

Ken Burke, CPA
 PINELLAS COUNTY
 EXECUTIVE COUNCIL CHAIR
Stacy Butterfield, CPA
 POLK COUNTY
 VICE-CHAIR
Tara S. Green
 CLAY COUNTY
 SECRETARY/TREASURER



SHARON R. BOCK, ESQ.
 PALM BEACH COUNTY
 JOHN CRAWFORD
 NASSAU COUNTY
 PAT FRANK
 HILLSBOROUGH COUNTY
 TODD NEWTON
 GILCHRIST COUNTY

JEFFREY R. SMITH, CPA
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 GENERAL COUNSEL

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CCOC EXECUTIVE COUNCIL MEETING

December 18, 2017

Conference Call Meeting: 4pm

Conference Call line: 1-904-512-0115 Code 412463

Call to Order	Ken Burke
Roll Call	Tara Green
1) Introduction and Agenda Approval.....	Hon. Ken Burke, CPA
2) Approve Minutes of October 10th, 2017 Meeting.....	Hon. Tara Green (Pgs. 1-9)
3) Review & Approve CCOC Office Contracts.....	Hon. Tara Green (Pgs. 10-27)
4) Review of Draft CCOC Annual Report.....	Jason Harrell (Pg. 28)
5) Report from CCOC Budget Committee	Hon. Stacy Butterfield, CPA (Pg. 29)
6) Response to a Request for a Legal Opinion from Clerk Frank.....	Joe Boyd, General Counsel (Pgs. 30-34)
i) Also Discuss November 8 th Letter to Clerk Burke from Clerk Frank.....	(Pgs. 35-80)
7) Auditor General's Preliminary and Tentative Findings.....	Hon. Ken Burke, CPA (Pgs. 81-89)
8) Review/Approval of Quarterly Performance Reports.....	Hon. Tara Green (Pgs.90-118)
9) Update on Uniform Case Management Database Report.....	Hon. Tara Green (Pgs.119-156)
10) Other Business.....	Hon. Ken Burke, CPA (Pgs.157-167)

MINUTES
FLORIDA CLERKS OF COURT OPERATIONS CORPORATION
WEDNESDAY, October 10, 2017 2:00 PM EDT
EXECUTIVE COUNCIL MEETING
Orlando, Florida

The October 10, 2017 meeting of the Executive Council of the Florida Clerks of Court Operations Corporation (CCOC) was called to order by Executive Council Chair Ken Burke at approximately 2:00 PM (EDT). Roll call was taken by Executive Council Secretary/Treasurer Tara Green. Council Members present were the Honorable Ken Burke, Honorable Stacy Butterfield, Honorable Tara Green, Honorable Sharon Bock, Honorable John Crawford, Honorable Pat Frank, Honorable Todd Newton, Honorable Ron Ficarrota and Honorable Paula S. O’Neil. Honorable Jeff Smith and Honorable Kyle Hudson did not join the meeting. Clerk Green stated that there was a quorum. All others in the room introduced themselves. Chair Burke asked Clerk John Crawford to give an invocation.

Clerk Newton made a motion to accept the Agenda. It was seconded by Clerk Butterfield. The vote was taken and the motion passed unanimously.

SECRETARY/TREASURER’S REPORT

Clerk Green provided the August 31st Minutes of the Executive Council Meeting for approval. Chair Burke asked if there were any corrections or additions. Hearing none, the motion was made by Clerk Frank and the second by Clerk Crawford to accept the minutes as presented. The vote was taken and the motion passed unanimously.

Clerk Green continued with the Treasurer’s report noting that CCOC was well within their budget through 11 months of county fiscal year 16/17. One thing that might be looked at for next year’s budget is that we under estimated slightly the expenditures needed in the “retirement, benefits, workers’ compensation, and other” category. This is mainly due to higher than expected health insurance costs. Clerk Bock made a motion to accept the Treasurer’s Report. Clerk Newton seconded it. Vote was taken and passed unanimously.

The last item for discussion was about the Florida Legislature approving raises for all State employees in October. This was passed in the Legislative session in the amount of \$1000 or \$1400 for each employee based on the circumstances of the employees. CCOC employees that meet the same criteria as the State employees would be getting the same pay raises as State employees. She also stated that she would like to present to the Council for consideration the withdrawing at this time the pay raise to the CCOC Executive Director in order to do a more extensive review of his current pay range. A recent independent study of the CCOC office showed in June of this year that he is currently paid well below the average salary in the public sector in Leon county for an Executive Director. Clerk Green made a motion to mirror the state pay raise with the exclusion of the Executive Director. Clerk Butterfield seconded the motion. Chair

Burke asked if there was any discussion. Clerk Crawford asked what the dollar amount would be. Clerk Green stated it would be approximately \$7,800.00 in total for all seven employees. This amount excludes \$1000 for the Executive Director. Vote was taken and the motion passed unanimously.

BUDGET COMMITTEE

Clerk Butterfield began by stating that the Budget Committee met August 23, 2017 to recommend the budgets for the Clerks for the fiscal year 17-18 and that recommendation was presented to and approved by the Council on August 31, 2017. She referred to 16-17 and gave an update since the year is complete. The Trust Fund for 16-17 is being finalized with all the reports with the September report due October 20, 2017. The disbursements to the funded Clerks for July, August and September still have not occurred. CCOC staff has been working with the Governor's Office of Policy and Budget to obtain the release authority so that those dollars can be sent out. On October 16, the 14-day period will end. Chair Burke asked Clerk Butterfield to explain what must happen to get the money to the Clerks. Clerk Butterfield began at the beginning of the fiscal year when CCOC recalculates the amount each Clerk is owed or will be sending to the Trust Fund (Funded and Depository Clerks). These figures are sent to each Clerk in their budget certification letter. Next, the CCOC staff sends to the Department of Revenue (DOR) the amount that is calculated to be sent out to the funded Clerks monthly. The CCOC Trust Fund is appropriated in the General Appropriation Act in what is called an under reserved category and that is based on the revenue estimates from the Revenue Estimating Conference (REC). The REC meeting was at the end of July. Then DOR must request a budget amendment from the Governor's office to move the authority out of the reserve into an operating category. This requires a 14-day budget amendment. When the authority is then in an operating account, DOR must also appropriate a release authority. Therefore, state budgeting general revenue is released quarterly. Most state trust funds are released 100% at the beginning of the year which is not the case for the Clerks TF. DOR must verify that actual dollars are in the Trust Fund before they can make any monthly transfers to the Clerks. That is why it is important that the depository Clerks send in their money. Then the CCOC sends a request to DOR's General Tax Administration program where they verify that there are sufficient dollars in the Trust Fund That program sends the request to DOR's Office of Financial Management which is their Executive Budget office. It is received and processed by an analyst. Then it is approved by a manager, before it is sent to the Chief of Staff for approval. Once all these levels of review happen, then the budget amendment is formally submitted to the Office of Policy and Budget (OPB) in the Governor's office. It can take a couple of weeks to get through all those channels. Once OPB has it, the amendment goes through a technical review in the budget management unit before being sent to an analyst in the policy area that oversees the general government unit which processes it and sends it for approval by the Budget Chief and the Policy Coordinator. It is sent back to Budget Management unit for a final technical review before being sent to the Deputy Budget Chief who briefs the Director of OPB on the amendment. If there are any questions or edits, then it goes back to DOR, etc. It can take a couple of more weeks to get through this process. Once OPB finally agrees on the budget amendment, then it is officially put on legislative consultation. That consultation is a 14-day

period. The 14-day clock starts and now there is a date that is set as to when the amendment comes off consultation. The date for this last quarter is October 16th which is for the July, August and September distribution. This can take 1-2 business days to draft, submit and process. Once it is all processed, the Clerks receive their funds. To get through all that it can take a couple of months. So, for the Clerks who have been asking when are we going to get our money or why we have not received our money, there is the answer. Chair Burke stated that this process needs to be streamlined. He referred this process to the CCOC Legislative Committee to figure out a solution to recommend. Both administrative code and statute need to be addressed. Clerk Frank asked that the Legislative Committee look at where this process started. Chair Burke asked that Clerk Timmann and her committee to look into Clerk Frank's concern if there is a motion that passes. Clerk Green made the motion for the Legislative Committee to look into the process. Clerk Bock seconded the motion. There was no discussion. Vote was taken and the motion passed unanimously.

Clerk Butterfield continued with her report on 16-17. The money is in the Trust Fund to finish out the year and ready to be released to those Clerks. When the final EC report comes in from all the Clerks, the staff will be making the calculations for the settle-up. Some Clerks will be due additional money because of the settle-up at the end of the year; some Clerks will need to send in additional money to the Trust Fund. The settle-up calculations will be finalized and we are asking that Clerks that need to send in money to please do so and not wait until January.

Clerk Butterfield moved on to the CFY 17-18. As a result of the Clerks' Budget cap, which is set in Statute by the REC, the amount is \$409.4 million. This is the number CCOC is allocated out to all Clerks. This is not close to filling the needs of the Clerks, which was \$461 million. Also, the \$409 million is down 2.99% from the \$422 million given the Clerks to operate in 16-17. In addition, there are fewer funded Clerks and that is a result of Senate Bill 2506 which transferred the 10% now into the Trust Fund. The amount that is projected to be sent in by depository Clerks is less than the amount of what is projected to be sent out to the funded Clerks. That is because there is expected to be some carry-over from the Trust Fund from 16-17 to 17-18. However, those calculations were made before Hurricane Irma. With Hurricane Irma, the Clerks are going to experience a fiscal impact on the Trust Fund. There is a survey that is out to each Clerk's office for the Clerks to give us your estimate of the fiscal impact. There is an expected loss and before we have the individual Clerks' numbers, there is an estimate from statewide data a loss of approximately \$8.6 million. Now the \$409.4 million is closer to \$400 million. Chair Burke asked that every Clerk work on the survey and get it back to the CCOC. He noted that this is revenue lost. Traffic citations diminished tremendously during the hurricane timeframe. Citations are critical to pay Clerks' criminal and nonpaying operations. The money from the citations will not be made up. This is lost revenue for the Clerks to carry out their judicial functions. Chair Burke stated that the Clerks are looking at the Legislature for assistance. Clerk Butterfield asked the Clerks if the survey could be in by October 20, instead of November 1. Chair Burke agreed and said an email would be sent out also.

Clerk Butterfield had one action item that needed to be brought before the Council. This action item is the Budget Forms. There have been changes to the forms as a result to legislation last year and information that has been approved upon. Clerk Butterfield made a motion to approve and adopt the eleven budget forms that are listed in the packet and authorize the Budget Committee Chair to work with staff on any moderate modifications. Clerk Crawford seconded the

motion. There was no discussion and the vote was taken. The motion passed unanimously. This ended the Budget Committee report.

Next was a brief update on the jury funding by Clerk Vick. She stated that she and CCOC staff have been going through a process over the last couple of months trying to determine what the end of the year true up would look like. Basically, the \$11.7 million funding that is provided by the Legislature was from July 1, 2016 to June 30, 2017. At the end of this period, there was a small balance left over but some Clerks had not received sufficient funding for all of their reported juror program costs. Mr. Dew worked with staff from the Legislature, the Department of Revenue and Justice Administrative Commission and finally arrived at a resolution process for Clerks to retain surplus funds and allocate additional funds back to the Clerks that needed them to be made whole for SFY 16/17. Clerk Vick noted that if there were any questions to call her or Mr. Dew. Chair Burke stated that he is not sure why the JAC is handling this jury money for the Clerks. They are not really set up to handle this and properly belongs under the CCOC and would relieve the problems of the distribution of the jury money. Chair Burke entertained a motion to have the Legislative Committee look into possible legislation that would transfer this responsibility to the CCOC from the JAC. Clerk Frank made the motion with Clerk Butterfield seconding. There was no discussion and the vote was taken. The motion passed unanimously.

PIE COMMITTEE

Clerk Green began her PIE Committee report with updates. She noted that there has been an interest in providing another collections summit for the Clerks and staff. This is an effort to share new and innovative ways for collections in the Clerks' offices, best practices and the opportunity for Clerks to share success stories. A survey was sent out and a good response was received. Fifty counties said that they would be participating. The dates for the summit have been set for November 7 and 8 in Orlando at the Rosen Plaza on International Drive. Agenda items thus far include common court collection issues, looking at a toolbox to improve collection efforts, in-house collection programs, etc. She encouraged offices to send participants.

Clerk Green next updated the Council in the progress of Phase 2 of the Framework project. A group of staff members from Clerk's offices have been working on this project for over two years. There are some sub workgroups which is the basis of the deliverables. Clerk Green highlighted three specific updates because they are the ones that are underway. First is the costing project and the intent of this workgroup is to try to figure out a way that we can cost out the Clerks services in their offices. This has gone into Phase 2 costing these services. The focus has been methodology and a pilot with six counties. Citrus, Hernando, Clay, Brevard, Palm Beach and Polk. All are in the process of collecting and submitting their data. The focus was on cases in family court, mental health, domestic violence and indigent cases. The hope is as this methodology is proven out, we will have a better read on the cost to Clerks as we process these cases for which they do not receive any revenue. This will help with the Clerks' story of why additional money is needed to provide these services.

The second update is a workgroup that is looking at the court service revenue streams. This is looking at what the Clerks receive as revenue based for the service areas. The group is identifying what it costs the Clerks to work certain cases they do not get revenue and the ones the Clerks do get revenue and what is that revenue. These two projects are well underway and would like to have revenue stream done by the end of October.

The third group to update had their first meeting last week. They are looking at the performance measures and their validity and relevancy of the measures of today. Clerk Green challenged them to measure quantity and quality. The Clerks may hit a number, but the quality is dropping drastically. Clerk Green thinks that is very important and needs to be captured. Chair Burke asked if there were any questions for Clerk Green. There were none.

Clerk Green then presented on the action item of needing approval for the Quarter 2 Performance Measures Report. The highlights from the January through March were that 11 counties met or exceeded measures which means the remaining 65 counties had at least one action plan and collectively there were 169 action plans. The impacts of fewer staff and lack of funding are being seen. There were some errors on collection and those are being corrected. The Quarter 2 report shows more accurate expected rates. The increase in action plans is due to external reasons. The criminal court collection continues to be a challenge with 65% of the action plans. On the timeliness, 36 of the 69 or 52% of the action plans were system conversions. This is because of the case count project. This should rectify itself in the next quarter. Clerk Green moved that the Council accept the Quarter 2 Performance Measures and action plans with Palm Beach's action plans to be added so the report can be posted on the website. Seconded by Clerk Crawford. Clerk Frank began a discussion on the measuring performance by quality. Clerks are reluctant to bring this up. She would like to see looking at things differently. She noted her office and felt if we look at way we handle the employees and that would tell of the quality. Clerk Green asked if she was trying to tie employee performance to a quality measure. Clerk Frank said she thinks we have to. She just wanted to start this as a conversation without any recommendations, but she feels that this needs to be looked at. Clerk Green noted that this is one of the biggest challenges that this group has is how to properly measure the quality of the work that we provide and the quality of the services we provide. As we continually cut staff, your training is going to suffer, your performance is going to suffer and the quality of service is going to suffer. Chair Burke noted that there are 1800 fewer employees than in 2004 and this translates to mistakes are going to be made. Clerk Green followed by saying these stories need to be told on the premise that mechanisms on the front end from training to quality control and quality review have to be in place in order to prevent those things and that when they do happen the Clerks know that the right controls were in place. Clerk Butterfield noted that it is good to have management philosophy, but the Clerks' do not have the resources to operate their offices. Clerk Green said that it is the goal of that team is to do a better job at defining those measures so we can see those impacts. There was a motion and a second previously made. Vote was taken and the motion passed unanimously.

REQUIREMENT FOR CCOC ANNUAL REPORT TO LEGISLATURE

Chair Burke noted that the CCOC is now charged under Statute under Senate Bill 2506 to prepare and submit a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Chairs of the Legislative Appropriations Committees by January 1st of each year on the operation activities of the corporation detailing the budget development of the Clerks of Court and the end of the year reconciliation of actual expenditures versus projected expenditures for each Clerk of Court. This is a statutory obligation that CCOC needs to fulfill. Chair Burke asked that Clerk Butterfield be tasked to head up this process with the help of her staff and a committee of Clerk Green, Clerk Bock, and Chair Burke. Clerk Crawford made a motion in support of Chair Burke's recommendation. Clerk Newton seconded the motion. Chair Burke asked if there was any discussion. Hearing none a vote was taken and passed unanimously.

REVENUE ENAHANCMENT/FUNDING MODEL COMMITTEE

Chair Burke noted that the CCOC has a duty and a responsibility to make recommendations as to how to fulfill our responsibilities and insure there is adequate funding to do so. He stated that this is extremely important responsibility and we have to communicate this to the Governor, to the Speaker, to the Senate President, to the two Appropriations Chairs, to the two subcommittee Appropriation Chairs that handle our matters. They must know that this is what we are doing in fulfillment of our statutory obligation. He therefore activated the Revenue Enhancement Committee and appointed Clerk Moore-Russell as the Chair. He further asked the Committee to examine new funding models since the previous models have not assured proper funding.

Clerk Russell reported that the committee had their initial meeting in September in Orlando. She thanked members Clerk O'Neil, Clerk Conrad, Clerk Ruvin, and Clerk Irby for serving on the committee with her. Much of the first meeting was used to first educate the members on the history of funding Clerks' budgets and in particular the change in the process from local to state responsibility in 2004 due to the revision to Article V of the State Constitution, and the many changes since required by the legislature. There was also much discussion on all the different ideas that they had heard from other Clerks and staff on how to improve the funding model.

After the September meeting they heard from Chair Burke that due to Hurricane Irma that there would potentially be a revenue shortfall impacting the current fiscal year budget which meant the Committee's recommendations for funding sources are needed sooner than later. The Committee therefore met again on October 2nd and it was the recommendation of the committee to take a previously created CCOC revenue options document to update and amend and provide new proposals to recommend to the CCOC Legislative Committee to make up the Clerks' deficits. The committee voted on the document and it was provided to the CCOC Legislative Committee for their review. The Legislative Committee met and made some slight revisions to the revenue options document. Clerk Burke asked that Clerk Russell and Clerk Timmann provide a summary of the report jointly for the Council members.

Clerk Timmann and Clerk Russell began going through the report. Clerk Timmann started with the background. She stated that this is an ongoing project. The goal was to go ahead and start moving this report forward to the Legislature, however she wants to make sure that everyone understands that this is not a completed project. So, if anyone has any ideas to please pass that along so we can continue adding to the report. This is not a closed report, but we also want to go ahead and move it forward so we have something to start working on.

Chair Burke asked if this report gives us the funds necessary to support a needs-based budget. Clerk Timmann said yes and noted that this report provides a full menu of revenue options. These options have a lot of flexibility to the policymakers and to ourselves.

Clerk Timmann and Clerk Russell spoke of the options given in the report. The report was posted on the CCOC website as well as copies were handed out to the Executive Council members present. The description of the options was found on page 4, 5 and 6. Clerk Russell noted that the options were not prioritized because her committee wanted to give the Legislative Committee the flexibility to determine which options they think they can move forward with.

Clerk Russell went over in detail each of the five options for receiving additional funds. Clerk Russell then spoke about other options include enhanced collection enforcement mechanisms, provision for increased FRS costs, and provision for increased health insurance. Clerk Newton was recognized and stated that this is an important part in what we are asking. FRS costs and health insurance go up each year and other agencies receive increases to cover those costs. As our revenues are decreasing, the costs of our benefits continue to rise. Clerk Butterfield agreed with Clerk Newton. She noted that state agencies budgets do not contain the increases. The increases are funded from outside. The Clerks' budgets must fund the increases within their budgets. She wanted to clarify that any increases would be done using the same methodology for increases as state agencies. The last option is that Clerks would be allowed to have a 3-5% reserve. The Clerks do not have a reserve for emergencies. As an example, the impact of Hurricane Irma on revenues will mean Clerks will not have sufficient dollars to support their approved budgets in CFY 17/18 without seeking help from the Legislature.

Clerk Russell concluded that these are the options that have been presented to the Legislative Committee that will be now be presenting to the Council today. The Committee will be meeting again later in the year and will be talking about future models for ten years down the road. In ten years, what is the Clerk's model going to look like for revenue. These discussions will be part of our future meetings. Chair Burke entertained a motion that this report is our statutory fulfillment of our obligation with the understanding that the actual wording will be left to the Legislative Committee and there will be an accompanying memo which will be signed by him and Clerk Timmann as the Legislative Committee Chair to be put forth to the Legislative leaders and the Governor. Clerk Green made the motion with a second by Clerk Crawford. Chair Burke asked if there was any discussion. The discussion was started by Clerk Crawford. He wanted to thank all that had worked on this. Clerk Russell said that the thanks go to the CCOC staff and the Clerks who have helped to build this document. The group now just added to what was created in the past. Chair Burke thanked Clerk Russell for her leadership. The question was asked who would retain the 5% reserve. Clerk Russell said it would be her opinion that it would be housed at the CCOC. Chair Burke noted there these recommendations are still just concepts and the details

would be worked out during the process. The overall concept of the recommendations is to make sure the Clerks get reimbursed for the work they do. There was no more discussion and the vote was taken. The motion passed unanimously.

LEGISLATIVE REPORT

Clerk Timmann began her report by going over some of the activities of the Legislative Committee. They have had two meetings since September 22nd. This included the organization meeting preparing for the 2018 Legislative session. We refer to our statutory responsibilities as I did at the beginning of the conversation. We asked that all the members of the CCOC Legislative Committee provide information of their availability during committee meetings and then doing the same for session to make sure that we know which clerks are available to be either on deck or on call to assist with responding to any issues that arise during committees and session including direct questions and requests for information by legislative staff and Legislators as well as just being able to be on hand to provide expert information on the CCOC's roles. The Committee is working closely with the FCCC on this to make sure that we are working in tandem to provide the most efficient responses possible. Most Clerks have responded and will follow up with those who have not. The Committee talked about the process for handling fiscal impact bill analyses as we did last year. That worked very well and I must reach out and applaud all the finance staff out in the Clerks' offices. The process has already started as bills are being filed. We are looking at them independently to see right away if we think there might be an impact to Clerks as well as responding to Legislature for analyses. If there are any policy implications, we make sure to coordinate with the FCCC side as well so we are speaking with one voice and have all the experts at the table to provide that information. If you have any idea on projects, committee projects, please pass those along. Also, we received an update from Clerk Green on the PIE Committee. It seems like every time we are at a committee meetings or speaking to Legislators the issue continues to come up on how much does our actual work cost. The work that her committee is doing is really playing into everything that we are being asked about and now we are being able to have real responses. Clerk Timmann feels that is making a significant change. The Legislators care about the actual cost. We established a workgroup led by Clerk Eaton to go ahead and start working through Senate Bill 2506 from last year. As we recognize with any big package, any bill there is always for some opportunities for some clarifications and some other options. She asked Clerk Eaton if he had anything to add. Clerk Eaton said they had had a conference call last week to get started. Some comments have come from Legislative staff. They also indicated that they felt that there was some clarification needed in Senate Bill 2506. So, if that bill is opened, we want to make sure we have the opportunity to step in and provide any improvements that are possible. As far as an action item, Clerk Timmann is asking for the formal approval for the process of bill fiscal analyses. The motion was made by Clerk Butterfield and seconded by Clerk Green. Chair Burke asked if there was any discussion. Hearing none, the vote was taken and passed unanimously. That was the end of her report and Chair Burke thanked her for her work.

TCBC REPORT

Chair Burke asked Judge Ficarrotta to give his report. He thanked Chair Burke and began his report noting that there is a Chief Judge Meeting coming up in Tallahassee in the next week or two. We have a conference call on our budget request soon. The TCBC is looking forward to session with the same trepidation as the Clerks. The Legislature expects us to work together. He was impressed with the report that Clerk Green and Clerk Timmann had put together regarding the data that has been all have collected. It is so important. The Legislators do not understand what the Clerks do and they do not understand what the Courts do. "You have to educate before you can advocate. He believes that the Clerks are headed in the right direction on that. He ended by stating that he looks forward to working with the Clerks. The Courts and the Clerks are in the same boat. Chair Burke thanked the Judge.

OTHER BUSINESS

Chair Burke noted that he and Mr. Dew meet administratively 9:00 AM every Monday morning by phone. We go over administrative matters. He appreciates this opportunity and it helps him be aware of the many projects the CCOC is working on as well as the budget issues Clerks are facing.

Clerk Green wanted to speak that during the CCIS meeting there was a discussion about establishing a more formal partnership with CCOC staff as it relates to the use of CCIS data elements and the workgroup that they have established. One is data, one is reporting, one is the data quality workgroup and the last is security. She recommended to officially assign somebody from CCOC staff to participate in these workgroup meetings so that as CCIS is to be enhanced and looked at, we are also including the needs of the CCOC from the data element perspective. Denise Bell will participate as an external staff member in a Clerk's office. I think it would probably be a good idea to have Doug Isabelle and Lisa Daws from the technical perspective to get involved. There was no need for an action item. All agree that is a good idea. Clerk Butterfield noted that the CCIS is a valuable source of data.

Clerk Green made a motion to adjourn. Seconded by Clerk Newton. Vote was taken and passed unanimously.



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AGENDA ITEM 3

Date: December 18, 2017

Subject: CCOC Contracts

Council Action: Approve Contract Extensions and RFQ

Executive Council Action: Approve seven (7) contract extensions and a RFQ for internal IT Department review.

Overview/Background:

Section 28.35, (4) F.S. authorizes the CCOC to pay expenses as necessary to perform the official duties and responsibilities of the corporation. During 2017 the CCOC managed seven (7) contracts for financial, auditing, education, technology, budget, HR, and janitorial services. The CCOC contracts provide an option to extend the contract an additional year for up to 2 additional years not to exceed 3 years on condition that CCOC is provided adequate funding. Staff evaluated these contracts and the vendors agreed to extend their contracts for 2018 at their current rate. The contract extensions are attached. Click on the link for the original contracts: <http://flccoc.org/meetingmaterials.php?recordID=MT0413>

Vendor	Service Provided	Contract rate/deliverable/tasks
Lanigan & Associates	Annual Financial Audit	\$8,000/deliverable
Bill Sittig, CPA, LLC	Internal audit and financial support	\$85 per hour/task assignment
Florida Court Clerks and Comptroller (FCCC)	Clerk Education	\$286,900/deliverable
Epyon Inc	Technology support and training	\$80 per hour/task assignment
Krizner	Human Resource audit and training	\$5,700 /retainer
Glenn Robertson & Associates	Budgeting Services	\$125 per hour/task assignment
Clean Expectations	Janitorial Services	\$75 bi-weekly

Please note that the FCCC Education contract extension was amended for the following reasons:

1. Section 3.2—vendor invoicing is due on the 15th of the month for the costs of services rendered by the vendor for the previous calendar month. Vendor invoicing will now be due on the 15th of the month following the end of a quarter (March, June, September, December). This change will be more in line with the services provided by the FCCC and the invoicing process.
2. FCCC will provide to the CCOC a letter and certificate for each Clerk that completes the New Clerk Academy.
3. The Education Plan will be amended to include a Joint CCOC and FCCC conference during the 2018 extension.

Lastly, staff is seeking approval for a Request for Quote (RFQ) for a vendor to conduct a review of CCOC's "IT" department as well as reviewing potential improvements of the Performance Based Budget System (PABS). Currently, the CCOC employs one (1) full time person as IT Supervisor. When this person is out of the office, there is limited back-up support. Given the nature of CCOC business and the need to provide timely and accurate data to Clerks, their staff, and the Legislature; the CCOC would like a technology vendor to conduct an independent review of CCOC's business processes. Also, the current PABS is more than five years old and should be reviewed to determine ways to improve and update this system as a means to improved statewide budgeting. (See attached for specific needs.) This review would be a phased approach starting Spring of 2018 depending on available funds.

Lead staff:

Douglas Isabelle, Deputy Executive Director

Attachments:

- 1) Seven contract extensions.
- 2) Draft RFQ for "IT" Review

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 HILLSBOROUGH COUNTY

TODD NEWTON
 GILCHRIST COUNTY

JEFFREY R. SMITH, CPA
 INDIAN RIVER COUNTY

RON FICARROTTA
 13TH JUDICIAL CIRCUIT JUDGE
 SUPREME COURT APPOINTEE

KYLE HUDSON
 HOLMES COUNTY
 SENATE APPOINTEE

PAULA S. O'NEIL, PH.D.
 PASCO COUNTY
 HOUSE APPOINTEE

JOHN DEW
 EXECUTIVE DIRECTOR

JOE BOYD
 GENERAL COUNSEL

2560-102 BARRINGTON CIRCLE | TALLAHASSEE, FLORIDA 32308 | PHONE 850.386.2223 | FAX 850.386.2224 | WWW.FLCCOC.ORG

Extension of Contract

The initial contract between the CCOC and Lanigan & Associates dated February 11, 2016, for External Audit Services expires December 31, 2017 and is given a one-year extension that will expire December 31, 2018. Lanigan & Associates has agreed to a one-year extension as offered by the CCOC Contract Manager, Douglas Isabelle that begins on January 1, 2018.

Professional Services Agreement

- 1) The parties agree to extend this contract for an additional one-year period, which will begin immediately on the expiration of the original time period and will end on December 31, 2018.
- 2) All other terms and conditions of this contract remain unchanged.
- 3) This document, including the attached original contract and 2018 extension is the entire agreement between the parties.
- 4) The original and one of more copies, including facsimile copies of this Agreement may be executed by one or more of the parties hereto. In such event, all of such executive copies shall have the same force and effect as the executed original, and all of such counterparts, taken together shall have the effect of a fully executed original.

IN WITNESS WHEREOF, this Extension of Contract has been executed by the parties hereto as of the effective date of January 1, 2018.

Florida Clerks of Court Operations Corporation

Lanigan & Associates

Signature: _____

Signature: _____

Chair

Date: _____

Date: _____

Witness: _____

Witness: _____

Ken Burke, CPA
 PINELLAS COUNTY
 EXECUTIVE COUNCIL CHAIR
Stacy Butterfield, CPA
 POLK COUNTY
 VICE-CHAIR
Tara S. Green
 CLAY COUNTY
 SECRETARY/TREASURER



SHARON R. BOCK, ESQ.
 PALM BEACH COUNTY
 JOHN CRAWFORD
 NASSAU COUNTY
 PAT FRANK
 HILLSBOROUGH COUNTY
 TODD NEWTON
 GILCHRIST COUNTY

JEFFREY R. SMITH, CPA
 INDIAN RIVER COUNTY
 RON FICARROTTA
 13TH JUDICIAL CIRCUIT JUDGE
 SUPREME COURT APPOINTEE
 KYLE HUDSON
 HOLMES COUNTY
 SENATE APPOINTEE

PAULA S. O'NEIL, PH.D.
 PASCO COUNTY
 HOUSE APPOINTEE
 JOHN DEW
 EXECUTIVE DIRECTOR
 JOE BOYD
 GENERAL COUNSEL

2560-102 BARRINGTON CIRCLE | TALLAHASSEE, FLORIDA 32308 | PHONE 850.386.2223 | FAX 850.386.2224 | WWW.FLCCOC.ORG

Extension of Contract

The initial contract between the CCOC and Bill Sittig, CPA dated December 31, 2015, for Internal Audit services expires December 31, 2017 and is given a second extension that will expire December 31, 2018. Mr. Bill Sittig has agreed to a one-year extension as offered by the CCOC Contract Manager, Douglas Isabelle that begins on January 1, 2018.

Professional Services Agreement

- 1) The parties agree to extend this contract for an additional one-year period, which will begin immediately on the expiration of the original time period and will end on December 31, 2018.
- 2) All other terms and conditions of this contract remain unchanged.
- 3) This document, including the attached original contract and 2018 extension is the entire agreement between the parties.
- 4) The original and one of more copies, including facsimile copies of this Agreement may be executed by one or more of the parties hereto. In such event, all of such executive copies shall have the same force and effect as the executed original, and all of such counterparts, taken together shall have the effect of a fully executed original.

IN WITNESS WHEREOF, this Extension of Contract has been executed by the parties hereto as of the effective date of January 1, 2018.

Florida Clerks of Court Operations Corporation

Bill Sittig, CPA

Signature: _____

Signature: _____

Chair

Bill Sittig (owner)

Date: _____

Date: _____

Witness: _____

Witness: _____

Ken Burke, CPA
 PINELLAS COUNTY
 EXECUTIVE COUNCIL CHAIR
Stacy Butterfield, CPA
 POLK COUNTY
 VICE-CHAIR
Tara S. Green
 CLAY COUNTY
 SECRETARY/TREASURER



SHARON R. BOCK, ESQ.
 PALM BEACH COUNTY

 JOHN CRAWFORD
 NASSAU COUNTY

 PAT FRANK
 HILLSBOROUGH COUNTY

 TODD NEWTON
 GILCHRIST COUNTY

JEFFREY R. SMITH, CPA
 INDIAN RIVER COUNTY

 RON FICARROTTA
 13TH JUDICIAL CIRCUIT JUDGE
 SUPREME COURT APPOINTEE

 KYLE HUDSON
 HOLMES COUNTY
 SENATE APPOINTEE

PAULA S. O'NEIL, PH.D.
 PASCO COUNTY
 HOUSE APPOINTEE

 JOHN DEW
 EXECUTIVE DIRECTOR

 JOE BOYD
 GENERAL COUNSEL

2560-102 BARRINGTON CIRCLE | TALLAHASSEE, FLORIDA 32308 | PHONE 850.386.2223 | FAX 850.386.2224 | WWW.FLCCOC.ORG

Extension of Contract

The initial contract between the CCOC and FCCC dated December 31, 2015, for Educational Services expires December 31, 2017 and is given a second extension that will expire December 31, 2018. Florida Clerks and Comptrollers has agreed to a one-year extension as offered by the CCOC Contract Manager, Douglas Isabelle that begins on January 1, 2018.

Professional Services Agreement

- 1) The parties agree to extend this contract for an additional one-year period, which will begin immediately on the expiration of the original time period and will end on December 31, 2018.
- 2) All other terms and conditions of this contract remain unchanged.
- 3) This document, including the attached original contract and 2018 extension is the entire agreement between the parties.
- 4) The original and one of more copies, including facsimile copies of this Agreement may be executed by one or more of the parties hereto. In such event, all of such executive copies shall have the same force and effect as the executed original, and all of such counterparts, taken together shall have the effect of a fully executed original.

IN WITNESS WHEREOF, this Extension of Contract has been executed by the parties hereto as of the effective date of January 1, 2018.

Florida Clerks of Court Operations Corporation

Signature: _____

Chair

Date: _____

Witness: _____

Florida Clerks and Comptrollers

Signature: _____

Chris Hart, Executive Director

Date: _____

Witness: _____

Ken Burke, CPA
 PINELLAS COUNTY
 EXECUTIVE COUNCIL CHAIR
Stacy Butterfield, CPA
 POLK COUNTY
 VICE-CHAIR
Tara S. Green
 CLAY COUNTY
 SECRETARY/TREASURER



SHARON R. BOCK, ESQ.
 PALM BEACH COUNTY
 JOHN CRAWFORD
 NASSAU COUNTY
 PAT FRANK
 HILLSBOROUGH COUNTY
 TODD NEWTON
 GILCHRIST COUNTY

JEFFREY R. SMITH, CPA
 INDIAN RIVER COUNTY
 RON FICARROTTA
 13TH JUDICIAL CIRCUIT JUDGE
 SUPREME COURT APPOINTEE
 KYLE HUDSON
 HOLMES COUNTY
 SENATE APPOINTEE

PAULA S. O'NEIL, PH.D.
 PASCO COUNTY
 HOUSE APPOINTEE
 JOHN DEW
 EXECUTIVE DIRECTOR
 JOE BOYD
 GENERAL COUNSEL

2560-102 BARRINGTON CIRCLE | TALLAHASSEE, FLORIDA 32308 | PHONE 850.386.2223 | FAX 850.386.2224 | WWW.FLCCOC.ORG

Extension of Contract

The initial contract between the CCOC and Epyon Technologies, Inc. dated December 31, 2015, for Educational Services expires December 31, 2017 and is given a second extension that will expire December 31, 2018. Epyon Technologies, Inc. has agreed to a one-year extension as offered by the CCOC Contract Manager, Douglas Isabelle that begins on January 1, 2018.

Professional Services Agreement

- 1) The parties agree to extend this contract for an additional one-year period, which will begin immediately on the expiration of the original time period and will end on December 31, 2018.
- 2) All other terms and conditions of this contract remain unchanged.
- 3) This document, including the attached original contract and 2018 extension is the entire agreement between the parties.
- 4) The original and one of more copies, including facsimile copies of this Agreement may be executed by one or more of the parties hereto. In such event, all of such executive copies shall have the same force and effect as the executed original, and all of such counterparts, taken together shall have the effect of a fully executed original.

IN WITNESS WHEREOF, this Extension of Contract has been executed by the parties hereto as of the effective date of January 1, 2018.

Florida Clerks of Court Operations Corporation

Signature: _____

Chair

Date: _____

Witness: _____

Epyon Technologies Inc.

Signature: _____

Date: _____

Witness: _____

Ken Burke, CPA
 PINELLAS COUNTY
 EXECUTIVE COUNCIL CHAIR
Stacy Butterfield, CPA
 POLK COUNTY
 VICE-CHAIR
Tara S. Green
 CLAY COUNTY
 SECRETARY/TREASURER



SHARON R. BOCK, ESQ.
 PALM BEACH COUNTY
 JOHN CRAWFORD
 NASSAU COUNTY
 PAT FRANK
 HILLSBOROUGH COUNTY
 TODD NEWTON
 GILCHRIST COUNTY

JEFFREY R. SMITH, CPA
 INDIAN RIVER COUNTY
 RON FICARROTTA
 13TH JUDICIAL CIRCUIT JUDGE
 SUPREME COURT APPOINTEE
 KYLE HUDSON
 HOLMES COUNTY
 SENATE APPOINTEE

PAULA S. O'NEIL, PH.D.
 PASCO COUNTY
 HOUSE APPOINTEE
 JOHN DEW
 EXECUTIVE DIRECTOR
 JOE BOYD
 GENERAL COUNSEL

2560-102 BARRINGTON CIRCLE | TALLAHASSEE, FLORIDA 32308 | PHONE 850.386.2223 | FAX 850.386.2224 | WWW.FLCCOC.ORG

Extension of Contract

The initial contract between the CCOC and The Krizner Group dated January 1, 2017, for HR Services expires December 31, 2017 and is given a one-year extension that will expire December 31, 2018. The Krizner Group has agreed to a one-year extension as offered by the CCOC Contract Manager, Douglas Isabelle that begins on January 1, 2018.

Professional Services Agreement

- 1) The parties agree to extend this contract for an additional one-year period, which will begin immediately on the expiration of the original time period and will end on December 31, 2018.
- 2) All other terms and conditions of this contract remain unchanged.
- 3) This document, including the attached original contract and 2018 extension is the entire agreement between the parties.
- 4) The original and one of more copies, including facsimile copies of this Agreement may be executed by one or more of the parties hereto. In such event, all of such executive copies shall have the same force and effect as the executed original, and all of such counterparts, taken together shall have the effect of a fully executed original.

IN WITNESS WHEREOF, this Extension of Contract has been executed by the parties hereto as of the effective date of January 1, 2018.

Florida Clerks of Court Operations Corporation

The Krizner Group

Signature: _____

Signature: _____

Chair

Date: _____

Date: _____

Witness: _____

Witness: _____

Ken Burke, CPA
 PINELLAS COUNTY
 EXECUTIVE COUNCIL CHAIR
Stacy Butterfield, CPA
 POLK COUNTY
 VICE-CHAIR
Tara S. Green
 CLAY COUNTY
 SECRETARY/TREASURER



SHARON R. BOCK, ESQ.
 PALM BEACH COUNTY
 JOHN CRAWFORD
 NASSAU COUNTY
 PAT FRANK
 HILLSBOROUGH COUNTY
 TODD NEWTON
 GILCHRIST COUNTY

JEFFREY R. SMITH, CPA
 INDIAN RIVER COUNTY
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 HOLMES COUNTY
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 PASCO COUNTY
 HOUSE APPOINTEE
 JOHN DEW
 EXECUTIVE DIRECTOR
 JOE BOYD
 GENERAL COUNSEL

2560-102 BARRINGTON CIRCLE | TALLAHASSEE, FLORIDA 32308 | PHONE 850.386.2223 | FAX 850.386.2224 | WWW.FLCCOC.ORG

Extension of Contract

The initial contract between the CCOC and Glenn Robertson dated December 31, 2015, for Budget Services expires December 31, 2017 and is given a second extension that will expire December 31, 2018. Mr. Glenn Robertson has agreed to a one-year extension as offered by the CCOC Contract Manager, Douglas Isabelle that begins on January 1, 2018.

Professional Services Agreement

- 1) The parties agree to extend this contract for an additional one-year period, which will begin immediately on the expiration of the original time period and will end on December 31, 2017.
- 2) All other terms and conditions of this contract remain unchanged.
- 3) This document, including the attached original contract and 2018 extension is the entire agreement between the parties.
- 4) The original and one of more copies, including facsimile copies of this Agreement may be executed by one or more of the parties hereto. In such event, all of such executive copies shall have the same force and effect as the executed original, and all of such counterparts, taken together shall have the effect of a fully executed original.

IN WITNESS WHEREOF, this Extension of Contract has been executed by the parties hereto as of the effective date of January 1, 2018.

Florida Clerks of Court Operations Corporation

Glenn Robertson and Associates

Signature: _____

Signature: _____

Chair

Glenn Robertson (owner)

Date: _____

Date: _____

Witness: _____

Witness: _____

Ken Burke, CPA
 PINELLAS COUNTY
 EXECUTIVE COUNCIL CHAIR
Stacy Butterfield, CPA
 POLK COUNTY
 VICE-CHAIR
Tara S. Green
 CLAY COUNTY
 SECRETARY/TREASURER



SHARON R. BOCK, ESQ.
 PALM BEACH COUNTY
 JOHN CRAWFORD
 NASSAU COUNTY
 PAT FRANK
 HILLSBOROUGH COUNTY
 TODD NEWTON
 GILCHRIST COUNTY

JEFFREY R. SMITH, CPA
 INDIAN RIVER COUNTY
 RON FICARROTTA
 13TH JUDICIAL CIRCUIT JUDGE
 SUPREME COURT APPOINTEE
 KYLE HUDSON
 HOLMES COUNTY
 SENATE APPOINTEE

PAULA S. O'NEIL, PH.D.
 PASCO COUNTY
 HOUSE APPOINTEE
 JOHN DEW
 EXECUTIVE DIRECTOR
 JOE BOYD
 GENERAL COUNSEL

2560-102 BARRINGTON CIRCLE | TALLAHASSEE, FLORIDA 32308 | PHONE 850.386.2223 | FAX 850.386.2224 | WWW.FLCCOC.ORG

Extension of Contract

The initial contract between the CCOC and Clean Expectations dated November 25, 2014, for Janitorial Services is given an extension that will expire December 31, 2018. Mr. Stephan Bragg, Owner has agreed to a one-year extension as offered by the CCOC Contract Manager, Douglas Isabelle that begins on January 1, 2018.

Professional Services Agreement

- 1) The parties agree to extend this contract for an additional one-year period, which will begin immediately on the expiration of the original time period and will end on December 31, 2018.
- 2) All other terms and conditions of this contract remain unchanged.
- 3) This document, including the attached original contract and 2018 extension is the entire agreement between the parties.
- 4) The original and one of more copies, including facsimile copies of this Agreement may be executed by one or more of the parties hereto. In such event, all of such executive copies shall have the same force and effect as the executed original, and all of such counterparts, taken together shall have the effect of a fully executed original.

