

## **PLAN OF OPERATION**

### **FLORIDA CLERKS OF COURT OPERATIONS CORPORATION**

#### **ARTICLE I GENERAL PROVISIONS**

##### **Section 1-1: Name**

The name of the Corporation shall be the Florida Clerks of Court Operations Corporation.

##### **Section 1-2: Establishment**

The Florida Clerks of Court Operations Corporation, hereinafter known as “Corporation”, is established under Section 28.35, Florida Statutes, as amended from time to time. The statutory duties assigned to the Corporation shall be performed by the Executive Council. Any future reference to the Executive Council in this document shall be referred to as the “Council”.

##### **Section 1-3: Legal Structure**

A. The Corporation is established as a public corporation organized to perform those functions specified in statute and delineated herein.

B. Membership in the Corporation shall be the Clerks of the Circuit Court who shall hold their position and authority in an ex officio capacity.

C. Corporation Plan of Operation shall be adopted by the members and may be amended by a majority vote of the Corporation members at the annual meeting of the Corporation held pursuant to provisions herein. Plan of Operation may not contradict the statutory purpose, construction, operation, or scope of duties/authority of the Corporation.

##### **Section 1-4: Corporation Powers and Duties**

The duties of the Corporation shall include:

A. The functions assigned to the Corporation, as defined in s. 27.52, 28.35, s.28.36, 28.37, 57.082, and 318.18 Florida Statutes.

B. Adopting a Plan of Operation.

C. Conducting the election of an Executive Council.

D. Recommending to the Legislature changes in the amounts of the various court-related service charges, fines, fees and costs established by law to ensure reasonable and adequate funding of the Clerks of Court in the performance of their court-related functions.

- E. Performing the functions specified in sections 28.35 and 28.36, Florida Statutes.
- F. Developing and certifying a uniform system of workload measures and clerk workload performance standards as set forth in law and defined by the membership of the Corporation.
- G. Reviewing, certifying and recommending proposed budgets using the methodology set forth in law.
- H. Submitting its proposed budget and the information described in 28.35(2)(f), F.S., along with proposed budgets for each Clerk of Court, to the Legislative Budget Commission.
- I. Developing and conducting Clerk education programs.
- J. Submitting an audited annual financial statement to the Auditor General and such other entities if required by law.
- K. Hiring staff and paying other expenses, as necessary, to perform the responsibilities and duties of the Corporation as described by law.

### **Section 1-5: Corporation Meetings**

Meetings of the Corporation shall be governed by the following provisions:

- A. The Corporation shall hold an annual business meeting each year and such other meetings as deemed necessary by the call of the Council or upon the petition to the Council by twenty-two (22) or more members of the Corporation. At the annual business meeting the Council shall recommend a tentative schedule of all regular meetings for the coming year. In the name of efficiency and economy, the Corporation will try to coordinate its meetings with the meetings of the Florida Court Clerks & Comptrollers.
- B. Notice of the Corporation's annual meeting shall be given thirty (30) days prior to the meeting date. The agenda shall advise the members the substance and nature of each agenda item and will be provided seven (7) days prior to the annual meeting. For other meetings of the Corporation, as provided in Section 1-5 A, notices shall be provided a minimum of seven (7) days prior to such meetings with agenda provisions as previously noted.
- C. All meetings of the Council and the annual meeting of the Corporation shall be open to the public pursuant to Florida law.
- D. Proceedings of Corporation meetings shall be governed by the most current edition of "Robert's Rules of Order" with detailed minutes of all proceedings taken and maintained by the Secretary/Treasurer. Said minutes, upon approval of the Corporation, shall be placed on and maintained by the Corporation on the Corporation's website for public access.

## **ARTICLE II COUNCIL**

### **Section 2-1: Duties and Responsibilities**

The Council shall perform on behalf of the Corporation, those duties and responsibilities assigned by statute and the plan of operation to the Corporation. Such duties and responsibilities shall be administered in accordance with the Plan of Operation approved by the Corporation and as such may be subsequently amended as provided in Section 1-3 C. The Council shall develop for its own internal use, administrative, personnel, and purchasing policies for the Corporation Office.

The Council shall have standing committees to help more efficiently carry out statutory duties. Ad hoc committees may be established as determined necessary by the Chair. Summary minutes of all proceedings of meetings of the standing committees shall be taken and maintained by CCOC staff and placed and maintained on the Corporation website for public access. Minutes are not required to be taken at the ad hoc committee meetings.

