

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
POLK COUNTY

JOHN CRAWFORD
NASSAU COUNTY

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

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GENERAL COUNSEL

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CCOC Executive Council Meeting

December 10, 2019 – 2:30pm

WebEx Meeting Link:

<https://flccoc.webex.com/flccoc/j.php?MTID=mb4e171cda0c9d4e7318682f76209cdc0>

Call-in number: +1-415-655-0001

Access code: 733 427 893

- Call to Order.....Hon. JD Peacock
- InvocationHon. John Crawford
- Roll Call.....Hon. Tiffany Russell
- 1) Introduction and Agenda ApprovalHon. JD Peacock
 - 2) Approve Minutes from 9/30 and 10/1 Council MeetingHon. Tiffany Russell
 - 3) Treasurer's Report.....Hon. Tiffany Russell
 - a) Report on Final CCOC CFY 18/19 Budget
 - b) Update on CCOC CFY 19/20 Budget through October
 - c) Renew CCOC Annual Contract Extensions
 - 4) 2019 CCOC Draft Annual Report.....Hon. JD Peacock
 - 5) 2019 Funding Continuity Plan.....Hon. Carolyn Timmann
 - 6) 19/20 Clerks' Budget Update and Follow up.....Hon. JD Peacock
 - 7) 20/21 Clerks' Budget Process Discussion.....Hon. JD Peacock
 - 8) Quarterly Performance Measure Report for July-Sept 2019.....Hon. Tara Green
 - 9) Executive Committee Staff PTO Recommendation Follow-up.....Hon. JD Peacock
 - 10) Report on TCBC.....Hon. Judge Ficarrotta
 - 11) Other
 - a) Update on CCOC Office Contract Efforts for Database Service
 - b) Legislative Report on Study of Clerks' court-related operations
 - c) eNotify Update
 - d) Similarly Situated Clerks Study

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

DRAFT MINUTES

FLORIDA CLERKS OF COURT OPERATIONS CORPORATION

MONDAY, September 30, 2019 10:00 AM EDT

EXECUTIVE COUNCIL MEETING

WebEx Meeting

The September 30, 2019 meeting of the Executive Council of the Florida Clerks of Court Operations Corporation (CCOC) was called to order by Executive Council Chair JD Peacock at 10:00 AM (EDT). Chair Peacock called roll. Council Members present on the phone were the Honorable Jeff Smith, Honorable Tiffany Moore Russell, Honorable Stacy Butterfield, Honorable John Crawford, Honorable Laura Roth, Honorable Harvey Ruvin, Honorable Ron Ficarrotta, and Honorable Angel Colonnese. Chair Peacock stated that there was a quorum. He thanked everyone for making time to attend this meeting. The purpose of the meeting is to approve the budget so the materials can get to the Clerks to input into their financial systems.

He stated that the 17 Clerks on the Budget Committee have done yeoman's work going through all the details of the CFY 19/20 budget request. He continued that this has been a good year. The Clerks have finally gotten some budget relief this year thanks to the efforts of our Legislative teams and several Legislators that have supported the Clerks and our needs.

Approval of the draft agenda was the first item. Chair Peacock wanted to make a slight change to the agenda to include time for public comment. It is his intention for Council Members and Clerks on the phone to be able to weigh in through the discussions that is pertinent to them. With the public comment addition, he asked for a motion. Clerk Moore Russell made a motion to accept the agenda with the recommended change. Clerk Colonnese seconded the motion. Chair Peacock asked if there was any further discussion. Hearing none, the vote was taken. The motion passed. The telephone lines were opened for any public comment on the agenda. There were no public comments.

Next item was the Budget Committee report from the Committee Chair, Clerk Ken Burke. He began by stating that the Budget Committee worked extremely hard and diligently over many meetings to come up with the work product for the Executive Council to consider. He wanted to acknowledge the efforts of the 17 Clerks on the Budget Committee who represent different peer groups and different sized counties. He noted that Clerks showed great participation to make sure their budgets were compliant with all the rules. There was an opportunity for each Clerk to present before the Budget Committee at a meeting that was held in Orlando on September 23rd. They were given the opportunity to present in person or by WebEx. Many Clerks and clerk staff presented. The Budget Committee took every part of this process extremely seriously. He also acknowledged the work of the CCOC staff, especially Jason and Marleni. They worked tirelessly.

He continued that Clerks were fully aware of the work of the Budget Committee. The committee has been very transparent in their work. The product was voted on by the Budget Committee at the meeting on Thursday, September 25, 2019 as a recommendation to the Executive Council. With amendments, the vote for approval was unanimous. He submitted the recommendation to the Executive Council for consideration and stated he was

available to answer any questions. Chair Peacock thanked him and noted he appreciated all the hard work of the committee and staff. He opened the floor for questions and discussion.

Clerk Harvey Ruvin asked to be recognized. He stated that the first recommendation from the Budget Committee to allocate the unbudgeted amount of over \$2 million to all 67 Clerks on a pro rata basis provided his office \$327,973 additional budget authority. However, on the final vote of the Committee their recommendation was that these dollars should instead go to Duval County Clerk's office. He said that was a very dangerous precedent. He stated that he had served on the CCOC since its inception and that has never been done before. During the Committee discussion, there was reference made several years ago that Miami Dade County got a special allocation from the Legislature of \$1.5 million. It was his understanding that this reference was partially used by the Committee for the justification for taking this money from the pro rata basis directly from Miami Dade County. He reminded everyone that in Miami Dade you will find 1 out of 7 Floridians live here. There are 10 Court Houses, 2,300 square miles, over 3 million people in all fringes of the county, traffic that is kin to traffic in Los Angeles, CA. District offices have had to be established all over Dade County to serve the public without them having to make a 2-hour trip downtown. So, several years ago, we went to the Legislature directly. We did not seek any additional monies to meet that need from the CCOC Trust Fund. We went to the House Speaker and he recognized the need and gave us the \$1.5 million.

Clerk Ruvin stated that he would be happy to help Duval County, but it should be done on a pro rata basis and the dollars should come from all Clerks. Clerk Ruvin reminded the Council that the only increase to Miami Dade's budget came from the 3% across the board and the weighted case allocation which were all pro rata allocations. He said he would like to make a motion to alter the proposed budget from the Budget Committee that the \$327,973 taken from Miami Dade County to benefit Duval County should be taken on a pro rata basis from all Clerks. It would still make Miami Dade the largest donor.

Chair Peacock thanked Clerk Ruvin and said he would like to table his motion until all the Council Members have had a chance to ask questions and make comments on the total budget request and or process. Clerk Ruvin agreed and said that he was comfortable with that. Chair Peacock stated that he monitored the call of the Budget Committee and for the perspective of those who are members of the Council who were not on the call or on the Budget Committee, the recommended budget in your packet, absent the reallocation of the pro rata share from Miami Dade to Duval, was in the original motion and recommendation of the Budget Committee. There was an amendment in the process that reallocated Miami Dade's pro rata share to Duval. That amendment passed 8 to 7. He noted that one of the Committee Members who voted in the affirmative for the reallocation indicated subsequently, that they did not understand they were voting on the amendment. She thought they were voting on the original budget approval. At that point, it was too late to change her vote on the amendment. That was the context and Clerk Peacock said that should shed some light on some of the information that Clerk Ruvin is talking about. So, given that, he wanted to continue to give Council members time to ask questions or follow up with Clerk Burke.

Clerk Jeff Smith noted that he was very vocal against that amendment at the Budget Committee for the very reason Clerk Ruvin said. It set a dangerous precedent. He is not against Duval in any way. The money should not be taken from one county and said that was inappropriate. That is still his feeling. Chair Peacock thanked him.

Clerk Tiffany Moore Russell spoke next. She said that she voted against the motion last Friday and supported the original recommendation from the Budget Committee. The reason she did not support Duval's complete 100% request did not have anything to do with Miami Dade. She said she would not support Clerk Ruvin's motion today. She stood by what was originally given to Duval. She did not agree that Duval needed that many FTEs. She would like to hear a motion to approve the Budget Committee's original recommendation. Chair Peacock thanked her.

Clerk Butterfield asked if there could be a clarification on another piece of information that was given at the Budget Committee meeting last week either by Clerk Ruvin or John Dew. There was some discussion around the amount of money that Clerk Ruvin received from the Legislature and that money came out of other money that would have gone to Clerks. She asked for the record or the facts to be put on the record as to where that money came from and if it impacted any Clerks. Chair Peacock referred this to Clerk Burke for clarification. Clerk Burke stated that the \$1.5 million came out of money that would never have gone into the Clerks' Trust Fund. It did not impact the Clerks' budgets at all. It came from a source of money that Clerks raised but did not go into the Trust Fund. The money went to General Revenue and the State. It was part of that money.

Chair Peacock commented that he followed the process. He understood the sentiments for Miami Dade receiving an appropriation from the State. He also believed that there may also be Clerks that get appropriations from their counties that are outside of the CCOC budget process as well. He also agreed that it would set a bad precedence to take from one to give to another certainly in the context here. However, he understood the feelings of those who voted in favor of that recommendation. He opened the floor to Clerks on the phone and not on the Council to make comments. There were none.

Chair Peacock moved on to Agenda Item #3 the approval of the budget. There was a motion on the floor by a Council Member and he restated the motion. The motion was to give the dollars that were removed from Miami Dade and give a pro rata share from all Clerks to Duval County. Clerk Ruvin said that was correct. Clerk Butterfield seconded the motion.

Clerk Crawford asked what the dollar amount was specifically that was going to Duval. Clerk Ruvin said \$327,973. Clerk Crawford wanted to confirm that if the motion passed that all Clerks would instead have a pro rata deduction from the budgets recommended by the Committee. Chair Peacock said yes. It will take the amount out and then redistribute the remaining balance pro rata. Clerk Ruvin stated for clarification that the way the motion was made, if the motion fails, then there is no allocation to Duval. Chair Peacock asked that this motion be taken one step at a time. It was his understanding of the motion was to give Duval the \$327,973 and it would come from the whole pro rata distribution. Miami Dade does not get penalized; they would get a pro rata share. He continued that there was a motion and he had a second. If motion fails, then we will go back and address this. He then opened the floor to the Council for debate.

Clerk Burke wanted to add a clarification. Before the additional \$327,973 budget authority was recommended by the Committee for Duval, the Budget Committee already approved \$691,715 which was a special funding request for Duval. He wanted to make sure that was acknowledged. That would be part of the rewarding at a minimal. Chair Peacock again stated that Duval would get a \$691,715 special funding request on top of their funding distribution.

Clerk Fussell began by saying that Duval did not want the \$327,973 to be taken only from Dade. He stated that did ask that it be looked at a pro rata share for a couple of reasons. First, you talk about 7 hours of deliberations,

Duval was not privy to all of those. They were told that it was going to be a WebEx and as his Chief Operating Officer and Senior Financial Officer left to drive home, the WebEx was turned off and if they would have known, they would have stayed there to deliberate and talk about these issues. He continued that what Duval asked for was originally proposed by pro rata and the person making the motion commented that Miami Dade had not asked for any of the pro rata money. He noted that Duval is underfunded in their peer group. He would have thought when the committee got to the pro rata money, they would have looked at that. While Duval did get \$691,00 special funding, that was not nearly the amount they requested, and many other counties in his peer group got 100% of their request.

Clerk Colonnese had a question about what Clerk Moore Russell said. Did she say she would or would not support Duval receiving the additional \$327,923? Chair Peacock asked Clerk Moore Russell to answer the question. She stated that she would not support Clerk Ruvin's motion. She is prepared with another motion. Clerk Colonnese thanked her.

Chair Peacock called on Clerk Ruvin and he clarified what he understood what Clerk Moore Russell was saying that she would not support any additional monies to Duval. That is the reason she is voting against my motion which was to fund them by pro rata. He stated that if his motion failed, he would support Clerk Moore Russell's motion.

Chair Peacock asked if any other Clerks on the phone wished to be recognized. Hearing no further comments, he called for the vote by roll call:

Vice-Chair Smith – No

Secretary-Treasurer Moore Russell - No

Clerk Butterfield – No

Clerk Crawford – No

Clerk Newton – No

Clerk Roth – No

Clerk Ruvin – Yes

Judge Ficarrota – No

Clerk Colonnese – No

Chair Peacock – No

The motion failed. From this point, Chair Peacock entertained either a different motion or a motion related to the budget package presented by the Budget Committee as a recommendation. Clerk Moore Russell made a motion for this Council to adopt the original budget request submitted by the Budget Committee from the work on Thursday. Chair Peacock clarified that the original budget request would be work from the Budget Committee absent the redistribution from Miami Dade to Duval. Clerk Moore Russell said that was correct. Clerk Ruvin seconded the motion. Chair Peacock opened the floor for discussion. He called on any Council member who wished to provide comment. There were none. He called upon any Clerks on the call who would like to speak.

Clerk Fussell stated that he did not understand regardless if you didn't ask for pro rata share and you didn't ask for additional money, but you are going to get it. He continued that in this case, Duval is free to go to the Legislature and ask for some more money. He also stated that he would like to see in the future that deliberations are all done in the sunshine.

Chair Peacock asked if there were any other Clerks who wanted to speak. Clerk Fussell stated that he only had one more year left to serve as Clerk, and the Council won't have to put up with him after that. Chair Peacock said he

didn't see it that way. The Clerks are all independent and do the best job they can for their local community all while they are trying to support each other. He felt that the Budget Committee tried to take everybody's input and be fair and equitable. He spoke about the concern Clerk Fussell had and it was his understanding that there was no sunshine issue. However, he did think there was a misinterpretation of what was going to be on the phone call and what was not. He thought that Clerk Fussell had that conversation with Clerk Burke on what took place. He believes in open transparency in these processes. He knows that Clerk Burke feels the same way and noted that this will be a learning exercise for us. He again asked if there were any Clerks or public member on the phone that wanted to speak. Hearing no further comments from the Council, Clerks, or public on the phone, the vote was called on the motion which is to adopt the original recommendation of the Budget Committee without the amendments. There were no nay votes, the motion passed. He asked CCOC staff to correct the pro rata distribution on the approved budget spreadsheet. He asked CCOC staff to revise the budget allocations based on this motion and get it out to the Clerks so they will know what is coming. He knows that the budget certification letters cannot get out today, but asked Jason to get the spreadsheet out.

Chair Peacock asked the Council Members if there was any other business. Clerk Smith wanted it on the record that one, how efficient and hard this process was for Clerk Burke to chair. The hurricane threw a wrinkle in it, but we have met several times over the summer to iron out how we were going to proceed. He thought those meetings were conducted centrally located so that everyone could attend. Second, he wanted all to know how hard this process was for all the Committee members. He continued that some of you don't sit on this Committee and it is hard to try and be fair and not hurt a fellow clerk. There is no animosity or personal anything, we are just trying to assure we are equitable with the limited funding that Clerks have. Chair Peacock thanked Clerk Smith as well as Clerk Burke, the committee and staff that did the hard work that was needed.

There were no other comments and he opened the phone lines for public comment. John Dew again wanted to say thank you to the CCOC and Clerks' staff that helped in the long budget process.

Chair Peacock said the next Council meeting is tomorrow at the FCCC Fall conference. He thanked Vice Chair Smith for stepping in for him. He will be participating in the Governor's work group related to felons voting rights restoration. He will then be at the conference and would like feedback on what the CCOC could do to be more beneficial to the Clerks and supporting the Clerks in conducting their statutory responsibility.

With no other comments, the meeting was adjourned.

DRAFT MINUTES

FLORIDA CLERKS OF COURT OPERATIONS CORPORATION
CCOC Executive Council Meeting October 1, 2019 – 2:30 pm
Tradewinds Island Resort 5500 Gulf Blvd, St Pete Beach, FL 33706
(Banyan and Citrus)

The October 1, 2019 meeting of the Executive Council of the Florida Clerks of Court Operations Corporation (CCOC) was called to order by Executive Council Vice-Chair Jeff Smith at 2:30 PM (EDT). The Honorable JD Peacock, CCOC's Executive Council Chair was attending a Governor's meeting on Amendment 4, the restoration of felons voting rights. Clerk John Crawford delivered the Invocation. Clerk Moore Russell CCOC's Secretary-Treasurer called roll. Council Members present were the Honorable Jeff Smith, Honorable Stacy Butterfield, Honorable Angel Colonnese, Honorable John Crawford, Honorable Todd Newton, Honorable Laura Roth, Honorable Tiffany Moore Russell, and the Honorable Ron Ficarrotta. The Honorable Harvey Ruvin did not attend. Clerk Moore Russell stated that there was a quorum.

APPROVAL OF AGENDA

Vice-Chair Smith asked if there were any additions or deletions to the agenda. Clerk Crawford made a motion to approve the agenda. A second was made by Clerk Butterfield. Vote was taken and the motion passed unanimously.

APPROVAL OF MINUTES – JUNE 24, 2019 EXECUTIVE COUNCIL MEETING

Vice-Chair Smith asked Clerk Moore Russell to present the draft minutes that were distributed in the meeting packet. Clerk Butterfield moved to approve the minutes. Clerk Newton seconded the motion. Vice-Chair Smith asked if there was any discussion on the minutes. Hearing none, the vote was taken, and the motion passed.

TREASURER'S REPORT

Clerk Moore Russell continued with the Treasurer's Report found on page 14 of the meeting packet. At the bottom of the report, it showed that CCOC is at 82% of the budget authority through 11 months . CCOC is in a good financial position. There are a couple of items for discussion today about staff and potential payouts as we move to a Paid Time Off (PTO) leave system. Based on the fiscal analysis, CCOC will be able to afford the payout if they are approved. She made a motion to accept the Treasurer's report. Clerk Colonnese seconded the motion. Vice-Chair Smith asked if there was any discussion. Hearing none, the vote was taken, and the motion passed.

