



CCOC

FLORIDA CLERKS OF COURT
OPERATIONS CORPORATION

JD Peacock, II
OKALOOSA COUNTY
EXECUTIVE COUNCIL CHAIR

Jeffrey R. Smith, CPA, CGMA
INDIAN RIVER COUNTY
VICE-CHAIR

Tiffany Moore Russell, Esq.
ORANGE COUNTY
SECRETARY/TREASURER

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POLK COUNTY

JOHN CRAWFORD
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TODD NEWTON
GILCHRIST COUNTY

LAURA E. ROTH
VOLUSIA COUNTY

HARVEY RUVIN, ESQ.
MIAMI-DADE COUNTY

RON FICARROTTA
13TH JUDICIAL CIRCUIT JUDGE
SUPREME COURT APPOINTEE

ANGELINA "ANGEL"
COLONNESO, ESQ.
MANATEE COUNTY
SENATE APPOINTEE

VACANT
HOUSE APPOINTEE

JOHN DEW
EXECUTIVE DIRECTOR

JOE BOYD
GENERAL COUNSEL

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

DRAFT AGENDA CCOC Executive Committee

DATE: September 20, 2019
TIME: 2:30pm (ET)
LOCATION: WebEx Meeting Information

Meeting link: <https://flccoc.webex.com/flccoc/j.php?MTID=me404204cc08ecaa3677664678259fdb8>

Meeting number: 737 147 821

Join by video system:

Dial 737147821@flccoc.webex.com

You can also dial 173.243.2.68 and enter your meeting number.

Join by phone:

+1-415-655-0001 US Toll

Access code: 737 147 821-

1. Call to Order.....Chair Peacock
2. Purpose and Responsibilities of the Executive CommitteeJohn Dew
3. Travel Reimbursement Policy.....John Dew
4. Juror Funding Policy.....Jason Welty
5. CCOC Staff Paid Time Leave Policy and Implementation.....Chair Peacock
6. Policy on submitting reports timely and follow-up.....Doug Isabelle
7. Education Committee.....Chair Peacock
8. Other Business

Committee Members: Chairman JD Peacock; Vice-Chair Jeff Smith; and Secretary/Treasurer Tiffany Moore Russell.

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Agenda Item 2

DATE: September 20, 2019
SUBJECT: Purpose of CCOC Executive Committee
COMMITTEE ACTION: Information Only

The CCOC Plan of Operations in section 2.1 provided the establishment of an Executive Committee consisting of the Council officers which include the Chair, Vice-Chair, and Secretary-Treasurer.

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.

This will be the first meeting of the current Council Officers since the election of these members at the June 2019 Council meeting.

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Agenda Item 3

DATE: September 20, 2019
SUBJECT: State Travel Reimbursement Policy
COMMITTEE ACTION: Direction to CCOC, Clerks, and Staff for travel paid for by court-related revenues.

BACKGROUND: The Department of Financial Services staff in their recent budget reviews of Clerks noted on several occasions the Clerk or staff were incurring expenses of one-night lodging at a rate higher than the 'allowable \$150' with no justification providing that it was the most economical choice. (See Attached Sarasota Review) They stated that under the 2019 State Generals Appropriations Act which became Chapter 2019-116, Section 112, Laws of Florida that state employee travel may not exceed \$150 per day. This section expires July 1, 2020. This same language was in the 2018 General Appropriations Act.

This issue was discussed earlier this year by the Executive Council, but no formal action was taken due to questioning its applicability to Clerks and their employees. It was decided to take no formal action until we knew if the 2019 Act would have a similar requirement.

The current memorandum of agreement which was signed off on in August with the CFO (See attached) requires that the CCOC will "adopt an understanding of allowable expenditures under sections 28.35(3), 28.37(5), 28.24(12) and 29.008, F.S." and the CCOC "will communicate common audit findings to the Clerks' offices during the annual budget training, to assist the Clerks' offices in budgeting for allowable expenditures'.

Historically the CCOC staff have provided training as part of either the annual budget process, the FCCC quarterly conferences, or special regional training sessions. The training has provided information from previous budget review findings from DFS such as how to develop allocations between court and non-court staff. However, we have not done any specific training on limiting lodging costs to \$150. This is due to the Executive Council not yet taken a formal vote on this requirement and this issue not being a finding from DFS until only recently.

MEMO UNSPENT BUDGETED FUNDS

ACTION:

1. The CCOC can adopt the CFO's position that Clerks and their staff are limited to \$150 lodging expense, unless there is justification provided as to why it was the most economical choice. If CCOC were to do this then we would include this requirement in our education to Clerks.
2. The CCOC could hold off accepting the CFO's position until such time we get an opinion from the CCOC General Counsel. Pending receiving the opinion from the General Counsel and making a decision however we would inform Clerks of the language in the 2019 General Appropriations Act, so they are made aware.
3. Other?

Lead Staff: John Dew, CCOC Executive Director

Attachments:

1. Sarasota Budget Review
2. CCOC/CFO Memorandum of Agreement



CHIEF FINANCIAL OFFICER
JIMMY PATRONIS
STATE OF FLORIDA

July 18, 2019

The Honorable Karen Rushing
Clerk of Circuit Court
Sarasota County
2000 Main Street
Sarasota, Florida 34237

Dear Ms. Rushing:

We completed our Article V Clerk of the Circuit Court Expenditure Compliance Audit in accordance with Florida Statutes. Enclosed is a copy of our final report.

We appreciate your advanced preparation for our audit and the courtesy extended to our team. We look forward to working with your office in the future.

Please contact Kim Holland at (850) 413-5700 or kim.holland@myfloridacfo.com if you have any questions.

Sincerely,

[Redacted Signature]
Mark Merry
MM/jp

Enclosure

FLORIDA DEPARTMENT OF FINANCIAL SERVICES
Mark Merry • Assistant Director
Division of Accounting and Auditing
200 East Gaines Street • Tallahassee, Florida 32399-0353 • Tel. 850-413-5510 • Fax. 850-413-5553
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AFFIRMATIVE ACTION • EQUAL OPPORTUNITY EMPLOYER



**JIMMY PATRONIS
CHIEF FINANCIAL OFFICER
STATE OF FLORIDA**

Florida Department of Financial Services

**SARASOTA COUNTY
CLERK OF THE CIRCUIT COURT
COMPLIANCE AUDIT**

**Report No. 2019-40
July 17, 2019**

SUMMARY

The Department of Financial Services (DFS) has completed an audit of the Sarasota County Clerk of the Circuit Court.¹ The auditors sampled court-related administrative and payroll expenditure accounts and transactions to determine whether, in making such expenditures, the Clerk's office complied with applicable State laws.² The sampled Clerk's office administrative and payroll expenditures generally complied with applicable State laws, and funds were expended for allowable court-related costs. However, as further described in the Observations and Recommendations section, we noted:

- In six (6) instances totaling \$39,436, the expenditures had been improperly allocated as court-related costs or were not authorized of record as being a reasonable administrative support cost.
- Financial reporting and recording could be improved.

BACKGROUND

In 2013, the Florida Legislature passed legislation that removed the Clerks of the Circuit Courts from the State appropriations process.³ The 2013 legislation requires that all court-related functions must be funded from filing fees, service charges, costs, and fines retained by the Clerks. That portion of all fines, fees, service charges, and costs collected by the Clerks for the previous month that exceeds one-twelfth (1/12) of a Clerk's total budget must be remitted to the State. Those funds are deposited into the State of Florida's Clerk of Court Trust Fund. For those Clerks who collect less than their approved budgets, the shortage is disbursed from the Clerks of Court Trust Fund. In addition, the DFS' role was changed to providing audits of only the Clerks' court-related expenditures.

The organization that governs the Clerks, the Florida Clerks of Court Operations Corporation (CCOC), was initially formed to review and certify proposed budgets from each Clerk. In 2017, the Florida Legislature passed new legislation⁴ giving the CCOC the duty of approving the proposed budgets submitted by the Clerks of the Circuit Courts as required by State law.⁵ The 2017 legislation provides that the CCOC must ensure that the total combined budgets of the Clerks of the Circuit Courts do not exceed the total estimated revenues available for court-related expenditures as determined by the most recent Revenue Estimating Conference.