Standing committees shall include:

**Budget Committee:** The primary duties of the Budget Committee shall be to: Develop budget forms and instructions for Clerks; Inform and educate Clerks on the budget process; Request Clerks to submit a budget; Develop budgetary evaluation criteria; Review Clerks proposed budgets consistent with the evaluation criteria; Recommend to the Council a proposed budget for all Clerks and; Recommend such amendments to existing or proposed budgets as may be required. The Committee shall also be responsible for presenting the budget before the Legislature, Governor or their staff as needed. The Committee shall identify Legislative problems and solutions and recommend them to the CCOC Legislative Committee.

**Performance Improvement and Efficiency Committee:** The Committee shall work with Corporation members to help carry out statutory duties of developing workload measures and clerk workload performance standards as well as seeking methods to develop where feasible further efficiencies in Clerks' court-related duties.

**Legislative Committee:** The Committee shall act on behalf of the Council as requested to provide recommendations to the Legislature as required by statute and the Plan of Operations. The Committee shall further review Legislative priorities, committee hearings, bills, and other issues as they relate to Clerks and CCOC activities.

**Clerk Education Program Committee:** The Committee shall work with Corporation members to help carry out statutory duties of developing and conducting clerk education programs.

**Revenue Enhancement Committee:** The Committee shall work with the Council to recommend to the Legislature changes in the various amounts of court-related fines, fees, service fees, and costs.

Executive Committee: The Committee shall consist of the Council Officers as established in Section 3-1. The purpose of the Committee is to act on behalf of the Council when decisions need to be made on issues requiring immediate attention or on administrative issues. The Council shall be notified of any action taken by the Executive Committee. All decisions of the Executive Committee shall be provided to the Council at the Council's next meeting for confirmation.

## **Section 2-2: Membership**

The Council shall be composed of eight Clerks elected by the Corporation members within their population group. Two Clerks shall be from each of the following four population categories and shall serve for a term of two years.

Group A: Less than 100,000 citizens

Group B: 100,000 but fewer than 500,000

Group C: 500,000 but fewer than 1 million

Group D: 1 million or more

The Executive Council shall consist of staggered two (2) year terms. The Executive Council shall establish the process, the terms and division within Groups to implement the staggered terms.

The Council shall also include, as ex officio members, a designee of the President of the Senate, a designee of the Speaker of the House of Representatives, and a designee of the Chief Justice of the Supreme Court.

## **Section 2-3: Election of Council**

At the annual meeting, the currently sitting Council members shall conduct the meeting then the incoming board members will be sworn in.

Council members, other than designees of the President of the Senate, the Speaker of the House of Representatives and Chief Justice of the Supreme Court, assuming office at the annual meeting, shall be elected pursuant to the following:

A. Counties comprising population categories delineated herein shall be based on individual county population estimates for the year in which the election is held as published by the Bureau of Economic and Business Research, University of Florida.

B. On or before April 1 of each year, the Secretary/Treasurer shall provide written notice to all Clerks of the Court of the upcoming election. Notification of the election shall include an

election schedule as well as notice to Clerks of the Court to submit to the Council Secretary/Treasurer by April 15 their intent to be a candidate for election to the Council.

C. By May 15 of each year, the Secretary/Treasurer shall prepare an election ballot which shall contain the names of all Clerks of Court divided into appropriate population categories of their respective counties. The names of those Clerks of Court who have expressed their intent to be a declared candidate for Council election shall be so indicated on the ballot. The ballot shall be distributed to all Clerks of Court in such a manner as to provide documentation of proper delivery and to ensure receipt by the Clerks of Court a minimum of fifteen (15) days prior to the ballot return deadline. The ballot package shall be clearly marked as an official ballot and shall include an envelope with the proper return address.

D. All ballots shall be returned to the specific address of a Certified Public Accountant (CPA) selected by the Council by the designated date for the official opening and counting of the ballots. The CPA shall maintain custody of all ballots until the designated date and time for opening and counting.

E. On the date and at the time and location noticed for the official opening and counting of the ballots, the designated CPA shall open and count all ballots and shall certify the official results of the election. Electronic votes shall be counted and certified, as established above. The designated CPA shall serve notice of certification to the Council and, the Corporation Members.

F. Special elections as may be necessary and called pursuant to Section 2-4 shall be conducted within the requirements and framework of the above provisions including applicable schedule timelines. Special elections may be held to fill a vacated term on the Council for the remaining term of the vacated office.