EXECUTIVE COMMITTEE

Vice-Chair Smith began by saying that the Executive Committee is comprised of the CCOC Chair, Vice-Chair and Secretary-Treasurer and the purpose of this committee is to act on behalf of the

Executive Council when decisions need to be made on issues requiring immediate attention, administrative issues, and/or when things need to be done before the end of the fiscal year. He continued that the Council shall be notified of any actions taken by the Executive Committee at the next scheduled meeting and presented for confirmation. Vice-Chair Smith noted that the Executive Committee met on September 20, 2019 via WebEx. The meeting was advertised. All were present and there was a quorum. The first item that was discussed was a policy to provide guidance to clerks and staff about travel. During the DFS audits of Clerks, there have been comments made that Clerks or their staff have exceeded the State's daily rate for lodging maximum of \$150. In the packet, there are several examples of those comments made by DFS. Mr. Dew brought it up to the committee and asked if we wanted to create a policy to suggest that Clerks stay within the \$150 unless there is a good reason why it cannot be done and that needs to be documented. The Executive Committee decided to recommend that we create a process to educate the Clerks and their staff on that going forward.

The Executive Council decided it would address the items from the Executive Committee individually. The first item was the policy of staying under a \$150 lodging per night. Clerk Moore Russell added that on the call, the committee acknowledged that Clerks should make a best effort to stay in a hotel at meetings where the cost is less than \$150. The training would be to educate Clerks on the \$150 rate issue and if they were unable to stay in a hotel for less than that they would know to have documented justification. She added that Clerks need to be respectful of the \$150 but it also needed to be recognized that at some destinations the cost is higher and that would need adequate documentation. Mr. Dew added that he had met with DFS staff and asked them if hotel rooms over \$150 is not allowed. They stated it is allowed if you provide the justification. In their budget reviews, that is what they stated that certain individuals spent more than \$150 but there was no justification. According to DFS staff, if a justification is applied that would provide what they need. It is educating the Clerks to the State's policy. Mr. Dew mentioned that the Trial Court Budget Commission has a policy implementing the State's \$150 lodging limitation as well. It is something out there that we want everyone to be aware of and be educated upon that issue and have documentation. Clerk Butterfield stated that it is not necessarily about location. There could be other justifications for the higher rate. Judge Ficarrota noted that at the Courts follow the \$150 rule, but again as Clerk Butterfield pointed out, that in Tallahassee during Legislative session, you are not going to get a hotel room for \$150.

Clerk Spencer said the hotel here is \$159 a night and should be conference rooms too. With a cap of \$150, it stifles everything. Clerk Smith stated that this is an example to educate the Clerks on as far as being able to document. If you have the documentation, that is fine.

Clerk Baker wanted to say that a lot of the conferences have lodging room rates that make it difficult to stay under \$150. However, as part of the conference room rates you are helping pay for the conference rooms, parking, etc... Vice-Chair Smith noted the action the committee is asking the

Council to confirm today is that they approve to educate the Clerks about the \$150 limit and to have documentation for anything over \$150. We are not creating a policy to stay under the \$150. Clerk Newton asked if that is from individual county perspective or talking about the FCCC. Clerk Smith said it was from an individual county perspective. The DFS is auditing the individual counties and making these comments and then the Clerk must respond. CCOC is trying to educate the Clerks that this is an issue with DFS and to make sure that Clerks have the documentation.

Clerk Butterfield made a motion for the CCOC to provide an educational process to Clerks to have them be aware that if they or their staff exceeds the \$150 rate, that they define what is included in that stay, and have the appropriate documentation in their individual record to justify the reasons for paying more than \$150. Clerk Crawford seconded the motion. Clerk Smith asked if there was any further discussion. Clerk Kinzel stated that is not what the counties require, and the Clerks have always followed the counties policy. Vice-Chair Smith answered that the Clerks have an option to go with what the county does or follow the State policy. But, he noted, it is a reality that DFS has written Clerks up for exceeding the State's \$150 limit and because these monies are trust fund monies is the reason they are being written up.

Clerk Russell noted that CCOC has a contract with DFS to educate Clerks on the appropriate expenditures and that is what we are talking about today. Since we are getting that feedback from audits that is an inappropriate expense, CCOC is supposed to educate the Clerks.

Judge Ficarrotta noted that the Courts are getting ready to switch to the statewide travel system where the public, Legislature, and the Governor's office will all have access to our travel records. He thinks that this will be coming in the Clerks' direction as well. Everything will be online and it calculates what the appropriate travel expenses are.

Vice-Chair Smith asked Clerk Rushing if she wanted to talk about the DFS audit remarks that were referred to in the Council meeting material. She said that staff told her that DFS was questioning why she spent more than the \$150 a night for lodging to attend conference out of state for a fraud class. Because Clerks deal with a lot of money it is essential that we educate ourselves on fraud issues. She suggested that the best way to deal with the \$150 limit is to not charge it to the State, but to county funds for that kind of travel. She said that it was frustrating but that would be her approach.

Vice-Chair Smith restated the motion. The motion was to have the CCOC educate Clerks and staff on the State's policy and provide guidance to Clerks if they exceed the \$150 per night to have adequate documentation to back that up. It is not creating a policy to mandate that Clerks stay under the \$150. He called for the vote. The motion passed unanimously.

The second item that the Executive Committee addressed was the Juror Funding process. Vice-Chair Smith thanked Clerk Vick for her hard work on the Jury reimbursement policy. He asked Jason Welty if he wanted to add anything further on what this issue involve. He stated that this had been

covered and basically the Juror Funding Policy of 19-20 we are going to be looking at the 3-year average of the Clerks and the reimbursement they have gotten from JAC. The juror budget authority has not been adjusted since CFY 16-17 when it was first implemented. This will be the first adjustment for juror management. The adjustment will be basically the 3-year average of the JAC disbursements. The other part of this is for CFY 18-19. There were 35 counties that received more juror dollars from JAC than they had budget authority at the beginning of the year. He added that what CCOC has done is taken their dollar amount they received from JAC and we have adjusted their budget certification letter to match that dollar amount. They can spend up to that amount in 18-19 because that is how much they had received from JAC in order to keep them from having to make that adjustment through their CCOC budget. There are 35 counties that will be adjusted so their authority matches a lot closer to their probable actual expenditures for 18-19. Hearing no more discussion, Vice-Chair Smith asked for a motion to approve the Executive Committee action on the Jury for 2018-19 and what CCOC is going to do for going forward for 19-20. The motion was made by Clerk Moore Russell. Clerk Roth seconded the motion. He asked if there was any discussion on the motion. Hearing none, the vote was taken and passed unanimously.

The third item addressed by the Executive Committee was CCOC's PTO policy. Vice-Chair Smith noted that most Clerks' offices have now gone to a PTO policy where they combine sick and annual leave and call it PTO. He noted that the Council already approved moving the CCOC staff to a PTO process and we are now looking at the transition process and the policy. He continued that there was a recent CCOC employee who had come to CCOC and had a lot of extra hours already built up and we did not want to hurt that person adversely during the transition. Clerk Moore Russell in her earlier Treasurer's report stated that CCOC has extra money in the budget for the fiscal year. The Executive Committee approved a payout for his transition to PTO of \$26,920.07. This is if we limit the amount of carry-over hours from the old system to PTO at 1,200.

Clerk Butterfield stated that there are two pieces of the recommendation she would like to address. First is the cap of 1,200 hours of carry-over and secondly is the payout. Vice-Chair Smith asked that we address the payout amount first. Clerk Roth made a motion to approve the payout for the one CCOC employee. Clerk Colonnese seconded the motion. There was no discussion. The vote on the motion was taken and it passed.

Now, Clerk Butterfield addressed the 1,200 hours. She is in favor of the PTO policy of combining the sick and vacation. She was very comfortable with the accrual hours and those types of things in the draft policy. The part that gave her pause was the allowance of individuals to carry-over of 1,200 hours from the transition if they have that amount when going into the PTO plan. She is struggling with that 1,200 hours because that equates to 30 weeks and seems to be a great deal of leave. The 1,200 hours could be perceived as all vacation even though it must be used for sick and other reasons as

well. Vice-Chair Smith said that the Committee talked about this. State employees can carry over more than the 1,200 hours when combining annual and sick. The State policy allows employees to carry over more than 1,200 hours of sick leave as there is no limitation on the amount of sick leave a state employee can accrue and carry-over year after year. Clerk Smith said the struggle is how to make it equitable and assure the current employees that have this amount don't lose it or when having individuals interested in the job decide the leave policy is not as good as what the State has. Clerk Butterfield asked if the State has PTO or sick and vacation. Clerk Smith stated that from his understand most of the State still has separate sick and vacation.

Clerk Moore Russell made a motion to table this discussion and give staff enough time to go back and research the issue further on the amount of carry-over allowed in the transition and each year. Clerk Butterfield seconded the motion. There was no discussion, so the vote was taken. The motion passed.

The last action item that the Executive Committee discussed was a policy on submitting reports timely. Vice-Chair Smith asked Doug Isabelle to talk about this. Mr. Isabelle stated that Senate Bill 7104 required the CCOC to submit performance reports to the Legislature 45 days from the end of the quarter. CCOC does not require the reports from the Clerks' offices until the 20th after the quarter ends. He noted that eats into that 45-day period. If Clerks do not send in their reports in a timely manner, then that can be another couple of weeks. Now, it is pushing the window to get the report out. He continued that originally the PIE Committee and Executive Council had to approve the report. Clerk Green will talk about that later in the PIE Committee report. CCOC is working toward meeting the new statutory deadline. Vice-Chair Smith noted that you can see the five-step process in the packet for following up with Clerks that do not submit their reports to the CCOC by the deadline. This was approved by the Committee and needs the confirmation by the Council. Clerk Moore Russell moved to approve the policy. Clerk Newton seconded the motion. Vice-Chair Smith asked if there was any discussion. Hearing none, the vote was taken. The motion carried.

BUDGET COMMITTEE REPORT

Vice-Chair Smith called upon Clerk Burke, Chair of the CCOC Budget Committee to give his report. Clerk Burke stated that the Budget Committee took care of their business yesterday at the September 30th Council meeting and there was no report. Vice-Chair Smith asked CCOC Budget and Communication Director Jason Welty if he had some items he wanted to bring forward. He answered that he did. Mr. Welty stated that CCOC was statutorily required to identify and report elements within the Clerk's Original Budget request such as pay and benefit increases, approved requests that are more than 3% over current year budget and if Clerk's budget exceeds the average budget in their peer group by 10% or more. Another report that is required is the funded or depository designation. CCOC will be working on that while we are here at the conference. This has to go to the Department of Revenue for the new fiscal year. It must be approved through the Governor's office. These reports

are statutorily required and are submitted here for the Council's information. Clerk Smith thanked the CCOC staff for their hard work.

PIE COMMITTEE

Vice-Chair Smith called upon Clerk Green to give her report. She said there were a couple of items today. The first item is the 2nd and 3rd quarter performance reports. To highlight, she stated that all court divisions are meeting collection performance except for civil traffic. Civil traffic remains below the 90% standard by running about 83%. Forty-four Clerks' offices had action plans for collections. So that is 66% of the Clerks. How is this related to civil traffic and the question on the table is how much of that could be due to out of state traffic citations. Staff is going to work and try to determine if we can collect that data and make that determination to see if that is what is affecting our ability to collect on civil traffic.

The second item Clerk Green presented was the timeliness performance. Collectively, all court divisions were above the 80% for filing cases timely. The civil court division rebounded from the last quarter back to 92% by the end of Quarter 3. Sixteen Clerks' offices required an action plan for not filing cases timely in Quarter 2 compared to thirteen in Quarter 3. Collectively, all court divisions were above the 80% standard for docketing cases timely. However, ten Clerks' offices required action plans for both Quarter 2 and Quarter 3. She noted that as we have seen in the past, the most common reason for not meeting standards is due to lack of proper staffing. Hopefully, due to better funding for the CFY 19/20 year we should see the performance pick back up as Clerks will have more funds for staffing properly.

As Doug Isabelle mentioned, SB 7014 has required the CCOC to turnaround and send to the Legislature the performance reports and action plans from Clerks in 45 days after the end of the quarter. She said that at the last Executive Council meeting it was voted on to allow for the PIE Chair to work with staff to review and approve the quarterly report so they could get approved on time and then bring it back to the Council after submission to the Legislature for ratification. Clerk Green asked that the first item of business today be to review and to ratify the CFY 18-19 Quarterly 2 and 3 Performance and Action plan. Clerk Butterfield made the motion that the Council ratify and approve the 18-19 Quarterly Performance Measures and Action plans. Clerk Newton seconded the motion. Vice-Chair Smith asked if there was any discussion. Hearing none the vote was taken. The motion passed unanimously.

Clerk Green added that the format we have seen in past is an extensive format. There is a lot of work being done by staff to build these reports. Also, to help meet in that timeframe, we are going to close out the year with the quarterly report in the similar format and then we will work to provide more of a concise summary report of all the performance measures going forward.

Clerk Green continued with the second item and that is Operation Greenlight form which can be found on page 127 of the packet. Due to the passage of HB 7125 in the last legislative session, we now have been charged with Driver's License Reinstatement Days. As a requirement, the CCIC is charged with a certain level of reporting that is in statute. Staff has put together the form that has been put forward to the PIE Committee. Clerk Green asked for the approval of the form so that it can be available for Clerks in a couple of weeks. Then the Clerks can complete the form and turn it back in so we can report on the Driver's License Reinstatement

Days. Clerk Crawford made the motion to approve the form. Clerk Roth seconded the motion. Vice-Chair Smith asked if there was any discussion. There was no discussion. The vote was taken, and the motion passed.

Clerk Green introduced the last item which was to amend two existing reporting forms. The first form had to do with the CCOC's output as a result of HB 337. The threshold for filing circuit civil cases is shifting from circuit civil to county civil under \$30,000. Because of this dollar range, it is going to affect the outputs pulling certain cases from circuit civil. She stated that the form needs to be amended. The form is on page 128 in the packet. She continued that the second form has to do with indigent applications. There was an effort several years ago and it inadvertently left out juvenile dependency category. We would like to add juvenile dependency category as a court division back into the report so that CCOC can properly track that workload as well. Vice-Chair Smith stated that the Council needs to approve the change \$15,000 to \$30,000 on the form on page 128 from circuit civil to county civil and the Council needs to approve the indigency formatting juvenile dependency category as part of the Civil Indigence Tracking Report. Clerk Moore Russell made the motion. Clerk Butterfield seconded the motion. Vice-Chair Smith asked if there was any discussion in the room or on the phone. Hearing none, the vote was taken, and the motion passed. Vice-Chair Smith thanked Clerk Green for her hard work.

REVENUE ENHANCEMENT COMMITTEE

Clerk Moore Russell began her report by stating that for Council members the report is for your information only. She noted that the Committee approved a Funding Continuity Plan and provided it to the CCOC Legislative Committee for their review. The Funding Model tool that was created by the Committee has now been handed over to the CCOC staff as a modeling tool. Vice-Chair Smith asked if there were any questions. There were none.

ELECTRONIC NOTIFICATION PLATFORM WORKGROUP

Clerk Moore Russell noted that a couple of years ago, there was legislation passed that directed Clerks to work with the Courts on texting notification for upcoming hearings on criminal cases. She said that this is almost done. A group consisting of three judges and three Clerks met on August 14th to help lead the project. The Clerks on this group consist of herself, Clerk Crawford and Clerk Peacock. On the call, there was a demonstration of the web application that is going to be used for individuals to sign up for text notification on upcoming hearings. Now that the application is set up the next challenge is for marketing and communication by talking to those defendants and their attorneys or public defenders.

The e-Notification pilot is supposed to kick off in October for three months with just the three counties of Orange, Okaloosa, and Nassau. Based on what we learn, it could go statewide in January 2020. The three counties are working with FCCC for marketing materials. We want to make sure we have some collaboration with the pamphlets that will be given out in the courtroom or the jails depending on who is doing the booking and releasing in those counties. It is a communication effort to get them to sign in to the website application to request to receive a text message. They will get their

hearing information from CCIS. The vendor will communicate with CCIS and you will hear about this later. The Clerks also did a survey of their offices to make sure we are giving correct information to CCIS. John Dew thanked Mr. Chris Hart and the Association for the work they are doing with CCIS. He also thanked the Association for providing the services of their communication staff. Vice-Chair Smith thanked Clerk Moore Russell for the report.

TCBC REPORT

Vice-Chair Smith asked Judge Ficarrotta to give his report. He began by saying that the Trial Court Budget Commission (TCBC) met on June 25 and again on August 28. On June 25, the Commission approved the financial year 2019-2020 allocations to the Trial Courts and voted to recommend a SFY 20/21 legislative budget request for the trial courts to the Supreme Court for inclusion with State Court systems fiscal year Legislative Budget Request. The first priority was dealing with the fine and resolution of cases in the civil and family divisions to provide living and targeted services to resolve their personal business disputes. The second priority was dealing with court interpreting services to support immediate and critical need for court interpreters both in person and remotely. The third priority was courthouse furnishings for new and renovated court houses in non-public areas and digital court reporting refresh of equipment. These recommendations were approved by the Supreme Court for inclusion on August 15th.

At the August 28th meeting, the commission met in Orlando to develop recommendations for allocating the Trial Court's portion of the \$10.3 million special pay appropriation for employees which was approximately \$8.2 million. The recommendations addressed recruitment, retention and equity issued by using these funds to raise the minimum salary for multiple classes and to provide adjustments based on time and class as a means of addressing the salary comparison issues that they have been dealing with between newer and longer-term employees.

After consultation with the Supreme Court, the Chief Justice on September 19th submitted Trial Court recommendations to the chairs of the Florida Legislature's Budget Committees that required the review period as provided by the state budget. Vice-Chair Smith thanked the Judge for his report. Judge Ficarrotta said that he was glad to have Mr. Dew and Clerks attending the TCBC meetings. Vice-Chair Smith asked if there were any questions. Clerk Green asked if Judge Ficarrotta if he happened to know what your average starting pay is for trial court employees? He said that it would vary. He said they did a compensation study. He noted that he could get that information for Clerk Green. She would like that and thanked him. He said that their court employees are in the same situation the Clerks' employees are. He is thankful that they have hard working people that are dedicated and enjoy the public service aspect working with the courts. That is why it was a priority to do something for them.

OTHER BUSINESS

Vice-Chair Smith asked if there was any other business to come before the council. Clerk Butterfield thanked Vice-Chair Smith for filling in for Clerk Peacock and to the Executive Committee for working on all these items. There were no other comments and Vice-Chair Smith adjourned the meeting.

