view to be discussed and constructively considered in an atmosphere of civility and respect. Meeting in person permits diverse judges with different perspectives to communicate and work together in a principled fashion to reach the best decisions possible in an efficient manner.

Most judges believe that the more they work with a colleague, the better each judge understands the colleague's manner of reasoning and temperament, the more easily and effectively the colleagues can discuss, disagree, and assimilate ideas and concepts. In addition to these positive effects on the judicial decision-making process, collegiality also permits a court to manage itself more effectively, supporting collective decision making about the administration and operations of the court.

Additional leased space will accommodate the additional judges and staff and improve the court's workplace efficiency. If this request is not funded, the marshal will not be able to provide the customary provisional office spaces for Lakeland judges and staff attorneys who are working on cases scheduled for Tampa. If they cannot remain in Tampa, their alternative is to return home, as the commute to their Lakeland office would not be an efficient use of their time.

Finally, several Lakeland occupants, including three of the seven district court judges headquartered in Lakeland, experience a variety of allergy-like symptoms in conjunction with exposure to the Lakeland building. The marshal has previously identified and addressed substandard conditions in the performance of the HVAC system, but without noticeable improvement for those who experience these symptoms, which are presumably individual-specific immune system responses to one or more irritants in the building.

Expense	\$121,300
Operating Capital Outlay	\$ 74,500
Contracted Services	<u>\$ 98,000</u>

Budget Request Total: **\$293,800 (\$114,500 non-recurring)**

Options:

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

2nd, 3rd, and 5th District Court of Appeal:

**1. Issue – *X-Ray Machines*
Activity – Security**

The District Courts of Appeal (DCA) request \$105,000 (\$35,000 each) to purchase new x-ray machines for the Second, Third, and Fifth District Court of Appeal. The districts each have a single x-ray machine located at the point of entry of the facility. The x-ray machines are equipment necessary for ensuring the safety of court employees and visitors. They are utilized to screen all items being carried by persons coming into the court for weapons or other harmful devices, as well as for all mail and packages being delivered.

All of the machines located at these courts will be ten years old in fiscal year 2016-2017, and obtaining parts to have them repaired has become difficult. Recently, the Third DCA had a part failure on their unit and were forced to borrow an older unit from the local circuit court while theirs was repaired. The repair work took an extended amount of time due to the part in question being rebuilt because a new part could not be purchased. Upon the purchase of new x-ray machines, the DCA's will utilize the current units as back-up units, an option that they currently

do not have. Although the Fourth DCA has the same older machine, they are in the process of building a new facility and will receive a new x-ray machine with the new courthouse, therefore, they are not included in this request.

If this issue is not funded, the existing machines will be costly and require extensive time to repair.

Operating Capital Outlay \$105,000

Budget Request Total: \$105,000 (non-recurring)

Options:

3. File the issue as requested.
4. Do not file an issue.

2nd, 3rd, 4th, and 5th District Court of Appeal:

**1. Issue – Security Support – Court Security Officer II 5 FTE
Activity – Security**

The Florida District Courts of Appeal (DCA) are requesting \$367,181 for five additional Court Security Officer II positions (two in the Second DCA and one in the Third, Fourth and Fifth DCA) to adequately provide security for the judges, staff and the public they serve. This request for security positions is based on a threshold of three positions (or the equivalent amount of contractual funding) per district with 1.5 additional FTE allocated per each additional facility.

With documented threats to the district courts and ever-increasing incidents of violence in public spaces it is imperative that each of the courts have a secure environment in which to conduct the appellate process. A courthouse must provide a stable, relatively predictable environment where judges, court staff, and the public can conduct activities without disruption or harm and without fear of such disturbance or injury. The ability to carry out the judicial responsibilities in an open, secure and accessible manner is a fundamental component of the exercise of the rule of law.

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

- Anyone entering the courthouse should be screened for weapons. All mail and packages should be screened as well.
- All entrances, parking areas, as well as the perimeter of the courthouse should be under continuous electronic surveillance that is monitored by security personnel during the secure hours.
- Visible armed security personnel are essential to identifying threats, deterring devastating incidents, and effectively responding. Each court facility must be secured by qualified armed officers during times when the court is open to the public and in the off-hours when judges and court staff may be working. A minimum of three officers are essential to

providing minimum coverage. Officers must maintain a constant presence at the entry point, while continuing to monitor the perimeter, public spaces and security devices as well as address any threats or suspicious incidents.

- Security officers may be employees of the court or contracted from the local sheriff's office.