¹Section 34.031, Florida Statutes.

²Sections 28.35(3)(a) and 28.37(5), Florida Statutes.

³Chapter 2013-44, Laws of Florida.

⁴Chapter 2017-126, Laws of Florida.

⁵Section 28.36, Florida Statutes.

The Chief Financial Officer has contracted with the CCOC to establish a process for auditing the court-related expenditures of the individual Clerks pursuant to State law.⁶ The audits are conducted by the DFS Bureau of Auditing, Article V section. It is the practice of the Department to conduct these audits every three to five years.

SCOPE

The audit of the Sarasota County Clerk of the Circuit Court's Office covered County Fiscal Year (CFY) 16-17, CFY 17-18, and CFY 18-19 (through January 31, 2019). The audit included both a desk review for analysis and sample selection and an on-site visit for review of supporting documentation.

OBJECTIVES & METHODOLOGIES

The following objectives have been established for the audit of court-related expenditures:

- Evaluate whether court-related expenditures were in compliance with State laws.⁷
- Evaluate whether court-related expenditures were properly authorized, recorded and supported.
- Evaluate whether the Clerk used other funding sources (from the County or any of the 10% of fines from the Modernization Trust Fund (TF)) to subsidize the court-related budget and/or expenditures (prior to July 1, 2017).
- Evaluate whether expenditures were within the budgeted appropriations.
- Evaluate the accuracy and completeness of expenditures reported on the Clerk of Court Expenditure and Collections Report.
- Evaluate whether the Clerk's salary and total payroll costs were within the applicable caps established by the Florida Legislature's Office of Economic and Demographic Research.
- Evaluate the Clerk's methodology for allocating payroll costs between court and non-court related functions.

Our audit included an examination of accounts, records and the sampling of various court-related transactions related to administrative and payroll expenditures.

Table 1 shows the court-related budgeted and actual expenditures for each fiscal year reviewed. Source: CCOC Budget Letter and Expenditure and Collection (EC) reports. CFY 16-17 includes juror expenditures through June 2017. CFY 17-18 and CFY 18-19 (through January 31, 2019) do not include juror expenditures.

Table 1		
Year	Budgeted	Actual
CFY 16-17	\$7,842,774	\$7,420,403
CFY 17-18	\$7,607,974	\$7,244,846
CFY 18-19	\$7,886,214	\$2,168,512 ⁸

The Sarasota County Clerk of the Circuit Court serves a population of 407,260.⁹

The budgeted growth from October 2016 through September 2019 was 0.55%

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

⁷Sections 28.35(3)(a) and 28.37(5), Florida Statutes.

⁸Actual through January 31, 2019.

⁹The Florida Legislature's Office of Economic and Demographic Research Report Salaries of Elected County Constitutional Officers and School District Officials for Fiscal Year 2018-2019, September 2018.

Table 2 reflects the budgeted and actual full-time equivalent (FTE) positions, who charge either all or a portion of employee time to court-related duties. The budgeted number of FTEs includes vacant positions. The actual number of FTEs includes only filled positions.

Table 2		
Year	Budgeted FTEs	Actual FTEs
CFY 16-17	141.66	150.00
CFY 17-18	140.33	152.00
CFY 18-19	140.55	148.00 ¹⁰

The budgeted FTEs decreased by -0.78% for the period October 2016 through September 2019.

OBSERVATIONS AND RECOMMENDATIONS

Section (s.) 28.35(3)(a), Florida Statutes (F.S.), outlines the list of court-related functions that Clerks may fund from filing fees, service charges, costs, and fines and is limited to those functions expressly authorized by law or court rule. Those functions include the following: case maintenance; records management; court preparation and attendance; processing the assignment, reopening, and reassignment of cases; processing of appeals; collection and distribution of fines, fees, service charges, and court costs; processing of bond forfeiture payments; payment of jurors and witnesses (before July 1, 2017); payment of expenses for meals or lodging provided to jurors (before July 1, 2017); data collection and reporting; processing of jurors (before July 1, 2017); determinations of indigent status; and paying reasonable administrative support costs to enable the Clerk of the court to carry out these court-related functions.

Section 28.35(3)(b), F. S., outlines the list of court-related functions that Clerks may not fund from filing fees, service charges, costs, and fines, which includes:

- Those functions not specified above,
- Functions assigned by administrative orders which are not required for the Clerk to perform the functions above,
- Enhanced levels of service which are not required for the Clerk to perform the functions above, and
- Functions identified as local requirements in law or local optional programs.

During our testing of the Clerk's office administrative expenditures, we noted six (6) instances in which the expenditure, contrary to statutory guidance, had been allocated as a court cost, or was not authorized of record as a reasonable administrative support cost.

Travel Expenditures

As previously stated, s. 28.35(3)(a), F. S., requires that Clerk's office expenditures be reasonable and must support the core functions outlined in statute. Additionally, the Department of Financial Services Reference Guide for State Expenditures requires that travelers provide justification for lodging that exceeds \$150 per night (room rate only). For the below travel expenditures, the Clerk of the Circuit Court Travel Authorization documents did not indicate that the activities were mission-critical. There was also no indication on the travel documentation reviewed that the Clerk's office had considered other means to obtain training such as teleconferencing, webinars, or online training. Additionally, the supporting documentation reviewed did not include justification to support the hotel rates over \$150 per night.

¹⁰Actual through January 31, 2019.

- In CFY 16-17, an employee of the Clerk's office attended the Association of Certified Fraud Examiners (ACFE) national conference in Washington, D.C. to obtain Continuing Professional Education (CPE) credits. The total cost of the trip was \$1,107 of which \$365 was charged to the State. Also, in CFY 17-18, the employee attended the ACFE national conference in New York City to obtain CPE credits. The total charged to the State for this conference was \$1,193. The Clerk's office was unable to demonstrate that the CFE certification was required for the position. Consequently, attendance at the national conferences to obtain CPE credits to maintain the certification cannot be deemed as necessary and essential to performance of the employee's job duties or considered mission-critical travel. There was also no indication that the employee had considered using teleconferencing or other means of obtaining the CPE credits. Also, there was no justification for the hotel rates of \$172 and \$230 per night, respectfully, which were over the \$150 per day limit.
- For the following travel expenditures, there was also no indication that the Clerk's office had considered using teleconferencing or other forms of electronic forms of communication for the training. Also, there was no justification for the hotel rates that exceeded the \$150 daily rate.
 - In CFY 16-17, an expenditure in the amount of \$5,921 of which \$2,802 was allocated to the court for two (2) employees to attend the 2017 Community LIVE Conference held in Las Vegas, NV. The hotel daily room rate was \$209 per night.
 - In CFY 17-18, an expenditure in the amount of \$5,194 of which \$2,848 was allocated to the court for two (2) employees to attend the 2018 Community LIVE Conference held in Nashville, TN. The hotel daily room rate for this conference was \$199 per night.
 - In CFY 18-19, an expenditure in the amount of \$1,834 of which \$1,632 was allocated to the court for one (1) employee to attend the Ontario Systems – Power Up conference in Indianapolis, IN. The hotel rate for this conference was \$204 per night.

Upon inquiry, the Clerk's office noted that attendance at these conferences was necessary to remain up to date on their system capabilities and new products; however, there was no documentation on the travel forms to indicate the travel was mission-critical or to justify the hotel rates in excess of \$150 per night, as required by law.

We recommend the Clerk's office adhere to the statutes and rules governing travel charged to the State, and maintain documentation on file to justify that travel is mission-critical and that other forms of electronic communication were considered. Written justification such as comparison rates for hotels in the area should also be maintained. Since maintaining the CFE certification is not a requirement for the position of the Clerk of Court, we further recommend that the Clerk's office consider other sources of funding for attendance at the ACFE conferences or online and local training options. We also recommend the Clerk's office reimburse the Clerks of Court Trust Fund for the ACFE conference expenditures totaling \$1,558.

