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		Todd Newton Gilchrist County
		Jeffrey R. Smith, CPA Indian River County
		John Dew EXECUTIVE DIRECTOR
		Joe Boyd GENERAL COUNSEL

DRAFT Agenda

Executive Council Meeting

July 24, 2017

Date: July 24, 2017

Time: 2pm EDT

Location: **Go-To Training Call-** Log in at <https://attendee.gototraining.com/r/4312894117660459265> and register to attend. Those only wanting to listen and not have the ability to make comments can dial in by phone at 1 (510) 365-3231. Code is 432-011-539.

- Call to Order Ken Burke
- Roll Call CCOC Staff
- Approval of Agenda and Welcome Ken Burke
- 1) Update from CCOC Executive Committee Meeting Ken Burke
 - a. Holland and Knight Opinion
 - i. Approval of Legal Memorandum as CCOC’s Official Position
 - ii. Request to FCCC for Correction of Fee Distribution Schedule
 - b. Communication to Legislature on Fee Distribution.....Carolyn Timmann
 - c. Status on Potential Revenue Impact.....Stacy Butterfield
- 2) PIE Committee- Review and approval of 1st quarter Performance Report.....Tara Green
- 3) Discussion on dates for next Council meeting prior to the October 10th Meeting in Orlando.
- 4) Other Business



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.

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MEMORANDUM

PRIVILEGED AND CONFIDENTIAL ATTORNEY-CLIENT COMMUNICATION

TO: Florida Clerks of Court Operations Corporation

FROM: Nathan A. Adams, IV
Patrick O'Bryant

DATE: July 13, 2017

RE: Clerk's Fine and Forfeiture Fund

Question

You have asked (1) whether revenues generated pursuant to Florida Statutes 28.241(1)(d), 57.082(1)(d), 318.14(10)(b), 318.18(11)(a) and (18) must be deposited in the fine and forfeiture fund established pursuant to Florida Statute 142.01 for use by the clerks of the courts in performing court-related functions and (2) the effect of section 47 of the Laws of Florida 2008-111, the Florida Chief Financial Officer Memorandum No. 3 dated Sept. 19, 2008, and Ch. 2017-126, Laws of Florida, regarding redirection of these enumerated fees to the fine and forfeiture fund.

Brief Answer

It is our pleasure to assist. Subject to the limitation mentioned next, and after an analysis of the relevant authorities, we conclude that the several fees and fines implicated in the statutes discussed in this memorandum belong in the clerks' fine and forfeiture fund at least up to the value of the clerks' respective budgets established in accordance with Florida Statute 28.36.

Limitation

We have examined exclusively the statutes identified in the question posed as they pertain to future receipt of revenue, not retrospective receipt of revenue from them. Our representation is of the Florida Clerks of Court Operations Corporation (CCOC) as a public corporation and not of the individual interests of any of its members. This memorandum may not be relied upon by, furnished to, referred to, quoted, in whole or part, by, or filed with, any person besides CCOC without our prior written consent.¹

Background

Funding for offices of the clerks of the circuit and county courts is addressed in at least two constitutional provisions. Article V, section 14 of the Florida Constitution states, in pertinent part:

(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.**

(c) No county or municipality, except as provided in this subsection, shall be required to provide any funding for the state courts system ... or the offices of the clerks of the circuit and county courts performing court-related functions. Counties shall be required to fund the cost of ... construction or lease, maintenance, utilities and security of facilities for the trial courts ... and the offices of the clerks of the circuit and county courts performing court-related functions....

Art. V, § 14, Fla. Const.

¹ It is expected that this memorandum will be disclosed to CCOC members. However, such disclosure will not create an attorney-client relationship with them or entitle them to rely upon this memorandum. Nor shall Holland & Knight's (H&K) representation of CCOC establish or constitute an attorney-client relationship, nor give rise to any duties of loyalty, confidentiality or other duties of a lawyer to a client, between H&K and the individual members of CCOC.

Likewise, article I, section 21 of the Florida Constitution states:

The courts shall be open to every person for redress of any injury, and justice shall be administered without sale, denial or delay.

Art. I, § 21, Fla. Const.²

Fine and Forfeiture Fund

The fine and forfeiture fund dates back to 1895. Ch. 4323, Laws of Fla. (1895). Chapter 4672, Laws of Florida (1899), established a fine and forfeiture fund in every county. From the beginning, the clerks of the court were authorized to pay for services out of the fund. § 8, Ch. 4672, Laws of Fla. (1899). By 1977, Florida Statute 142.01 was already in a recognizable form. § 2, Ch. 77-452, Laws of Fla. Then, the fine and forfeiture fund consisted of fines and forfeitures collected in the county under the penal laws of the state. *Id.* Beginning in 1982, any surplus funds remaining in the fine and forfeiture fund at the end of a fiscal year were to be transferred to the county general fund. § 1, Ch. 82-107, Laws of Fla.

Ch. 2003-402, Laws of Fla.

In 2003, the legislature made plain for the first time that that the clerks of the circuit court were to establish the fine and forfeiture funds, already enacted in each county, “for use by the clerk of the court in performing court-related functions,” and added to the funds “allocations of court costs and civil penalties pursuant to ss. 318.18 and 318.21.” § 81, Ch. 2003-402, Laws of Fla. Also in 2003, the legislature created the CCOC to review and certify budgets to ensure completeness and compliance with budget procedures and to provide public accountability for the revenues that the clerks of the court collect. § 36, Ch. 2003-402, Laws of Fla. All clerks of the court are members of the CCOC. § 28.35(1)(a), Fla. Stat. Clerks of court may access revenues from the Clerks of the Court Trust Fund created under this law to address deficits. § 37, Ch. 2003-402, Laws of Fla.

Ch. 2005-236, Laws of Fla.

Beginning in 2005, the Legislative Budget Commission (LBC) could approve increases to the maximum annual budgets approved for the clerks if additional funding was necessary to pay the cost of performing new or additional functions required by changes in law or court rule or additional funding was necessary to pay the cost of supporting increases in the number of judges or magistrates authorized by statute. § 11, Ch. 2005-236, Laws of Fla.

Ch. 2008-111, Laws of Fla.

Chapter 2008-111, Laws of Florida, increased various charges for services rendered by the clerks of the circuit courts in recording documents and instruments and performing other duties,

² Under this provision, user fees are permitted, but a tax imposed as a precondition to access to the courts is not permitted. *Crist v. Ervin*, 56 So. 3d 745, 748 (Fla. 2010) (*citing State v. City of Port Orange*, 650 So. 2d 1, 3 (Fla. 1994)). A “tax” means “an enforced burden imposed by sovereign right for the support of the government, the administration of law, and the exercise of various functions the sovereign is called on to perform,” and a “user fee” is a charge “based upon the proprietary right of the governing body permitting the use of the instrumentality involved.” *City of Port Orange*, 650 So. 2d at 3.

increased filing fees for civil actions in civil court, and increased service charges that the clerks of the courts are authorized to charge in probate matters. The law became effective on July 1, 2008. § 48, Ch. 2008-111, Laws of Fla. As relates to the statutes that are the subject of this memorandum, chapter 2008-111 amended:

Florida Statute 28.241(1)(d), so that it states in its current form:

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.³

Florida Statute 57.082(1)(d), so that it states in its current form:

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. A person is not required to pay more than one application fee per case. However, an appeal or the reopening of a proceeding shall be deemed to be a distinct case. The applicant must pay the fee within 7 days after submitting the application. If the applicant has not paid the fee within 7 days, the court shall enter an order requiring payment, and the clerk shall pursue collection under s. 28.246. 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.** If the person cannot pay the application fee, the clerk shall enroll the person in a payment plan pursuant to s. 28.246.

Florida Statute 318.14(10)(b), so that it states in its current form:

Any person cited for an offense listed in this subsection shall present proof of compliance before the scheduled court appearance date. For the purposes of this subsection, proof of compliance shall consist of a valid, renewed, or reinstated driver license or registration certificate and proper proof of maintenance of security as required by s. 316.646. Notwithstanding waiver of fine, any

³ Underlining and strike-outs reveal amendments to the law. Bolding is added for emphasis of text.

person establishing proof of compliance shall be assessed court costs of ~~\$25~~ 22, except that a person charged with violation of s. 316.646(1)-(3) may be assessed court costs of ~~\$8~~ 7. 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 Family Services. One dollar of such costs shall be distributed to the Department of Juvenile Justice for deposit into the Juvenile Justice Training Trust Fund. ~~Fourteen~~ Twelve dollars of such costs shall be distributed to the municipality and ~~\$9~~ 8 **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. This subsection does not authorize the operation of a vehicle without a valid driver license, without a valid vehicle tag and registration, or without the maintenance of required security.

Florida Statute 318.18(11)(a), so that it states in its current form:

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 <u>3</u>
For nonmoving traffic infractions.	\$18 <u>16</u>
For moving traffic infractions.	\$35 <u>30</u> .

Florida Statute 318.18(18), so that it states in its current form:

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.

None of these statutes has been amended since 2008. Florida Statute 28.241(1)(d) orders the clerk of the court to collect the service charge for issuance of the summons, but does not explicitly indicate where the clerk is to deposit the revenue. Florida Statute 57.082(1)(d) authorizes the clerk to retain a percentage of application fees, but, once again, does not dictate where the clerk is to

deposit the revenue. Florida Statutes 318.14(10)(b) and 318.18(11)(a) and (18) explicitly direct the amount to be deposited by the clerk into the fine and forfeiture fund, depending upon whether a traffic offense was committed in an incorporated or unincorporated area of the county.

But in section 47 of chapter 2008-111, the Legislature added a caveat applicable to the CCOC as relates to the increased revenue generated under the act:

Notwithstanding s. 28.36, Florida Statutes [regarding the budget procedure for the court-related functions of the clerks of the court], 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.

§ 47, Ch. 2008-111, Laws of Fla.⁴

Memorandum No. 03

On September 19, 2008, the Florida Chief Financial Officer⁵ issued Memorandum No. 03 (2008-2009), interpreting chapter 2008-111, Laws of Florida, and expressly titled “Clerks of Court Accounting Methodology for Chapter 2008-111, Laws of Florida.” Memorandum No. 03 directed that the clerks record all new fees attributable to chapter 2008-111 as liabilities for accounting purposes. The CFO continued:

This accounting methodology will allow a Clerk of Court, who is certified by the ... CCOC as being in a budgeted deficit position and receiving a monthly stipend from the State, to **offset the need for the stipend by using the increased fee collections attributable to Chapter 2008-111 to pay for his or her current certified budget expenditures.** The amount of funds scheduled to be received from the Clerks of Courts Trust Fund administered by the Department of Revenue (DOR) pursuant to Section 28.36, Florida Statutes, will be reduced or eliminated **depending on the amount of increased fees collected by such a Clerk.** If a Clerk of Court, who is certified by the CCOC as being in a budgeted deficit position, collects funds in excess of his or her deficit stipend, all such excess funds shall be remitted to the State.

Memorandum No. 03 creates three classes of clerks: (1) surplus clerks who after receiving increased fees under Chapter 2008-111 must remit the surplus over budget to the Department of

⁴ Section 47 does not address where revenue from chapter 2008-111 should be deposited.

⁵ Alex Sink was CFO from 2007-2011; Jeff Atwater was CFO from 2011-2017; and Jimmy Patronis took over as CFO in June 2017.

Revenue: (2) full offset deficit clerks who receive increased fees under Chapter 2008-111 equal to budget and must forego any deficit stipend; and (3) residual deficit clerks who after receiving the increased fees still have a budget deficit entitling them to a stipend. Presently, the CFO gives the status of Memorandum No. 03 as “active.”

Ch. 2009-204, Laws of Fla.

Chapter 2009-204, Laws of Florida, changed the funding system for the clerks of the court and moved the CCOC to be administratively housed within the Justice Administrative Commission. § 3, Ch. 2009-204, Laws of Fla.⁶ According to the Florida Supreme Court, neither article I, section 21 nor article V, section 14 of the Florida Constitution facially requires that the very money paid for filing fees be used to fund the administration of justice. *Crist v. Ervin*, 56 So. 3d 745, 749 (2010). So the legislature could require the clerks to remit fees, fines, costs and charges to the Department of Revenue for deposit into the Clerks of Court Trust Fund within the Justice Administrative Commission, § 1, Ch. 2009-204, Laws of Fla. (amending § 28.246, Fla. Stat.),⁷ as long as the legislature allocates an amount at least equal to that deposited into general revenue. *Crist*, 56 So. 3d at 749. Under section 4, chapter 2009-204, Laws of Florida (amending § 28.36(9), Fla. Stat.), the legislature agreed to appropriate the total amount of the budgets of the clerks in the General Appropriations Act. For the 2009-2010 fiscal year, the CCOC was directed to release appropriations in an amount equal to 1/12 of each clerk’s approved budget each month. § 4, Ch. 2009-204 (amending § 28.36(10), Fla. Stat.).