Currently, the majority of the DCA's security offices are only staffed to 67% of the minimum methodology. With the increasing incidents of violence and attacks on public spaces, the need for security is at an all-time high. The physical security of the courthouse and the safety of judges, court staff and the public are critical needs that must be addressed.

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

If this request is not funded, the district's marshals will be unable to effectively secure the district court facilities. Effective and visible armed security are essential to providing minimum security levels. A lack of funding for these positions will leave the district courts unable to take adequate measures of safety and security to safeguard the judges, employees, and facility.

Expenses and Human Resource Services amounts for all positions were calculated using the standards outlined in the FY 2016-2017 Legislative Budget Request Instructions adjusted for Voice Over IP telephones, excluding the Fifth DCA. All positions are requested at ten percent above the base salary to allow the State Courts System to competitively recruit and retain employees. All FTE costs included in this issue assume a July 1, 2016 effective date.

Rate: 197,470

Salaries and Benefits:

Court Security Officer II	5.0 FTE	\$312,045
Expenses:		\$ 50,886 (\$20,919 non-recurring)
Human Resource Services:		\$ 1,130
Salary Incentive Payments:		\$ <u>3,120</u>

Budget Request Total: 5.0 FTE \$367,181 (\$20,919 non-recurring)

Options:

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

Other Requests

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

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

The DCA is responsible for the operation of four facilities located in Lakeland, Miami, West Palm Beach and Daytona Beach. Progressive aging and operating budget limitations have significantly reduced the ability of the courts to address the operational maintenance and repairs needs of the four facilities. The facilities range in age from 33 – 53 years old. These aging structures require constant maintenance and repairs to keep the courts operational. Presently, there are not sufficient resources appropriated to the appellate courts to address ongoing maintenance/repairs, emergency expenditures, and/or critical failure of building system components.

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

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

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

Options:

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

District Court of Appeal Budget Commission
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Video Conference

Agenda Item III.B.: Operating Issues – Appellate Judiciary Travel

The information presented below is the Appellate Court Travel Expenses legislative issue as submitted for the FY 2015-16 Legislative Budget Request.

The State Courts System requests \$353,811 in recurring funding (\$209,930 for the Supreme Court and \$143,881 for the District Courts of Appeal) to reimburse travel expenses for supreme court justices and district court of appeal judges whose residence is 50 miles or more away from his or her official headquarters. This issue is filed as a substantive issue which will require a statutory change in chapter 25, Florida Statutes, and revisions to section 35.05, Florida Statutes, in a conforming bill.

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

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

Florida's Second District Court of Appeal, headquartered in Lakeland, Florida, is approximately 150 miles (and almost a three-hour drive) from Naples, in the southern and most remote area within its jurisdiction. Only two of the court's sixteen judges live in the Tenth Judicial Circuit in which the court's headquarters is located. Most live in the Tampa Bay Area (or, the Tampa-St. Petersburg-Clearwater, Florida, Metropolitan Statistical Area), where the Second District has a branch courthouse from which most of these judges work. None of the Second District judges live in Naples, and only one lives in the Twentieth Circuit (which covers Charlotte, Glades, Lee, Hendry and Collier Counties).

Florida's Third and Fourth Districts are more geographically compact than the other appellate jurisdictions. However, until very recently all of the judges sitting on Florida's Third District Court of Appeal (headquartered in Miami) live in Dade County. The one judge recently appointed to the court from the other circuit within the court's jurisdiction lives in Key West, and is required to make the commute to the court's headquarters (approximately 150 miles and more than three hours each way) at his own expense. Florida's Fourth District Court of Appeal

encompasses three circuits: the Fifteenth (Palm Beach County); the Seventeenth (Broward County) and the Nineteenth (Indian River, Okeechobee, Martin and St. Lucie Counties). Five of the court's twelve judges live in Palm Beach County, where the court is located. Most of the rest live in the counties immediately adjacent to Palm Beach County (three in Martin County and three in Broward County). One lives in the more remote St. Lucie County, a round trip of approximately 130 miles). None live in the two more remote counties within the court's jurisdiction.

Finally, Florida's Fifth District Court of Appeal encompasses thirteen central Florida counties from Citrus and Hernando on the West Coast to St. Johns, Flagler, Volusia and Brevard counties on the East Coast. Three of the court's eleven judges live in the Seventh Judicial Circuit, where the court is located. Five live in the Orlando area, and travel from the Ninth Circuit, through the Eighteenth Circuit, to the Seventh Circuit each time they travel to the court (a 100-plus-mile round trip). Two of the court's judges make a 150-plus-mile round trip drive from Melbourne in Brevard County (part of the Eighteenth Circuit). Until recently, no Fifth District judge lived in the more remote Fifth Circuit (Citrus, Hernando, Lake, Marion and Sumter counties). In 2014, a Fifth Circuit judge from one of the less remote counties in that circuit was appointed to the court.