Financial Reporting and Recording

As noted on page 3 of this report, s. 28.35(3)(a), F.S., outlines the list of court-related functions that Clerks may fund from filing fees, services charges, costs, and fines and is limited to those functions expressly authorized by law or court rule. The Clerk's office was unable to demonstrate that the following expenditures were reasonable to support the essential functions of the Clerk's office.

- In CFY 18-19, we noted total expenditures of \$42,000 for leadership training sessions of which \$13,860 was allocated to the court. The Clerk's office entered into an agreement with Focused Consulting, LLC for the purpose of creating individual development plans. The Clerk's office stated that the consultant helped the Clerk's office provide a better quality of customer service.
- In CFY 17-18, we noted an expenditure for \$12,500 for an annual subscription to PayScale Insight Subscription & Services, which is the largest aggregator of salary information, of which \$4,125 was allocated to the courts. The Clerk's office informed us that the subscription allows them to access data to ensure that their pay ranges are marketable.

We recommend the Clerk's office allocate as court-related expenditures only those costs considered reasonable administrative support costs to enable the Clerk's office to carry out its court-related functions. Additionally, we recommend the Clerk's office consider utilizing free web-based sites for researching salary ranges or through networking with other Clerk's offices. We also recommend the Clerk's office reimburse the Clerks of Court Trust Fund for the expenditures above for \$17,985.

Section 29.008(1)(f)2, F.S., requires counties to fund the cost of communications services which includes all computer networks, systems and equipment, including computer hardware and software, modems, printers, wiring, network connections, and maintenance.

- In CFY 16-17, we noted an invoice for expenditures totaling \$15,788 of which \$13,419 was allocated to various court-related cost centers. The expenditures were for an archive writer, micro file with film unit, and two Kodak Prostar archive processors.
- In CFY 16-17, we sampled an expenditure in the amount of \$7,616 for support and maintenance for three (3) scanners of which \$6,474 was allocated to various court-related cost centers.

We recommend the Clerk's office ensure that its court-related expenditures are allowable according to Sections (ss.) 29.008 and 28.35(3)(a), F.S. We also recommend the Clerk's office reimburse the Clerks of Court Trust Fund for the expenditures above for \$19,893.



KAREN E. RUSHING
Clerk of the Circuit Court and County Comptroller

2000 Main Street • P.O. Box 3079 • Sarasota, FL 34230-3079 • Phone: 941-861-7400 • www.SarasotaClerk.com

July 24, 2019

Mark Merry
Assistant Director
Division of Accounting & Auditing
Office of Chief Financial Officer Jimmy Patronis
Florida Department of Financial Services
200 East Gaines Street
Tallahassee, FL 32399-0353

Re: Sarasota County Article V Clerk of the Circuit Court Compliance Audit

Dear Mr. Merry,

Our responses to the Observations and Recommendations in Audit Report 2019-40 are outlined below.

Recommendation 1: We recommend the Clerk's office adhere to the statutes and rules governing travel charged to the State, and maintain documentation on file to justify that travel is mission-critical and that other forms of electronic communication were considered. Written justification such as comparison rates for hotels in the area should also be maintained. Since maintaining the CFE certification is not a requirement for the position of the Clerk of Court, we further recommend that the Clerk's office consider other sources of funding for attendance at the ACFE conferences or online and local training options. We also recommend the Clerk's office reimburse the Clerks of Court Trust Fund for the ACFE conference expenditures totaling \$1,558.

Response: The group room rate offered for conferences are hotels either where the conference is being held or close by and decisions to stay at one hotel or another is driven by availability of the facility. Staying at one of the conference sites offered avoids additional travel costs, such as taxi fees, which could quickly exceed any room savings by staying at another hotel. Given that the Clerk of the Circuit Court is responsible for millions of dollars, has large complexed systems and numerous employees handling money along with auditing responsibilities for guardianship matters this office believes excellence in money management and fraud prevention is mission critical. All required yearly audits of the Office begin, performed by external auditors, begin with a conversations regarding potential risks of fraud.

Although it is true having a CFE certification is not a requirement to becoming a Clerk of the Circuit Court it is difficult to argue that it does not benefit the people served by the office or that knowledge and training in this area is not mission critical to the functions of responsibility. We will reimburse \$1,558 to the Clerks of Court Trust Fund.

Recommendation 2: The Clerk's office was unable to demonstrate that the following expenditures were reasonable to support the essential functions of the Clerk's office.

- In CFY 18-19, we noted total expenditures of \$42,000 for leadership training sessions of which \$13,860 was allocated to the court. The Clerk's office entered into an agreement with Focused Consulting, LLC for the purpose of creating individual development plans. The Clerk's office stated that the consultant helped the Clerk's office provide a better quality of customer service.
- In CFY 17-18, we noted an expenditure for \$12,500 for an annual subscription to PayScale Insight Subscription & Services, which is the largest aggregator of salary information, of which \$4,125 was allocated to the courts. The Clerk's office informed us that the subscription allows them to access data to ensure that their pay ranges are marketable.

We recommend the Clerk's office allocate as court-related expenditures only those costs considered reasonable administrative support costs to enable the Clerk's office to carry out its court-related functions.

Additionally, we recommend the Clerk's office consider utilizing free web-based sites for researching salary ranges or through networking with other Clerk's offices. We also recommend the Clerk's office reimburse the Clerks of Court Trust Fund for the expenditures above for \$17,985.

Response: This office places high value on serving the public and in doing so believes it is absolutely mission critical to have leadership development programs so that all employees go the "extra mile" to help the people we serve. Our leadership programs focus on being servants to the people. All employees, new or existing, are continually trained that working for the Clerk requires that they embrace our culture "IMPACT". This acronym stands for I= Integrity M = Make a difference P = Proficiency A= Accountable C= Conscientious T= Trustworthy. I believe that leadership training is essential to performing the functions of the Clerk's office.

PayScale allows us to maintain a classification and compensation program, as required by Florida Statute 110.2035 (1)(b) in addition to providing marketable pay ranges. Given the cost of employee turnover this is one effort to minimize such.

That said we will reimburse \$17,985 to the Clerks of Court Trust Fund, although we do not agree with the recommendation.

Recommendation 3: Section 29.008(1)(f)1, F.S., requires counties to fund the cost of communications services which include wireless communications, cellular telephones, facsimile equipment, all computer networks, systems and equipment, including computer hardware and software, modems, printers, wiring, network connections, and maintenance.

- In CFY 16-17, we noted an invoice for expenditures totaling \$15,788 of which \$13,419 was allocated to various court-related cost centers. The expenditures were for an archive writer, micro file with film unit, and two Kodak Prostar archive processors.
- In CFY 16-17, we sampled an expenditure in the amount of \$7,616 for support and maintenance for three (3) scanners of which \$6,474 was allocated to various court-related cost centers.

We recommend the Clerk's office ensure that its court-related expenditures are allowable according to Sections 29.008 and 28.35(3)(a), F.S. We also recommend the Clerk's office reimburse the Clerks of Court Trust Fund for the expenditures above for \$19,893.

Response: Each year Clerks are given Budget Request Instructions from the Florida Clerks of Court Operations Corporation. Attached to the instructions is a legal opinion about the use of budget money for IT expenses. The scanners referred to are mission critical and are required to file all non-electronically filed documents submitted to the Court. It was believed that the expenses listed above were eligible. We will reimburse \$19,893 to the Clerks of Court Trust Fund. In the future per your recommendation, we will allocate the cost of these expenditures under F.S. 29.008.

Should you have any questions, please feel free to contact the Clerk Finance Officer, Peter Ramsden, at 941-861-5166 and thank you for your service.

Sincerely,



Karen E. Rushing
Clerk of the Circuit Court and County Comptroller

JD Peacock, II
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AC095

MEMORANDUM OF AGREEMENT

BETWEEN THE FLORIDA DEPARTMENT OF FINANCIAL SERVICES AND THE FLORIDA CLERKS OF COURT OPERATIONS CORPORATION

This Memorandum of Agreement (MOA) is entered into as of the date last signed by and between the Florida Department of Financial Services (DFS) and the Florida Clerks of Court Operations Corporation (CCOC).

