

MINUTES

FLORIDA CLERKS OF COURT OPERATIONS CORPORATION

MONDAY, JUNE 27, 2016 3:00 PM EST

EXECUTIVE COUNCIL MEETING

Rosen Shingle Creek, Orlando, FL (St. Johns Room 33/34)

The June 27, 2016 meeting of the Executive Council of the Florida Clerks of Court Operations Corporation (CCOC) was called to order by Executive Council Chair Sharon Bock at 3:05 PM. Chair Bock thanked all in the room and on the telephone for attending the Executive Council meeting. Roll call was taken by Mary Baker, the Executive Assistant. Council Members present were the Honorable Sharon Bock, Honorable Bob Inzer, Honorable Ken Burke, Honorable Stacy Butterfield, Honorable John Crawford, Honorable Neil Kelly, Honorable Tim Sanders, Honorable Harvey Ruvin, Honorable Paula S. O'Neil, Honorable Ron Ficarrota, and Honorable Kyle Hudson.

APPROVAL OF AGENDA

Chair Bock asked for approval of two small changes. The first is under Item number 3, Report from Committee and Workgroup Chairs, she would like to move the Budget Committee from a. to e. and then move everyone up. The second change is having the new Council members sworn in, and the election of the Corporation officers at this meeting as opposed to the Annual meeting. The motion was made by Clerk Crawford and seconded by Clerk O'Neil. There was no discussion. The Agenda was approved as changed.

Chair Bock welcomed everyone to the meeting especially the Clerks in the room and on the phone. Today's meeting will be the swearing in of the Board members today, adopting a budget and a work plan, setting meeting dates and electing our corporate officers. Chair Bock congratulated the eleven Clerks who ran for the Executive Council this year.

APPROVAL OF MINUTES – February 15, 2016 and April 15, 2016

Chair Bock asked CCOC Secretary/Treasurer Clerk Burke to present the minutes for approval. Clerk Burke made a motion to approve the minutes as submitted. Clerk Inzer seconded the motion. Chair Bock asked if there were any questions concerning the minutes. There was a discussion as to the correct date for the April, 2016 meeting. It was confirmed April 15th was the correct date. A vote was taken. The minutes were approved unanimously.

TREASURER'S REPORT

Chair Bock asked CCOC Council Secretary/Treasurer Clerk Burke to present the Treasurer's Report. The Budget for CCOC Operations is in order for this year. The budget for the 16/17 year is a continuation budget. Mr. Dew confirmed that it is a continuation budget as it has been for the last couple of years. Clerk Burke made a motion to accept the Treasurer's Report and the proposed budget for next year. Clerk Inzer seconded the motion. Chair Bock asked if there were any questions. Chair Bock stated that CCOC has had a continuation budget for the last four years. Out of the nine staff, there are two unfilled positions and one staff that is out sick. CCOC is coming into this budget year with limited staff and are trying hard to fill the vacancies. Chair Bock wanted to commend the CCOC staff under John Dew's leadership in these tight budget times. The Treasurer's Report and CCOC's Operational Budget for next year were approved unanimously.

PERFORMANCE IMPROVEMENT AND EFFICIENCY (PIE) COMMITTEE

and

Financial Analysis and Enhancement Workgroup

Chair Bock asked Clerk Green to give the PIE Committee and Financial Enhancement Workgroup reports. Clerk Green thanked Chair Bock. The first items that needed approval were the CFY 15/16 1st and 2nd quarterly measurement and action plan reports. There were two significant changes that were incorporated into these reports. One is reason codes that give a better reason why some standards were not met. The reason codes were simplified down to internal and external. Internal are controlled by Clerks and external are outside the Clerk's control. Now that there are two quarters of data, the Committee will continue to review the information. It was found that the internal codes used the most were staffing and training. Examples of external codes were, "inconsistent business processes between agencies" and in some cases "with the judiciary". The second significant change was the drug trafficking analysis that was performed on the Circuit Criminal Collections Performance standards. In the first quarter, eight offices exceeded the standard after the drug trafficking assessments were pulled out. This shows a truer picture of collection performance. In the second quarter, there were nine

that exceeded performance standards. The Committee will continue to report both reason standards and drug trafficking.