In the mid-2000s, the Florida Supreme Court appointed a committee to study the appellate courts and their workloads. The District Court of Appeal Workload and Jurisdiction Assessment Committee filed its report in November 2006. This committee also notes the problem of lack of representation from the outlying areas of the current appellate courts' jurisdictional boundaries. However, they rejected the idea of creating more branch courthouses (similar to the one in the Second District), as unworkable and too expensive. The committee also considered chambers dispersion, which is the solution used in the federal appellate system, under which the government provides chambers for each judge and his or her staff in his or her city of residence.² It was recommended that this concept receive further study; however, no recommendation was made to pursue chamber dispersion now, largely because of the expense and other state budgeting concerns.

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

Similarly, the State Constitution provides that each appellate district shall have at least one justice appointed from the district who is a resident thereof at the time of appointment to the Supreme Court. This constitutional framework ensures geographic diversity among the seven justices of the Supreme Court, and it contemplates that justices will have meaningful ties to the various regions of the state. As a consequence, rather than relocating his or her family to Tallahassee and severing those ties, a justice may travel regularly between the state capital and another part of the state in order to balance professional and personal responsibilities. This travel, conducted in conjunction with official business of the court, results in significant personal expense and can influence a justice's ability, when weighing financial considerations, to remain on the court. Further, the prospect of incurring travel expenses personally may dissuade seasoned professionals with deep roots in their communities from seeking to serve on the Supreme Court

and thereby limit the quantity and quality of potential appointees when vacancies arise. To recognize geographic diversity, promote equity for sitting justices, and foster recruitment of experienced individuals to serve on the Supreme Court, this request also seeks funding to support travel by justices to and from Tallahassee as part of the official business of the court.

Options:

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

District Court of Appeal Budget Commission
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Video Conference

**Agenda Item III.C.: FY 2016-17 Legislative Budget Request – Fixed Capital
Outlay**

1st District Court of Appeal: Not Applicable.

2nd District Court of Appeal:

1. Issue – Courthouse Acquisition – DMS Managed

The Second District Court of Appeal (DCA) requests \$100,000 to proceed with Department of Management Services (DMS) managed program analysis to identify the court's current and future space needs for the judicial, clerk of court, and marshal units of the court, site selection, schematic designs, and other professional services necessary to accurately plan and budget for a consolidated courthouse facility in Tampa.

The Second DCA has long outgrown its courthouse in Lakeland, necessitating the utilization of leased office space for over 35 years. An analysis of the historical and present facility operations of the Second DCA provides the following information:

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

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

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

\$525,000 for rent, \$18,000 for courier costs, plus the associated administrative and operating costs for IT and security.

The deficiencies of the Lakeland headquarters include immediate and long-term operating, capital and facility renewal liabilities related to: deferred maintenance, renewal, and energy efficiency improvements; aging building components well past their lifecycle renewal; deficiencies in Americans with Disabilities Act (ADA) compliance; and a highly inefficient and ineffective use of interior space for court operations and security functions.

Architectural and Engineering Tasks	\$95,000
DMS Fees	<u>\$ 5,000</u>

Budget Request Total: **\$100,000 (non-recurring)**

Options:

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

3rd District Court of Appeal:

1. Issue – Supplemental Funding Request for Remodeling of Court Building for ADA Compliance, Security and Core Systems Upgrade – DMS Managed

The Third District Court of Appeal (DCA) requests \$6,500,000 during FY 2016-2017 to finish the multi-year, interlocking, phased security, ADA and core systems upgrade and renovation project for which funding was approved by the legislature during the FY 2013-2014 and FY 2014-2015 legislative sessions.

Phase I funding in the amount of \$2,092,455 was provided to the Court during the FY 2013-2014 legislative session. The purpose of the appropriation was to fund a Public Area Facility Evaluation and Security Study of the court facility, including the main court building, constructed in 1976, and the subsequently constructed Annex building. These funds are being used to install a fire sprinkler system, required by the South Florida Building Code, throughout the second floor of the main court building and Annex, install ADA compliant bathrooms on the second floor of both the main court building and Annex, complete the installation of wind resistant impact windows in the Annex, and to perform related ceiling and lighting work.