DRAFT

CCOC Budgetary Report
County Fiscal Year 2018 - 2019
(October 1, 2018 - September 30, 2019)

	Budget Category Amount	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Year to Date Expenditures	(%) of Budget Expended
CCOC STAFF:	\$864,441.46	\$81,695.35	\$86,254.59	\$62,971.05	\$66,029.87	\$66,267.38	\$79,877.37	\$68,666.09	\$67,451.01	\$68,277.11	\$69,898.30	\$68,351.75	\$98,315.01	\$884,054.88	102.27%
Executive Director	\$134,543.00	\$10,010.67	\$10,010.67	\$10,010.67	\$10,010.67	\$10,010.67	\$17,218.17	\$11,211.92	\$11,211.92	\$11,211.92	\$11,211.92	\$11,211.92	\$11,211.92	\$134,543.04	100.00%
Deputy Executive Director	\$106,019.00	\$8,834.92	\$8,834.92	\$8,834.92	\$8,834.92	\$8,834.92	\$8,834.92	\$8,834.92	\$8,834.92	\$8,834.92	\$8,834.92	\$8,834.92	\$8,834.92	\$106,019.04	100.00%
Information Systems Director	\$80,500.00	\$13,312.80	\$7,120.80	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$20,433.60	25.38%
Budget & Communications Director	\$82,915.00	\$6,708.33	\$6,708.33	\$6,708.33	\$7,269.28	\$6,909.58	\$6,909.58	\$6,909.58	\$6,909.58	\$6,909.58	\$6,909.58	\$6,909.58	\$6,909.58	\$82,670.91	99.71%
Budget Manager I	\$37,867.60	\$3,155.63	\$3,155.63	\$3,155.63	\$3,155.63	\$3,155.63	\$3,155.63	\$3,155.63	\$3,155.63	\$3,155.63	\$3,155.63	\$3,155.63	\$3,155.63	\$37,867.56	100.00%
Budget Manager I	\$46,865.00	\$3,935.42	\$3,905.42	\$3,905.42	\$3,905.42	\$3,905.42	\$3,905.42	\$3,905.42	\$3,905.42	\$3,905.42	\$3,905.42	\$3,409.73	\$1,622.16	\$44,116.09	94.13%
Budget Manager I	\$46,865.00	\$3,905.42	\$3,905.42	\$3,905.42	\$3,905.42	\$3,905.42	\$3,905.42	\$3,905.42	\$3,905.42	\$3,905.42	\$3,905.42	\$3,905.42	\$3,905.42	\$46,865.04	100.00%
Sr.Budget Manager	\$67,380.48	\$5,615.04	\$5,615.04	\$5,615.04	\$5,615.04	\$5,615.04	\$5,615.04	\$5,615.04	\$5,615.04	\$5,615.04	\$5,615.04	\$5,615.04	\$5,615.04	\$67,380.48	100.00%
Executive Assistant/Human Resources	\$40,500.00	\$2,991.79	\$2,991.79	\$2,991.79	\$2,991.79	\$3,375.00	\$3,375.00	\$3,375.00	\$3,375.00	\$3,375.00	\$3,375.00	\$3,375.00	\$3,375.00	\$38,967.16	96.22%
Internal Revenue(Corporation Responsibility)	\$50,000.00	\$4,402.87	\$4,835.13	\$3,819.71	\$3,801.57	\$4,013.62	\$4,233.25	\$4,226.68	\$3,754.26	\$3,935.76	\$3,846.45	\$3,584.51	\$5,507.31	\$49,961.12	99.92%
Retirement, Benefits, Workers' Comp and Other	\$190,000.00	\$18,822.46	\$29,171.44	\$14,024.12	\$16,540.13	\$16,542.08	\$22,724.94	\$17,526.48	\$16,783.82	\$17,428.42	\$19,138.92	\$18,350.00	\$48,178.03	\$255,230.84	134.33%
OPS STAFF:	\$22,000.00	\$936.25	\$4,076.25	\$6,408.75	\$5,931.25	\$10,130.00	\$5,811.25	\$3,786.25	\$4,128.75	\$6,510.38	\$5,528.38	\$2,573.00	\$2,575.25	\$58,395.76	265.44%
GENERAL EXPENSES:	\$85,159.54	\$5,343.74	\$4,429.76	\$4,716.91	\$3,716.26	\$4,076.50	\$6,539.19	\$6,584.47	\$6,654.22	\$6,949.17	\$12,209.15	\$4,036.66	\$11,095.48	\$76,351.51	89.66%
Rent (including Utilities)	\$45,159.54	\$3,023.50	\$3,368.74	\$3,474.97	\$3,311.23	\$3,339.56	\$3,324.18	\$3,331.26	\$3,365.41	\$3,442.68	\$3,449.13	\$3,440.83	\$3,484.52	\$40,356.01	89.36%
Communications (+ Internet and Phone)	\$5,000.00	\$437.56	\$237.97	\$346.52	\$306.63	\$393.10	\$303.41	\$302.05	\$320.50	\$344.62	\$369.91	\$286.43	\$528.73	\$4,177.43	83.55%
Equipment, Supplies and Other	\$35,000.00	\$1,882.68	\$823.05	\$895.42	\$98.40	\$343.84	\$2,911.60	\$2,951.16	\$2,968.31	\$3,161.87	\$8,390.11	\$309.40	\$7,082.23	\$31,818.07	90.91%
TRAVEL:	\$60,400.00	\$2,834.72	\$666.82	\$940.78	\$1,152.51	\$3,978.89	\$3,243.58	\$3,023.51	\$798.05	\$1,710.22	\$3,520.41	\$5,522.86	\$2,268.11	\$29,660.46	49.11%
STAFF TRAINING:	\$5,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
CONTRACTUAL EXPENSES:	\$225,563.00	\$12,332.06	\$12,015.27	\$10,030.84	\$14,097.50	\$18,007.50	\$8,511.50	\$8,680.00	\$8,822.50	\$12,850.00	\$11,102.50	\$10,645.00	\$17,887.50	\$144,982.17	64.28%
General Counsel	\$111,000.00	\$6,177.50	\$7,015.00	\$6,182.50	\$6,662.50	\$5,020.00	\$3,387.50	\$2,565.00	\$3,087.50	\$5,760.00	\$860.00	\$1,882.50	\$6,125.00	\$54,725.00	49.30%
FY 18-19 Survey, Reporting, and Other Services	\$103,563.00	\$6,154.56	\$5,000.27	\$3,848.34	\$7,435.00	\$4,987.50	\$5,124.00	\$6,115.00	\$5,735.00	\$7,090.00	\$10,242.50	\$8,762.50	\$11,762.50	\$82,257.17	79.43%
Audit Services	\$11,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$8,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$8,000.00	72.73%
EDUCATION SERVICES	\$354,533.00	\$0.00	\$0.00	\$40,770.00	\$61,770.00	\$0.00	\$0.00	\$0.00	\$101,100.00	\$0.00	\$61,800.00	\$0.00	\$52,200.00	\$317,640.00	89.59%
TOTALS:	\$1,617,097.00	\$103,142.12	\$107,442.89	\$125,838.33	\$152,697.39	\$102,460.27	\$103,982.89	\$90,740.32	\$188,954.53	\$96,296.88	\$164,058.74	\$91,129.27	\$184,341.35	\$1,511,084.78	93.44%

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

J.D. 10/10/19

CCOC Budgetary Report
County Fiscal Year 2019 - 2020
(October 1, 2019 - September 30, 2020)

	Budget Category Amount	Oct	Nov	Year to Date Expenditures	(%) of Budget Expended
CCOC STAFF:	\$874,441.46	\$64,521.55	\$0.00	\$64,521.55	7.38%
Executive Director	\$134,543.00	\$11,211.92		\$11,211.92	8.33%
Deputy Executive Director	\$106,019.00	\$8,834.92		\$8,834.92	8.33%
Budget & Communications Director	\$82,915.00	\$6,909.58		\$6,909.58	8.33%
Budget Manager I	\$37,867.60	\$3,155.63		\$3,155.63	8.33%
Budget Manager I	\$46,865.00	\$0.00		\$0.00	0.00%
Budget Manager I	\$46,865.00	\$3,905.42		\$3,905.42	8.33%
Sr. Budget Manager	\$67,380.48	\$5,615.04		\$5,615.04	8.33%
Executive Assistant/Human Resources	\$40,500.00	\$3,375.00		\$3,375.00	8.33%
Internal Revenue(Corporation Responsibility)	\$55,000.00	\$3,302.37		\$3,302.37	6.00%
Retirement, Benefits, Workers' Comp and Other	\$256,486.48	\$18,211.67		\$18,211.67	7.10%
OPS STAFF:	\$22,000.00	\$2,328.00		\$2,328.00	10.58%
GENERAL EXPENSES:	\$85,159.54	\$4,856.87	\$0.00	\$4,856.87	5.70%
Rent (including Utilities)	\$45,159.54	\$3,480.90		\$3,480.90	7.71%
Communications (+ Internet and Phone)	\$5,000.00	\$342.43		\$342.43	6.85%
Equipment, Supplies and Other	\$35,000.00	\$1,033.54		\$1,033.54	2.95%
TRAVEL:	\$60,400.00	\$3,618.31		\$3,618.31	5.99%
STAFF TRAINING:	\$5,000.00	\$0.00	\$0.00	\$0.00	0.00%
CONTRACTUAL EXPENSES:	\$330,563.00	\$16,837.50	\$0.00	\$16,837.50	5.09%
General Counsel	\$111,000.00	\$3,507.50		\$3,507.50	3.16%
FY 18-19 Survey, Reporting, and Other Services	\$203,563.00	\$13,330.00		\$13,330.00	6.55%
Audit Services	\$16,000.00	\$0.00		\$0.00	0.00%
EDUCATION SERVICES	\$354,533.00	\$0.00	\$0.00	\$0.00	0.00%
TOTALS:	\$1,732,097.00	\$92,162.23	\$0.00	\$92,162.23	5.32%

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

J.D. 11/13/19

WFS 11/13/19



CCOC

FLORIDA CLERKS OF COURT
OPERATIONS CORPORATION

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EXECUTIVE COUNCIL CHAIR

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

Tiffany Moore Russell, Esq.
ORANGE COUNTY
SECRETARY/TREASURER

STACY BUTTERFIELD, CPA
POLK COUNTY

HARVEY RUVIN, ESQ.
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AGENDA ITEM 3c

DATE: December 10, 2019
SUBJECT: CCOC Contract Renewal
COUNCIL ACTION: Approve Extension to contract.

OVERVIEW:

Section 28.35, (4), F.S. authorizes the CCOC to pay expenses as necessary to perform the official duties and responsibilities of the corporation. During 2019 the CCOC managed 7 contracts that were effective January 1 through December 31 for financial, auditing, education, technology, website, HR, and janitorial services.

The CCOC provides an option to extend its contracts twice provided there is adequate funding and performance. Six of the contracts are on their first extension. Staff evaluated these contracts and the vendors agreed to extend their contracts for 2020 at their current rates. The contract extensions are attached. Click on the link for original contracts: <https://flccoc.org/contractual-services/>.

<u>Vendor</u>	<u>Services Provided</u>	<u>Contract rate/deliverables</u>
Florida Clerks and Comptrollers	Clerk Education	\$287,000/deliverables Annually
Bill Sittig	Financial & Accounting	\$95/hr. not to exceed \$25,000 Annually
Law, Redd, Crona & Monroe	Annual Financial Audit	\$125/hr. not to exceed \$15,900 Annually
Understory, LLC	Website Hosting & Management	Not to exceed \$18,000 Annually
eGrouptech	IT Managed Services	\$2,000/month not to exceed \$24,000 Annually
Tallahassee Cleaning Solutions	Janitorial	\$95 bi-weekly not to exceed \$2,470 Annually
The Krizner Group	HR Education & Compliance	\$1,425/quarter not to exceed \$5,700 Annually

One contract, which is with the Krizner Group, for HR services expires at the end of December. We have been very satisfied with the service received over the years for HR training and counseling and have used the Krizner Group on numerous occasions in getting advice on employee issues over the

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

years. The vendor has offered to sign another contract at the annual cost we currently pay of \$5,700. This is for an annual HR audit of CCOC employment procedures and practices, annual HR training, and unlimited use of their services on an as needed basis for employee issues. They are also located here in Tallahassee close to our office.

We did some research to determine if there were other HR vendors located in the area that could also provide services at a similar price. We could not locate any other local firms that would provide the same service we currently have with the Krizner Group. We contacted two out of county firms; one in Jacksonville and one in Orlando and found them to be cost prohibitive. One firm stated that they charge a flat rate of \$5,000 for an in-person 4-hour training session and a quarterly rate of \$1,800 for up to a maximum of five hours of telephonic legal advice and counsel. The other firm quoted a charge of \$2,500 to conduct a sexual harassment & discrimination in the workplace and a charge of \$295/hour to review/audit CCOC employment procedures and practices. Travel expenses are additional costs.

It is CCOC staff's recommendation that due to the Krizner Group agreeing to keep the contract at the annual rate of only \$5,700, that the quotes we received from two other firms were more expensive, and we have received exceptional service over the years, that we should sign another contract with the Krizner Group for HR services.

COUNCIL ACTION: Approve extension to contracts listed in this report and approve new contract with Krizner Group.

LEAD STAFF: Douglas Isabelle, Deputy Executive Director

ATTACHMENTS:

- FCCC education service contract extension
- Bill Sittig financial & accounting service contract extension
- Law, Redd, Crona & Monroe audit service contract extension
- Understory, LLC website hosting and management service contract extension
- eGrouptech, IT managed service contract extension
- Tallahassee Cleaning Solutions, janitorial service contract extension
- The Krisner Group, HR education & compliance service (new contract)



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AGENDA ITEM 4

DATE: December 10, 2019

SUBJECT: Draft CFY 2018-19 Annual Report

COUNCIL ACTION: Approve the Annual Report

OVERVIEW:

Statute requires CCOC to provide information to the Governor and the Legislature on the activities of the Corporation and budgetary information of the clerks. Specifically, one of the duties of the CCOC outlined in s. 28.35(2)(h), F.S., requires:

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

The following draft outlines the County Fiscal Year 2018-19 budget process and provides an overview of the operations and activities of the CCOC. Additionally, the report provides a chart of the actual expenditures versus budget authority for each clerk. The attached document is a draft which needs additional information and edits.

COUNCIL ACTION: Approve the CFY 2018-19 Annual report and provide authority to the Council Chair to work with staff during the next week to finish the draft and prepare it for delivery to the Governor and Legislature by January 1, 2020.

LEAD STAFF: Jason Welty, Budget and Communications Director

ATTACHMENTS:

Draft CFY 2018-19 Annual Report



COUNTY FISCAL YEAR 2018-19 ANNUAL REPORT

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MESSAGE FROM CCOC CHAIR

The Clerks of Court Operations Corporation (CCOC) is pleased to present the County Fiscal Year 2018-19 Annual Report. As an integral part of the justice system, Florida's clerks provide important services that affect public safety, commerce, and access to justice. As the statewide budget office of the 67 elected clerks, the CCOC saw many positive trends for the budgets of the clerks during CFY 2018-19, and it saw the opportunity for additional improvements in the upcoming year.

For the first time in many years, the clerks were projected to have a moderate budget increase due to increased collection of revenues. Clerks, like most governmental agencies, have experienced significant growth in their fixed costs, such as health insurance and retirement. For the past several years, clerks' budgets have been in decline and the projected increase in CFY 2018-19 was a welcome relief to the budget pressure. However, the increased revenue was hampered by a statutory cap that did not consider additional workload faced by the clerks. Thankfully, the Legislature modified current law to provide some relief for the clerks, which took effect for the CFY 2019-20.

Clerks provide services that have a positive impact on all Floridians, with nearly 1,000 statutory duties and responsibilities, including processing domestic violence injunctions, maintaining court and county records, managing the jury process, and issuing marriage licenses. These services are threatened by a lack of revenue and while CFY 2018-19 was a good year, the clerks continue to plan for the future and developing sustainable funding solutions when revenues decline.

Clerks and the CCOC appreciate your leadership during these times. Above all, clerks want to make sure our shared constituents continue to receive the best service possible, and we look forward to partnering with you in the years to come to ensure that happens.