IN WITNESS WHEREOF, this Extension of Contract has been executed by the parties hereto as of the effective date of January 1, 2018.

Florida Clerks of Court Operations Corporation

Clean Expectations, LLC

Signature: _____

Signature: _____

Chair

Stephen Bragg (owner)

Date: _____

Date: _____

Witness: _____

Witness: _____

Request for Quote (RFQ)

Information Technology Department Review

The Clerks of Court Operations Corporation (“CCOC”) is a legislatively created corporate entity, created under Section 28.35, Florida Statutes. Its mission is to review and recommend budgets for court-related duties of the 67 Clerks of Circuit Court and to encourage Clerk’s best practices using performance standards. CCOC office is headquartered in Tallahassee. Its web page is www.flccoc.org.

The CCOC needs certain services as more fully described below. This RFQ is intended to secure one or more qualified and affordable contractors to provide potentially all, part or none of such services.

This is an RFQ to select service providers to meet the service needs of CCOC. This RFQ consist of this transmittal only, and contains the instructions for the preparation of quotes, costs breakdown, minority business enterprise inquiry, and timeframe. Costs breakdown in any quote shall include an hourly rate for each employee, inclusive of all direct costs, for services provided in Leon County, Florida. Any quote should also include the qualifications to be required of each person designated to perform billable services.

Notice if Intent to Bid (Attachment 1) must be received by January 29th, 2018. The notice shall be sent by email to rfqtechnology@flccoc.org.

Submission of the quote is due by February 26th, 2018. Direction for submission are included in the Request for Quote.

1.0 INTENT

1.1 Respondents are to submit a written quote that presents the respondent’s qualifications, understanding of work to be performed, and description of fees. The respondent’s quote should be prepared simply and economically and should provide all the information pertinent to its qualifications that respond to the Scope of Services listed herein.

1.2 Point of Contact: CCOC requires that respondents restrict all contact and questions regarding this RFQ to the individual named below. Questions concerning terms and conditions and technical specifications shall be directed in writing to:

John Dew, Executive Director, Florida CCOC
2560-102 Barrington Circle
Tallahassee, Florida 32308
RFQtechnology@flccoc.org

2.0 Scope of Services

2.1 Review / Assessment of CCOC's "IT" department. The goal would be to assist CCOC management with recommending, acquiring or outsourcing IT staffing services in the event of staff turnover or unforeseen unavailability of IT resources. The result of this review would identify the risks in the current IT business processes and technical resources, along with recommendations to mitigate those risks. CCOC's "IT" department is currently staffed by the Technical Resources Director and one part-time intern. CCOC currently uses Microsoft SBS 2012 in a VMware environment, Veeam Backup, Office 365, Microsoft SQL server in a cloud environment, cloud based web hosting and other PC based applications. The routine duties such as PC installation, troubleshooting hardware issues, software installation support and break / fix tasks and help desk are contracted to a third-party vendor.

2.1 Deliverables:

Develop a series of reference document(s) that lists an inventory of all vital internal and external technical assets, their purpose in the organization, and how to access them including any security credentials. These documents would be editable and would be maintained by the CCOC IT staff to reflect changes over time.

- a. List of internal assets – hardware, software and paragraph about their function within CCOC
- b. List of external assets – hardware, software and paragraph about their function within CCOC
- c. List of security credentials and how to access them. This data will be put into LastPass to be used within CCOC.
- d. Document that identify the risks in the current IT business processes and technical resources
- e. Suggest improvements to the IT process that will mitigate the risks described in d. above.
- f. Identify IT processes that may be more effectively managed by a third-party "IT" vendor.

2.2 Business Systems Analysis of PABS

2.2.1 Develop business process documentation for PABS that includes process flow charts for receiving, storing, and reporting on all budgetary data. This would include all back end and front-end systems, processes, identification of data dictionaries, and data stores. Include workflow diagrams for processes that identify all manual and automated steps up to the detailed technical routine (including SQL Queries, macros and batch jobs. The process starts from initial request for budgets / budget revisions and ends with issuing approved or revised budgets. In addition, there are other monthly monitoring reports for expenditures, revenues, and performance reports.

Provide description(s) of each step in the workflow diagrams. The technical processes details for SQL Queries, macros and batch jobs shall be identified with a title in the flow diagrams, the details of what when and how are required in section 2.2.2. If a process block references a specific input or output form or screen in the system, screenshots of the forms should also be included. The swim lane diagrams will identify external / internal department(s) or personnel responsible for the steps in the process. All workflow diagrams / process flow charts will be furnished in a cloud based or standalone software package

that can be updated by CCOC staff once completed. One of the two mapping packages will be used. They are identified as Lucid Chart (<https://www.lucidchart.com>) or Smart Draw (<https://www.smartdraw.com>). For Process level definitions and diagrams refer to attachment 3 Process Level Definitions.

2.2.1 Deliverables:

Develop a series of Level 1 and level 2 flow charts that depict the PABS system in its current state.

- a. Develop the list of stakeholders and personnel that are involved in the process.
- b. Complete necessary Level 1 and Level 2 process flow and swim lane diagrams to describe the process.
- c. Review, validate, and correct the charts that are developed as part of 2.2.1 with CCOC personnel prior to 2.2.2 deliverables.

2.2.2 Develop a detailed system analysis of the PABS process of collecting over a two dozen reports from each of the 67 counties, transforming and uploading the data into the current data warehouse (SQL Server), and then aggregating, shaping, and disseminating the data to end-users.

This analysis would include:

- 1) Decompose / reverse engineer the current mapping of each report to the back-end data warehouse.
- 2) Provide the business meaning of each data element.
- 3) Identifying all validations and business process workflow operations (including forecasting) related to each data element.
- 4) Provide a process description and technical details for each automated process including for SQL Queries, macros and batch jobs within the PABS application and any spreadsheets used as input. Include routines currently used to manipulate and load the data for each report into the data warehouse.
- 5) Provide a detail process description for each current Excel file used to pull data subsets from the read-only partial replication of the data warehouse.
- 6) Provide other manual or administrative tasks related to the coordination and execution of these processes.
- 7) Identify business processes within PABS that may be more effectively managed by third-party "IT" vendor.
- 8) Identifying requirements for building a new PABS system that is dynamic, configurable, and resilient to change with process change recommendations.

2.2.2 Deliverables:

Develop a series of Level 3 and 4 flow charts that depict the PABS system in its current state. In addition to the flow charts, include the detail data dictionary, SQL database and table structure and other technical details to describe the current state of the PABS system.

- a. Complete necessary Level 3 and Level 4 process flow and swim lane diagrams to describe the detail technical processes.
- b. Provide a PABS data dictionary, SQL data tables, and table relationships.
- c. Document SQL Queries, macros and batch jobs
- d. Document All Excel files, Excel templates, macros or other programming used in the spreadsheet process
- e. Specifically identify manual or administrative tasks related to the coordination and execution of the PABS processes. Recommend automation of these processes where possible
- f. As an outcome of this analysis, identify any areas that might require detail business process reengineering including areas for updates to the current state of CCOC's PABS.

3.0 Services

3.1 There will be no guarantee of a minimum level of service to be acquired by CCOC.

3.2 The Corporation shall not be charged for research time or time spent waiting for scans, software loads, etc. The Corporation shall only be charged for active time working towards a resolution. It is understood that this is a government rate provided to the vendor and as such, the Corporation shall provide tax exemption and other necessary documentation for vendor records.

3.3 This is a one-year contract. CCOC maintains the option to renew this contract for each of the two subsequent years (on a year-to-year basis) at the discretion of the CCOC and agreement with the vendor.

4.0 Requirements to be provided

4.1 The Notice of Intent to Bid, is nonbinding; however, it ensures the receipt of all addenda related this RFQ. Quotes will be accepted only from applicants who submitted a timely Notice of Intent to Bid. (See Attachment 1)

4.2 Format and number of copies to be submitted: One (1) electronic copy of each quote must be submitted via CD, USB thumb drive or Dropbox or by e-mail (only if under 10 MB).

4.3 Quote shall be signed by the person authorized by the respondent as the primary representative or officer.

4.4 Respondents shall include as part of their quote responses to the following information at a minimum:

- 4.4.1 Name, address, telephone number, etc. of the firm or person submitting the quote;
- 4.4.2 Qualifications, certifications, and education professional resume of all persons that would provide services under any resulting contract;
- 4.4.3 A straightforward, concise description of capabilities to satisfy the requirements of the RFQ;
- 4.4.4 References;
- 4.4.5 Fee schedule and rates, the cost to CCOC for the services offered (attachment 1); and
- 4.4.6 A written description of any (i) litigation during the past (5) yeas involving the respondent or any person listed in the response relating to professional services, including a summary of the disposition of such matter or matters; and (ii) a list of any grievances filed within the past five (5) years against respondent or any person listed in the response with any regulatory or judicial body, including a summary of the disposition of such matter or matters.

5.0 Reference

All respondents shall include a list of a minimum of three (3) references, for similar services only, who could attest to the respondent's knowledge, quality of work, timeliness, diligence, and flexibility. Include names, contact persons, and phone numbers of all references.

6.0 Evaluation Methodology

The CCOC will evaluate proposals from responsive vendors who have utilized the criteria below in 7.0 Evaluation Criteria. Evaluations will be conducted by an evaluation team. Scoring will be based on a possible 100 points. The CCOC may invite one or more of the most highly qualified respondents to attend a formal interview.

7.0 Evaluation Criteria

These criteria are to be utilized in the evaluation of the Quotes of those respondents to be considered. Respondents are required to address each evaluation criteria in the order listed and to be specific in presenting their qualifications.

7.1 Flexibility/understanding of requirements --- (20 points) The degree to which the respondent has answered the purpose and scope e.g. services to be provided--- flexibility of respondent to meet the CCOC needs, conformance in all materials respect to this RFQ, etc.

7.2 Capability --- (20 points) The respondent that has the capability in all respects to perform fully the contract requirements and the moral and business integrity and reliability that will assure good faith performance as required by these specifications. Also includes respondent's capability and skill to provide the products or perform the services stated in these specifications.

7.3 Experience--- (25 points) The respondent’s experience in providing the services as requested in these specifications.

7.4 Cost--- (35 points) The costs of the services to the CCOC.

8.0 Communication during evaluation

Under no circumstances shall any respondent contact in person, by telephone, or otherwise any representative of the CCOC other than as provided above. Failure to comply with this provision may result in the disqualification of that entity from this procurement process.

9.0 Contract

9.1 The successful vendor will be required to enter into a contract with the CCOC. Any contract shall be in accordance with the contract format required by the CCOC.

9.2 The contract shall be for a primary term of one (1) year with the option to renew for two (2) additional one (1) year terms, if both parties agree.

9.3 The contract will be monitored for acceptable services rendered throughout the contract period.

9.4 The CCOC shall have the right to cancel and terminate any contract(s), in part or in whole for any reason or for no reason, without penalty upon notice to the contractor. Contractor shall not be entitled to lost profits or any further compensation not earned prior to the time of cancellation.

Calendar of Events		
Tasks	Date	Time
CCOC Release of RFQ	1/29/2018	5:00 PM (EST)
Letter of Intent to Bid sent electronically	1/29/2018	5:00 PM (EST)
Deadline to protest RFQ specifications/ask additional questions	2/12/2018	5:00 PM (EST)
Addenda released if necessary to answer questions	2/19/2018	5:00 PM (EST)
RFQ quote due	2/26/2018	5:00 PM (EST)
Possible meeting with finalists	3/1/2018	TBD
Award date	3/19/2018	5:00 PM (EST)

Attachment 1

Letter of Intent to Bid

Mr. John Dew

Executive Director

Florida Clerks of Operations Corporation

2560 Barrington Circle

Tallahassee, Florida 32308

RFQtechnology@flccoc.org

Reference: RFQ for Technology Department Review

This is to notify you that it is our present intent to (submit/not submit) a quote in response to the above referenced Request for Quote. The individual to whom information regarding this RFQ should be transmitted is:

Name: _____

Company: _____

Address: _____

Phone Number: _____

Fax Number: _____

E-mail address: _____

Sincerely,

Name (Signature)

Date

Type Name & Title of Representative

Type Name of Company _____

Attachment 3

Process Level Definitions/Types of Diagrams

Process Modelling levels:

Level one: this very high-level map outlines the operational levels of an Organization. Examples include: Customer processes, administrative processes.

Level two: shows end-to-end processes across the above operational areas.

For example, a level two process for purchasing capital equipment would cross several operational areas: the requesting department, purchasing, accounts payable, asset management, receiving and maintenance. These diagrams are also called top down or high-level process maps. They are quick and easy to draw, but may not provide the detail necessary to build understanding or realize improvements.

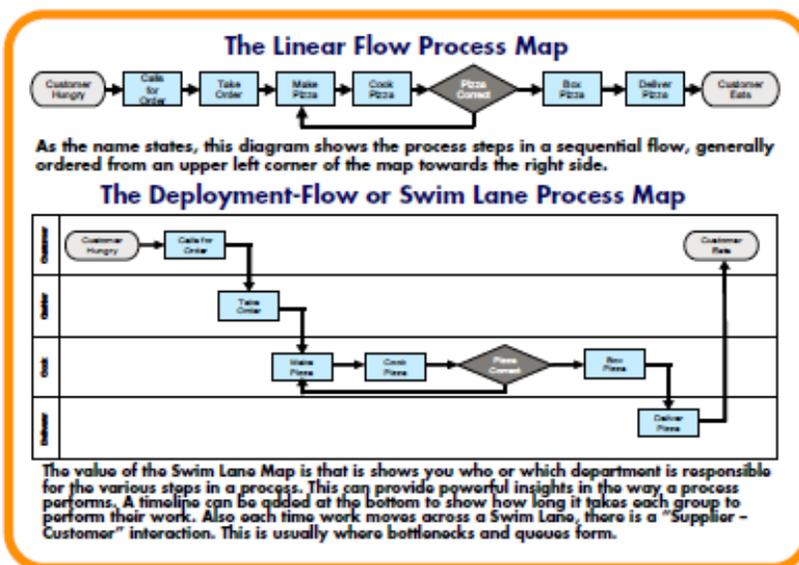
Level three: shows the roles, inputs, outputs and steps required to complete a specific process within an operational area, for example, the purchasing process.

Level four: is the documentation of systems, instructions and procedures required to complete steps in the level three processes and shows inputs, outputs, associated steps and decision points. For example, specific steps necessary to cut a PO in the enterprise application would require a level four process map. The procedures and system instructions can be represented as text, an algorithm or detailed process map. Because of the level of detail, they can be resource-intensive to create, but offer the greatest improvement potential. Since they illustrate decisions and subsequent actions, they are excellent training and reference materials

Process Diagram Methodology Examples

The Linear Flow Map is the most traditional and is usually where most start the mapping effort.

The Swim Lane Map adds another dimension of knowledge to the picture of the process: It shows which department area or person is responsible. You can use the various types of maps in the form of any of the levels of a Process Map.





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TODD NEWTON GILCHRIST COUNTY		

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AGENDA ITEM 4

Date: December 18, 2017

Subject: CCOC Annual Report

Committee Action: Approve a DRAFT of the Annual Report and authorize CCOC staff to work with Clerk Bock and staff to finalize the report for submission on or before January 1, 2018.

OVERVIEW:

SB 2506 made various changes to Clerks’ budget process. One of those changes included removing the requirement that Clerks submit a Legislative Budget Request (LBR) to the Joint Legislative Budget Commission (LBC) for consideration and instead placing the approval of Clerks’ budgets with the CCOC. Part of this new language also included requirement that the CCOC submit an Annual Report by January 1 of each year. Below is the language in Statute.

Ch. 28.35 (h): “Preparing and submitting a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the legislative appropriations committees by January 1 of each year on the operations and activities of the corporation and detailing the budget development for the clerks of the court and the end-of-year reconciliation of actual expenditures versus projected expenditures for each clerk of court.”

At the October 10th Executive Council meeting, a motion was approved to allow the Chair to work with Clerks Butterfield, Green, and Bock as well as CCOC staff to complete the report as required. Subsequently, Chair Burke provided broad direction then asked CCOC staff to coordinate with Clerk Bock and her staff to work on the report. CCOC staff has met with Palm Beach staff by phone several times and has completed a DRAFT report for consideration by the Council. The Council may approve the draft report today and CCOC staff will work with leadership to finalize the report and submit by January 1, 2018. Finalizing includes visuals/charts, formatting, and proofing. Please note that the draft report is complete; however, the charts and graphics are still being added. Therefore, it is not included in the packet. The report will be emailed to the Council before the meeting.

COMMITTEE ACTION: Approve a DRAFT of the Annual Report and authorize CCOC staff to work with Clerk Bock and staff to finalize the report for submission on or before January 1, 2018.

LEAD STAFF: Jason Harrell, CCOC Budget and Communications Director

ATTACHMENTS: None



CCOC
FLORIDA CLERKS OF COURT
OPERATIONS CORPORATION

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 PINELLAS COUNTY
 EXECUTIVE COUNCIL CHAIR

Stacy Butterfield, CPA
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PAT FRANK
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AGENDA ITEM 5

Date: December 18, 2017

Subject: Report from CCOC Budget Committee

Committee Action: Consideration of Budget Committee Action Items

OVERVIEW:

The CCOC Budget Committee met on December 12, 2017. The primary focus of this meeting was to discuss the closeout of the CFY 2016-17 budget settle-up, and receive an update on the revenue shortfall. The meeting materials can be found by clicking on this link:

<http://flccoc.org/MeetingMaterials/20171212BCPacketpm.pdf>

From that meeting are the following action items for the Council's consideration:

- Motion: Give the Chair the authority to work with CCOC staff to finalize settle-up figures and close out CFY 2016-17.
- Motion: Request Clerks submit an operational budget to CCOC to be submitted by January 12, 2018. Chair will work with CCOC and clerk staff to finalize and distribute forms.
- Motion: To assist in preparation for the REC, request Clerks re-project revenues for CFY 2017-18 and submit to CCOC by January 4, 2018.
- Motion: Request Clerk begin to report indigency data to CCOC as part of outputs report and go back to October 1. CCOC will work with Chair and clerk staff to develop changes to form to capture this data.

COMMITTEE ACTION: Consideration of Budget Committee Action Items

LEAD STAFF: Jason Harrell, CCOC Budget and Communications Director

ATTACHMENTS: None



CCOC

FLORIDA CLERKS OF COURT
OPERATIONS CORPORATION

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PINELLAS COUNTY
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AGENDA ITEM 6

Date: December 18, 2017

Subject: Requests from CCOC Council Member Clerk Frank

Council Action: Discuss Opinion from CCOC General Counsel and Information Provided by Clerk Frank

Executive Council Action: Discuss Opinion from CCOC General Council and Information provided by Clerk Frank.

Overview/Background:

On November 27th, Council Member Clerk Frank sent an email request to CCOC Executive Director John Dew asking that the CCOC General Counsel provide a legal opinion answering the following question. "Can a deficit clerk legally receive funds from the Clerks of the Court Trust Fund to the extent any amount of the deficit was caused by sending revenues identified in the Holland & Knight opinion to general revenue instead of retaining those revenues in the clerk's find and forfeiture fund?"

Also, earlier in the month of November, Clerk Frank sent to Chair Burke a letter requesting that at the next CCOC Executive Council meeting she be allowed to place a proposal before the Council to consider directing the CCOC Executive Director to notify the Revenue Estimating Conference (REC) of the revenue impact of the Holland & Knight opinion. Accompanying the letter was a proposed notice to the REC and a memo addressing the funding distribution process for clerks of court.

Lead staff:

John Dew, Executive Director

Attachments:

- 1) November 27th email from Council Member Clerk Frank requesting a legal opinion per the question asked.
- 2) Legal Opinion from General Counsel Joe Boyd responding to Clerk Frank's request.
- 3) November 8th letter and documents provided to Chair Burke from Clerk Frank requesting the REC be notified of Holland & Knight revenue impact.

Our Mission: As a governmental organization created by the Legislature, we evaluate Clerks' court-related budgetary needs, and recommend the fair and equitable allocation of resources needed to sustain court operations.

From: Frank, Pat
To: [John Dew](#)
Subject: Limitation on funding deficit clerks from the Clerks of Court Trust Fund
Date: Monday, November 27, 2017 1:49:49 PM

John,

As a follow-up to our recent phone conversation, as a member of the CCOC Executive Council, I am requesting a legal opinion from Joe Boyd in response to the following question: “Can a deficit clerk legally receive funds from the Clerks of the Court Trust Fund to the extent any amount of the deficit was caused by sending revenues identified in the Holland & Knight opinion to general revenue instead of retaining those revenues in the clerk’s fine and forfeiture fund?”

Joe Boyd’s legal opinion may be helpful for the Executive Committee meeting scheduled by President Ken Burke for Monday, December 18, 2017 at 4:00 P.M. To the extent Ken Burke, as president is the only clerk authorized to seek this legal opinion, will you please request Ken Burke to authorize Joe Boyd to provide the legal opinion prior to the December 18th meeting? Thank you.

Sincerely,
Pat

1407 Piedmont Drive East
Tallahassee, Florida 32308
boydlaw.net

JOSEPH R. BOYD
Board Certified Real Estate Lawyer
Board Certified Marital and Family Lawyer

P: (850) 386-2171
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joerboyd@boydlaw.net

To: Honorable Ken Burke, Chair of the Executive Council
Florida Clerks of Court Operations Corporation ("CCOC")

CC: John Dew, Executive Director, CCOC

From: Joseph R. Boyd, General Counsel 

Subject: Funding Deficit Clerks from the Clerks of Court Trust Fund

Date: December 14, 2017

ISSUE: Can a deficit Clerk legally receive funds from the Clerk of the Court Trust Fund to the extent any amount of the deficit was caused by sending revenues identified in the Holland & Knight opinion to general revenue instead of retaining those revenues in the Clerk's fine and forfeiture fund?

The answer and reasoning is as follow:

1. Nothing under current statutes bars a Clerk of Court from receiving funds from the Clerk of Court Trust Fund ("Trust Fund") so long as the condition precedent procedure is followed under Section 28.36 (3), F.S. This opinion relies upon the current law and without regard to the Holland and Knight legal opinion ("HKO").

2. If legislative intent is demonstrated that CCOC has authority to consider the creation of the deficit, beyond what is specifically described in Section 28.36(3), F.S., then the above opinion would differ. Regardless, there is still an unambiguous directive from the Legislature that Clerks' budgets may not exceed the most recent forecast of the Revenue Estimating Conference, i.e., even if Clerks can retain funds, they may not spend beyond what is approved. Section 28.35(2)(f), FS, reads, in part, as follows:

"The corporation must ensure that the total combined budgets of the Clerks of the Court do not exceed the total estimated revenues available for court-related expenditures as determined by the most recent Revenue Estimating Conference. The corporation may amend any individual Clerk of the Court budget to ensure compliance with this paragraph and must consider performance measures, workload performance standards, workload measures, and expense data before modifying the budget."

Therefore, in order for a Clerk to be able to spend funds retained instead of remitted, or funds received as a deficit Clerk, it must 1) establish the HKO as controlling law, 2) convince the REC/Legislature of such legal opinion and adjust estimated revenues, and 3) have such spending authority approved by CCOC, even though it is not related to new or additional functions related to changes in law or rules, or additional judges or magistrates.

We believe the HKO is correct. However, we do not find any evidence as to legislative intent with regard to deficit Clerks that are such because of sending revenues to general revenue rather than retaining those revenues in the Clerk's fine and forfeiture fund.

Discussion

The CCOC mission is to evaluate Clerks' court-related budgetary needs and adopt the fair and equitable allocation of resources needed to sustain Court operations. As such, it is granted broad authority to approve, increase and decrease the budgets for court-related services by the Clerks of Court. However, such authority and discretion must be pursuant to established law and construed to implement the intent of the Florida Legislature.

The process of discerning legislative intent is beyond the scope of this opinion, but is readily discernable. See Peter D. Webster et al., *Statutory Construction in Florida: In Search of a Principled Approach*, 9 Fla. Coastal L. Rev. 437, 519-21 (2008).

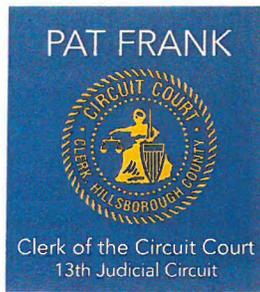
To date, there is no singular expression by the Legislature to bar a Clerk from receiving funds as a deficit Clerk because such Clerk has in good faith remitted to the general revenue such funds as may appear properly due to the State. The CCOC, in evaluating the proposed budgets of the Clerks, may look at costs comparison and peer groups and other indices of efficiency by Clerks in performing court-related functions. However, nowhere does the law provide that Clerks are barred from receiving funds from the Trust Fund, provided they have met the letter of Section 28.36(3), FS.

A Clerk who is a deficit Clerk only because he or she remitted funds to general revenue does not forfeit entitlement to receive funds from the Trust Fund if otherwise qualified. If the HKO is the law and reflects legislative intent, then remitting the funds in question would be improper and should be kept in the local fine and forfeiture fund.

Therefore, our opinion above is conditional. If the HKO is correct and follows Legislative intent, 1) REC should be advised, and hopefully increase its revenue estimate related to Court Clerks, 2) the Clerks should retain the funds in question and 3) hopefully a deficit can be avoided. Until the HKO is sustained by Legislative concurrence, each Clerk should implement its constitutional authority and follow the law, relying or not relying on the HKO and their own legal advisor. CCOC should follow the approved budgets for each Clerk, insisting that Clerks who wish to amend their budgets in mid-year follow the

statutory process. Under no circumstances may a Clerk spend beyond the approved budget authority.

Please call us if you have any questions.



November 8, 2017

The Honorable Ken Burke, CPA
Clerk of the Circuit Court for Pinellas County, and
Executive Council Chair,
Florida Clerk of Courts Operations Corporation
315 Court Street
Clearwater, FL 33756

Dear (Ken) Mr. Burke,

I am requesting that you place the attached proposal on the next available CCOC Executive Council's meeting agenda for consideration, or call a special meeting of the Executive Council if necessary, to provide the Revenue Estimating Conference ("REC") with the subject notice **before the next scheduled REC meeting**. The proposal directs the CCOC Executive Director to notify the REC of their continuing error in underreporting the Fine and Forfeiture Funds Clerk-local ("F&FF") estimated revenues to the Florida Legislature and requesting the REC take necessary action to immediately correct this error.

CCOC is a public corporation, established by the Florida Legislature. CCOC is also an invited participant in the work of the Revenue Estimating Conference, and as such has a duty to provide information needed by the Conference to perform their work. (Section 216.134(4)(b), Florida Statutes.)

As you may recall, on July 13, 2017, the Holland & Knight law firm provided CCOC with a legal memorandum requested by CCOC that confirms the REC's continuing error in underreporting the F&FF estimated revenues by allocating certain identified revenues to General Revenue instead of F&FF. Because the Florida Legislature uses the F&FF estimated revenues to establish the combined budgets of the clerks, and because CCOC as an invited participant in the

REC has a duty to provide relevant information to the REC, CCOC has a duty to notify the REC of this continuing error and request immediate correction.

CCOC has had legal advice on this issue indirectly from Greenberg Traurig (April 4, 2016 memorandum from Fred Baggett to Kenneth A. Kent, President of the FCCC) and directly through the July 13, 2017 memorandum from Holland & Knight. In order for me to begin re-directing identified revenues from general revenue to my F&FF, I have obtained a legal memorandum from Jon L. Mills and Steve Zack of Boies, Schiller & Flexner LLP. That memorandum confirms the legal advice previously received by CCOC and also addresses the constitutionality of the existing laws that establish the clerks' combined approved budgets. (As you know, Jon L. Mills was the co-chair of the Article V Committee of the previous Florida Constitutional Revision Commission, and co-authored the revision to Article V, Section 14(b), of the Florida Constitution with Justice Alan C. Sundberg.) I am providing you with a copy of that legal memorandum for your consideration along with my proposed form of CCOC notice to the REC.

I look forward to discussing this proposal at the CCOC Executive Council meeting and with the direction of the Executive Council, providing notice to the REC and requesting correction of their continuing error.

Thank you.


Pat Frank, Clerk of the Circuit Court,
Hillsborough County, Florida and
CCOC Executive Council member

cc:

Honorable Stacy Butterfield, CPA
Honorable Tara S. Green
Honorable Sharon R. Bock, Esq.
Honorable John Crawford
Honorable Todd Newton
Honorable Jeffrey R. Smith, CPA
Honorable Chief Judge Ron Ficarrota
Honorable Kyle Hudson
Honorable Paula S. O'Neil, Ph. D
John Dew, Executive Director
Joe Boyd, Esq., General Counsel

**CCOC NOTICE TO THE REVENUE ESTIMATING CONFERENCE
PROPOSED BY CCOC EXECUTIVE COUNCIL MEMBER PAT FRANK**

The Revenue Estimating Conference (“REC”) must correct a continuing error in directing certain Fine and Forfeiture Funds Clerk-local (“F&FF”) estimated revenues to General Revenues. Since 2013, this error has had a continuing impact on the clerks because the understated F&FF estimated revenues have been used by the legislature as a cap on the clerks authorized annual budgets. The statutory source of several mis-directed revenues are as follows: s. 28.241(d)(1); s. 34.041(1)(d); s. 57.082(1)(d); 318.14(10)(b); s. 318.(11)(a); and 318.(18)(18), Florida Statutes. These revenue sources were established in Chapter 2008-111 and directed to the clerks’ Fine and Forfeiture Fund. These specific revenues were expressly prohibited from being considered in establishing the amount of the clerks’ combined budgets for fiscal years 2008 and 2009 by operation of section 47 of Chapter 2008-111. Section 47 was repealed in 2009. Starting in fiscal year 2013 when the clerks funding was removed from state appropriations, the REC should have included these specific estimated revenues in F&FF instead of General Revenues. REC never re-directed these estimated revenues from General Revenue to F&FF. This error that was not corrected in 2013 must be corrected in the REC 2017-2018 revenue estimates for F&FF. There is no legal authority for the REC to continue including these specific revenues in General Revenue as opposed to F&FF, where they belong.

*Privileged and Confidential
Attorney Work Product
Attorney-Client Communication*

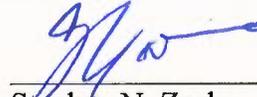
MEMORANDUM

TO: Pat Frank, Hillsborough County Clerk of Court
FROM: Stephen N. Zack and Jon L. Mills
DATE: November 8, 2017
SUBJECT: Clerks of Court Budget and Funding Distribution Processes

Ms. Frank,

Enclosed please find a memorandum addressing the budget and funding distribution processes for Florida Clerks of Court. The memorandum is for use by the Hillsborough Clerk of Court.

Sincerely,



Stephen N. Zack
Partner
Boies Schiller Flexner LLP
Miami, FL

/s/Jon L. Mills

Jon L. Mills
Counsel
Boies Schiller Flexner LLP
Miami, FL

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I. EXECUTIVE SUMMARY

This memorandum addresses two core issues facing Florida clerks of court.

First, the memo addresses the funding distribution process for clerks of court. In other words, it addresses the question of whether clerks must retain the revenue they collect in their “fine and forfeiture” funds or whether they must instead remit the revenue to the state.

The memo explores recent changes in the law and sets out when funds must be retained and when they must be remitted. In general, clerks should retain any revenue collected, but they are required to remit every month the portion of their fund that exceeds 1/12 of their annual budget.

Second, this memo addresses the budget process. In other words, it addresses the question of how annual budgets for the clerks of court are actually determined.

In short, a governmental entity sets the budgets for all clerks based on the total estimated revenue that the clerks will collect. After describing this process, the memo specifically identifies two major concerns with the budget process. First, budgets are determined based on clerks’ *revenue*; this raises potential constitutional issues, as the Florida Constitution requires that such budgets be determined based on *costs*. Second, the budgets are determined based on erroneous reliance on a now-defunct statute, and this has led to the systematic underfunding of clerks of court.

Based on this analysis, the memo reaches three conclusions:

- 1) Clerks are statutorily required to collect and deposit certain funds into their “fine and forfeiture” funds. The memo lists all such funds.
- 2) The budgeting process is flawed and raises constitutional issues because budgets are determined based on revenue, even though they are constitutionally required to be based on costs.
- 3) The clerks of court are systematically underfunded under the current budgeting process because of erroneous reliance on a now-defunct statute. The governmental entities responsible for budgeting should take appropriate steps to correct these errors.

Accordingly, the memo makes three recommendations to clerks of court:

- 1) Clerks should continue to comply with their duties to collect and deposit certain revenues into their “fine and forfeiture” funds.
- 2) Clerks should provide the entities responsible for creating their budget with a full list of all sources of revenues as required by law, including the revenues that are being excluded due to the entities’ reliance on a now-defunct statute.
- 3) Clerks should recommend that the Florida legislature rewrite the budgeting statute to resolve the constitutional issues: the statute should require that budgets be calculated based on cost estimates, not on revenue estimates.

II. OVERVIEW

The Florida Clerks of Court are a core component of Florida’s justice system. Florida’s clerks are unique in the structure of Florida government in that they have a specified source of revenue to conduct the functions of their offices. Over the last decade, the laws affecting the clerks’ funding have changed numerous times. As of 2017, the budget issues facing clerks involve the legal obligations associated with the collection and distribution of filing fees, service charges, costs, fines, and other sources of revenue. The principal issue is whether funds are retained by clerks in their fine and forfeiture funds or are directed to be remitted to the Department of Revenue. The laws affecting this determination have changed dramatically over the last decade.

A second core issue is the actual determination of the clerks’ budgets. The process is complex because it involves creating cost estimates and revenue estimates from multiple sources. Importantly, the budget process is fundamentally flawed in two basic ways. First, under current law, the clerks’ budgets are defined and limited by *revenue* estimates. That determination is made by the Revenue Estimating Conference. The flaw lies in the fact that budgets are based on revenues rather than actual budget and cost estimates by the clerks. Utilizing only revenue conflicts with the constitutional language in Art. V, § 14(b) of the Florida Constitution that explicitly articulates that clerks’ funding sources should be “adequate and appropriate” to meet the clerks’ costs to perform its court-related functions. The second flaw is that the current process for creating revenue estimates fails to consider funding sources that are specifically directed to the clerks.

These issues are complicated and have undergone continual change. The history and perspective of the funding distribution and budgetary processes are important to understand the current status of the law and the constitutional provisions that ultimately control these processes.

III. ISSUES

1. Funding Distribution Process

How does the present statutory framework for the collection and distribution of filing fees, service charges, and costs affect the duties of the Clerks of Court (“clerks”) to either deposit these funds into the clerks’ fine and forfeiture funds or remit these funds to the Department of Revenue (“DOR”)?

2. Budget Process

Whether the current statutory process for establishing clerks’ budgets, pursuant to F.S. §§ 28.35 and 28.36 (2017), violates Article V, § 14(b) of the Florida Constitution requiring adequate and appropriate funding sources for clerks to meet their costs to perform court-related functions?

IV. BRIEF ANSWER

1. Funding Distribution Process

The statutory framework for the collection and deposit of filing fees, service charges, and costs into clerks' fine and forfeiture funds is governed by F.S. § 142.01. The Florida legislature amended F.S. § 142.01 in 2009 and 2013. Before 2009, clerks were required to collect and deposit revenues generated by enumerated statutes in the clerks' fine and forfeiture funds, subject to monthly and yearly limitations outlined in F.S. § 28.37.

In 2009, clerks' funding was brought into state appropriations. The Florida legislature amended F.S. § 142.01 to require the clerks to remit monthly to DOR all revenues collected because these revenues were to be considered state funds, not county funds. In 2013, clerks' funding was removed from state appropriations. The Florida legislature amended F.S. § 142.01 to remove this requirement, allowing clerks to again collect and deposit revenues into the clerks' fine and forfeiture funds, subject to the monthly and yearly limitations of F.S. § 28.37, as was the case prior to 2009.

Furthermore, in 2017, the Florida legislature amended several statutes to direct more funding to clerks' fine and forfeiture funds. The Florida legislature amended several statutes directing clerks to deposit revenues into their fine and forfeiture funds as opposed to the Department of Revenue's General Revenue Fund. The 2017 amendments will directly affect clerks whose current monthly collections are below 1/12 of their budget. With the newly directed funds to the individual clerk's fine and forfeitures fund, these clerks may collect these additional funds up to the 1/12-of-the-budget limitation.

2. Budget Process

Certain aspects and provisions in the current statutory process for establishing the clerks' budgets, pursuant to F.S. §§ 28.35 and 28.36 (2017), could be declared unconstitutional. The Florida Clerks of Court Operations Corporation (CCOC) **"must ensure that the total combined budgets of the clerks of the court do not exceed the total estimated revenues available for court-related expenditures as determined by the most recent Revenue Estimating Conference [REC]."** F.S. § 28.35(2)(f) (2017). The requirement that the clerks' total combined budgets cannot exceed the REC's calculation of the total estimated revenues is the basis for potential constitutional challenge based on a conflict with FLA. CONST. art. V, § 14(b). If the clerks' budget proposals to CCOC establish that the clerks' total combined budgets—which reflect the clerks' total combined cost to perform court-related functions—exceed REC's calculation for total estimated revenues, the CCOC would be required by F.S. § 28.35(2)(f) to reduce the clerks' total combined budgets to be equal to or less than the REC's total estimated revenues. That outcome means that adequate funding sources are not being provided because the allocation is not based on consideration of clerks' budget needs but rather is based only on projected revenues. Requiring the CCOC to reduce the clerks' total combined budgets to the REC's calculation for total estimate revenues has resulted in a budget shortfall.

Further, the REC and CCOC have adhered to Section 47 of 2008 Fla. Sess. Law Serv. Ch. 2008-111 (C.S.S.B. 1790) (WEST) in creating estimated revenues and budget proposals for clerks, respectively. Section 47 prohibited the CCOC from “approv[ing] increases to the clerks’ budgets based on increased revenue generated under this act.” Section 47 never provided the REC the authority to disregard the increased revenues from the 2008-111 bill from its revenue estimates. Section 47 was only good law until the Florida legislature enacted its new statutory plan for 2009. Therefore, the REC and CCOC’s budget process failed to account for, and continues to fail to account for, the increased revenues generated by the statutes passed and enacted under 2008 Fla. Sess. Law Serv. Ch. 2008-111 (C.S.S.B. 1790) (WEST).

V. CONSTITUTIONAL AND HISTORICAL BACKDROP

The Clerks of Court are constitutional officers of the state. Furthermore, the funding process for clerks is unique in that there is a dedicated source of funding for performing the duties of the clerk.

Prior to 1998, the 1968 Florida Constitution did not contain a provision addressing funding for circuit or county clerks of court. In 1998, the Constitutional Revision Commission (CRC) proposed significant amendments to Article V, § 14, of the Florida Constitution explicitly providing funding mechanisms for clerks.¹ Floridians voted to adopt the CRC’s amendments adding the following two sections:

(b) All funding for the offices of the clerks of the circuit and county courts performing court-related functions, except as otherwise provided in this subsection and subsection (c), shall be provided by adequate and appropriate filing fees for judicial proceedings and service charges and costs for performing court-related functions as required by general law. Selected salaries, costs, and expenses of the state courts system may be funded from appropriate filing fees for judicial proceedings and service charges and costs for performing court-related functions, as provided by general law. Where the requirements of either the United States Constitution or the Constitution of the State of Florida preclude the imposition of filing fees for judicial proceedings and service charges and costs for performing court-related functions sufficient to fund the court-related functions of the offices of the clerks of the circuit and county courts, the state shall provide, as determined by the legislature, adequate and appropriate supplemental funding from state revenues appropriated by general law.

¹ See FLORIDA CONSTITUTION REVISION COMMISSION: ANALYSIS OF THE REVISIONS FOR THE NOVEMBER 1998 BALLOT, <http://fall.fsulawrc.com/crc/tabloid.html#R7>.

(c) No county or municipality, except as provided in this subsection, shall be required to provide any funding for the state courts system, state attorneys' offices, public defenders' offices, court-appointed counsel or the offices of the clerks of the circuit and county courts performing court-related functions. Counties shall also pay reasonable and necessary salaries, costs, and expenses of the state courts system to meet local requirements as determined by general law.

Article V, § 14(b)–(c) FLA. CONST. The CRC published a Statement of Intent explaining how the Florida legislature is supposed to determine the adequate and appropriate funding sources of clerks through a *cost-based* process. Below are key provisions explaining the intent underlying Art. V, § 14(b), and the full Statement of Intent is provided in “Appendix A.”

It is the intent of the proposers that the legislature, when developing the schedule of filing fees, services charges and costs, adopt: (1) a procedure to fund the offices of the clerks of the circuit and county courts when filing fees, services charges and costs are insufficient to cover the court-related salaries, costs, and expenses of the offices of the clerks of the circuit and county courts in a given fiscal year; and (2) a procedure for the disposition of filing fees, service charges and costs retained by the offices of the clerks of the circuit and county courts which, at the end of any fiscal year, exceed the court-related salaries, costs and expenses of the offices of the clerks of the circuit and county courts during the preceding fiscal year.

It is further the intent of the proposers that the legislature...make an independent determination as to what should be the reasonable cost to perform the court-related operations of the clerks' offices.... [I]t is the intent of this proposal that the clerks be held accountable and responsible to a cost standard which is independently established by the legislature.²

² Alan C. Sundberg & Jon L. Mills, *Statement of Intent*, JOURNAL OF THE SENATE, at 261, <http://fall.fsulawrc.com/crc/pdf/crc30.pdf>. See *Hayek v. Lee County*, 231 So. 2d 214 (1970) (relying on CRC records and proceedings to interpret constitutional provision) (“[W]e have examined minutely the record of the proceedings of the Constitutional Revision Commission appointed to draft the Constitution which was adopted by the people in the General Election of 1968 and became effective January 7, 1969, and many documents relating thereto which have been collected and are now preserved in the Supreme Court Library. The revelations of these various documents and a more thorough study and comparison of the language used in each constitution convince us there was no intention to change in any way the purposes to be served by such provisions.”); Amendments to the Fla. Rules of App. Pro., 696 So. 2d 1103 (1996)

The language and intent of Art. V, § 14(b), is clear that the Florida legislature must provide **adequate and appropriate funding** through filing fees, service charges, and costs to satisfy clerks' costs to perform court-related functions. The intent of Art. V, § 14(b) is that the Florida legislature's statutory process for establishing clerks' budgets be based on "the reasonable cost [for clerks] to perform the court-related operations of the clerks' offices." Alan C. Sundberg & Jon L. Mills, *Statement of Intent*, JOURNAL OF THE SENATE, at 261, <http://fall.fsulawrc.com/crc/pdf/crc30.pdf>. If the Florida legislature's statutory process is "insufficient to cover the court-related salaries, costs, and expenses of the offices of the clerks of the circuit and county courts in a given fiscal year," then the Florida legislature must create a "procedure to fund the offices of the clerks." *Id.* It is clear from the CRC Statement of Intent that Art. V, § 14(b) requires the legislature to provide **adequate and appropriate funding sources that satisfies clerks' costs to perform court-related operations.**

During the past decade, the Florida legislature enacted statutes designed to have clerks remit and transfer greater percentages of their funding (amounting to hundreds of millions of dollars) into DOR funds and trusts for purposes other than "funding for the offices of the circuit and county courts performing court-related functions"³

VI. ANALYSIS

1. Funding Distribution Process

Clerks have the duty to collect a wide range of fines, fees and charges. The clerks have been statutorily required to either collect and deposit these funds into the clerks' fine and forfeiture funds or remit and direct certain of these funds to the DOR's General Revenue Fund or another fund or trust. In 2009, 2013, and 2017, the Florida legislature amended the statutory framework governing the clerks' current responsibility to either deposit these funds into the clerks' fine and forfeiture funds or remit these funds to the DOR.