Clerk Green asked if there were any questions from the audience or on the telephone. Clerk O'Neil made a motion to approve the two reports and post them on the CCOC website. Clerk Kelly seconded the motion. Vote was taken and motion passed unanimously.

Moving on to the minimum collection program standards checklist, recalling that late last year the Committee looked at a standard and wrote a best practice with the CCOC staff and Clerks' staff that were familiar with it. On page 117, you will see the checklist. The PIE Committee took that information from the best practices and recommended caseloads be looked at from the work group level. The Committee came up with minimum collection elements that were statutorily required. This was voted on by the work group and the Committee. This would be a way to determine the minimum collection standards through the offices as well as supplemental optional elements of the collection standards attached to it. Basically the way it was proven to the workgroup and the PIE Committee was that in order to be certified in all the minimum collection standards, you have to meet all eight standards that are required with the language in the Statutes and the direction of the Clerk. Mr. Dew added the importance of this information for the Peer Group meetings in July. A motion was made by Clerk Inzer and seconded by Clerk O'Neil. Chair Bock asked if there was any discussion. Clerk O'Neil had a question on how often would these be used. Clerk Green said annually. Hearing no more discussion, a vote was taken. The motion passed unanimously.

Clerk Green is working with the CCOC staff to build training sessions and potentially looking at a collection summit based on several educational initiatives that would be in support of implementing or adhering them to the standards in the upcoming year.

The third item is the result of Senate Bill 1044, the Contraband Forfeiture Act and the increase of the filing fee to \$1000. It was proposed that the PIE Committee look roughly at what revenues that would be or not be. The Committee is looking for the approval of the form that is attached on page 121. The first report is due by October 20, 2016. This will really give us a picture of what the impact of revenue will or will not be. Clerk Crawford made a motion. Seconded by Clerk

Sanders. Chair Bock asked if there was any discussion. Mr. Dew stated that if there are no dollars after a year of reporting, then the report would stop. Clerk Inzer asked what this would generate. Mr. Dew stated he was not so sure with all the new interpretations on it. It was asked when we were going to talk about the collection of the data related to this as suggested by the best practices? Clerk Inzer noted that this has been coordinated with the best practices. Mr. Isabelle stated that revenue is unknown, but if we end up with a lot of zeros, we come back to the Council and asked that the report be stopped.

Chair Bock asked if there was any more discussion. Hearing none, a vote was taken on the motion. The motion passed unanimously.

Clerk Green continued with the Financial Analysis and Enhancement Workgroup. Clerk Green noted that on the monthly update call, the PIE Committee has been discussing the revamping of the book that lists Clerks' activities and tasks. It was brought out in the North Highlands study that there was not really a good picture of what the Clerks do in detail in their offices. The workgroup was tasked to look at the list of activities and tasks in today's Clerk world. The document the workgroup is creating will be called the PAC (Performance and Accountability) Framework. The premise behind this initiative is to get a clear understanding of the programs the Clerks do in their offices such as criminal, civil and civil traffic. At a very high level, what are the services associated with the programs and then at a lower level, what tasks do the Clerks and staff do every day to support those services and programs in order to get a true inventory of the workload of Clerks. This is important because it will become a living document as we evolve as Clerks, as laws change, as unfunded mandates come down; this is a way of capturing those changes. As this is being built out, the group is going to be looking at costs associated with the work. Understanding what the costs are to provide the services that Clerks statutorily provide is going to be extremely critical in moving forward and communicating what financial needs are of Clerks. Looking at the costs based on a true inventory of what Clerks do is a premise to the framework. In Phase 1, the group has tackled a program and service level. The group has come together and has five teams. One team is looking at the Framework overall, another is looking at financial processing and jury management, another is looking at information and reporting services, another is looking at case processing within civil, and one is looking at case processing in