Sincerely,

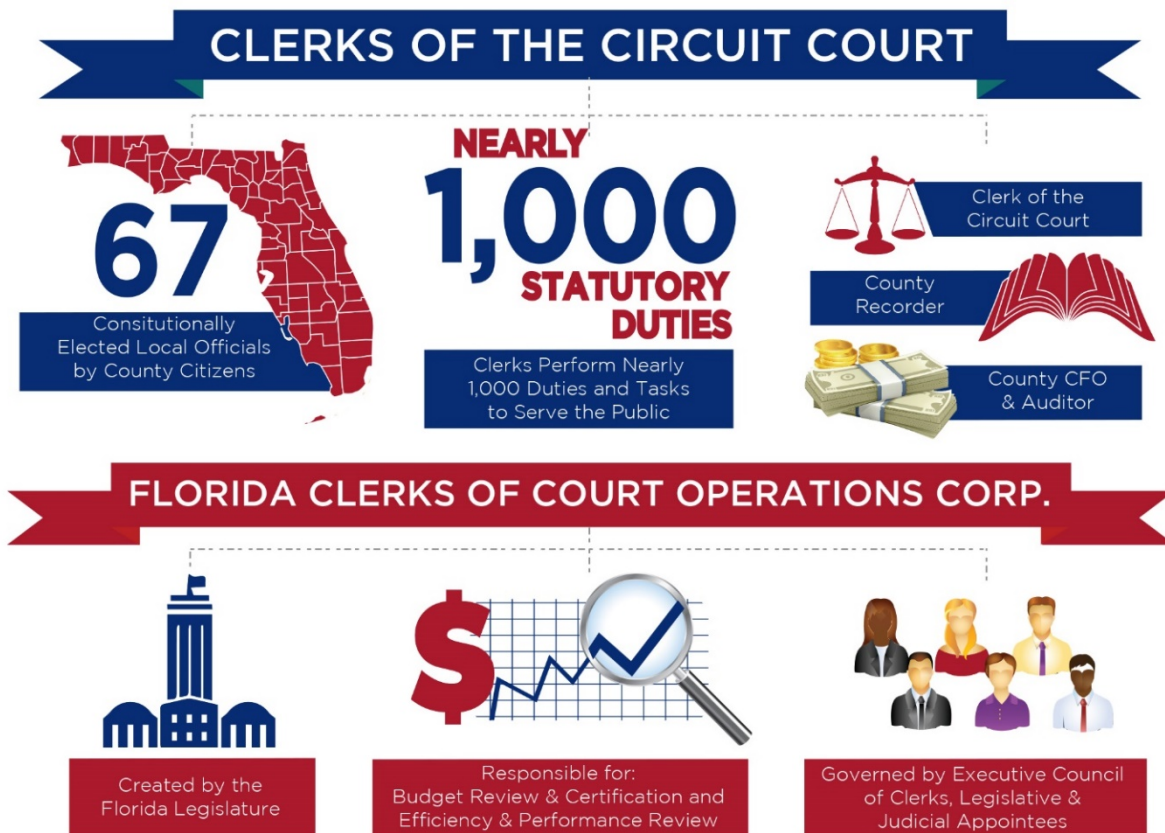
JD Peacock II

Clerk and Comptroller, Okaloosa County

Chair, Clerks of Court Operations Corporation Executive Committee

INTRODUCTION

The Legislature created the Florida Clerks of Court Operations Corporation (CCOC or the Corporation) as a public corporation to perform the functions specified in sections 28.35, 28.36 and 28.37, Florida Statutes. All 67 clerks of the circuit court are by statute members of the CCOC. The Corporation members chose eight clerks to represent them based on population groupings. The Speaker of the House, the Senate President, and the Supreme Court Justice each appoint one member to the Council as representations of their organizations. The eleven individuals are members of the CCOC Executive Council whose duties are outlined in statute and according to the Plan of Operations approved by the members. CCOC Staff, under the direction of the Executive Director as chosen by the Council, performs the day-to-day administrative, budget, and data-related functions necessary to carry out the duties of the Corporation. For more information, visit www.flccoc.org.



CCOC utilizes workgroups and committees to gather information, make recommendations, and to create processes to collect and analyze all the statutorily required information. Workgroups consist of clerks and staff from various clerk offices around the state. Staff is invited to take part in any workgroup meeting. Committees are made up of specific clerks as appointed by the Executive Council. Proposals from a workgroup will pass to the relevant committee to be discussed and voted on before being given to the Executive Council as a

recommendation. The process is open to all participants. The CFY 2018-19 committees include:

- Budget Committee
- Performance Improvement and Efficiency (PIE) Committee
- Revenue Enhancement Committee
- Legislative Committee

The Executive Council, working with the Budget Committee, handles reviewing, certifying, and approving budgets for all 67 clerks. The Budget Committee also tracks clerk revenues and makes projections for the Article V Revenue Estimating Conference.

Through the Performance Improvement and Efficiency (PIE) Committee, the CCOC developed a uniform system of performance measures and applicable standards. The CCOC monitors these performance measures on a quarterly basis. These measures and standards are designed to facilitate an objective determination of the performance of each clerk in fiscal management, operational efficiency, and effective collection of fines, fees, service charges, and court costs.

The Legislative Committee monitors legislation, completes fiscal analyses of legislative proposals, and responds to requests from the Legislature concerning the budget.

The Revenue Enhancement Committee makes recommendations on short-term funding solutions, such as adjustments to the fines, fees, and court costs to ensure there is adequate funding for court-related services.

CFY 2018-19 STATUS UPDATE

County Fiscal Year 2018-19 proved to be a good year for clerks and the Clerks of Court Operations Corporation, but it was also filled with challenges.

An essential function of the CCOC is to monitor and make projections of the available revenue that will be available for the clerks. The downward trend of revenues that began in 2010 was a combination of revenues that never materialized, a decrease of the foreclosure backlog, and the continued deterioration of the number of civil traffic cases. However, the funding the Legislature provided in Ch. 2017-126 (SB 2506) helped diversify the clerks' revenue streams and as a result, the new revenue helped stop the budget reductions for the clerks.

The Article V Revenue Estimating Conference (REC) recognized the increased revenue trend that began in CFY 2017-18. As a result, the REC projection grew from \$397.7 million in CFY 2017-18 to \$412.9 million in CFY 2018-19. However, as part of its projection, the REC did not recognize any unexpended dollars as part of the forecast, which had previously been included as part of the budget. This unexpected hurdle was overcome throughout the year as revenues continued to be strong in CFY 2018-19 and CCOC was able to budget the full \$412.9 million for court-related functions.

Hurricane Michael devastated the Florida Panhandle in October 2018, and many North Florida counties continue to recover from its powerful effects. At the beginning of the fiscal year, there was significant concern that impact would hamper the clerk's ability to collect the necessary revenue to cover their court-related duties. However, as the southern part of the state was recovering from Hurricane Irma from the previous year, revenues came in strong throughout CFY 2018-19.

INSERT MONTHLY REVENUE CHART HERE

Filing fees in both the circuit and the county civil cases drove most of the revenue growth in CFY 2018-19. The strong case filings that began in CFY 2017-18 continued throughout CFY 2018-19. Circuit civil filings were up by five percent and county civil filings were up over nine percent and because of the increased filings, the revenue for filing fees outpaced the original projections.

INSERT CIVIL CASES CHART HERE

However, clerks also saw an increase in workload from new case types created in 2018, Risk Protection Orders (RPOs) and Vulnerable Adults. These services have either no filing fee associated with them or often are filed on behalf of indigent defendants. Additionally, there were almost 56,000 approved applications for civil indigency. These are cases produce little to no revenue and often have a very high workload.

CFY 2018-19 Civil Indigence Application Filings and Approvals by Court Division		
Applications	YTD Total	% of TOTAL
Circuit Civil	2,605	4.06%
County Civil	5,242	8.16%
Probate	4,250	6.62%
Family	52,141	81.17%
Approved Applications	64,238	100.00%
Circuit Civil	2,066	3.70%
County Civil	4,730	8.46%
Probate	3,463	6.20%
Family	45,633	81.64%
Approved Total	55,892	100.00%

Despite some of these challenges, heading into CFY 2019-20 the clerks' budget and the CCOC are well positioned to meet the revenue estimates for CFY 2019-20. The clerks' current year (CFY 2019-20) approved the revenue-limited budget is \$458.5 million. This approved budget represents an increase of \$33.9 million from the CFY 2018-19 budget.

CCOC TRAINING

CCOC provides various education and training opportunities to clerks and their staff on the ever-changing statutes, issues affecting clerks, and the required reporting forms. CCOC ensures continued access through detailed instructions, videos, and posted material on its website. In CFY 2018-19, CCOC provided detailed training in person and via electronic delivery.

Budget Training

During CFY 2018-19, the CCOC led Statewide Budget Training on the CFY 2019-20 Original Budget Request. Trainings were held:

- April 5th in Charlotte County
- April 11th in Orange County
- April 15th in Jackson County

The training covered a review of the budget timeline, a data toolbox developed by CCOC Staff, Revenue Estimating Form, Budget Form and instructions, and the Budget Certification Letter.

Conference Training

The CCOC has a contract with Florida Court Clerks and Comptrollers (FCCC) to provide educational opportunities to clerks and clerk staff statewide at the seasonal conferences. The Winter Conference was held February 27 – March 1, 2019. CCOC staff led sessions on:

- Completing the Original Budget Request and the Operational Budget
- How to use Clerk Services Framework in Budgeting
- Collections Quarterly Performance Form
- Outputs Report with a focus on Timeliness and the Jury Measures
- Expenditure and Collection Report

At the Summer Conference, held June 25-27, 2019, CCOC provided updates from the CCOC PIE, Legislative, and Budget Committees. Additionally, CCOC provided information relating to additional training opportunities, new materials available via the CCOC website, and need-to-know information for CFY 2017-18 closeout. CCOC staff participated and led panel discussions to gather information from clerks on how external factors impact their workload and how clerks have adapted to these various external factors.

The Fall Conference was held October 2-4, 2019, and the CCOC related training focused on several legislative initiatives. Clerk JD Peacock II, CCOC Executive Council Chair, presented the ongoing work with the Office of State Court Administrator (OSCA) to implement eNotify, a text-based notification system funded by the Legislature to help people remember court dates. Clerk Tara Green, Chair of the PIE Committee, provided an update regarding the statutorily required Driver's License Reinstatement Days and the materials that would be available for clerks and clerk staff. CCOC staff provided a training on the statutorily required Driver's License Reinstatement Days reporting form and provided a preview of the 2019 CCOC and FCCC Joint Compliance Summit.

Compliance Training

The CCOC and FCCC Joint Summit, “Compliance 20: Mission to Drive” was held October 21-22, 2019. This two-day summit brought together community partners, leaders in the business leaders, and various clerk staff to discuss and collaborate on the best practices as adopted by clerks and those currently being used nationwide. The guest speaker was Rozanne Anderson, Chief Compliance Officer from Ontario Systems, a session was led by staff from the Office of the Attorney General, and interactive discussions were held in addition to presentations. Palm Beach County presented on their National Association of Counties’ Award-Winning Three-Part Compliance Program. A successful three-part program consists of Prevention, Mediation, and Restoration as the key components.



In addition to the Compliance Summit, CCOC created an online portal available to all clerks to help improve their efforts on compliance. The Compliance Corner found at <https://flccoc.org/compliance-corner/> is a one-stop website dedicated to bringing national best practices and information to the clerks to improve on their efforts to collect all of the obligations owed. CCOC has a contract with Compliance Improvement Services, Inc to continually research, develop, and assist counties with their collections training, education, and execution. CIS staff and CCOC staff led a discussion on the survey results of clerks’ office and their collection practices.

CFY 2018-19 BUDGET DEVELOPMENT

On December 12, 2017, the Budget Committee developed and adopted a timeline for CFY 2018-19 Budget Process. The timeline was:

APRIL

- Budget Committee Meeting
- Original Budget Form development - CCOC

MAY

- Release forms to counties
- Regional budget training

JUNE

- Statutory deadline of June 1st for budget submissions to CCOC
- Complete technical reviews
- Begin analysis as requested by the Budget Committee and required by statute

JULY

- Potential Budget Committee meeting to determine budget deliberation criteria, methodology, etc.
- REC meets and determines available revenues (mid to late July)

AUGUST

- Budget Deliberations – August 21, 2018
- Budget Committee determines and approves each county's budget authority

On August 21, 2018, the Budget Committee provided four methodologies for allocating the additional revenue that was expected for CFY 2018-19. The options discussed were:

- Allocate a proportionate share to each peer group and provide an equal share among peer groups.
- Provide an incremental FTE allocation
- Create individual allocations
- Provide an across the board allocation

After years of sustaining budget reductions, the Budget Committee felt an across the board allocation of the new funding was the best method and provided each clerk with their CFY 2018-19 budget with a 3.82 percent increase over the CFY 2017-18 budget. The Executive Council accepted and approved the individual and statewide budget recommendation at their September 11, 2018 meeting. The CFY 2018-19 budget of \$424.6 million was an increase of \$15.2 million from the CFY 2017-18 approved budget of \$409.4 million. However, the CFY 2018-19 budget was only \$2.6 million more than the CFY 2016-17 budget of \$422 million.

CCOC BUDGET COMMITTEE

The CCOC Budget Committee consists of 17 clerks and is responsible for developing the budget deliberation process and making recommendations to the Executive Council for the budget allocations based on the revenue-limited model. This process is necessary for the CCOC to calculate the minimum required amount of revenue for each clerk to efficiently perform specified court-related functions and apply workload measures appropriate for determining the individual level of review required to fund each clerk's budget.

The CCOC Budget Committee met several times during the year to develop a fair and equitable process for making budget decisions. During CFY 2018-19, the Budget Committee met on:

- December 12, 2018
- January 9, 2019
- February 19, 2019
- July 9, 2019
- July 23, 2019
- September 20, 2019
- September 24, 2019
- September 26, 2019

Some of the key issues addressed this year by the Budget Committee included:

- Monitoring of Revenues and the Clerks of the Court Trust Fund
- Continuing to Improve Clerk Budget Process
- Approval of New Budget Forms and Statewide Budget Form Training
- Development of The Budget Process for the CFY 2018-19
- Case Counting Audits
- Expenditure Reporting
- Juror Management Funding Guidelines

CCOC provides analytic assistance to the Budget Committee and provides regular updates to the committee on the revenue received versus the expected revenue.

CCOC PERFORMANCE IMPROVEMENT AND EFFICIENCIES (PIE) COMMITTEE

The Performance Improvement and Efficiency (PIE) Committee has three critical purposes for the CCOC.

- “P” – Performance: Florida Statutes requires the CCOC to develop a statewide set of performance measures. The current performance measures are:
 1. Revenue collections
 2. Timeliness of cases filed and docketed
 3. Timeliness of juror payments and
 4. Fiscal management.

The role of the Committee is to review these measures and decide their relevance to the clerks’ court-related services; amend them when applicable; and set standards to measure performance. The PIE Committee discussed these measures and standards this year and made no changes. However, it is anticipated that new measures and standards will be developed in CFY 2018-19.

- “I” – Improvement: This function includes follow up on clerk’s current action plans when standards are not met to determine whether the steps taken will improve future performance. It is anticipated that with new measures and standards this may also result in additional action plans.
- “E” – Efficiency: This function of the PIE Committee includes identifying best practices for court-related services and developing effective means to communicate and share these practices among the clerk’s offices.

The CCOC PIE Committee has several workgroups that met throughout the year. Some of the significant issues addressed this year by the CCOC PIE Committee and workgroups include:

- Court Services Framework – Updates from the 2019 Legislative Session
- Performance Measures
 - Development of new standards
 - Monitoring current standards
- Weighted Cases and Subcases
- Statewide Compliance Initiative
- Operation Green Light
 - Training on statutory reporting requirements
- Exploration of using the Comprehensive Case Information System (CCIS) for CCOC reporting
- Creation of a Compliance portal

CCOC REVENUE ENHANCEMENT COMMITTEE

Section 28.35 (2)(c), Florida Statutes, charges the Clerk of Court Operations Corporation (CCOC) with recommending adjustments to fines and fees to provide adequate funding of the Clerks of the Court of the State of Florida. The CCOC established the Revenue Enhancement Committee to meet this statutory charge. The Revenue Enhancement Committee developed a Funding Continuity Plan to address the revenue shortfall faced by the clerks.

The CCOC Revenue Enhancement Committee met by conference call on Wednesday, September 11, 2019, to consider the 2020 Funding Continuity Plan. The Revenue Enhancement Committee recommended the plan for approval by the Legislative Committee and Executive Council.

The Plan provides various recommendations to the legislature for providing adequate funding to the clerks and would meet the CCOC statutory obligation to “recommend to the Legislature changes in the amounts of the various court-related fines, fees, service charges, and costs established by law to ensure reasonable and adequate funding of the clerks of the court in the performance of their court-related functions.”

*** IDEA * include the Funding Continuity Plan as an Appendix to the Annual Report?**

LEGISLATIVE COMMITTEE AND 2019 LEGISLATIVE SESSION

Information needed

- LC Purpose
- Number of tracked bills
- Number of analyses
- Bills that impacted clerks during 2019 session
 - HB 337
 - HB 7125
- OGL Highlight
- OPPAGA REPORT

Other consideration for appendices

- Revenue distribution chart
- Funding Continuity Plan

APPENDIX ONE – BUDGET AUTHORITY AND EXPENDITURES

County Name	CFY 2018-19 Court-Related Budget Authority	CFY 2018-19 Court-Related Expenditures
Alachua	\$5,634,478.00	\$5,449,990.58
Baker	\$609,318.00	\$565,871.02
Bay	\$3,390,963.00	\$3,390,963.00
Bradford	\$643,534.00	\$536,757.87
Brevard	\$11,115,588.00	\$11,115,588.00
Broward	\$36,705,664.00	\$36,514,586.61
Calhoun	\$406,693.00	\$406,693.00
Charlotte	\$3,284,698.00	\$3,284,698.00
Citrus	\$2,191,658.00	\$2,191,658.00
Clay	\$3,171,152.00	\$3,171,152.00
Collier	\$6,187,449.00	\$5,514,929.52
Columbia	\$1,408,086.00	\$1,254,068.13
Dade	\$67,696,403.00	\$67,696,400.00
Desoto	\$727,070.00	\$726,998.47
Dixie	\$441,673.00	\$425,274.34
Duval	\$17,588,394.00	\$17,586,297.00
Escambia	\$6,244,314.00	\$5,722,646.65
Flagler	\$1,595,211.00	\$1,529,055.41
Franklin	\$592,227.00	\$592,227.00
Gadsden	\$1,059,586.00	\$1,059,586.00
Gilchrist	\$489,197.00	\$484,485.98
Glades	\$482,017.00	\$414,294.23
Gulf	\$448,173.00	\$425,864.77
Hamilton	\$432,807.00	\$432,807.00
Hardee	\$770,566.00	\$770,566.00
Hendry	\$987,157.00	\$978,977.83
Hernando	\$3,209,853.00	\$3,099,356.27
Highlands	\$1,686,635.00	\$1,685,104.88
Hillsborough	\$28,055,057.00	\$27,119,839.00
Holmes	\$567,484.00	\$514,570.89
Indian River	\$2,839,503.00	\$2,790,448.32
Jackson	\$995,231.00	\$774,901.33
Jefferson	\$399,371.00	\$377,299.34
Lafayette	\$270,644.00	\$270,644.00

Lake	\$5,407,078.00	\$5,169,068.00
Lee	\$10,911,289.00	\$10,911,289.00
Leon	\$5,472,079.00	\$5,412,818.21
Levy	\$870,756.00	\$830,100.44
Liberty	\$275,350.00	\$275,350.00
Madison	\$510,301.00	\$510,301.00
Manatee	\$5,738,374.00	\$5,326,478.61
Marion	\$6,033,563.00	\$5,849,670.89
Martin	\$3,196,230.00	\$3,187,690.32
Monroe	\$3,282,275.00	\$3,081,553.76
Nassau	\$1,430,675.00	\$1,293,315.82
Okaloosa	\$3,402,079.00	\$3,401,808.80
Okeechobee	\$1,187,722.00	\$1,028,112.91
Orange	\$27,006,971.00	\$26,961,866.44
Osceola	\$6,535,519.00	\$6,535,519.00
Palm Beach	\$28,822,358.00	\$28,150,136.41
Pasco	\$10,434,730.00	\$10,434,730.00
Pinellas	\$21,402,811.00	\$21,100,540.71
Polk	\$11,573,392.00	\$11,213,125.28
Putnam	\$1,737,655.00	\$1,737,655.00
Santa Rosa	\$2,830,132.00	\$2,830,132.00
Sarasota	\$7,561,998.00	\$7,561,998.00
Seminole	\$8,324,931.00	\$8,319,163.87
St. Johns	\$3,404,737.00	\$3,239,794.35
St. Lucie	\$6,445,895.00	\$6,368,230.47
Sumter	\$1,647,397.00	\$1,647,397.00
Suwannee	\$994,218.00	\$994,218.00
Taylor	\$496,913.00	\$496,874.05
Union	\$412,787.00	\$412,787.00
Volusia	\$10,545,633.00	\$10,291,257.99
Wakulla	\$610,086.00	\$610,086.00
Walton	\$1,512,483.00	\$1,512,483.00
Washington	\$545,900.00	\$545,900.00
TOTALS	\$412,892,171.00	\$406,116,052.77

APPENDIX TWO – CCOC EXECUTIVE COUNCIL

The CCOC Executive Council is composed of eight Clerks of the Court elected by their fellow clerks for a term of two years as well as representatives from the House, Senate, and Judicial branches as ex officio members. At a minimum, the Council meets quarterly to discuss and make decisions regarding CCOC business and budgetary matters.