Under the current statutory framework, clerks should proceed as follows:

(Anstead, J., concurring) (relying on CRC records and proceedings to interpret constitutional provision) ("Had the majority in *Creighton* followed the rule of analysis set out by this Court in *Hayek* and examined the constitutional revision proceedings of 1972, it would have discovered the obvious: that there was never an intent to remove the right of appeal from article V. In fact, as the chair of the legislative committee responsible for the revisions declared at the time, the drafters of the amendments intended just the opposite—to preserve a citizen's recognized constitutional right to appeal under article V.").

³ See *Message from Pat Frank* (2017), <https://www.hillsclerk.com/About-Us/Message-from-Pat-Frank> ("Last year, Florida Court Clerks collected \$777 million but kept only \$409 million. About \$120 million went to prosecutors, public defenders and the courts. But here's what most people don't realize: \$145 million went straight into the General Fund to pay for things that have nothing to do with justice.").

First, clerks are required to deposit into their fine and forfeiture funds those fines, fees and charges required by F.S. § 142.01. Pursuant to F.S. § 142.01, the following statutes must provide funding for the clerks' fine and forfeiture funds: F.S. §§ 28.2402(2), 34.045(2), 316.193, 327.35, 327.72, 379.2203(1), 775.083(1), 318.21, 28.2402(1)(b), 34.045(1)(b), 318.14(10)(b), 318.18(11)(a), 327.73(9)(a), 327.73(11)(a), 938.05(3), 321.05(4)(a), 379.2203(1), 903.26(3)(a), 34.191, 28.241, and 34.041. Clerks are also required to deposit into their fine and forfeiture funds "[a]ll other revenues received by the clerk as revenue authorized by law to be retained by the clerk." F.S. § 142.01(1)(g). Subsection (1)(g) is a broad grant of authority for the Florida legislature to authorize various other statutes to provide funding for clerks' fine and forfeiture funds.

Second, clerks are required to remit excess funding to the DOR, pursuant to F.S. § 28.37. Pursuant to F.S. § 28.37(2), each month, clerks must remit to the DOR's Clerks of Court Trust Fund all funds in their fine and forfeiture funds exceeding 1/12 of the clerk's annual budget. F.S. § 28.37(2) Pursuant to F.S. § 28.37(3), by January 25 of each year, clerks must annually "remit to the Department of Revenue for deposit in the General Revenue Fund the cumulative excess of all fines, fees, service charges, and costs retained by the clerks of the court, plus any funds received by the clerks of the court from the Clerks of the Court Trust Fund under s. 28.36(3), which exceed the amount needed to meet their authorized budget amounts established under s. 28.35."

Analysis of this two-step process is presented in the following four sub-sections:

(A) will address the legislative history of F.S. § 142.01, which governs what statutes are required to provide funds for the clerks to collect and deposit into their fine and forfeiture funds.

(B) will address F.S. § 28.37, which places a limitation on the amount of revenue clerks may retain in their fine and forfeiture funds and how clerks must remit excess funds to DOR on monthly and annual bases.

(C) will address the 2017 amendments to various statutes, which shifted funding away from the DOR's General Revenue Fund and to the clerks' fine and forfeiture funds.

(D) will address whether the increased revenues from the following statutory provisions, pursuant to 2008 Fla. Sess. Law Serv. Ch. 2008-111 (C.S.S.B. 1790) (WEST), must or should be deposited into the clerks' fine and forfeiture fund, pursuant to F.S. § 142.01, or remitted to the DOR: F.S. §§

- (1) 28.24 (1)-(4), (6), (8), (10), (13)-(14), (16)-(20), (25)-(26);
- (2) 28.241(1)(d);
- (3) 34.041(1)(d);
- (4) 45.035(1)-(2);
- (5) 55.505(3);

- (6) 57.082(1)(d);
- (7) 66.14(6)(d)–(f);
- (8) 316.193(2)(a)–(b), (4);
- (9) 318.14(10)(b);
- (10) 318.18(11)(a);
- (11) 318.18(18);
- (12) 322.245(1)–(2);
- (13) 327.35(2)(a)–(b), (4);
- (14) 327.73(4), (9)(a), (11)(a);
- (15) 713.24(1)(b);
- (16) 721.83(3);
- (17) 744.365(6)(a);
- (18) 744.3678(4); and
- (19) 938.05(1).

A. Depositing Funds into Clerks’ Fine and Forfeiture Funds: F.S. § 142.01

Since 1895, the Florida Statutes provided clerks of court a “fine and forfeiture fund” for the collection and retention of filing fees, service charges, and costs. *See* F.S. § 142.01. F.S. § 142.01 governs clerks’ collection and deposit of funds into the clerks’ fine and forfeiture funds. This statute provides that certain statutes (listed above) must provide funding for clerks’ collection and deposit into their fine and forfeiture funds. However, F.S. § 142.01 has been amended several times—most notably in 2003, 2009 and 2013—which is critical for understanding the current funding distribution process.

i. F.S. § 142.01 (2003-2008)

In 2003, the Florida legislature amended F.S. § 142.01 for the first time since the constitutional amendment to Art. V, § 14(b), of the Florida Constitution providing a self-funding process for the clerks. *See* F.S. § 142.01 (2003) (“There shall be established by the clerk of the circuit court in each county of this state a separate fund to be known as the fine and forfeiture fund for use by the clerk of the circuit court in performing court-related functions. The fund shall consist of all fines and forfeitures collected by the clerk of the court for violations of the penal or traffic laws of the state, except [list of exempt statutes].”). Between 2003 to 2008, there were three other amendments—in 2004, 2005, and 2008—dictating more specifically what statutes were required to provide funding to clerks’ fine and forfeiture funds.

In 2008, F.S. § 142.01 read as follows:

142.01. Fine and forfeiture fund; clerk of the circuit court
There shall be established by the clerk of the circuit court in each county of this state a separate fund to be known as the fine and forfeiture fund for use by the clerk of the circuit court in performing court-related functions. The fund shall consist of the following:

- (1) Fines and penalties pursuant to ss. 28.2402(2), 34.045(2), 316.193, 327.35, 327.72, 379.2203(1), and 775.083(1).
- (2) That portion of civil penalties directed to this fund pursuant to s. 318.21.
- (3) Court costs pursuant to ss. 28.2402(1)(b), 34.045(1)(b), 318.14(10)(b), 318.18(11)(a), 327.73(9)(a) and (11)(a), and 938.05(3).
- (4) Proceeds from forfeited bail bonds, unclaimed bonds, unclaimed moneys, or recognizances pursuant to ss. 321.05(4)(a), 379.2203(1), and 903.26(3)(a).
- (5) Fines and forfeitures pursuant to s. 34.191.
- (6) All other revenues received by the clerk as revenue authorized by law to be retained by the clerk.

Notwithstanding the provisions of this section, all fines and forfeitures arising from operation of the provisions of s. 318.1215 shall be disbursed in accordance with that section.

F.S. § 142.01 (2008). This 2008 version, and earlier versions dating back to 2003, reflect the purpose underlying the Statement of Intent for Art. V, § 14(b), of the Florida Constitution, which is for the clerks to be self-funded. The mandate in the 2008 version is clear that the clerks' fine and forfeiture funds "shall consist of the following [funds to be provided by the six categories of statutes listed below]." F.S. § 142.01 (2008).

ii. **F.S. § 142.01 (2009–2012): 2009 Fla. Sess. Law Serv. Ch. 2009-204 (C.S.C.S.S.B. 2108) (WEST)**

In 2009, the Florida Legislature amended F.S. § 142.01 to change the nature of funds under this statute from county funds to be deposited into the clerks' fine and forfeiture funds to state funds to be remitted monthly to the DOR for deposit into the Clerks of the Court Trust Fund within the Justice Administrative Commission. *See* F.S. § 142.01(2) (2009). The 2009 amendments were as follows:

142.01. Fine and forfeiture fund; **disposition of revenue**; clerk of the circuit court
(1) There shall be established by the clerk of the circuit court in each county of this state a separate fund to be known as the fine and forfeiture fund for use by the clerk of the circuit court in performing court-related functions. The fund shall consist of the following:

- (a)(1)** Fines and penalties pursuant to ss. 28.2402(2), 34.045(2), 316.193, 327.35, 327.72, 379.2203(1), and 775.083(1).
- (b)(2)** That portion of civil penalties directed to this fund pursuant to s. 318.21.
- (c)(3)** Court costs pursuant to ss. 28.2402(1)(b), 34.045(1)(b), 318.14(10)(b), 318.18(11)(a), 327.73(9)(a) and (11)(a), and 938.05(3).

(d)(4) Proceeds from forfeited bail bonds, unclaimed bonds, unclaimed moneys, or recognizances pursuant to ss. 321.05(4)(a), 379.2203(1), and 903.26(3)(a).

(e)(5) Fines and forfeitures pursuant to s. 34.191.

(f)(6) All other revenues received by the clerk as revenue authorized by law to be retained by the clerk.

(2) All revenues received by the clerk in the fine and forfeiture fund from court-related fees, fines, costs, and service charges are considered state funds and shall be remitted monthly to the Department of Revenue for deposit into the Clerks of the Court Trust Fund within the Justice Administrative Commission.

(3) Notwithstanding the provisions of this section, all fines and forfeitures arising from operation of the provisions of s. 318.1215 shall be disbursed in accordance with that section.

F.S. § 142.01 (2009). This 2009 version remained in effect throughout 2012 and part of 2013. The statute is clear that, during the period the 2009 version remained in effect, the clerks were to remit monthly all revenues from fees, fines, costs, and service charges to the DOR to be deposited in the Clerks of the Court Trust Fund, which would then allocate funding back to the clerks. F.S. § 142.01(2) (2009).

iii. **F.S. § 142.01 (2013–2017): 2013 Fla. Sess. Law Serv. Ch. 2013-44 (S.B. 1512) (WEST)**

In 2013, the Florida legislature again amended F.S. § 142.01, deleting the requirement to remit revenues as state funds to the DOR. *See* 2013 Fla. Sess. Law Serv. Ch. 2013-44 (S.B. 1512) (WEST). The 2013 version of F.S. § 142.01 is still in effect today, and clerks are not required to remit any of these revenues required to be deposited into the fine and forfeiture fund to the DOR.

F.S. § 142.01 currently provides:

142.01. Fine and forfeiture fund; disposition of revenue; clerk of the circuit court

(1) There shall be established by the clerk of the circuit court in each county of this state a separate fund to be known as the fine and forfeiture fund for use by the clerk of the circuit court in performing court-related functions. The fund shall consist of the following:

(a) Fines and penalties pursuant to ss. 28.2402(2), 34.045(2), 316.193, 327.35, 327.72, 379.2203(1), and 775.083(1).

(b) That portion of civil penalties directed to this fund pursuant to s. 318.21.

(c) Court costs pursuant to ss. 28.2402(1)(b), 34.045(1)(b), 318.14(10)(b), 318.18(11)(a), 327.73(9)(a) and (11)(a), and 938.05(3).

(d) Proceeds from forfeited bail bonds, unclaimed bonds, unclaimed moneys, or recognizances pursuant to ss. 321.05(4)(a), 379.2203(1), and 903.26(3)(a).

(e) Fines and forfeitures pursuant to s. 34.191.

(f) Filing fees received pursuant to ss. 28.241 and 34.041, unless the disposition of such fees is otherwise required by law.

(g) All other revenues received by the clerk as revenue authorized by law to be retained by the clerk.

~~(2) All revenues received by the clerk in the fine and forfeiture fund from court-related fees, fines, costs, and service charges are considered state funds and shall be remitted monthly to the Department of Revenue for deposit into the Clerks of the Court Trust Fund within the Justice Administrative Commission.~~

~~(2)(3) Notwithstanding the provisions of this section, all fines and forfeitures arising from operation of the provisions of s. 318.1215 shall be disbursed in accordance with that section.~~

The 2013 version clearly mandates that the statutes above provide funding for the clerks' collection and deposit into their fine and forfeiture funds, mirroring the 2003–08 versions. There is no longer a mandate to remit monthly these revenues to the DOR.

A table depicting a list of many of the clerks' requirements, pursuant to F.S. §142.01, to either deposit funds into their fine and forfeiture funds or remit those funds to the DOR as those responsibilities changed in the years of 2008, 2009–2012, and 2013–2017 (Present), may be found in Appendix B.

B. Remitting Funds to DOR: F.S. § 28.37

The clerks' responsibility to remit funds "derived from statutory fines, fees, service charges, and costs collected" to the DOR—for purposes of funding "selected salaries, costs, and expenses of the state courts systems and court-related functions"—is governed by section 28.37 of the Florida Statutes. *See* F.S. § 28.37(1); FLA. CONST. art. V, § 14(b).

Pursuant to F.S. § 28.37, clerks must remit to the DOR for deposit into the Clerks of the Court Trust Fund "that portion of all fines, fees, service charges, and costs collected by the clerks of the court for the previous month which is in excess of one-twelfth of the clerks' total budget for the performance of court-related functions." F.S. § 28.37(2) (2017). Further, on or before January 25 of each year, clerks must "remit to the Department of Revenue for deposit in the General Revenue Fund the cumulative excess of all fines, fees, service charges, and costs retained by the clerks of the court, plus any funds received by the clerks of the court from the Clerks of the Court Trust Fund under s. 28.36(3), which exceed the amount needed to meet their authorized budget amounts established under s. 28.35." F.S. § 28.37(3).

C. 2017 Amendments Directing Funding to Clerks' Fine and Forfeitures Funds

Senate Bill 2506, which went into effect in June 2017, amended several statutes related to clerks' budgeting and funding, including clerks' collection, deposit, and remittance of fines, fees, service charges, and costs. *See* 2017 Fla. Sess. Law Serv. Ch. 2017-126 (S.B. 2506) (WEST). Senate Bill 2506 amended five statutory provisions, and added one statutory provision, that will lead to increased funding and decreased remittances and costs for clerks by:

- (A) directing filing fees and criminal fines into clerks' fine and forfeiture funds instead of requiring the clerks to remit these filing fees and criminal fines to the DOR's General Revenue Fund and the clerk's Public Modernization Trust fund;
- (B) deleting remittances from filing fees to the DOR's General Revenue Fund; and
- (C) shifting the funding of jurors' compensation, meals, lodging, and jury-related personnel costs from the Clerks of Court to the Justice Administrative Commission.

The six statutory provisions—F.S. §§ 28.241(1)(c)1., 28.241(1)(c)2., 28.241(2), 28.37(5), 40.29(5), 775.083(1)—as amended or added in Senate Bill 2506 are provided in the attached "Appendix C." According to the Florida Senate's "Bill Analysis and Fiscal Impact Statement" estimates, these statutory amendments will divert approximately \$24.9 million from the DOR's General Revenue Fund into the clerk's fine and forfeiture funds. *See* Bill Analysis, at 9.

For example, F.S. §§ 28.241(1)(c)1., 28.241(1)(c)2., 28.37(5), and 775.083(1) state that the "clerk shall deposit" into the clerks' fine and forfeitures funds the filing fees defined in these statutes. Clerks have no discretion under the current statutory framework to continue remitting these filing fees to the DOR for deposit into the General Revenue Fund. The current framework changed the distribution process and requires clerks to direct these identified funds to their fine and forfeiture funds.

The most recent July 2017 Distribution Schedule, published by the Florida Court Clerks & Comptrollers, reflects the amendments to the statutes listed above and produced in Appendix C. *See* 2017 Distribution Schedule, at Circuit Civil 9, 10; Probate 17; Civil Traffic 19-36, 38-40; Circuit Criminal 41-42, 44, 51; County Criminal 60; Criminal Traffic 63; Boating Violations 70-71; Juvenile Del. Dep. 89. For the clerks that produce less than 1/12 of their annual budget each month, this increase in funding will allow these clerks to retain these funds up to 1/12 of their annual budget each month. Any excess funding over the 1/12 monthly limitation must be remitted to the DOR's Clerk of the Court Trust Fund, pursuant to F.S. § 28.37(2). For clerks that produce more than 1/12 of their annual budget each month, this increase in funding will increase the amount of funds that clerks remit to the DOR's Clerk of the Court Trust Fund, pursuant to F.S. § 28.37(2).

D. Collecting & Depositing Increased Revenues from 2008 Fla. Sess. Law Serv. Ch. 2008-111

There is a concern whether increased revenues from the following statutes, amended by 2008 Fla. Sess. Law Serv. Ch. 2008-111 (C.S.S.B. 1790) (WEST), must or should be collected and deposited into the clerks' fine and forfeiture funds, pursuant to F.S. § 142.01, or remitted to the DOR: F.S. §§

- (1) 28.24 (1)–(4), (6), (8), (10), (13)–(14), (16)–(20), (25)–(26);
- (2) 28.241(1)(d);
- (3) 34.041(1)(d);
- (4) 45.035(1)–(2);
- (5) 55.505(3);
- (6) 57.082(1)(d);
- (7) 66.14(6)(d)–(f);
- (8) 316.193(2)(a)–(b), (4);
- (9) 318.14(10)(b);
- (10) 318.18(11)(a);
- (11) 318.18(18);
- (12) 322.245(1)–(2);
- (13) 327.35(2)(a)–(b), (4);
- (14) 327.73(4), (9)(a), (11)(a);
- (15) 713.24(1)(b);
- (16) 721.83(3);
- (17) 744.365(6)(a);
- (18) 744.3678(4); and
- (19) 938.05(1).

Revenues from the following statutes can be separated into two groups:

i. Explicitly Listed in F.S. § 142.01

The first group of statutes provides revenues that clerks must collect and deposit into the clerks' fine and forfeiture funds because these statutes are explicitly listed in F.S. § 142.01, which requires these statutes to provide revenues for clerks to collect and deposit into their fine and forfeiture funds. This first group of statutes includes: F.S. §§

- (A) 316.193(2)(a)–(b), (4);
- (B) 318.14(10)(b),
- (C) 318.18(11)(a);
- (D) 327.35(2)(a)–(b), (4); and
- (E) 327.73(9)(a), (11)(a).

The pertinent statutory language and arguments as to why clerks must collect and deposit the increased revenues from these statutes into clerks' fine and forfeiture funds are collected in

Appendix D. In short, these statutes, by their plain language, explicitly enumerate costs and fines that must be deposited into the clerks' fine and forfeiture funds.

**ii. Fall Under Broad Grant of Authority in F.S.
§ 142.01(1)(g)**

The second group of statutes provide revenues that clerks should collect and deposit into their fine and forfeiture funds pursuant to the broad grant of authority provided by F.S. § 142.01(1)(g), which provides that “[t]he [clerks’ fine and forfeiture funds] shall consist of the following: . . . (g) All other revenues received by the clerk as revenue authorized by law to be retained by the clerk.” This second group of statutes includes: F.S. §§

- (A) 28.24 (1)–(4), (6), (8), (10), (13)–(14), (16)–(20), (25)–(26);
- (B) 28.241(1)(d);
- (C) 34.041(1)(d);
- (D) 45.035(1)–(2);
- (E) 55.505(3);
- (F) 57.082(1)(d);
- (G) 66.14(6)(d)–(f);
- (H) 318.18(18);
- (I) 322.245(1)–(2);
- (J) 327.73(4);
- (K) 713.24(1)(b);
- (L) 721.83(3);
- (M) 744.365(6)(a);
- (N) 744.3678(4); and
- (O) 938.05(1).

Each of these statutes either (1) requires the clerk to deposit the revenues into their fine and forfeiture funds pursuant to F.S. § 142.01, (2) requires the clerk perform an action that likely authorizes the clerk to receive and retain the revenues generated by that statute pursuant to F.S. § 142.01(1)(g), or (3) orders parties to pay certain sums to the clerks, implying the clerks receive and retain those revenues pursuant to F.S. § 142.01(1)(g). The pertinent language of each statute will be provided in Appendix E and bolded.

In other provisions of the Florida Statutes, such as F.S. § 28.241(1)(c)1., the following language is utilized: “the clerk shall deposit the fees collected under this subparagraph into the fine and forfeiture fund established pursuant to s. 142.01.” In the 2017 amendments, the Florida legislature amended several provisions within F.S. § 28.241 and other statutes with this explicit language. Other statutes specifically listed under F.S. § 142.01, like F.S. § 327.73(9)(a) and (11)(a), do not contain this explicit language, yet are still required to fund the clerks’ fine and forfeiture fund. Therefore, it appears that F.S. § 28.241(1)(d) and the other statutes listed above fall under the umbrella of F.S. § 142.01(1)(g).

When the clerks are asked to perform a court related function for a fee, unless otherwise stated, those fees go to the clerks' fine and forfeiture fund. The full text of these provisions is provided in Appendix E.

There are still many statutes requiring clerks to remit portions of filing fees, services charges, and costs to the DOR's General Revenue Fund and other funds and trusts. These statutes include F.S. §§ 28.2401, 28.241, 34.041, 44.108, which are currently being challenged by the Broward County Clerk of Court on constitutional grounds pursuant to FLA. CONST. art. V, § 14(b).⁴

In addition to the distribution process, the current budgeting process raises constitutional issues about the overall impact of the budget process as it now exists. Section 2 will evaluate these potential constitutional issues.

⁴ Brenda Forman, the Broward County Clerk of Court, brought a declaratory judgment action against the DOR, Florida Department of Financial Services (DFS), and LBC. *See Forman v. Fla. Dep't of Revenue*, Supplemental Complaint for Declaratory and Other Relief (filed July 19, 2017), at 6–13, https://judicial.clerk.leon.fl.us/image_orders.asp?caseid=2761921&jiscaseid=&defseq=&chargeseq=&dktid=106012776&dktsource=CRTV.

Brenda Forman argues that remittances of filing fees, service charges, and costs into DOR's funds and trusts are unconstitutional because these remittances are utilized for purposes other than "funding of the offices of the clerks of the circuit and county courts performing court-related functions." *Id.* at 14–15. In addition to finding these statutes unconstitutional, Brenda Forman requested that the court require DOR to place these remittances into a fund used exclusively for this purpose. *Id.* at 16.

On September 20, 2017, DOR, DFS, and LBC submitted an answer and four affirmative defenses to Brenda Forman's *Supplemental Complaint for Declaratory and Other Relief*. *See Forman v. Fla. Dep't of Revenue*, Answer and Affirmative Defenses to Amended Complaint (filed Sept. 20, 2017), https://judicial.clerk.leon.fl.us/image_orders.asp?caseid=2761921&jiscaseid=&defseq=&chargeseq=&dktid=106215184&dktsource=CRTV. The four affirmative defenses include:

- (1) Brenda Forman's lack of standing in her official capacity to challenge a statute dictating her duties in that capacity;
- (2) lack of subject matter jurisdiction because Brenda Forman is required to presume the legislation is valid and therefore cannot argue that the statutes are adverse to her interests in her official capacity;
- (3) non-justiciable political question regarding the adequacy of funding; and
- (4) failure to state a cause of action against DOR and DFS because they administer the statutes, they do not take part in the application of the statutes.

Id. at 2–4.

2. Budget Process

A. 2017 Amendments (Senate Bill 2506)

Senate Bill 2506, discussed above in the previous section, also changed the process for establishing Clerk's budgets. That bill amended F.S. §§ 28.35 and 28.36, the statutes establishing the budgeting process for clerks of court. Prior to June 16, 2017, the date the newly amended statutes went into effect, the clerks of court were required to prepare, summarize, and submit a proposed budget to the Florida Clerks of Court Operations Corporation (CCOC).⁵ See F.S. § 28.36(2)(a). The clerks' proposed budgets also needed to be "balanced" as required by F.S. § 28.36(2)(b).⁶ After receiving the clerks' proposed budgets, the CCOC was required to "review, certify, and recommend" clerks' proposed budgets and submit the proposed clerks' budgets to the Florida Legislative Budget Commission (LBC). See F.S. §§ 28.35(2)(f), (h), *amended by* 2017 Fla. Sess. Law Serv. Ch. 2017-126 (S.B. 2506) (WEST). The LBC was required to "approve, disapprove, or amend and approve the total of the clerks' combined budgets or any individual clerk's budget." *Id.* at (2)(h).

On June 16, 2017, amendments to F.S. §§ 28.35 and 28.36 went into effect. The clerks of court still must submit balanced budget proposals to the CCOC. F.S. §§ 28.36(2)(a)–(b). **However, the amendments removed the LBC from its authority to approve, disapprove, or amend the clerks' budgets as submitted by the CCOC. See F.S. § 28.35(2)(h).⁷ The CCOC now determines the clerks' budget and is required to "approve" clerks' proposed budgets pursuant to the parameters provided in F.S. § 28.35(2)(f):**

The corporation must ensure that the total combined budgets of the clerks of the court do not exceed the total estimated revenues available for court-related

⁵ The CCOC is a political subdivision of the state, and its executive council is composed of eight clerks of the court elected by the clerks of the courts for a term of 2 years, with two clerks from counties with a population of fewer than 100,000, two clerks from counties with a population of at least 100,000 but fewer than 500,000, two clerks from counties with a population of at least 500,000 but fewer than 1 million, and two clerks from counties with a population of 1 million or more. The executive council shall also include, as ex officio members, a designee of the President of the Senate and a designee of the Speaker of the House of Representatives. The Chief Justice of the Supreme Court shall designate one additional member to represent the state courts system.

F.S. § 28.35(b)–(c).

⁶ See *supra* note 1.

⁷ Today, the CCOC is only required to prepare and submit "to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the legislative appropriations committees by January 1 of each year on the operations and activities of the corporation and detailing the budget development for the clerks of the court and the end-of-year reconciliation of actual expenditures versus projected expenditures for each clerk of court." F.S. § 28.35(2)(h).

expenditures as determined by the most recent Revenue Estimating Conference.

The corporation may amend any individual clerk of the court budget to ensure compliance with this paragraph and must consider performance measures, workload performance standards, workload measures, and expense data before modifying the budget.

The amendments also removed from the LBC, and provided to the CCOC, the discretionary power to increase or decrease “previously authorized budgets approved for individual clerks of the court pursuant to s. 28.35 for court-related functions, if:

- (a) The additional budget authority is necessary to pay the cost of performing new or additional functions required by changes in law or court rule; or
- (b) The additional budget authority is necessary to pay the cost of supporting increases in the number of judges or magistrates authorized by the Legislature.”

F.S. § 28.36(4).

In light of the 2017 Amendments and other complications, the process of setting the clerks’ court budget is fundamentally flawed in at least two ways. First, the budget is created based on revenue, rather than cost. Second, the budget is systematically underestimated due to reliance on a defunct statute. Both of these flaws are explored in greater detail below.

B. Flaw 1: Revenue-Based Budgeting, Rather than Cost-Based Budgeting

The current statutory process for establishing the clerks’ total combined budget, pursuant to F.S. § 28.35(2)(f), raises constitutional issues. The Florida Constitution requires clerks to receive adequate and appropriate funding sources to satisfy clerks’ costs to perform court-related functions. *See* FLA. CONST. art. V, § 14(b); Alan C. Sundberg & Jon L. Mills, *Statement of Intent*, JOURNAL OF THE SENATE, at 261, <http://fall.fsulawrc.com/crc/pdf/crc30.pdf>. If the clerks’ budget proposals to CCOC establish that the clerks’ total combined budgets—which reflect the clerks’ total combined costs to perform court-related functions⁸—exceed REC’s calculation for total estimated revenues, the CCOC would be required by F.S. § 28.35(2)(f) to reduce the clerks’ total combined budgets to be equal to or less than the REC’s total estimated revenues.⁹ The result

⁸ “(2) Each proposed budget shall further conform to the following requirements: . . . (b) The proposed budget must be balanced such that the total of the estimated revenues available equals or exceeds the total of the anticipated expenditures. Such revenues include revenue projected to be received from fees, service charges, costs, and fines for court-related functions during the fiscal period covered by the budget. The anticipated expenditures must be itemized as required by the corporation.” F.S. § 28.36(2)(b).

⁹ The CCOC “may amend any individual clerk of the court budget to ensure compliance with this paragraph and must consider performance measures, workload performance standards, workload measures, and expense data before modifying the budget.” F.S. § 28.35(2)(f).

of this process is a budget based on estimated revenue rather than the costs to perform clerks' workload. This shortfall gives rise to the issue of constitutionality of the budget process.

The constitutional issue can be defined as a direct conflict between the specific language of the constitution—which contemplates an adequate and appropriate level of funding sources for clerk's budgets to satisfy clerks' costs—and the language in the statutes that base the allocations solely on revenues. The language of the statute confers the ultimate authority to set *budget* limits on the Revenue Estimating Conference. The relevant language is: “. . . the total combined budgets of the clerks of the court *do not exceed the total estimated revenues available . . .*”

The ultimate budget authority is not vested with the clerks, the CCOC or the legislature itself but rather a group of experts on revenue estimates—the REC. Since the REC's ultimate budget authority is based on a process that centers upon *revenue*, this process contradicts the 1998 CRC's Statement of Intent for Art. V, § 14(b):

It is further the intent of the proposers that the legislature, when developing the schedule of reasonable and adequate filing fees, service charges and costs, review the court-related operations of the offices of the clerks of the circuit an[d] [sic] county courts and make an independent determination as to what should be the reasonable cost to perform the court-related operations of the clerks' offices. The drafters of subsection (b) recognize that there currently exists significant disparities among what the various clerks' offices spend to perform the same functions. The determination by the legislature as to the appropriate level of spending should not entail an acceptance of the current level of spending by the clerks' offices throughout the state to perform court-related functions. Rather, it is the intent of this proposal that the clerks be held accountable and responsible to a cost standard which is independently established by the legislature.

Alan C. Sundberg & Jon L. Mills, *Statement of Intent*, JOURNAL OF THE SENATE, at 261, <http://fall.fsulawrc.com/crc/pdf/crc30.pdf>.

The statutes provide a process for individual clerks to address shortfalls. The provisions of F.S. § 28.36(3) mandate that clerks report revenue deficits in their proposed budgets to the CCOC. *Id.* If the CCOC verifies the clerk's revenue deficit projection,

the [CCOC] shall certify a revenue deficit and notify the Department of Revenue that the clerk is authorized to retain revenues, in an amount necessary to fully fund the projected revenue deficit, which he or she would otherwise be required to remit to the Department of Revenue for deposit into the department's Clerks of the Court Trust Fund pursuant to s. 28.37. If a revenue deficit is projected for that clerk after retaining all of the projected collections from the court-related fines, fees, service charges, and costs, the [CCOC] shall certify the amount of the revenue deficit to the Executive Office of the Governor and request release authority for funds from the department's Clerks of the Court Trust Fund. Notwithstanding s. 216.192 relating to the release of funds, the Executive Office of the Governor may approve the release of funds in accordance with the notice,

review, and objection procedures set forth in s. 216.177 and shall provide notice to the Department of Revenue and the Chief Financial Officer. The Department of Revenue shall request monthly distributions from the Chief Financial Officer in equal amounts to each clerk certified to have a revenue deficit, in accordance with the releases approved by the Governor.

Id. Ultimately, the budget process remains flawed for the individual clerks and flawed as a funding system for all the clerks. While there are funding mechanisms available to respond to shortfalls, those mechanisms do not cure the basic defects in the budget process that rely upon revenue estimates, as opposed to cost estimates as was intended.

C. Flaw 2: Systematic Under-Budgeting Due to Reliance on a Defunct Statute

The REC and CCOC continue to adhere to Section 47 of 2008 Fla. Sess. Law Serv. Ch. 2008-111 (C.S.S.B. 1790) (WEST) for creating budget proposals. Section 47 provided,

Notwithstanding s. 28.36, Florida Statutes, the Florida Clerks of Court Operations Corporation may not approve increases to the clerks' budgets based on increased revenue generated under this act. The corporation may increase the clerks' budgets in the aggregate by \$1,188,184 for the period from July 1, 2008, through September 30, 2008, and \$3,564,551 for the period from October 1, 2008, through June 30, 2009, for the increased duties related to paying jurors and juror meals and lodging expenses as provided in this act. These budget increases shall be considered as part of the recurring base budget of the clerks for future budgets approved pursuant to s. 28.36, Florida Statutes.

Every year the Florida legislature enacts a statutory plan that incorporates statutes of a "general and permanent nature . . . together with corrections, changes, and amendments to and repeals of" statutes. *See, e.g.*, F.S. § 11.2421 (2016). The Florida legislature also repeals all statutes not included in that statutory plan. *See, e.g.*, F.S. § 11.2422 (2016). Since Section 47 was not enacted into the statutory plan of 2009, Section 47 only remained good law during 2008 until the statutory plan was enacted in 2009.

The REC was not subject to, and should never have adhered to, Section 47. Section 47 only applied to the CCOC until the Florida legislature enacted the 2009 statutory plan. The REC's erroneous adherence to Section 47 has created an unjustified limitation on the amount of estimated revenues because the REC is not accounting for the increased revenues generated by the 2008-111 bill. The REC should have accounted for these increased revenues.

The CCOC's continued adherence to Section 47 in creating budget proposals for clerks is erroneous because Section 47 was repealed in 2009 and was never included into Florida's statutory plan. Section 47 was effective only until the 2009 statutory plan was enacted. Therefore, the CCOC should have been accounting for these increased revenues when establishing budget proposals for the clerks from 2009 to present.

It is also important to note that Section 47 never prohibited clerks from collecting and depositing these increased revenues into the clerks' fine and forfeiture funds pursuant to F.S. §§ 142.01, subject to the monthly and annual limitations prescribed by F.S. § 28.37. Section 47 never prohibited clerks from including these increased revenues in their budget proposals to the CCOC. Section 47 only prohibited the CCOC from "approv[ing] increases to the clerks' budgets based on increased revenue generated under" the 2008-111 bill during the period Section 47 was in force during 2008.

The REC and CCOC's continued adherence to Section 47 resulted in a budgeting issue for clerks between 2013 to the present. From 2009 to 2012, the clerks did not face a budgeting issue because the clerks were required to remit monthly all revenues to the DOR as state funds, pursuant to F.S. § 142.01(2) (2009). In 2013, the Florida legislature amended F.S. § 142.01 deleting this requirement.

From 2013 to the present, the REC and CCOC's continued adherence to Section 47 has limited the amount of revenues the REC has accounted for when creating revenue estimates which negatively affected the CCOC's budget proposals for clerks. Therefore, clerks' budgets during this period have been smaller than the budgets should have been because revenues from the 2008-111 bill should have been accounted for by the REC. This is important because from 2013 until May 2017, the CCOC's budget proposals for clerks have been reviewed by either the Chief Financial Officer or the LBC, pursuant to F.S. § 28.35, and have been further reduced. It is likely clerks' budgets between 2013 to 2017 would have been larger had these revenues been accounted for by the REC and incorporated into the CCOC's budget proposals. Between 2013 to 2016, for counties that collected and deposited more than 1/12 of their annual budget each month, or more than their annual budget during the year, the REC and CCOC's continued adherence to Section 47 caused these clerks to remit to the DOR more funds than should have been remitted because the budgets should have been larger.

Going forward, clerks should advise and provide the REC and CCOC an enumeration of these revenues to be accounted for in REC's revenue estimates and included in CCOC's budget proposals for clerks. Clerks should be collecting and depositing into their fine and forfeiture funds these increased revenues generated by the 2008-111 bill up to the clerks' 1/12 monthly and annual budgetary limits, pursuant to F.S. § 28.37.

VII. CONCLUSION AND RECOMMENDATIONS

This Memorandum presents two issues. First is whether funds are to be retained by clerks in their fine and forfeiture funds or are to be remitted to the Department of Revenue. Second is the actual determination of the clerks' budgets. This Memorandum reaches three main conclusions. First is that clerks are statutorily required to collect and deposit specified funds into the clerks' fine and forfeiture funds. These specified funds are either provided by explicitly listed statutes within F.S. § 142.01 or provided by general law in accordance with subsection (1)(g) of F.S. § 142.01. Second is that the budgeting process is flawed because the CCOC is required to establish clerks' budgets according to a revenue-based standard dependent upon the REC's revenue estimates, not a cost-based standard as was intended by Art. V, § 14(b) of the Florida Constitution. Third is that the REC's revenue estimates, which the CCOC must rely upon for establishing clerks' budgets,

are incorrect because the REC continues to erroneously adhere to Section 47 of the 2008-111 bill. Section 47 was repealed when the 2009 statutory plan was enacted. Therefore, the REC should include the increased revenues generated from the 2008-111 bill in its revenue estimates and the CCOC should also account for the increased revenues when establishing clerks' budgets.

Ultimately, clerks are core components of Florida's justice system and are constitutionally entitled to be provided adequate and appropriate funding sources to satisfy clerks' costs to perform court-related functions as required by the Florida Constitution pursuant to Art. V, § 14(b).

Based on the three conclusions listed above, we recommend the following three actions be taken.

First, clerks should comply with their statutory duties to collect and deposit into their fine and forfeiture funds certain revenues, as required or authorized by F.S. § 142.01. These revenues include those increased revenues from the 2008-111 bill that are currently not being collected and deposited after the repeal of Section 47.

Second, clerks should advise and provide the CCOC and REC with an enumeration of all sources of revenues required by law to be included as revenue sources for the clerks' budgets. These revenue sources include the increased revenues from the 2008-111 bill that are currently not being included in the REC's revenue estimates after the repeal of Section 47.

Third, clerks should recommend to the Florida legislature revisions to the statutory structure of the clerks' budget process to bring the funding of clerks' individual and combined budgets into compliance with Art. V, § 14(b) of the Florida Constitution. These revisions should create a budget process that is based on *cost estimates, not revenue estimates*.

VIII. APPENDICES

1. APPENDIX A – 1998 Statement of Intent

Alan C. Sundberg & Jon L. Mills, *Statement of Intent*, JOURNAL OF THE SENATE, at 261, <http://fall.fsulawrc.com/crc/pdf/crc30.pdf>:

Section 14(b) provides that all funding for the offices of the clerks of the circuit and county courts performing court-related functions shall, except as otherwise provided in subsections (b) and (c), be provided by adequate and appropriate filing fees for judicial proceedings and service charges and costs for performing court-related functions (hereinafter “filing fees, service charges and costs”) which are collected and retained by the offices of the clerks of the circuit and county courts. Where the requirements of either the United States Constitution or the Constitution of the State of Florida preclude the imposition of filing fees, service charges and costs sufficient to fund the court-related functions of the offices of the clerks of the circuit and county courts, subsection (b) requires the state to provide adequate and appropriate supplemental funding from state revenues appropriated by general law.

It is the intent of the proposers that the legislature, when developing the schedule of filing fees, services charges and costs, adopt: (1) a procedure to fund the offices of the clerks of the circuit and county courts when filing fees, services charges and costs are insufficient to cover the court-related salaries, costs, and expenses of the offices of the clerks of the circuit and county courts in a given fiscal year; and (2) a procedure for the disposition of filing fees, service charges and costs retained by the offices of the clerks of the circuit and county courts which, at the end of any fiscal year, exceed the court-related salaries, costs and expenses of the offices of the clerks of the circuit ad county courts during the preceding fiscal year.

It is further the intent of the proposers that the legislature, when developing the schedule of reasonable and adequate filing fees, service charges and costs, review the court-related operations of the offices of the clerks of the circuit an[d] county courts and make an independent determination as to what should be the reasonable cost to perform the court-related operations of the clerks' offices. The drafters of subsection (b) recognize that there currently exists significant disparities among what the various clerks' offices spend to perform the same functions. The determination by the legislature

as to the appropriate level of spending should not entail an acceptance of the current level of spending by the clerks' offices throughout the state to perform court-related functions. Rather, it is the intent of this proposal that the clerks be held accountable and responsible to a cost standard which is independently established by the legislature.

2. APPENDIX B – Requirements to Deposit or Remit Funds

Below is a table depicting a list of many of the clerks' requirements, pursuant to F.S. §142.01, to either deposit funds into their fine and forfeiture funds or remit those funds to the DOR as those responsibilities changed in the years of 2008, 2009–2012, and 2013–2017 (Present).

	2008	2009–2012 <i>See Source (1)</i>	2013–2017 (Present) <i>See Source (2)</i>
Florida Statutes Explicitly Included in F.S. § 142.01			
28.2402(2)	FFF	DOR	FFF
34.045(2)	FFF	DOR	FFF
316.193**	FFF	DOR	FFF
327.35**	FFF	DOR	FFF
327.72	FFF	DOR	FFF
379.2203(1)	FFF	DOR	FFF
775.083(1)	FFF	DOR	FFF
318.21	FFF	DOR	FFF
28.2402(1)(b)	FFF	DOR	FFF
34.045(1)(b)	FFF	DOR	FFF
318.14(10)(b)**	FFF	DOR	FFF
318.18(11)(a)**	FFF	DOR	FFF
327.73(9)(a)**	FFF	DOR	FFF
327.73(11)(a)**	FFF	DOR	FFF
938.05(3)	FFF	DOR	FFF
321.05(4)(a)	FFF	DOR	FFF
379.2203(1)	FFF	DOR	FFF
903.26(3)(a)	FFF	DOR	FFF
34.191	FFF	DOR	FFF
28.241*	N/A	N/A	FFF
34.041*	N/A	N/A	FFF
Florida Statutes Included Pursuant to F.S. § 142.01(1)(g)**			
28.24 (1)–(4), (6), (8), (10), (13)–(14), (16)–(20), (25)–(26)	FFF	DOR	FFF
28.241(1)(d)	FFF	DOR	FFF
34.041(1)(d)	FFF	DOR	FFF
45.035(1)–(2)	FFF	DOR	FFF
55.505(3)	FFF	DOR	FFF
57.082(1)(d)	FFF	DOR	FFF
66.14(6)(d)–(f)	FFF	DOR	FFF
318.18(18)	FFF	DOR	FFF
322.245(1)–(2)	FFF	DOR	FFF
327.73(4)	FFF	DOR	FFF
713.24(1)(b)	FFF	DOR	FFF
721.83(3)	FFF	DOR	FFF

744.365(6)(a)	FFF	DOR	FFF
744.3678(4)	FFF	DOR	FFF
938.05(1)	FFF	DOR	FFF

SOURCES: (1) 2009 Fla. Sess. Law Serv. Ch. 2009-204 (C.S.C.S.S.B. 2108) (WEST); (2) 2013 Fla. Sess. Law Serv. Ch. 2013-44 (S.B. 1512) (WEST).

* F.S. § 142.01(1)(f) provides that clerks shall deposit into clerks' fine and forfeiture funds "[f]iling fees received pursuant to ss. 28.241 and 34.041, *unless the disposition of such fees is otherwise required by law.*" See, e.g., F.S. § 28.241(1)(a)1.a.; F.S. § 34.041(1)(b).

** See Part VI(1)(D).

3. APPENDIX C – June 2017 Amendments

(A) 2017 Amendments Directing Filing Fees & Criminal Fines to Clerks' Fine & Forfeiture Funds

F.S. § 28.241(1)(c)1., amended by 2017 Fla. Sess. Law Serv. Ch. 2017-126 (S.B. 2506) (WEST).

c) 1. A party in addition to a party described in sub-subparagraph (a)1.a. who files a pleading in an original civil action in circuit court for affirmative relief by cross-claim, counterclaim, counterpetition, or third-party complaint shall pay the clerk of court a fee of \$395. A party in addition to a party described in sub-subparagraph (a)1.b. who files a pleading in an original civil action in circuit court for affirmative relief by cross-claim, counterclaim, counterpetition, or third-party complaint shall pay the clerk of court a fee of \$295. The clerk shall **deposit** ~~remit~~ the fee to the Department of Revenue for deposit into the **fine and forfeiture fund established pursuant to s. 142.01 General Revenue Fund**.