G. If a candidate is unopposed, then no ballot process/election process shall be required.

#### **Section 2-4: Council Meetings**

A. The Council shall meet in accordance with the annually published schedule of meetings. Other meetings may be called by the Chair and/or by petition of a minimum of three (3) Council members.

B. Notice of the Council meetings shall be given seven (7) days prior to the meeting date to the Council and members of the Corporation and said notice shall include the agenda which shall advise the Council and Corporation members the substance and nature of each agenda item. For other meetings of the Council, as provided herein, notices shall be provided a minimum of seven (7) days of such meetings with agenda provisions as previously noted. The seven (7) day notice can be waived by seven (7) members of the Council at the commencement of the meeting.

C. In any Council meetings all reasonable efforts shall be made to have telephone access available to all members. Council members should attend personally but may attend and vote electronically.

D. All meetings of the Council shall be open to the public governed pursuant to Florida law.

### **Section 2-5: Member Attendance and Participation**

Attendance and participation of Council members shall be governed by the following provisions:

A. A vacancy in office is declared when a member has three consecutive unexcused absences from meetings of the Council; dies while in office; or no longer holds the office which would entitle him or her to be a member of the Council. An excusal shall be granted by the Chair.

B. Upon such a vacancy becoming imminent, the Secretary/Treasurer or the Chair shall provide written notification to the Council.

C. Upon such notification by the Secretary/Treasurer or the Chair, the Council shall notify the Corporation members of the vacancy.

D. If such occurs, and the remaining time on the term is less than six (6) months, the vacancy will be left open until the next regular election. If the term remaining is more than six (6) months, the Council shall direct the Secretary/Treasurer or Chair to conduct a special election pursuant to Section 2-3 to fill the unexpired term. The timeframe for such process pursuant to Sections 2-3 may be shortened such that the process is concluded within 30 days total.

E. The attendance by a member's designated representative at any regular and/or special meeting of the Council and/or Committee of the Council does not constitute official attendance by that member and such representative shall not be permitted to cast a vote on behalf of the represented member.

### **Section 2-6: Quorum**

Executive Council: A quorum shall consist of at least five (5) members of the Council being physically present. After a quorum is established other members can participate and vote by phone. However, in an emergency situation, subject to the call of the Chair, a meeting of the Council can be held by phone and a quorum be present if at least 5 members call in.

Corporation Annual Meeting: After provided proper notice as outlined under Section 1-5, a quorum will consist of those Corporation members present in person and by phone.

## **ARTICLE III COUNCIL OFFICERS**

### **Section 3-1: Executive Officers**

The Executive Officers shall be the Chair, Vice Chair, and Secretary/Treasurer. Said officers shall be elected by majority vote of the Council at the first meeting of the Council at the beginning of each new Council year with each officer serving a one (1) year, and shall develop a schedule for meetings of the Council and Corporation for the coming year. Executive Officers may serve successive terms. All officers of the Council are also officers of the Corporation. If at any time during the one year an officer's position becomes vacant, the Council at their next meeting shall select a Council member to fill the vacant position.

A. Chair: The Chair shall preside at all meetings of the Corporation and the Council and shall serve as the Council's Executive Officer. If the Chair and the Vice Chair will not be present for a meeting, the Chair may designate another officer or member to preside in the Chair's absence. The Chair shall have authority to appoint regular or special committees as deemed necessary, appoint committee members, and appoint the chair and vice chairs of each committee.

B. Vice Chair: The Vice Chair shall exercise all the powers and duties of the Chair during the Chair's absence or inability to act and shall perform such other duties as may be assigned by the Council or Chair.

C. Secretary/Treasurer: The Secretary/Treasurer shall oversee the keeping of a true up-to-date record of all proceedings of the Council and the Corporation and shall be chief financial agent of the Corporation. As chief financial agent, he or she shall oversee the financial matters of the Corporation, shall be the Chair of any audit committee, and shall propose the annual budget of the Corporation.

### **Section 3-2: Other Officers**

The ex-officio non-voting Officers of the Council shall be an Executive Director, and a General Counsel. Said officials shall be appointed by the Council based on the professional requirements of the applicable position and subject to such other provisions herein.

A. Executive Director: The Executive Director shall serve as the Administrator for the functions of the Council. Employment and/or contracting for position shall be pursuant to Section 4-2 and the Corporation's Annual Budget, pursuant to Section 4-1 B. The Executive Director is a managerial and policy making employee who serves at the pleasure of the Council without civil service protection. A performance evaluation shall be conducted annually of the Executive Director by July 1<sup>st</sup>. The Chair shall request from each Council member an evaluation that shall be submitted directly to the Chair. The Chair shall go over the evaluations with the Director. The Chair will provide the compilation of the evaluations to the Council members.