The Chair of the Executive Council establishes the Chairs of each CCOC Committee as described in the Plan of Operation.



Honorable JD Peacock, II
Executive Committee Chair
Okaloosa County



Honorable Jeffrey R. Smith,
CPA, CGFO, CGMA Executive
Committee Vice-Chair
Indian River County



Honorable Tiffany Moore
Russell, Esq.
Executive Committee
Secretary/Treasurer
Orange County



Honorable
Stacy Butterfield, CPA
Polk County Clerk &
Comptroller



Honorable John Crawford
Nassau County Clerk &
Comptroller



Honorable Todd Newton
Gilchrist County Clerk &
Comptroller



Honorable Laura E. Roth

Volusia County Clerk &
Comptroller



Honorable
Ronald Ficarrotta

13th Judicial Circuit Judge

Chief Justice of the Supreme
Court Appointee



VACANT

Florida House of
Representatives Appointee



Honorable Harvey Ruvin,
Esq.

Miami-Dade County Clerk



Honorable Angelina "Angel"
Colonnese, Esq.

Manatee County Clerk &
Comptroller

Florida Senate Appointee



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

STACY BUTTERFIELD, CPA
POLK COUNTY

JOHN CRAWFORD
NASSAU COUNTY

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

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AGENDA ITEM 5

DATE: December 10, 2019
SUBJECT: Revenue Enhancement Committee Funding Continuity Plan
COMMITTEE ACTION: Approve the Funding Continuity Plan

OVERVIEW:

The CCOC Revenue Enhancement Committee met by conference call on Wednesday, September 11, 2019, to consider the 2020 Funding Continuity Plan. The Revenue Enhancement Committee recommended the plan to the Legislative Committee. The Legislative Committee met on Thursday, October 10, 2019 to consider the plan and recommended approval by the Executive Council.

The Plan provides various recommendations to the legislature for providing adequate funding to the clerks and would meet the CCOC statutory obligation to "recommend to the Legislature changes in the amounts of the various court-related fines, fees, service charges, and costs established by law to ensure reasonable and adequate funding of the clerks of the court in the performance of their court-related functions."

The recommendations are found in the attached report.

COMMITTEE ACTION: Approve the Funding Continuity Plan

LEAD STAFF: Jason Welty, CCOC Budget and Communications Director

ATTACHMENTS:

1. 2020 Funding Continuity Plan



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

CLERKS OF COURT FUNDING MODEL

The funding for the Clerks of Court is governed by the Florida Constitution and state statute. It is critical to maintain adequately funded Clerks in order to maintain Florida's judicial system. Specifically, the Constitution states:

ARTICLE V, 14(b), Florida Constitution

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

To ensure Clerks are adequately funded, the Legislature authorizes the Clerks to retain revenue from statutorily created fines, fees, court costs, penalties, service charges, and forfeitures. Additionally, the Legislature provides General Revenue funds to cover the costs of juror management functions for the Clerks. These revenues form the basis of the Clerk's yearly budget and the Legislature tasked the Florida Clerks of Court Operations Corporation (CCOC) with setting Clerks' budgets and tracking revenues. Additionally, the Legislature tasked the CCOC with the responsibility of recommending to the Legislature changes in the amounts of the various court-related fines, fees, service charges, and costs established by law to ensure reasonable and adequate funding of the Clerks of the Court in the performance of their court-related functions.

FUNDING CONTINUITY PLAN

To meet its statutory duty, the CCOC created a Revenue Enhancement Committee in its Plan of Operations to review all of the court-related fines, fees, service charges, and costs established by law. The Revenue Enhancement Committee is responsible for developing the Funding Continuity Plan to make recommendations to the Legislature. This plan provides a menu of options recommended by the Clerks to ensure reasonable and adequate funding of the Clerks of Court for court-related duties.

THE SERVICE OF THE CLERKS OF COURT

Clerks provide critical public safety and commerce services to the citizens of Florida. As an integral part of the justice system, Clerks are responsible for managing and preserving judicial records and providing those records timely to the Court for the administration of justice. However, revenues for providing these services are not adequate to be able to meet the needs of the citizens they serve. As an example, the current budget model depends on the traffic division to fund the criminal division, which puts public safety at risk as the number of traffic citations decrease across the state.

In recent years, there has been a substantial decrease in the number of traffic citations issued. The population is increasing, the economy continues its historic expansion, and the number of drivers is up, but traffic citations are down. This trend is driving revenues that fund the Clerks' public safety related services down dramatically. The misalignment of budget to workload is unsustainable and dangerous for the people Clerks serve.

Effective and efficient criminal and civil justice systems are of the utmost concern to Clerks. Clerks are contending with increasing requests for information from various stakeholders and the public. As a partner in the criminal justice system, the Clerks serve judges, law enforcement, state attorneys, and public defenders and must provide timely and accurate data. The possibility of a criminal defendant being released inadvertently poses a significant risk to public safety; therefore, inadequate funding hinders the ability of Clerks to continue to ensure the reliability and accuracy of the data.

There are also many factors outside of the control of the Clerks that are increasing costs. These unfunded variables include:

- The fiscal impact to Clerks from state policy decisions and changes
- Judicial and Administrative Orders (at both the State and Local levels)
- Increases in health insurance costs and in statutorily-mandated FRS contributions

The current revenue-based funding model does not take into account fixed costs of operating the Clerks' offices, which makes the Funding Continuity Plan a valuable tool for the Clerks when working with our partners in the Legislature.

LEGISLATIVE ACCOMPLISHMENTS

Prior to 2019, the CCOC could not approve budgets that exceeded the revenue estimates provided by the Revenue Estimating Conference (REC) regardless of needs or costs. The Legislature adopted two changes recommended in the 2019 Funding Continuity Plan during the 2019 Legislative Session. These changes will help diversify the revenue available to the Clerks when building their budgets.

The first recommendation adopted by the Legislature was the elimination of the automatic sweep of the Clerks of Court Trust Fund. The Legislature provided additional authority to use revenues that exceeded the official revenue estimates provided by the REC in the following fiscal year. Revenue received by the Clerks is not static from year to year; an upswing in one year may turn to a downswing in the next depending on the number of traffic citations or civil case filings. These swings make stable and predictable budgeting for the Clerks an impossibility. The elimination of the automatic sweep of the trust fund will allow Clerks to use revenues that are collected in one year to help offset any downturns in the following year.

The second recommendation adopted by the Legislature from the 2019 Funding Continuity Plan was authorization to carry forward unspent budget authority from the previous fiscal year. Each year, the Clerks expend between 97 – 98 percent of their budget authority, which is consistent with most public entities. Authorizing this unexpended carry-forward amount to be included as a source of funding will allow the Clerks to pay for necessary projects and stabilize funding from one year to the next.

LIST OF OPTIONS

Currently, available revenues are below what Clerks indicate is needed to sufficiently fund services for the public. **The Clerks' CFY 2019-20 approved revenue-limited budget is \$458.5 million; however, the approved budget is \$10 million less than the Clerks' budget request, which continues to put public safety at risk and threatens to slow down commerce in Florida's economy.**

The following menu of options represents this body's efforts to assist the Legislature by identifying ways to provide adequate funding to carry out Clerks' extensive statutory responsibilities. The funding amounts in red are the projected amounts necessary to meet the need for each issue presented.

Funding for Public Safety Services with No Fees

1. Risk Protection Orders

(\$370,000)

During the 2018 session, the Legislature created the Risk Protection Order Act to prevent individuals who are at a substantial risk of harming themselves or others from accessing firearms or ammunition by allowing law enforcement officers to obtain a court order temporarily restricting a person's access to firearms or ammunition.

- This option assumes the Legislature would provide a \$195 filing fee per case from general revenue. This filing fee does not include law enforcement agency costs.
- Clerks support this public policy, but without a stable funding source, the Clerks will not be able to timely perform the tasks set forth in the new legislation. In counties where law enforcement is substantially using this new petition, Clerks have had to pull staff away from other duties in order to ensure these petitions are being timely filed and staffed before a judge. There is a very real possibility of a negative impact on public safety if the Clerks are unable to process these petitions by the law enforcement community in a timely and efficient manner.

2. Injunctions for protection for the five types of interpersonal violence: domestic, dating, repeat, sexual violence, and stalking.

(\$16.1 million)

Injunctions for protection from violence are critically important to ensuring public safety. As such, many Clerks operate 24/7 staffing to ensure these injunctions are timely processed. Without these services, victims of violence may suffer additional victimization.

- The Clerks support this public policy and currently perform these services at no cost to the petitioners. These services include assisting those individuals requesting injunctions, which is time-consuming and labor-intensive.
- This option assumes the Legislature would provide a \$195 filing fee per case from general revenue. This filing fee does not include law enforcement agency costs.
 - It should also be noted that this reimbursement should be additional funding for this activity on a statewide basis. Revenue for this option should not reduce funds already allocated to other agencies or shelters within the state who perform related/ancillary duties.

3. Baker Act and Marchman Act

(\$11.6 million)

The Baker Act and Marchman Act are designed to protect the public and individuals that are displaying behavior that will cause serious bodily harm to oneself or others and individuals that have lost self-control with respect to substance abuse. It is important to provide timely service to petitioners so that individuals subject to the Baker Act or Marchman Act do not cause harm to themselves or others.

- The Clerks support this public policy and currently perform these services at no cost to the petitioners. Clerks must efficiently process involuntary admissions for the Baker Act and Marchman Act to uphold public safety.
- This option assumes the Legislature would provide a \$195 filing fee per case from general revenue. This filing fee does not include law enforcement agency costs.

- It should also be noted that this reimbursement should be additional funding for this activity on a statewide basis. **Revenue for this option should not reduce funds already allocated to other agencies or receiving facilities within the state who perform related duties.**

4. Injunction for protection for vulnerable adults (Indeterminate Positive)

During the 2018 session, the Legislature created a cause of action for an injunction prohibiting exploitation of a vulnerable adult. The law requires Clerks to assist petitioners in filling out the forms and sets a sliding-scale fee for filing a petition. The law also allows Clerks to request a reimbursement for the processing of petitions, but only if funding is made available in the General Appropriations Act (GAA).

- Funding has not been made available for similar injunctions and was not appropriated in the 2018 or 2019 GAA.
- Many of the petitioners are indigent and, while the law set a sliding-scale fee, that fee is waived for indigent petitioners.
- Similar to injunctions for protection against violence, the Clerks support this public policy, but without a stable funding source, the Clerks will not be able to timely perform the tasks set forth in the new legislation.

5. Civil Indigency Case Cost Reimbursement (\$10.8 million)

Applicants who file civil cases, particularly dissolutions of marriage, and are determined to be indigent are not required to pay the statutory filing fees associated with the various case types being filed. The Clerks believe that every person deserves access to the court system and those without means to pay should not be denied access. However, the Clerks must have staff available and, without adequate funding, these cases could suffer consequently.

- This option assumes the Legislature would provide reimbursement of the statutory filing fee that is waived in these cases (\$135-\$195 per case) from general revenue for the Clerks to aid those that need access to the judiciary and will allow the Clerks to provide those services timely and equitably.

6. Criminal Justice Data Transparency Initiative (Indeterminate Positive)

During the 2018 session, the Legislature created a uniform criminal justice data collection process to promote criminal justice data transparency.

- The Clerks maintain many of the data elements required by the new law; however, there are costs associated with gathering and sending this information to the central data collection agency that was not funded in the legislation.
- The Clerks support this public policy, but without a stable funding source, the Clerks will not be able to timely perform the tasks set forth in the new legislation or ensure the accuracy of data that is collected.

7. Criminal Case Cost Reimbursement

(Between \$58.4 million and \$79.5 million)

State agencies do not pay a filing fee for cases they file or for any copies or other services Clerks perform for court-related activities. The Clerks services to these agencies is labor intensive and extremely vital to ensuring justice.

- This option provides for reimbursement from the state through an annual general revenue appropriation based on estimated filings for the year. If not provided as part of the appropriation above, agencies would also be required to pay for copies and other services at the statutory rates set for all other customers in s. 28.24, F.S., including records on appeal.
- Responsibility for collecting amounts owed on these cases will remain with the Clerks. Performance standards currently in place, as well as certifications of minimal collections efforts by Clerks, are to be maintained and monitored for compliance.
- Under this option, criminal collections would be remitted back to general revenue.

Administrative Changes

1. Establish a Clerk of Court Revenue Stabilization fund within the Clerks of Court Trust Fund.

The Clerks have very little protection from the unpredictable assessment and collection of the fines, fees, service charges, and court costs that make-up the basis for the statewide budget.

- This option would require the Clerks to maintain a stabilization amount in the Clerks of Court Trust Fund to insulate the Clerks' budgets from the unpredictable nature of collections.

The establishment of a stabilization amount would come from revenue collected by the Clerks.



AGENDA ITEM 8

DATE: December 10, 2019
SUBJECT: PIE Report
COUNCIL ACTION: Review Performance Measure Report and Operation Green Light Results.

OVERVIEW:

There are two items being reported in this PIE report.

Item 1: Section 28.35, F.S., requires the CCOC to report when it finds a Clerk has not met the performance standards. Attached is the CFY 2018-19 Quarter 4 Performance Measures & Action Plans Report.

Report Highlights

Collections Performance

- Collectively, all court divisions are meeting the collection performance standards except civil traffic and county criminal. Civil traffic court division increased slightly from the previous quarter but remains well below the 90% standard at 84%. County criminal court division slipped a little from the previous quarter and is slightly below the 40% standard at 39.7%
- Forty-six clerk offices needed an action plan for collections this quarter compared to forty-four last quarter. Most of these action plans continue to be for not meeting the civil traffic collection standards and are out of the control of the Clerk to improve.

Timeliness Performance

- Collectively, all court divisions are well above the 80% standard for filing cases timely. The circuit civil court division slipped back from previous quarter and stands at 84.9%.
 - Eleven clerk offices required an action plan this quarter for not filing cases timely; which is down from the previous quarter when thirteen offices required an action plan.
- Collectively, all court divisions are also well above the 80% standard for docketing cases timely. Although above the standard, the family court division slipped three percentage points from the previous quarter from 95% to 92%.
 - Six clerk offices required an action plan this quarter for not docketing cases timely; which is down from the previous quarter when ten offices required an action plan.
- Staffing, and the lack of training continues to be the most cited reason for not meeting both timeliness standards.

AGENDA ITEM 8 – PIE COMMITTEE REPORT

Senate Bill 7014, which took effect in July, requires the CCOC to remit the performance measure action plans to the Legislature 45 days from the end of each quarter. In recognition of this requirement and the difficulty this puts on staff to meet the deadline, the Council approved the PIE Chair to work with the CCOC staff to compile the quarterly action plans and then post them on the CCOC website (<https://flccoc.org/ccoc-reports/#pr>) in order to meet the notification to the Legislature requirement deadline. The Council then would be made aware of the plan being posted at their next scheduled meeting.

The PIE Chair has worked with CCOC staff to compile the information for quarter 4 and they have posted the report on the website and met the deadline.

COUNCIL ACTION: Review and ratify CFY 2018-19 Quarter 4 Performance Measures & Action Plans Reports.

Item 2: Operation Green Light—October 2019

Chapter 2019-167 LOF (HB 7125-Driver License Reinstatement Days) requires the reporting of certain information pertaining to these events. The CCOC is required to compile this data and report the information as part of its annual report which is required by s. 28.35, F.S.

The following is data reported by 61 counties as of November 13, 2019.

Category	Totals
Clerk Trust Fund Revenues	\$961,833
Local Revenues	\$672,761
State Revenues	\$1,101,870
Expenditures	\$161,571
Case Data	
○ Paid in full	10,246
○ Payment plans	22,501
○ Pulled from collections	21,883
○ DL's reinstated	1,771
○ DL's made eligible	9,841

LEAD STAFF: Douglas Isabelle, Deputy Executive Director

ATTACHMENTS:

1. CFY 2018-19 Quarter 4 Performance Measures and Action Plans Report



Quarterly Performance Measures & Action Plans Report

Section 28.35(2)(d), Florida Statutes

4th Quarter
County Fiscal Year 2018-19
(July 1, 2019 through September 30, 2019)

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POLK COUNTY
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Performance Measure & Quarterly Action Plan Background

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

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

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

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

The quarterly report for the 4th Quarter of CFY 2018-2019 provides information about the performance of the Clerks of Courts on standards relating to collections, timeliness, and juror payment management. The report identifies the Clerk's offices not meeting each performance standard. In addition, the report provides a description of factors that may have contributed to the unmet standard.