Chief Financial Officer Authority

Whereas, section 17.03, Florida Statutes (F.S.), provides that the Chief Financial Officer, using generally accepted auditing procedures for testing or sampling, shall examine, audit, and settle all accounts, claims and demands, whatsoever, against the state, arising under any law or resolution of the Legislature, and issue a warrant directing the payment out of the State Treasury of such amount as he or she allows thereon; and

Whereas, section 28.35(2)(e), F.S., provides that DFS, Bureau of Auditing (Bureau), will conduct an audit of the Clerks of Court (Clerk) by examining court-related expenditures. The Bureau will audit court-related expenditures of state funds to determine compliance with sections 28.35(3), 28.37(5), and 29.008, F.S., and whether the expenditures were properly authorized, recorded, and supported.

Therefore, the parties enter into this MOA to recognize the following:

DFS Responsibilities

1. No later than July 15th of each fiscal year, DFS will provide the CCOC a schedule of the audits to be completed within the fiscal year. Should there be a change in the schedule, DFS will notify and provide the CCOC with a revised schedule.
2. No later than August 1st of each fiscal year, DFS will present to the CCOC an MOA addressing the audit to be conducted in accordance with section 28.35(2)(e), F.S., for execution.
3. When engaging an audit, DFS will provide the CCOC with a copy of the engagement letter.
4. The Bureau will conduct an audit of the Clerk by examining court-related expenditures according to stated objectives.
5. DFS will provide the CCOC with a copy of the final report that includes the Clerk's response to the final report.
6. DFS will meet with the CCOC semiannually to review and discuss the audit findings to date and any other items of importance to either party.

Audit Objectives

The following objectives have been established for the audit of court-related expenditures:

1. DFS will evaluate whether the Clerk used other funding sources (from the County or any of the 10% of fines from the Modernization Trust Fund (TF)) to subsidize the court-related budget and/or expenditures (for audit periods prior to July 1, 2017).
2. Evaluate whether expenditures were within the budgeted appropriations.
3. Evaluate the accuracy and completeness of expenditures reported on the Clerk of Court Expenditure and Collections Reports.
4. Evaluate whether court-related expenditures were in compliance with sections 28.35(3), 28.37(5), and 29.008, F. S.
5. Evaluate whether court-related expenditures were properly authorized, recorded, and supported.
6. Evaluate whether the Clerk's salary and total payroll costs were within the applicable caps established by the Florida Legislature's Office of Economic and Demographic Research.
7. Evaluate the Clerk's methodology for allocating payroll costs between court- and non-court-related functions.

CCOC Responsibilities

1. The CCOC will adopt an understanding of allowable expenditures under sections 28.35(3), 28.37(5), 28.24(12) and 29.008, F.S.
2. The CCOC will communicate common audit findings to the Clerks' offices during the annual budget training, to assist the Clerks' offices in budgeting for allowable expenditures.

IN WITNESS WHEREOF, the parties agree to the terms and conditions of this Memorandum of Agreement and have duly authorized their respective representatives to sign it on the dates indicated below.

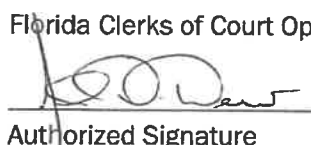
Department of Financial Services

 8/6/19
Authorized Signature Date

Ryan West
Typed or Printed Name

Chief of Staff
Title

Florida Clerks of Court Operations Corporation

 7/29/19
Authorized Signature Date

John D. Dew
Typed or Printed Name

Executive Director
Title

JD Peacock, II
OKALOOSA COUNTY
EXECUTIVE COUNCIL CHAIR

Jeffrey R. Smith, CPA, CGMA
INDIAN RIVER COUNTY
VICE-CHAIR

Tiffany Moore Russell, Esq.
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Agenda Item 4

DATE: September 20, 2019
SUBJECT: Juror Funding Policy
COMMITTEE ACTION: Review Budget Committee Recommendation- Approve or not

For the past two budget years the individual Clerks have had the same budget authority each year despite wide ranges in their expenses for juror services. The CCOC for the last two budget cycles has not looked at revising juror budgets even though many of the Clerks requested an increase in their juror budget through the annual budget process.

The Executive Council previously established a policy that if the juror expense incurred by a Clerk's office was more than their CCOC approved juror budget then they would have to reduce their CCOC budget side accordingly. However, after the end of last county fiscal year, we noted that several Clerks spent more than their approved juror budget because they had the revenues provided by JAC but did not decrease their expenditures in the CCOC budget side. The same could occur this year so the Budget Committee is taking up a recommendation to increase 35 Clerk's juror budget authority for CFY 18/19 to the amount of dollars provided them by JAC for this time period.

Also, we are asking the Budget Committee this year to consider revising the Clerk's juror funding budget authority for CFY 19/20 to more closely align the historical amount received from JAC for the last few years. This should help alleviate some of the large discrepancies that have occurred the past few years in the approved juror budget and the actual expenditures.

We will have recommendations of the Budget Committee available for the Executive Committee upon the completion of the meeting which will be held at 11am on September 20th. (Attached are the materials that will be provided to the Budget Committee.)

Committee Options:

1. Approve all the Budget Committee Recommendations on Juror Funding
2. Approve some of the Budget Committee Recommendations on Juror Funding
3. Leave the process as is

MEMO UNSPENT BUDGETED FUNDS

Attachments:

1. Memo concerning 18/19 Juror Budget
2. Comparison of Clerks' juror budgets and JAC distribution for 18/19
3. Memo concerning 19/20 Juror Budget Process
4. Comparison of Clerks' 19/20 Juror Budget Request and historical expenditures and JAC disbursements
5. Draft Juror Funding Management Policy Guidance



CCOC

FLORIDA CLERKS OF COURT
OPERATIONS CORPORATION

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AGENDA ITEM 7a

DATE: September 20, 2019
SUBJECT: CFY 2018-19 Juror Management Budget Authority
COMMITTEE ACTION: Approve CFY 2018-19 Juror Management Budget Authority Adjustment

OVERVIEW:

In July 2016, the Legislature provided clerks with \$11.7 million in recurring General Revenue to cover the costs of juror management. Since the implementation of this funding, the Budget Committee has not adjusted the original authority authorized for clerks' budgets. As a result, some counties have overspent their juror management budget authority, while others have underspent their authority.

Overspending juror management authority is a non-issue if a county has sufficient unspent budget authority on the CCOC revenue side of their budget. However, if a county does not have enough budget authority on the CCOC revenue side, overspending the juror management authority can result in overspending the total aggregate budget.

Staff recommends providing an adjustment to the counties that received additional juror management dollars from the Justice Administrative Commission (JAC) for the CFY 2018-19. Thirty-five counties would receive an adjustment to their juror management budget authority to match the amount disbursed by JAC.

The adjustment would allow those counties the ability to spend the revenue each county received as part of the July-September disbursement, which took place in June 2019.

At the end of the county fiscal year, if a county has expenditures greater than the CFY 2018-19 JAC disbursement, those expenditures should be paid for out of CCOC revenue for CFY 2018-19.

COMMITTEE ACTION:

Motion to revise juror management budget authority for the thirty-five impacted counties and send revised CFY 2018-19 Budget Certification letters.