The Executive Director has responsibility to effect or recommend personnel, budget, expenditure, or policy decisions in his or her area of responsibility. The Executive Director shall be included in the Senior Management Services Class of the Florida Retirement System. The Executive Director shall be responsible for the day to day operations of the Corporation as well as act as a liaison between the Corporation and the Florida Court Clerks & Comptroller's.

B. General Counsel: The General Counsel shall provide legal services in accordance with the policy directives of the Council relative to the operations and the statutory duties and responsibilities of the Corporation.

## **ARTICLE IV ADMINISTRATION**

### **Section 4-1: Financial Administration**

A. Fiscal Year: The Corporation's fiscal and program year shall commence beginning October 1 and end on September 30.

B. Budget and Program Administration: The Corporation, at its annual meeting shall adopt an annual operating budget and program work plan for each fiscal year as presented by the Executive Director and recommended by the Council. Each budget and work plan shall be structured as to provide a detailed delineation of projected revenues and proposed expenditures by classification.

Each quarter, unless otherwise requested by the Corporation and/or the Council, the Secretary/ Treasurer shall report to the Corporation and the Council as to the status of the budget and make such recommendations for required modifications.

C. Accounting and Financial Reporting: The financial reporting system for funds received by the Florida Clerk of Court Operations Corporation to execute its statutory responsibilities and the associated annual audit shall be in accordance with the following provisions:

(1) The Council shall maintain a financial reporting system that records, establishes accountability for and provides controls over all funds received in accordance with Generally Accepted Accounting Principles and applicable state law.

(2) The Council shall cause to be made each year an independent audit of the preceding year's financial statements and records associated with the financial reporting system provided herein by a Certified Public Accountant (CPA) in accordance with Generally Accepted Governmental Auditing Standards issued by the Comptroller's Office of the United States of America.

The Council shall timely submit the resulting annual audit report, management letter and Council response to the Corporation members and such other entities that may be designated by law.

D. Administration of Procurement and Contracting: The Council shall develop and adopt policies and guidelines for procurement and contracting in accordance with law.

### **Section 4-2: Personnel Administration**

Each year, as an element of the Corporation's annual budget and work plan, the Council shall submit to the Corporation for consideration, a staffing plan for the next fiscal year. Said plan shall delineate for each position the position title; position classification; and compensation.

## **ARTICLE V OPERATIONS**

Pursuant to the functions of the Corporation as provided by statute and performed by the Council, and pursuant to the Plan of Operation, the following specific provisions shall govern the Council in the administration of such functions.

### **Section 5-1: Plan of Operation**

The Council shall submit to the Corporation each year during its annual business meeting such changes and modifications as deemed necessary.

### **Section 5-2: Legislative Recommendations**

The Council shall develop such legislative changes it deems appropriate for recommendation to the Florida Legislature. Such recommendations shall be coordinated with the Legislative Committee of the Florida Association of Court Clerks, Inc., for the purpose of obtaining input regarding Legislative initiatives. The proposed changes shall be agendaed for consideration at the next scheduled regular meeting of the Council prior to November 30 of each year.

### **Section 5-3: Research and Analytical Services**

The Corporation may contract to provide ongoing research and analytical evaluation relative to the budgetary requirements, performance measures, and applicable performance standards on the Clerks of the Court, including review and monitoring of expenditures, fines, fees, service charges, and court costs as provided by law.

### **Section 5-4: Clerk of Court Education Programs**

The Corporation, pursuant to Clerk of Court education function assigned to the Corporation may contract for developing and conducting said education programs. Programs administered pursuant to such contract(s) may be based on the following requirement classifications and within the general provisions as herein provided.

A. Certification Training – The contract may provide for the development, implementation, and administration of a program of training and education as required by s. 145.051, F.S., and delineated in Administrative Order of the Florida Supreme Court, dated November 18, 1996.

B. Budgetary Training – The contract may provide for the development, implementation, and administration of training requirements deemed necessary by the Council for the effective on-going implementation and administration of the Clerk of Court budgetary and reporting process.

C. Notification- Any contracts entered into by the Corporation for educational training of Clerks and staff shall include in the contract and training announcements, publication, and materials that funding for such training is paid for by the Corporation.