criminal and traffic services. If you look back at Operation Greenlight, the same approach was taken. Teams were broken out and team leads assigned. As of right now in our phased approach, the programs and services have been defined. The next level will be at the activities and the tasks. That is where it gets pretty complicated with the level of detail. The timeframe is activities being finished by June 30 and tasks through the rest of the summer. Mr. Isabelle referred to the document on page 130/131 and asked those to look at the left side where the services were listed. He described the services under Case Processing, Revenue Collection & Distribution, Financial Processing, Requests for Records & Reports, Ministerial Pro Se Assistance, Technology Services for External Users, Standard Reporting Services, Jury Management and Administration. The activities are listed and this will be sent out to all the 67 Clerks to go over and make sure everything is covered. Clerk Green continued that this is phase one and hopes that there is enough information to give a picture of what the Clerks do on a daily basis. This will help in the upcoming legislative session to tell the story of what the services are that the Clerks do and the costs for those services. The cost of the services would be valuable to the Budget Committee, the Council, the CCOC and be a caveat of collected effort and agreement that these are reasonable costs associated with these services. Clerk Green offered another good thing about this Framework is that it is scalable. It can be used by the largest county or the smallest. One of the things that was very important about this project was being able to capture the nuances that are unique to a county. She noted that it is going to be a living document moving forward. Chair Bock added that it is a good tool to explain the data that is being collected as we talk to the State Legislature about the model that we are now under, fee for services. And by doing this incredible work you will see gaps where no associated revenues are coming in. Clerk Green said a good example of this is the work with Domestic Violence. You can capture the work associated with Domestic Violence with no revenue coming in. It is important to get down to an activity and service level. Clerk Green took the opportunity to brag about the work group. She continued by recognizing Doug Bakke and Robert Rocamora from Hillsborough, Denise Bell and Gary Cooney from Lake, Cathy Davis from Citrus, Joe Valentino from Palm Beach, Tyler Winik from Brevard, Linda Warren from Walton, and Noreen Mack from Pasco. These members know the heartbeat of the Clerk's office. This concluded the update on the Framework. Chair Bock thanked Clerk Green and turned the program over to the Budget Chair, Clerk Stacy Butterfield.

BUDGET COMMITTEE

Clerk Butterfield thanked Chair Bock and began by saying the Budget Committee has met twice since the last Executive Council meeting. Those dates were May 18, 2016 and June 2, 2016. The agenda and the summary of the meetings are found on page 33 of the materials packet. Clerk Butterfield highlighted each of the meetings. She asked the Chair about the vote on the action items. It was decided to discuss each and then have one vote at the end. Clerk Butterfield began speaking about the \$11.7 million provided by the Legislature for the Juror Funding program. A workgroup was formed to work on implementation, submission and allocation. It was chaired by Citrus County Clerk Vick. Clerk Butterfield asked Clerk Vick if she would give the report.

Clerk Vick began and stated that the JAC (Justice Administrative Commission) responded to the matrix that shows the pro-rated amount for the Clerks. She thanked all the Clerks for getting in their certification letters. The JAC has approved the amounts and the Clerks should be receiving their money sometime soon. July is the anticipated time on that. There will be a follow up with the expectation that we will be reporting on these expenditures and verify how the funds were expended. The JAC will be looking for that follow up information. Mr. Dew added that this is the first quarter of this process and we will improve each quarter as we analyze information. He thanked Clerk Vick for her leadership. Chair Bock asked if there were any questions. There were none.

Clerk Butterfield moved on to the next item and noted that the budget review process was upon the Clerks. The Budget Committee has been working on a “toolbox” of items that will be used this year during the budget process. The items to be included in the toolbox are analyses available from previous years and additional information from the Clerks’ budget requests that was presented through the budget process. On page 44, is the index of the toolbox. The Budget Committee moved forward gathering this data. All the analysis can be done via the budgets that have been submitted by the budget process or from other reporting that has been done by CCOC.

There are no other items that have to go back out and be surveyed. Mr. Dew confirmed this. Staff will be preparing for each Clerk a fairly large document with the purpose that each Clerk can see their information compared to others in their peer group. Clerks can use that information to prepare for the Peer Group meetings as well as the Budget Deliberations. Clerks are encouraged to call other Clerks in their peer group to ask questions. This gives Clerks another way of using the data to compare each other in their peer groups. Clerk Butterfield asked if there were any questions on the toolbox.