LEAD STAFF: Jason L. Welty, Budget and Communications Director

ATTACHMENTS:

1. CFY 2018-19 Jury Disbursement vs Authority Spreadsheet

County	Peer Group	Jury Budget Authority	Jury Reimbursement (From JAC)	Adujusted Jury Budget Authority
Alachua	8	\$ 107,379.00	\$ 185,613.21	\$ 78,234.21
Baker	3	\$ 17,571.00	\$ 29,604.52	\$ 12,033.52
Bay	7	\$ 101,641.00	\$ 162,665.87	\$ 61,024.87
Bradford	3	\$ 20,773.00	\$ 27,708.74	\$ 6,935.74
Broward	12	\$ 774,475.00	\$ 870,363.45	\$ 95,888.45
Clay	7	\$ 64,272.00	\$ 69,328.08	\$ 5,056.08
Columbia	5	\$ 51,948.00	\$ 56,014.66	\$ 4,066.66
Escambia	9	\$ 278,645.00	\$ 289,560.01	\$ 10,915.01
Flagler	6	\$ 56,967.00	\$ 62,899.22	\$ 5,932.22
Franklin	1	\$ 12,889.00	\$ 16,863.35	\$ 3,974.35
Glades	1	\$ 17,914.00	\$ 20,186.95	\$ 2,272.95
Hendry	4	\$ 45,641.00	\$ 55,340.73	\$ 9,699.73
Hernando	7	\$ 129,545.00	\$ 151,745.71	\$ 22,200.71
Holmes	2	\$ 12,775.00	\$ 18,035.84	\$ 5,260.84
Indian River	6	\$ 130,646.00	\$ 177,458.27	\$ 46,812.27
Jackson	4	\$ 13,152.00	\$ 32,539.90	\$ 19,387.90
Jefferson	1	\$ 13,152.00	\$ 33,120.09	\$ 19,968.09
Lake	8	\$ 207,877.00	\$ 224,270.39	\$ 16,393.39
Lee	10	\$ 242,076.00	\$ 262,213.00	\$ 20,137.00
Leon	8	\$ 248,509.00	\$ 266,346.22	\$ 17,837.22
Levy	4	\$ 65,866.00	\$ 68,183.32	\$ 2,317.32
Madison	2	\$ 10,931.00	\$ 14,605.17	\$ 3,674.17
Martin	6	\$ 143,502.00	\$ 143,797.55	\$ 295.55
Nassau	5	\$ 63,328.00	\$ 81,183.09	\$ 17,855.09
Okeechobee	4	\$ 65,215.00	\$ 84,885.47	\$ 19,670.47
Osceola	9	\$ 258,192.00	\$ 310,704.01	\$ 52,512.01
Pasco	10	\$ 216,661.00	\$ 262,156.35	\$ 45,495.35
Sarasota	9	\$ 324,216.00	\$ 356,278.21	\$ 32,062.21
Seminole	9	\$ 203,929.00	\$ 222,253.19	\$ 18,324.19
St. Lucie	9	\$ 277,463.00	\$ 318,599.56	\$ 41,136.56
Sumter	6	\$ 59,867.00	\$ 76,766.32	\$ 16,899.32
Taylor	3	\$ 11,955.00	\$ 14,600.95	\$ 2,645.95
Union	2	\$ 7,724.00	\$ 13,370.90	\$ 5,646.90
Wakulla	3	\$ 33,413.00	\$ 35,374.90	\$ 1,961.90
Walton	5	\$ 58,486.00	\$ 60,470.44	\$ 1,984.44

TOTAL	\$ 4,348,595.00	\$ 5,075,107.63	\$ 726,512.63
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AGENDA ITEM 7b

DATE: September 20, 2019
SUBJECT: CFY 2019-20 Juror Management Budget Authority
COMMITTEE ACTION: Modify CFY 2018-19 Juror Management Budget Authority

OVERVIEW:

In July 2016, the Legislature provided clerks with \$11.7 million in recurring General Revenue to cover the costs of juror management. Since the implementation of this funding, the Budget Committee has not adjusted the original authority authorized for clerks' budgets. As a result, some counties have more juror management budget authority than is necessary to cover their expenditures, while other counties do not have the necessary authority to cover juror management expenditures.

Staff recommends modifying the CFY 2019-20 juror management budget authority to more closely match the historical reimbursement from the Justice Administrative Commission (JAC) by adjusting the budget authority to match the three-year average JAC distribution to each county. The attachment titled, "CFY 2019-20 Juror Budget Authority Recommendation" provides the recommended amount for each county.

At the end of the county fiscal year, if a county has expenditures greater than the CFY 2019-20 JAC disbursement, those expenditures should be paid for out of CCOC revenue.

COMMITTEE ACTION:

Motion to set CFY2019-20 juror management budget authority for the all counties to correspond with the Three-Year Average JAC Disbursement.

Motion to authorize the Juror Management Workgroup to continue to review juror expenditures, provide recommendations to the Budget Committee, and be responsible for oversight of the allocation of funding to ensure maximum use by the clerks.

Motion to modify the Expenditures and Collections (EC) report to include a line for jury expenditures that are not reimbursed by General Revenue.

LEAD STAFF: Jason L. Welty, Budget and Communications Director

ATTACHMENTS:

1. CFY 2019-20 Juror Budget Authority Recommendation

County	Peer Group	CFY1920 Jury Request	Current CFY1819 Budget Authority	Three-Year Average Actual Expenditures 1	Three-Year Average JAC Disbursement2	Diff between JAC 3 Yr Avg & CFY1920 Jury Request
Alachua	8	\$ 180,000	\$ 107,379	\$ 191,121	\$ 188,525	\$ 8,525
Baker	3	\$ 47,493	\$ 17,571	\$ 30,972	\$ 26,928	\$ (20,565)
Bay	7	\$ 222,041	\$ 101,641	\$ 160,875	\$ 162,230	\$ (59,811)
Bradford	3	\$ 23,102	\$ 20,773	\$ 26,738	\$ 29,914	\$ 6,812
Brevard	10	\$ 414,500	\$ 439,788	\$ 448,411	\$ 452,538	\$ 38,038
Broward	12	\$ 880,932	\$ 774,475	\$ 822,031	\$ 782,141	\$ (98,791)
Calhoun	1	\$ 13,862	\$ 8,774	\$ 8,680	\$ 9,365	\$ (4,497)
Charlotte	7	\$ 175,966	\$ 161,461	\$ 150,802	\$ 146,704	\$ (29,262)
Citrus	6	\$ 84,195	\$ 84,195	\$ 72,397	\$ 72,564	\$ (11,631)
Clay	7	\$ 60,213	\$ 64,272	\$ 59,366	\$ 61,390	\$ 1,177
Collier	9	\$ 250,600	\$ 239,456	\$ 235,746	\$ 227,317	\$ (23,283)
Columbia	5	\$ 55,798	\$ 51,948	\$ 55,738	\$ 56,186	\$ 388
DeSoto	3	\$ 50,196	\$ 36,089	\$ 30,129	\$ 29,365	\$ (20,831)
Dixie	2	\$ 22,033	\$ 26,951	\$ 11,528	\$ 12,079	\$ (9,954)
Duval	11	\$ 609,631	\$ 477,242	\$ 455,024	\$ 446,759	\$ (162,872)
Escambia	9	\$ 322,872	\$ 278,645	\$ 293,522	\$ 287,702	\$ (35,170)
Flagler	6	\$ 64,887	\$ 56,967	\$ 60,981	\$ 62,517	\$ (2,370)
Franklin	1	\$ 20,125	\$ 12,889	\$ 14,506	\$ 15,677	\$ (4,448)
Gadsden	4	\$ 62,506	\$ 65,647	\$ 56,306	\$ 55,484	\$ (7,022)
Gilchrist	2	\$ 10,377	\$ 10,873	\$ 7,493	\$ 8,881	\$ (1,496)
Glades	1	\$ 19,856	\$ 17,914	\$ 20,239	\$ 20,024	\$ 168
Gulf	2	\$ 24,572	\$ 20,198	\$ 21,108	\$ 20,250	\$ (4,322)
Hamilton	2	\$ 12,043	\$ 11,585	\$ 14,733	\$ 14,689	\$ 2,646
Hardee	3	\$ 40,870	\$ 40,870	\$ 32,910	\$ 31,562	\$ (9,308)
Hendry	4	\$ 59,000	\$ 45,641	\$ 55,957	\$ 54,385	\$ (4,615)
Hernando	7	\$ 176,116	\$ 129,545	\$ 155,091	\$ 152,909	\$ (23,207)
Highlands	5	\$ 103,255	\$ 101,212	\$ 88,043	\$ 89,067	\$ (14,188)
Hillsborough	11	\$ 600,916	\$ 600,891	\$ 487,175	\$ 488,746	\$ (112,170)
Holmes	2	\$ 25,042	\$ 12,775	\$ 16,531	\$ 16,767	\$ (8,275)
Indian River	6	\$ 169,051	\$ 130,646	\$ 172,206	\$ 165,696	\$ (3,355)
Jackson	4	\$ 44,606	\$ 13,152	\$ 23,883	\$ 25,892	\$ (18,714)
Jefferson	1	\$ 37,534	\$ 13,152	\$ 35,209	\$ 34,276	\$ (3,258)
Lafayette	1	\$ 3,274	\$ 8,890	\$ 4,442	\$ 4,882	\$ 1,608
Lake	8	\$ 257,841	\$ 207,877	\$ 208,372	\$ 213,789	\$ (44,052)
Lee	10	\$ 336,425	\$ 242,076	\$ 259,211	\$ 252,690	\$ (83,735)
Leon	8	\$ 476,871	\$ 248,509	\$ 254,908	\$ 256,540	\$ (220,331)
Levy	4	\$ 70,994	\$ 65,866	\$ 66,940	\$ 66,275	\$ (4,719)
Liberty	1	\$ 13,104	\$ 10,310	\$ 9,897	\$ 10,272	\$ (2,832)