Ch. 2013-44, Laws of Fla.

Within just a few years, chapter 2013-44, Laws of Florida, reversed many of the changes to the clerk of court funding system contained in chapter 2009-204, but enhanced the CCOC’s responsibility and oversight functions. It required clerks to submit monthly all revenues collected in the prior month that were in excess of 1/12 of the clerk’s total budget to the Department of Revenue for deposit into the Clerks of the Court Trust Fund. §§ 3 and 8, Ch. 2013-44, Laws of Fla. (amending §§ 28.241(1)(a)1.a. and 28.37(2), Fla. Stat.). The law required the CCOC to conduct annual base budget reviews, conduct cost-comparisons of similarly-situated clerks, report pay and benefit issues, and provide explanation of any clerk expenditure increases over 3%. § 6, Ch. 2013-44, Laws of Fla. (amending § 28.35(2)(f), Fla. Stat.). The law also required the CCOC to use “revenue estimates based on the official estimate for funds accruing to the clerks of the court made by the Revenue Estimating Conference” when “[r]evueing, certifying, and recommending proposed budgets submitted by clerks of the court pursuant to s. 28.36.” *Id.* (amending § 28.35(2)(f)6., Fla. Stat.). Finally, the law directed the LBC to consider the budgets of the clerks and to approve, disapprove or amend and approve the budgets by October 1 of each year. § 2, Ch. 2013-44, Laws of Fla. (amending § 11.90(6)(d), Fla. Stat.).

⁶ Chapter 2009-204 also made clear that all revenues received by the clerks from court-related fees, fines, costs and service charges were state funds, § 5, Ch. 2009-204, Laws of Fla., and made the CCOC’s employees state employees. § 3, Ch. 2009-204, Laws of Fla.

⁷ As an exception, the clerks could deposit 10% of all court-related fines in the Public Records Modernization Trust Fund for operational needs. § 5, Ch. 2009-204, Laws of Fla.

Chapter 2013-44 modified Florida Statute 142.01, so that it states in its current form:

(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-f)~~ **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.~~

~~(23)~~ 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.

§ 142.01, Fla. Stat. (2017).

Since the passage of chapter 2013-44, Laws of Florida, revenues to support the budgets of the clerks of the court have not materialized as projected. On April 4, 2016, Ken Kent of the Florida Court Clerk and Comptrollers Association asked Greenberg Traurig to comment on the continuing applicability of section 47 of Chapter 2008-111, preventing the CCOC from receiving the revenue from the fee increases contained in that law. The firm concluded that section 47 likely ceased to be effective in 2009, but did not recommend seeking a declaration to this effect on the grounds that the legislature could simply reenact it, among other potential political fallout.

Signed by the Governor on Jun 16, 2017, chapter 2017-126, Laws of Florida, once again amended the funding system for clerks of the court by redirecting revenue from certain fines and fees to their fine and forfeiture fund. The law modified, inter alia, the following statutes which became effective upon becoming law:

Florida Statute 28.241(1)(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 into the fine and forfeiture fund established pursuant to s. 142.01 ~~Department of Revenue for deposit into the General Revenue Fund.~~

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

Florida Statute 28.35(2):

The duties of the corporation shall include the following:

(a) Adopting a plan of operation including a detailed budget for the corporation.

(f) Approving the Reviewing, certifying, and recommending proposed budgets submitted by clerks of the court pursuant to s. 28.36. 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....

Florida Statute 28.37(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.

Florida Statute 775.083(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.

Ch. 2017-126, Laws of Fla.

Analysis

After a long period of stasis, the funding system for the clerks of the court has been the subject of considerable ferment over the past decade. Nevertheless, most of the statutes that we investigated unambiguously state in their amended final form that the revenue raised thereunder must be deposited by the clerk of the court into the “fine and forfeiture fund established pursuant to s. 142.01.” §§ 28.241(1)(c), Fla. Stat. (2017), 28.37(5), Fla. Stat. (2017), 318.14(10)(b), Fla. Stat., 318.18(11)(a) and (18), Fla. Stat., 775.083(1), Fla. Stat. (2017). The meaning of the language is clear; there is no reason to look beyond the statutory text. “It is well settled that where a statute is

clear and unambiguous, as it is here, a court will not look behind the statute's plain language for legislative intent. A statute's plain and ordinary meaning must be given effect unless to do so would lead to an unreasonable or ridiculous result.” *City of Miami Beach v. Galbut*, 626 So. 2d 192, 193 (Fla. 1993) (internal citations omitted).

The requirement for deposit in the fine and forfeiture fund has been true since 2008 for some of the statutes, §§ 318.14(10)(b), 318.18(11)(a), 318.18(18), Fla. Stat., since 2013 for others, §§ 28.241, 775.083(1), Fla. Stat., and since 2017 for the remainder. Chapter 2017-126, Laws of Florida, explicitly replaced the requirement for remitting the funds to the Department of Revenue for deposit into the General Revenue Fund with depositing them in the fine and forfeiture fund pursuant to Florida Statute 142.01. It is presumed that in adopting an amendment such as this, the legislature intends to change the meaning of a statute. *Equity Corp. Holdings, Inc. v. Dep’t of Banking and Fin., Div. of Fin.*, 772 So. 2d 588, 590 (Fla. 1st DCA 2000). Therefore, when the legislature makes a substantial and material change in the language of a statute, it is presumed to have intended some specific objective or alteration of the law, unless a contrary indication is clear, and the court must give due significance to such a change. *Caruso v. Caruso*, 814 So. 2d 498, 502 (Fla. 4th DCA 2002).

The legislature also reinforced the point by enacting and amending Florida Statute 142.01(2). It reiterates that the fine and forfeiture fund comprises revenue raised from, inter alia, Florida Statutes 28.241, 318.14(10)(b), 318.18(11)(a), and 775.083(1). Second, Florida Statute 142.01(1)(g) states that the fine and forfeiture fund also consists of “[a]ll other revenues received by the clerk as revenue authorized by law to be retained by the clerk.” Just two statutes, unamended since 2008, themselves leave unstated explicitly where the revenue is to be deposited. §§ 28.241(1)(d); 57.082(1)(d), Fla. Stat. But interpreted in light of Florida Statute 142.01(1), there is no ambiguity where the related revenue is to be deposited either. Section 142.01(1)(f) states that the fine and forfeiture fund is comprised, inter alia, of the filing fees received pursuant to section 28.241, unless otherwise required by law. The language is unambiguous. Florida Statute 57.082(1)(d) states that the “clerk may retain 10 percent of application fees,” while directing the remainder of the fees to the Department of Revenue. § 57.082(1)(d), Fla. Stat. Pursuant to Florida Statute 142.01(1)(g), the 10 percent of application fees is “revenue authorized by law to be retained by the clerk”; and, thus, is required to be deposited in the fine and forfeiture fund. The funds are reserved explicitly for the clerks of the court, and the Department of Revenue has no statutory claim to these funds.

There is yet another reason the revenue from the statutes belongs in the fine and forfeiture fund, especially those unamended since 2008 (i.e., Florida Statutes 28.241(1)(d), 57.082(1)(d), 318.14(10)(b), 318.18(11)(a) and (18)). Memorandum No. 03 interpreted chapter 2008-111, Laws of Florida, to require the clerks to retain increased fees received under chapter 2008-111 to apply against their budgets, with any surplus remitted to the Department of Revenue and any deficit to be supplied by deficit stipend. Memorandum No. 03 is still effective.⁸ The statutes that Memorandum No. 03 interprets are not ambiguous, but if they were the doctrine of contemporaneous construction of a statute by the body that administers the statute in question is generally recognized by the courts. *Andrews v. Borden Co.*, 143 So. 2d 556, 558 (Fla. 2d DCA

⁸ It is unclear whether the CFO will issue a similar memorandum as relates to chapter 2017-126, Laws of Florida.

1962). The well-reasoned views of the agencies implementing a statute constitute a body of experience and informed judgment to which courts and litigants may properly resort for guidance. *Bragdon v. Abbott*, 524 U.S. 624, 642 (1998). A court is not bound by the department's interpretation of a statute which it is legislatively charged with administering, but the interpretation is entitled to great weight and should not be overturned unless clearly erroneous. *United Grand Condo. Owners, Inc. v. Grand Condo. Ass'n, Inc.*, 929 So. 2d 24, 25 (Fla. 3d DCA 2006) (citing, *inter alia*, *Cone v. State, Dep't of Health*, 886 So. 2d 1007 (Fla. 1st DCA 2004)).

Section 47 to chapter 2008-111 precluded the CCOC from approving increases to the clerks' budgets based on increased revenue generated under that act. Greenberg Traurig expressed the opinion in its memorandum dated April 4, 2016 that section 47 was no longer effective after July 7, 2009, when the Florida law adopting the official Florida Statutes took effect.⁹ Ch. 2009-19, Laws of Fla. In support, Section 47 primarily deals on its face with the 2008-2009 period. It expressly caps, "notwithstanding s. 28.36," the budgets for the period July 1, 2008 through September 30, 2008 and October 1, 2008 through June 30, 2009, and no other period. As to later periods, section 47 merely states that the 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." Section 47 of chapter 2008-111, Laws of Florida, does not address where revenue from any statute that is the subject of this memorandum should be deposited.

Chapter 2009-204 amended section 28.36, including as relates to how the clerks are to prepare their budgets. § 4, Ch. 2009-204 (amending § 28.36(3), Fla. Stat.). The amount of the clerks' budgets was set, pursuant to the revised statute, based on the provision of core services such as case processing, financial processing, jury management, and information and reporting to service units, and subject to CCOC review and CFO audit. § 28.36(3)-(4), (6), (8), Fla. Stat. (2009). As such, the provisions could be deemed in conflict. When two statutes are in conflict, the later promulgated statute should prevail as the last expression of legislative intent. *J.M. v. Fla. Agency for Persons with Disabilities*, 938 So. 2d 535, 540 (Fla. 1st DCA 2006). When a general act is an overall revision or general restatement of the law on the same subject, the special act is presumed to have been superseded and repealed. *Town of Palm Bch. v. Palm Bch. Local 1866 of Intern. Ass'n of Fire Fighters*, 275 So. 2d 247, 249 (Fla. 1973). We agree that section 47 is probably no longer binding law.

The composition of the fine and forfeiture fund has become more important in recent years as the legislature has moved progressively to establish the clerks' budget based on a variety of factors including the total revenues available for court-related expenditures. Chapter 2013-44, Laws of Florida, amended Florida Statute 28.35(2)(f)(6) to require the CCOC to "use revenue estimates based on the official estimate for funds accruing to the clerks of the court made by the Revenue Estimating Conference" when "[r]eviewing, certifying, and recommending proposed budgets submitted by clerks of the court pursuant to s. 28.36." Next, chapter 2017-126, Laws of Florida,

⁹ The Greenberg argument was rooted in the fact that while Section 47 became law, it never was incorporated into a statute, and thus was never of a "general and permanent nature." But Section 47 was included in the Florida Statutes in 2008, although only as a footnote to Florida Statute 28.36 (2008). Consistent with the conclusion of the memorandum, but on different grounds, footnotes do not comprise statutory law. *Dockery v. Hood*, 922 So. 2d 258, 261 (Fla. 1st DCA 2006). Section 47 was not included as a footnote in any subsequent versions of the Florida Statutes, evidencing an intent that Section 47 was not to be permanent law.

amended Florida Statute 28.35(2)(f) to require the CCOC to “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”; and amended Florida Statute 28.35(2)(f)(6) similarly to add, “The total combined budgets of the clerks of the court may not exceed the revenue estimates established by the most recent Revenue Estimating Conference.” As such, sums deposited in the fine and forfeiture fund may act as a statutory cap on the clerks’ budgets, subject to article I, section 21 and article V, section 14 of the Florida Constitution.