The Public Area Facility Evaluation and Security Study funded by the legislature was completed by AECOM (formerly Spillis Candela), which has extensive, national and global experience in projects of this nature, in December, 2014. AECOM recommended, as long had Spillis Candela based upon its experience as the Court’s architectural and engineering firm of record since 1976, that the present open courtyard space be repurposed into an enclosed, secure lobby space, that the court security station be relocated from its present location in the back corner of the

courtyard to the front of a reconfigured court entrance, that the clerk's and marshal's work spaces on the first floor be reconfigured so that the marshal's office is positioned adjacent to the relocated court security station, and the clerk's office be repositioned to an accessible, safe and secure location off the repurposed lobby space. The Study also identified a host of additional design and construction requirements mandated by the Revised 2010 Americans with Disabilities Act, which were not previously known to the Court.

The legislature funded Phase II of the project in FY 2014-2015 in the sum of \$2,700,000. Consistent with the Public Area Facility Evaluation and Security Study, the Court is moving forward as planned with the reconfiguration and upgrades to the first floor clerk's and marshal's office work areas. These two work areas have not been updated since the original court building was constructed in 1976. The employees of the clerk's office work off thirty-eight year old, pre-computer era work stations, serviced by inadequately safeguarded electrical wiring. The increased responsibilities of the marshal's office, occasioned by expanded post-9/11 security demands and greater requirements placed on the office's finance and accounting, human resources, and information technology components since the work space was laid out in 1976, have caused the office to outgrow its space. The Phase II appropriation will be used to reconfigure the clerk's and marshal's office to reflect current needs, and to relocate the marshal's office to the front of the building consistent with AECOM's recommendation that the court security station be repositioned to the front of the courthouse from its present back corner location in the courtyard. It will also enable the Court to separate all private areas of circulation from the public areas of the courthouse building in accordance with present-day security requirements. *For security reasons, a more complete description of the physical structure creating the risks, and the final design and construction work necessary to complete this presently ongoing project is being separately submitted under seal.*

During Phase III, the court security station will be repositioned from its present back corner location to the front of the building entrance, adjacent to the marshal's office, so that building security will have a clear line of sight to the building approach, an adequate screening area that complies with the Revised 2010 Americans with Disabilities Act, and prompt assistance from the court's marshal and deputy marshal in the event of an emergency. The repositioning of the court security station will necessitate installation of additional exterior glass on the west-facing front of the courthouse, where the repositioned court security station will now be located, and construction of a small roof over the remaining 36% of the roofed area of the courtyard which is presently uncovered (64% has been covered for weather purposes since the original 1976 construction) to effectuate a single, safe entrance through which the public can enter the court building, be observed by court security as they traverse the newly reconstituted public area to the Office of the Clerk, Marshal, lawyers' waiting area, courtroom or await the arrival of a judge or court staff member from the non-public portion of the courthouse.

Phase III also includes the replacement of the current security surveillance and control access systems in the courthouse, which are presently at end of life (having been installed in the early 1990s); completion of the installation of the fire sprinkler system required by the South Florida Building Code on the first floor of the original court building; relocation of the court's IT server room to a dry and safe location; upgrade of the court's two thirty-eight year old elevators with digital controls for life safety purposes, new door operator controls that comply with current Florida and Miami-Dade County Fire Code requirements, and 2010 ADA regulations; the acquisition of an emergency generator so that the Court can be operational during natural disasters and frequent South Florida power outages, and ameliorate the present high risk of sewer and water backflow into the courthouse from the County Lift Station adjacent to the court building during such outages; upgrade the public restrooms used by visitors to the Court, which are not air conditioned and do not comply with the Americans with Disabilities Act; and upgrade the public access paths to the courthouse to comply with the 2010 ADA accessibility mandates; re-paving the court's thirty-eight year old parking lots; and related improvements necessary to the secure, efficient operation of the court.

With the support of the legislature, the Court teamed with DMS and AECOM, which has extensive national and global experience in courthouse security, ADA and operational requirements, to produce a systematic and interlocking plan in which its many parts combine to produce a logical, cost effective design to address the immediate and serious security risks faced by the Court in its urban location, and multiple ADA non-compliance issues, which the Court is not free to dismiss. The interdependence of each element of the renovation and upgrade plan on the other, especially the security component, cannot be overemphasized. The Court respectfully requests full funding of this project in the amount of \$6,500,000 for the benefit and safety of the Court, its employees and the public it serves.