For the 4th Quarter of CFY 2018-2019, 46 clerk offices required an action plan related to collections, 11 clerk offices required an action plan for filing cases timely, 6 clerk offices required an action plan for docketing cases timely, and seven clerk offices required an action plan regarding paying jurors timely. The performance measure analysis and required action plans are in the following pages of this report.

List of Performance Measures Reports and Standards

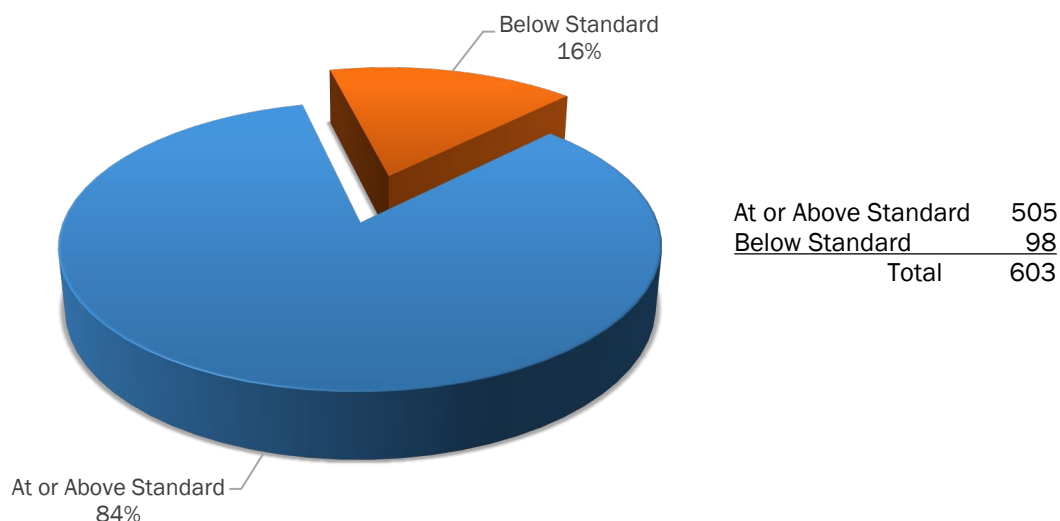
Court Division	Performance Standard Annual Collection Rate	Timeliness for Filing New Cases	Timeliness for Docketing Cases
Circuit Criminal	9%	80% -2 bus. days	80% -3 bus. days
County Criminal	40%	80% -3 bus. days	80% -3 bus. days
Juvenile Delinquency	9%	80% -2 bus. days	80% -3 bus. days
Criminal Traffic	40%	80% -3 bus. days	80% -3 bus. days
Circuit Civil	90%	80% -2 bus. days	80% -3 bus. days
County Civil	90%	80% -2 bus. days	80% -3 bus. days
Probate	90%	80% -2 bus. days	80% -3 bus. days
Family	75%	80% -3 bus. days	80% -3 bus. days
Civil Traffic	90%	80% -4 bus. days	80% -4 bus. days
Juvenile Dependency	N/A	80% -2 bus. days	80% -3 bus. days

The performance standard for timely juror payment is 100% payment of jurors within 20 days of final jury attendance.

COLLECTIONS

Statewide Performance Summary

Collections - Statewide Action Plans



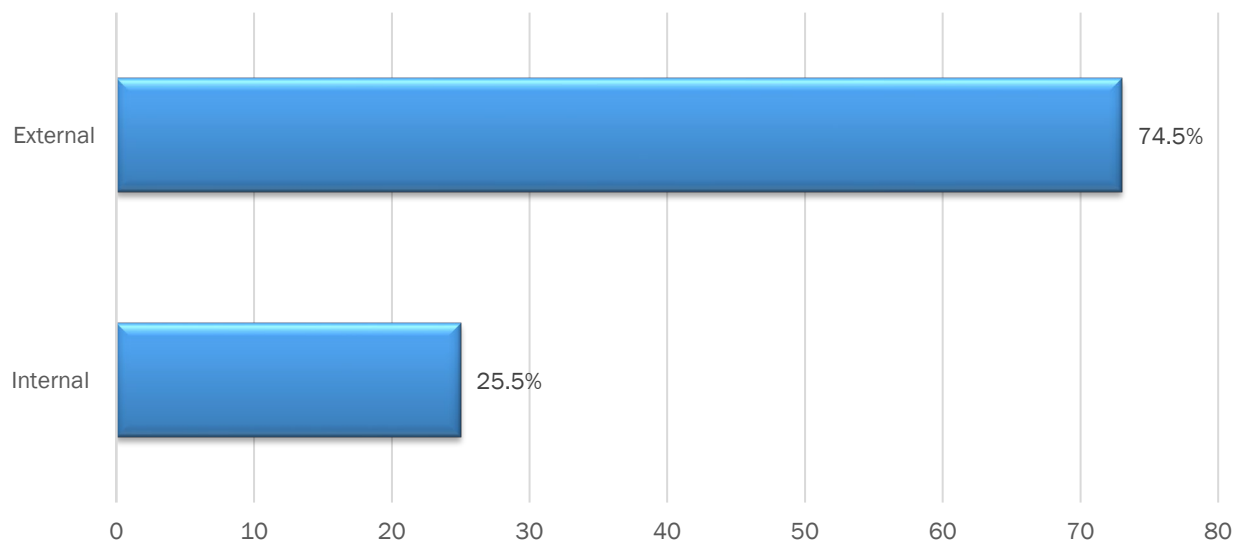
Collection Performance by Reason Code

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

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

Of the 98 action plans where the collection standard was not met, 25 (25.5%) were classified as within the control of the Clerk. A list of the 25 action plans for 12 counties is found below. The remaining 73 (74.5%) action plans were outside the control of the Clerks’ offices. A list of these external reasons is found in Appendix B.

Collections - Action Plans by Reason Code



Internal – Action Plans

	County	Division	Plan to Improve
1	Bay	Circuit Criminal	Adjustments were made
2		Circuit Civil	Adjustments were made
3		Civil Traffic	Bay County uses all means possible to collect
4		Probate	Adjustments were made
5	Brevard	County Criminal	Collection efforts were increased
6		Juvenile Delinquency	Collection efforts were increased
7		Circuit Civil	Adjustments made to assessments/increase volume of payment plan in Circuit Civil
8		Civil Traffic	Collection efforts were increased
9	Clay	Civil Traffic	Case Management System Conversion.

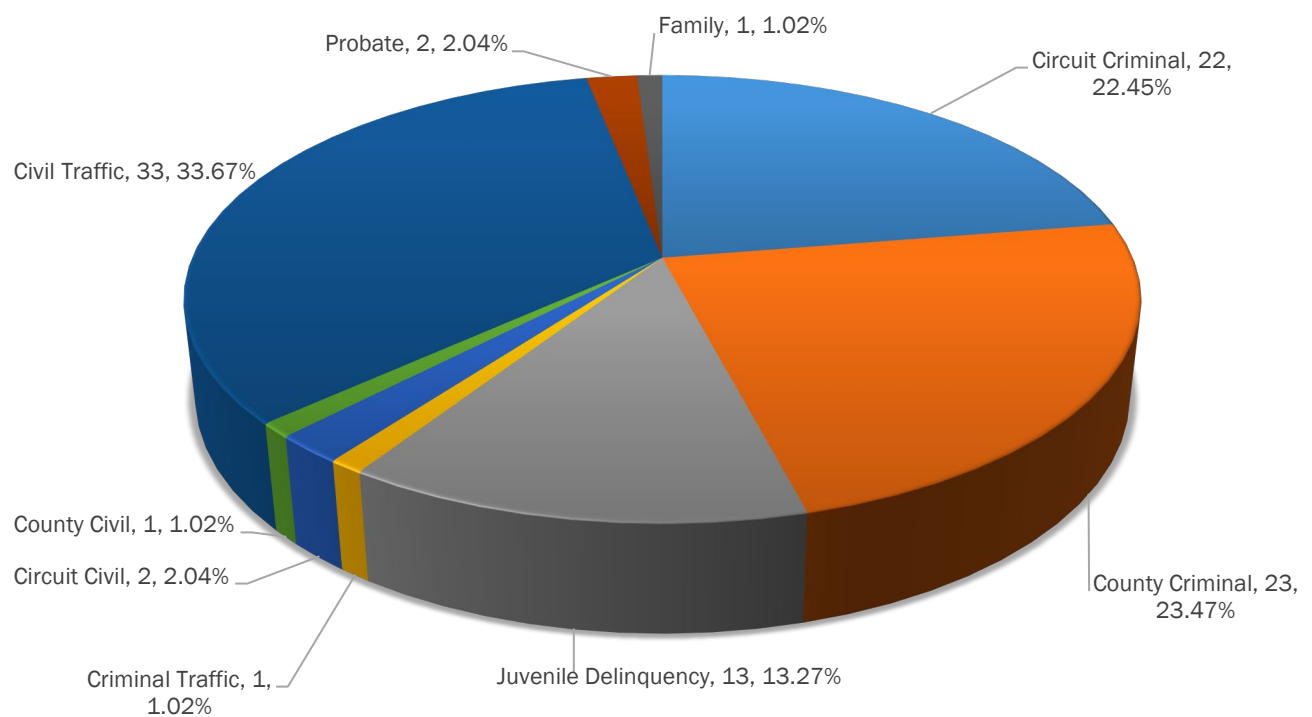
CFY 2018-19 PERFORMANCE MEASURES & ACTION PLANS REPORT – QUARTER 4

	County	Division	Plan to Improve
10	Glades	County Criminal	Assessment was added late.
11	Hillsborough	Circuit Criminal	Preparing to reinstitute transmissions to Collection Agencies.
12	Lafayette	Civil Traffic	We are continually working to ensure we are increasing our collection efforts and reaching defendants to increase payments on these cases.
13	Lake	County Criminal	Lack of sufficient staffing due to continued budget cuts reduces ability to aggressively pursue delinquent accounts.
14	Levy	County Criminal	Judge doesn't do payment plans, enter judgements
15		Criminal Traffic	Judge doesn't do payment plans, enter judgements
16		Family	Payment plans
17	Madison	Circuit Criminal	Large drug trafficking fines assessed in first quarter. Also transitioned to new collection agent August 1st after suspending collection agents in July for redistribution of cases. Rate should increase during next quarter.
18		County Criminal	Collection agent transition during past 6-months; current agents began receiving redistributed files August 1st. Rate should increase during next quarter.
19		Civil Traffic	The additional percentage loss may be due to collection agent transition during past 6-months. Current agents began receiving redistributed filed August 1st. Rate should increase during next quarter.
20	Pasco	Civil Traffic	Historical case collection effort project has impacted the assessments for the quarter. The workflow procedure has been updated to eliminate this impact to the report going forward.
21	Pinellas	County Criminal	Continue working with staff on procedures and processed to improve collection efforts. Continuing to verify mapping in the CSM.
22		Juvenile Delinquency	Continue to move forward with different methods of collecting.
23		County Civil	Refund of Doc Stamps per court order for Quarter 3.
24		Probate	For RPE 9/30/18, a refund of \$14 (amount of change) was done during the Q2 of 2019, but not back dated to original collection date, in case 18-8848ES.
25	Sarasota	County Criminal	Strong oversight of payment plans and implementation of revenue management services of RevQ and new collection agency contracts expected to increase collections. Partnering with Probation and Courts to enhance collection efforts during Probation periods.

Statewide Performance by Court Division

As shown below, the civil traffic court division continues to exceed (33.67%) all other court divisions for not meeting collection standards. Criminal court division cases, as a whole (60.20%) continue to be a challenge to collect.

Collections - Action Plans by Court Division



Historic Collection Rates

The table below shows that for the 4th quarter the civil traffic and county criminal were the only court divisions not meeting collection standards. Civil traffic court performance is well below the 90% performance standard standing at 84.05% at the end of the quarter. County criminal performance is only slightly below the standard at 39.69%.

Court Division	CFY 2017-18 Year End	CFY 2018-19 1st Quarter	CFY 2018-19 2nd Quarter	CFY 2018-19 3rd Quarter	CFY 2018-19 4th Quarter	Standard
Circuit Criminal	9.31%	9.55%	9.28%	9.10%	9.11%	9%
Circuit Criminal (No Trafficking)	15.67%	15.51%	15.63%	16.34%	16.40%	NA
County Criminal	39.89%	39.41%	40.89%	40.83%	39.69%	40%
Juvenile Delinquency	14.82%	12.85%	14.90%	17.35%	16.07%	9%
Criminal Traffic	61.71%	60.82%	62.09%	60.70%	60.29%	40%
Circuit Civil	99.28%	99.14%	99.33%	99.40%	99.14%	90%
County Civil	99.72%	99.80%	99.86%	99.78%	99.77%	90%
Civil Traffic	84.17%	83.22%	82.81%	83.87%	84.05%	90%
Probate	99.35%	99.50%	99.29%	99.29%	99.28%	90%
Family	96.46%	97.09%	97.18%	96.84%	96.58%	75%

Of the 21 counties who did not meet the circuit criminal collection standard, 15 would have met the standard had drug trafficking assessments not been included as part of circuit criminal assessments. Drug trafficking assessments accounted for over 46.64% of total assessments for these counties in Quarter 4.

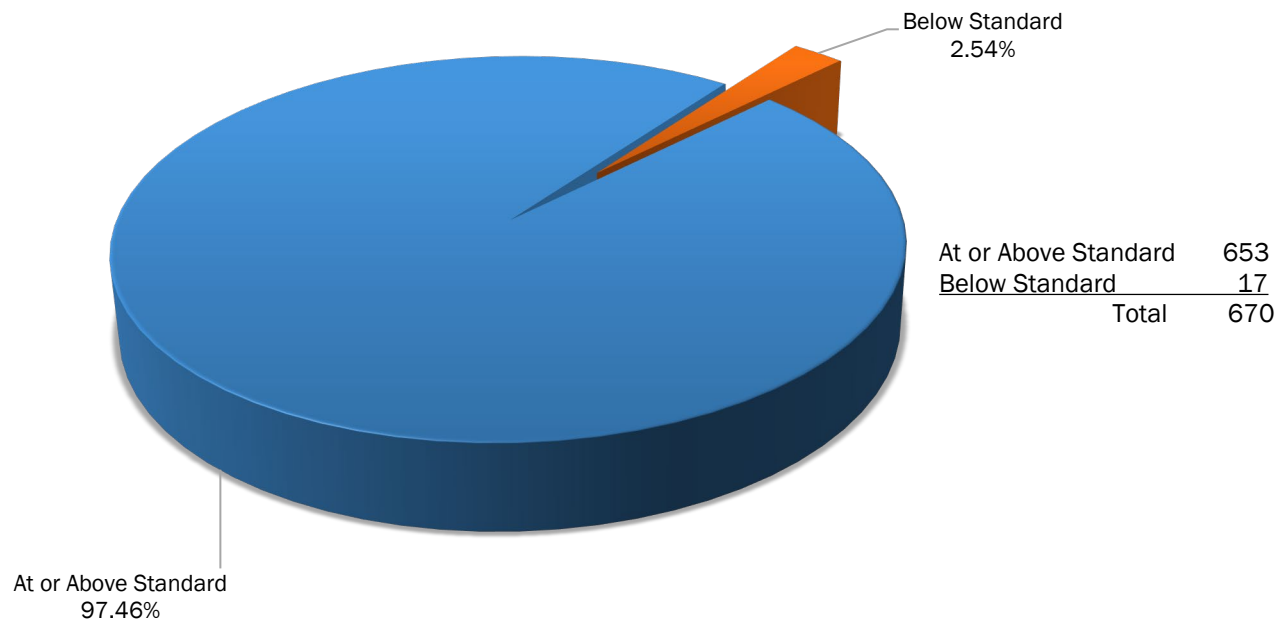
TIMELINESS

Statewide Performance Summary

Timeliness 1 – Filing New Cases Timely

Of the 17 action plans required for not filing new cases timely (Timeliness 1), all but one county cited staffing as their reason for not meeting the standard. The remaining one county cited systems/conversions. (See Appendix B for more details)

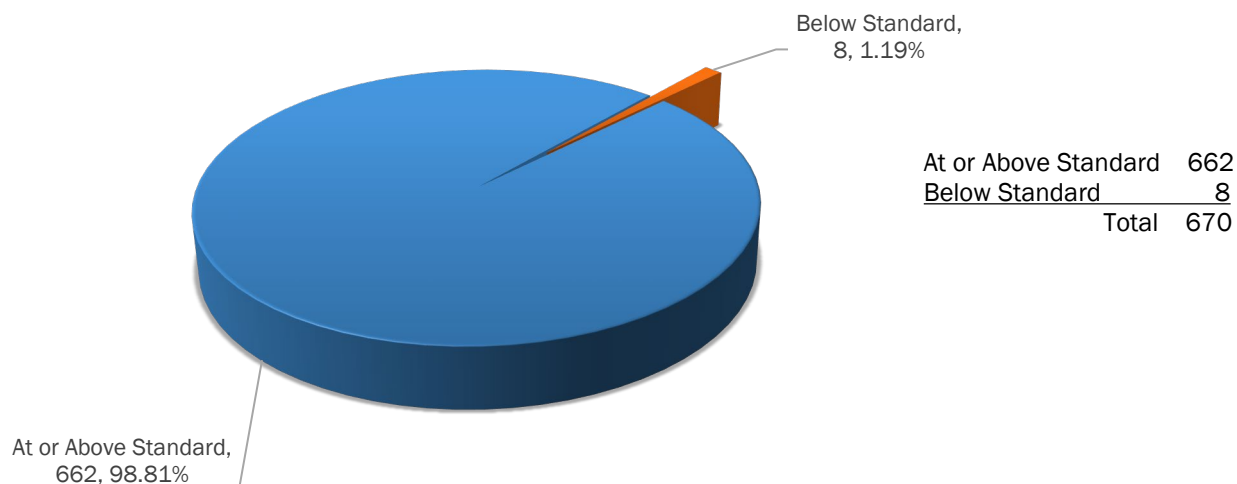
Timeliness 1 - Statewide Action Plans



Timeliness 2 – Cases Docketed Timely

All 8 of the action plans required for not docketing cases timely (Timeliness 2) were in the Clerk’s control to correct and cited staffing as their reason for not meeting the standard.