Conclusion

For all of these reasons, we conclude that the several fees and fines implicated in the statutes discussed in this memorandum belong in the clerks’ fine and forfeiture fund at least up to the value of the clerks’ respective budgets established in accordance with Florida Statute 28.36. Several of the statutes unambiguously state that the revenue raised thereunder must be deposited by the clerk of the court into the fine and forfeiture fund. §§ 28.241(1)(c), Fla. Stat. (2017), 28.37(5), Fla. Stat. (2017), 318.14(10)(b), Fla. Stat., 318.18(11)(a) and (18), Fla. Stat., 775.083(1), Fla. Stat. (2017). Florida Statute 142.01(1) says likewise about, inter alia, Florida Statutes 28.241, 318.14(10)(b), 318.18(11)(a), and 775.083(1). It also states generally that the fine and forfeiture fund is comprised of “[a]ll other revenues received by the clerk as revenue authorized by law to be retained by the clerk.” § 142.01(1)(g), Fla. Stat. This encompasses the 10 percent of application fees that Florida Statute 57.082(1)(d) provides that the clerk may retain, while directing the remainder of the fees to the Department of Revenue. Memorandum No. 03 also interpreted chapter 2008-111, Laws of Florida, to require the clerks to retain increased fee revenue from various statutes that the law amended to apply against their budgets. §§ 28.241(1)(d), 57.082(1)(d), 318.14(10)(b), 318.18(11)(a), (18), Fla. Stat. A statutory cap on the clerks’ budgets is premised in part upon the revenue deposited in the fine and forfeiture fund. § 28.35(2), Fla. Stat. (2017).

July 14, 2017

Greetings Executive Council,

There is a need for an extremely important Executive Council meeting. To schedule a meeting with people as busy as you are is always a challenge. Please forgive the short notice but the topic was not finalized until today. The meeting will take place using the "Go to Meeting" software.

The following contains the details of the meeting:

Date: Monday, July 24, 2017
 Time: 2:00 pm to 3:30 pm
 Host: Go to Meeting Software

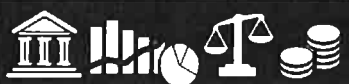
CCOC is aggressively studying our funding problem in an effort to find solutions. It is our statutory obligation to recommend fees to the legislature for adequate funding. We are taking this responsibility seriously. This matter has been assigned to the Legislative Committee headed by Carolyn Timmann.

Sharon Bock and her staff are to be commended for their work on identifying statutory language that currently exists that directs certain fees to the Clerks' Fine and Forfeiture Fund. Currently, the fee schedule developed by FCCC calls for these fees to be sent elsewhere. CCOC has engaged an attorney in Tallahassee with the firm of Holland & Knight who has a wealth of experience in dealing with these matters. He issued a legal memorandum dated July 13th which concludes these certain fees should be properly sent to the Clerks' Fine and Forfeiture Fund in accordance with Florida Statute. This conflicts with the FCCC distribution schedule. Attached is the Legal Memorandum for your review prior to the July 24th meeting. The purpose of the meeting will be to consider adopting the Legal Memorandum as the official position of CCOC.

Stacy Butterfield has accepted the responsibility to work with Clerks and the CCOC staff to estimate how much additional revenue will be realized by the Clerks' Fine and Forfeiture Fund, and correspondingly, the Revenue Estimating Commission forecasts, by the proper depositing of these revenues.

Today a CCOC Executive Committee meeting was held. The CCOC Executive Committee accepted the legal memorandum and will ask the Council for a favorable vote to accept. I am in the process of reaching out to FCCC leadership to resolve the problem with the errors in the fee distribution schedule and commit to work with them on a solution.

Carolyn Timmann will be working with legislative communication on this matter.



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.

Each of us has taken an oath to uphold the laws of the State of Florida. Based on this Legal Memorandum, the statutes call for certain revenues not currently being sent to the Clerks' Fine and Forfeiture Fund, to be deposited to this Fine and Forfeiture Fund. Now that we have been made aware of this issue, we wish to move as expeditiously as possible to be in compliance with the statutes. Of course, this will result in additional revenues being realized by the Fine and Forfeiture Fund and budgeted by CCOC to assist in the proper funding of Clerks and in carrying out the many duties we are assigned in service to our citizens.

Thanks for your efforts to participate in this important meeting.

Very truly yours,



Ken Burke

July 14, 2017

The Honorable Marcia Johnson
Franklin County Clerk of the Circuit Court & Comptroller
President, Florida Association of Court Clerks & Comptrollers
33 Market Street, Suite 203
Apalachicola, FL 32320

Dear Marcia,

Congratulations once again to you on serving as president of our Association. You are to be commended for the early action you have taken to establish the committees and committee membership in record time. Your year got kicked off to a good start with the Executive Session WebEx.

CCOC is dedicated to spending our energies in finding solutions to the Clerk funding problems. At a recent meeting, the CCOC Executive Council authorized attorney Nathan Adams with the firm of Holland & Knight to render an opinion on a matter of concern. Mr. Adams has extensive experience on state issues especially those relating to statutory language on revenues. Mr. Adams has prepared a Legal Memorandum on the topic of certain fees collected by Clerks and whether they are properly distributed in compliance with the respective Florida Statutes. A copy of this memorandum is included with this communication.

As you well know, Clerks use the fee distribution schedule developed by FCCC. To the best of my recollection, the fee schedule is not approved by the FCCC board and the program of work does not assign the fee schedule to any FCCC committee. It appears to be totally the work of FCCC staff in conjunction with any legal advice received. Based on the conclusion reached in Mr. Adams' Legal Memorandum, the fee schedule has and remains to be in error as to certain revenue distributions. The proper place for these particular revenues identified in the memorandum is the Clerks' Fine and Forfeiture Fund. The FCCC fee schedule calls for them to be placed elsewhere.

The CCOC Executive Committee has called for a special meeting of the CCOC Executive Council for the purpose of accepting and acting upon the legal memorandum.

Attached is the letter that will accompany the meeting notice which provides further detail of the CCOC's plan of action.

As mentioned in my letter to the CCOC Executive Council, each of us took an oath to uphold the laws of our state. Through this Legal memorandum, there is clear evidence that the statutes call for certain revenues to be placed in the Clerks' Fine and Forfeiture Fund. It is important for Clerks



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to comply. A benefit of correcting these errors is that it will ensure compliance with the governing statutes and will provide funds necessary to assist Clerks in carrying out our many statutory duties to serve the citizens of our counties.

The purpose of this letter is to offer CCOC's cooperation with you and FCCC staff to work together in correcting the Fine and Fee Distribution Schedule to accurately reflect the execution of the Statutes that govern Clerks. It is important Clerks are in compliance with our oaths.

I look forward to working with you on this matter.

Very truly yours,



Ken Burke

Summary Minutes of the June 21, 2017 CCOC Executive Committee Meeting

The CCOC June 21st Executive Committee meeting was advertised in advance. A telephone number was provided in advance on the CCOC agenda for all interested participants to attend. The telephone conference meeting was called to order at 9:00 AM.

Roll was taken with Chair Ken Burke, Vice-Chair Stacy Butterfield and Secretary/Treasurer Tara Green present. A quorum was present.

Chair Burke called the meeting to order and thanked those in attendance. Clerk Stacy Butterfield moved to approve the draft agenda and Clerk Burke seconded the motion. The agenda as provided and advertised was approved.

Chair Burke asked Clerk Butterfield if she would continue to work with Mr. Dew on the CCOC office Policies and Procedures and give a report at the next Executive Council meeting. She agreed.

Chair Burke moved to approve the minutes from the April 20, 2017 Executive Committee meeting. Clerk Butterfield seconded the motion. The minutes were approved with no revisions.

Chair Burke wanted to take care of some administrative items prior to discussing agenda item #2. Chair Burke noted materials about the lease were sent before the meeting. Mr. Boyd, General Counsel for the CCOC gave his recommendation to extend the present lease for another three years. Chair Burke asked if there were any questions. Motion was made by Clerk Butterfield to authorize Mr. Dew to exercise the extension of the office lease for another three years and any other extensions that may be brought forward per discussion with the landlord. Seconded by Clerk Green. Motion carried unanimously.

Chair Burke turned the meeting over to Clerk Bock to discuss item #2 labeled "funding sources". Clerk Bock noted a concern that the Clerks may not all be collecting and distributing fees correctly. In other words, are we all complying with what the Legislature told us to do concerning collecting and distributing fees properly? Her staff noted several areas of concern and suggested we get an outside legal opinion. Therefore, she would suggest that the CCOC hire an independent law firm to review and provide a legal opinion on the collection and distribution of fines and fees. Based on research she recommended that the CCOC select the Holland and Knight law firm due to their extensive knowledge in this area. Clerk Bock asked if there were any questions.

Chair Burke asked if the basic premise, that the statutes are being followed as they were written, is the question that is being sought. He asked if Clerk Bock agreed. Yes, she said that is absolutely correct. From their premises, the statutes have not been followed properly and they need to be followed properly. He asked Amanda Coffey of his legal team and her reaction was that someone should do the research and get a determination. Chair Burke asked if Holland and Knight would work with Palm Beach's, Clay's, Polk's, and Pinellas' legal staff. The firm may know the statutes, but do not know the Clerks' procedures.

Approved by Executive Committee – July 13, 2017

Following the presentation on Funding Sources by Clerk Bock, Clerk Butterfield made a motion to engage the firm of Holland and Knight for an approximate fee of \$15,000.00 to ensure that court fees, fines and costs are being remitted to the proper entity and fund in accordance with Florida Statutes. The firm would also work with those Clerk's staff as requested above. Clerk Green seconded the motion and the motion passed with a unanimous vote.

Chair Burke shared that the Clerks have always relied on the FCCC to come up with the fee and distribution schedule and send it out. The Clerks need some direction to the new fees with this legislation. He believes it would be damaging for FCCC to put out a new schedule if the old information is improper. Clerk Bock answered after re-reading the duties of the CCOC, the distribution schedule in the future should be a responsibility of the CCOC. She believes that it is improperly placed at the FCCC. The CCOC has the duty to look at fines, fees and identifying Clerks' costs as they were created by the Legislature to be the budget entity for all Clerks on behalf of the State.

Clerk Burke asked Clerk Butterfield if she has any questions. She noted that she has been questioning for years the interpretation of the distribution schedule on this issue and concerns have been raised. She also thinks that working with legal staff at the counties will help with the history. The distribution schedule revision can be a lot of work for the CCOC. However, she agrees it should be a CCOC responsibility with the FCCC being used as a resource. The schedule should be provided to CCOC leadership and Clerks for approval.

Clerk Green said she felt that the right place for it to be is with the CCOC because it is a funding mechanism.

Chair Burke asked Clerk Green to coordinate the effort of transitioning the responsibility of the fee distribution schedule to the CCOC. She agreed that she would do this. Clerk Green made a motion that we will look at a transition plan to evaluate the distribution schedule and any legal changes with a partnership with FCCC and a handoff to the Corporation for the implementation of any changes of fees and fines. Clerk Butterfield seconded the motion. Chair Burke asked if there was any discussion. Hearing none, the vote was taken. Motion passed.

The next item for discussion was the committees. Clerk Butterfield and Clerk Green head two significant committees, the PIE and Budget Committees. They also have obligations as officers at the FCCC. Chair Burke wanted to discuss if there needed to be a succession/transition plan for each of those committees. Clerk Butterfield said she would like to continue to be the Budget Committee Chair for the next year. However, after that year it would be beneficial to make a transition to a new Chair. Chair Burke then asked Clerk Green her ideas on a transition for the PIE Committee. Clerk Green noted that since there are a lot of open items the committee is working on, she would like to continue this year as Chair and work with a Clerk during this time for them to transition in as Chair the year after.

Chair Burke asked Clerk Butterfield to give a status update on analyzing the needs-based budgets. She noted that staff have been going through the budgets and have not calculated any of the weighted workload yet. There are two reasons, one is that they are still going through needs-based budgets with the technical reviews and contacting Clerks if there are issues. Two, we do not have the revised case counts from all of the Clerks yet.

Chair Butterfield noted that with the law change, she and Mr. Dew have to go through and make some calculations of the 1/12th calculation for the rest of the year. Since the 10% is to be remitted to the fine and forfeiture fund, that is going to mean changes. She pointed out that even though the 10% money is going to the fine and forfeiture fund, we have received information from the Revenue Estimating Conference that they want us to continue to track the 10% separately. A memo went out yesterday, June 20th from her saying that there is a new law change and we are working on getting some guidance.

Chair Burke noted that he asked Tiffany Moore Russell, the Orange County Clerk, to head up a committee to look at a new model of funding for the Clerks. Clerk Green asked how that will work with the Financial Analysis Workgroup that currently resides under the PIE Committee. She would like to make sure that the two are working together in conjunction, because that workgroup has looked at revenue funding models in the past. Chair Burke said that would be taken into consideration. Chair Burke stated the Clerks cannot ask for a spending model if they cannot say what the cost of business is. That part of Clerk Green's committee is going to be extremely important and necessary for Clerk Russell's work.

Chair Burke asked Mr. Dew that when sending any correspondence to Clerks for information to state very clearly the reason why the Clerks are being asked for this information especially if it has to do with something from the Legislature, statute inquiry, and asking for Clerk input, etc. We need to be mindful of the reduced staff Clerks have to respond to information. Mr. Dew agreed.