Budget Request Total: **\$6,500,000 (non-recurring)**

Options:

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

4th District Court of Appeal:

1. Issue – Courthouse Construction – DMS Managed

The Fourth District Court of Appeal requests \$4,775,757 to complete construction of a new courthouse and a new parking garage to serve the court and seven executive branch departments currently operating on the state-owned property on which the courthouse is being constructed.

The construction will be performed over three fiscal years. The legislature provided funding for

Fiscal years 2014-15 and 2015-16 in the amounts of \$7,145,763 and \$12,008,689, respectively. Fiscal year 2016-17 costs are estimated to be \$4,775,757 to complete the project.

The completion of this project will provide a new courthouse for the Fourth District Court of Appeal with a significant useful life. The current 45-year-old courthouse suffers from moisture and mold intrusion and is non-compliant with the Americans with Disabilities Act and a United States Marshals' Service security assessment. Major renovation would be costly and short-lived. The new courthouse will provide a modern and efficient location for the court's operations, provide greater security, reduce operational and maintenance costs, and provide better access to public transportation which benefits the public and court employees.

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

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

Budget Request Total: **\$ 4,775,757 (non-recurring)**

Options:

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

5th District Court of Appeal: Not Applicable.

District Court of Appeal Budget Commission
July 24, 2015
Video Conference

Agenda Item III.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 2016-17 Certification of Need for Additional Judgeships process will be sent out the week of August 14th and are due August 28, 2015. Given the timeline of the FY 2016-17 LBR, if any Appellate Court submits an issue, a vote via email, by the DCABC is recommended.

For informational purposes only.

Item III.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 2016-2017 LBR issues presented to the District Court of Appeal Budget Commission. For those issues approved, please rank the priority order.

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

OPERATING ISSUES	Amount Requested	Proposed LBR Priority Classification	PRIORITY #
2 nd , 3 rd , and 5 th DCA - X-Ray Machines	\$105,000	2 - Critical	
2 nd , 3 rd , 4 th , and 5 th DCA - Security Support - 5.00 FTE	\$364,061	3 - Core Mission Investment	
All DCAs – Operational Increases - Statewide Facility Maintenance	\$400,000	2 - Critical	

FIXED CAPITAL OUTLAY ISSUES	Amount Requested	Proposed LBR Priority Classification	PRIORITY #
2 nd DCA – FCO – Courthouse Acquisition - DMS Managed	\$100,000	2 - Critical	
3 rd DCA – FCO – Supplemental Funding for Court Building/Security, Core System Upgrade and ADA Compliance - DMS	\$6,500,000	1 - Mandatory	
4 th DCA – FCO – Courthouse Construction - DMS Managed	\$4,775,757	1 - Mandatory	

Agenda Item III.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.

July 1, 2015



The Honorable Jorge Labarga
Chief Justice
Supreme Court of Florida
500 South Duval Street
Tallahassee, Florida 32399

Dear Chief Justice Labarga:

The District Court of Appeal Budget Commission (DCABC) met on January 8, 2015, and recommended a rate distribution to address salary increases for the director of central staff and marshal positions. In a letter dated February 3, 2015, you subsequently confirmed the availability of salary appropriation and specified that the increases were effective on the date of the DCABC's action. The DCABC discussion and intent at that time was to equalize the marshal position to that of the clerk position; however, funding only allowed for the marshal position to be partially increased.

The DCABC now recommends a special pay increase of 13,021.80 in rate to fully equalize the marshal position to the clerk position at a salary of \$117,483.00. This equates to an additional rate increase of 2,604.36 for each marshal position. A review of the May 31, 2015, district court of appeal salary budget finds there is sufficient rate to fully fund this action. Further, the DCABC recommends that the action be effective retroactively to the full extent allowable.

Per the *Personnel Regulations Manual* for the State Courts System, a special pay increase may be granted by the Chief Justice or his or her designee. Thank you for your consideration of our recommendation.

Sincerely,

C. Alan Lawson

CAL:ewm

cc: Patricia (PK) Jameson
Dorothy Willard

*The Honorable C. Alan Lawson
Chair*

Members

The Honorable Joseph Lewis, Jr.

The Honorable Clayton Roberts

The Honorable Craig C. Villanti

The Honorable Stevan T. Northcutt

The Honorable Frank A. Shepherd

The Honorable Richard J. Suarez

The Honorable Dorian Damoorgian

The Honorable Cory Ciklin

The Honorable Vincent G. Torpy, Jr.

Ex-Officio Members

*The Honorable Vance Salter
District Court of Appeal Performance and
Accountability Commission*

*The Honorable William Palmer
District Court of Appeal Judges
Conference*

Florida State Courts System

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