County	Peer Group	CFY1920 Jury Request	Current CFY1819 Budget Authority	Three-Year Average Actual Expenditures 1	Three-Year Average JAC Disbursement2	Diff between JAC 3 Yr Avg & CFY1920 Jury Request
Madison	2	\$ 14,240	\$ 10,931	\$ 8,815	\$ 12,335	\$ (1,905)
Manatee	9	\$ 146,218	\$ 146,123	\$ 137,475	\$ 144,133	\$ (2,085)
Marion	8	\$ 213,476	\$ 237,265	\$ 217,539	\$ 215,989	\$ 2,513
Martin	6	\$ 155,819	\$ 143,502	\$ 148,613	\$ 144,915	\$ (10,904)
Miami-Dade	12	\$ 1,132,984	\$ 1,091,506	\$ 1,061,116	\$ 1,052,763	\$ (80,221)
Monroe	6	\$ 192,299	\$ 143,817	\$ 149,109	\$ 134,328	\$ (57,971)
Nassau	5	\$ 78,381	\$ 63,328	\$ 67,804	\$ 68,431	\$ (9,950)
Okaloosa	7	\$ 123,312	\$ 100,598	\$ 98,643	\$ 95,233	\$ (28,079)
Okeechobee	4	\$ 80,761	\$ 65,215	\$ 82,196	\$ 75,392	\$ (5,369)
Orange	11	\$ 716,220	\$ 695,272	\$ 723,014	\$ 708,356	\$ (7,864)
Osceola	9	\$ 364,679	\$ 258,192	\$ 272,006	\$ 273,652	\$ (91,027)
Palm Beach	12	\$ 1,037,662	\$ 818,268	\$ 789,474	\$ 801,396	\$ (236,266)
Pasco	10	\$ 411,212	\$ 216,661	\$ 225,599	\$ 220,656	\$ (190,556)
Pinellas	11	\$ 754,027	\$ 705,759	\$ 625,313	\$ 625,757	\$ (128,270)
Polk	10	\$ 364,015	\$ 360,394	\$ 361,649	\$ 346,679	\$ (17,336)
Putnam	5	\$ 125,070	\$ 125,070	\$ 102,352	\$ 102,395	\$ (22,675)
Saint Johns	7	\$ 89,500	\$ 71,514	\$ 83,238	\$ 78,071	\$ (11,429)
Saint Lucie	9	\$ 316,712	\$ 277,463	\$ 292,890	\$ 289,895	\$ (26,817)
Santa Rosa	7	\$ 127,859	\$ 175,224	\$ 179,894	\$ 163,863	\$ 36,004
Sarasota	9	\$ 411,728	\$ 324,216	\$ 355,472	\$ 349,396	\$ (62,332)
Seminole	9	\$ 213,731	\$ 203,929	\$ 217,245	\$ 211,711	\$ (2,020)
Sumter	6	\$ 80,000	\$ 59,867	\$ 76,717	\$ 75,900	\$ (4,100)
Suwannee	4	\$ 32,818	\$ 32,869	\$ 27,623	\$ 25,887	\$ (6,931)
Taylor	3	\$ 11,421	\$ 11,955	\$ 12,991	\$ 11,749	\$ 328
Union	2	\$ 10,961	\$ 7,724	\$ 8,753	\$ 9,976	\$ (985)
Volusia	10	\$ 275,600	\$ 261,634	\$ 277,588	\$ 276,076	\$ 476
Wakulla	3	\$ 38,334	\$ 33,413	\$ 35,786	\$ 34,231	\$ (4,103)
Walton	5	\$ 70,674	\$ 58,486	\$ 58,104	\$ 58,396	\$ (12,278)
Washington	3	\$ 42,605	\$ 41,655	\$ 40,281	\$ 39,878	\$ (2,727)

TOTAL	\$ 13,675,017	\$ 11,699,995	\$ 11,856,520	\$ 11,700,413	\$ (1,974,604)
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Notes:

1. Actual expenditures for Jul-Sep 2019 were calculated based on prior 9 month actuals for CFY 2018-19. This amount was added to the other 12 quarters of data, divided by 13 to get a quarterly average and then multiplied by 4 to produce an annualized figure.
2. Three-Year Avg JAC Funding amount was calculated by aggregating the 13 quarters of actual funding, dividing it by 13 and then multiplying it by 4 to produce an annualized figure.





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AGENDA ITEM 7c

DATE: September 20, 2019
SUBJECT: Juror Management Policy Guidance – Draft Memo

JUROR MANAGEMENT FUNDING OVERVIEW

Beginning in fourth quarter of CFY 2015-16, the legislature began generously providing \$11.7 million of General Revenue funds for the purpose of supplementing the clerks' budgets for juror management costs. Prior to this appropriation, juror management costs were paid out of the clerks' collected revenues. Clerks appreciate this appropriation and in attempt to ensure the dollars are spent appropriately, CCOC sets a jury budget authority for each clerk and tracks the actual expenditures for jury management.

CCOC's Budget Committee provided each clerk with a jury budget authority beginning in CFY 2016-17. The Budget Committee set the authority by doing an average of previous fiscal years jury expenditures. Based on clerk's Original Budget requests in CFY 2017-18, it was anticipated the General Revenue appropriation would not be enough to cover the complete costs of juror management.

During State Fiscal Year 2016-17, clerks did not spend the entire juror management allocation. Initially, CCOC communicated that unexpended dollars would be returned to the Department of Revenue; however, in order to maximize the General Revenue appropriation, CCOC worked with the legislature and the Justice Administrative Commission (JAC) to allow clerks to carry forward the additional dollars to cover costs beyond their original juror management budget authority.

Juror management budget authority was not adjusted for the CFY 2017-18 or CFY 2018-19 budgets. As a result of not adjusting, some clerks have more authority than they typically use, while other clerks have less authority than they typically use. Over the past year, clerks have asked several questions regarding the juror management reimbursement. This memo serves to answer questions relating to juror management funding and alleviate confusion related to this funding.

I. QUARTERLY ESTIMATES

In CFY 2016-17, CCOC contemplated a jury settle-up process that involved clerks sending money back to JAC at the end of the state fiscal year. However, there were other clerks that were not receiving enough funding through the quarterly estimates and it was decided to seek a continuous roll-forward process whereby clerks would carry forward any unexpended funds to the next quarter

and would request additional funds from JAC if they did not receive enough from the quarterly estimate.

CCOC created a jury estimate tool that accompanies the quarterly estimate form. This form provides a “settle-up” calculation each quarter by comparing the JAC disbursement for the most recently completed quarter. For example, the Oct-Dec estimate form provides a settle up for the April-June quarter. This settle up is rolling and is always two quarters behind the current estimate. Over the course of the last year, CCOC received several calls to adjust the cumulative Over/Under calculations because the number provided on the form did not match what the county was expecting.