Chair Burke asked if there was any other business. Hearing none, the meeting was adjourned at approximately 10:04 AM.

DRAFT Summary Minutes of the July 13, 2017 CCOC Executive Committee Meeting

The CCOC July 13th Executive Committee meeting was advertised in advance. The meeting was held at 1:00 PM via a telephone conference call.

Roll was taken with Chair Ken Burke, Vice-Chair Stacy Butterfield and Secretary/Treasurer Tara Green present. There was a quorum.

Chair Burke called the meeting to order and thanked those in attendance. There was a change to the agenda order with the discussion on the Holland and Knight Opinion/Memo being first. Chair Burke called upon Mr. Joe Boyd, CCOC General Counsel to give his analysis on the opinion. Mr. Boyd responded it was an excellent analysis and the conclusion was supported by law and fact. Chair Burke then asked the others on the Executive Committee as well as Clerk Bock and Clerk Timmann if they had any issues with the content. They responded that they had none. Clerk Butterfield noted that the statute reference on page one needed to be corrected. It should be "28.241(1)d". Mr. Dew will communicate with Holland and Knight to have the correction made and the opinion sent back to the Committee.

Chair Burke began a discussion on the strategy now that we have the opinion. The key points are constitutional responsibilities and proper communication. He said as Clerks they take an oath to follow the laws of Florida. Chair Burke asked the question of how to best be responsive to the legislators. Clerk Bock stated that it should be a measured approach. First, the Executive Committee votes to accept the Holland and Knight opinion and then the Executive Council will vote. The second question is how to implement this. A question that came up was the issue of the Revenue Estimating Conference (REC). The Clerks cannot spend more money than the REC projects. Since the law says the Clerks' budgets cannot be higher than the REC number, CCOC might want to wait until the REC meets in the Fall. This will give CCOC proper time to bring it to Legislative staff, Legislators and the REC in the fall.

Chair Burke stated that the Clerks rely on the fee schedule that is distributed to them and it is clear from the Holland and Knight Opinion that FCCC sent out an improper fee schedule which required sending the fees to the General Revenue instead of the Clerks' fine and forfeiture fund.

Clerk Butterfield suggested that the CCOC staff go through and delineate the data for the five statutes. Mr. Dew noted that we do receive revenue information monthly from Clerks in the statutory areas being discussed but three of the five statutory areas are lumped together. If the Council needed to know the delineation of revenues by each individual statute reference, we would have to seek that information from Clerks. Clerk Butterfield said that she would draft something to be sent out to the Clerks and ask Clerks to verify the dollar amounts for each of the five statute references for the last few years and through June of

the current county fiscal year. Chair Burke asked if there could be a sampling of Clerks instead of asking all 67 Clerks. Clerk Butterfield agreed.

Clerk Bock suggested that the Budget Committee look at the numbers and see what the effect will be on the Clerks' budgets. She also noted that the numbers be sent to the CCOC Legislative Committee so they can begin to form the actions that CCOC will take. They would also inform the Legislative Committee at the FCCC.

Chair Burke made a motion to assign Clerk Butterfield to be the point person and work with the CCOC staff to accumulate data as to the revenue that is involved with these various statutes and come up with the estimation of how much revenue is being talked about for whatever administrative year. Clerk Butterfield will determine how data should be vetted. Clerk Butterfield will have the flexibility to seek a survey of all Clerks or have a sampling of Clerks. The Budget Committee will quantify the figures that are involved with the various statutes referenced in the Holland and Knight Opinion. Clerk Green seconded the motion. Chair Burke asked if there was any discussion. Clerk Green asked what the timing was going to be. Clerk Burke said as soon as we have the numbers. Clerk Burke also asked if there were any comments from those on the phone calling in. There was none. The vote was taken. The motion passed unanimously.

Chair Burke made a second motion that Clerk Timmann as the Chair of the CCOC Legislative Committee to communicate with legislative staff. She will come up with a plan to start communicating this memo and opinion to the legislative staff. She will communicate on a basic level of what CCOC is doing and then give them a comprehensive review with the actual data and the consistency throughout the State. Clerk Butterfield seconded the motion. Clerk Burke asked if there were any questions from the Committee members or those on the phone. There was no discussion and the vote was taken. The motion passed unanimously.

Chair Burke's next question was how to communicate with the Clerks. Clerk Butterfield noted that before the CCOC talks to the Clerks, the FCCC leadership team needs to be informed either by a phone call or webinar and have a discussion about the notes that were found. Clerk Bock stated that the Executive Committee needs to accept the memo as written. Then the Executive Council will meet and have all that was done gone over with them. The Executive Council should be the one to release this. Then the Executive Committee will meet with the FCCC Executive Committee or the two boards will meet and go over the fee and distribution schedule. The distribution schedule needs to be confirmed by the CCOC before it is put out.

Chair Burke made the motion that the Executive Committee officially accept the Holland and Knight memo as legal direction and will ask the CCOC Executive Council to consider this for approval. Clerk Butterfield seconded the motion. Clerk Burke asked if there were any discussion from the Committee members are questions from those on the phone. There was no further discussion or questions and the vote was taken. The motion passed unanimously.

Chair Burke set an Executive Council meeting for July 24, 2017 at 2:00 PM. He will put out the communication for the meeting with the help of Mr. Dew and staff. The meeting will be a "Go To Training" meeting so it will accommodate a large group with the ability to have all participants raise their hands to be recognized.

Continuing with the agenda, the minutes from the June 21st Executive Committee meeting were approved. Clerk Butterfield made the motion to approve with a second from Clerk Green. The vote was taken and the motion passed unanimously.

Clerk Butterfield and Clerk Green reported the succession plan for their committee chairs for the next year. Clerk Butterfield will speak with Clerk Jeff Smith. Clerk Green said that Clerk Barbee was committed to being Chair for the PIE Committee next year. Clerk Green suggested that the CCOC committees and workgroup chairs meet in person to update what each group is working on. Chair Burke suggested maybe a board retreat would work.

Concerning an update of CCOC's Office Policy and Procedures, Clerk Butterfield said she has one of her staff working with CCOC staff on this issue. She will report the progress at the next Executive Committee meeting.

As for the Uniform Case Management Database System Study, Clerk Green stated she would volunteer to work on this issue and have it come under the responsibility of the CCOC PIE Committee. She said she would work closely with Clerk Doggett who is on the CCIS Committee. Chair Burke thanked her for taking on this project.

Chair Burke asked the Committee members and those on the phone if they had any closing comments or questions. There were none. With there being no other business the meeting was adjourned at 2:02 PM.

Agenda Item 2

Executive Council Meeting

July 21, 2017

Date: July 24, 2017

Subject: Agenda item 2: Other Business—PIE Report

Council Action: Approve the CFY 16/17 Quarter 1 Action Plan Reports for distribution.

Overview/Background:

Section 28.35(d)(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.

Quarter 1 Collection Highlights

- Civil traffic court division continues to exceed 33% of all court divisions for not meeting collections standards.
- Criminal court divisions collectively continue to be a challenge to collect. 21 counties who did not meet the circuit criminal court collection standard, 13 would have met the standard had drug trafficking assessments not be included as part of circuit criminal assessments. Almost 60% of these counties circuit court assessments for this quarter were drug trafficking related assessments.
- The civil court divisions remain above their performance standards.
- Collectively, quarter 1 collection rate increased to 67.75% from 63.69% at the end of last year.

Quarter 1 Timeliness Highlights

- Information was not available for analysis of filing new cases timely because of changes on how new cases are counted. Business rules are currently under review and development.
- 21 action plans were required for not docketing cases timely. Most of the reason was because of the lack of staff and the need for cross training.
- There was a slight decrease in the timeliness of docketing criminal cases from last year although remaining above the standard.

Recommendation: Approved the CFY 16/17 Quarter 1 Action Plan Reports for distribution.

Lead Staff: Douglas Isabelle, Deputy Executive Director

Attachments:

- CFY 2016/17 Quarter 1 Action Plan Summary Report



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.



Quarterly Performance Measure & Action Plans Report

Section 28.35(2)(d) Florida Statutes

1st Quarter
County Fiscal Year 2016 – 2017

(October 1, 2016 through December 31, 2016)

July 2017

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Performance Measure & Quarterly Action Plan 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), F.S. 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)

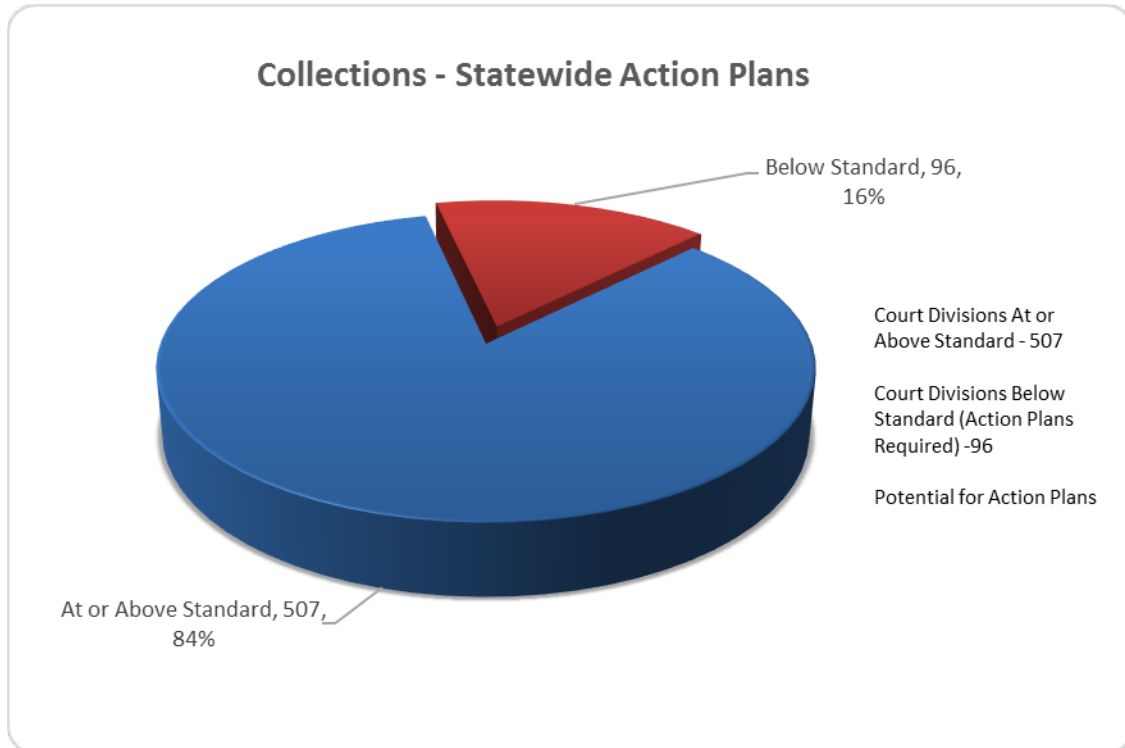
When the CCOC finds a Clerk's office has not met the performance standards, the CCOC identifies the nature of each deficiency and any corrective action recommended and taken by the affected Clerk of the Court. The CCOC is required to notify the Legislature of any clerk not meeting performance standards 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 1st Quarter of 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.

For the 1st Quarter of CFY 2016-2017, 14 counties did not have an action plan related to Collections, 54 counties had no action plans for Timeliness 2, and 62 counties had no action plans regarding Jury Timeliness. Information not available for analysis of the Timeliness 1 standard. The performance measure analysis and required action plans are in the following pages of this report.