F.S. § 28.241(1)(c)2., amended by 2017 Fla. Sess. Law Serv. Ch. 2017-126 (S.B. 2506) (WEST).

2. A party in addition to a party described in subparagraph (a)2. who files a pleading in an original civil action in circuit court for affirmative relief by cross-claim, counterclaim, counterpetition, or third-party complaint shall pay the clerk of court a graduated fee of:

- a. Three hundred and ninety-five dollars in all cases in which the value of the pleading is \$50,000 or less;
- b. Nine hundred dollars in all cases in which the value of the pleading is more than \$50,000 but less than \$250,000; or
- c. One thousand nine hundred dollars in all cases in which the value of the pleading is \$250,000 or more.

The clerk shall **deposit** ~~remit~~ the fees collected under this subparagraph to the Department of Revenue for deposit into the **fine and forfeiture fund established pursuant to s. 142.01 General Revenue Fund**.

F.S. § 28.37(5), amended by 2017 Fla. Sess. Law Serv. Ch. 2017-126 (S.B. 2506) (WEST).

(5) Ten percent of all court-related fines collected by the clerk, except for penalties or fines distributed to counties or municipalities under s. 316.0083(1)(b)3. or s. 318.18(15)(a), shall be deposited into the **fine and forfeiture clerk's Public Records Modernization Trust** fund to be used exclusively for **additional clerk court-related functions, as provided in s. 28.35(3)(a) operational needs and program enhancements**.

F.S. § 775.083(1), amended by 2017 Fla. Sess. Law Serv. Ch. 2017-126 (S.B. 2506) (WEST).

(1) A person who has been convicted of an offense other than a capital felony may be sentenced to pay a fine in addition to any punishment described in s. 775.082; when specifically authorized by statute, he or she may be sentenced to pay a fine in lieu of any punishment described in s.

775.082. A person who has been convicted of a noncriminal violation may be sentenced to pay a fine. Fines for designated crimes and for noncriminal violations shall not exceed:

- (a) \$15,000, when the conviction is of a life felony.
- (b) \$10,000, when the conviction is of a felony of the first or second degree.
- (c) \$5,000, when the conviction is of a felony of the third degree.
- (d) \$1,000, when the conviction is of a misdemeanor of the first degree.
- (e) \$500, when the conviction is of a misdemeanor of the second degree or a noncriminal violation.
- (f) Any higher amount equal to double the pecuniary gain derived from the offense by the offender or double the pecuniary loss suffered by the victim.
- (g) Any higher amount specifically authorized by statute.

Fines imposed in this subsection shall be deposited by the clerk of the court in the fine and forfeiture fund established pursuant to s. 142.01, ~~except that the clerk shall remit fines imposed when adjudication is withheld to the Department of Revenue for deposit in the General Revenue Fund~~. If a defendant is unable to pay a fine, the court may defer payment of the fine to a date certain. As used in this subsection, the term "convicted" or "conviction" means a determination of guilt which is the result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld.

(B) 2017 Amendments Deleting Remittances from Filing Fees to DOR's General Revenue Fund

F.S. § 28.241(2), amended by 2017 Fla. Sess. Law Serv. Ch. 2017-126 (S.B. 2506) (WEST).

(2) Upon the institution of any appellate proceeding from any lower court to the circuit court of any such county, including appeals filed by a county or municipality as provided in s. 34.041(5), or from the circuit court to an appellate court of the state, the clerk shall charge and collect from the party or parties instituting such appellate proceedings a filing fee not to exceed \$280 for filing a notice of appeal from the county court to the circuit court and, in addition to the filing fee required under s. 25.241 or s. 35.22, \$100 for filing a notice of appeal from the circuit court to the district court of appeal or to the Supreme Court. If the party is determined to be indigent, the clerk shall defer payment of the fee. ~~The clerk shall remit the first \$80 to the Department of Revenue for deposit into the General Revenue Fund.~~

(C) 2017 Amendment Shifting Funding of Jurors' Costs from Clerks to JAC

F.S. § 40.29(5), added by 2017 Fla. Sess. Law Serv. Ch. 2017-126 (S.B. 2506) (WEST).

(5) **The Justice Administrative Commission shall provide funds to the clerks of the court to compensate jurors, to pay for meals or lodging provided to jurors, and to pay for jury-related personnel costs as provided in this section. Each clerk of the court shall forward to the Justice Administrative Commission a quarterly estimate of funds necessary to compensate jurors and pay for meals or lodging provided to jurors during the upcoming quarter. The Florida Clerks of Court Operations Corporation shall forward to the Justice Administrative Commission a quarterly estimate of the amount necessary to reimburse each clerk of the court for its personnel and other costs related to jury management. Upon receipt of such estimates, the Justice Administrative Commission shall determine the**

amount deemed necessary for payment to the clerks of the court during the upcoming quarter and submit a request for payment to the Chief Financial Officer. If the Justice Administrative Commission believes that the amount appropriated by the Legislature is insufficient to meet such costs during the remaining part of the state fiscal year, the commission may apportion the funds appropriated in the General Appropriations Act for those purposes among the several counties, basing the apportionment upon the amount expended for such purposes in each county during the prior fiscal year, in which case, the Chief Financial Officer shall issue the appropriate apportioned amount by warrant to each county. The clerks of the court are responsible for any compensation to jurors, for payments for meals or lodging provided to jurors, and for jury-related personnel costs that exceed the funding provided in the General Appropriations Act for these purposes.

4. APPENDIX D – Explicitly Defined Revenues that Clerks Must Collect and Deposit

(A) F.S. § 316.193(2)(a)–(b), (4);

F.S. § 316.193(2)(a)–(b), (4) provides:

(2)

(a) Except as provided in paragraph (b), subsection (3), or subsection (4), any person who is convicted of a violation of subsection (1) shall be punished:

1. **By a fine of:**

- a. Not less than \$500 or more than \$1,000 for a first conviction.
- b. Not less than \$1,000 or more than \$2,000 for a second conviction; and...

(b)

2. Any person who is convicted of a third violation of this section for an offense that occurs more than 10 years after the date of a prior conviction for a violation of this section shall be punished by a fine of not less than \$2,000 or more than \$5,000 and by imprisonment for not more than 12 months....

3. Any person who is convicted of a fourth or subsequent violation of this section, regardless of when any prior conviction for a violation of this section occurred, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. However, **the fine imposed** for such fourth or subsequent violation may be not less than \$2,000.

(4) Any person who is convicted of a violation of subsection (1) and who has a blood-alcohol level or breath-alcohol level of 0.15 or higher, or any person who is convicted of a violation of subsection (1) and who at the time of the offense was accompanied in the vehicle by a person under the age of 18 years, shall be punished:

(a) **By a fine of:**

1. Not less than \$1,000 or more than \$2,000 for a first conviction.
2. Not less than \$2,000 or more than \$4,000 for a second conviction.
3. Not less than \$4,000 for a third or subsequent conviction....

F.S. § 142.01(1)(a) provides that “[t]he [clerks’ fine and forfeiture funds] shall consist of the following: (a) Fines and penalties pursuant to ss....316.193....” Under a plain reading, the above

provisions of F.S. § 316.193 clearly qualify as fines that clerks must collect and deposit into their fine and forfeiture funds.

(B) F.S. § 318.14(10)(b)

F.S. § 318.14(10)(b) provides:

(b) Any person cited for an offense listed in this subsection shall present proof of compliance before the scheduled court appearance date...Notwithstanding waiver of fine, any person establishing proof of compliance shall be assessed court costs of \$25, except that a person charged with violation of s. 316.646(1)-(3) may be assessed court costs of \$8. One dollar of such costs shall be remitted to the Department of Revenue for deposit into the Child Welfare Training Trust Fund of the Department of Children and Families. One dollar of such costs shall be distributed to the Department of Juvenile Justice for deposit into the Juvenile Justice Training Trust Fund. Fourteen dollars of such costs shall be distributed to the municipality and \$9 shall be **deposited by the clerk of the court into the fine and forfeiture fund established pursuant to s. 142.01**, if the offense was committed within the municipality. If the offense was committed in an unincorporated area of a county or if the citation was for a violation of s. 316.646(1)-(3), the entire amount **shall be deposited by the clerk of the court into the fine and forfeiture fund established pursuant to s. 142.01**, except for the moneys to be deposited into the Child Welfare Training Trust Fund and the Juvenile Justice Training Trust Fund....

A plain reading of this statute clearly mandates that, if the offense took place within the incorporated areas of the county, \$9 of the court costs must go to the clerks' fine and forfeiture fund. *See* F.S. § 142.01(1)(c). If the offense takes place outside the incorporated areas of the county, then all court costs go to the clerks' fine and forfeiture fund, except one dollar to each of the Child Welfare Training Trust Fund and the Juvenile Justice Training Trust Fund.

(C) F.S. § 318.18(11)(a)

F.S. § 318.18 (11)(a), which is specifically listed under F.S. § 142.01, provides:

(11)(a) In addition to the stated fine, court costs must be paid in the following amounts and **shall be deposited by the clerk into the fine and forfeiture fund established pursuant to s. 142.01:**

For pedestrian infractions....\$4.

For nonmoving traffic infractions....\$18.

For moving traffic infractions....\$35.

A plain reading explicitly calls for the deposit of these court costs into the clerks' fine and forfeiture funds. *See* F.S. § 142.01(1)(c).

(D) F.S. § 327.35(2)(a)-(b), (4)

F.S. § 327.35(2)(a)–(b), (4) provides:

(2)

(a) Except as provided in paragraph (b), subsection (3), or subsection (4), any person who is convicted of a violation of subsection (1) shall be punished:

1. **By a fine of:**

- a. Not less than \$500 or more than \$1,000 for a first conviction.
- b. Not less than \$1,000 or more than \$2,000 for a second conviction; and...

(b)

1. Any person who is convicted of a third violation of this section for an offense that occurs within 10 years after a prior conviction for a violation of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. Any person who is convicted of a third violation of this section for an offense that occurs more than 10 years after the date of a prior conviction for a violation of this section **shall be punished by a fine** of not less than \$2,000 or more than \$5,000 and by imprisonment for not more than 12 months.

3. Any person who is convicted of a fourth or subsequent violation of this section, regardless of when any prior conviction for a violation of this section occurred, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. However, **the fine imposed** for such fourth or subsequent violation may not be less than \$2,000.

(4) Any person who is convicted of a violation of subsection (1) and who has a blood-alcohol level or breath-alcohol level of 0.15 or higher, or any person who is convicted of a violation of subsection (1) and who at the time of the offense was accompanied in the vessel by a person under the age of 18 years, shall be punished:

(a) **By a fine of:**

1. Not less than \$1,000 or more than \$2,000 for a first conviction.
2. Not less than \$2,000 or more than \$4,000 for a second conviction.
3. Not less than \$4,000 for a third or subsequent conviction....

F.S. § 142.01(1)(a) provides that “[t]he [clerks’ fine and forfeiture funds] shall consist of the following: (a) Fines and penalties pursuant to ss....327.35....” Under a plain reading, the above provisions of F.S. § 327.35 clearly qualify as fines that clerks must collect and deposit into their fine and forfeiture funds.

(E) F.S. § 327.73(9)(a), (11)(a)

F.S. § 327.73(9)(a), (11)(a) provides:

(9)(a) Any person who fails to comply with the court's requirements or who fails to pay the civil penalties specified in this section within the 30-day period

provided for in s. 327.72 **must pay an additional court cost** of up to \$20, which shall be used by the clerks of the courts to defray the costs of tracking unpaid uniform boating citations.

(11)(a) **Court costs** that are to be in addition to the stated civil penalty **shall be imposed by the court** in an amount not less than the following:

1. For swimming or diving infractions, \$4.
2. For nonmoving boating infractions, \$18.
3. For boating infractions listed in s. 327.731(1), \$35.

F.S. § 142.01(1)(c) provides that “[t]he [clerks’ fine and forfeiture funds] shall consist of the following: (c) Court costs pursuant to ss....327.73(9)(a) and (11)(a)...” Under a plain reading, the above provisions of F.S. § 327.73 clearly qualify as court costs that clerks must collect and deposit into their fine and forfeiture funds.

5. APPENDIX E – Non-Explicitly Defined Revenues that Clerks Must Collect and Deposit

(A) F.S. § 28.24(1)–(4), (6), (8), (10), (13)–(14), (16)–(20), (25)–(26)

F.S. § 28.24 (1)–(4), (6), (8), (10), (13)–(14), (16)–(20), (25)–(26) provides:

The clerk of the circuit court shall charge for services rendered manually or electronically by the clerk's office in recording documents and instruments and in performing other specified duties. These charges may not exceed those specified in this section, except as provided in s. 28.345.

- (1) For examining, comparing, correcting, verifying, and certifying transcripts of record in appellate proceedings, prepared by attorney for appellant or someone else other than clerk, per page...5.00
- (2) For preparing, numbering, and indexing an original record of appellate proceedings, per instrument...3.50
- (3) For certifying copies of any instrument in the public records...2.00
- (4) For verifying any instrument presented for certification prepared by someone other than clerk, per page...3.50
- (6) For making microfilm copies of any public records:
 - (a) 16 mm 100' microfilm roll...42.00
 - (b) 35 mm 100' microfilm roll...60.00
 - (c) Microfiche, per fiche...3.50
- (8) For writing any paper other than herein specifically mentioned, same as for copying, including signing and sealing...7.00
- (10) For receiving money into the registry of court:
 - (a)
 1. First \$500, percent...3
 2. Each subsequent \$100, percent...1.5
 - (b) Eminent domain actions, per deposit...170.00
- (13) Oath, administering, attesting, and sealing, not otherwise provided for herein...3.50
- (14) For validating certificates, any authorized bonds, each...3.50
- (16) For exemplified certificates, including signing and sealing...7.00
- (17) For authenticated certificates, including signing and sealing...7.00
- (18)
 - (a) For issuing and filing a subpoena for a witness, not otherwise provided for herein (includes writing, preparing, signing, and sealing)...7.00
 - (b) For signing and sealing only...2.00
- (19) For approving bond...8.50

(20) For searching of records, for each year's search...2.00

(25) For sealing any court file or expungement of any record...42.00

(26)

(a) For receiving and disbursing all restitution payments, per payment...3.50

(b) For receiving and disbursing all partial payments, other than restitution payments, for which an administrative processing service charge is not imposed pursuant to s. 28.246, per month...5.00

(c) For setting up a payment plan, a one-time administrative processing charge in lieu of a per month charge under paragraph (b)...25.00

(B) F.S. § 28.241(1)(d)

F.S. § 28.241(1)(d) provides:

(d) The clerk of court shall collect a service charge of \$10 for issuing an original, a certified copy, or an electronic certified copy of a summons. The clerk shall assess the fee against the party seeking to have the summons issued.¹⁰

(C) F.S. § 34.041(1)(d)

F.S. § 34.041(1)(d) provides:

(d) The clerk of court shall collect a service charge of \$10 for issuing a summons or an electronic certified copy of a summons. The clerk shall assess the fee against the party seeking to have the summons issued.

(D) F.S. § 45.035(1)-(2)

F.S. § 45.035(1)-(2) provides:

In addition to other fees or service charges authorized by law, the clerk shall receive service charges related to the judicial sales procedure set forth in ss.45.031-45.034 and this section:

¹⁰ F.S. § 142.01(1)(f) provides, "The [clerks' fine and forfeiture funds] shall consist of the following:...**(f) Filing fees received pursuant to ss. 28.241 and 34.041, unless the disposition of such fees is otherwise required by law.**" A plain reading of this provision dictates that only *filing fees* received pursuant to F.S. § 28.241 should be deposited into the clerks' fine and forfeitures funds, unless otherwise required by law. Since F.S. § 28.241(1)(d) is a service charge, it does not appear that this provision of F.S. § 142.01(1)(f) will apply.

(1) The clerk shall receive a service charge of \$70 for services in making, recording, and certifying the sale and title, which service charge shall be assessed as costs and shall be advanced by the plaintiff before the sale.

(2) If there is a surplus resulting from the sale, the clerk may receive the following service charges, which shall be deducted from the surplus:

(a) The clerk may withhold the sum of \$28 from the surplus which may only be used for purposes of educating the public as to the rights of homeowners regarding foreclosure proceedings.

(b) The clerk is entitled to a service charge of \$15 for notifying a surplus trustee of his or her appointment.

(c) The clerk is entitled to a service charge of \$15 for each disbursement of surplus proceeds.

(d) The clerk is entitled to a service charge of \$15 for appointing a surplus trustee, furnishing the surplus trustee with a copy of the final judgment and the certificate of disbursements, and disbursing to the surplus trustee the trustee's cost advance.

(E) F.S. § 55.505(3)

F.S. § 55.505(3) provides:

(3) No execution or other process for enforcement of a foreign judgment recorded hereunder shall issue until 30 days after the mailing of notice by the clerk and **payment of a service charge of up to \$42 to the clerk.** When an action authorized in s. 55.509(1) is filed, it acts as an automatic stay of the effect of this section.

(F) F.S. § 57.082(1)(d)

F.S. § 57.082(1)(d) provides:

(d) A person who seeks appointment of an attorney in a proceeding under chapter 39, at shelter hearings or during the adjudicatory process, during the judicial review process, upon the filing of a petition to terminate parental rights, or upon the filing of any appeal, or if the person seeks appointment of an attorney in a reopened proceeding, for which an indigent person is eligible for court-appointed representation must pay a \$50 application fee to the clerk for each application filed....The clerk shall transfer monthly all application fees collected under this paragraph to the Department of Revenue for deposit into the Indigent Civil Defense Trust Fund, to be used as appropriated by the Legislature. **The clerk may retain 10 percent of application fees collected monthly for**

administrative costs prior to remitting the remainder to the Department of Revenue....

(G) F.S. § 66.14(6)(d)–(f)

F.S. § (G) 66.14(6)(d)–(f) provides:

(d) The court shall hear the obligor's motion to contest the impending judgment within 15 days after the date of filing of the motion. Upon the court's denial of the obligor's motion, the amount of the delinquency and all other amounts that become due, **together with costs and a service charge of up to \$25**, become a final judgment by operation of law against the obligor. The depository shall charge interest at the rate established in s. 55.03 on all judgments for support. Payments on judgments shall be applied first to the current child support due, then to any delinquent principal, and then to interest on the support judgment.

(e) If the obligor fails to file a motion to contest the impending judgment within the time limit prescribed in paragraph (c) and fails to pay the amount of the delinquency and all other amounts which thereafter become due, together with **costs and a service charge of up to \$25**, such amounts become a final judgment by operation of law against the obligor at the expiration of the time for filing a motion to contest the impending judgment.

(f)

1. Upon request of any person, the local depository shall issue, **upon payment of a service charge of up to \$25**, a payoff statement of the total amount due under the judgment at the time of the request. The statement may be relied upon by the person for up to 30 days from the time it is issued unless proof of satisfaction of the judgment is provided....

(H) F.S. § 318.18(18)

F.S. § 318.18 (18) provides:

(18) In addition to any penalties imposed, an administrative fee of \$12.50 must be paid for all noncriminal moving and nonmoving violations under chapters 316, 320, and 322. **Revenue from the administrative fee shall be deposited by the clerk of court into the fine and forfeiture fund established pursuant to s. 142.01.**

(I) F.S. § 322.245(1)–(2)

F.S. § 322.245(1)–(2) provides:

(1) If a person charged with a violation of any of the criminal offenses enumerated in s. 318.17 or with the commission of any offense constituting a misdemeanor under chapter 320 or this chapter fails to comply with all of the directives of the court within the time allotted by the court, the clerk of the traffic

court shall mail to the person, at the address specified on the uniform traffic citation, a notice of such failure, notifying him or her that, if he or she does not comply with the directives of the court within 30 days after the date of the notice and **pay a delinquency fee of up to \$25 to the clerk**, his or her driver license will be suspended. The notice shall be mailed no later than 5 days after such failure. The delinquency fee may be retained by the office of the clerk to defray the operating costs of the office.

(2) In non-IV-D cases, if a person fails to pay child support under chapter 61 and the obligee so requests, the depository or the clerk of the court shall mail in accordance with s. 61.13016 the notice specified in that section, notifying him or her that if he or she does not comply with the requirements of that section and **pay a delinquency fee of \$25 to the depository or the clerk**, his or her driver license and motor vehicle registration will be suspended. The delinquency fee may be retained by the depository or the office of the clerk to defray the operating costs of the office.

(J) F.S. § 327.73(4)

F.S. § 327.73(4) provides:

- (4) Any person charged with a noncriminal infraction under this section may:
- (a) Pay the civil penalty, either by mail or in person, within 30 days of the date of receiving the citation; or,
 - (b) If he or she has posted bond, forfeit bond by not appearing at the designated time and location.

If the person cited follows either of the above procedures, he or she shall be deemed to have admitted the noncriminal infraction and to have waived the right to a hearing on the issue of commission of the infraction. Such admission shall not be used as evidence in any other proceedings. If a person who is cited for a violation of s. 327.395 can show a boating safety identification card issued to that person and valid at the time of the citation, **the clerk of the court may dismiss the case and may assess a dismissal fee of up to \$10**. If a person who is cited for a violation of s. 328.72(13) can show proof of having a registration for that vessel which was valid at the time of the citation, **the clerk may dismiss the case and may assess the dismissal fee**.

(K) F.S. § 713.24(1)(b)

F.S. § 713.24(1)(b) provides:

- (1) Any lien claimed under this part may be transferred, by any person having an interest in the real property upon which the lien is imposed or the contract under which the lien is claimed, from such real property to other security by either:
- (b) Filing in the clerk's office a bond executed as surety by a surety insurer licensed to do business in this state, either to be in an amount equal to the

amount demanded in such claim of lien, plus interest thereon at the legal rate for 3 years, plus \$1,000 or 25 percent of the amount demanded in the claim of lien, whichever is greater, to apply on any attorney's fees and court costs that may be taxed in any proceeding to enforce said lien. Such deposit or bond shall be conditioned to pay any judgment or decree which may be rendered for the satisfaction of the lien for which such claim of lien was recorded. Upon making such deposit or filing such bond, the clerk shall make and record a certificate showing the transfer of the lien from the real property to the security and shall mail a copy thereof by registered or certified mail to the lienor named in the claim of lien so transferred, at the address stated therein. Upon filing the certificate of transfer, the real property shall thereupon be released from the lien claimed, and such lien shall be transferred to said security. In the absence of allegations of privity between the lienor and the owner, and subject to any order of the court increasing the amount required for the lien transfer deposit or bond, no other judgment or decree to pay money may be entered by the court against the owner. **The clerk shall be entitled to a service charge for making and serving the certificate, in the amount of up to \$20. If the transaction involves the transfer of multiple liens, an additional charge of up to \$10 for each additional lien shall be charged.** For recording the certificate and approving the bond, the clerk shall receive her or his usual statutory service charges as prescribed in s. 28.24. Any number of liens may be transferred to one such security.

(L) F.S. § 721.83(3)

F.S. § 721.83(3) provides:

(3) A consolidated timeshare foreclosure action shall be considered a single action, suit, or proceeding for the payment of filing fees and service charges pursuant to general law. In addition to the payment of such filing fees and service charges, **an additional filing fee of up to \$10 for each timeshare interest joined in that action shall be paid to the clerk of court.**

(M) F.S. § 744.365(6)(a)

F.S. § 744.365(6)(a) provides:

(a) Where the value of the ward's property exceeds \$25,000, **a guardian shall pay from the ward's property to the clerk of the circuit court a fee of up to \$85,** upon the filing of the verified inventory, for the auditing of the inventory. Upon petition by the guardian, the court may waive the auditing fee upon a showing of insufficient funds in the ward's estate. Any guardian unable to pay the auditing fee may petition the court for waiver of the fee. The court may waive the fee after it has reviewed the documentation filed by the guardian in support of the waiver.

(N) F.S. § 744.3678(4)

F.S. § 744.3678(4) provides:

(4) The **guardian shall pay from the ward's estate to the clerk of the circuit court a fee** based upon the following graduated fee schedule, upon the filing of the annual financial return, for the auditing of the return:

- (a) For estates with a value of \$25,000 or less the **clerk of the court may charge a fee of up to \$20.**
- (b) For estates with a value of more than \$25,000 up to and including \$100,000 the **clerk of the court may charge a fee of up to \$85.**
- (c) For estates with a value of more than \$100,000 up to and including \$500,000 the **clerk of the court may charge a fee of up to \$170.**
- (d) For estates with a value in excess of \$500,000 the **clerk of the court may charge a fee of up to \$250.**

Upon petition by the guardian, the court may waive the auditing fee upon a showing of insufficient funds in the ward's estate. Any guardian unable to pay the auditing fee may petition the court for a waiver of the fee. The court may waive the fee after it has reviewed the documentation filed by the guardian in support of the waiver.

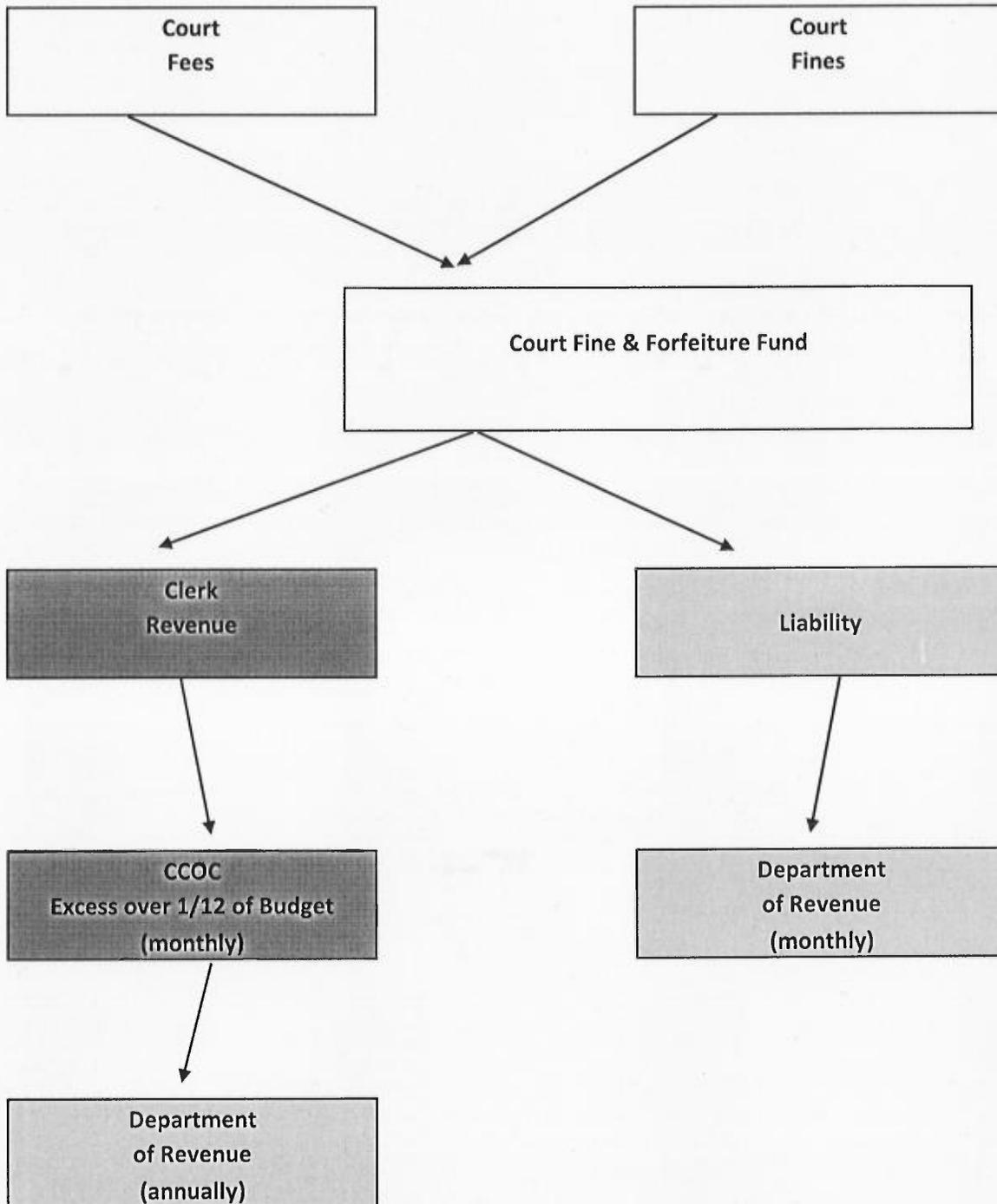
(O) F.S. § 938.05(1)

F.S. § 938.05(1) provides:

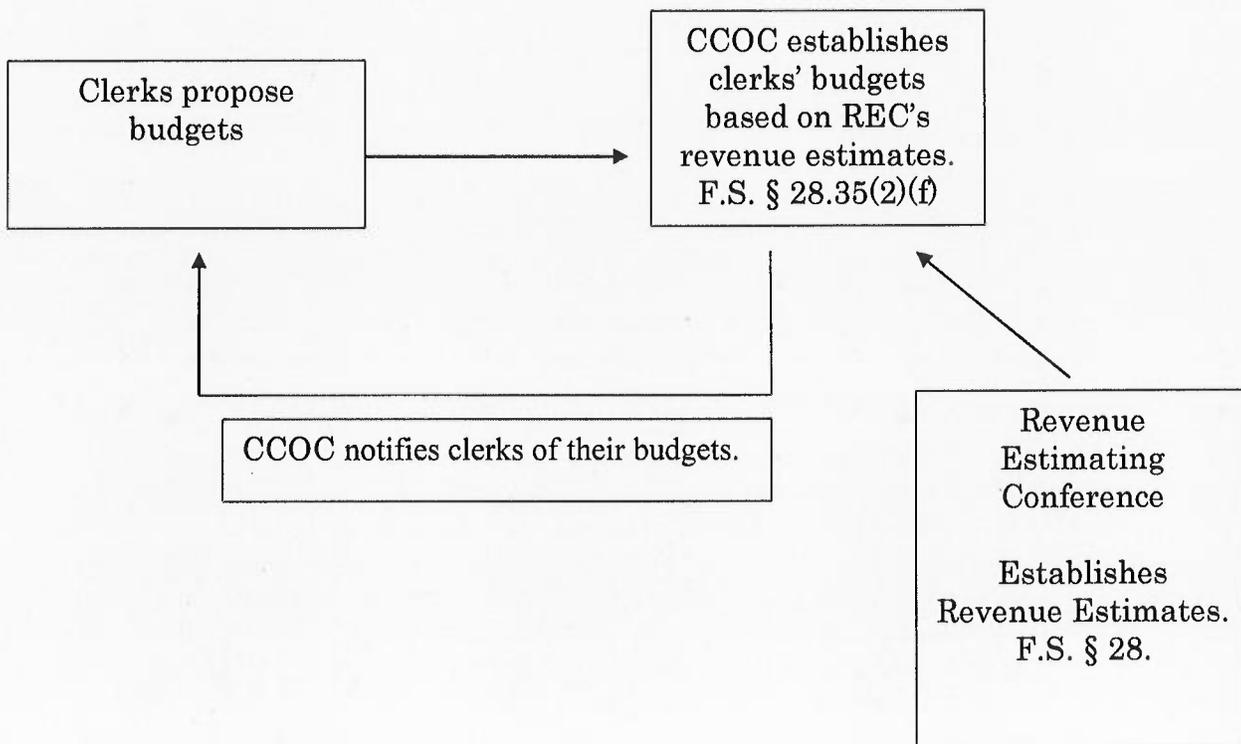
(1) **Any person** pleading nolo contendere to a misdemeanor or criminal traffic offense under s. 318.14(10)(a) or pleading guilty or nolo contendere to, or being found guilty of, any felony, misdemeanor, or criminal traffic offense under the laws of this state or the violation of any municipal or county ordinance which adopts by reference any misdemeanor under state law, **shall pay as a cost in the case, in addition to any other cost required to be imposed by law, a sum in accordance with the following schedule:**

- (a) Felonies....\$225
- (b) Misdemeanors....\$60
- (c) Criminal traffic offenses....\$60.

6. Graphical Representations of Funding Distribution Process



7. Graphical Representations of Budget Process



FLAW:

The legislative process for reviewing clerks' budgets is supposed to be based on cost estimates, not revenue estimates. *See* 1998 CRC's Statement of Intent to Art. V, § 14(b).



CCOC
FLORIDA CLERKS OF COURT
OPERATIONS CORPORATION

Ken Burke, CPA
PINELLAS COUNTY
EXECUTIVE COUNCIL CHAIR

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PALM BEACH COUNTY

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AGENDA ITEM 7

Date: December 18, 2017

Subject: CCOC Chair Burke's response to the Auditor General Audit of the CCOC Office

Council Action: For information purposes and discussion

Overview/Background:

During the months of September 2016 through December 2016 the Florida Auditor General's (OAG) staff were housed in the CCOC office conducting their audit. These audits are conducted every three years. On September 14th, 2017 an exit conference was held whereby the OAG staff informed the CCOC Executive Director of potential audit findings. On November 21st, the OAG provided to the Council their preliminary and tentative findings and gave the CCOC 30 days to respond.

The report had 4 tentative findings. Chair Burke concurred with the findings and noted the CCOC will work toward improvement in each of the areas mentioned.

Lead staff:

John Dew, Executive Director

Attachments:

- 1) Auditor General Preliminary and Tentative Audit Findings for the FLCCOC
- 2) Letter from Chair Burke to Auditor General with response.



Sherrill F. Norman, CPA
Auditor General

AUDITOR GENERAL STATE OF FLORIDA

Claude Denson Pepper Building, Suite G74
111 West Madison Street
Tallahassee, Florida 32399-1450



Phone: (850) 412-2881
Fax: (850) 488-6975

November 21, 2017

Honorable Ken Burke, CPA, Chair
Executive Council
Florida Clerks of Court Operations Corporation
2560-102 Barrington Circle
Tallahassee, FL 32308

Dear Chair:

Enclosed is a list of preliminary and tentative audit findings and recommendations that may be included in a report to be prepared on our operational audit of the Florida Clerks of Court Operations Corporation.

Pursuant to Section 11.45(4)(d), Florida Statutes, you are required to submit within thirty (30) days after receipt of this document a written statement of explanation concerning all of the findings, including therein your actual or proposed corrective actions. If within the 30-day period you have questions or desire further discussion on any of the preliminary and tentative audit findings and recommendations, please contact this Office.

Your written explanation should be submitted electronically in source format (e.g., Word or WordPerfect) and should be accompanied by a cover letter with your digitized signature. For quality reproduction purposes, if you are not submitting your response in source format, please convert your response to PDF and not scan to PDF. If technical issues make an electronic response not possible, a hard copy (paper) response will be acceptable.

Please e-mail this Office at flaudgen_audrpt_lq@aud.state.fl.us to indicate receipt of the preliminary and tentative audit findings and recommendations. Absent such receipt, delivery of the enclosed document is presumed, by law, to be made when it is delivered to your office.

Sincerely,

A handwritten signature in blue ink that reads "Sherrill F. Norman".

Sherrill F. Norman

MG/kdk

Enclosure

c: John Dew, Executive Director
Executive Council Members

**PRELIMINARY AND TENTATIVE AUDIT FINDINGS
NOT AN AUDIT REPORT**

SUMMARY

This operational audit of the Florida Clerks of Court Operations Corporation (CCOC) focused on selected CCOC processes and administrative activities and included a follow-up on findings in our report No. 2014-008. Our operational audit disclosed the following:

Finding 1: As similarly noted in our report No. 2014-008, despite CCOC efforts, the clerks of court did not always timely submit performance measure reports to the CCOC.

Finding 2: CCOC service contracting procedures could be improved.

Finding 3: The CCOC did not timely submit the required public deposit information report to the State Chief Financial Officer.

Finding 4: The CCOC did not comply with State law by contracting with the Department of Financial Services (DFS) to audit the court-related expenditures of individual clerks. While the lack of the statutorily required contract did not prevent the DFS from conducting certain audits, a contract, signed by both parties, would establish an understanding between the CCOC and the DFS regarding which and how many clerks will be audited each year; the scope and methodology of the audits, including appropriate follow-up on prior audit findings; and the time frames for completing the audits.

FINDINGS AND RECOMMENDATIONS

Finding 1: Performance Measure Report Submissions

State law¹ requires the CCOC, in consultation with the Legislature, to design performance measures to facilitate an objective determination of the performance of each clerk in accordance with minimum standards for fiscal management; operational efficiency; and effective collection of fines, fees, service charges, and court costs. To comply with this law, the CCOC developed detailed instructions and reporting forms for the clerks to use in reporting performance measure data to the CCOC. Every quarter, each clerk is required to submit by the 20th calendar day subsequent to the quarter end individual performance measure reports for collections, timeliness of case filings and dockets, juror payments, and financial management. To help ensure the timely submission of performance measure reports, CCOC personnel, when warranted, remind the clerks' staff of submission deadlines through telephone calls, e-mails, and occasional on-site visits.

To determine whether CCOC efforts resulted in the timely submittal of performance measure reports, from the population of 268 required reports for the quarter ended June 30, 2016, we selected for testing

¹ Section 28.35(2)(d), Florida Statutes.

**PRELIMINARY AND TENTATIVE AUDIT FINDINGS
NOT AN AUDIT REPORT**

the 92 reports submitted by 23 clerks. We found that 6 clerks submitted 9 reports after the July 20, 2016, due date. Specifically:

- 4 clerks submitted collections reports 14 to 42 calendar days, or an average of 27 days, after the due date.
- 4 clerks submitted juror payments reports 7 to 41 calendar days, or an average of 18 days, after the due date. Two of these clerks also late submitted collections reports.
- 1 clerk submitted a timeliness of case filings and dockets report 7 calendar days after the due date. This clerk also late submitted untimely collections and juror payments reports.

In response to our inquiries regarding the untimely filed reports, the Executive Director indicated that some clerks lacked the financial resources to employ staff to timely prepare and submit the reports. Notwithstanding this response, untimely receipt of the performance data precludes the CCOC from effectively and efficiently making fiscal and operational decisions, and creates delays in evaluating corrective action plans for clerks who fail to meet the timeliness standards. A similar finding was noted in our report No. 2014-008.

Recommendation: The CCOC, in consultation with the clerks, should continue efforts to ensure that clerks submit performance measure reports within the established time frames. Such efforts should include documented consideration of whether the CCOC should seek from the Legislature the authority to impose financial penalties on clerks who do not comply with the reporting requirements.

Finding 2: Service Contracts

Good business practices necessitate that, before contracts are executed, service contract cost estimates be considered and documented and the sufficiency of available funds to pay the estimated service contract costs be assessed. In addition, contractual arrangements for services should be evidenced by written contracts embodying all the provisions and conditions of the procurement. Essential elements of a properly written contract define verifiable deliverables to be received and accepted in writing prior to payment, specify the time frames to complete the services, identify total contract costs, and provide for documented, signed concurrence of agreed-upon terms by the contracting parties.

Although the CCOC *Procedures Manual* established procurement requirements for purchasing goods, the *Manual* did not address requirements related to contracting for services. During the period June 2015 through August 2016, the CCOC made contract payments totaling \$443,045 related to seven service contracts. To determine whether the CCOC considered and documented contract cost estimates before service contracts were executed and whether the CCOC contracted and paid for services based on good business practices, we examined CCOC records supporting 24 selected contract payments totaling \$134,027 related to those seven contracts. We found that two of the seven contracts, including one for budgeting services and another for financial and accounting services, established rates of \$125 and

**PRELIMINARY AND TENTATIVE AUDIT FINDINGS
NOT AN AUDIT REPORT**

\$85 per hour, respectively, and CCOC payments totaled \$91,355 for the two contracts. However, our examination of CCOC records supporting 8 payments, ranging from \$235 to \$7,344 and totaling \$22,172, disclosed that CCOC lacked records demonstrating consideration of the service contract cost estimates before the two contracts were executed and the payments were not based on contracts that contained all the essential elements. Specifically, the two contracts did not:

- Define verifiable deliverables to be received and accepted in writing prior to payment.
- Specify the time frames to complete the services.
- Identify the total contract costs.
- Contain documented, signed concurrence of agreed-upon terms by the CCOC and the other contracting parties.

The invoices supporting payments for the two contracts included descriptions of the deliverables and hours charged; however, because CCOC records did not demonstrate appropriate consideration of the total contract costs before the contracts were executed and the contracts lacked specificity regarding the essential elements of a properly written contract, CCOC records did not demonstrate approval of the services and related costs before the services were rendered.

In response to our inquiries, CCOC personnel indicated that service assignments are typically communicated to consultants verbally or by e-mail. For example, CCOC personnel provided a June 2016 e-mail related to the contract for budgeting services that included a notation asking the consultant to come by the CCOC Office to discuss the work plan; however, neither the e-mail nor other CCOC records specified the deliverables, time frames, or costs related to the budgeting services before the services were rendered.

Documented consideration of contract cost estimates before contracts are executed, including an assessment of the sufficiency of available funds, provides vital information and justification for contracting decisions. Properly executed contracts that contain all essential elements are important to clearly establish contracting party responsibilities, reduce the risk of misunderstandings between the contracting parties, and promote the receipt of services consistent with CCOC expectations. A similar finding was noted in our report No. 2014-008.

Recommendation: The CCOC should establish policies and procedures to ensure that contract cost estimates are appropriately considered of record before contracts are executed and that service contracts include provisions that:

- **Define verifiable deliverables to be received and accepted in writing prior to payment.**
- **Specify the time frames to complete the services.**
- **Identify the total contract costs.**
- **Require documented, signed concurrence of agreed-upon terms by the CCOC and the other contracting parties.**

**PRELIMINARY AND TENTATIVE AUDIT FINDINGS
NOT AN AUDIT REPORT**

Finding 3: Public Deposit Accounts

State law² requires each public depositor to submit to the CFO by November 30, an annual report identifying the name, address, and Federal employer identification number of the public depositor and verifying confirmation of the public deposit information as of September 30. According to CCOC records as of September 30, 2015, the CCOC had two bank accounts with combined bank account balances totaling \$776,986 that were subject to such reporting. However, the CCOC had not established policies and procedures for the designation of an employee responsible for annually submitting the required report nor were procedures established to require supervisory personnel to verify and ensure that the report was timely submitted. Consequently, CCOC records did not evidence submission of the required annual report for the period ended September 30, 2015, and due no later than November 30, 2015. Subsequent to our inquiry, in October 2016 the CCOC submitted the required report to the CFO.

If a public depositor does not comply with State law by annually filing the required report for each public deposit account, the protection from loss provided by the State's Public Deposits Program³ is not effective as to that public deposit account.

Recommendation: The CCOC should establish policies and procedures designating to an employee responsibility for annually submitting the required report of public deposit accounts to the CFO. Additionally, CCOC procedures should be established to require supervisory personnel to verify and ensure that the report is timely submitted pursuant to State law.

Finding 4: Audit Services Contract with the Department of Financial Services

The 2015 and 2016 General Appropriations Acts⁴ required that the Department of Financial Services (DFS) audit all court-related expenditures of the clerks of court pursuant to State law.⁵ Additionally, State law⁶ requires the CCOC to contract with the DFS to audit court-related expenditures of the individual clerks pursuant to State law.⁷

According to the DFS Web site and our discussions with DFS personnel, the DFS published 5 clerk audits during the 2015-16 fiscal year and 10 clerk audits during the 2016-17 fiscal year. According to CCOC General Counsel, the CCOC made several attempts to contract with the DFS for audits of the individual clerks but was unsuccessful. The CCOC General Counsel also indicated that:

² Section 280.17, Florida Statutes.

³ Section 280.02(25), Florida Statutes, defines the Public Deposits Program as the Florida Security for Public Deposits Act contained in Chapter 280, Florida Statutes, and any rule adopted under Chapter 280, Florida Statutes.