Timeliness 2 - Statewide Action Plans



Timeliness Performance by Reason Codes

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

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

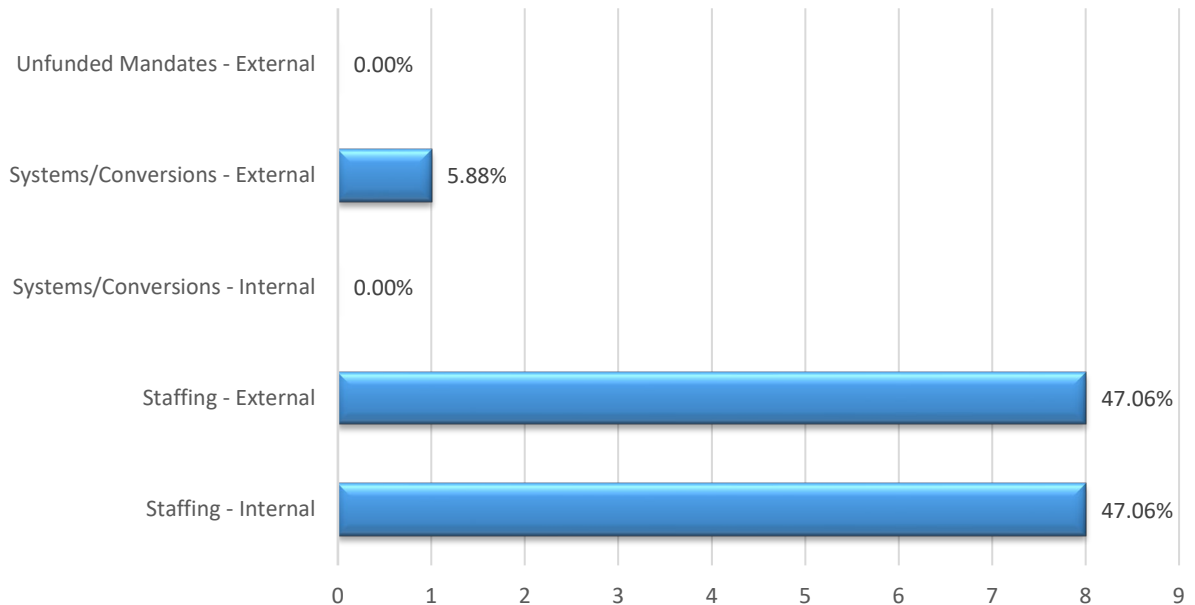
require an “Action to Improve” but must have a detailed explanation of the external reason why the Timeliness Performance Standard was not met.

- “Unfunded Mandates - External”: Federal, State and/or local mandates outside of office management and/or process control. Unfunded Mandate reason(s) will not require an “Action to Improve” but must have a detailed explanation of the external reason why the Timeliness Performance Standard was not met.

Timeliness 1 – Filing New Cases Timely

There were 17 action plans for not filing cases timely of which 8 were for Staffing – Internal, 8 were related to Staffing – External, and 1 was Systems/Conversions - External.

Timeliness 1 - Action Plans by Reason Code

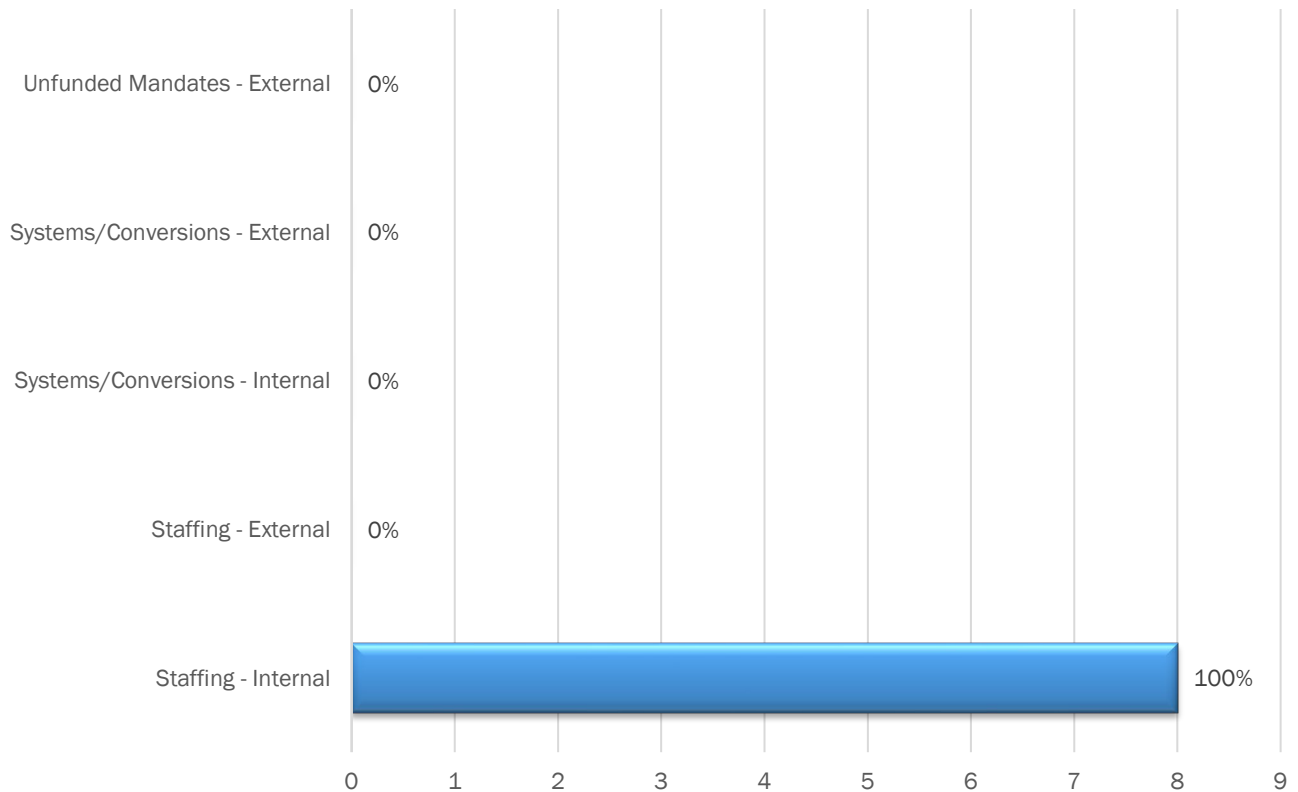


Timeliness 2 – Cases Docketed Timely

Performance by Reason Code

All 13 action plans for not docketing cases timely of which plans were for Staffing – Internal.

Timeliness 2 - Action Plans by Reason Code



Internal Action Plans
Timeliness 1 – Filing New Cases Timely

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

	County	Division	Reason Code	Action Plan to Improve
1	Brevard	Probate	Staffing - Internal	Staffing Issues
2	Broward	Circuit Civil	Staffing - Internal	Temp employees have been hired and overtime will be used to reduce backlog.
3		Probate	Staffing - Internal	Budget permitting overtime will be utilized to improve timeliness
4	Citrus	Probate	Staffing - Internal	New Judge 7/1/19 and new management, staff outages.
5	Hillsborough	Circuit Criminal	Staffing - Internal	Cross training of staff
6	Lake	Probate	Staffing - Internal	Lack of staffing to keep workload current when regular staff members are out of the office.
7	Lee	Criminal Traffic	Staffing - Internal	Staff training/transitions in progress
8	Levy	Criminal Traffic	Staffing - Internal	Need staff

Timeliness 2 – Cases Docketed Timely

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

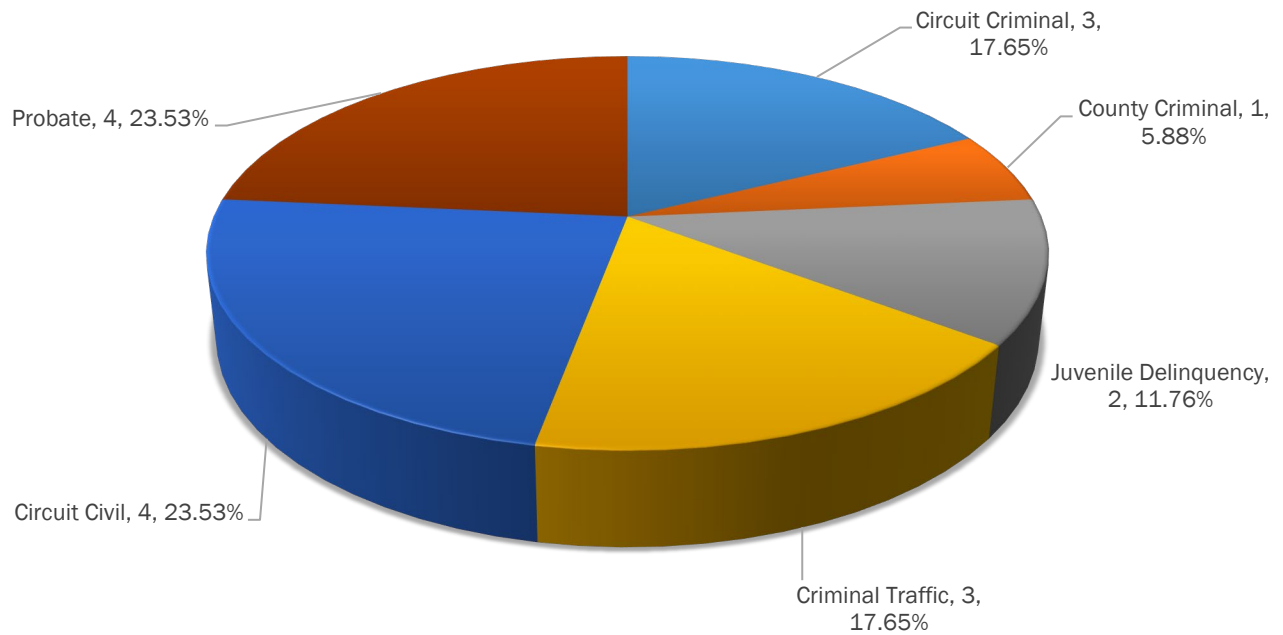
	County	Division	Reason Code	Action Plan to Improve
1	Broward	Probate	Staffing - Internal	Temp employees have been hired and overtime will be used to reduce backlog.
2		Family	Staffing - Internal	Budget permitting, overtime will be utilized to improve timeliness
3	Miami-Dade	Family	Staffing - Internal	Standard was not meet due to a new employee being in training and 3 vacancies
4	Lee	County Criminal	Staffing - Internal	Staff training/transitions in progress
5		Criminal Traffic	Staffing - Internal	Staff training/transitions in progress
6	Levy	County Civil	Staffing - Internal	Need staff
7	Okeechobee	Circuit Criminal	Staffing - Internal	Short staffed, training new employees
8	Putnam	Juvenile Delinquency	Staffing - Internal	Attempt to schedule time off with less impact on timeliness.

Statewide Performance by Court Division

Timeliness 1 – Filing New Cases

As shown below, 52.94% of action plans for Timeliness 1 (Filing new cases) were in the criminal court divisions, accounting for 9 of the 17 action plans.

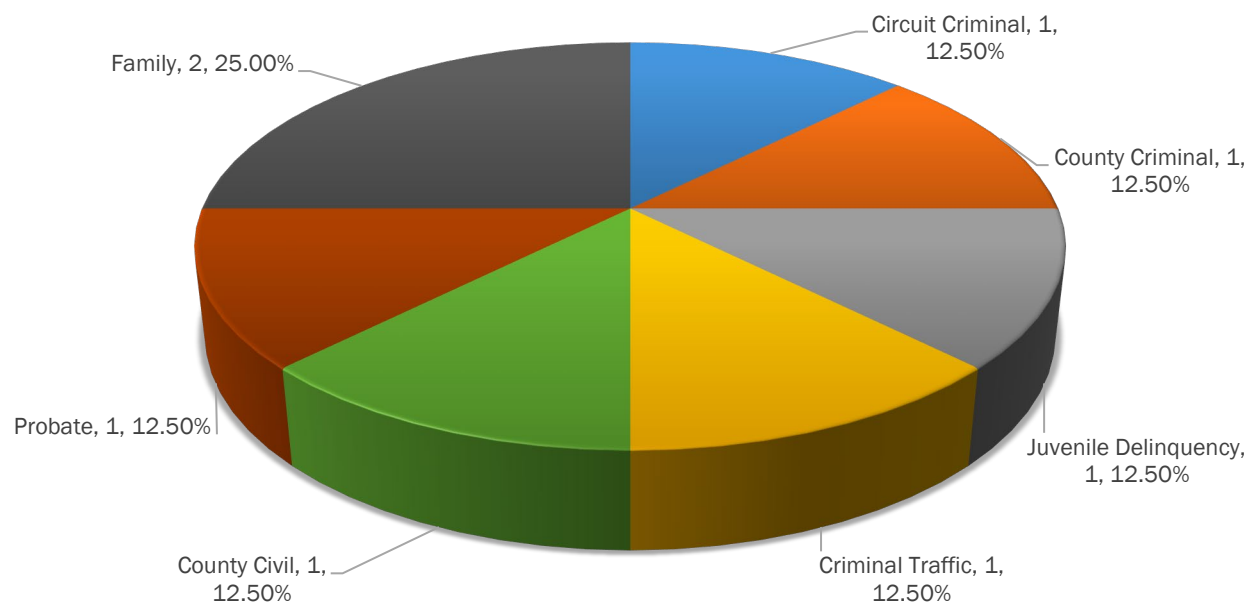
Timeliness 1 - Action Plans by Court Division



Timeliness 2 – Cases Docketed Timely

As shown below, 50% of action plans for docketing cases timely were in the criminal court divisions, accounting for 4 of the 8 action plans.

Timeliness 2 - Action Plans by Court Division



Historic Timeliness Rates

Timeliness 1 – Filing New Cases Timely

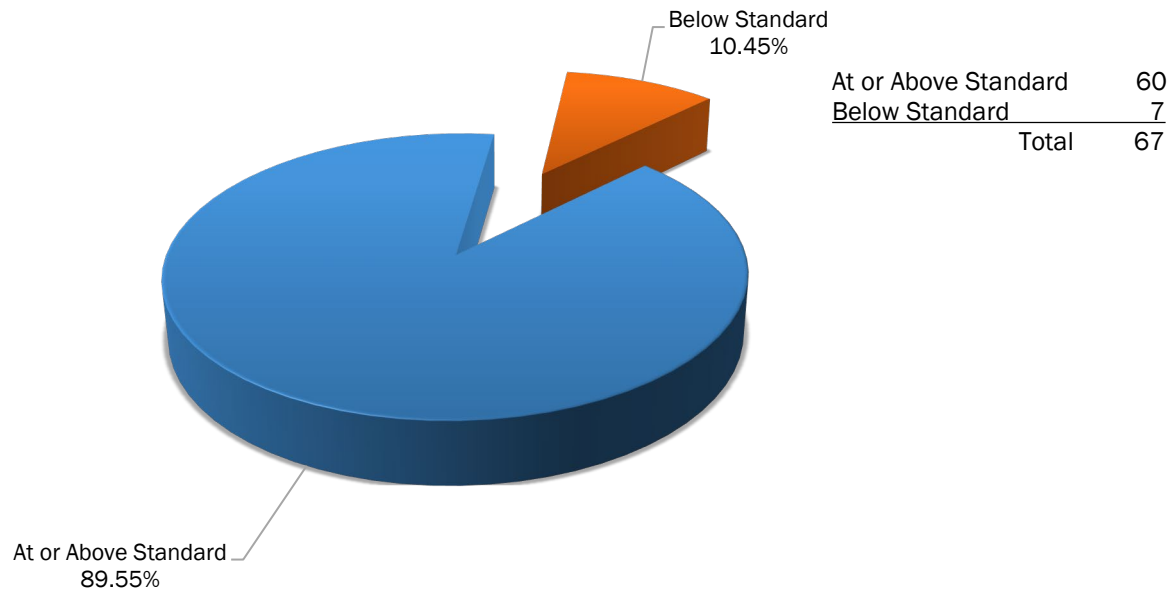
For Timeliness 1 (Filing New Cases), all court divisions are achieving the 80% performance standard. However, the Circuit Civil Courts saw a decline from 92% in quarter 3 to 84% this quarter which can be attributed to one large county that accounted for about half of all circuit civil cases that were not processed timely.

Time 1 Quarter 4 CFY 2018-19						
Court Division	CFY 2017-18 Year End	CFY 2018-19 1st Quarter	CFY 2018-19 2nd Quarter	CFY 2018-19 3rd Quarter	CFY 2018-19 4th Quarter	Standard
Circuit Criminal	94.27%	94.10%	94.79%	94.57%	95.04%	80.00%
County Criminal	95.76%	96.32%	95.22%	95.92%	97.32%	80.00%
Juvenile Delinquency	95.28%	95.13%	96.12%	95.39%	95.93%	80.00%
Criminal Traffic	95.28%	97.26%	95.78%	96.26%	96.74%	80.00%
Circuit Civil	81.79%	94.40%	83.68%	92.06%	84.86%	80.00%
County Civil	91.11%	92.41%	92.05%	96.70%	94.31%	80.00%
Civil Traffic	97.00%	98.65%	98.09%	98.17%	99.06%	80.00%
Probate	93.96%	93.62%	93.82%	93.49%	93.49%	80.00%
Family	96.68%	96.52%	97.13%	96.31%	95.10%	80.00%
Juvenile Dependency	94.64%	97.99%	98.48%	98.35%	98.58%	80.00%

Timeliness 2 - Cases Docketed Timely

For Timeliness 2 (Docketed Cases), all court divisions are meeting the standard for entering dockets timely. Except for Circuit Civil, County Civil and Family, most court divisions improved slightly from quarter 4. Staffing was the most cited reason for the slippage in performance.