Collections – Statewide Performance

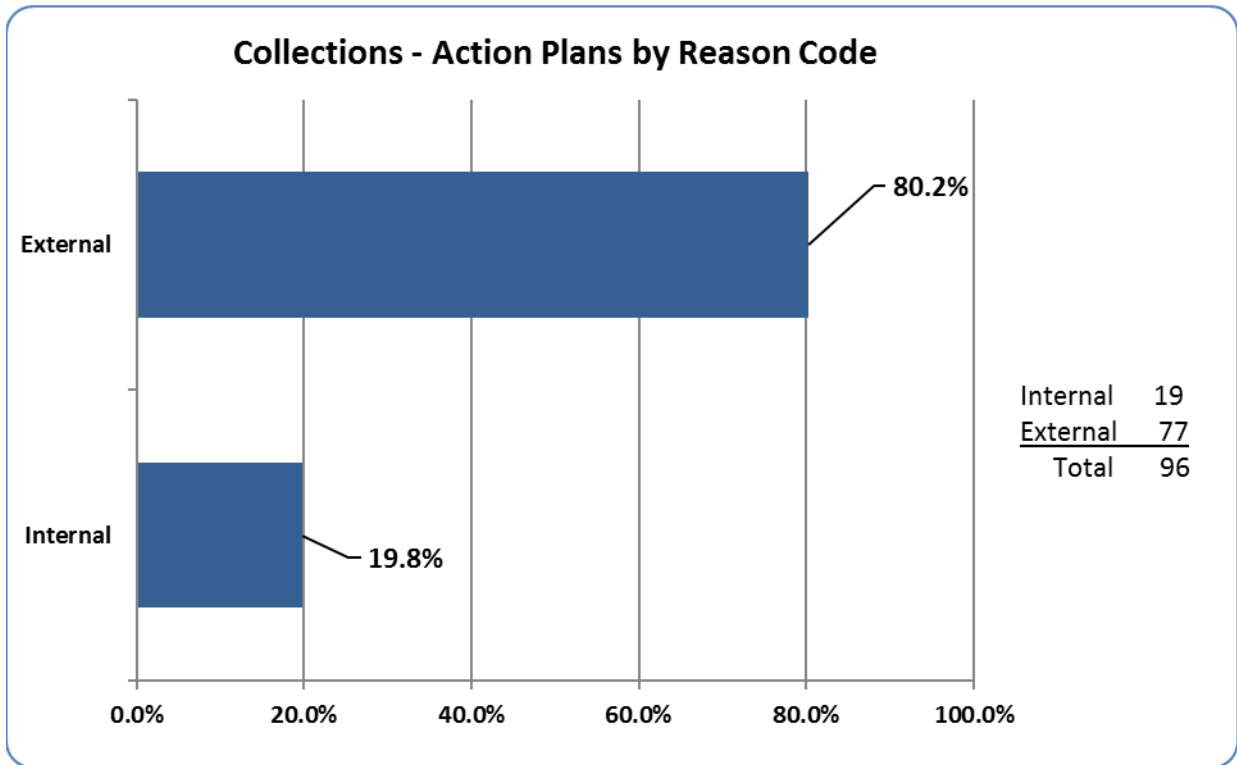


Collection Performance by Reason Code

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 new 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 96 action plans where the collection standard was not met, 19 (20%) were classified as within the control of the Clerk. A list of the 19 action plans for 13 counties is found below. The remaining 77 (80%) action plans were outside the control of the Clerks' offices. A list of these external reasons is found in Appendix C.



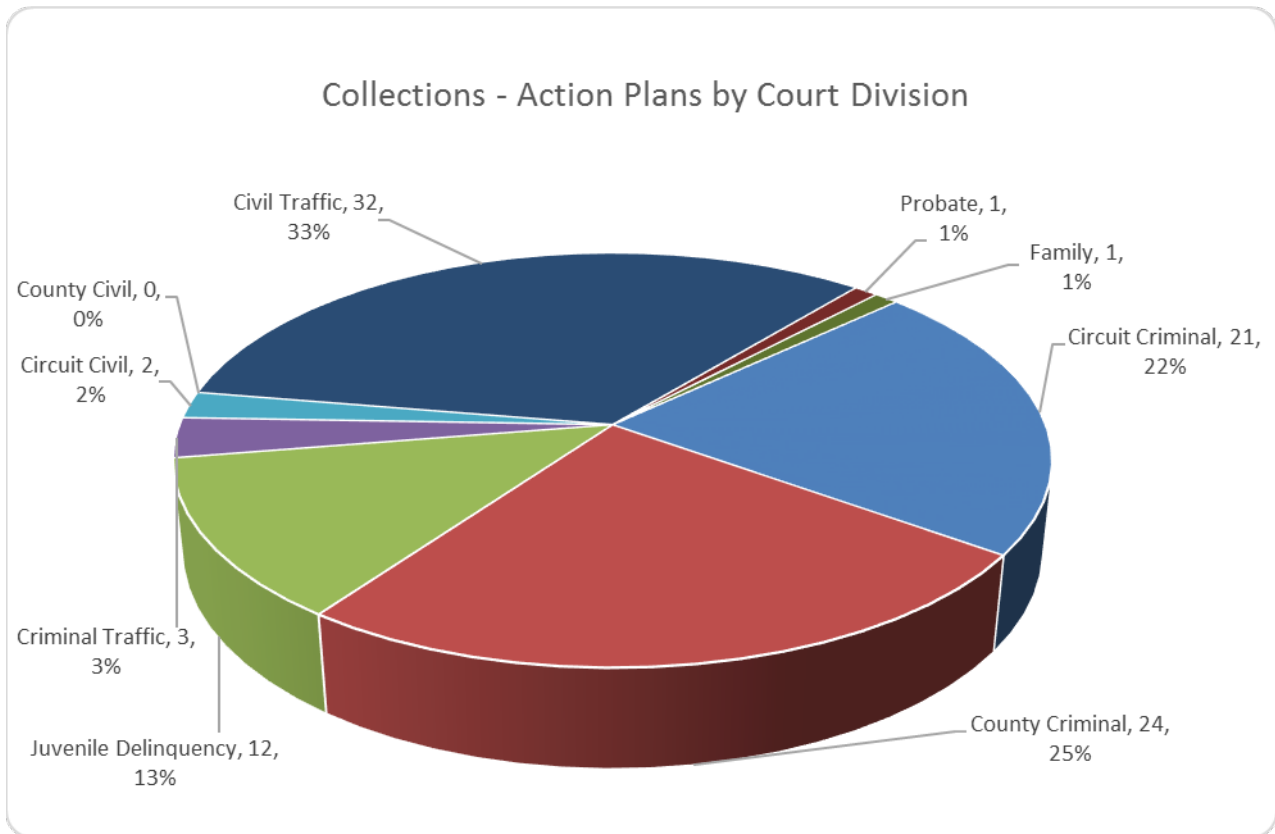
Internal – Action Plans

	County	Court Division	Plan to Improve
1	Brevard	County Criminal	Balance adjustments related to court orders.
2	Broward	Civil Traffic	Reduced hours of operation at our service windows and closed DHSMV payment locations because of budget reductions impact our collections efforts.
3	Charlotte	County Criminal	Late notice will be sent to defendants on cases that are 30 days late. If not paid 90 days after late notice, case will be sent to collections.
4	Charlotte	Civil Traffic	Fell below the measurement by 1/10 of a percent. Continuing efforts will be made sending D-6 letters and onto Collections after 90days.
5	Clay	Circuit Criminal	Defect in Report with CMS - Tyler Technologies. We are working with Tyler on a Solution.
6	Hamilton	Civil Traffic	We are working to increase collections in civil traffic. Cases forwarded to collections have increased in the past few months.
7	Highlands	County Criminal	Contracting with FCCC/Civitek to take credit card payments via our website. This will allow customers to make payment 24 hours a day. Should be up and running by next quarter.
8	Highlands	Criminal Traffic	Will be taking credit card payments 24 hours a day via our website within the next quarterly review/report.
9	Lafayette	County Criminal	Make sure to report community service amounts correctly.
10	Lake	County Criminal	Lack of sufficient staffing due to continued budget cuts reduces ability to aggressively pursue delinquent accounts.
11	Lake	Civil Traffic	Lack of sufficient staffing due to continued budget cuts reduces ability to aggressively pursue delinquent accounts.
12	Manatee	Civil Traffic	Have rebuilt financial code to make date range correction- historically have used original fine date; now using date assessed by court. Should see improvements moving forward.
13	Marion	County Criminal	Unable to create an action plan to improve. We are following procedures set by the Best Practices Committee.
14	Pinellas	County Criminal	Refining processes and looking for additional ways of improving our collections.
15	Pinellas	Juvenile Delinquency	Refining processes and looking for additional ways of improving our collections and by the next reporting period we hope to meet our standards.
16	Pinellas	Civil Traffic	Restructure of collection efforts and find additional or better methods to improve our collections in this area.

17	Sarasota	County Criminal	Intense Management of existing payment plans and further utilization of collection agencies expect to improve collection rates in 2017.
18	Sarasota	Civil Traffic	Intense management of existing payment plans and further utilization of collection agencies expected to improve collection rates in 2017.
19	Washington	County Criminal	Change the procedures for collection to increase amount collected.

Collection Performance by Court Division

As shown below, the civil traffic court division continues to exceed (33%) all other court divisions for not meeting collection standards. Criminal court division cases, as a whole (63%) continue to be a challenge to collect.



Historic Collection Rates

The table below shows that from the end of CFY 2015-16 through the 1st quarter of CFY 2016-17 Circuit Criminal and County Criminal showed an increase in collection performance; however, county criminal remains below the performance standard. Juvenile Dependency and Criminal Traffic saw a decrease in collection performance, but remained well above the performance standard.

In the civil court divisions, Circuit Civil, County Civil, Probate, and Family remain above their performance standards. Civil Traffic court division continues to remain below the collection 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%				9%
Circuit Criminal (No Trafficking)	13.12%	16.61%				NA
County Criminal	35.70%	39.07%				40%
Juvenile Delinquency	16.32%	13.97%				9%
Criminal Traffic	61.92%	61.53%				40%
Circuit Civil	99.06%	99.15%				90%
County Civil	99.56%	99.64%				90%
Civil Traffic	84.94%	84.17%				90%
Probate	99.15%	99.11%				90%
Family	96.78%	96.64%				75%
	63.69%	67.75%				

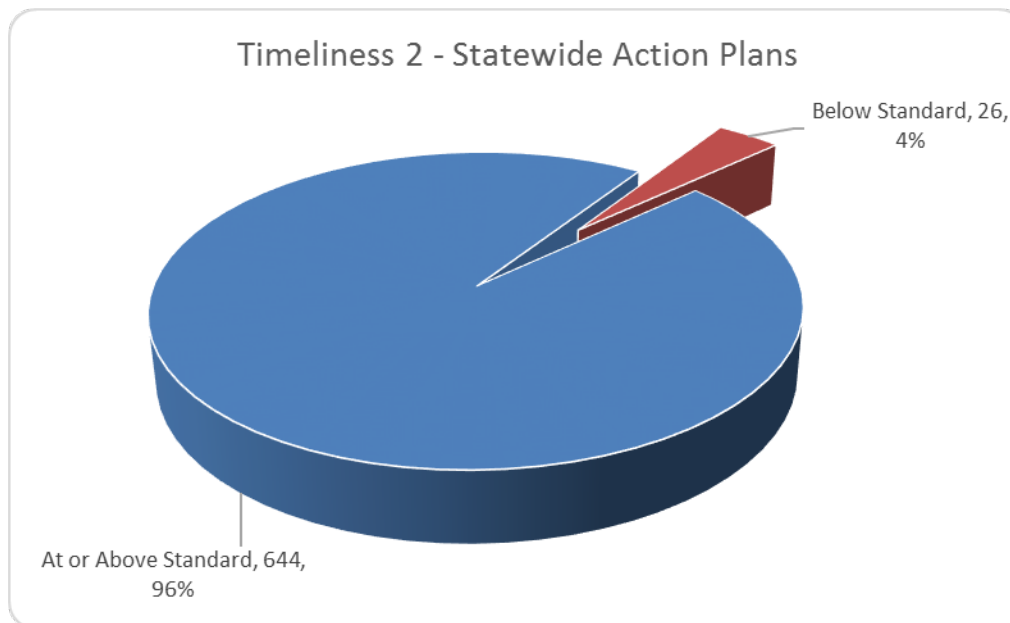
After adjusting the drug trafficking mandatory assessments and collections; the statewide Circuit Criminal court division collection rate increased from 9.44% to 16.61%.

Of the 21 counties who did not meet the Circuit Criminal collection standard, 13 would have met the standard had Drug Trafficking assessments not be included as part of Circuit Criminal assessments. Drug Trafficking assessments accounted for over 57% of total assessments for these counties in Quarter 1. Less than a half percent was collected due to the prison sentence.

Timeliness 1 – Cases Filed

Timeliness data cannot be obtained for Timeliness 1 because of changes in the case counting rules for CFY 2016-17. New timeliness standards are currently under review and development. A date for completion and implementation is unknown at this time.