⁴ Chapters 2015-232 and 2016-066, Laws of Florida.

⁵ Sections 28.35(2)(e) and 28.241(1)(a), Florida Statutes.

⁶ Section 28.35(2)(e), Florida Statutes.

⁷ Section 17.03, Florida Statutes.

**PRELIMINARY AND TENTATIVE AUDIT FINDINGS
NOT AN AUDIT REPORT**

- Pursuant to State law,⁸ in May 2013 the CCOC drafted a proposed funding contract with the DFS for the 2013-14 fiscal year. The draft contract provided that the DFS would audit the court-related expenditures of the clerks.
- In June 2013, the DFS removed the audit language from the draft contract and replaced it with language stating that it was the intent of the DFS and the CCOC to enter into a future contract for the DFS to audit the court-related expenditures of individual clerks.
- Subsequent to the execution of the funding contract, the CCOC General Counsel spoke with the DFS General Counsel in August 2013 to discuss drafting a contract between the CCOC and the DFS regarding audits of the clerks' court-related expenditures. The DFS General Counsel responded that, since the DFS already had statutory authority to audit the court-related expenditures, a contract was unnecessary.
- The CCOC General Counsel initiated numerous telephone calls and e-mails to the DFS General Counsel regarding a contract for audits of court-related expenditures. Ultimately, all attempts to contract with the DFS were unsuccessful and the last attempt was made in August 2015.

While the lack of the statutorily required contract did not prevent the DFS from conducting certain audits, a contract, signed by both parties, would establish an understanding between the CCOC and the DFS regarding which and how many clerks will be audited each year; the scope and methodology of the audits, including appropriate follow-up on prior audit findings; and the time frames for completing the audits. A properly established contract with the DFS would also help ensure that the DFS addressed any CCOC concerns relating to the conduct of the audits or the audit findings.

Recommendation: The CCOC should request that the Legislature consider amending Section 28.35(2)(e), Florida Statutes, to require the DFS to contract with the CCOC for clerk audits. The contract should establish an understanding between the CCOC and the DFS regarding which and how many clerks will be audited each year; the scope and methodology of the audits, including appropriate follow-up on prior audit findings; and the time frames for completing the audits.

End of Preliminary and Tentative Findings.

⁸ Section 28.35(4), Florida Statutes, provides that the CCOC shall be funded pursuant to a contract with the CFO.

Ken Burke, CPA
PINELLAS COUNTY
EXECUTIVE COUNCIL CHAIR
Stacy Butterfield, CPA
POLK COUNTY
VICE-CHAIR
Tara S. Green
CLAY COUNTY
SECRETARY/TREASURER



SHARON R. BOCK, ESQ.
PALM BEACH COUNTY
JOHN CRAWFORD
NASSAU COUNTY
PAT FRANK
HILLSBOROUGH COUNTY
TODD NEWTON
GILCHRIST COUNTY

JEFFREY R. SMITH, CPA
INDIAN RIVER COUNTY
RON FICARROTTA
13TH JUDICIAL CIRCUIT JUDGE
SUPREME COURT APPOINTEE
KYLE HUDSON
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2560-102 BARRINGTON CIRCLE | TALLAHASSEE, FLORIDA 32308 | PHONE 850.386.2223 | FAX 850.386.2224 | WWW.FLCCOC.ORG

Sherrill F. Norman
Auditor General
G74 Claude Pepper Building
111 West Madison Street
Tallahassee, FL 32399-1450

Re: Florida Clerks of the Court Operations Corporation Audit Response

Dear Ms. Norman:

Finding 1 Audit Recommendation: *The CCOC, in consultation with the clerks, should continue efforts to ensure that clerks submit performance measure reports within the established time frames. Such efforts should include documented consideration of whether the CCOC should seek from the Legislature the authority to impose financial penalties on clerks who do not comply with the reporting requirements.*

Finding 1 Response:

We concur that there are still a few Clerks not submitting their reports within the established time frames and will continue to work with Clerks to help ensure they turn in their reports timely. The minimum statewide needs based budget requested by Clerks is approximately \$52 million less than the actual budgets. The Clerks budget model developed prior to 2004 is broken. Clerks do not have sufficient budget authority to properly fund their offices to fulfill their many responsibilities and mandates. Late reporting is one of the manifestations of this underfunding. The recommendation offered by the Auditor General may be reconsidered by CCOC when Clerks are funded to their needs based budget.

Finding 2 Audit Recommendation: *The CCOC should establish policies and procedures to ensure that contact cost estimates are appropriately considered of record before contracts are executed and that service contracts include provisions that Define verifiable deliverables to be received and accepted in writing prior to payment, specify the time frames to complete the services, identify the total contract costs, and require documented signed concurrence of agreed-upon terms by the CCOC and the other contracting parties.*

We concur and will have these in place prior to execution of new contracts.

Finding 3 Audit Recommendation: *The CCOC should establish policies and procedures designating to an employee responsibility for annually submitting the required report of public deposit accounts to the CFO. Additionally, CCOC procedures should be established to require supervisory personnel to verify and ensure that the report is timely submitted pursuant to State law.*

We concur and this process is now currently in place. The required reports for the last two years have been submitted by the due dates.

Finding 4 Audit Recommendation: *The CCOC should request that the Legislature consider amending Section 28.35(2)(e), Florida Statutes, to require the DFS to contract with the CCOC for clerk audits. The contract should establish an understanding between the CCOC and the DFS regarding which and how many clerks will be audited each year; the scope and methodology of the audits, including appropriate follow-up on prior audit findings; and the time frames for completing the audits.*

Finding 4 Response

We have sent a letter to the CFO requesting a meeting in order to share your recommendation prior to moving forward on this issue.

Respectively,



Ken Burke, CPA
Chairman, CCOC Executive Council

Cc: John Dew, CCOC Executive Director
CCOC Executive Council
Corporation Members



CCOC
**FLORIDA CLERKS OF COURT
 OPERATIONS CORPORATION**

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 PINELLAS COUNTY
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AGENDA ITEM 8

Date: December 18, 2017

Subject: Quarter 3 CFY 2016-17 Performance Measures & Action Plans Report

Council Action: For approval

Overview/Background:

Section 28.35(2)(d), F.S. requires the Corporation to develop measures and performance standards and when it finds a Clerk has not met the performance standards, the Corporation shall identify the nature of each deficiency and any corrective action recommended and taken by the affected Clerk of the Court. The Corporation is also required to notify the Legislature of any Clerk not meeting performance standards and provide a copy of any corrective action plans.

During Quarter 3 (April 1, 2017 – June 30, 2017) 10 counties did not have any action plans. Fourteen counties did not have action plans related to Collections, 49 counties had no action plans for Timeliness 1, 55 counties had no action plans for Timeliness 2, and 63 counties had no action plans regarding Jury Timeliness. The performance measure analysis and required action plans are in the attached Quarter 3 report.

Motion: Approve the Quarter 3 Performance Measures & Action Plans Report as submitted for distribution and posting on the CCOC website.

Quarter 4 report is in progress and anticipated to be completed by Monday, December 18, 2017 and sent under separate cover.

Lead staff: Marleni Bruner, CCOC Budget Manager II

Attachments:

- 1) Quarter 3 CFY 2016-17 Performance Measures & Action Plans Report



Quarterly Performance Measures & Action Plans Report

Section 28.35(2)(d), Florida Statutes

3rd Quarter
County Fiscal Year 2016-17
(April 1, 2017 through June 30, 2017)

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Performance Measures & Quarterly Action Plans Report

Background

The Florida Clerks of Court Operations Corporation (CCOC) was created as a public corporation to perform the functions specified in sections 28.35 and 28.36, Florida Statutes. Section 28.35 (2)(d), Florida Statute requires the CCOC to develop a uniform system of performance measures and applicable standards in consultation with the Legislature. These measures and standards are designed to facilitate an objective determination of the performance of each clerk in fiscal management, operational efficiency, and effective collection of fines, fees, service charges, and court costs. Current performance measures address:

- Collections (one measure each for nine court divisions, reported quarterly)
- Timeliness (two measures for each of ten court divisions, reported quarterly)
- Juror Payment Processing (one measure, reported quarterly)
- Fiscal Management (one measure, reported annually)

When the CCOC finds a Clerk's office has not met the performance standards, the CCOC identifies the nature of each deficiency and any corrective action recommended and taken by the affected Clerk of the Court. The CCOC is required to notify the Legislature of any clerk not meeting performance standards and provide a copy of applicable corrective action plans.

The CCOC monitors the performance of the Clerk's offices through quarterly reports provided by the Clerk's offices, due on the 20th of the month following the end of the quarter. The CCOC provides notification of the status of the Clerks' performance standards to the Legislature through these quarterly reports.

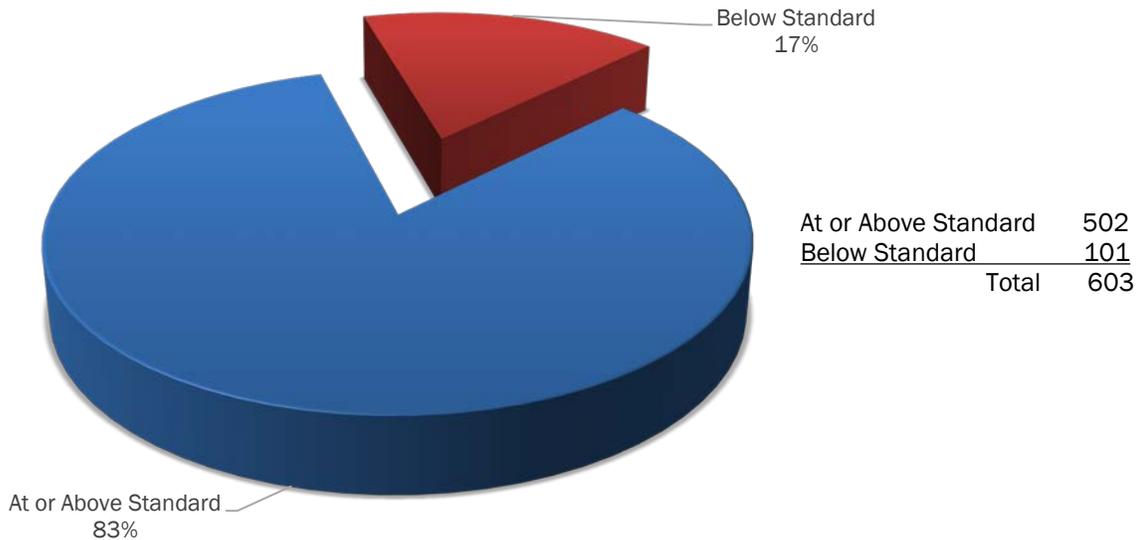
The quarterly report for the 3rd Quarter of County Fiscal Year (CFY) 2016-2017 provides information about the performance of the Clerks of Courts on standards relating to collections, timeliness, and juror payment management. The report identifies the Clerk's offices not meeting each performance standard. In addition, the report provides a description of factors that may have contributed to the unmet standard. Dixie County did not submit a 3rd Quarter report for Jurors or Collections.

For the 3rd Quarter of CFY 2016-2017, 10 counties did not have any action plans. Fourteen counties did not have action plans related to Collections, 49 counties had no action plans for Timeliness 1, 55 counties had no action plans for Timeliness 2, and 63 counties had no action plans regarding Jury Timeliness. The performance measure analysis and required action plans are in the following pages of this report.

Collections

Statewide Performance Summary

Collections - Statewide Action Plans Required



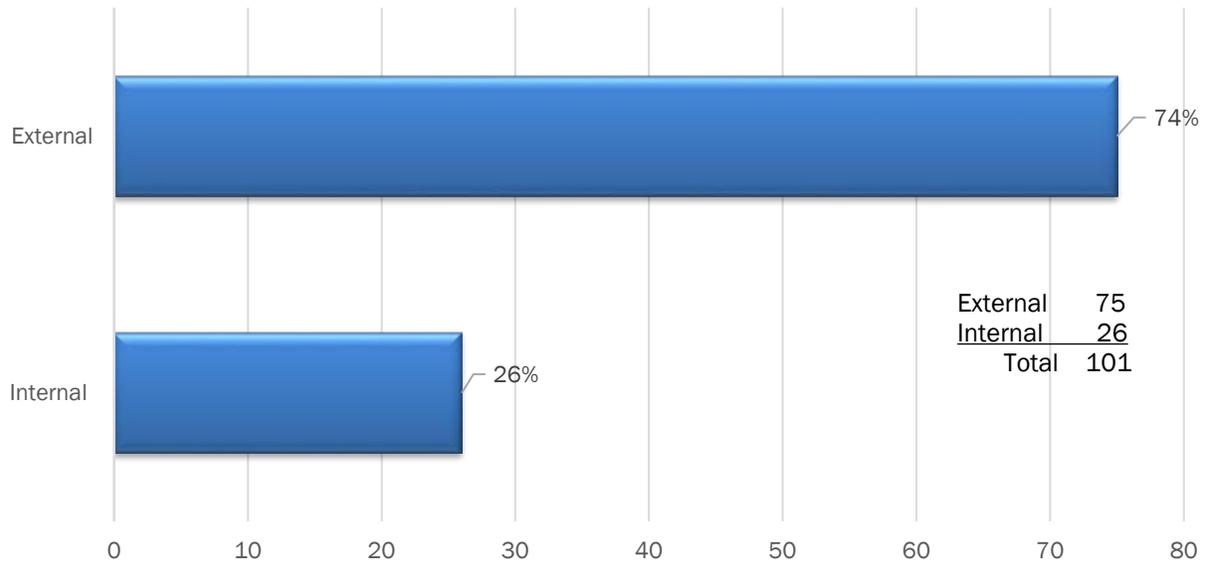
Statewide Performance by Reason Code

Pursuant to Executive Council direction on October 6, 2015, the “Reason Codes” chosen for not meeting a statewide Collection performance measure were amended to clarify what was under the control of the Clerk’s office and what was not. The reason codes are:

- “Internal” – Reasons are inter-office and controllable. Internal reasons will require an “Action to Improve” and a detailed explanation of the reason why the standard was not met and an expected duration of time to have this reason resolved.
- “External” – Factors outside of office management and/or process control. External Reasons will not require an Action to Improve but must have a detailed explanation of the external reason why the Collection Performance Standard was not met.

Of the 101 action plans where the collection standard was not met, 26 (26%) were classified as within the control of the Clerk. A list of the 26 action plans for 12 counties is found below the chart. The remaining 75 (74%) action plans were outside the control of the Clerks’ offices. A list of these external reasons is found in Appendix B.

Collections - Action Plans by Reason Code



Internal Collections Action Plans Required

The following are the action plans for internal reasons for counties missing a statewide performance measure as submitted by the Clerks:

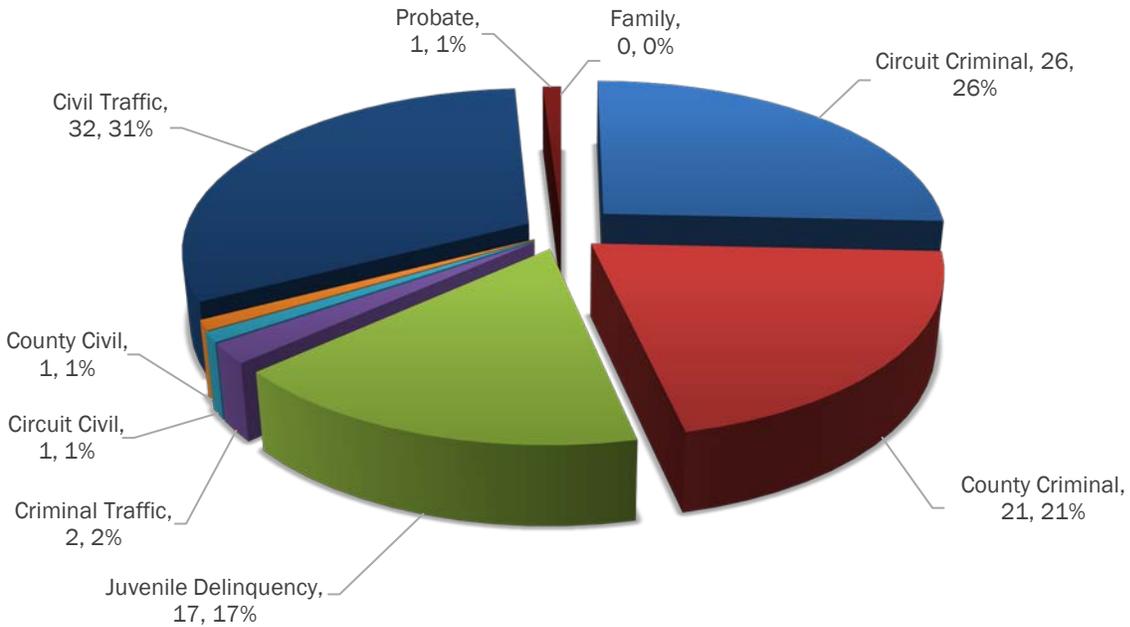
	County	Court Division	Plan to Improve
1	Bay	Circuit Criminal	Corrections were needed to the assessments. We're doing all we can to meet the standard.
2	Bay	Civil Traffic	Corrections were needed to the assessments.
3	Bay	County Civil	Corrections were made to the assessments.
4	Bay	Probate	Corrections were made to the assessments.
5	Brevard	Circuit Civil	The standard was not met despite pursuit of all collection efforts within the control of the Clerk.
6	Brevard	County Criminal	The standard was not met despite pursuit of all collection efforts within the control of the Clerk.
7	Brevard	Juvenile Delinquency	Balance Adjustments.
8	Broward	Civil Traffic	Reduced hours of operation at our service windows and closed DHSMV payment locations because of budget reductions impact our collections efforts.

9	Charlotte	Civil Traffic	In the process of adding additional Collection Agents to increase collections.
10	Charlotte	County Criminal	In the process of adding additional Collection Agents to increase collections.
11	Charlotte	Juvenile Delinquency	Juvenile cases were not sent to Collections. In the process of adding additional Collection Agents to increase collections.
12	Desoto	Circuit Criminal	Continue collection efforts.
13	Desoto	County Criminal	Continue collections efforts.
14	Hernando	Circuit Criminal	Collection rates have improved in this area through diligent effort of staff, adhering to payment plans and continued collection efforts with our collection agency.
15	Hernando	Juvenile Delinquency	We have been working to increase collections in this area and are having more success.
16	Highlands	County Criminal	Salvation Army processes partial payments and holds until paid in full. This will continue until Judge rules otherwise.
17	Jefferson	Civil Traffic	We feel that we will achieve the desired collection rate by next quarter as payments are made on plans that have been established.
18	Lake	Circuit Criminal	Lack of sufficient staffing due to continued budget cuts reduces ability to aggressively pursue delinquent accounts.
19	Lake	Civil Traffic	Lack of sufficient staffing due to continued budget cuts reduces ability to aggressively pursue delinquent accounts.
20	Lake	Juvenile Delinquency	Lack of sufficient staffing due to continued budget cuts reduces ability to aggressively pursue delinquent accounts.
21	Marion	County Criminal	Unable to create an action plan to improve. We are following procedures set by the Best Practices Committee.
22	Monroe	Circuit Criminal	Reports were re-run for this period and showed an increase in assessments for same period.
23	Pinellas	Civil Traffic	Continue working to improve our collection efforts and the approach to the defendants. Implemented changes in our collection efforts.
24	Pinellas	County Criminal	Continuing to work with new processes regarding improvement of our collections efforts.
25	Sarasota	Civil Traffic	Intense management of existing payment options and further pressure on collection agencies expected to improve collection rates in 2017.
26	Sarasota	County Criminal	Intense management of existing payment plans and further utilization of collection agencies expected to improve collection rates in 2017.

Statewide Performance by Court Division

As shown below, the civil traffic court division continues to exceed (32%) all other court divisions for not meeting collection standards. Criminal court division cases, as a whole (65%) continue to be a challenge to collect.

Collections - Action Plans by Court Division





Historic Collection Rates

The table below shows an increase in collection rates overall statewide. There was an increase in Circuit Criminal, County Criminal, Juvenile Delinquency, and a slight decrease in Criminal Traffic. Every court division was above the standard.

Court Division	CFY 2015-16 Year End	CFY 2016-17 1st Quarter	CFY 2016-17 2nd Quarter	CFY 2016-17 3rd Quarter	CFY 2016-17 4th Quarter	Standard
Circuit Criminal	6.57%	9.44%	6.13%	9.50%		9%
Circuit Criminal (No Trafficking)	13.12%	16.60%	16.48%	16.19%		NA
County Criminal	35.70%	39.07%	40.47%	40.97%		40%
Juvenile Delinquency	16.32%	13.97%	14.03%	14.55%		9%
Criminal Traffic	61.92%	61.53%	62.37%	62.12%		40%
Circuit Civil	99.06%	99.15%	99.31%	99.23%		90%
County Civil	99.56%	99.64%	99.68%	99.72%		90%
Civil Traffic	84.94%	84.17%	86.23%	84.51%		90%
Probate	99.15%	99.78%	99.38%	99.48%		90%
Family	96.78%	96.64%	96.91%	97.05%		75%
Statewide	63.69%	67.76%	62.09%	67.90%		

After adjusting the drug trafficking mandatory assessments and collections; the statewide Circuit Criminal court division collection rate increased from 9.5% to 16.19%.

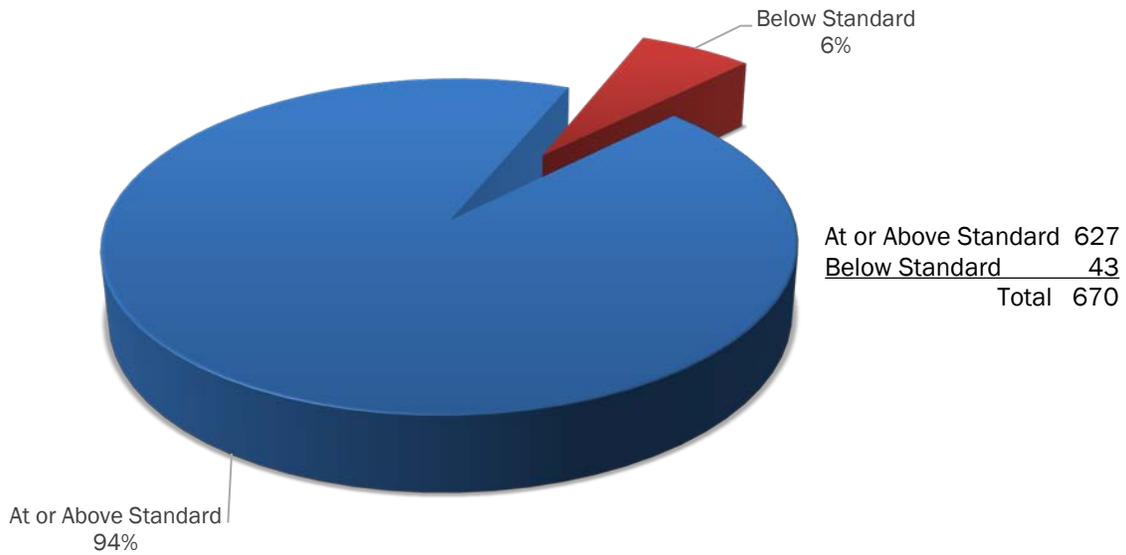
Of the 24 counties who did not meet the Circuit Criminal collection standard, 16 would have met the standard had Drug Trafficking assessments not been included as part of Circuit Criminal assessments. Drug Trafficking assessments accounted for over 58% of total Circuit Criminal assessments for all counties in Quarter 3. Only 9% of Circuit Criminal assessments were collected statewide, mainly due to incarcerated defendants.

Timeliness

Statewide Performance Summary

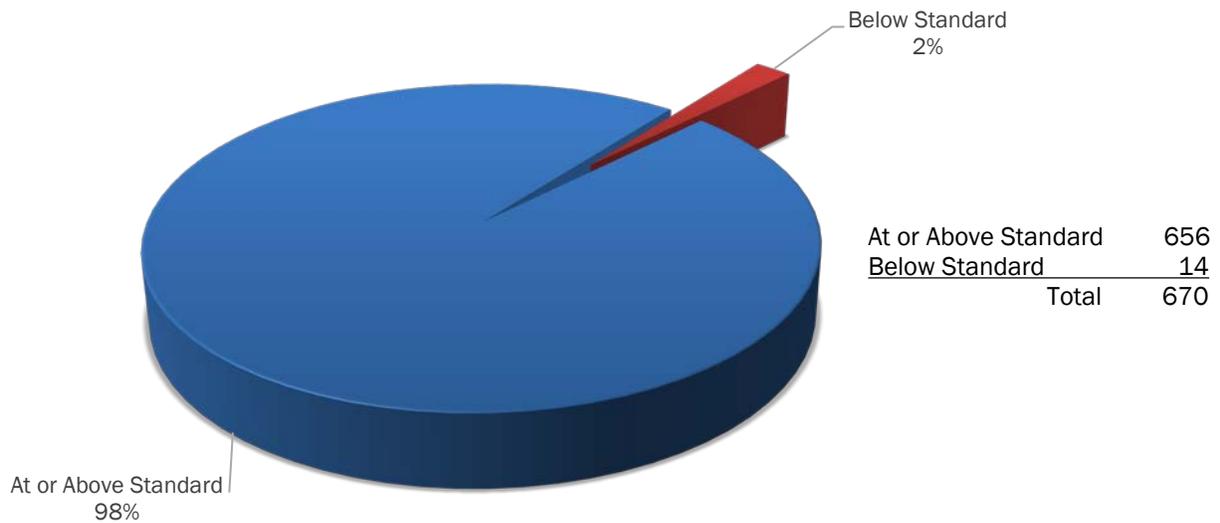
Timeliness 1 – Filing New Cases

Timeliness 1 - Statewide Action Plans



Timeliness 2 – Cases Docketed

Timeliness 2 - Statewide Action Plans



Statewide Performance by Reason Code

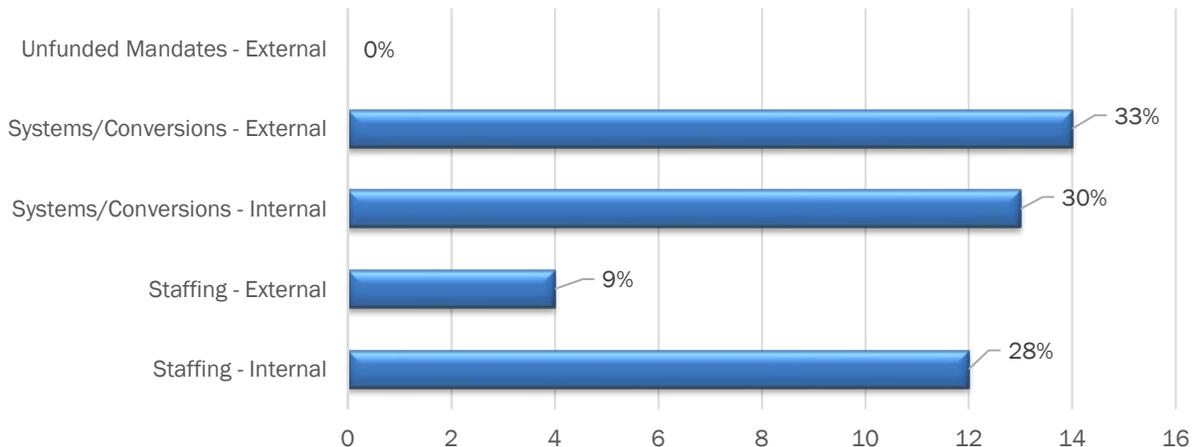
Pursuant to Executive Council direction on October 6, 2015, the “Reason Codes” chosen for not meeting a statewide Timeliness (filing cases timely and entering dockets timely) performance measures were amended to clarify what was under the control of the Clerk’s office to correct and what was not. The reason codes are:

- “Staffing - Internal”: Reason is inter-office and controllable. Internal Staffing reasons will require an “Action to Improve” and a detailed explanation of the reason why the standard was not met and an expected duration of time to have this reason resolved.
- “Staffing External”: Staffing factors outside of office management and/or process control. External Staffing Reasons will not require an Action to Improve but must have a detailed explanation of the external reason why the Timeliness Performance Standard was not met.
- “Systems / Conversions - Internal”: Reason is inter-office and controllable. Internal System reasons will require an “Action to Improve” including all factors noted above.
- “Systems – Conversions - External”: System / Conversion is outside of office management and/or process control. External Systems / Conversion reasons will not require an Action to Improve but must have a detailed explanation of the external reason why the Timeliness Performance Standard was not met.
- “Unfunded Mandates - External”: Federal, State and / or local mandates outside of office management and/or process control. Unfunded Mandate reason(s) will not require an Action to Improve but must have a detailed explanation of the external reason why the Timeliness Performance Standard was not met.

Timeliness 1 – Filing New Cases

There were 43 action plans for Timeliness 1 - Filing New Cases, of which 12 were for Staffing – Internal, 4 were related to Staffing – External, 13 for Systems/Conversions – Internal, 14 for Systems/Conversions – External, and none for Unfunded Mandates.

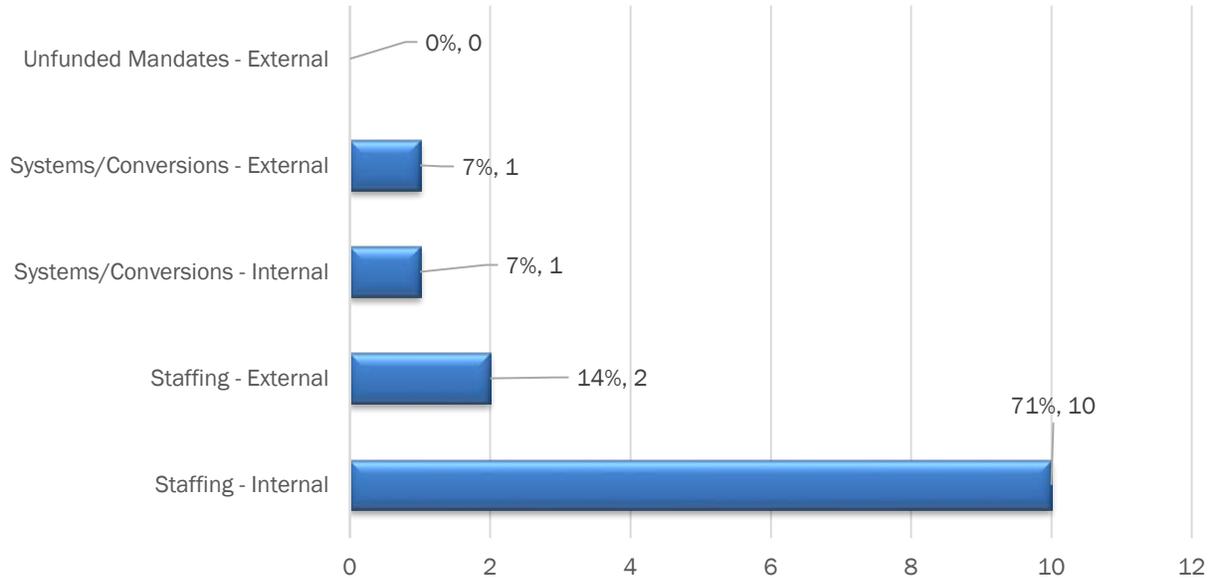
Timeliness 1 - Action Plan by Reason Code



Timeliness 2 – Cases Docketed

There were and 14 action plans for Timeliness 2 – Cases Docketed, of which 10 action plans were for Staffing – Internal, 2 for Staffing – External, 1 for Systems/Conversions – Internal, 1 for Systems/Conversions – External, and none for Unfunded Mandates.

Timeliness 2 - Action Plan by Reason Code



Explanations for external reasons for Timeliness 1 and 2 are provided in Appendix B. Internal reasons are listed below.

Internal Action Plans Required Timeliness 1 – Filing New Cases

The following are the action plans for internal reasons for counties missing a statewide performance measure as submitted by the Clerks:

	County	Division	Reason Code	Action Plan to Improve
1	Baker	Circuit Criminal	Staffing - Internal	Will fix going forward.
2	Baker	Criminal Traffic	Staffing - Internal	Will fix going forward.
3	Baker	Family	Staffing - Internal	Will fix going forward.
4	Baker	Probate	Staffing - Internal	Will fix going forward.
5	Broward	Circuit Civil	Staffing - Internal	New employees still being trained. Staff currently working overtime.

6	Broward	Family	Staffing - Internal	New employees still being trained. Staff currently working overtime.
7	Broward	Probate	Staffing - Internal	Budget permitting, overtime will be utilized to improve timeliness.
8	Dixie	Circuit Criminal	Staffing - Internal	Too many cases.
9	Dixie	Criminal Traffic	Staffing - Internal	Too many cases.
10	Gulf	Circuit Criminal	Systems/Conversions - Internal	Based on the new case counting rules this case count went down.
11	Gulf	Criminal Traffic	Systems/Conversions - Internal	Based on the new case counting rules this cases count went up.
12	Gulf	Juvenile Delinquency	Staffing - Internal	Work with staff to get cases filed timely. Due to budget cuts, there is no overtime.
13	Lafayette	Circuit Civil	Systems/Conversions - Internal	Numbers should correct next quarter due to sub case count changes to reporting.
14	Lafayette	Circuit Criminal	Systems/Conversions - Internal	Numbers should correct next quarter due to sub case count changes to reporting.
15	Lafayette	County Criminal	Systems/Conversions - Internal	Numbers should correct next quarter due to sub case count changes to reporting.
16	Lake	Criminal Traffic	Systems/Conversions - Internal	Due to change in business rules as to how cases are to be counted.
17	Madison	Criminal Traffic	Staffing - Internal	1 of the 2 Traffic Clerks was out of office for 10 days due to surgery, with 1 Clerk doing both jobs.
18	Manatee	Criminal Traffic	Systems/Conversions - Internal	Unable to capture at the new individual UTC level at this time; programming needed.
19	Manatee	Family	Systems/Conversions - Internal	Data should be inclusive of new business rule filings data verification needs to be completed.
20	Manatee	Juvenile Dependency	Systems/Conversions - Internal	No response provided.
21	Okaloosa	Criminal Traffic	Staffing - Internal	Due to increased budget cuts, we do not have the staffing to maintain current workload.
22	Okeechobee	Circuit Civil	Systems/Conversions - Internal	No response provided.

23	Okeechobee	County Criminal	Systems/Conversions - Internal	No response provided.
24	Okeechobee	Family	Systems/Conversions - Internal	No response provided.
25	Pasco	Criminal Traffic	Systems/Conversions - Internal	Issue to be resolved in 4th Quarter

Timeliness 2 – Cases Docketed

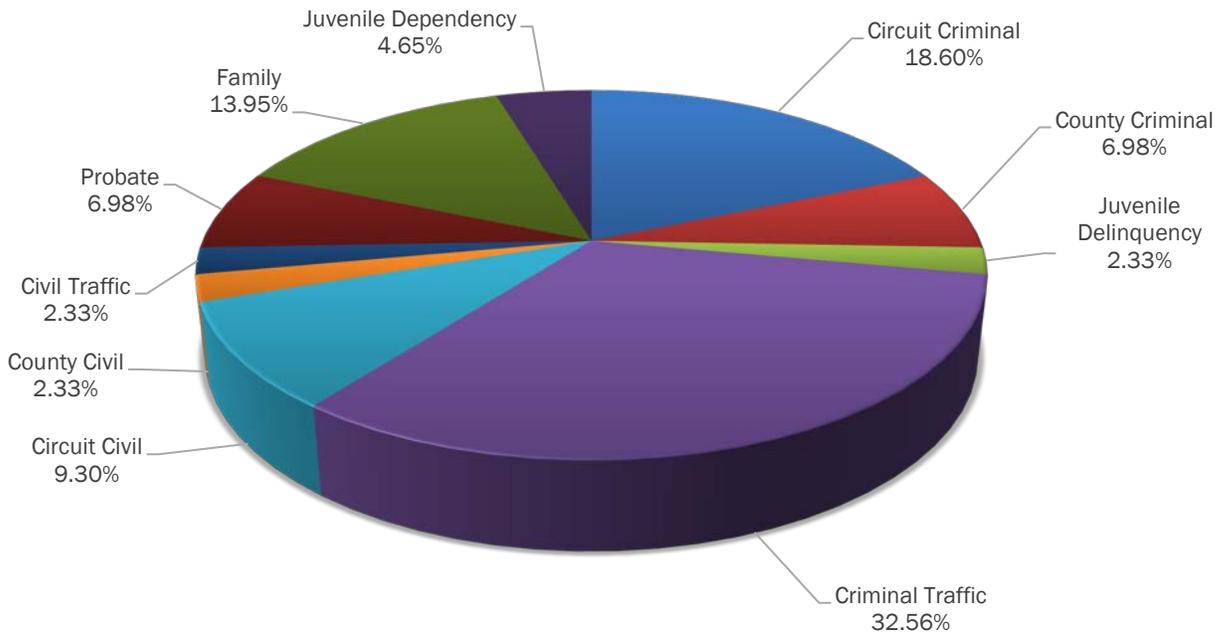
The following are the action plans for internal reasons for counties missing a statewide performance measure as submitted by the Clerks:

	County	Division	Reason Code	Action Plan to Improve
1	Bradford	Juvenile Delinquency	Staffing - Internal	Additional training required.
2	Broward	Family	Staffing - Internal	Employees currently working overtime to reduce the backlog.
3	Broward	Probate	Staffing - Internal	Budget permitting, overtime will be utilized to improve timeliness.
4	Dade	Juvenile Dependency	Staffing - Internal	Unable to meet standard due to reduced staff as a result of FY 2015-16 budget cuts.
5	Dixie	Circuit Criminal	Staffing - Internal	Too many cases.
6	Gulf	Juvenile Delinquency	Staffing - Internal	Work with staff to get dockets filed timely. Due to budget cuts, there is no overtime.
7	Highlands	Circuit Criminal	Staffing - Internal	Encourage State Attorney to file cases through the ePortal.
8	Lafayette	Juvenile Delinquency	Staffing - Internal	Time limitations and staffing restrictions caused the shortfall in meeting this standard this quarter.
9	Pasco	Circuit Criminal	Systems/Conversions - Internal	Performance improved. Issue to be resolved in 4th Quarter.
10	Putnam	Circuit Criminal	Staffing - Internal	We cannot manage daily or weekly volume levels/ peaks at this resource level. We are already redirecting resources to timeliness that would be better utilized training our new employees (turnover).
11	Taylor	Probate	Staffing - Internal	Employees on vacation and a civil trial, limited time by staff. Just a one-time shortage in staff.

Statewide Performance by Court Division Timeliness 1 – Filing New Cases

As shown below, 60% of action plans for Timelines 1 – Filing New Cases were in the Criminal court divisions, accounting for 26 of the 43 action plans. Criminal Traffic alone was 33% of the action plans for Timeliness 1 – Filing New Cases.

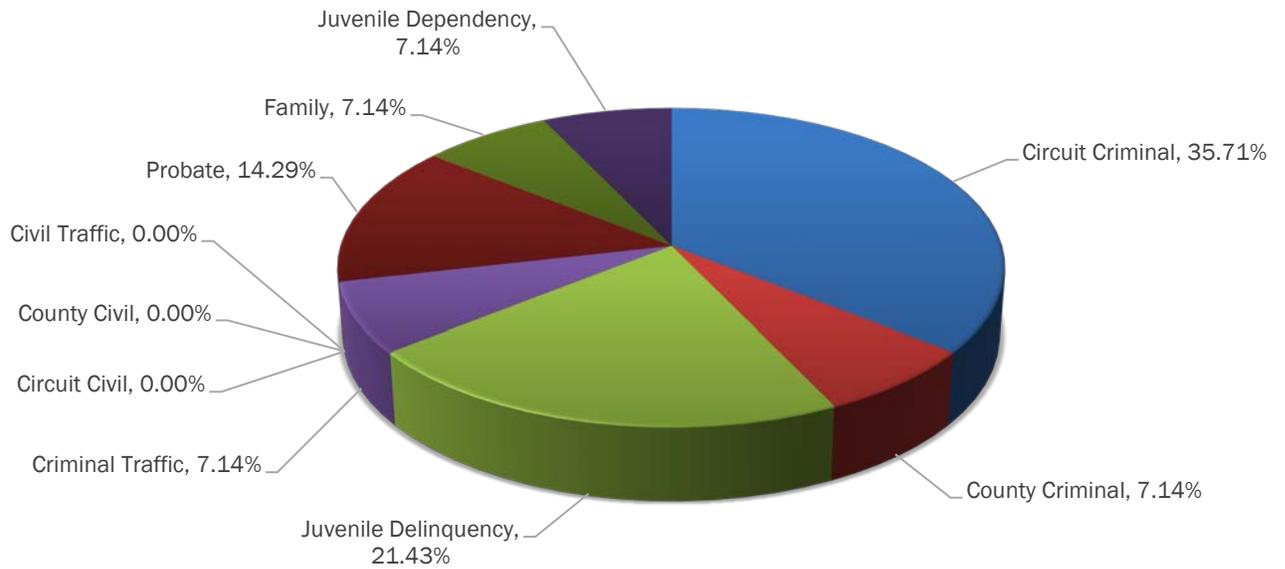
Timeliness 1 - Action Plans by Court Division



Timeliness 2 – Cases Docketed

As shown below, 71% of action plans for Timeliness 2 – Cases Docketed were in the Criminal court divisions, accounting for 10 of the 14 action plans. Circuit Civil, County civil, and Civil Traffic had zero action plans statewide.

Timeliness 2 - Action Plans by Court Division



Historic Timeliness Rates

Timeliness 1 – Filing New Cases

For Timeliness 1 – Filing New Cases, all court divisions met the 80% standard. The Circuit Criminal court division saw a slight decrease from the 3rd Quarter, while all other court divisions saw increases in the performance measure.

Timeliness 1 - Filing New Cases						
Quarter 3 CFY 2016-17						
Court Division	CFY 2015-16 Year End	CFY 2016-17 1st Quarter	CFY 2016-17 2nd Quarter	CFY 2016-17 3rd Quarter	CFY 2016-17 4th Quarter	Standard
Circuit Criminal	97.89%	96.48%	95.40%	95.13%		80.00%
County Criminal	95.69%	97.33%	93.05%	95.62%		80.00%
Juvenile Delinquency	97.49%	96.98%	93.77%	96.37%		80.00%
Criminal Traffic	89.90%	89.26%	89.88%	95.22%		80.00%
Separator						
Circuit Civil	83.77%	78.64%	86.72%	88.49%		80.00%
County Civil	95.19%	93.63%	93.49%	96.24%		80.00%
Civil Traffic	91.84%	96.73%	93.56%	97.49%		80.00%
Probate	95.12%	92.77%	89.99%	94.48%		80.00%
Family	96.92%	97.20%	93.69%	95.96%		80.00%
Juvenile Dependency	97.05%	97.13%	93.90%	97.94%		80.00%

Timeliness 2 - Cases Docketed

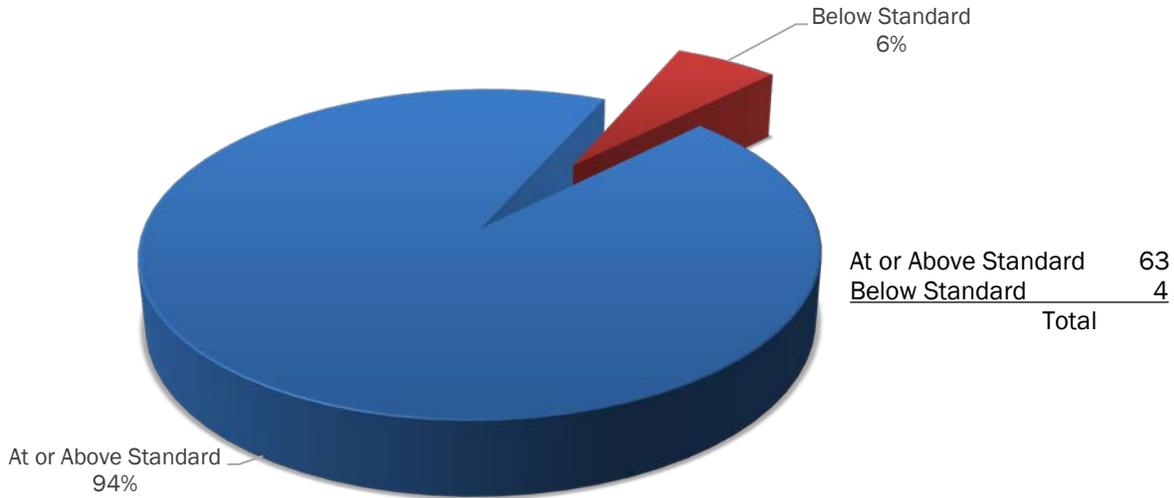
For Timeliness 2 – Cases Docketed, all court divisions meet the 80% standard for entering dockets timely. There were only slight increases or decreases (less than 1%) in each court division from Quarter 3.