Clerk Burke was recognized and noted that at the Trial Court Budget Commission (TCBC) met last week and their Chair Judge Mahon stated that facts were needed to take to the Legislature concerning their budget. Unless there are facts and figures we are not going anywhere. He stated that Clerks need to bring documentation to the Budget Committee. Clerk Burke used the example of administrative orders that impact Clerks' work. Clerks need to bring quantitative data to show what the costs are and what is driving up the costs.

Clerk Butterfield stated for clarification that she had sent out a letter to the Clerks asking them to compile this information and to cost it out. She asked if they could send it with their budget submission to please do. At the latest, have it at the peer group meeting. If anyone wants assistance, contact the CCOC staff, Budget Committee members, or call another Clerk. Chair Bock asked Clerk Butterfield to expand on the importance of facts and data as a mechanism to get the information in front of the Budget Committee. Clerk Butterfield agreed by talking about the bottom line. If a Clerk has a budget request before the Budget Committee and they are significantly higher than others in their peer group and the Committee does not have the documented information to explain that, then the Budget Committee will not be able to accept the budget and will have to reduce that budget. That is what the Committee is tasked with. That is what we heard last year at the Senate hearing. They asked how do we know that the Clerks are effective with the dollars. The Legislature is expected to help and offer solutions, but they need to feel comfortable that a process will make sure all Clerks are efficient and accountable. It was explained that if you look at the budget process through the years and plotted the Clerks on a line, the line has moved in. They talked about the process that has been used in the past, but it obviously is not up to their expectations. The Legislature wants to make sure that Clerks are

effective with their dollars. It is going to be a difficult year for the Budget Committee and Clerk Butterfield wanted to thank everyone now. Chair Bock noted that this is not just the Budget Committee or the CCOC that is demanding the information. This is information that is being asked of the Clerks by the Legislature and in a format that is digestible and that everyone understands.

Clerk Burke asked that Clerk Rushing or Fred Baggett be recognized and confirm what we all face. Clerk Rushing spoke that as we deliberate and make decisions particularly as it relates to pushing people closer together in the peer groups that you quantify that in a way that we can repeat it. The work of this body resulted in, for instance, a shrinking of two percent or alignment, however you want to articulate it so that it looks clear and convincing that a lot of effort went into addressing what is their concern of efficiency measured by peer group related matters. Mr. Baggett stated that the points that have been made about the need for facts is most important. The Legislature is accustomed to looking at that kind of information from the agencies that they fund. We as Clerks are a different type of entity that is difficult for them to digest. And he supports what Clerk Butterfield and her Committee are doing because that has been the missing link.

Chair Bock asked if there were any other questions. It was asked why the North Highland study was not being used. Clerk Butterfield said that it was being used. The toolbox includes calculations this year on the weighted workload measures that actually uses the time study from North Highlands by weighting cases on a subcase level, with traffic being a one and normalizing all other cases. Chair Bock asked if there were any further questions. There were none.

Clerk Butterfield asked for approval to have the CCOC staff to follow up with Clerks as they did with their budget submittals. On page 45, is the criteria. It is not a study in place, it is an administrative type process that allows staff to identify Clerks that may need to start preparing and gathering additional information. That is the only purpose of this agenda item.

Mr. Dew noted that the data did not really settle until this past Friday. The CCOC staff had to contact 66 to 67 Clerks to work on their budget requests. The numbers have just been run to see how many Clerks this would effect. Internally, before the staff call a Clerk, they will look at the data that has been provided. They will look at the various costs and then call to verify that they

have all the information. Mr. Dew estimated that at least 17 Clerks will probably fall in these categories. The staff will begin this week if this is approved. Chair Bock asked if there were any questions. There were no questions.

The CCOC has to send a budget request to the Legislative Budget Commission (LBC) by August 1, 2016. In that process, the Budget committee has been talking about the data that is put in the packet. More detailed data and more information that is based on fact opposed to antidotal is needed. There has been a start to the framework of the actual request document. Quantity of factual information will be important. The Budget Committee has asked Clerk Angela Vick to chair a group to work on a framework and develop the actual content of the request. Clerk Butterfield asked Clerk Vick to speak.