Timeliness - Statewide Performance Cases Docketed



Timeliness Performance by Reason Codes

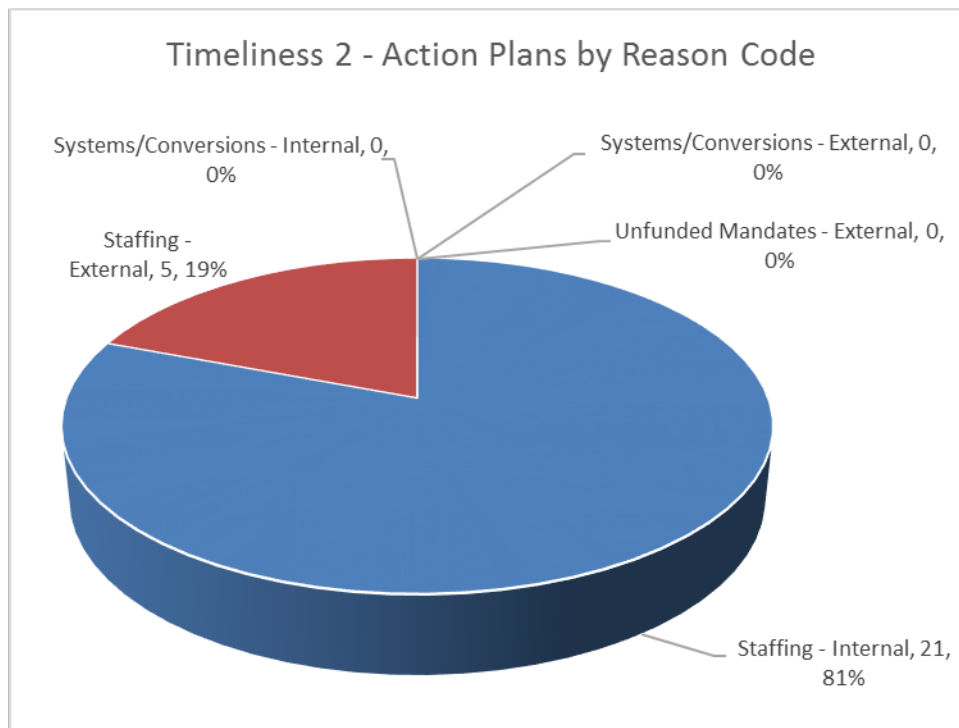
Pursuant to Executive Council direction on October 6, 2015, the “Reason Codes” chosen for not meeting a statewide Timeliness (filing cases timely and entering dockets timely) performance measures were amended to clarify what was under the control of the Clerk’s office to correct and what was not. The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

The 26 action plans required for not docketing cases timely (Time 2), 21 were in their control to correct. All 21 of those action plans site internal staffing as their reason for not meeting the standard. The 5 action plans for external reasons also site staffing as the reason and are detailed in Appendix B.

Timeliness 2 (Docket Entries) – Performance by Reason Code



Timeliness 2 (Docket Entry) – Internal Office Action Plans

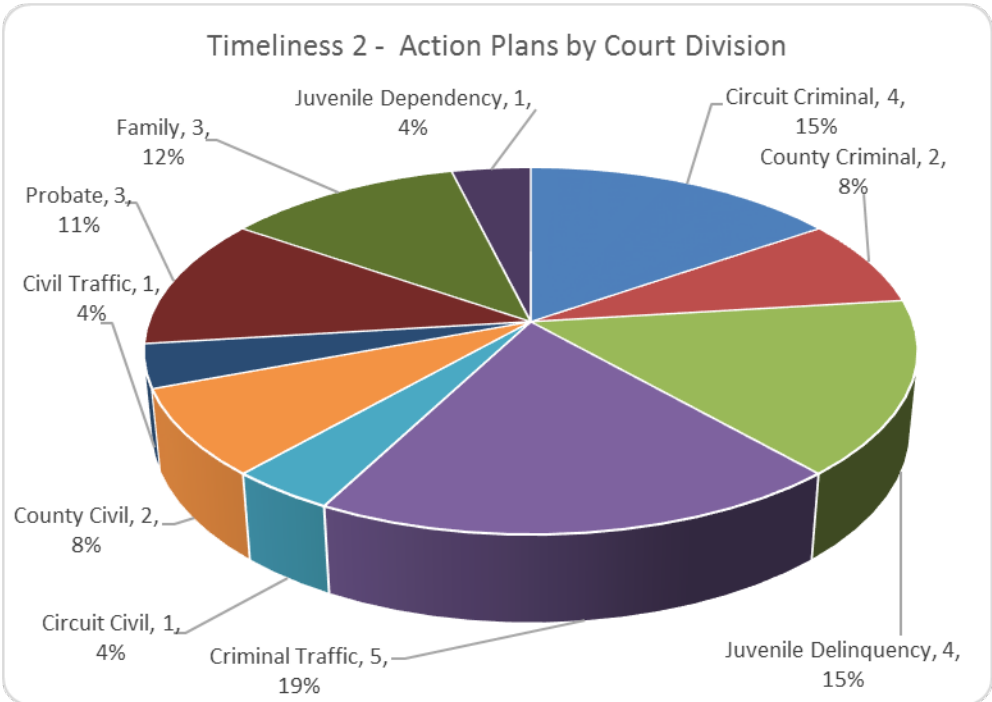
	County	Division	Reason Code	Action Plan to Improve
1	Broward	Probate	Staffing	Budget permitting, overtime will be utilized to improve timeliness.
2		Family	Staffing	Vacant positions to be filled in January
3	Calhoun	Circuit Criminal	Staffing	Cross training and re-arranged duties.

4	Citrus	Probate	Staffing	We are cross training internal and hope to find next opening with probate experience
5	Dade	Circuit Civil	Staffing	Unable to meet standard due to reduced staff as a result of the 15-16 budget cut
6		Family	Staffing	Unable to meet standard due to reduced staff as a result of the 15-16 budget cut
7		Juvenile Dependency	Staffing	Unable to meet standard due to reduced staff as a result of the 15-16 budget cut
8	Dixie	Circuit Criminal	Staffing	case load larger than expected - training staff for backup
9	Gadsden	Criminal Traffic	Staffing	insufficient staff available to handle caseload
10		County Civil	Staffing	insufficient staff available to handle caseload
11	Glades	Civil Traffic	Staffing	We have employed a part-time employee to assist with traffic.
12	Gulf	Juvenile Delinquency	Staffing	Moving staff to new positons due to budget cuts. Retraining staff for the new duties.
13	Highlands	Circuit Criminal	Staffing	CF Clerk was out on FMLA. Will perform additional cross training with CF court clerks on eFiling. Should resolve by next quarter.
14	Leon	Criminal Traffic	Staffing	short staff
15		County Civil	Staffing	clerk assist in other departments not enough staff
16		Probate	Staffing	clerk assist in other departments not enough staff
17		Family	Staffing	understaffed
18	Okaloosa	Juvenile Delinquency	Staffing	Judiciary changes in proceedings required a shift in responsibilities of duties for this court type. Changes

				in Judiciary processes and unsustainable court funding are slowing down the required training.
19	Putnam	Circuit Criminal	Staffing	We are reducing headcount to meet budget reductions and do not have adequate staff to meet all performance measures. Cross training and moving headcount to pinch points is not enough to counter reductions, planned and unplanned time off, etc. Even so, this is a near-miss which we will work vigorously to resolve next quarter.
20		Criminal Traffic	Staffing	
21	Washington	Juvenile Delinquency	Staffing	Moved to new Courthouse Everything is now back to normal.

Statewide Performance by Court Division – Timeliness 2 (Docket Entry)

As shown below, 59% of action plans for Timeliness 2 (docket entry) were in the Criminal court divisions, accounting for 15 of the 26 action plans. Criminal Traffic alone accounted for 19% of the actions plans for Timeliness 2.

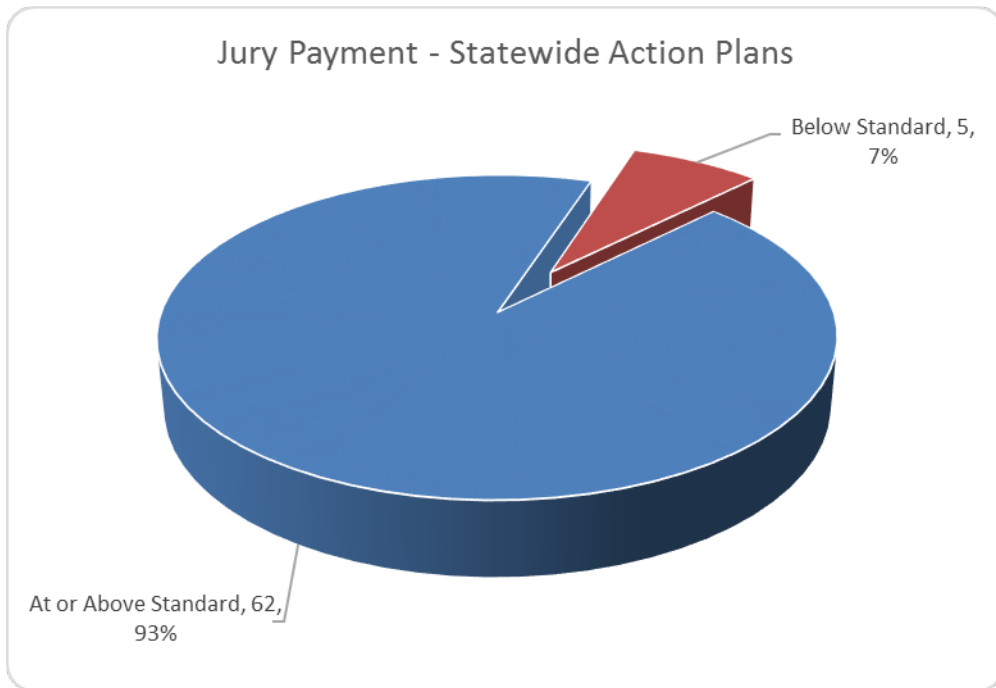


Historic Timeliness 2 Rates

For Timeliness 2, all court divisions are meeting the standard for entering dockets timely. For the Criminal court divisions, all had a slight decrease over CFY 2015-16 totals, except for an increase in Juvenile Delinquency. Half of the Civil court divisions had an increase while Probate, Family, and Juvenile Dependency had decreases.

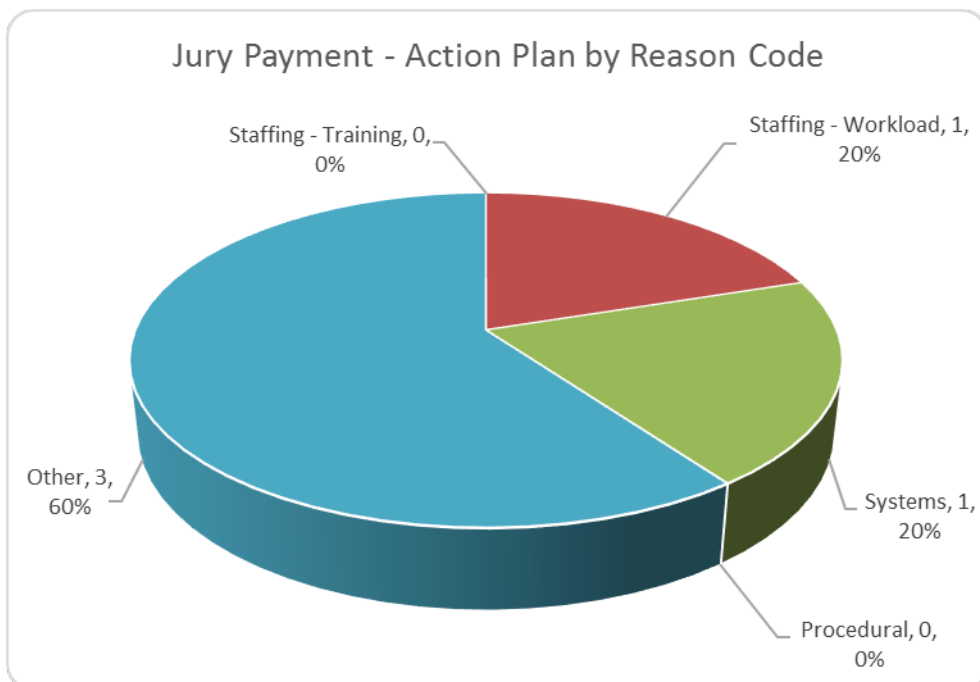
Time 2						
Quarter 1 CFY 2016-17						
Court Division	CFY 2015-16 Year End	CFY 2016-17 1st Quarter	CFY 2016-17 2nd Quarter	CFY 2016-17 3rd Quarter	CFY 2016-17 4th Quarter	Standard
Circuit Criminal	95.48%	94.24%				80.00%
County Criminal	95.47%	95.14%				80.00%
Juvenile Delinquency	95.19%	96.65%				80.00%
Criminal Traffic	95.58%	95.11%				80.00%
Circuit Civil	88.67%	90.28%				80.00%
County Civil	92.52%	94.20%				80.00%
Civil Traffic	96.47%	97.39%				80.00%
Probate	94.19%	93.77%				80.00%
Family	92.75%	92.55%				80.00%
Juvenile Dependency	95.38%	93.20%				80.00%

Jury Payments – Statewide Action Plans Required



Jury Payment Action Plans by Reason Code

The performance standard for timely juror payment is 100% payment of jurors within 20 days of final jury attendance. Of the five reason codes for not meeting the performance standard, Staffing – Training and Procedural had none. Three counties listed Other, one listed Staffing – Workload, and one listed Systems.