GUIDANCE

If you disagree with the settle up from the previous quarter and wish to make an adjustment to the request amount, please provide a calculation in Cell F32 of the Estimating Tool Tab and provide justification and documentation in the additional info box on Line 37 of the Estimating Tool tab. CCOC will review the requested adjustments and follow up prior to submitting the estimates to JAC. Because the estimate is provided before the completion of the quarter, there is an expected error rate that is then corrected in the following quarter. The estimate, distribution, and actual expenditures will likely never tie together unless the legislature cuts the funding, at which point CCOC would need to conduct a final reconciliation and make adjustments between clerks.

II. JUROR MANAGEMENT BUDGET AUTHORITY AND EXPENDITURES

Juror management budget authority has not changed since CFY 2016-17; because it has not been adjusted, several clerks have overspent their authority. In CFY 2017-18, 41 clerks overspent their budget authority. For clerks that did not expend all of their CCOC revenue authority, over spending jury budget authority isn't a problem; however, if a clerk expended all of their CCOC revenue authority and overspent their juror management budget authority, they would overspend their aggregate budget authority.

GUIDANCE

1. A clerk should never overspend the aggregate budget authority of CCOC revenue authority and juror management authority.
2. A clerk cannot use excess juror management budget authority to over expend their CCOC revenue budget authority.
3. A clerk may use excess CCOC revenue budget authority and excess CCOC revenue to over expend their juror management budget authority.
 - If juror management expenditures exceed the juror management budget authority, clerks should use CCOC revenue budget authority to balance to the aggregate budget authority.
 - If juror management expenditures exceed the juror management reimbursement by JAC, clerks should use CCOC revenue to cover those expenditures.

III. FUTURE CONSIDERATIONS

The Budget Committee will be considering a change to the budget authority for the CFY 2019-20 budget to more closely align to what clerks have historically received from JAC. This solution should alleviate the disparity many clerks have between their juror management budget authority and their juror management expenditures. The Budget Committee will reevaluate the Juror Management authority on a yearly basis.

The Juror Management workgroup will evaluate recommendations submitted by the CCOC for reviews of quarterly estimates, changes to forms and the juror management distribution process. The workgroup will collaborate with and provide guidance to the CCOC to ensure optimal use of juror funding by the clerks. The CCOC will maintain routine and consistent communication with the workgroup chair to discuss anomalies in distribution requests and any other areas of curiosity and/or concern.

Another future consideration is proposed legislation being considered for the 2020 Legislative Session to revert the juror management funding to a reimbursement model and removing the JAC from the process. CCOC will keep clerks informed of its progress as this bill moves through the legislative process.

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Agenda Item 5

DATE: September 20, 2019
SUBJECT: Paid Leave Time Policy
COMMITTEE ACTION: Approve Paid Leave Time Policy and pay out for transition

The Executive Council at their last meeting approved the CCOC office transitioning to a Paid Time Off (PTO) policy for the staff. Studies show that many organizations, public and private, are doing away with the system of earning separately annual and sick leave. Likewise, many of the Clerk's office and the FCCC have already transitioned to a PTO leave policy. Executive Director John Dew has been working with CCOC Chair JD Peacock on the policy.

The policy, which is attached, would be effective for the upcoming County Fiscal Year. The policy is written so staff would obtain the same leave amount they currently receive each month, but it would not be as a separate sick and separate annual amount but as a combined PTO amount.

The carry-over of unused PTO allowed each year for any employee will be limited to no more than 1,200 hours. Therefore, we recommend that the beginning balance for any of the CCOC employees will start at no more than 1,200 hours when the policy goes into effect. For the current seven employees we have on staff, only one employee (Jason Welty) would have more than 1,200 hours. It is recommended we pay this employee for the hours he has in excess of that number. This employee came into our organization in July 2018 with a beginning leave balance of almost 1,800 hours. Based on the review of the employee's timesheet by our internal auditor and the employee's currently hourly wage he would receive a one-time payout of \$26,920.07 dollars. This is for a payment at 100% of his excess annual leave, and a 50% payout of the excess sick leave beyond the 1,200 hours.

Our new PTO policy recommends that in the future we will accept from new employees coming into the organization no more than 400 hours of sick and annual leave combined unless approved otherwise by the Executive Director with good cause.

Committee Options:

1. Approve the PTO policy and pay out of employee
2. Revise the PTO Policy and approve pay out of employee
3. Not approve the draft Policy at this time

MEMO UNSPENT BUDGETED FUNDS

Attachment: Draft PTO policy.

6.7 PAID TIME OFF

(1) Paid Time Off (PTO) Policy

The purpose of PTO is to provide CCOC employees with a more flexible time off policy than the standard “State” policy and therefore providing a desirable workplace for employees in the Tallahassee area. The amount of earned PTO offered for employees will be comparable to the combination of the State’s annual and sick leave. PTO replaces Annual leave and Sick leave as of 10/1/2019. Current employees will have their sick and annual leave combined to become PTO. All new employees hired after October 1, 2019 will accrue only PTO.

(a) Eligibility

All full-time employees filling established positions shall earn PTO according to the table below which is comparable to the State of Florida’s combined sick and leave amounts:

Years of Service	Monthly
1-4.99 years of service	17.34 hours monthly
5-9.99 years of service	19.50 hours monthly
10-14.99 years of service	21.67 hours monthly
15-19.99 years of service	23.51 hours monthly
More than 20 years	25.05 hours monthly
Senior Management	28.67 hours monthly

- (b) In applying the above table, it shall be determined that the employee has sufficient creditable service before the higher PTO credits are granted. Employees shall be entitled to consider all years of service earned in previous state government, any Florida Clerks of Court and/or FCCC Association staff’s employment for determining eligibility for higher PTO hours. The CCOC shall only accept 400 hours combined annual and sick leave credits if transferring from state government, Clerk’s offices or FCCC to CCOC employment unless approved otherwise by the Executive Director or their designee.
- (c) PTO leave is not available to new employees during the first 30 days of employment. Any time out of the office during the first 30 days will be charged as LWOP or Flex Time can be used with supervisor’s prior approval.
- (d) Use of PTO shall not be authorized prior to the time it is earned and credited to the employee. PTO will be credited on the last working day of the month or in the case of separation, on the last day the employee is on the payroll. The employee shall earn the higher leave credit beginning with the first day of the pay period during which the employee enters into the next “years of service” bracket or is hired into Senior Management.

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- (e) During an approved leave of absence with pay, an employee shall continue to earn PTO.
- (f) Part-Time employees working a fixed percentage or other pay period shall earn PTO for the hours worked that pay period proportionate to the time worked.
- (g) Temporary or Other Personal Services (OPS) employees are not eligible to accrue PTO.
- (h) The maximum amount of PTO which can be accrued and carried forward annually is 1,200 hours. On December 31st of each year any amounts accrued over the maximum will be forfeited. However, under certain justifiable conditions the Executive Director or their designee may grant approval to an employee to retain or be paid for PTO in excess of 1,200 hours. The Executive Council must be notified of any approval to pay for or retain PTO in excess of these numbers. Also, under certain justifiable conditions the Executive Council may grant approval to retain or to be paid for any hours accrued and not used by the Executive Director at the end of the calendar year over the 1,200 hours.

(2) Use of PTO

- (a) PTO may be used at the employee's discretion but there are expectations the employee's supervisor will be given prior notice. The supervisor will have the right to deny request if the absence will adversely affect office operations.
- (b) Unscheduled PTO: In case of an emergency or when PTO is used for an employee's illness or the illness of a family member, the employee is expected to notify their immediate supervisor/director as soon as the employee knows they will be unable to work.
- (c) Upon reasonable notice, the Executive Director or their designee may require an employee to use part of the employee's accrued PTO for vacation purposes at any time this is deemed advisable.
- (d) Senior Management employees are expected to use 80-hours of consecutive leave per fiscal year in addition to other times of leave during the year. Employees with two or more years of service are expected to use 40 hours of consecutive leave no less than one time per year in addition to other times of leave.