Timeliness 2 - Docketed Entry						
Quarter 3 CFY 2016-17						
Court Division	CFY 2015-16 Year End	CFY 2016-17 1st Quarter	CFY 2016-17 2nd Quarter	CFY 2016-17 3rd Quarter	CFY 2016-17 4th Quarter	Standard
Circuit Criminal	95.48%	94.23%	95.07%	94.91%		80.00%
County Criminal	95.47%	95.12%	94.44%	95.25%		80.00%
Juvenile Delinquency	95.19%	96.64%	96.83%	96.82%		80.00%
Criminal Traffic	95.58%	95.14%	95.65%	95.76%		80.00%
Separator						
Circuit Civil	88.67%	90.18%	96.80%	96.15%		80.00%
County Civil	92.52%	94.11%	95.95%	97.03%		80.00%
Civil Traffic	96.47%	97.33%	97.48%	97.46%		80.00%
Probate	94.19%	93.72%	95.30%	95.55%		80.00%
Family	92.75%	92.47%	92.60%	93.02%		80.00%
Juvenile Dependency	95.38%	93.18%	93.47%	93.43%		80.00%

Jury Payment

Statewide Action Plans Required

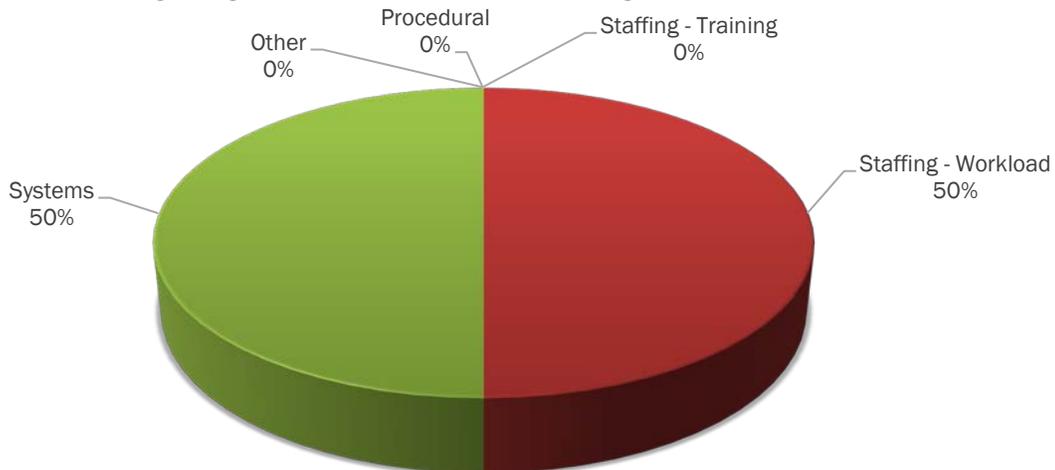
Jury Payment - Statewide Action Plans



Statewide Action Plans by Reason Code

The performance standard for timely juror payment is 100% payment of jurors within 20 days of final jury attendance. There are five reason codes for not meeting the performance measure: Staffing – Training, Staffing – Workload, Systems, Procedural, and Other. Of the five reason codes, Staffing – Training, Procedural, and Other had none. Four counties had Action Plans; two counties indicated Staffing – Workload and two listed Systems as their reasons for missing the performance measure.

Jury Payment - Action Plans by Reason Codes





Jury Payment Action Plans

The following are the action plans for counties missing the statewide performance measure as submitted by the Clerks:

	County	Reason	Action Plan
1	Bradford	Staffing - Workload	Clerk employee trying to get work done while husband was hospitalized.
2	Hillsborough	Systems	The delay was due to a system error that has been fixed.
3	Holmes	Staffing - Workload	Staff overloaded with multiple duties.
4	Monroe	Systems	Our finance system is still not compatible to our Jury System. Some of the checks are not posting in the system, so we have to manually put them in.

Appendix A
Collections Performance by Division
CFY 2016-17 Quarter 3

County	Circuit Criminal	County Criminal	Juvenile Delinquency	Criminal Traffic	Circuit Civil	County Civil	Civil Traffic	Probate	Family	Total
Alachua	External	External	External							3
Baker	External	External					External			3
Bay	Internal	External				Internal	Internal	Internal		5
Bradford										0
Brevard		Internal	Internal		Internal					3
Broward			External				Internal			2
Calhoun	External		External							2
Charlotte		Internal	Internal				Internal			3
Citrus	External									1
Clay										0
Collier										0
Columbia										0
Dade		External					External			2
Desoto	Internal	Internal								2
Dixie										0
Duval	External	External					External			3
Escambia							External			1
Flagler	External									1
Franklin										0
Gadsden	External						External			2
Gilchrist			External				External			2
Glades				External						1
Gulf										0
Hamilton		External					External			2
Hardee										0
Hendry			External							1
Hernando	Internal		Internal				External			3
Highlands		Internal								1
Hillsborough	External	External					External			3
Holmes							External			1
Indian River										0
Jackson	External		External							2
Jefferson							Internal			1
Lafayette	External									1
Lake	Internal		Internal				Internal			3
Lee							External			1
Leon		External								1
Levy	external						External			2
Liberty	External		External							2
Madison	External	External					External			3
Manatee		External					External			2
Marion		Internal								1
Martin										0
Monroe	Internal									1
Nassau							External			1
Okaloosa							External			1
Okeechobee							External			1
Orange		External					External			2
Osceola	External		External				External			3
Palm Beach		External								1
Pasco	External									1
Pinellas		Internal	External				Internal			3
Polk	External	External					External			3

Appendix A
Collections Performance by Division
CFY 2016-17 Quarter 3

County	Circuit Criminal	County Criminal	Juvenile Delinquency	Criminal Traffic	Circuit Civil	County Civil	Civil Traffic	Probate	Family	Total
Putnam	External	External	External				External			4
Santa Rosa							External			1
Sarasota	External	Internal					Internal			3
Seminole							External			1
St. Johns										0
St. Lucie										0
Sumter										0
Suwannee										0
Taylor			External				External			2
Union			External							1
Volusia	External		External							2
Wakulla				External						1
Walton	External									1
Washington	External						External			2
Statewide	26	21	17	2	1	1	32	1	0	101
Internal Reasons	5	7	4	0	1	1	7	1	0	26
External Reasons	21	14	13	2	0	0	25	0	0	75

Appendix A
Timeliness 1 - Filing New Cases by Division
CFY 2016-17 Quarter 3

County	Circuit Criminal	County Criminal	Juvenile Delinquency	Criminal Traffic	Circuit Civil	County Civil	Civil Traffic	Probate	Family	Juvenile Dependency	Total
Alachua											0
Baker	Staffing - Internal			Staffing - Internal				Staffing - Internal	Staffing - Internal		4
Bay											0
Bradford		Staffing - External									1
Brevard											0
Broward					Staffing - Internal			Staffing - Internal	Staffing - Internal		3
Calhoun											0
Charlotte											0
Citrus											0
Clay											0
Collier											0
Columbia				Systems/Conversions - External							1
Dade											0
Desoto											0
Dixie	Staffing - Internal			Staffing - Internal							2
Duval											0
Escambia											0
Flagler											0
Franklin											0
Gadsden				Staffing - External							1
Gilchrist											0
Glades											0
Gulf	Systems/Conversions - Internal		Staffing - Internal	Systems/Conversions - Internal							3
Hamilton											0
Hardee											0
Hendry	Staffing - External			Systems/Conversions - External	Staffing - External						3
Hernando				Systems/Conversions - External							1
Highlands											0
Hillsborough											0
Holmes	Systems/Conversions - External			Systems/Conversions - External			Systems/Conversions - External		Systems/Conversions - External		4
Indian River											0
Jackson											0
Jefferson											0
Lafayette	Systems/Conversions - Internal	Systems/Conversions - Internal			Systems/Conversions - Internal						3
Lake				Systems/Conversions - Internal							1
Lee											0
Leon											0
Levy											0
Liberty											0
Madison	Systems/Conversions - External			Staffing - Internal		Systems/Conversions - External					3
Manatee				Systems/Conversions - Internal					Systems/Conversions - Internal	Systems/Conversions - Internal	3
Marion											0
Martin											0
Monroe											0
Nassau											0

Appendix A
Timeliness 1 - Filing New Cases by Division
CFY 2016-17 Quarter 3

County	Circuit Criminal	County Criminal	Juvenile Delinquency	Criminal Traffic	Circuit Civil	County Civil	Civil Traffic	Probate	Family	Juvenile Dependency	Total
Okaloosa				Staffing - Internal							1
Okeechobee		Systems/Conversions - Internal			Systems/Conversions - Internal				Systems/Conversions - Internal		3
Orange											0
Osceola											0
Palm Beach											0
Pasco				Systems/Conversions - Internal							1
Pinellas											0
Polk											0
Putnam											0
Santa Rosa	Systems/Conversions - External			Systems/Conversions - External				Systems/Conversions - External	Systems/Conversions - External	Systems/Conversions - External	5
Sarasota											0
Seminole											0
St. Johns											0
St. Lucie											0
Sumter											0
Suwannee											0
Taylor											0
Union											0
Volusia											0
Wakulla											0
Walton											0
Washington											0
Statewide	8	3	1	14	4	1	1	3	6	2	43
Internal Reasons	4	2	1	8	3	0	0	2	4	1	25
External Reasons	4	1	0	6	1	1	1	1	2	1	18

Appendix A
Timeliness 2 - Cases Docketed by Division
CFY 2016-17 Quarter 3

County	Circuit Criminal	County Criminal	Juvenile Delinquency	Criminal Traffic	Circuit Civil	County Civil	Civil Traffic	Probate	Family	Juvenile Dependency	Total
Alachua											0
Baker											0
Bay											0
Bradford			Staffing - Internal								1
Brevard											0
Broward								Staffing - Internal	Staffing - Internal		2
Calhoun											0
Charlotte											0
Citrus											0
Clay											0
Collier											0
Columbia											0
Dade										Staffing - Internal	1
Desoto											0
Dixie	Staffing - Internal										1
Duval											0
Escambia											0
Flagler											0
Franklin											0
Gadsden											0
Gilchrist											0
Glades											0
Gulf			Staffing - Internal								1
Hamilton											0
Hardee											0
Hendry		Staffing - External		Staffing - External							2
Hernando											0
Highlands	Staffing - Internal										1
Hillsborough											0
Holmes	Systems/Conversions - External										1
Indian River											0
Jackson											0
Jefferson											0
Lafayette			Staffing - Internal								1
Lake											0
Lee											0
Leon											0
Levy											0
Liberty											0
Madison											0
Manatee											0
Marion											0
Martin											0
Monroe											0
Nassau											0
Okaloosa											0
Okeechobee											0
Orange											0
Osceola											0
Palm Beach											0

Appendix A
Timeliness 2 - Cases Docketed by Division
CFY 2016-17 Quarter 3

County	Circuit Criminal	County Criminal	Juvenile Delinquency	Criminal Traffic	Circuit Civil	County Civil	Civil Traffic	Probate	Family	Juvenile Dependency	Total
Pasco	Systems/Conversions - Internal										1
Pinellas											0
Polk											0
Putnam	Staffing - Internal										1
Santa Rosa											0
Sarasota											0
Seminole											0
St. Johns											0
St. Lucie											0
Sumter											0
Suwannee											0
Taylor								Staffing - Internal			1
Union											0
Volusia											0
Wakulla											0
Walton											0
Washington											0
Statewide	5	1	3	1	0	0	0	2	1	1	14
Internal Reasons	4	0	3	0	0	0	0	2	1	1	11
External Reasons	1	1	0	1	0	0	0	0	0	0	3

Appendix B
Descriptions of External Factors for Not Meeting Performance Standards
CFY 2016-17 Quarter 3

	County	Division	Description	Reason Code
Collections				
1	Alachua	Circuit Criminal	High number of Drug Traffic Cases.	External
2	Alachua	County Criminal	People charged with this level do not have the money to pay.	External
3	Alachua	Juvenile Delinquency	This group does not have jobs and parents do not have the money. Added a new additional assessment.	External
4	Baker	Circuit Criminal	Our office does partial payments and suspends DL. We are open to any suggestions.	External
5	Baker	Civil Traffic	We D6 their DL weekly, and send unpaid citations to the collections agency. We are open to suggestions.	External
6	Baker	County Criminal	Our defendants are placed on probation, we set up payment plans, and suspend their DL for failure to comply. We are open to any suggestions.	External
7	Bay	County Criminal	Bay County is doing everything at our disposal to collect the money owed.	External
8	Broward	Juvenile Delinquency	Explore options with other state agencies, like State Attorney's Office, to improve enforcement of court ordered assessments.	External
9	Calhoun	Circuit Criminal	Continue to record judgments and collection efforts when released from prison.	External
10	Calhoun	Juvenile Delinquency	Probation officer request case closed before all payments made. Will ask the judge to check to see if paid before closing the case.	External
11	Citrus	Circuit Criminal	Large fines on trafficking cases that cannot be paid until the defendants are released from prison.	External
12	Dade	Civil Traffic	We have a significant number of payment plans which extend the time required for full collection. Additionally, a significant number of citations go to court which also delays collection times.	External
13	Dade	County Criminal	Due to our current economic conditions, many defendants are indigent or transient making collections efforts more difficult.	External
14	Duval	Circuit Criminal	Reviewing collection agency performance and other online payment options.	External
15	Duval	Civil Traffic	Reviewing collection agency performance and other options to pay as well as enforcing 30 days to pay.	External
16	Duval	County Criminal	Reviewing collection agency performance and other online payment options.	External
17	Escambia	Civil Traffic	The local economy and ability to pay greatly impact the collection rate. Also note the increase in traffic assessments over time. Additional assessments for the same individuals would most likely result in lower collections overall.	External
18	Flagler	Circuit Criminal	Confinement to prison prohibit repayment.	External
19	Gadsden	Circuit Criminal	Due to budget cuts this division lost a position and is under staffed. We will continue to attempt to meet the standard using the resources we have at our disposal.	External
20	Gadsden	Civil Traffic	We are a small office with a small staff. We will continue to attempt to meet the standard using the resources we have at our disposal.	External
21	Gilchrist	Civil Traffic	No response provided.	External
22	Gilchrist	Juvenile Delinquency	Fees are in one juvenile case; juvenile is incarcerated and cannot pay.	External
23	Glades	Criminal Traffic	We are sending 15 day letters and then sending to collections, if not paid.	External
24	Hamilton	Civil Traffic	We are continuing to work to increase collections in civil traffic. Cases forwarded to collections have increased in the past few months.	External
25	Hamilton	County Criminal	Only reason we can think of is case dismissals, non-payments, low assessments. Will continue to monitor and try to locate issues.	External
26	Hendry	Juvenile Delinquency	Community Service is usually chosen over making a payment.	External
27	Hernando	Civil Traffic	Red light tickets have ceased to be a factor and should contribute to higher collection rates in future quarters.	External
28	Hillsborough	Circuit Criminal	Continued running notice and collection agency process.	External
29	Hillsborough	Civil Traffic	Continued use of internal collection methods and referral to outside collection agencies.	External
30	Hillsborough	County Criminal	Transitioning from private probation service provider to local sheriff has greatly improved collections and we will continue to monitor performance.	External

Appendix B
Descriptions of External Factors for Not Meeting Performance Standards
CFY 2016-17 Quarter 3

	County	Division	Description	Reason Code
Collections				
31	Holmes	Civil Traffic	Non-payment. We are currently sending letters from our in-house collections department.	External
32	Jackson	Circuit Criminal	These individuals have been sentenced to prison. We do record liens and refer to a collection agency.	External
33	Jackson	Juvenile Delinquency	We will continue to work with the Juvenile PO's to assist in these collections. We are also sending letters notifying violators that driving privileges will be suspended. We have a new Judge that will start hearing these cases. Our goal is to talk to him about our collection efforts so that he can assist.	External
34	Lafayette	Circuit Criminal	The defendants in the cases with large fines are currently incarcerated.	External
35	Lee	Civil Traffic	Representative in the uncollected balance; 60% or \$290k are toll cases and of those toll cases, 58% have been referred to a collection agency with DL suspension and 24% are on an active payment plan.	External
36	Leon	County Criminal	Leon County uses all methods of collections available to them for collecting on these criminal cases. License suspension and submission to Collection Agency are two methods used. Results of Collection Agency are outside of the 5 quarter accounting and are not credited to our collection rate. Leon County will continue to monitor this.	External
37	Levy	Circuit Criminal	Economy	External
38	Levy	Civil Traffic	Economy	External
39	Liberty	Circuit Criminal	\$53,375 mandatory drug trafficking assessment, defendant incarcerated.	External
40	Liberty	Juvenile Delinquency	When a defendants term of supervision terminates, they are placed on a payment plan to attempt to collect outstanding costs.	External
41	Madison	Circuit Criminal	Defendants are not paying. Encourage Payment Plans.	External
42	Madison	Civil Traffic	Encourage payment plans.	External
43	Madison	County Criminal	We are starting to suspend licenses on these types of cases as well as offer payment plans to help people pay these fees.	External
44	Manatee	Civil Traffic	No improvements seen with rebuild of system. Will continue to review and monitor for any information/trends to improve collection rate.	External
45	Manatee	County Criminal	Area continues to be monitored. Best Practices are followed.	External
46	Nassau	Civil Traffic	Continue to suspend drivers license and send all unpaid fines to collection agency.	External
47	Okaloosa	Civil Traffic	Due to unsustainable court funding, our ability to prioritize collections in this case type are constrained.	External
48	Okeechobee	Civil Traffic	Cases will be sent to collections.	External
49	Orange	Civil Traffic	A lot of out of state/out of country visitors who don't pay and a general disregard for paying traffic cases. People don't care if they have a DL suspension or not.	External
50	Orange	County Criminal	We have never met this standard. The majority of our customers are on payment plans that extend beyond the 5 quarters of this report.	External
51	Osceola	Circuit Criminal	The standard was not met due to the volume of defendants sentenced to DOC.	External
52	Osceola	Civil Traffic	The standard was not met despite collection efforts within the control of the Clerk's Office. In addition we have a percentage of tourist in our county who live out of country and we are unable to collect on.	External
53	Osceola	Juvenile Delinquency	The standard was not met despite collection efforts within the control of the Clerk's Office.	External
54	Palm Beach	County Criminal	Defendant's provided too much time to pay without being ordered onto a Clerk payment plan. Defendants on probation are not ordered to establish payment plans. Failure to pay as a condition does not have negative impact on successful completion of probation. Since meeting with the judges, we have seen an increase in payment plans. We expect the collection rate to increase as payment plan activity increases.	External
55	Pasco	Circuit Criminal	Drug trafficking cases caused the missed percentages.	External
56	Pinellas	Juvenile Delinquency	Defendant's satisfying fines/cost by community service.	External
57	Polk	Circuit Criminal	Drug trafficking cases not paid. When they're excluded we meet the standard.	External

Appendix B
Descriptions of External Factors for Not Meeting Performance Standards
CFY 2016-17 Quarter 3

	County	Division	Description	Reason Code
Collections				
58	Polk	Civil Traffic	Customers not paying.	External
59	Polk	County Criminal	Customers not paying.	External
60	Putnam	Circuit Criminal	High incarceration rates extend beyond collection period. All converted to civil lien on release. Few, if any, assets in defendant's name.	External
61	Putnam	Civil Traffic	Primarily driven by poor demographics. No recovery in sight. We are following Best Practices as published by FCCC.	External
62	Putnam	County Criminal	The judge in this area no longer sends the majority of those found guilty to outside probation. We believe this change alone is responsible for our collections dropping from ~60% to less than 40%. We have implemented an internal collection effort, but the judge will not make enrollment mandatory.	External
63	Putnam	Juvenile Delinquency	Primarily driven by poor demographics. No recovery in sight.	External
64	Santa Rosa	Civil Traffic	Partial payment agreements can go up to 18 months which is outside the reporting time frame. Civil citation issued along with a criminal citation is held until the disposition of the civil citation.	External
65	Sarasota	Circuit Criminal	Six cases comprise a total of \$950,000 in fines assessed, with less than \$50 paid. This is an abnormal amount of high fine cases in a single quarter.	External
66	Seminole	Civil Traffic	Get additional funding.	External
67	Taylor	Civil Traffic	We are doing everything we can to collect and payments are not being made.	External
68	Taylor	Juvenile Delinquency	Usually only one or two defendants that do not pay.	External
69	Union	Juvenile Delinquency	Pursuing Civil Judgments against parents and collections efforts for juvenile fines and fees.	External
70	Volusia	Circuit Criminal	Increase in the number of late pay cases we are sending to collections.	External
71	Volusia	Juvenile Delinquency	Increase in the number of late pay cases we are sending to collections.	External
72	Wakulla	Criminal Traffic	Less cases assessed and money assessed is lower.	External
73	Walton	Circuit Criminal	Large mandatory drug assessments in addition to incarcerations.	External
74	Washington	Circuit Criminal	Most are in prison, will try to collect upon their release.	External
75	Washington	Civil Traffic	Send to collection agency, also D-6 DL.	External

Timeliness 1 - Filing New Cases

	County	Division	Description	Reason Code
1	Bradford	County Criminal	Added co-defendants after initial filing.	Staffing - External
2	Columbia	Criminal Traffic	This is due to the recent change in the Business rules for outputs. Our actual rate is not this low.	Systems/Conversions - External
3	Gadsden	Criminal Traffic	We are a small office with insufficient staff due to budget cuts. We will continue to attempt to meet the standard with the resources we have at our disposal.	Staffing - External
4	Hendry	Circuit Civil	Short staffed due to budget cuts.	Staffing - External
5	Hendry	Circuit Criminal	Short Staffed/Cross Training/Staff turnover	Staffing - External
6	Hendry	Criminal Traffic	Report was developed in Clericus for new case count business rules but does not tie to timeliness case count.	Systems/Conversions - External
7	Hernando	Criminal Traffic	The new sub-case counting method and the old timeliness case count report created this. It should be 96.62% within 3 days.	Systems/Conversions - External
8	Holmes	Circuit Criminal	Waiting on external computer updates.	Systems/Conversions - External
9	Holmes	Civil Traffic	Waiting on external computer updates.	Systems/Conversions - External
10	Holmes	Criminal Traffic	Waiting on external computer updates.	Systems/Conversions - External
11	Holmes	Family	Waiting on external computer updates.	Systems/Conversions - External
12	Madison	Circuit Criminal	Original April Outputs Monthly Report reflected 39 Cases instead of 36 which would be 99%.	Systems/Conversions - External
13	Madison	County Civil	The recent changes in reporting has caused the percentage to be below Standard.	Systems/Conversions - External
14	Santa Rosa	Circuit Criminal	My Timeliness report shows 648 total cases.	Systems/Conversions - External

Appendix B
Descriptions of External Factors for Not Meeting Performance Standards
CFY 2016-17 Quarter 3

	County	Division	Description	Reason Code
Timeliness 1 - Filing New Cases				
15	Santa Rosa	Criminal Traffic	My Timeliness report shows 629 total cases.	Systems/Conversions - External
16	Santa Rosa	Family	My Timeliness report shows 497 total cases.	Systems/Conversions - External
17	Santa Rosa	Juvenile Dependency	No response provided.	Systems/Conversions - External
18	Santa Rosa	Probate	My Timeliness report shows 228 total cases.	Systems/Conversions - External

Timeliness 2 - Cases Docketed				
	County	Division	Description	Reason Code
1	Hendry	County Criminal	Short staffed/cross training/staff turnover	Staffing - External
2	Hendry	Criminal Traffic	Short staffed/cross training/staff turnover	Staffing - External
3	Holmes	Circuit Criminal	Waiting on external computer updates.	Systems/Conversions - External
4	Pasco	Circuit Criminal	Performance improved. Issue to be resolved in 4th Quarter.	Systems/Conversions - Internal



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AGENDA ITEM 9

Date: December 18, 2017

Subject: Update on Uniform Case Management Database System Report

Council Action: Informational Update

Overview/Background:

The 2017 Legislature passed proviso language requiring that the Office of the State Courts Administrator shall submit a plan to develop a statewide uniform case management database system for the purpose of caseload data collection and reporting. Their office was required to work with the CCOC and FCCC to develop common definitions for all clerks and courts to use to ensure uniformity in reporting. The report was due on December 1, 2017.

Chair Burke asked Clerk Green to represent the CCOC in this process. She did meet with OSCA and CCOC on behalf of the CCOC. Attached is the report provided to the Legislature.

Clerk Green will provide an overview.

Lead staff:

John Dew, Executive Director

Attachments:

- 1) Statewide Uniform Trial Court Caseload Reporting System Plan.

This document articulates the plan for a statewide uniform trial court caseload reporting system for the purpose of caseload data collection and reporting in accordance with the mission, vision, and goals of the judicial branch.

Statewide Uniform Trial Court Caseload Reporting System Plan

2017-18 Proviso Response

December 1, 2017

Office of the State Courts Administrator

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Section 1 – Executive Summary

Scope (Proviso)

During legislative session 2017, the following legislative proviso passed with the 2017-18 fiscal year budget:

From the funds in Specific Appropriation 3145 through 3212, the Office of the State Courts Administrator shall submit a plan to develop, within existing appropriations, a statewide uniform case management database system for the purpose of caseload data collection and reporting. The Office of the State Courts Administrator shall work with the Florida Clerks of Court Corporation and the Florida Association of Clerks of Court to develop common definitions for all clerks and courts to use to ensure uniformity in reporting. The case management system must be searchable, have information about the workload of each judge in the circuit and have the ability to be aggregated by division, circuit, and statewide for reporting purposes. The plan shall examine recurring appropriations in the State Courts System to identify appropriation categories and budget entities with funds which may be reallocated to fund all costs associated with a unified state-wide judicial case management system. The plan must provide an itemized estimate of all projected costs associated with the development, implementation and recurring maintenance of the system. The plan must also account for the costs of making the system accessible by all trial court judges, appellate court judges, Supreme Court justices and other authorized staff of the courts. The Office of the State Courts Administrator shall submit the plan to the chair of the House Appropriations Committee and the chair of the Senate Appropriations Committee by December 1, 2017.

Overview

The Office of the State Courts Administrator (OSCA), in consultation with trial court judges, court administrators, and court technology officers, and with the approval of the Florida Supreme Court, has developed a plan to create a statewide, uniform trial court caseload reporting system for the purpose of case data collection and reporting in accordance with the mission, vision, and goals of the judicial branch. Once individual clerk offices accurately report the required data entities, this system will provide information about the workload of each judge in the circuit and will be aggregable statewide and by division and circuit. The system will be accessible by all trial court judges, appellate court judges, Supreme Court justices and other authorized staff of the courts, and will be searchable.

Based on research of case activity reporting and past experience, the court system has determined that an event driven case activity reporting system is required to satisfy both the requirements of legislative proviso and the organizational needs of the State Courts System. This plan emphasizes data quality and rapid communication as core components. The use of events, small, targeted records describing one specific court activity, is a fundamentally different way of looking at court activity that opens up opportunities for process and data improvement across the spectrum of activity. An event driven data architecture enables the court system to focus on the specific data it needs to monitor and improve internal processes. It allows the court system to divide activity in a case into smaller intervals that can more easily and accurately be measured. The system described in this plan—where one specific event can be pushed directly from the source to the user— is both responsive and adaptable. The system outlined in this plan will build on the principles described above, leverage existing reporting infrastructures, and require the collection of case information on specific data entities to report caseload data. Since the capability required by proviso already exists in the appellate courts, through the Electronic Florida Appellate Courts Technology Solution (e-FACTS), and because the proviso specifically references workload information for judges within a circuit, this plan addresses the trial courts and associated data only.

Judge-specific information will be available to help increase the efficacy of the adjudication processes; in addition, the Supreme Court, Supreme Court-appointed committees, and other appropriate parties will have access to state-level information to meet the needs for uniform and comparable information to enhance the decision-making process.

Goals / Objectives

The plan for the Statewide Uniform Trial Court Caseload Reporting System set forth in this document is part of a larger framework to meet the critical data needs of Florida's judicial branch. The plan advances data collection requirements and specifications needed to track and monitor specific, critical events in the life of a case. Implementation of this plan is designed to benefit judges, court managers, and all users of the court system by providing meaningful data and analysis to: 1) improve adjudicatory outcomes through case management and program evaluation, 2) increase operational efficiency through efficient use of shared resources, and 3) support organizational priorities through legislative resource and budgetary requests. This plan is also designed to enhance the ability of the State Courts System to provide court-related data to assist policymakers in evaluating policy and budget options.

Specifically, this plan will allow for the collection of:

- Number of Cases Filed (by state, circuit, and division of court).
- Number of Cases Disposed (by state, circuit, and division of court).
- Clearance Rates (by state, circuit, division of court, and judge).
- Time to Disposition: Percentage of Cases Closed within Time Standards (by state, circuit, division of court, and judge).
- Age of Active Pending Caseload: Number of Pending Cases (by state, circuit, division of court, and judge).
- Age of Active Pending Caseload: Percentage of Cases Pending Beyond Time Standards (by state, circuit, division of court, and judge).

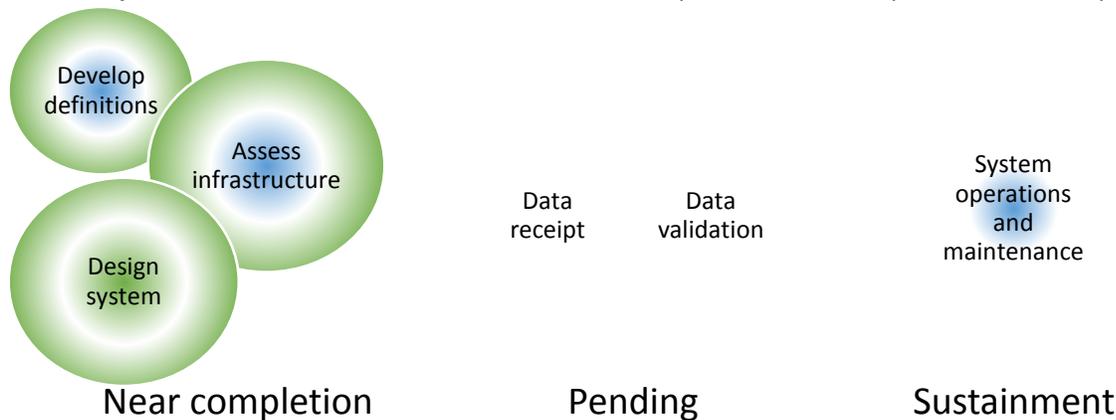
Definitions

The plan provides for common definitions for all clerks and courts to use to ensure uniformity in reporting. Through collaboration with the Florida Court Clerks and Comptrollers, Florida Clerks of Court Operations Corporation, judges, and local trial court representatives, consensus was reached on the data entities used to compute the caseload reporting measures previously described. Common data terms and definitions provide a single consistent language in which all jurisdictions can communicate relevant court data and apply uniformly to every case type, division, and jurisdiction. While access to and maintenance of the court records continues to vary significantly from clerk to clerk and data quality is of great concern, the trial courts and the clerks have developed a partnership for data management through cooperative work on electronic filing, case management, and court-activity reporting initiatives. The Statewide Uniform Trial Court Caseload Reporting System will rely on case-specific data submitted by the clerks of court to produce court-managed business analytics.

Additional information on the data entities and associated definitions can be found in Section 3 and Appendix A of this plan.

Activity Information

This plan proposes transmitting case event data contained within local clerk case maintenance systems into a cohesive statewide system enabling a unique perspective of court activity. The proposed system is intended to serve as both a static repository for historical court activity data and a dynamic warehouse for active court management and operations analysis. The proposed system will rely on data “pushes” from existing clerk case maintenance systems, triggered by the occurrence of specific events or changes in the underlying case data. This changing event data is correlated with previously submitted data and compiled into management reports with the ability to segment and aggregate data. The diagram below is a high level summary of the activities the OSCA, in conjunction with local clerks and courts, will be required to take to operationalize the plan.



Object fill equates to approximate work complete on that particular project element.

These steps are further defined in Section 4 and in Appendix B of this plan.

Cost Information

The plan provides an estimate of projected costs associated with the development, implementation, and recurring maintenance of the system. The total estimated court system cost to meet the legislative proviso is \$1,866,379 for fiscal year 2018-19 and \$874,188 for fiscal year 2019-20. These figures represent only estimated costs for the courts to address the elements in proviso. These totals do not include the OSCA contributions made to date on the development of the system. This plan does not address all specific costs or activities that may need to be undertaken by clerks or their associations to implement the plan. It is anticipated that additional funds will be required to meet other technological capabilities outlined in Section 12 of this plan and in the Trial Court Integrated Management Solution (TIMS) report discussed in this plan and linked in Appendix G.

	FY 2018-19 Estimated Costs			FY 2019-20 Estimated Costs		
	Recurring	Non-Recurring	Total	Recurring	Non-Recurring	Total
OPS	\$63,099	\$0	\$63,099	\$0	\$0	\$0
Contracted Services	\$0	\$826,377	\$826,377	\$0	\$699,774	\$699,774
ODPS	\$2,903	\$974,000	\$976,903	\$174,414	\$0	\$174,414
Total Costs by Year (Funding Need)	\$66,002	\$1,800,377	\$1,866,379	\$174,414	\$699,774	\$874,188

Additional information on the plan costs can be found in Section 5 and Appendix C of this plan.

Appropriation Information

The budget proviso requires the plan to examine “recurring appropriations in the State Courts System to identify appropriation categories and budget entities with funds which may be reallocated to fund all costs associated with” the system. As noted above, it is estimated that full implementation of the system will cost \$2,740,567. However, the vast majority of these costs, \$2,500,151, are non-recurring, principally related to system development and procurement of a data visualization application. The recurring costs are estimated to be \$240,416 per year.

The State Courts System recommends that the legislature consider re-appropriation of court system reversions from fiscal years 2017-18 and 2018-19 to fund the non-recurring costs of the system. While system completion is estimated in 18 months, additional non-recurring funds from court system reversions may be needed based on unforeseen circumstances around data reporting transition and full system deployment. It is also recommended that the court system have flexibility to identify during its annual internal allocation processes approximately \$240,416 to dedicate each year toward the recurring costs of the system.

Section 6 of this plan further examines the appropriations and funding proposal for the system.

Risks

Risk conditions associated with this project vary by level, type, and visibility. A risk assessment instrument was used to identify the risk exposure and facilitate risk management planning. The project is aligned well with the State Courts System’s business strategy and presented a moderate amount of risk. There is inherent scope and complexity risk in implementing a statewide reporting solution across 20 separate judicial circuits and 67 distinct counties. The single largest risk factor associated with this plan is the clerks’ ability to provide accurate and near real time data. Overall, the risk exposure of this project was categorized as moderate.

Section 10 of this plan includes additional risk information and risk exposure is further defined in Appendix F.

Conclusion

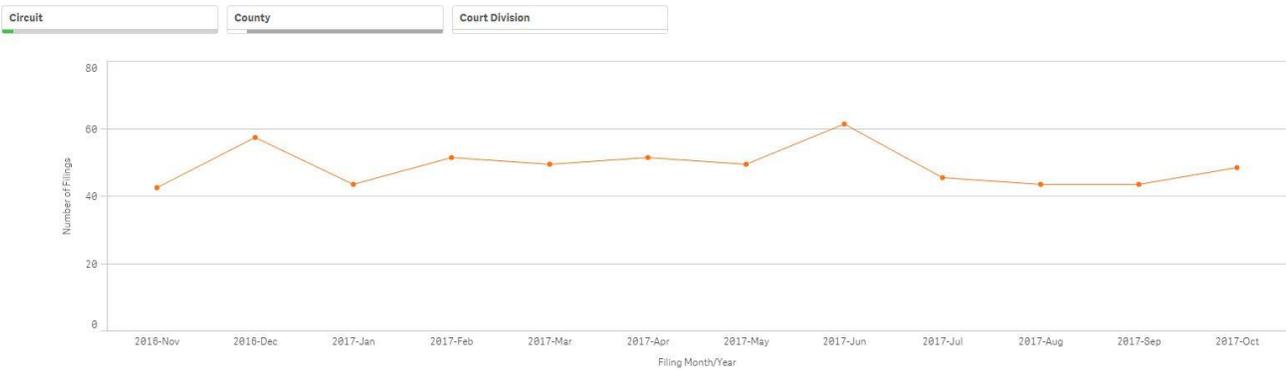
This plan and underlying data reporting proposal is designed to improve case management and is directly aligned with the Long Range Strategic Plan for the Florida Judicial Branch 2016-2021. Those specific long range plan goals include:

- 1.2 – Ensure the fair and timely resolution of all cases through effective case management.
- 1.3 – Utilize caseload and other workload information to manage resources and promote accountability.
- 4.3 – Create a compatible technology infrastructure to improve case management and meet the needs of the judicial branch and court users.
- 4.4 – Improve data exchange and integration processes with the clerks of court and other justice partners.

The Statewide Uniform Trial Court Caseload Reporting System plan’s goals and objectives support accessible, fair, effective, responsive, and accountable justice. The judicial branch’s ability to assess its environment and respond appropriately will enhance the broad range of court services and technology solutions designed to meet the needs of court users. Sample data reports using a data visualization software package can be found on the following pages.

Example Report Concepts

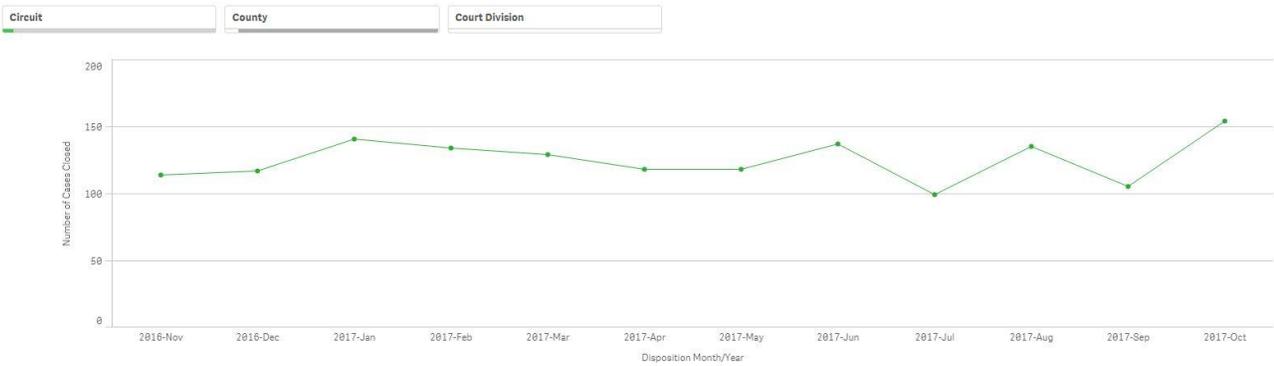
Number of Cases Filed by Month



Filing Detail

Circuit	County	Uniform Case Number	Current Case Status	Court Division	Current Case Type	Date Case Initiated	Date Case Closed	Age In Days	Primary Judicial Officer Assigned
14	Bay	032016CA001198CAXXXX	CLOSED	Circuit Civil	Real Property/Mortgage Foreclosure-HmsRes \$50-249K	11/1/2016	12/9/2016	38	MCCLELLAN, HENTZ
14	Calhoun	072016CA000304CAAXMX	ACTIVE	Circuit Civil	Real Property/Mortgage Foreclosure-HmsRes \$50-249K	11/1/2016	-	366	GAY, SHONNA YOUNG
14	Bay	032016CA001202CAXXXX	CLOSED	Circuit Civil	Real Property/Mortgage Foreclosure-NHmsRes \$250K+	11/2/2016	5/6/2017	187	FENSOM, JAMES B
14	Bay	032016CA001207CAXXXX	CLOSED	Circuit Civil	Real Property/Mortgage Foreclosure-HmsRes \$50-249K	11/3/2016	10/26/2017	357	FISHEL, JOHN L II
14	Bay	032016CA001210CAXXXX	CLOSED	Circuit Civil	Real Property/Mortgage Foreclosure-HmsRes \$50-249K	11/4/2016	4/19/2017	166	FENSOM, JAMES B

Number of Cases Disposed by Month



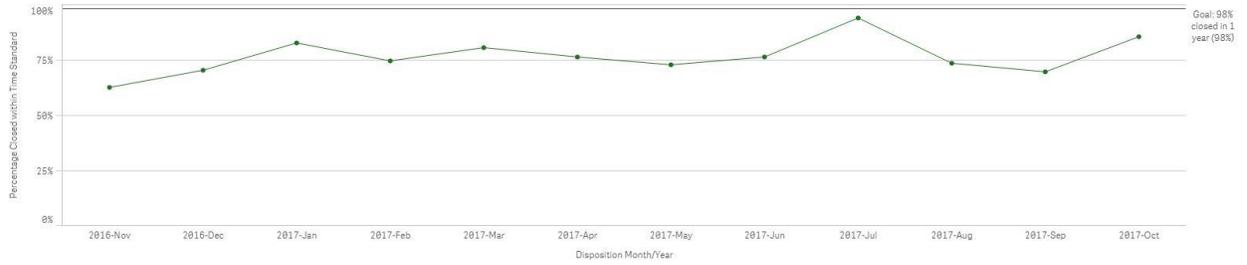
Disposition Detail

Circ...	County	Uniform Case Number	Current Case Status	Court Division	Current Case Type	Disposition Type	Date Case Initiated	Date Case Closed	Age In Days	Primary Judicial Officer Assigned
19	St Lucie	562017CA001650AXXXHC	CLOSED	Circuit Civil	Real Property/Mortgage Foreclosure-Cmrci \$50-249K	Dismissed Before Hearing-Other	10/10/2017	10/19/2017	9	BELANGER, ROBERT E
19	Martin	432017CA001008CAAXMX	CLOSED	Circuit Civil	Real Property/Mortgage Foreclosure-HmsRes \$250K+	Disposed by Other	9/21/2017	10/19/2017	28	ROBY, WILLIAM L
19	St Lucie	562017CA001520AXXXHC	CLOSED	Circuit Civil	Real Property/Mortgage Foreclosure-HmsRes \$0-50K	Dismissed Before Hearing-Other	9/13/2017	10/5/2017	22	BELANGER, ROBERT E
19	St Lucie	562017CA001533AXXXHC	CLOSED	Circuit Civil	Real Property/Mortgage Foreclosure-NHmsRes \$50-249K	Dismissed Before Hearing-Other	9/13/2017	10/23/2017	40	BELANGER, ROBERT E
19	St Lucie	562017CA001523AXXXHC	CLOSED	Circuit Civil	Real Property/Mortgage Foreclosure-NHmsRes \$50-	Disposed by Other	9/6/2017	10/10/2017	34	BELANGER, ROBERT E

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Time to Disposition

Percentage of Cases Closed Within Time Standards by Month



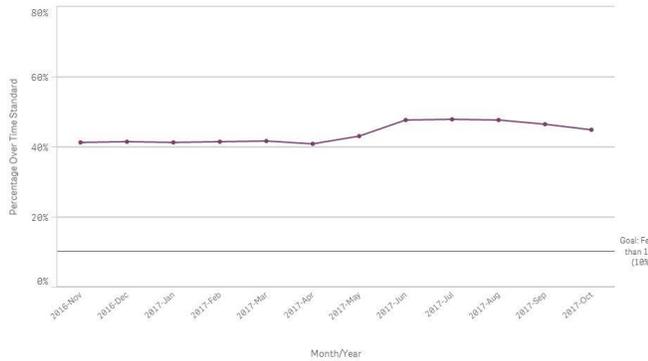
The time standard is 365 days for Circuit Civil cases.