Clerk Vick noted that a sub workgroup was established at the June 2nd meeting. There have been several phone meetings and the result from that is the document you see in your package, pages 46-50. This is the framework that goes by the guidelines of what the appropriation staff is used to seeing. The content is outlined as they typically would see this information. When they look through it, they can quickly see the information they need. The information that goes into this will come from the budget process. Clerks will be asked to give additional information about significant issues that they are dealing with in their office. The workgroup will be meeting again to start bringing in more information. Clerk Vick noted that she is being joined by Clerk Green in this effort as well as staff from various Clerks' offices.

Clerk Butterfield continued that the initial data from the 16-17 request will let us know what the numbers look like. We are in 15-16 and started with a budget of \$447 million, \$417 from the CCOC Trust fund and \$30 million of 10% money. We know we have had a budget reduction and are operating at a \$400 million budget. The Clerks have submitted a total budget request of \$466 million; \$443 million is CCOC Trust fund and \$23 million in 10% dollars. This is the number that the Budget Committee will be starting with. The Clerks have projected revenue of \$380 million. As you can see there is a problem. On page 51, by adding the 10%, the total is \$405 million. You can see where we are starting and where we have come from. Clerk Butterfield reminded the Council that the Legislature gave the Clerks \$12.9 million to this year but it is not reoccurring.

Chair Bock asked if this brought the Clerks to being fully funded for the year. Clerk Butterfield stated that it did not bring the Clerks to be fully funded for this year. Clerk Ruvin noted that the base the EDR uses has to be enlarged to meet the Clerks' needs. Clerk Butterfield stated that the current funding model does not meet the needs of the Clerks.

Clerk Butterfield began on the last item, the Peer Group meetings. The Peer Group 1 & 2 meeting begins next week on July 7th in Gainesville. On July 12th Peer Group 5 & 6 will be in Orlando with Peer Group 3 & 4 following on July 13th. A communication was sent out last week asking all Clerks to be at these meetings or at least send someone from the office. July 18th and 19th the Committee will be meeting for their Budget Deliberations in Orlando. Tomorrow morning the Budget Committee will be having a brief meeting at 7:30 AM here to talk about the upcoming meeting processes. The meeting has been advertised and everyone is invited to attend.

Clerk Butterfield concluded the Budget Committee report. She made a motion for the Council to approve the recommendations of the Committee and Workgroups as were described under the items. Clerk Inzer seconded it. Clerk Bock noted that there were discussions during the time each of the items and if nobody has any other discussion, she will call for a vote. With no further discussion a vote was taken and passed unanimously.

Chair Bock wanted to give Clerk Green added time for her report. Clerk Green needed to update another project the Committee is working on along with CCOC staff and the Clerks' Association to see if we can leverage CCIS and its data elements in order to minimize the number of surveys that come out from the CCOC and will give the Budget Committee information at their fingertips about a bill change and the financial impact. These types of partnerships need to be apparent and growing.

Chair Bock thanked Clerk Green and Butterfield for their reports and the work they continue to do. She continued by saying that the Legislative Committee worked very hard this year with Karen and Fred and will continue to do so next year. There was no report. Chair Bock called upon Clerk Peacock to give his report from the Technology Funding Workgroup.

CCOC Technology Funding Workgroup

Clerk Peacock gave a brief update that the Technology Workgroup is working on a Jury model like the PIE Committee is working on the Betty book, to define Florida traffic and see in the scale of technology now each Clerk is doing. He is looking at a 10-week timeframe in order to get the tool out, get the material back and get monetized. Then, there will be real dollars assigned and other revenue sources can be looked at. Chair Bock thanked him and noted that he is heading a new workgroup that is trying to quantify the technology dollars that the Clerks have. The 10% fine dollars have now been wrapped into the CCOC budget process and that was the money that the Clerks had used for technology. Technology will have to be an element that is carved out. Not carving it out is missing a huge part of the budget. Clerks depend on real estate to fund technology. This is going to be a huge issue for the Clerks in the next year. She thanked Clerk Peacock. He stated that he is hoping to have numbers in the Fall that are concrete and can back up the facts for the Legislative session. Clerk Inzer asked if this would show the costs. Clerk Peacock said that as soon as the cost can be quantified, then we can see if the revenue is there to support technology.