(3) Payment for earned PTO Upon Separation from CCOC

- (a) An employee can be paid for unused PTO upon terminal separation from CCOC.
- (b) Upon separation of employment, the maximum PTO payout is 760 hours.
- (c) The CCOC Executive Director or their designee may deny payment of PTO

CCOC DRAFT LEAVE POLICY CHANGE - PAID TIME OFF

payout to employees who fail to give a written two weeks' notice upon resignation of employment (four weeks' notice for Senior Management staff), to employees who are discharged/fired, or to employees who worked less than six months.

- (d) In the event of an employee death, the CCOC will pay to the beneficiary listed on file, 100% of any unused PTO leave up to the allowable payout of 760 hours.
- (e) Employees electing to participate in DROP may request payment for up to 500 hours of accrued annual PTO at the time of entry into DROP. Hours in excess of 500 will be carried forward. However, employees electing payment of this leave are not eligible for any accrued leave payment upon separation from service beyond an additional 260 hours.

(4) Abuse of PTO Leave

- (a) Excessive unplanned use of PTO will be grounds for disciplinary action. An unplanned absence is one that is not pre-arranged at least the day before with the employee's manager or an instance when an employee comes to work but leaves unexpectedly prior to completion of their normal work schedule.

(5) Gift of PTO to Others for Catastrophic Illness, Accident, or Personal Use.

The policy for donation of PTO (Paid Time Off) to assist staff members in time of catastrophic illness, accident, injury, or as a Personal Use gift shall be as follows:

In extraordinary and /or extenuating circumstances, catastrophic illness, accident, injury, or as a gift with the approval of the Executive Director, an employee may receive a voluntary donation(s) or transfer of accrued PTO leave from another staff member pursuant to the following guidelines:

- (a) Providing leave in extraordinary and/or extenuating circumstances, catastrophic illness, accident or injury. Prior to granting approval for donations, the Executive Director shall examine operational and budget considerations and the impact upon each should donations be allowed. If the absent employee is to be replaced during a prolonged absence, budget considerations may dictate that the full or partial payment of two employees for one job is not feasible. The Executive Director shall make the decision of whether an employee's illness or accident qualifies under this policy and how many hours shall be transferred during any pay period.

The decision shall be final, and an employee shall have no right to appeal.

The following criteria for receiving a gift of leave for extraordinary and /or

extenuating circumstances, catastrophic illness, accident, and injury, must be met:

1. The recipient staff member must have or will have exhausted all their leave credits, including all personal accrued PTO, compensatory, floating holidays, or other paid leave time prior to any transfer being made.
2. The recipient's time must be covered under FMLA.
3. The donating employee must have a balance of at least 60 hours of PTO leave after the transfer.
4. An employee who has filed a notice of termination may not transfer leave.
5. The recipient must have a catastrophic illness, accident, or injury and be out on unplanned leave to qualify for this benefit. Normal or routine medical conditions such as pregnancy, colds, flu, etc., will not qualify as catastrophic illness as regular accruals are sufficient to cover this.
6. The value of any hours donated must be equal to or greater than the hourly wage of the recipient or the HR person may use additional donated hours to make up the difference.
7. The HR person shall maintain a record of donated hours.
8. The HR person shall receive the approval of the Executive Director prior to any transfer to accrued time.

As a gift with the approval of the Executive Director, an employee may receive a voluntary donation(s) or transfer of accrued PTO leave from another staff member pursuant to the following criteria:

- (a) The policy for an individual to gift some of their excess PTO leave to another staff member must meet the following criteria.
 1. The donating employee must have a balance of at least 120 hours of PTO leave after the transfer.
 2. The value of any hours donated must be equal to or greater than the hourly wage of the recipient or the HR person may use additional donated hours to make up the difference.
 3. The HR person shall maintain a record of donated hours.
 4. The HR person shall receive approval of the Executive Director prior to any transfer to accrued time.

****This is voluntary program. No employee shall be pressured to donate time.**

JD Peacock, II
OKALOOSA COUNTY
EXECUTIVE COUNCIL CHAIR

Jeffrey R. Smith, CPA, CGMA
INDIAN RIVER COUNTY
VICE-CHAIR

Tiffany Moore Russell, Esq.
ORANGE COUNTY
SECRETARY/TREASURER



STACY BUTTERFIELD, CPA
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JOHN CRAWFORD
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TODD NEWTON
GILCHRIST COUNTY

LAURA E. ROTH
VOLUSIA COUNTY

HARVEY RUVIN, ESQ.
MIAMI-DADE COUNTY

RON FICARROTTA
13TH JUDICIAL CIRCUIT JUDGE
SUPREME COURT APPOINTEE

ANGELINA "ANGEL"
COLONNESO, ESQ.
MANATEE COUNTY
SENATE APPOINTEE

VACANT
HOUSE APPOINTEE

JOHN DEW
EXECUTIVE DIRECTOR

JOE BOYD
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Agenda Item 6

DATE: September 20, 2019
SUBJECT: Policy on Submitting Reports Timely
COMMITTEE ACTION: Approve Policy

The 2019 Legislature revised s. 28.35 F.S. to require that the CCOC shall submit within 45 days of the end of each quarter the list of Clerks not meeting performance measures and their action plans.

To help assure we meet this strict deadline CCOC staff is submitting a draft policy for the Committee's review that lays out the process for contacting Clerks and their staff if they are late in submitting their report to our office. The current requirement is that Clerks are to submit their performance measure reports and action plans to the CCOC by the 20th day of the month following each quarter.

We believe having a formal policy with timelines will help assure we meet the new statutory time requirement.

Committee Options:

1. Approve the draft policy as.
2. Revise the policy and approve
3. Not approve the Policy at this time

Attachment: Draft PTO policy.



FLORIDA CLERKS OF COURT OPERATIONS CORPORATION

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PROPOSED POLICY – Delinquent Reports

CCOC Procedure for Notifying Clerks Regarding Delinquent Reports

Reports are due to the CCOC by 20th of the month following the end of the reporting period (month/quarter). If the 20th falls on a Saturday or Sunday, reports are due on following Monday.

Step 1: Within 2 business days of delinquency CCOC Staff will send an e-mail to Clerk and staff that typically sends reports to notify them they are late and request a response.

Step 2: If no response is received 2 business days after first notice sent, CCOC Staff will send follow-up e-mail and call. The goal is to obtain an expected submission date.

Step 3: If still no response is received 2 business days after the follow-up email/call, CCOC staff will alert CCOC management. CCOC Management will try to make contact with clerk to obtain an expected submission date.

Step 4: If still no response or expected submission date after 5 business days of the first notification of the missing report, CCOC management will contact FCCC Regional Directors for assistance in obtaining a response.

Step 5: If there is still no response, any required statewide reports published by the CCOC will footnote that specific clerk did not submit a report and are not included in the summary.

DUE DATE EXTENSION

If a clerk's office contacts CCOC staff requesting an extension **prior** to the due date of the requested report, staff will grant the extension on a case-by-case basis and alert CCOC management. Approved extensions will be noted in the CCOC report tracking spreadsheet. Extension requests must be made in writing and include a date when the report is expected to be submitted.

If a clerk's office is **delinquent** and requests an additional extension, CCOC management will review and discuss with Clerk and/or staff on a case-by-case basis before approval.

CFY 2019-20 REPORT DUE DATES

Monthly Reports

- October Due Wednesday, November 20, 2019
- November Due Friday, December 20, 2019
- December Due Monday, January 20, 2020
- January Due Thursday, February 20, 2020
- February Due Friday, March 20, 2020
- March Due Monday, April 20, 2020
- April Due Wednesday, May 20, 2020
- May *Due Monday, June 22, 2020*
- June Due Monday, July 20, 2020
- July Due Thursday, August 20, 2020
- August *Due Monday, September 21, 2020*
- September Due Tuesday, October 20, 2020

Quarterly Reports

- July-September Due Monday, October 21, 2019
- October-December Due Monday, January 20, 2020
- January-March Due Monday, April 20, 2020
- April-June Due Monday, July 20, 2020
- July-September Due Tuesday, October 20, 2020