Disposition Detail

Circuit	County	Uniform Case Number	Case Status	Court Division	Current Case Type	Disposition Type	Date Case Initiated	Date Case Closed	Age in Days	Primary Judicial Officer Assigned
3	Madison	482017CA000053CAAX..	CLOSED	Circuit Civil	Real Property/Mortgage Foreclosure-HmsRes \$50-249K	Disposed by Judge	6/23/2017	10/31/2017	138	DECKER, ANDREW J III
3	Hamilton	242017CA000015CAAX..	CLOSED	Circuit Civil	Real Property/Mortgage Foreclosure-HmsRes \$0-59K	Dismissed Before Hearing-Other	2/28/2017	10/31/2017	245	DECKER, ANDREW J III
3	Suwannee	612017CA000016CAAX..	CLOSED	Circuit Civil	Real Property/Mortgage Foreclosure-HmsRes \$0-59K	Dismissed Before Hearing-Other	1/30/2017	10/31/2017	274	FINA, DAVID W
3	Columbia	122017CA000042CAAX..	CLOSED	Circuit Civil	Real Property/Mortgage Foreclosure-HmsRes \$50-249K	Disposed by Default	2/3/2017	10/24/2017	263	DOUGLAS, WESLEY R
3	Columbia	122017CA0000243CAAX..	CLOSED	Circuit Civil	Real Property/Mortgage Foreclosure-HmsRes \$0-59K	Disposed by Judge	7/13/2017	10/23/2017	102	JOHNSON, LEANDRA G

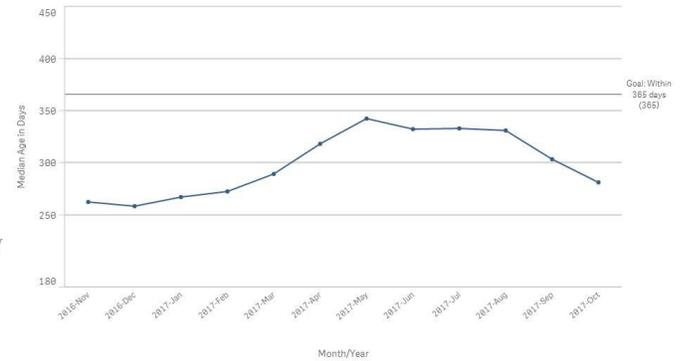
Age of Active Pending Caseloads Over Time

Percentage of Cases Pending Beyond Time Standards by Month



The time standard is 365 days for Circuit Civil cases.

Median Age of Active Pending Cases by Month

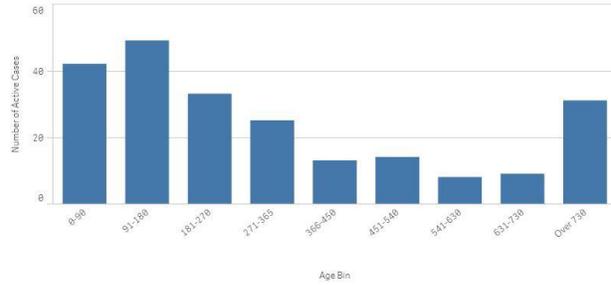


The time standard is 365 days for Circuit Civil cases.

Statewide Uniform Trial Court Caseload Reporting System Plan --- 2017-18 Proviso Language Response

Age of Active Pending Caseload

Number of Active Pending Cases by Age
Active cases are those currently pending before the court.



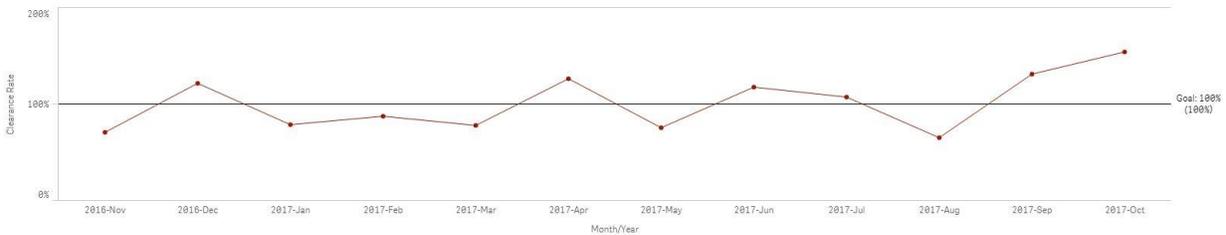
Percentage of Active Pending Cases by Age

Age Bin (Days)	Number of Cases	Percent	Cumulative Percentage
0-90	42	19%	19%
91-180	40	22%	41%
181-270	33	15%	55%
271-365	25	11%	67%
366-450	13	6%	72%
451-540	14	6%	79%
541-630	8	4%	82%
631-730	9	4%	86%
Over 730	31	14%	100%

Active Pending Caseload Detail

Circuit	County	Uniform Case Number	Current Case Status	Court Division	Current Case Type	Date Case Initiated	Age In Days	Primary Judicial Officer Assigned
15	Palm Beach	582017CA067160XXXXMB	ACTIVE	Circuit Civil	Real Property/Mortgage Foreclosure-HmsRes \$0-50K	6/26/2017	129	BROUSSEAU, TED
15	Palm Beach	582017CA066160XXXXMB	ACTIVE	Circuit Civil	Real Property/Mortgage Foreclosure-HmsRes \$0-50K	6/13/2017	142	BROUSSEAU, TED
15	Palm Beach	582017CA065941XXXXMB	ACTIVE	Circuit Civil	Real Property/Mortgage Foreclosure-HmsRes \$0-50K	5/25/2017	161	BROUSSEAU, TED
15	Palm Beach	582017CA064922XXXXMB	ACTIVE	Circuit Civil	Real Property/Mortgage Foreclosure-HmsRes \$0-50K	5/2/2017	184	BROUSSEAU, TED
15	Palm Beach	582017CA064885XXXXMB	ACTIVE	Circuit Civil	Real Property/Mortgage Foreclosure-HmsRes \$0-50K	4/28/2017	188	BROUSSEAU, TED
15	Palm Beach	582017CA060913XXXXMB	ACTIVE	Circuit Civil	Real Property/Mortgage Foreclosure-HmsRes \$0-50K	1/24/2017	282	BROUSSEAU, TED

Clearance Rates by Month



Clearance rate: The number of outgoing cases as a percentage of the number of incoming cases.

Filing Detail

Circuit	County	Uniform Case Number	Current Case Status	Court Division	Current Case Type	Date Case Initiated	Date Case Closed	Age In Days	Primary Judicial Officer Assigned	Number of Filings
Totals										1140
12	DeSoto	142016CA060572CAAXMA	ACTIVE	Circuit Civil	Real Property/Mortgage Foreclosure-HmsRes \$0-50K	11/21/2016	-	346	HALL, DON T	1
12	DeSoto	142016CA060589CAAXMA	CLOSED	Circuit Civil	Real Property/Mortgage Foreclosure-HmsRes \$250K+	12/2/2016	6/12/2017	192	BONNER, KIMBERLY CARLTON	1

Disposition Detail

Circ...	County	Uniform Case Number	Current Case Status	Court Division	Current Case Type	Disposition Type	Date Case Initiated	Date Case Closed	Age In Days	Primary Judicial Officer Assigned	Number of Cases Closed
Totals											1072
12	Manatee	412016CA064623CAAXMA	CLOSED	Circuit Civil	Real Property/Mortgage Foreclosure-HmsRes \$0-50K	Disposed by Judge	10/14/2016	10/31/2017	382	AREND, LON	1
12	Sarasota	582015CA066843XXXANC	CLOSED	Circuit Civil	Real Property/Mortgage	Dismissed After Hearing	12/23/2015	10/27/2017	674	MCHUGH, ANDREA	1



Example Report Concept Notes:

- These are sample reports only and designed to provide the reader with a perspective of the reporting capability available. Final report product layout and content may be different based on user input and the visual display product implemented for this project.
- The samples represented above are in accordance with the reporting standards set by the Court Statistics and Workload Committee of the Commission on Trial Court Performance and Accountability. The reports directly align with the caseload reporting metrics called for in the proviso language.

Section 2 – Background

Over the years, the local records custodians, clerks of court, developed various systems to store and maintain the official court files. These systems use different data definitions, collect different fields, and use different local practices in how they handle case files. Information for the case records maintained by the clerks is transmitted in various formats, some still in paper, to the courts and others. This data is used by the courts to prepare summary caseload data that is critical to the courts for purposes of determining judicial need and is the official source of data for many purposes throughout state government. However, the only data element that is reliable in this system for reporting purposes is the case filings.

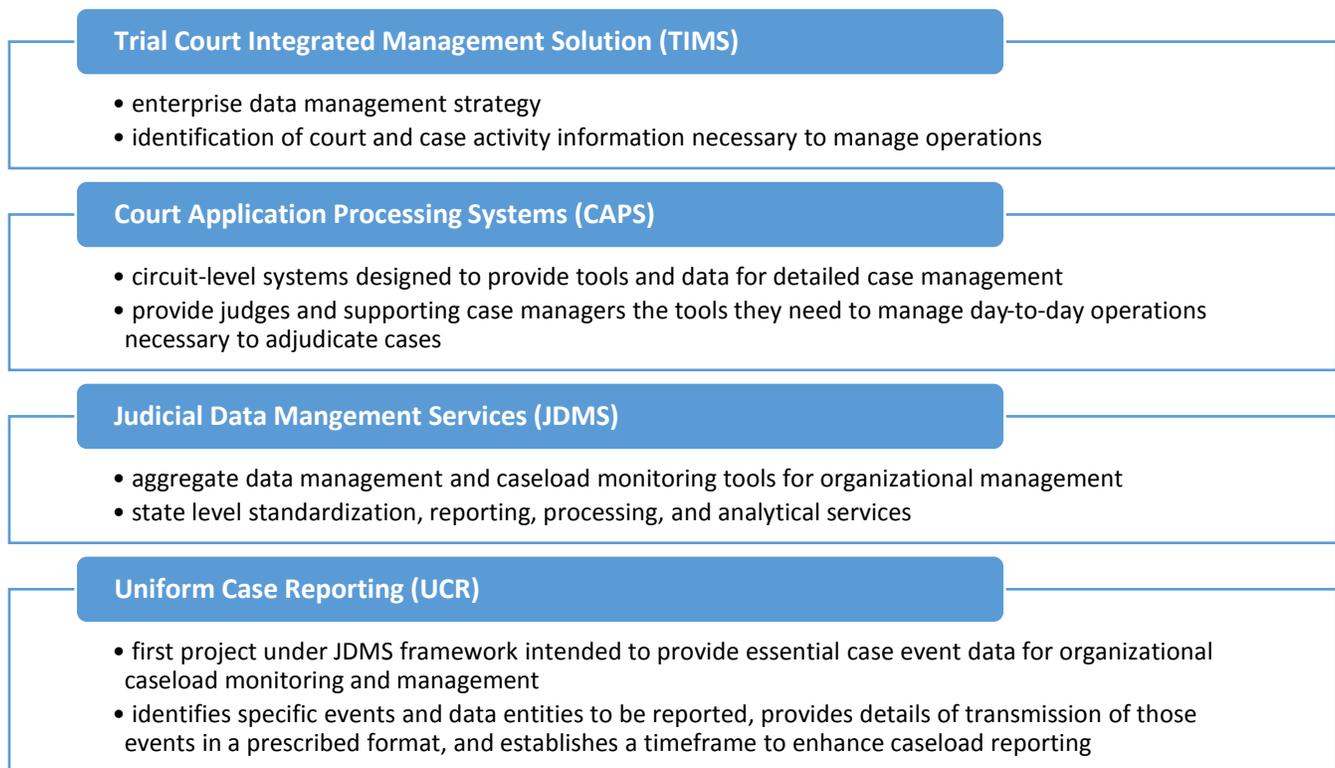
While the need for a change in how court records are made available to the courts has long been known, it became most apparent during the dramatic surge in mortgage foreclosures during the recession. As a result of that crisis, the courts received non-recurring funding from the national mortgage foreclosure settlement that was used to develop local court application processing systems to facilitate the process of managing caseloads electronically. That funding was also a catalyst for a more concentrated focus on statewide caseload reporting which resulted in Supreme Court Administrative Orders in 2014 (AOSC14-20) and 2016 (AOSC16-15). These administrative orders require uniform reporting of specified data sets and require that the data be provided by case events to facilitate statewide reporting. This case event reporting eliminates summary reporting and normalizing of data—processes that have resulted in unreliable reports.

Supreme Court Committees and the OSCA have embarked on several data initiatives to help enhance the current state of data analysis. The Trial Court Integrated Management Solution (TIMS) project sought to identify key case and workload data and establish uniform definitions for improving automation of Florida’s trial courts. The TIMS project identified the essential court activity information required by the courts to manage operations effectively and established a practical framework within which this information could be captured and used. This information needed by the court system is defined in the Trial Court Data Model as a set of entities associated through a series of relationships. The model constitutes a comprehensive set of common definitions identifying both case-related data necessary to move cases through the court system and efficiency information necessary to effectively manage court operations both at a local and state level.

The TIMS project provided several significant design principles and conceptual insights into data management in the court system. Those principles and insights included:

1. Local jurisdictions manifest a wide array of operational practices that require a variety of court management support. While uniform data definitions are imperative, in the context of the local adjudicatory environment, it is counterproductive to require circuits to alter local case processing best practices.
2. Quality data arise from a collection and reporting structure designed to ensure that quality begins at the point of origin and that data are exchanged directly from the source.
3. Emphasis on near real time data exchange directly between justice partners as events occur enhances data quality.
4. Two-way communication between data source and the end user is essential to the timely verification and correction of court data. Inserting layers between the source data and the end user adds complexity, compounds errors, and requires duplication in corrective action.

The TIMS project also underscored the important distinction between a case management system and a caseload reporting system. A case management system's purpose is to provide judges and supporting case managers and other local staff with the tools they need to manage day-to-day operations necessary to adjudicate cases. A caseload reporting system's purpose is to provide organization-level data management, workload information, and analytical reports necessary to manage court system operations. While local automation projects, such as Court Application Processing Systems, focus on needs of judges and court staff for specific case activity data to increase the efficacy of the adjudication process, state level automation projects, such as the Judicial Data Management Services, focus on the needs of the Supreme Court and judicial branch for uniform and comparable information to enhance the decision making processes. Taken together, the various efforts to develop these automated systems have resulted in setting a foundation for significant improvements in operational processes (see chart below).



The Statewide Uniform Trial Court Caseload Reporting System requirements will be met as a component of JDMS and through the UCR specification requirements. While summary counts of cases have been collected under s. 25.075, Florida Statutes for over forty years, the court has not fully captured the underlying case detail that would provide essential organizational court and case management information. Given the complexity and cost of establishing new data reporting systems, this proposal advances data entities focused on basic court and case activity. These data entities (found in Appendix B of this plan) will provide valuable court activity information and serve as a foundation for future court and case management projects. The data entities will serve as inputs to the computations necessary to meet the requirements of the proviso language.

Implementation of this plan is designed to improve the accuracy and reliability of statistics which form the basis for the Supreme Court's constitutionally mandated annual certification of judgeships, workload statistics,

resource budgeting formulas, legislative analysis and public data requests. Overall, the goal of these interrelated automation and reporting projects is to enhance the court system's ability to process cases and manage court operations, and in turn, better meet the needs of those coming into contact with the court system.

Section 3 – Uniform Data Definitions

One critical component to establishing any viable data management environment is the determination of a universal data language that allows local automation systems to communicate relevant common court activity. Data entities, definitions, and the relationships between them establish a “single data language” by which all jurisdictions can communicate relevant case and court activity. The data provided by uniform data definitions adheres to a consistent set of rules and meanings, can then be transformed into information needed by judges and other court managers for processing cases, managing resources, and enhancing processes both locally and statewide.

The data entities defined within the State Courts System's Trial Court Data Model apply uniformly to every case type, division, and jurisdiction, and are designed to capture common activity across all court divisions. Appendix B provides the definition of each entity selected for the current implementation of the UCR project which will satisfy proviso language requirements. These terms and definitions, a subset of the Trial Court Data Model, have been approved through a number of Florida Supreme Court Administrative Orders, and have been used successfully in the Foreclosure Backlog Reduction Plan initiative and data collection pilots within Florida's trial courts. The information contained within these data entities and their relationships are essential to measure, manage, and be accountable for the efficient and effective movement of cases through the adjudicatory process.

In accordance with the proviso, the OSCA worked in conjunction with the Florida Court Clerks and Comptrollers (FCCC) and the Florida Clerks of Court Operations Corporation (CCOC) to review and verify the uniform data definitions. The case event definitional framework has been referenced in numerous Florida Supreme Court Administrative Orders including AOSC13-28, AOSC13-51, AOSC14-20, AOSC15-09, and AOSC16-15. Prior to adoption, these definitions were discussed in numerous court committees with a number of different stakeholders and used in the foreclosure data reporting initiative. Currently, these data definitions have been incorporated into the UCR specification and into the Summary Reporting System.

The UCR Project Data Collection Specification document available on the Florida Courts Website at <http://www.flcourts.org/jdms> contains the authoritative list of entities and definitions. A copy of that list from the UCR data specification may be found in Appendix A of this plan for reference.

Section 4 – Activity Information

The clerks of court, as custodians of the court record, are responsible for providing the data necessary under this plan. As directed by AOSC16-15, the clerks of court are required to electronically transmit data to the OSCA directly through an approved interface from clerk case maintenance systems. This plan leverages the State Courts System’s investment in existing infrastructure and existing clerk case maintenance systems to minimize the logic necessary to extract data from active case management systems and improve quality by generating timely data as close to the source and at the lowest level possible. This plan provides a reporting solution using the clerks’ case maintenance databases as the source data.

The proposed process flow includes (additional information found in Court Data Diagram in Appendix G):

1. Parties to legal actions submit official documents to the E-Portal.
2. E-documents are submitted through the E-Portal to the appropriate clerk of court.
3. Case information is managed through the court’s case management systems. Case activity updates are communicated back to the clerks through a variety of local methods.
4. Clerk case maintenance systems push event data to the court’s statewide reporting system.
5. Data is processed and validated for reporting.
6. Statewide analytical caseload reporting information is generated by the courts.

The proposed system will track significant events related to case initiation, closure and post-judgment activity along with associated changes in case status. This plan also proposes to collect case assignment events, including the primary and supporting judicial officers, local division designation, case type and disposition categories, and Complex Civil Litigation designation. To help ensure quality, this plan requires that event records be generated and transmitted as the event occurs, which ensures that case records are updated with the court system in near real time. The activities outlined below, and further detailed in Appendix B, typify a software development lifecycle. The cost estimates below include all costs, including short-term dedication of internal OSCA resources.

Step	Estimated Completion	FY 18-19 estimate	FY 19-20 estimate
1. Confirm uniform data definitions	December 2017	\$0	\$0
2. Define capabilities of the system	December 2017	\$0	\$0
3. Assess infrastructure and network capacity	September 2018	\$49,563	\$0
4. Design system architecture	September 2018	\$37,183	\$0
5. Develop system	December 2018	\$271,366	\$66,063
6. Data exchange implementation	June 2019	\$26,462	\$34,023
7. Transition to reporting	June 2019	\$167,443	\$48,534
8. Analytical and system capabilities	December 2018	\$984,297	\$34,023
9. Operations	June 2019	\$62,560	\$230,121
10. Data quality and validation	June 2019	\$125,525	\$62,068
11. System maintenance	June 2019	\$446,213	\$577,126
Total		\$2,170,612	\$1,051,958

Section 5 – Cost Information

	FY 2018-19 Estimated Costs			FY 2019-20 Estimated Costs		
	Recurring	Non-Recurring	Total	Recurring	Non-Recurring	Total
OPS	\$63,099	\$0	\$63,099	\$0	\$0	\$0
Contracted Services	\$0	\$826,377	\$826,377	\$0	\$699,774	\$699,774
ODPS	\$2,903	\$974,000	\$976,903	\$174,414	\$0	\$174,414
Total Costs by Year (Funding Need)	\$66,002	\$1,800,377	\$1,866,379	\$174,414	\$699,774	\$874,188

OSCA Short-term Dedication of Resources	\$111,768	\$192,465	\$304,233	\$177,770*	\$0	\$177,770
Funding Need + OSCA Dedication of Resources	\$177,770	\$1,992,842	\$2,170,612	\$352,184	\$699,774	\$1,051,958

* FY 18-19 recurring costs included in the FY 19-20 recurring OSCA resources figure.

The primary costs represented in the plan are non-recurring contracted services and a data visualization tool (dashboard) to display the information. Included in the funding need costs above are:

FY 2018-19 Recurring

- Senior Court Analyst II (\$63,099 OPS)
- Software licensing (\$2,903 ODPS)

FY 2018-19 Non-Recurring

- Senior Project Manager (\$238,160 contracted services)
- Data Architect (\$274,414 contracted services)
- Application Development Analyst (\$187,200 contracted services)
- Intermediate Web Application Developer (\$126,603 contracted services)
- Data visualization tool / dashboard (\$950,000 ODPS)
- Data storage (\$24,000 ODPS)

FY 2019-20 Recurring

- Data visualization tool / dashboard maintenance (\$160,000 ODPS)
- Web services maintenance (\$10,000 ODPS)
- SQL Server Enterprise maintenance (\$4,414 ODPS)

FY 2019-20 Non-Recurring

- Senior Project Manager (\$238,160 contracted services)
- Data Architect (\$274,414 contracted services)
- Application Development Analyst (\$187,200 contracted services)

Additional cost information can be found in Appendix C of this plan.

Section 6 – Appropriation Information

Full implementation of the system will cost \$2,740,567. The majority of those costs, \$2,500,151, are non-recurring, principally related to development and procurement of a data visualization application and contracted services needed to build the system. The recurring costs are estimated to be \$240,416 per year. Beyond limited in-kind support, such as existing technical and business analysis staff, the State Courts System does not have a specific appropriation designated for implementation of the caseload-reporting system contemplated by the proviso. The related Uniform Case Reporting Data Collection Project required caseload data reporting for all case-types by December 2020. Reallocation of resources away from critical activities of the court system to expedite implementation of the system fully within an 18-month time period would negatively affect court operations. In the trial court portion of the budget, for example, redirecting the total costs, even on a non-recurring basis for one fiscal year, from a function like mediation or case management, which support the adjudication of cases, would result in case processing delays and less efficient court operations to the detriment of court users. Minimizing those harmful effects would require reallocating a smaller portion of the total cost over multiple years and would result in significant delays in completing the project.

In light of the fact that the vast majority of system costs are non-recurring, and in order to ensure timely implementation of the system, the court system recommends that the legislature consider re-appropriation of court system reversions from fiscal years 2017-18 and 2018-19 to fund the non-recurring costs of the system. Non-recurring costs beyond fiscal year 2018-19 are not currently anticipated; however, that assumption will be reevaluated as full system deployment is underway and the full extent of impact is known for transitioning to new data system reporting requirements. It is recommended that the court system have flexibility to identify during its annual internal allocation processes approximately \$240,416 to dedicate each year toward the recurring costs of the system.

The court system has two categories of budget reversions in a given fiscal year: 1) reversions from appropriations that directly support core operations of the courts and that are within the courts' spending control; and 2) reversions from appropriations that support legislative initiatives and that are not within the courts' spending control. The latter appropriations may pass through the court system's budget through grant-in-aid agreements or similar contracts with non-court recipients or may otherwise be dedicated to a specific purpose within a judicial circuit. Because these funds are for a specific purpose, the court system is unable to redirect them during the course of the fiscal year. Beyond ensuring that contract deliverables are satisfied, the court system also is largely unable to control whether the recipients spend all of the funds during the year. For example, in some cases expenditures may be dependent upon the number of available, eligible participants in a program. For fiscal year 2016-17, reversions in the first category were approximately \$1.9 million, and reversions in the second category were approximately \$3.4 million.

Section 7 – Caseload Reporting

Clerks of court submit monthly summary counts of case filings and dispositions to the Summary Reporting System (SRS), required by Fla. R. Jud. Admin. 2.245, which is part of the Uniform Case Reporting System required by Section 25.075, Florida Statutes. Collection of the data entities identified in this plan will provide the information needed to calculate all of the SRS statistics. Over time, the transmission of case-level records should supplant the former monthly reporting and associated amendment processes, relieving the clerks of court of this workload requirement, significantly reducing the time in which statistics are ready for use by the court, and increasing the accuracy of this extremely dynamic dataset.

A long-term goal of collecting these data entities is the consolidation of several other existing case activity reporting mechanisms, including case inventory statistics of Fla. R. Jud. Admin. 2.225(a)(2), pending caseload statistics required by Fla. R. Jud. Admin. 2.250(b), and Complex Civil Litigation reporting required by Fla. R. Civ. P. 1.201. Collection of these data entities for case-level data within all divisions of court will replace the assortment of manual paper forms depicting summary counts, electronic spreadsheets, and pdf reports containing lists of cases serving a singular purpose. Much of the variability in reporting arises from the many different case maintenance systems in use and from the independent character of each of these reporting requirements. However, the existing reporting requirements as provided in rule, order, and statute remain the official mandate and cannot be abandoned prematurely, as referenced in Supreme Court AOSC16-15.

This state-level information system will provide the following workload and case reporting statistics as defined in rules of court or statute and consistent with the court system's strategic process improvement goals:

- Number of Cases Filed (by state, circuit, division of court).
- Number of Cases Disposed (by state, circuit, division of court).
- Clearance Rates (by state, circuit, division of court, and judge).
- Time to Disposition: Percentage of Cases Closed within Time Standards (by state, circuit, division of court, and judge).
- Age of Active Pending Caseload: Number of Pending Cases (by state, circuit, division of court, and judge).
- Age of Active Pending Caseload: Percentage of Cases Pending Beyond Time Standards (by state, circuit, division of court, and judge).

The system will be searchable for the workload and case statistics identified on the dimensions of judge, division, and circuit. Additionally, the system will also provide search capability on the specific data underlying these statistics.

Section 8 – Governance / Project Role Information

The Court Statistics and Workload Committee will act as the change review board and will be responsible for reviewing, evaluating, approving, delaying, or rejecting changes to the project with all decisions and recommendations being recorded. The Court Statistics and Workload Committee will review and consider requests to expand or reduce the project scope; modify policies, processes, plans, or procedures; modify costs or budgets; or revise schedules. Requests for a change can be direct or indirect, externally or internally initiated, and legally or contractually mandated or optional. Only formally documented requested changes will be considered and only approved changes implemented. The Court Statistics and Workload Committee will be provided with frequent updates from the project manager and will provide sign-off on major deliverables throughout the project lifecycle. Escalated change requests or issues will be provided to the full Commission on Trial Court Performance and Accountability for their review and consideration. The Court Statistics and Workload Committee is made up of judges, court staff, and clerks which constitute the major stakeholder groups impacted by this plan.

The matrix found in Appendix D helps define project roles, responsibilities, and reporting relationships. The project manager will track team member performance, provide feedback, resolve issues, and coordinate changes to enhance project performance. The project will be managed through a combination of internal existing human resources, OPS staff, and external contractor resources. External stakeholders (clerks) will have a critical role in the success of this proposed system.

The OSCA has contributed a significant amount of staff time and resources to the development of the UCR which shares many design elements with the Statewide Uniform Trial Court Caseload Reporting System as referenced in proviso and defined in this plan. Under the UCR umbrella, OSCA staff have made significant progress in defining system capabilities and assessing the current infrastructure and network capacity; OSCA staff have also developed the initial design of system elements, written a comprehensive data collection specification, and conducted and concluded a pilot with three counties (Hillsborough, Brevard, and Bradford). The OSCA will continue to dedicate staffing resources this fiscal year and through the lifecycle of this project to ensure project completion.

OPS and contract resources associated with this plan include:

- Senior Court Analyst II (OPS) – Responsible for all aspects of management including data acquisition, preparation, quality, governance, and analysis. The position also prepares research data sets, statistical reports, data collection plans, and data dictionaries.
- Senior Project Manager (contractor) – Oversee the Statewide Uniform Trial Court Caseload Reporting System project planning, scheduling, executing, and monitoring throughout the lifecycle of the project.
- Data Architect (contractor) – Oversee the data-focused activities of Statewide Uniform Trial Court Caseload Reporting System project including data modeling and data requirements analysis, design, data architecture, and implementation.
- Application Development Analyst (contractor) – The position assists in the development and maintenance of data management systems in support of the Statewide Uniform Trial Court Caseload Reporting System including computer programs, data management, quality, and validation scripts.
- Intermediate Web Application Developer (contractor) – The position is responsible for writing and maintaining software used to exchange data between court entities and any user interface associated with them.

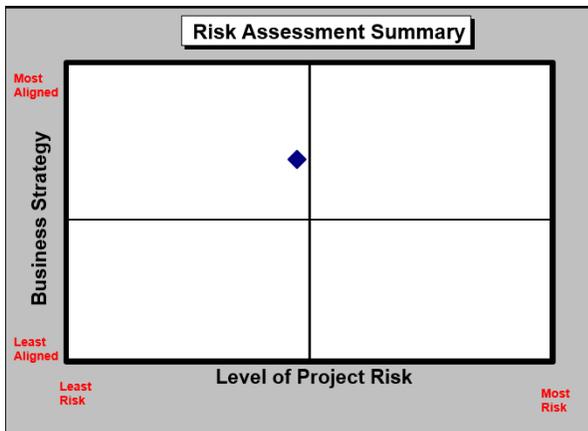
Section 9 – Communication

The Court Statistics and Workload Committee and Commission on Trial Court Performance and Accountability meet on a quarterly basis and will be provided updates as to the project’s progress and any issues encountered. Stakeholders have been and will continue to be involved in the consideration and review of system requirements. Based on the critical nature and statewide visibility of this plan, the Supreme Court will also likely receive frequent briefings on the status of the project. The collection and use of feedback from management, project team, and stakeholders will be facilitated through meetings of the Court Statistics and Workload Committee and Florida Courts Technology Commission, which contain representation from various stakeholder groups. In addition to the formal communication mechanisms, on a continual basis, stakeholders will participate in functional leadership team meetings, project team meetings, system requirement meetings, and other more routine meetings necessary to advance the project. Significant information covered in those meetings or issues requiring escalation will proceed through the Court Statistics and Workload Committee. Specific communication will occur with individual clerks as they begin to transition to the new reporting requirements and multiple channels will be utilized to facilitate and ease the transition to comply with the plan. A communication matrix with additional detail is presented in Appendix E.

Section 10 – Risk Information

The Schedule IV-B Major Risk Assessment Instrument provided by the Governor’s Office of Policy and Budget and the Florida Legislature for use in large scale information technology projects was used to assist in determining the likelihood of a particular event impacting the outcome of the proposed system. With the responses to specific questions within the instrument, the risk assessment tool automatically generated an assessment of the project’s overall risk, shown in the chart and table on the following page. The table estimates the level of risk for each of the eight risk areas and indicates an overall estimate of risk associated with the project. The chart presents the project’s risk and fit with the State Courts System business strategy in graphical form, comparing the business value of the project with the risk of the project.

The tool was used to assess overall risk level and additional information regarding risk is presented in Appendix F. In that detail, high levels of risk are identified, assessed, and are presented with an accompanying mitigation strategy. In summary, the Statewide Uniform Trial Court Caseload Reporting System aligns well with the judicial branch’s business strategy and presents a moderate amount of risk. Under the current governance structure, trial courts do not directly oversee the maintenance of court event data (clerk responsibility) and have little control over funding decisions for local court data systems (county responsibility). These two factors present a considerable amount of risk to the success of the proposed system. Risk exposure was also noted in: strategic area (active stakeholder involvement), fiscal resources (available state and local funds to dedicate to the system), change management (change impact on local clerks), and project organization (reliance on external data and technical human resources). The Florida Supreme Court has issued administrative orders to address caseload data submission requirements and the OSCA continues to work with clerks of court to facilitate the transmission of required data to further mitigate risk factors.



Risk Assessment Areas	Risk Exposure
Strategic Risk	Medium
Technology Risk	Medium
Change Management Risk	Medium
Communication Risk	Low
Fiscal Risk	Medium
Project Organization Risk	Medium
Project Management Risk	Medium
Project Complexity Risk	Medium
Overall Project Risk	Medium

Section 11 – Quality Planning Information

The Florida Supreme Court has emphasized that data quality is of paramount importance to the value of the case information collected. This plan includes elements designed to enhance the quality of data captured. The court system has determined that an event driven case activity reporting system is required to meet the quality, timeliness, and accuracy goals required for this proviso. This determination is a result of several studies and pilot projects undertaken by the court system in the past seven years. While this proviso is concerned with high level indicators such as clearance rate and time to disposition, the court system is looking to the future in which case level data are not sufficient. Within the dynamic court environment, efficient management of court operations is predicated on the ability to make informed decisions about specific court activity. For example, a case can be partitioned into a series of critical events, beginning with a filing, ending with a disposition, but with many events in between. At each of these critical points, the court system has the opportunity to take positive action to improve the adjudication process. The assessment of this activity between events provides the tools for meaningful evaluation of court processes.

The current process involving auditing data after the fact is the least effective mechanism for quality improvement. Instead, those entities closest to the source of the data record, clerks of court and circuit court staff, should implement efficient system-level quality and auditing capabilities within their case maintenance and case application processing systems. Data quality is the direct responsibility of the record custodian. The transition to statewide reporting is dependent upon the quality of the data received and the efforts of clerks of court to provide that data as required by this plan.

Section 12 – Vision

The National Center for State Courts’ High Performance Court Framework suggests courts integrate performance improvement into their ongoing operations, including developing the capacity to measure performance and learning to use the results for procedural refinements and communications with a variety of stakeholders. The OSCA readily acknowledges that the court system will need to develop additional activity measures and process improvement programs that will require more enhanced data collection and reporting. This work has already begun. Supreme Court committees have identified several elements as candidates for future consideration such as number of hearings, monetary assessments, uniform docket codes and flags to

denote pro se parties, problem solving courts, and incomplete service. Additional division specific measures (e.g., number of petitions for restoration of rights filed in guardianship cases) were also identified as beneficial indicators which should be considered in future system enhancements. Moreover, with respect to the identification of multiple cases involving one family, there are considerable unique challenges in family court that need to be tackled in future system enhancements. Currently, statewide and within circuits, there is no automated way to identify cases involving one family so that they may be coordinated before one judge. For instance, there may be a pending child abuse case in one county while the same family is involved in divorce proceedings in another county. It is imperative that these related cases be identified and coordinated to avoid conflicting orders and allow for proper access to appropriate community services. Capturing additional data elements in the future, such as date of birth and name of all family members, will enable the court to identify and coordinate all cases involving one family. The OSCA will continue its partnership with the clerks of court to identify appropriate measures, using the Trial Court Data Model as a guide for its deliberations.

A set of trial court function categories has been identified for possible future automation across all court divisions includes:

<ul style="list-style-type: none"> • Case Management/Tracking 	<ul style="list-style-type: none"> • Budget and Financial Management
<ul style="list-style-type: none"> • Case Scheduling 	<ul style="list-style-type: none"> • Personnel Management
<ul style="list-style-type: none"> • Resource Management 	<ul style="list-style-type: none"> • Research and Data Management
<ul style="list-style-type: none"> • Court Proceedings 	<ul style="list-style-type: none"> • Technology Management
<ul style="list-style-type: none"> • Document Management 	<ul style="list-style-type: none"> • General Administration, Management, and Oversight
<ul style="list-style-type: none"> • Identification of Related Cases 	

The Trial Court Integrated Management Solution and the Trial Court Data Model also contemplate integrating summary data systems such as the Uniform Data Reporting System; program management systems such as the Florida Dependency Court Information System; and other supporting systems into a larger integrated system intended to be used statewide by the trial courts to manage statewide elements of court programs and procedures.

Appendix A – Data Definitions

The following list is taken from the Uniform Case Reporting Project Data Collection Specification document available on the Florida Courts Website at <http://www.flcourts.org/jdms>. The aforementioned document contains the authoritative list of entities and definitions. For ease of reference, a copy of that list is provided below.

Case Event Record Maintenance Fields	
Entity	Definition
Report Date/Time	The effective date and time the information in the event record is valid.
Case Closure Flag	A mechanism to indicate that the event reported closes or recloses the entire case as defined in AOSC14-20 <u>In Re: Case-Event Definitional Framework</u> . For cases involving multiple subunits (i.e. parcels, charges, etc.) reported using case qualifiers, this signifies that the Case Event closes/recloses the entire case.
Case Event Activity	
Entity	Definition
Case Event	<p>This entity defines a significant (recordable/docketable) happening that occurs in legal proceedings, or that is scheduled to occur in the future, and that involves the court officially doing something or recognizing something that someone external has done. For simplicity, recordable in this context may be considered those happenings related to court activity that would appear on a court docket or otherwise require the making of a historical record by the Clerk of Courts in their official capacity. It may involve activity such as the filing of a specific document, the scheduling of a hearing or case conference, a case review, conference call, and so on. An event must have a date and may also have a time and duration (such as a hearing) (Coursen, McMillan 2010). An event may contain reference other events, such as when a hearing is rescheduled.</p> <p>For the present implementation of Uniform Case Reporting, the following types of Case Events have been identified for reporting:</p> <p>Case Initiation—The initiation of a case by whatever means is referred to as a filing event. A filing event occurs when an action is brought before the court as the result of a petition, pleading, complaint or any other recordable action sufficient to begin a case. This definition includes an arrest or summons or other action charging an individual with a crime, as well as the filing of any other document or action recorded with the court authorized to initiate a case.</p> <p>Case Closure—A closure event has occurred when a case is closed for court activity as a result of judicial decision, order or other recordable action that provides resolution to the last (or all) of the matters brought before the court as a consequence of the filing event that initiated the case. The court, then, has no further action to take on the case.</p> <p>Case Reopen—A case reopen event occurs when a motion, pleading or other recordable action occurs on a case that requires additional court activity after a disposition event has closed the case for court activity. Note that a reopen event involves at least one action and that additional post-judgment actions may occur before the case is reclosed. Additional post-judgment actions that occur while a case is in a reopened status are <u>not</u> considered new case reopen events. Once a case is reclosed, a subsequent motion, pleading or other recordable action occurs on a case that requires additional court activity <u>is</u> considered a new case reopen event.</p>

	<p>Case Reclosure—A case reclosure event occurs when the last (or only) post-judgment action has been resolved by judicial decision, order or other recordable action, thereby completing court proceedings on the issues raised by and since the case reopen event occurred. The court, then, has no further action to take on the case.</p> <p>Case Change—A change event refers to any change to a case that is not reported by a Case Initiation, Case Closure, Case Reopen, or Case Reclosure event. Changes include: reassignment to a different division or judicial officer, reclassification to a different case type, including the designation of Complex Civil Litigation, and placing the case in a different status as defined by AOSC14-20 In Re: Case-Event Definitional Framework.</p> <p>Closure Vacated—This event occurs when an order directing the vacation or removal of a disposition on a case is issued. The effect of this event is to nullify a previously-submitted closure event.</p> <p>Reclosure Vacated—This event occurs when an order directing the vacation or removal of a reclosure event is issued. The effect of this event is to nullify the most recent reclosure event.</p>
<p>Event Date/Time</p>	<p>The date and time at which the event occurred, which will be the document stamp date/time, electronic date/time stamp, or recordable docket date as available. See AOSC14-20 for additional clarification.</p> <p>For the present implementation of Uniform Case Reporting, the Event Date/Times for each defined Case Event are as follows:</p> <p>For Case Initiation and Case Reopen events, this is the date/time that the case is brought before the court through a filing event or a reopen event, respectively.</p> <p>For Case Closure and Case Reclosure events, this is the date that the case subunit was closed for court action because of a disposition event or reclosed for court action because of a reclosure event.</p> <p>For Case Change events, this corresponds to the date/time the change occurred or was recorded.</p> <p>For Closure Vacated and Reclosure Vacated events, this is the date/time from the vacating order.</p>
<p>Uniform Case Number (UCN)</p>	<p>The assigned Uniform Case Number required to identify and update case status data as required by Fla. R. Jud. Admin. 2.245(b).</p>
<p>Case Qualifier</p>	<p>A case qualifier identifies a specific subunit of a case such as the parcel in an Eminent Domain case in the Circuit Civil division or the charge (sequence number) in a criminal case. Required for those case types with qualifiers defined. The case qualifier is comprised of:</p> <p>Case Qualifier Type – The case qualifier type identifies the type of case subunit that is being reported.</p> <p>Case Qualifier Value – The case qualifier value records the specific identifier denoting the subunit within a larger case.</p>
<p>Case Type</p>	<p>The category in which the case or case subunit is designated. Categories, which are court division-specific, are defined by the Supreme Court.</p>

Divisional Assignment	The division within the local jurisdiction to which the case is assigned. Since divisional assignments are specific to circuits and courts, clerks of court and court administration must ensure that this field is used consistently throughout the local jurisdiction.
Judicial Assignment	Name of judge, judicial officer, or team assigned to the case or case subunit. The following elements are available for reporting judicial assignment: Primary Judicial Officer - Name of judge or senior judge assigned primary responsibility for the case. Supporting Judicial Officer - Name of the judicial officer (magistrate, hearing officer, senior or other judge) who assists the Primary Judicial Officer with the case. All cases are assigned to a judge or senior judge for disposition. However, these cases may be referred to magistrates or other specially-designated officers for resolution. A supporting judicial officer may assist with only one aspect of a case or with all elements of a case. Team Assigned - For those jurisdictions using the team concept, the name for the team can be reported in lieu of Primary and Supporting Judicial Officers, so that the appropriate group can be identified in all computations.
Case Status	The status of the case or case subunit. See AOSC14-20 for a description of these statuses as defined by the Case-Event Definitional Framework.
Disposition Category	The category in which the disposition of the case or case subunit is designated. Categories, which are court division-specific, are defined by the Supreme Court. Closure events are categorized by both their assigned Case Type and assigned Disposition Category .
Reopen Type	The category in which the post-judgment event for a case or case subunit is designated. Categories, which are court division-specific, are defined by the Supreme Court. Reopen events are categorized by both their assigned Case Type and assigned Reopen Type .
Reason for Status Change	The reason a case or case subunit changed from ACTIVE to INACTIVE status or from INACTIVE back to ACTIVE status. Also applies for status changes of REOPEN ACTIVE to REOPEN INACTIVE and from REOPEN INACTIVE back to REOPEN ACTIVE.
Reason for Status Change Comment	A free text description of the Reason for Status Change when a reason code signifying "other" is used.
Complex Civil Litigation Flag	Indication that the case has been designated as Complex Civil Litigation per Fla. R. Civ. P. 1.201.