REPORT ON CLERKS' TRUST FUND

Mr. Dew began on page 135 of the packet where there is a memo on the Trust Fund. The Legislature this year did give \$12.9 million into the Trust Fund. It was not sufficient to fund all the Clerks based on the budget that was previously approved. The Budget Committee and Council approved a reduction to the Clerks in April of this year. That reduction was put in place and so the dollars had to be redistributed that would be sent to the funded Clerks. There are 48 funded Clerks that needed approximately \$3.4 million per month. The trust fund is projected to receive approximately \$1.3 million per month from the depository Clerks, and if that continues then there will be enough for the rest of the fiscal year. He had staff run some numbers to see if the depository Clerks are meeting their monthly amounts and it was found they remitted about half of that. Before the end of the year he will know if there is enough money to fund the funded Clerks.

Clerk Inzer stated to keep in mind that today Leon is a surplus Clerk and after his budget cut he is giving the money back. But, if his money is not coming in sufficient enough to fund his budget, he is worried that we will be owing money as in prior years and that has to be funded out of next year's budget. He would like this to be monitored very closely. Chair Bock agreed with Clerk Inzer. It has been brought up in Committee meetings on how that money should be distributed and should be talked about again. Clerk Inzer wants to make sure that the overall revenue is there to support the Clerks. Mr. Dew noted that he and staff were looking at this.

UPDATE ON THE Trial Court Budget Commission (TCBC)

Chair Bock called on Judge Ficarrota to give his report of the TCBC. He stated that before he gave his report he would like to ask Clerks to keep Clerk Pat Frank in their thoughts with the loss of her daughter.

The TCBC met here in Orlando on June 17th. Their agenda is part of the materials. They were there to discuss resource allocations for the 16/17 fiscal year. They did not receive any additional resources for the upcoming fiscal year, but a \$2.7 million reduction in their base budget. TCBC allocated the available funds to the categories specified in the Appropriations Act. The Commission approved the Shared Remote Services Pilot Project. This will go before the Supreme Court for consideration. They discussed the potential LBR's for the 17/18 fiscal year and directed staff to develop equity in retention of Court employees, case management resources, etc. They will be looking at the detail at their next meeting on August 11, 2016 in Pointe Vedra. Judge Mahon is stepping down as chair and being replaced by Judge Roundtree from Gainesville. Clerk Inzer thanked Judge Ficarrota for being a part of the Executive Council. Clerk Burke would like to see the TCBC and Clerks work together on several projects. Judge Ficarrota agreed. Chair Bock thanked the Judge for his report.

OTHER BUSINESS

Chair Bock wanted to congratulate all the Clerks that ran for the positions on the Executive Council. She pointed out that there is a newly elected CCOC member, Jeff Smith. The re-elected

members were Clerks Burke, Crawford, Bock. Before the swearing in, Chair Bock wanted to take a minute and make a presentation to the outgoing member, Clerk Kelly. The Executive Council and those present applauded Clerk Kelly for his years of service on the Council. Clerk Kelly thanked the Council.

Chair Bock asked Joe Boyd, the General Council to swear in the new members. The oath was given to the new members. The members were congratulated. The nominations for the Executive Committee followed. Clerk Burke nominated Clerk Bock as Chair and it was seconded by Clerk Ruvin. Mr. Boyd asked if there were any other nominations. Hearing none Clerk Sharon Bock was elected Chair of the Council. Chair Bock thanked everyone. She then asked for the nomination of a Vice Chair. Clerk Butterfield nominated Clerk Burke. Seconded by Clerk Ruvin. Vote was taken and Clerk Burke was elected as the new Vice Chair. The next nomination was for Secretary/Treasurer. Clerk Burke nominated Clerk Butterfield. Clerk Inzer seconded it. Vote was taken and Clerk Butterfield was elected as the new Secretary/Treasurer. Clerk Burke recognized Clerk Inzer for serving as the Vice Chair over the last two years.

Chair Bock asked if there was any other business. Hearing none, the motion to adjourn was made by Clerk Burke and seconded by Clerk O'Neil. Vote was taken and the meeting was adjourned at approximately 4:40 PM.