Jury Payment Action Plans

	County	Reason	Action Plan
1	Bradford	Staffing - Workload	Coordination between 3 employees wasn't effective during the holidays. Will try to improve.
2	Gadsden	Other (Explain)	One juror requested payment late
3	Madison	Other (Explain)	All Jury Trials were called off before court was held.
4	Monroe	Systems	Our finance system is still not compactable to our Jury system. Some of the checks are not posting in the system. So, we have to manually put them in.
5	Santa Rosa	Other (Explain)	Please see the attachment for explanation.

Appendix A
Collections Performance by Division
CFY 2017-16 Quarter 1

County	Reporting Quarter	Circuit Criminal	County Criminal	Juvenile Delinquency	Criminal Traffic	Circuit Civil	County Civil	Civil Traffic	Probate	Family	Total
Alachua	Qrt 1 10/1-12/31		External								1
Baker	Qrt 1 10/1-12/32		External		External			External			3
Bay	Qrt 1 10/1-12/33	External	External								2
Bradford	Qrt 1 10/1-12/34			External		External					2
Brevard	Qrt 1 10/1-12/35		Internal								1
Broward	Qrt 1 10/1-12/36			External				Internal			2
Calhoun	Qrt 1 10/1-12/37		External	External							2
Charlotte	Qrt 1 10/1-12/38	External	Internal					Internal			3
Citrus	Qrt 1 10/1-12/39										0
Clay	Qrt 1 10/1-12/40	Internal									1
Collier	Qrt 1 10/1-12/41										0
Columbia	Qrt 1 10/1-12/42		External								1
Dade	Qrt 1 10/1-12/43		External					External			2
Desoto	Qrt 1 10/1-12/44										0
Dixie	Qrt 1 10/1-12/45		External		External			External			3
Duval	Qrt 1 10/1-12/46		External					External			2
Escambia	Qrt 1 10/1-12/47	External						External			2
Flagler	Qrt 1 10/1-12/48										0
Franklin	Qrt 1 10/1-12/49										0
Gadsden	Qrt 1 10/1-12/50							External			1
Gilchrist	Qrt 1 10/1-12/51							External			1
Glades	Qrt 1 10/1-12/52	External								External	2
Gulf	Qrt 1 10/1-12/53										0
Hamilton	Qrt 1 10/1-12/54	External						Internal			2
Hardee	Qrt 1 10/1-12/55										0
Hendry	Qrt 1 10/1-12/56			External-Judicial				External			2
Hernando	Qrt 1 10/1-12/57	External		External							2
Highlands	Qrt 1 10/1-12/58		Internal		Internal						2
Hillsborough	Qrt 1 10/1-12/59		External					External			2
Holmes	Qrt 1 10/1-12/60							External			1
Indian River	Qrt 1 10/1-12/61	External									1
Jackson	Qrt 1 10/1-12/62			External							1
Jefferson	Qrt 1 10/1-12/63										0
Lafayette	Qrt 1 10/1-12/64		Internal								1
Lake	Qrt 1 10/1-12/65		Internal					Internal			2
Lee	Qrt 1 10/1-12/66	External						External			2
Leon	Qrt 1 10/1-12/67		External								1
Levy	Qrt 1 10/1-12/68	External						External			2
Liberty	Qrt 1 10/1-12/69			External		External		External			3
Madison	Qrt 1 10/1-12/70		External					External			2
Manatee	Qrt 1 10/1-12/71							Internal			1
Marion	Qrt 1 10/1-12/72		Internal								1
Martin	Qrt 1 10/1-12/73										0
Monroe	Qrt 1 10/1-12/74							External			1
Nassau	Qrt 1 10/1-12/75							External			1
Okaloosa	Qrt 1 10/1-12/76	External						External			2
Okeechobee	Qrt 1 10/1-12/77							External			1
Orange	Qrt 1 10/1-12/78		External	External				External			3
Osceola	Qrt 1 10/1-12/79	External						External			2
Palm Beach	Qrt 1 10/1-12/80		External	External							2
Pasco	Qrt 1 10/1-12/81	External									1
Pinellas	Qrt 1 10/1-12/82		Internal	Internal				Internal			3
Polk	Qrt 1 10/1-12/83	External	External					External			3
Putnam	Qrt 1 10/1-12/84	External		External				External			3
Santa Rosa	Qrt 1 10/1-12/85							External			1
Sarasota	Qrt 1 10/1-12/86	External	Internal					Internal			3
Seminole	Qrt 1 10/1-12/87							External			1
St. Johns	Qrt 1 10/1-12/88										0
St. Lucie	Qrt 1 10/1-12/89										0
Sumter	Qrt 1 10/1-12/90										0
Suwannee	Qrt 1 10/1-12/91	External									1
Taylor	Qrt 1 10/1-12/92	External						External			2
Union	Qrt 1 10/1-12/93	External							External		2
Volusia	Qrt 1 10/1-12/94	External	External	External							3
Wakulla	Qrt 1 10/1-12/95										0
Walton	Qrt 1 10/1-12/96										0
Washington	Qrt 1 10/1-12/97	External	Internal								2
Statewide		21	24	12	3	2	0	32	1	1	96
Internal Reasons		1	9	1	1	0	0	7	0	0	19
External Reasons		20	15	11	2	2	0	25	1	1	77

Appendix A
Timeliness 1 (Case Processing) by Division
CFY 2017-16 Quarter 1

County	Reporting Quarter	Circuit Criminal	County Criminal	Juvenile Delinquency	Criminal Traffic	Circuit Civil	County Civil	Civil Traffic	Probate	Family	Juvenile Dependency	Total
Alachua	Qrt 1 10/1-12/31											0
Baker	Qrt 1 10/1-12/32											0
Bay	Qrt 1 10/1-12/33											0
Bradford	Qrt 1 10/1-12/34											0
Brevard	Qrt 1 10/1-12/35											0
Broward	Qrt 1 10/1-12/36					Staffing - Internal			Staffing - Internal			2
Calhoun	Qrt 1 10/1-12/37											0
Charlotte	Qrt 1 10/1-12/38											0
Citrus	Qrt 1 10/1-12/39											0
Clay	Qrt 1 10/1-12/40											0
Collier	Qrt 1 10/1-12/41											0
Columbia	Qrt 1 10/1-12/42		Staffing - External		Staffing - External							2
Dade	Qrt 1 10/1-12/43					Staffing - Internal						1
Desoto	Qrt 1 10/1-12/44											0
Dixie	Qrt 1 10/1-12/45	Staffing - Internal										0
Duval	Qrt 1 10/1-12/46											0
Escambia	Qrt 1 10/1-12/47				Staffing - Internal							1
Flagler	Qrt 1 10/1-12/48											0
Franklin	Qrt 1 10/1-12/49											0
Gadsden	Qrt 1 10/1-12/50				Staffing - Internal							1
Gilchrist	Qrt 1 10/1-12/51											0
Glades	Qrt 1 10/1-12/52											0
Gulf	Qrt 1 10/1-12/53			Staffing - Internal								1
Hamilton	Qrt 1 10/1-12/54											0
Hardee	Qrt 1 10/1-12/55											0
Hendry	Qrt 1 10/1-12/56	Staffing - External										0
Hernando	Qrt 1 10/1-12/57											0
Highlands	Qrt 1 10/1-12/58											0
Hillsborough	Qrt 1 10/1-12/59											0
Holmes	Qrt 1 10/1-12/60											0
Indian River	Qrt 1 10/1-12/61											0
Jackson	Qrt 1 10/1-12/62											0
Jefferson	Qrt 1 10/1-12/63											0
Lafayette	Qrt 1 10/1-12/64											0
Lake	Qrt 1 10/1-12/65											0
Lee	Qrt 1 10/1-12/66											0
Leon	Qrt 1 10/1-12/67			Staffing - Internal	Staffing - Internal			Staffing - Internal				3
Levy	Qrt 1 10/1-12/68											0
Liberty	Qrt 1 10/1-12/69											0
Madison	Qrt 1 10/1-12/70				Staffing - Internal							1
Manatee	Qrt 1 10/1-12/71			Staffing - Internal								1
Marion	Qrt 1 10/1-12/72											0
Martin	Qrt 1 10/1-12/73											0
Monroe	Qrt 1 10/1-12/74											0
Nassau	Qrt 1 10/1-12/75					Systems/Conversions - Internal						1
Ocala	Qrt 1 10/1-12/76											0
Okeechobee	Qrt 1 10/1-12/77	Staffing - Internal		Staffing - Internal		Systems/Conversions - Internal	Systems/Conversions - Internal		Systems/Conversions - Internal		Systems/Conversions - Internal	5
Orange	Qrt 1 10/1-12/78											0
Osceola	Qrt 1 10/1-12/79											0
Palm Beach	Qrt 1 10/1-12/80											0
Pasco	Qrt 1 10/1-12/81											0
Pinellas	Qrt 1 10/1-12/82											0
Polk	Qrt 1 10/1-12/83					Staffing - Internal						1
Putnam	Qrt 1 10/1-12/84					Staffing - Internal						1
Santa Rosa	Qrt 1 10/1-12/85										Staffing - Internal	1
Sarasota	Qrt 1 10/1-12/86											0
Seminole	Qrt 1 10/1-12/87											0
St. Johns	Qrt 1 10/1-12/88											0
St. Lucie	Qrt 1 10/1-12/89											0
Sumter	Qrt 1 10/1-12/90											0
Suwannee	Qrt 1 10/1-12/91											0
Taylor	Qrt 1 10/1-12/92											0
Union	Qrt 1 10/1-12/93					Staffing - External						1
Volusia	Qrt 1 10/1-12/94											0
Wakulla	Qrt 1 10/1-12/95											0
Walton	Qrt 1 10/1-12/96											0
Washington	Qrt 1 10/1-12/97											0
Statewide		3	1	4	5	7	1	1	2	0	0	
Internal Reasons		2	0	4	4	6	1	1	2	0	2	
External Reasons		1	1	0	1	1	0	0	0	0	4	

Appendix A
Timeliness 2 (Docket Entries) by Division
CFY 2017-16 Quarter 1

County	Reporting Quarter	Circuit Criminal	County Criminal	Juvenile Delinquency	Criminal Traffic	Circuit Civil	County Civil	Civil Traffic	Probate	Family	Juvenile Dependency	Total
Alachua	Qrt 1 10/1-12/31											0
Baker	Qrt 1 10/1-12/32											0
Bay	Qrt 1 10/1-12/33											0
Bradford	Qrt 1 10/1-12/34											0
Brevard	Qrt 1 10/1-12/35											0
Broward	Qrt 1 10/1-12/36								Staffing - Internal	Staffing - Internal		2
Calhoun	Qrt 1 10/1-12/37	Staffing - Internal										0
Charlotte	Qrt 1 10/1-12/38											0
Citrus	Qrt 1 10/1-12/39								Staffing - Internal			1
Clay	Qrt 1 10/1-12/40											0
Collier	Qrt 1 10/1-12/41											0
Columbia	Qrt 1 10/1-12/42		Staffing - External		Staffing - External							2
Dade	Qrt 1 10/1-12/43					Staffing - Internal				Staffing - Internal	Staffing - Internal	3
Desoto	Qrt 1 10/1-12/44											0
Dixie	Qrt 1 10/1-12/45	Staffing - Internal										0
Duval	Qrt 1 10/1-12/46											0
Escambia	Qrt 1 10/1-12/47											0
Flagler	Qrt 1 10/1-12/48											0
Franklin	Qrt 1 10/1-12/49											0
Gadsden	Qrt 1 10/1-12/50				Staffing - Internal		Staffing - Internal					2
Gilchrist	Qrt 1 10/1-12/51											0
Glades	Qrt 1 10/1-12/52							Staffing - Internal				1
Gulf	Qrt 1 10/1-12/53			Staffing - Internal								1
Hamilton	Qrt 1 10/1-12/54											0
Hardee	Qrt 1 10/1-12/55											0
Henry	Qrt 1 10/1-12/56		Staffing - External		Staffing - External							2
Hernando	Qrt 1 10/1-12/57											0
Highlands	Qrt 1 10/1-12/58	Staffing - Internal										0
Hillsborough	Qrt 1 10/1-12/59											0
Holmes	Qrt 1 10/1-12/60											0
Indian River	Qrt 1 10/1-12/61											0
Jackson	Qrt 1 10/1-12/62											0
Jefferson	Qrt 1 10/1-12/63											0
Lafayette	Qrt 1 10/1-12/64											0
Lake	Qrt 1 10/1-12/65											0
Lee	Qrt 1 10/1-12/66											0
Leon	Qrt 1 10/1-12/67				Staffing - Internal		Staffing - Internal		Staffing - Internal	Staffing - Internal		4
Levy	Qrt 1 10/1-12/68											0
Liberty	Qrt 1 10/1-12/69											0
Madison	Qrt 1 10/1-12/70											0
Manatee	Qrt 1 10/1-12/71											0
Marion	Qrt 1 10/1-12/72											0
Martin	Qrt 1 10/1-12/73											0
Monroe	Qrt 1 10/1-12/74											0
Nassau	Qrt 1 10/1-12/75											0
Okaloosa	Qrt 1 10/1-12/76			Staffing - Internal								1
Okeechobee	Qrt 1 10/1-12/77											0
Orange	Qrt 1 10/1-12/78											0
Osceola	Qrt 1 10/1-12/79											0
Palm Beach	Qrt 1 10/1-12/80											0
Pasco	Qrt 1 10/1-12/81											0
Pinellas	Qrt 1 10/1-12/82											0
Polk	Qrt 1 10/1-12/83											0
Putnam	Qrt 1 10/1-12/84	Staffing - Internal			Staffing - Internal							1
Santa Rosa	Qrt 1 10/1-12/85											0
Sarasota	Qrt 1 10/1-12/86											0
Seminole	Qrt 1 10/1-12/87											0
St. Johns	Qrt 1 10/1-12/88											0
St. Lucie	Qrt 1 10/1-12/89											0
Sumter	Qrt 1 10/1-12/90											0
Suwannee	Qrt 1 10/1-12/91											0
Taylor	Qrt 1 10/1-12/92											0
Union	Qrt 1 10/1-12/93			Staffing - External								1
Volusia	Qrt 1 10/1-12/94											0
Wakulla	Qrt 1 10/1-12/95											0
Walton	Qrt 1 10/1-12/96											0
Washington	Qrt 1 10/1-12/97			Staffing - Internal								1
Statewide		4	2	4	5	1	2	1	3	3	0	
Internal Reasons		4	0	3	3	1	2	1	3	3	1	
External Reasons		0	2	1	2	0	0	0	0	0	5	