Appendix B – Activity List Detail

Item	Activity	FY 18-19 estimate	FY 19-20 estimate
1	Confirm uniform data definitions	\$0	\$0
2	Define capabilities of Statewide Uniform Trial Court Caseload Reporting System	\$0	\$0
2.1	Evaluate current Judicial Data Management Services system specifications		
2.2	Confirm data terms and definitions with stakeholders		
2.3	Define a specific search capability for system to segment court data by judge, division, and circuit in accordance with proviso requirements		
2.4	Define delivery mechanism for visual display of data		
2.5	Define information accessibility parameters		
3	Assess infrastructure and network capacity	\$49,563	\$0
3.1	Identify necessary modifications to clerk case maintenance systems and workflows		
3.2	Review necessary system changes with clerks and other stakeholders and discuss impact		
3.3	Determine schedule for case maintenance system changes and workflows		
3.4	Formal plan to capture any required data not currently in a local case maintenance system		
4	Design Statewide Uniform Trial Court Caseload Reporting System architecture	\$37,183	\$0
4.1	Design search capability for system data		
4.2	Identify/define critical case activity events to support system analytics		
4.3	Design the data exchange architecture to report specific case events as they occur		
4.4	Design the extraction, translation, and loading subsystem capable of parsing and processing transaction level case activity events		
4.5	Design data sets and workflows necessary to distill and aggregate event data to produce the analytical products required		
4.6	Web site design for visual display of data		
4.7	Identify network structure and capabilities needed to receive and parse information into data packages		
5	System development	\$271,366	\$66,063
5.1	Develop the applications, scripts, and database queries to exchange and process case activity data and the control and monitoring applications		
5.2	Support and infrastructure tasks necessary to develop the appropriate data exchange architecture		
5.3	Development and deployment of state level data management systems to process case event data		
5.4	Case event transactional data warehouse to load case event data including the application of appropriate business rules to establish historical relationships and maintain data model integrity		
5.5	Case event data validation and error reporting subsystem		
5.6	Metadata tracking and archiving subsystem to track essential metadata about case event data submitted and provide for data archives for backup and recovery		
5.7	Development of monitoring application to ensure clerk case maintenance system replica exchange software is working		
6	Data exchange implementation	\$26,462	\$34,023
6.1	Implement OSCA data exchange web service		
6.2	Clerk/OSCA establish connection to replica		
7	Transition to reporting	\$167,443	\$48,534
7.1	Data exchange via web services		
7.2	Validate analytical products produced from raw data		
7.3	Initial baseline submission of all open and reopened cases pending before the court as of the transition date		

Item	Activity	FY 18-19 estimate	FY 19-20 estimate
8	Analytical and related capabilities for summary reporting, clearance rates, mean time to disposition, pending caseloads, and others as needed	\$984,297	\$34,023
8.1	Implement caseload reporting		
8.2	Development of analytic workflow to update web site		
8.3	Procurement and implementation of web display mechanism		
9	Operations	\$62,560	\$230,121
9.1	Extract, transform, and load of routine submissions of case activity events		
9.2	Routine processing and monitoring of research subsystem including production of analytical reports and visual display of data		
9.3	Training on new reporting system and functionality		
9.4	Organizational change management and communication		
10	Data quality and validation	\$125,525	\$62,068
10.1	12 month review and validation that analytical products computed from event submissions satisfy requirements		
10.2	Establish a consistent data correction workflow with county		
11	System maintenance	\$446,213	\$577,126
11.1	Software development costs associated with necessary bug and maintenance fixes, enhancements to essential functionality and additional development to extend functionality to include other critical case activity and for additional caseload metrics and to improve user access and experience		
11.2	Software licensing, maintenance, and support		
11.3	System operation and maintenance (hard disk drive storage)		

* Cost estimates above include all costs, including short-term dedication of internal OSCA resources.

Activity Considerations and Assumptions

The steps presented in the table above are planned activities. As with any dynamic system development lifecycle, actual activities may vary depending on: specific system functionality determined during the development phase, requirement concerns during the design phase, issues encountered during the build phase, and challenges faced through systematic implementation and deployment of the system. The following is a list of considerations and assumptions related to plan activities:

- The steps outlined above were developed by the OSCA staff team and reviewed by a court system technical advisory team made up of judges and court staff. The activities were also reviewed by Gartner¹ for technical soundness of approach and implementation.
- Based on this plan additional activities may be required of the Florida Court Clerks and Comptrollers, the Clerk of Court Operations Corporation, and individual clerks to fully develop, implement, deploy, and maintain the system. Not all activities required by court stakeholders may be reflected in the detail table above.
- The OSCA has committed internal staffing resources to advancing elements of this plan. This internal dedication of resources has resulted in the postponement or delay of other data enhancement initiatives.
- The activities described in this plan assume that the clerks will collect valid case event related data and transmit that data through an approved method in near real time.
- Completed development of the system is anticipated by June 30, 2019.

¹ Gartner, Inc. is an information technology research and advisory company that assists business leaders across all major functions in every industry and enterprise size with objective insights to facilitate information technology decision making.

Reporting Mechanism

Reporting via Web Services

All data exchange in the court system is governed by the Florida Courts Technology Commission's Data Exchange Standards. Case event data as outlined in this plan is to be submitted to the OSCA in XML data packages via the OSCA data exchange web services. The use of web services will allow the transmission of case event data as these events occur, achieving near real time transmission when practical. Web services are the primary reporting mechanism established for reporting under this plan. Every effort should be made by clerks to report using the web services reporting specifications.

Reporting via Case Maintenance System (CMS) Replication

As an alternative implementation strategy, clerks of court may make available a replica of their CMS data for purposes of fulfilling these plan requirements. This alternative will allow those jurisdictions with both the circuit and county hardware and network capacity available to use those resources most effectively. Replication will be established locally between the county and the circuit. In this implementation, the OSCA, in conjunction with clerks of court, will develop extract queries from this replica to provide the requisite event data. The replica database must allow the OSCA unrestricted access to all court and case related data elements, provide all of the data entities defined in this plan, and contain data of sufficient quality to satisfy requirements.

Extracting event data from a CMS replica outside of direct access to changes in the clerk system presents a number of resource and technical challenges. Available hardware, processing and network capacity must be in place to ensure the reliable and timely generation of case activity events. To use replication, it must be possible to generate the appropriate case events based on the data available from clerk CMS and to transmit, in near real time, those events to the OSCA. Clerks of court should work with OSCA staff during an evaluation period to provide a full understanding of the relationships between the replica's database objects. If the OSCA determines the CMS replica is sufficient to fulfill the system requirements, the court system will generate the appropriate case event data from the clerk of court's CMS replica.

Appendix C – Cost Information Detail

Cost Considerations and Assumptions

The cost figures presented in this plan are strictly estimates. The actual cost associated with the development, implementation, and recurring maintenance of the system may vary from the cost estimates provided in this plan. The following is a list of considerations and assumptions related to plan costs:

- The cost figures found in Section 5 and in Appendix B were developed by the OSCA staff team and reviewed by a court system technical advisory team made up of judges and court staff. The costs were also reviewed by Gartner.
- The individual clerks of court may incur costs to provide and ensure the accuracy of court-activity data that they maintain and that is critical for the caseload reporting system envisioned by the proviso. These costs are not reflected in the Section 5 cost table or Appendix B. In July 2017, on behalf of the clerks, the FCCC provided cost estimates to comply with the court system's existing Uniform Case Reporting initiative and the data collection specifications required by the Supreme Court through administrative order. As noted in this plan, the system contemplated by the proviso is a component of and complementary to the court system's UCR initiative. Those estimates included: \$2.9 million for the web services option, or \$600,000 for the replicated database option. Those estimates represented all clerks selecting one option or the other and not a blend of clerks selecting either option. A letter from the OSCA to the FCCC and CCOC in August 2017 requested further information on which particular option each clerk would select to further refine cost estimates. No additional information was received on individual clerk preferences. In addition to the web service/replicated database cost, the FCCC, on behalf of the clerks, provided estimated audit and reconciliation labor costs of \$5.1 million in the first year of UCR and \$3.6 million in subsequent years.
- For those clerks of court who choose to use a replicated clerk database to satisfy reporting requirements, the cost of those replicated servers has not been included in the Section 5 cost table or Appendix B. Funding local technology is the responsibility of the counties.
- Costs considered in compiling this plan include software, hardware, staff augmentation, licensing, and maintenance.
- Project includes in-kind support from OSCA, beginning in FY 2017-18.
- There will be on-going maintenance costs of approximately \$240,416 annually to support the system.
- Contracted services and OPS costs based on hourly requirements derived from a detailed activity table.
- The OSCA completed a build vs. buy analysis for the visual display of information (dashboard) capability. It was determined that a vendor product would provide the most appropriate solution given specific project, operational, and resource constraints.
- A need for an additional position(s) is anticipated in year three or four as data analysis processes mature and the State Courts System's data environment grows.

Procurement Strategy

All procurements for the State Courts System shall be in compliance with Chapter 25, Florida Statutes, the Florida Rules of Judicial Administration, and the State Courts System purchasing directives. The OSCA's General Services Unit oversees and facilitates purchasing processes statewide, including providing policies to guide purchasing practices and procurement tools. All formal solicitations, including Invitations to Bid, Requests for Proposal, Invitations to Negotiate, or Requests for Information by the OSCA are reviewed and coordinated by General Services. Any procurement required will be done in accordance with all relevant rules and policies.

Appendix D – Governance / Project Role Detail

Project Team Role / Entity	Responsibilities
Florida Supreme Court	Responsible for the overall performance of the court system and ultimate authority for project decisions and escalated issues.
Court Statistics and Workload Committee (CSWC)	Act as the executive steering committee and provides overall governance to the project. Oversees project organization and functions as the change review board for the project. Reviews and considers changes to scope, schedule, cost, quality, human resources, performance, and risk. Supreme Court AOSC 16-39 provides authority.
Commission on Trial Court Performance and Accountability	Propose policies and procedures on matters related to the efficient and effective functioning of Florida’s trial courts through the development of comprehensive resource management, performance measurement, and accountability programs. Directs efforts of the CSWC.
Florida Courts Technology Commission	Oversee, manage, and direct the development and use of technology within the judicial branch under the direction of the Florida Supreme Court, as specified in Florida Rule of Judicial Administration 2.236. All data exchange in the court system is governed this Commission.
Trial Court Budget Commission	Establish budgeting and funding policies and procedures consistent with judicial branch plans and policies, directions from the Supreme Court, and in consideration of input from Supreme Court committees and from the Florida Conference of Circuit Judges and the Florida Conference of County Court Judges. Make recommendations to the Supreme Court on the trial court component of the annual judicial branch budget request. Make recommendations to the Supreme Court on funding allocation formulas and budget implementation.
Project Owner	The Office of the State Courts Administrator, as directed by proviso.
Project Manager	The person assigned by the project owner to achieve the project objectives. Responsible for planning, scheduling, executing, and monitoring and controlling the project. The project manager will be a contracted employee as requested in the plan.
Sponsor	Florida Legislature
Design Team	OSCA employees from the Court Services Unit, OPS, and contract employees (staff augmentation) tasked with creating detailed requirements and developing functionality.
Development Team	OSCA employees from the Court Services Unit and Office of Information Technology and contract employees (staff augmentation) tasked with acquiring and installing systems environment, creating and testing databases, preparing test files, and coding.
Quality Assurance Team	OSCA employees from the Court Services Unit tasked with validating data received.
Clerks	Stakeholders tasked with providing valid and reliable data through an approved transmission mechanism.
Judges	Stakeholders who make up a portion of the end-user group and will use reporting data results for case management improvements.
Court Staff	Stakeholders who make up a portion of the end-user group and will use reporting data results for case management improvements.

Appendix E – Communication Detail

Document	Recipients	Responsibility	Channel	Frequency
Status report	Court Statistics and Workload Committee and Commission on Trial Court Performance and Accountability, others as requested	Project manager	Email, conference call, in-person, formal report	As needed, but no less than quarterly.
Issue management	Court Statistics and Workload Committee	Project manager	Email, conference call	As needed
Change control	Court Statistics and Workload Committee	Project manager	Email, conference call	As needed
Project schedule	Court Statistics and Workload Committee, Commission on Trial Court Performance and Accountability	Project manager	Email, conference call, in-person	As needed, but no less than monthly.
Risk register	Court Statistics and Workload Committee	Project manager	Email, conference call	As needed
General updates	All	Project manager, OSCA	Social media, website, publications	As needed, but no less than biannually.
FAQ's	Clerks and other stakeholder groups	Project manager, OSCA	Social media, website, publications	As needed, information updated at least quarterly.

Appendix F – Risk Assessment Detail

The risk assessment tool used (Schedule IV-B Major Risk Assessment, Governor’s Office of Policy and Budget and the Florida Legislature) assesses the risk areas that contribute to project success or failure and provides an understanding of how the project aligns with agency business strategy and objectives. The tool analyzes the following eight major project risk assessment areas:

1. Strategic Risk assesses definition and alignment of project scope with agency business objectives.
2. Technology Risk assesses risks associated with proposed technologies.
3. Change Management Risk assesses project and business change requirements and agency experience in implementing change.
4. Communication Risk assesses communication planning and support requirements for the project.
5. Fiscal Risk assesses the required project investment levels and their alignment with the business objectives and benefits of the project.
6. Project Organization Risk assesses whether adequate coordination and resources for project organization, project management and executive control exists.
7. Project Management Risk assesses the agency’s experience and ability to manage and control this project.
8. Project Complexity Risk assesses the overall management and coordination requirements of the project.

The risk values presented on the following pages represent significant project risk and either a high probability or high impact on the scope, time, costs, or quality of the Statewide Uniform Trial Court Caseload Reporting System.

Risk #	Risk Criteria	Risk Assessment	Comments	Mitigation
3.08	What is the expected change impact on other state or local government agencies as a result of implementing the project?	Extensive change or new way of providing/ receiving services or information	Receipt of near real time information may necessitate system changes at the local clerk level.	Building from the successful pilot, continue to work with clerks on best methods for local system changes and data transfer.
5.06	Are funds available within existing agency resources to complete this project?	Yes (see comment)	Risk arises if reversions are not re-appropriated or reversion estimate is less than funds required for system development.	Actively seek reversions as an appropriate funding strategy and work with internal court budgeting committees and staff to identify maintenance and support continuation funding categories.
5.07	Will/should multiple state or local agencies help fund this project or system?	Funding from local government agencies	Local funds will be required to perform the necessary system changes at the local level.	Continue dialog with clerks on local system functional needs. Clearly articulate the need for valid and timely data to local funding authorities.
6.08	Does the agency have the necessary knowledge, skills, and abilities to staff the project team with in-house resources?	Half of staff from in-house resources	The necessary KSA's exist "in-house", however, external resources are needed to expedite completion of this statewide reporting system.	Rigorous hiring process for external human resources to ensure that the appropriate KSA's are represented.
7.10	Has a documented project schedule been approved for the entire project lifecycle?	No	A project schedule has been developed, but progress and milestones are largely dependent on the receipt of data from external stakeholders.	As a full-time project manager is acquired for project management, continue to construct and revise the detailed project schedule for the system. Continue to work with clerks to identify and facilitate data transfer.
7.11	Does the project schedule specify all project tasks, go/no-go decision points (checkpoints), critical milestones and resources?	No	The project schedule specifies project tasks, however not all critical milestones or resources have been fully identified.	As a full-time project manager is acquired for project management, continue to construct and revise the detailed project schedule for the system.

7.14	Has a documented risk management plan been approved for this project?	No	A risk register has been developed and a governance and reporting structure in place, however a formal risk management plan has not been adopted.	Continue to revisit and refine the risk register and prepare a formal risk management plan for Court Statistics and Workload Committee review and approval.
7.17	Are issue reporting and management processes documented and in place for this project?	No	An informal issue resolution process is in place through the Court Statistics and Workload Committee, however, a formal issue reporting and management process is not in place.	Develop a formal issue reporting and management process for review and approval by the Court Statistics and Workload Committee.
8.02	Are the business users or end users dispersed across multiple cities, counties, districts, or regions?	More than 3 sites	This plan will require the cooperation of local clerks and circuit court personnel spread across 20 judicial circuits and 67 counties.	Leverage the communication vehicles described in this plan and lessons learned to aid in the transition of clerks and orient judges and court staff to the requirements and functionality of the new system.
8.06	How many external entities (e.g., other agencies, community service providers, or local government entities) will be impacted by this project or system?	More than 4	Each local clerk and court will be impacted by data collection and reporting requirements.	Leverage the communication vehicles described in this plan and lessons learned to aid in the transition of clerks and orient judges and court staff to the requirements and functionality of the new system.
8.07	What is the impact of the project on state operations?	Statewide or multiple agency business process change	The system will represent a new way of collecting and reviewing information at the local clerk and state court level.	As clerks transition to the new reporting requirements, convene those stakeholders to share in lessons learned and processes that simplified the transition required by this plan.

Appendix G – Resource Links / References

Florida Statutes and Court Rules

- Section 25.075, F.S. – [Uniform Case Reporting System](#)
- Fla. R. Civ. P. 1.201 – [Complex Litigation](#)
- Fla. R. Jud. Admin. 2.215(b)(2) – [Trial Court Administration](#)
- Fla. R. Jud. Admin. 2.215(b)(6) – [Trial Court Administration](#)
- Fla. R. Jud. Admin. 2.225(a)(2) – [Judicial Management Council](#)
- Fla. R. Jud. Admin. 2.245 – [Case Reporting System for Trial Courts](#)
- Fla. R. Jud. Admin. 2.250(b) – [Time Standards for Trial and Appellate Courts and Reporting Requirements](#)

Related Florida Supreme Court Administrative Orders

- AOSC 01-45 – [Trial Court Technology Assessment Compliance](#)
- AOSC 03-16 – [Adoption of Functional Requirements, Technical Standards, and Strategic Plan](#)
- AOSC 08-32 – [Commission on Trial Court Performance and Accountability](#)
- AOSC 09-30 – [Statewide Standards for Electronic Access to the Courts](#)
- AOSC 10-48 – [Commission on Trial Court Performance and Accountability](#)
- AOSC 12-25 – [Commission on Trial Court Performance and Accountability](#)
- AOSC 13-28 – [Final Report and Recommendations of the Foreclosure Initiative Workgroup](#)
- AOSC 13-51 – [Case Status Reporting Requirements For Real Property Mortgage Foreclosure Cases](#)
- AOSC 14-20 – [Trial Court Case-Event Definitional Framework](#)
- AOSC 14-40 – [Commission on Trial Court Performance and Accountability](#)
- AOSC 15-09 – [Continued Case Reporting Requirements for Real Property Mortgage Foreclosure Cases](#)
- AOSC 16-15 – [Uniform Case Reporting Requirements](#)
- AOSC 16-39 – [Commission on Trial Court Performance and Accountability](#)

Previous External Formal Studies

- Article V Technology Board Report (2006)
- [Plan for Identifying and Recommending Options for Implementing the Integrated Computer System for the State Court System](#), Technology Review Workgroup (TRW) Report Number 2009-001
- [Judicial Case Management Practices Vary Throughout State; Better Case Data Needed](#), Report No. 09-06, January 2009, OPPAGA
- [Little Duplication in Court-Related Services; Clerk/Court Cooperation Should Be Improved](#), Report No. 10-11, January 2010, OPPAGA
- [A Review of Florida Circuit Courts](#), Report No. 15-13, December 2015, OPPAGA

Florida Court Data Management Plans

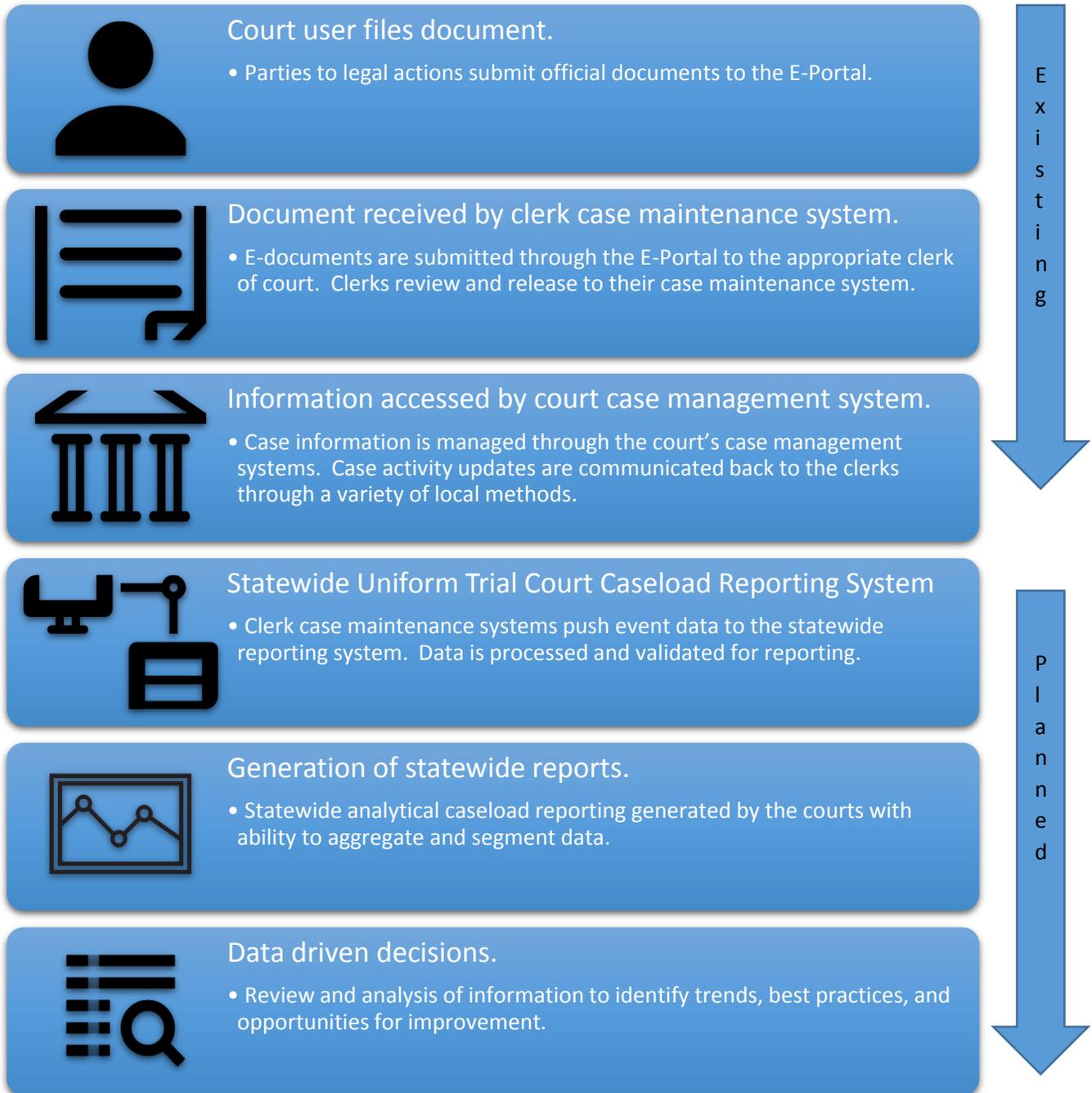
- [Trial Court Integrated Management Solution](#) (TIMS)
- [Integrated Trial Court Adjudication System](#) (ITCAS)
- [Judicial Data Management Services](#) (JDMS)
- [Uniform Case Reporting](#) (UCR)

Other Related Documents

- [Long-Range Strategic Plan for the Florida Judicial Branch 2009-2015](#)
- [Long Range Strategic Plan for the Florida Judicial Branch 2016-2021](#)

Court Data Diagram

Statewide Uniform Trial Court Caseload Reporting System Process



Appendix H – Timeline

August 2010 – Administrative Order 10-48 directed the Commission on Trial Court Performance and Accountability to identify the information, by case type, that needs to be accessed and tracked by judges, case managers, and other court staff in order to move cases efficiently and effectively through the trial court process.

January 2012 - Statutory changes required the establishment of clear and unambiguous definitions of post-judgment events.

May 2012 - Draft set of definitions and accompanying guidelines provided for comment to clerks of court.

November 2012 – Integrated Trial Court Adjudication System Project Plan developed that defines a court case management system optimized to assist judges and case managers in the electronic processing and maintenance of cases and associated court activity. The project was an outgrowth of the proposed Trial Court Integrated Management Solution project coupled with a critical need to manage electronic case documents submitted via the Florida Courts e-Filing Portal (e-Portal).

December 2012 – Trial Court Integrated Management Solution Report issued that identified key case and workload data and established uniform definitions for improving automation of Florida’s trial courts.

May 2013 - Commission on Trial Court Performance and Accountability recommends to the Supreme Court the final “Case-Event Definitional Framework”.

June 2013 – Administrative Order 13-28 regarding the final report and recommendations of the Foreclosure Initiative Workgroup issued that mandated foreclosure case type reporting requirements to provide the requisite information to compute the following case reporting indicators: time to disposition, age of pending cases, and clearance rate.

October 2013 – Administrative Order 13-51 regarding the Case Status Reporting Requirements for Real Property Mortgage Foreclosure Cases issued that required the chief judge of every circuit court to issue an administrative order establishing a mechanism that enables judges and magistrates to provide explicit direction to each clerk of court’s office with regard to designating a change in the status of a mortgage foreclosure case.

March 2014 – Administrative Order 14-20 regarding the Trial Court Case-Event Definitional Framework issued that provides a clear and unambiguous description of certain key events in adjudication of a case and provides a foundational structure for recording and tracking case activity within the trial courts.

December 2014 – Judicial Data Management Services (JDMS) Project Plan developed that focuses on state level court activity data and analysis services for court managers and other stakeholders. The proposed JDMS project would also enhance the ability of the State Courts System to provide court-related data to assist policymakers in evaluating policy and budget options.

February 2015 – Judicial Management Council performance recommendations issued that proposed moving from a summary reporting system to a detailed reporting system with valid and reliable data. Recommendations

addressed elements for clerk collection and reporting requirements, including: the collection of specific data elements, transmission of that data in a prescribed format, and directed those transmissions to occur in a timely manner to enhance caseload reporting.

April 2015 – Administrative Order 15-9 regarding Continued Case Reporting Requirements for Real Property Mortgage Foreclosure Cases that directed the continuance of real property mortgage foreclosure data reporting requirements as detailed in the data collection plan prepared by the OSCA. This included reporting requirements that provide the requisite information to compute: time to disposition, age of pending cases, and clearance rate.

August 2015 – Uniform Case Reporting (UCR) Project Data Collection Specification released to define the data collection requirements and specifications implemented to track and monitor specific, critical events in the life of a case. The case activity reported via this data collection specification will, when fully implemented, satisfy several existing case and workload reporting requirements and will form the basis of a larger case activity reporting environment.

April 2016 - Administrative Order 16-15 regarding Uniform Case Reporting Requirements that expanded the existing clerk of court data reporting requirements for real property mortgage foreclosure cases to all case types and to increase the data elements provided to include information on case inventory and status assignment, summary reporting system case type and disposition assignment, and post-judgment reopen and reclosure activity for all case types, including mortgage foreclosure cases.

August 2016 to December 2016 – OSCA reached out to interested counties to officially begin the UCR pilot phase and invited all counties to comment on the specification and data submission requirements before the pilot ends.

December 2016 - UCR Pilot Phase extended to March 2017.

March 2017 – UCR Pilot Phase concludes.

June 2017 – UCR Project Data Collection Specification (v.1.3.0) released. This version incorporated refinements from the data collection pilot phase.

July 2017 – Legislative proviso addressing the statewide uniform case management database system becomes law.

September 2017 – Bradford County began transitioning to UCR reporting.

November 2017 – Hillsborough and Brevard County began transitioning to UCR reporting.

Appendix I – Plan Development Process

Efforts to move towards a more uniform statewide trial court caseload reporting system were well underway at the time the proviso language was included in the 2017-18 fiscal year budget. A foundation of Supreme Court approved definitions, prior case data collection efforts, and a successful data collection pilot with foreclosure related data have all helped the judicial branch move towards a more uniform collection of valid and reliable case data. As written, the proviso language presents a logical extension of the UCR specifications that were previously approved by the Florida Supreme Court and are currently being implemented throughout the counties and judicial circuits. The UCR system, proviso language, and this plan responsive to proviso, all share the same goals of accurate and uniform data collection and reporting.

Building from that existing and established UCR methodology, the OSCA set out to ensure that all elements of the proviso language were satisfied within this plan. To that end, the OSCA used a collaborative approach to develop this plan and was assisted by trial court judges, trial court administrators, and trial court technology officers. As required in proviso, the OSCA also worked with the Florida Clerk of Court and Comptrollers (FCCC) and Florida Clerk of Court Operations Corporation (CCOC) to verify and clarify the common definitions that make up a critical element of this plan and contribute greatly to the validity and reliability of caseload reporting.

Specifically, the plan was collaboratively developed with the assistance of:

- OSCA Staff Team that determined the activities and estimated costs to build, operate, and maintain the system. The staff team helped draft the narrative, manage the project timeline, and review multiple drafts of the plan to ensure it was responsive to the elements of the proviso.
- Technical Advisory Team composed of judges, trial court administrators, and court technology officers. This team helped guide the design of the system and provided valuable feedback from a local perspective. This team commented on the activities and reviewed costs that may be incurred at the local level to build, implement, and maintain the system.
- Appropriation Advisory Team, composed of judges involved in the budgeting process at the trial court level, provided invaluable commentary and guidance on appropriation categories and budget entities with funds which may be reallocated to fund costs associated with this plan.
- FCCC and CCOC provided comment on uniform data definitions for use by all clerks and courts to satisfy proviso reporting requirements.
- An external review was conducted by Gartner to comment on the activities proposed in this plan and the technical soundness of the approach and implementation.

The plan development process concluded with a formal internal review and presentation to and approval by the Florida Supreme Court.



CCOC
FLORIDA CLERKS OF COURT
OPERATIONS CORPORATION

Ken Burke, CPA
PINELLAS COUNTY
EXECUTIVE COUNCIL CHAIR

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PALM BEACH COUNTY

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PAT FRANK
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PAULA S. O'NEIL, PH.D.
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HOUSE APPOINTEE

JOHN DEW
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AGENDA ITEM 10- Other Business- Miami Dade Resolution

Date: December 18, 2017

Subject: Resolution passed by Miami-Dade County Commission related to Clerk Funding

Council Action: For informational purposes

Overview/Background:

On November 7th, the Miami-Dade County Commission adopted Resolution No. R-1088-17. The resolution urges the Florida Legislature and Governor to provide statewide funding for the clerks at a level sufficient to fully fund their court-related functions in accordance with their budget submissions to the CCOC.

The Resolution directs the Clerk of the Board to transmit a certified copy of the resolution to the Governor, Senate President, House Speaker, the Chair and Members of the Miami-Dade State Legislative Delegation, and the Executive Council and Executive Director of the Clerks of the Court Operations Corporation.

Our office received the Resolution in late November and emailed an electronic version to the CCOC Executive Council members.

Lead staff:

John Dew, Executive Director

Attachment:

- 1) Miami-Dade County Commission Resolution No. R-1088-17

Our Mission: As a governmental organization created by the Legislature, we evaluate Clerks' court-related budgetary needs, and recommend the fair and equitable allocation of resources needed to sustain court operations.

Harvey Ruvin
CLERK OF THE CIRCUIT AND COUNTY COURTS
Miami-Dade County, Florida



CLERK OF THE BOARD OF COUNTY COMMISSIONERS
STEPHEN P. CLARK CENTER
SUITE 17-202
111 N.W. 1st Street
Miami, FL 33128-1983
Telephone: (305) 375-5126

November 20, 2017

Mr. John Dew, Executive Director
Florida Clerks of Court Operations Corporation
2560-102 Barrington Circle
Tallahassee, Florida 32308

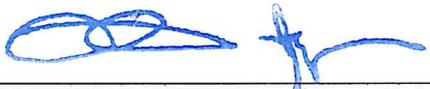
Dear Mr. Dew:

A copy of Resolution No. R-1088-17 adopted on November 7, 2017 is provided to you at the request of the Miami-Dade County Board of County Commissioners.

If you have any questions or need additional information, please contact this office.

Respectfully yours,

HARVEY RUVIN, Clerk
Circuit and County Courts

By: 
Christopher Agrippa, Director
Clerk of the Board Division

CA/ocv
Attachment

MEMORANDUM

Agenda Item No. 11(A)(18)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: November 7, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution urging the Florida Legislature and Governor to provide statewide funding for the offices of the clerks of the circuit and county courts at a level sufficient to fully fund their court-related functions in accordance with their budget submissions to the Clerks of Court Operations Corporation; waiving requirements of Resolution No. R-764-13 limiting number of state legislative priorities; amending Resolution No. R-947-17 to include this item as an additional state legislative priority for the 2018 session

Resolution No. R-1088-17

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Daniella Levine Cava.



Abigail Price-Williams
County Attorney

for

APW/smm

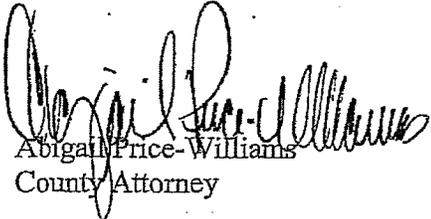


MEMORANDUM

(Revised)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: November 7, 2017

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(18)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

2

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(18)
11-7-17

RESOLUTION NO. R-1088-17

RESOLUTION URGING THE FLORIDA LEGISLATURE AND GOVERNOR TO PROVIDE STATEWIDE FUNDING FOR THE OFFICES OF THE CLERKS OF THE CIRCUIT AND COUNTY COURTS AT A LEVEL SUFFICIENT TO FULLY FUND THEIR COURT-RELATED FUNCTIONS IN ACCORDANCE WITH THEIR BUDGET SUBMISSIONS TO THE CLERKS OF COURT OPERATIONS CORPORATION; WAIVING REQUIREMENTS OF RESOLUTION NO. R-764-13 LIMITING NUMBER OF STATE LEGISLATIVE PRIORITIES; AMENDING RESOLUTION NO. R-947-17 TO INCLUDE THIS ITEM AS AN ADDITIONAL STATE LEGISLATIVE PRIORITY FOR THE 2018 SESSION

WHEREAS, Florida's clerks of court are often considered the foundation of the state's judicial system; and

WHEREAS, clerks of court work under the radar, but are integral to everyday life in our communities, as they provide critical support and services to the court system, the judiciary, the legal community, local governments, and the public; and

WHEREAS, adequate funding of our state clerks' offices is required by the Florida Constitution and necessary to ensure meaningful access to justice for all Floridians, as overburdened and underfunded clerks' offices can result in the severe curtailment of access to important public services such as paying for a traffic ticket, applying for a marriage license, and filing and/or copying court documents, and can also cause serious delays in court proceedings; and

WHEREAS, the state's clerks of court are funded by filing fees, service charges, fines and court costs, and any additional general funds appropriated by the Florida Legislature; and

WHEREAS, Article V, section 14 of the Florida Constitution specifies the state and county responsibilities for funding the state courts system by providing that the Supreme Court and the District Courts of Appeal must be fully funded by the state, and the operations of the trial courts (the circuit and county courts) funded by the state while capital costs of the trial courts are borne by the counties; and

WHEREAS, Article V, section 14(b) of the Florida Constitution provides that “[a]ll funding for the offices of the clerks of the circuit and county courts performing court related functions, except as otherwise provided . . . shall be provided by adequate and appropriate filing fees for judicial proceedings and service charges and costs for performing court-related functions as required by general law”; and

WHEREAS, collectively, Florida’s 67 county clerks annually take in more than \$1 billion in yearly revenue for the state, yet they get back less than half of that from the state for operations, even as the state has continued to rebound from the Great Recession; and

WHEREAS, indeed, state funding for local clerks’ offices has been sharply cut, or held flat, for the last nine years, while the need for staff and access to court services has increased as the state’s population continues to grow; and

WHEREAS, as such, county clerks across the state have felt the harsh effects of the state’s underfunding, and like the Miami-Dade Clerk of Courts, have been forced to respond by cutting employees and reducing office hours or satellite counters; and

WHEREAS, in Fiscal Year 2016-17, the Florida Legislature cut \$40 million statewide from clerks’ offices, equating to a \$6 million loss to Miami-Dade’s Clerk of Courts; and

WHEREAS, many courts systems throughout the state, including Miami-Dade’s, cannot sustain the continued loss of funds and provide reasonable levels of service to residents; and

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WHEREAS, the Florida Constitution requires that where filing fees, service charges, fines and court costs are insufficient to fund the court-related functions of the offices of the clerks of the circuit and county courts, the state shall provide, as determined by the legislature, adequate and appropriate supplemental funding from state revenues appropriated by general law; and

WHEREAS, this Board would like to urge the Florida Legislature and the Governor to provide statewide funding for the offices of the clerks of the circuit and county courts at a level sufficient to fully fund their court-related functions in accordance with their budget submissions to the Clerks of Court Operations Corporation,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature and the Governor to provide statewide funding for the offices of the clerks of the circuit and county courts at a level sufficient to fully fund their court-related functions in accordance with their budget submissions to the Clerks of Court Operations Corporation.

Section 2. Waives requirements of Resolution No. R-764-13 and amends Resolution No. R-947-17 to include this item as an additional state legislative priority for the 2018 session.

Section 3. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, the Chair and Members of the Miami-Dade State Legislative Delegation, and the Executive Council and Executive Director of the Clerks of Court Operations Corporation.

Section 4. Directs the County's state lobbyists to advocate for the action set forth in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2018 State Legislative Package to include this item as a priority.

The Prime Sponsor of the foregoing resolution is Commissioner Daniella Levine Cava. It was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Audrey M. Edmonson** and upon being put to a vote, the vote was as follows:

	Esteban L. Bovo, Jr., Chairman	aye	
	Audrey M. Edmonson, Vice Chairwoman	aye	
Bruno A. Barreiro	absent	Daniella Levine Cava	aye
Jose "Pepe" Diaz	aye	Sally A. Heyman	absent
Barbara J. Jordan	absent	Joe A. Martinez	aye
Jean Monestime	aye	Dennis C. Moss	absent
Rebeca Sosa	aye	Sen. Javier D. Souto	aye
Xavier L. Suarez	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of November, 2017. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.



MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

Christopher Agrippa

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Michael J. Mastrucci



CCOC
**FLORIDA CLERKS OF COURT
 OPERATIONS CORPORATION**

Ken Burke, CPA
 PINELLAS COUNTY
 EXECUTIVE COUNCIL CHAIR

Stacy Butterfield, CPA
 POLK COUNTY
 VICE-CHAIR

Tara S. Green
 CLAY COUNTY
 SECRETARY/TREASURER

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 PASCO COUNTY
 HOUSE APPOINTEE

JOHN CRAWFORD
 NASSAU COUNTY

RON FICARROTTA
 13TH JUDICIAL CIRCUIT JUDGE
 SUPREME COURT APPOINTEE

JOHN DEW
 EXECUTIVE DIRECTOR

PAT FRANK
 HILLSBOROUGH COUNTY

KYLE HUDSON
 HOLMES COUNTY
 SENATE APPOINTEE

JOE BOYD
 GENERAL COUNSEL

2560-102 BARRINGTON CIRCLE | TALLAHASSEE, FLORIDA 32308 | PHONE 850.386.2223 | FAX 850.386.2224 | WWW.FLCCOC.ORG

AGENDA ITEM 10- Other Business- CCOC Office Budget Treasurer’s Report

Date: December 18, 2017

Subject: Report from CCOC Secretary/Treasurer on CCOC Office Financials for CFY 17/18

Council Action: Accept Report

Council Action

Review and approve financial report.

Overview/Background:

At each Executive Council Meeting the CCOC Secretary/Treasurer provides a financial update of the CCOC office budget. The office operates on the county fiscal year with an approved budget of \$1,617,097. Through two months of the CFY the office has expended \$197,991.63 dollars. This is just over 12% of the budget and is well within the expected expenditure range.

Lead staff:

John Dew, Executive Director

Attachment:

- 1) October and November Financials

CCOC Budgetary Report
County Fiscal Year 2017 - 2018
(October 1, 2017 - September 30, 2018)

	Budget Category Amount	Oct	Nov	Year to Date Expenditures	(%) of Budget Expended	
CCOC STAFF:	\$799,949.00	\$70,270.88	\$68,677.85	\$138,948.73	17.37%	
Executive Director	\$119,128.00	\$9,927.33	\$9,927.33	\$19,854.66	16.67%	
Deputy Executive Director	\$106,019.00	\$8,834.92	\$8,834.92	\$17,669.84	16.67%	
Information Systems Director	\$80,500.00	\$6,708.33	\$6,708.33	\$13,416.66	16.67%	
Budget & Communications Director	\$86,000.00	\$7,166.67	\$7,166.67	\$14,333.34	16.67%	
Budget Manager I	\$37,867.60	\$3,155.63	\$3,155.63	\$6,311.26	16.67%	
Budget Manager I	\$32,448.00	\$0.00	\$0.00	\$0.00	0.00%	
Budget Manager I	\$46,500.00	\$3,875.00	\$3,875.00	\$7,750.00	16.67%	
Budget Manager II	\$61,255.00	\$5,250.83	\$5,104.58	\$10,355.41	16.91%	
Database Administrator	\$47,250.00	\$0.00	\$0.00	\$0.00	0.00%	
Executive Assistant/Human Resources	\$35,901.48	\$2,991.79	\$2,991.79	\$5,983.58	16.67%	
Internal Revenue(Corporation Responsibility)	\$50,000.00	\$3,699.88	\$3,685.60	\$7,385.48	14.77%	
Retirement, Benefits, Workers' Comp and Other	\$176,040.00	\$18,660.50	\$17,228.00	\$35,888.50	20.39%	
OPS STAFF:	\$22,000.00	\$1,919.50	\$1,699.50	\$3,619.00	16.45%	
GENERAL EXPENSES:	\$92,761.00	\$4,413.38	\$8,735.83	\$13,149.21	14.18%	
Rent (including Utilities)	\$47,761.00	\$3,473.46	\$3,342.06	\$6,815.52	14.27%	
Communications (+ Internet and Phone)	\$10,000.00	\$535.06	\$310.22	\$845.28	8.45%	
Equipment, Supplies and Other	\$35,000.00	\$404.86	\$5,083.55	\$5,488.41	15.68%	
TRAVEL:	\$60,400.00	\$4,449.88	\$1,577.31	\$6,027.19	9.98%	
STAFF TRAINING:	\$5,000.00	\$0.00	\$0.00	\$0.00	0.00%	
CONTRACTUAL EXPENSES:	\$282,454.00	\$7,681.25	\$8,066.25	\$15,747.50	5.58%	
General Counsel	\$111,000.00	\$3,467.50	\$0.00	\$3,467.50	3.12%	
FY 14-15 Survey, Reporting, and Other Services	\$160,454.00	\$4,213.75	\$8,066.25	\$12,280.00	7.65%	
Audit Services	\$11,000.00	\$0.00	\$0.00	\$0.00	0.00%	
EDUCATION SERVICES	\$354,533.00	\$0.00	\$20,500.00	\$20,500.00	5.78%	
TOTALS:	\$1,617,097.00	\$0.00	\$88,734.89	\$109,256.74	\$197,991.63	12.24%

*CCOC has the authority to revise category amounts due to established Legislative Budget Authority.

Handwritten signatures and dates:
 [Signature] 12/15/17
 [Signature] 12/14/17
 J.D. 12/14/17