Appendix B

External Descriptions for not Meeting Performance Standards by Division

CFY 2016-17 Quarter 1

Collections - External Reasons Provided

Count	County	Division	Action Plan to Improve / Description of External Factor	Reason Code
1	Alachua	County Criminal	People charged with this level do not have the money to pay.	External to Clerk's Control
2	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 to Clerk's Control
3	Baker	Criminal Traffic	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 to Clerk's Control
4	Baker	Civil Traffic	We D6 their DL weekly, and send unpaid citations to the collections agency. We are open to suggestions.	External to Clerk's Control
5	Bay	Circuit Criminal	Bay County is doing everything at our disposal to collect the money owed.	External to Clerk's Control
6	Bay	County Criminal	Bay County is doing everything at our disposal to collect the money owed.	External to Clerk's Control
7	Bradford	Juvenile Delinquency	Paying restitution first, still on probation and some will need to be brought back up before the judge. \$750 will be converted to community service work.	External to Clerk's Control
8	Bradford	Circuit Civil	Inmate cases in which we have no control of when we receive payment.	External to Clerk's Control
9	Broward	Juvenile Delinquency	Explore options with other state agencies, like State Attorney's Office, to improve enforcement of court ordered assessments.	External to Clerk's Control
10	Calhoun	County Criminal	Will work with Probation officer and the Judges office with collection efforts on civil judgments. Will continue to improve collection efforts in the office.	External to Clerk's Control
11	Calhoun	Juvenile Delinquency	Probation officer request case closed before all payments made. Will continue to work with him to collect before he closes case.	External to Clerk's Control
12	Charlotte	Circuit Criminal	There was one case assessed at 3,255,411 and Defendant will be in prison for 30 years.	External to Clerk's Control
13	Columbia	County Criminal	We will continue to exhaust all collection efforts to mprove this measure.	External to Clerk's Control
14	Dade	County Criminal	Due to our current economic conditions, many defendants are indigent or transient making collections efforts more difficult.	External to Clerk's Control
15	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 to Clerk's Control
16	Duval	County Criminal	Reviewing collection agency performance and other on-line payment options.	External to Clerk's Control
17	Duval	Civil Traffic	Reviewing collection agency performance and other options to pay as well as enforcing 30 days to pay.	External to Clerk's Control
18	Escambia	Circuit Criminal	The local economy and ability to pay controls the collection rate. We are implementing a payment system to offer expanded payment options for citizens.	External to Clerk's Control
19	Escambia	Civil Traffic	The local economy and ability to pay controls the collection rate. We are implementing a new system which will offer expanded payment options for citizens.	External to Clerk's Control
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 to Clerk's Control
21	Gilchrist	Civil Traffic	Sending notices, accepting new payment plans and we are reevaluating our current collection company and procedures.	External to Clerk's Control
22	Glades	Circuit Criminal	Most are incarcerated or reduced to Civil Judgment.	External to Clerk's Control
23	Glades	Family	Two counterpetitions filed and the filing fee was not paid. 15 day letters have been sent.	External to Clerk's Control
24	Hamilton	Circuit Criminal	All felony fines & costs are paid through the State Probation and Parole office. These costs are normally paid monthly.	External to Clerk's Control
25	Hendry	Juvenile Delinquency	Community Service is usually chosen over making a payment.	External to Clerk's Control
26	Hendry	Civil Traffic	Non-Pays, out of our control.	External to Clerk's Control
27	Hernando	Circuit Criminal	This collection rate is off by a slim margin from the performance measure standard. It is 11.79% excluding drug trafficking. We will continue to work to increase collections efforts, increase payments on payment plans, and collect these fees and fines.	External to Clerk's Control
28	Hernando	Civil Traffic	This performance measure standard is also off by just a slim margin. We will continue to work with our collection agent, continue to work with our customers to put payment plans in place and work to increase this percentage.	External to Clerk's Control
29	Hillsborough	County Criminal	Transitioning from private probation service provider to local sheriff has greatly improved collections and we will continue to monitor performance.	External to Clerk's Control
30	Hillsborough	Civil Traffic	Continued use of internal collection methods and referral to outside collection agencies.	External to Clerk's Control
31	Holmes	Civil Traffic	Non-payment, currently sending letters from our inhouse collections department.	External to Clerk's Control
32	Indian River	Circuit Criminal	People are slowly beginning to pay as a result of our collection efforts. It is difficult to collect when they are incarcerated or not employed. We are starting to put them on payment plans.	External to Clerk's Control
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.	External to Clerk's Control
34	Lee	Circuit Criminal	Drug trafficking assessments are 65% of total assessments.	External to Clerk's Control
35	Lee	Civil Traffic	Representative in the uncollected balance; 57% or \$294k are toll cases and of those toll cases, 67% have been referred to a collection agency with DL suspension and 25% are on an active payment plan.	External to Clerk's Control
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 to Clerk's Control
37	Levy	Circuit Criminal	Most in jail/ economy	External to Clerk's Control
38	Levy	Civil Traffic	Economy	External to Clerk's Control
39	Liberty	Juvenile Delinquency	When a defendants term of supervision terminates, they are placed on a payment plan to attempt to collect outstanding costs.	External to Clerk's Control
40	Liberty	Circuit Civil	Liens placed on inmate trust accounts to attempt collection of filing fees on Writ of Mandamus Cases.	External to Clerk's Control
41	Liberty	Civil Traffic	Measure was not met due to non-payment of traffic citations. Continue to send to collection agency.	External to Clerk's Control
42	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 to Clerk's Control
43	Madison	Civil Traffic	Encourage payment plans.	External to Clerk's Control
44	Marion	County Criminal	Unable to create an action plan to improve. We are following procedures set by the Best Practices Committee.	External to Clerk's Control
45	Nassau	Civil Traffic	Continue to suspend drivers license and send all unpaid fines to collection agency.	External to Clerk's Control

Appendix B
External Descriptions for not Meeting Performance Standards by Division
CFY 2016-17 Quarter 1

46	Okaloosa	Circuit Criminal	Most of the Defendant's are either incarcerated or indigent.	External to Clerk's Control
47	Okaloosa	Civil Traffic	Due to unsustainable court funding, our ability to prioritize collections in this case type are constrained.	External to Clerk's Control
48	Okeechobee	Civil Traffic	Cases will be sent to collections.	External to Clerk's Control
49	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 to Clerk's Control
50	Orange	Juvenile Delinquency	Juveniles do not pay amounts due and if they are on a payment plan, the plans extend beyond 5 quarters. Also, juvenile dollars are so immaterial, it is not worth pursuing.	External to Clerk's Control
51	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 to Clerk's Control
52	Osceola	Circuit Criminal	The standard was not met due to the volume of defendants sentenced to DOC.	External to Clerk's Control
53	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 to Clerk's Control
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 to Clerk's Control
55	Palm Beach	Juvenile Delinquency	Defendants placed on probation are not ordered to establish payment plans. Failure to pay as a condition of probation is usually converted to community service.	External to Clerk's Control
56	Pasco	Circuit Criminal	Drug trafficking cases caused the missed percentages.	External to Clerk's Control
57	Polk	Circuit Criminal	Drug trafficking cases not paid. When they're excluded we meet the standard.	External to Clerk's Control
58	Polk	County Criminal	Customers not paying.	External to Clerk's Control
59	Polk	Civil Traffic	Customers not paying.	External to Clerk's Control
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 to Clerk's Control
61	Putnam	Juvenile Delinquency	Primarily driven by poor demographics. No recovery in sight.	External to Clerk's Control
62	Putnam	Civil Traffic	Primarily driven by poor demographics. No recovery in sight.	External to Clerk's Control
63	Sarasota	Circuit Criminal	Two \$500,000 fines were assessed in one case, none of which has been paid. A single case with this amount of fines is an anomaly.	External to Clerk's Control
64	Seminole	Circuit Criminal	Amount in DOC is \$646,133.00 or 66.53%. Percent collected out of what is actually "collectible" is 9.17%.	External to Clerk's Control
65	Seminole	Civil Traffic	Get additional funding.	External to Clerk's Control
66	Suwannee	Circuit Criminal	\$350,000 of assessments were mandatory drug trafficking fines. Our collection rate would be 19.06% without these assessments.	External to Clerk's Control
67	Taylor	Circuit Criminal	The defendants with highest assessment are incarcerated. We have been sending some fines to collections	External to Clerk's Control
68	Taylor	Civil Traffic	We are doing everything we can to collect and payments are not being made.	External to Clerk's Control
69	Union	Circuit Criminal	Increased number of incarcerations for this reporting period. All have been reduced to judgments and sent to collections.	External to Clerk's Control
70	Union	Probate	One case with payment plan and no payments has been turned over to collections.	External to Clerk's Control
71	Volusia	Circuit Criminal	Increase in the number of late pay cases we are sending to collections.	External to Clerk's Control
72	Volusia	County Criminal	Increase in the number of late pay cases we are sending to collections.	External to Clerk's Control
73	Volusia	Juvenile Delinquency	Increase in the number of late pay cases we are sending to collections.	External to Clerk's Control
74	Washington	Circuit Criminal	Most are in prison, will try to collect upon their release.	External to Clerk's Control

Timeliness 1 (Case Processing) - External Reasons Provided

Count	County	Division	Description	Reason Code
1	Columbia	County Criminal	Down 1.0 FTE in this area and one experienced employee left to work for Court Admin with higher pay.	Staffing - External
2	Columbia	Criminal Traffic	Down 1.0 FTE in this area and one experienced employee left to work for Court Admin with higher pay.	Staffing - External
3	Hendry	Circuit Criminal	Due to the budget, we are short staffed and not allowed over-time.	Staffing - External
4	Nassau	Circuit Civil	When documents are returned through e-filing for corrections and then resubmitted, the dates can change. We will need to watch those dates more carefully.	Systems - External
5	Union	Circuit Civil	Reduction in Court Staff hours due to budget cuts.	Staffing - External

Timeliness 2 (Docket Entry) - External Reasons Provided

Count	County	Division	Description	Reason Code
1	Columbia	County Criminal	Down 1.0 FTE in this area and one experienced employee left to work for Court Admin with higher pay.	Staffing - External
2	Columbia	Criminal Traffic	Down 1.0 FTE in this area and one experienced employee left to work for Court Admin with higher pay.	Staffing - External
3	Hendry	County Criminal	Due to the budget, we are short staffed and not allowed over-time.	Staffing - External
4	Hendry	Criminal Traffic	Due to the budget, we are short staffed and not allowed over-time.	Staffing - External