Time 2 Quarter 4 CFY 2018-19						
Court Division	CFY 2017-18 Year End	CFY 2018-19 1st Quarter	CFY 2018-19 2nd Quarter	CFY 2018-19 3rd Quarter	CFY 2018-19 4th Quarter	Standard
Circuit Criminal	93.58%	93.87%	94.22%	95.21%	95.18%	80.00%
County Criminal	94.81%	94.54%	94.14%	93.68%	94.74%	80.00%
Juvenile Delinquency	95.83%	94.82%	95.25%	96.87%	96.62%	80.00%
Criminal Traffic	95.71%	95.58%	94.07%	94.59%	95.84%	80.00%
Circuit Civil	89.16%	91.76%	95.08%	97.47%	95.63%	80.00%
County Civil	94.56%	95.19%	95.62%	97.05%	96.86%	80.00%
Civil Traffic	98.44%	98.32%	98.74%	98.39%	98.96%	80.00%
Probate	93.76%	93.86%	92.48%	93.87%	94.22%	80.00%
Family	92.58%	89.59%	93.41%	95.52%	92.47%	80.00%
Juvenile Dependency	95.19%	94.99%	94.98%	96.31%	96.97%	80.00%

JURY PAYMENT**Statewide Action Plans****Juror Payment - Statewide Action Plans**

The performance standard for timely juror payment is 100% payment of jurors within 20 days of final jury attendance. Seven clerk offices did not meet the standard and cited Staffing-training, Systems, Procedural, and Other (Explain) related reasons for not meeting the performance standard.

Jury Payment Action Plans

	County	Reason	Action Plan to Improve
1	Baker	Staffing - Training	We have a new jury system and update the training as we go due to employees having other duties assigned to them.
2	Bay	Other (Explain)	Juror said 7/1/19 "employer paid" then said 8/7/19 he needed to be paid
3	Brevard	Systems	Vendor Issue not resolved prior to issue of checks
4	Gadsden	Other (Explain)	One juror requested payment late
5	Hendry	Staffing - Training	Training, new jury clerk learning the process.
6	Nassau	Procedural	Staff is properly trained on the procedure.
7	Sarasota	Staffing - Training	There were 11 items that were clerk error and 3 that were system error. Will train to correct.

Appendix A
Collections Performance by Division
CFY 2018-19 Quarter 4

County	Circuit Criminal	County Criminal	Juvenile Delinquency	Criminal Traffic	Circuit Civil	County Civil	Civil Traffic	Probate	Family	Total
Alachua		External	External							2
Baker	External	External					External			3
Bay	Internal				Internal		Internal	Internal		4
Bradford		External								1
Brevard		Internal	Internal		Internal		Internal			4
Broward	External		External				External			3
Calhoun	External						External			2
Charlotte		External					External			2
Citrus										0
Clay							Internal			1
Collier										0
Columbia										0
Miami-Dade		External					External			2
DeSoto										0
Dixie	External		External				External			3
Duval	External	External	External				External			4
Escambia										0
Flagler										0
Franklin	External	External					External			3
Gadsden							External			1
Gilchrist										0
Glades		Internal								1
Gulf										0
Hamilton							External			1
Hardee		External								1
Hendry			External				External			2
Hernando	External		External							2
Highlands	External	External					External			3
Hillsborough	Internal	External					External			3
Holmes	External						External			2
Indian River										0
Jackson							External			1
Jefferson										0
Lafayette	External						Internal			2
Lake		Internal	External							2
Lee										0
Leon										0
Levy	External	Internal		Internal			External		Internal	5
Liberty										0
Madison	Internal	Internal					Internal			3
Manatee										0
Marion										0
Martin										0
Monroe										0
Nassau	External						External			2
Okaloosa							External			1
Okeechobee							External			1
Orange		External					External			2
Osceola							External			1
Palm Beach	External	External	External							3
Pasco							Internal			1
Pinellas		Internal	Internal			Internal		Internal		4
Polk	External						External			2
Putnam	External	External	External				External			4



Appendix A
Collections Performance by Division
CFY 2018-19 Quarter 4

County	Circuit Criminal	County Criminal	Juvenile Delinquency	Criminal Traffic	Circuit Civil	County Civil	Civil Traffic	Probate	Family	Total
Santa Rosa							External			1
Sarasota		Internal								1
Seminole										0
Saint Johns	External	External								2
Saint Lucie										0
Sumter	External									1
Suwannee										0
Taylor			External				External			2
Union			External							1
Volusia	External	External								2
Wakulla		External					External			2
Walton										0
Washington	External						External			2
Statewide	22	23	13	1	2	1	33	2	1	98
Internal Reasons	3	7	2	1	2	1	6	2	1	25
External Reasons	19	16	11	0	0	0	27	0	0	73



Appendix A
Timeliness 1 - Filing New Cases by Division
CFY 2018-19 Quarter 4

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



Appendix A
Timeliness 1 - Filing New Cases by Division
CFY 2018-19 Quarter 4

County	Circuit Criminal	County Criminal	Juvenile Delinquency	Criminal Traffic	Circuit Civil	County Civil	Civil Traffic	Probate	Family	Juvenile Dependency	Total
Palm Beach											0
Pasco					Staffing - External						1
Pinellas											0
Polk											0
Putnam											0
Saint Johns											0
Saint Lucie											0
Santa Rosa											0
Sarasota											0
Seminole											0
Sumter											0
Suwannee											0
Taylor											0
Union											0
Volusia											0
Wakulla											0
Walton											0
Washington											0
Statewide	3	1	2	3	4	0	0	4	0	0	17
Internal Reasons	1	0	0	2	1	0	0	4	0	0	8
External Reasons	2	1	2	1	3	0	0	0	0	0	9



Appendix A
Timeliness 2 - Cases Docketed by Division
CFY 2017-18 Quarter 4

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



Appendix A
Timeliness 2 - Cases Docketed by Division
CFY 2017-18 Quarter 4

County	Circuit Criminal	County Criminal	Juvenile Delinquency	Criminal Traffic	Circuit Civil	County Civil	Civil Traffic	Probate	Family	Juvenile Dependency	Total
Saint Johns											0
Saint Lucie											0
Santa Rosa											0
Sarasota											0
Seminole											0
Sumter											0
Suwannee											0
Taylor											0
Union											0
Volusia											0
Wakulla											0
Walton											0
Washington											0
Statewide	1	1	1	1	0	1	0	1	2	0	8
Internal Reasons	1	1	1	1	0	1	0	1	2	0	8
External Reasons	0	0	0	0	0	0	0	0	0	0	0



Appendix B
Descriptions of External Factors for Not Meeting Performance Standards
CFY 2018-19 Quarter 4

Collections				
	County	Division	Reason Code	Description
1	Alachua	County Criminal	External	People charged with this level do not have the money to pay.
2		Juvenile Delinquency	External	This group does not have jobs and parents do not have the money.
3	Baker	Circuit Criminal	External	In Circuit Criminal the defendants are placed on probation and then violate with little to no money paid and then a civil judgement is entered or they are sent to prison with the same results. Our office sets up partial payments and suspend the defendants DL. We are open to any suggestions anyone may have.
4		County Criminal	External	The court places the defendants on probation and our office sets up payment plans and suspends the defendants DL for non-payment.
5		Civil Traffic	External	Our office forwards the late citations to Tallahassee weekly to suspended def DL and also forward all late citations to the collection agency once a month.
6	Bradford	County Criminal	External	People are not paying the assessments they have been charged. The Clerks Office does not currently perform collection efforts on these assessments.
7	Broward	Circuit Criminal	External	The number of indigent defendants impact collection efforts.
8		Juvenile Delinquency	External	Broward continues to work with other governmental agencies and judiciary to improve collections of court ordered assessments.
9		Civil Traffic	External	The number of indigent defendants impact collections.
10	Calhoun	Circuit Criminal	External	Once released from prison will be put on a payment plan.
11		Civil Traffic	External	Impact of Hurricane Michael
12	Charlotte	County Criminal	External	Working with Collection Agencies to improve collections. Historically summer months see a decline in collections of County Criminal cases.
13		Civil Traffic	External	Working with Collection Agencies to improve collections. Historically summer months see a decline in collections of County Criminal cases.
14	Miami-Dade	County Criminal	External	Due to our current economic conditions, many defendants are indigent or transient making collections efforts more difficult.
15		Civil Traffic	External	We have a significant number of payment plans which extend the time required for full collection. Additionally, a significant number of citations go to court which also delays collection times.
16	Dixie	Circuit Criminal	External	We are suspending licenses, etc.
17		Juvenile Delinquency	External	We are suspending licenses, etc.
18		Civil Traffic	External	We are suspending licenses, etc.
19	Duval	Circuit Criminal	External	In the process of an RFP for collection services. In addition, additional case types were added for online payments on 12/12/18 including circuit criminal.
20		County Criminal	External	In the process of an RFP for collection services.
21		Juvenile Delinquency	External	In the process of an RFP for collection services.
22		Civil Traffic	External	In the process of an RFP for collection services.
23	Franklin	Circuit Criminal	External	Due to economic conditions and Hurricane Michael, customers haven't been paying.
24		County Criminal	External	Due to economic conditions and Hurricane Michael, customers haven't been paying.
25		Civil Traffic	External	We continue to D6 licenses and contract with 2 collection agencies. We do offer payment plans and extend the time as needed to receive full payments. We believe the 90% standard is too high. We use all methods at our disposal to collect.
26	Gadsden	Civil Traffic	External	We are a small office with a small staff. We will continue to attempt to meet the standard using the resources we have at our disposal.
27	Hamilton	Civil Traffic	External	Payments still slow to be paid. We have changed collection agencies again and also, as previously stated, we have a very pro-active traffic clerk that is diligently working to increase our collection rate. However even with all the current changes we will never reach 90% in civil traffic collections. The performance measure standard is too high.
28	Hardee	County Criminal	External	Case are at collections or on Lien
29	Hendry	Juvenile Delinquency	External	Community Service is usually chosen over making a payment.
30		Civil Traffic	External	Judge increases time/decreases amount.
31	Hernando	Circuit Criminal	External	We are continuing to offer payment plans and to work with defendants to pay what is owed. We are also continuing to work with our collection agents to see if these collections can be improved. We are hopeful as our collection rate has improved again this quarter.
32		Juvenile Delinquency	External	We are continuing to offer payment plans and to work with defendants to pay what is owed. We are also continuing to work with our collection agents to see if these collections can be improved. We are hopeful as our collection rate has improved again this quarter.
33	Highlands	Circuit Criminal	External	Continuing to send cases to PennCredit. However if you subtract the drug trafficking from total, then we get 8.8% for this quarter.
34		County Criminal	External	Continuing to send cases to PennCredit.
35		Civil Traffic	External	All unpaid tickets have been sent to collections with a D6 on their license.
36	Hillsborough	County Criminal	External	Continued transmissions to Collections Agencies
37		Civil Traffic	External	Continued transmissions to Collections Agencies
38	Holmes	Circuit Criminal	External	Non-Payments, continuing to use our collections dept. by sending our due diligent letters and judgements.
39		Civil Traffic	External	Non-Payments, continuing to use our collections dept. by sending our due diligent letters and judgements.
40	Jackson	Civil Traffic	External	When a citation is not paid within 30 days, suspending licenses and then sending to external collection agency.
41	Lafayette	Circuit Criminal	External	Due to the high number of incarcerated defendants unable to make payment on their assessed fees, this standard was not met.
42	Lake	Juvenile Delinquency	External	Appears to be an anomaly from our normal collection trend.
43	Levy	Circuit Criminal	External	judge enters judgements not payment plans
44		Civil Traffic	External	no one paying



Appendix B Descriptions of External Factors for Not Meeting Performance Standards CFY 2018-19 Quarter 4				
Collections				
45	Nassau	Circuit Criminal	External	Continue to send cases to the collections agency
46		Civil Traffic	External	Continue to send cases to the collections agency
47	Okaloosa	Civil Traffic	External	Funding shortfalls have hampered our ability to collect.
48	Okeechobee	Civil Traffic	External	Cases will be sent to collections.
49	Orange	County Criminal	External	Most criminal defendants are on payment plans which extend well beyond 5 quarters, so this standard is not met for this case type.
50		Civil Traffic	External	Orange has a lot of out of state/out of country visitors who don't pay. Also, there is a general disregard for paying traffic cases. People don't seem to care if they have a DL suspension or not.
51	Osceola	Civil Traffic	External	We have a high percentage of tourist from out of state/out of country who do not pay. We have developed and implemented text and email reminders.
52	Palm Beach	Circuit Criminal	External	Over \$1.5 million dollars in drug trafficking assessments resulting in prison time have negatively impacted our ability to meet the 9% collection rate standard.
53		County Criminal	External	Due to a high volume of defendants sentenced to jail, as well as the homeless population, only 27% of misdemeanor assessments are collectible. Will work with Sheriff's Office to obtain address information for defendants released in order to mail them payment reminders.
54		Juvenile Delinquency	External	Defendants placed on probation are not ordered to establish payment plans. Failure to pay as a condition of probation is usually converted to community service.
55	Polk	Circuit Criminal	External	Defendants are incarcerated and large drug trafficking fines are not being paid. When drug trafficking is excluded we meet the standard.
56		Civil Traffic	External	Violators not paying civil traffic citations timely.
57	Putnam	Circuit Criminal	External	Collection issues driven by high incarceration rate and poor economic conditions. However, net of trafficking, we'd be at 11%.
58		County Criminal	External	We began pushing deferred payments plans using IVR two years ago. We hoped to collect/offset some of the losses we incurred when the primary judge in this area nearly eliminated supervised probation; stopped assessing fines; converted unpaid court costs to civil liens at the end of probation; and waived court costs and fines if the guilty party spent one or more days incarcerated.
59		Juvenile Delinquency	External	The judge will not enforce.
60		Civil Traffic	External	Partial payment plans and other collection efforts in place cannot offset local economic factors (low wages, high unemployment, high poverty/fixed incomes). However, we are getting higher cooperation from the judge and we now have over 400 contacts in place. Our automated messaging/notification system is making the process much more efficient/productive.
61	Santa Rosa	Civil Traffic	External	Partial payment agreements can go up to 18 months which is outside the reporting time frame. Civil citation issued along with a criminal citation is held until the disposition of the civil citation.
62	Saint Johns	Circuit Criminal	External	Higher than normal assessments during this quarter caused the collection rate to not meet the standard.
63		County Criminal	External	Higher than normal assessments during this quarter caused the collection rate to not meet the standard.
64	Sumter	Circuit Criminal	External	High assessment for drug trafficking assessment. Collection rate would be 12% if assessment was removed. More defendants sentenced to jail time.
65	Taylor	Juvenile Delinquency	External	Juveniles do not pay and are not brought back to court.
66		Civil Traffic	External	We are sending to collections and doing all we know to do.
67	Union	Juvenile Delinquency	External	Parents of Juvenile Defendants are unable to pay. Sending to Collections.
68	Volusia	Circuit Criminal	External	Increase in the number of late paying cases that we are sending to collections.
69		County Criminal	External	Increase in the number of late paying cases that we are sending to collections.
70	Wakulla	County Criminal	External	Using all methods available for collection on cases, license suspension, collection agency, in hopes that Green Light program will have good participation to help bring rate up to 40%.
71		Civil Traffic	External	Citizens are forgetting to pay and being D-6, some doing community service others are sent to collections. Offering operation green light program to help citizens get their accounts back on track. Increase in case load from prior year, less and new staffing due to budget cuts.
72	Washington	Circuit Criminal	External	Incarceration, we have set up payment plans.
73		Civil Traffic	External	Driver License Suspended and sent to collection agency

Quarter 4 Timeliness 1 - Filing New Cases; External Reasons Provided				
County	Division	Reason Code	Description	
1 Dixie	Circuit Criminal	Staffing - External	Too many cases and court dates to keep up	
2	County Criminal	Staffing - External	Too many cases and court dates to keep up	
3	Juvenile Delinquency	Staffing - External	Too many cases and court dates to keep up	
4	Criminal Traffic	Staffing - External	Too many cases and court dates to keep up	
5 Hendry	Circuit Civil	Staffing - External	Short-staffed	
6 Nassau	Circuit Criminal	Staffing - External	Due to the hurricane and being closed for 4 days	
7	Juvenile Delinquency	Staffing - External	Due to the hurricane and being closed for 4 days	
8	Circuit Civil	Systems/Conversions - External	Rejected e-filings resubmitted under the same filing date and number	
9 Pasco	Circuit Civil	Staffing - External	Budget deficiencies	





CCOC

FLORIDA CLERKS OF COURT
OPERATIONS CORPORATION

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EXECUTIVE COUNCIL CHAIR

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INDIAN RIVER COUNTY
VICE-CHAIR

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ORANGE COUNTY
SECRETARY/TREASURER

STACY BUTTERFIELD, CPA
POLK COUNTY

HARVEY RUVIN, ESQ.
MIAMI-DADE COUNTY

VACANT
HOUSE APPOINTEE

JOHN CRAWFORD
NASSAU COUNTY

RON FICAROTTA
13TH JUDICIAL CIRCUIT JUDGE
SUPREME COURT APPOINTEE

JOHN DEW
EXECUTIVE DIRECTOR

TODD NEWTON
GILCHRIST COUNTY

ANGELINA "ANGEL"
COLONNESO, ESQ.
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AGENDA ITEM 9

DATE: December 10, 2019
SUBJECT: Executive Committee CCOC Staff PTO Policy Recommendation
COUNCIL ACTION: Confirmation of Recommendation.

OVERVIEW:

The CCOC Executive Committee met on September 20, 2019. (See attached summary minutes of that meeting.) They approved a number of issues that they brought forward to the October 1st Executive Council meeting for confirmation. The Council approved a payout for an employee in order to move forward on the Paid Time Off transition from the previous separate sick and annual leave policy as recommended by the Executive Committee. However, there were questions on the amount of carry-over leave that was being allowed in the transition policy and the Council wanted staff to review this further and bring the issue back at the next Council meeting.

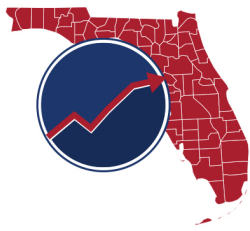
The CCOC Chair, who worked with CCOC staff on this issue, was not available at the October 1st Council meeting. He will be present at the December 10th WebEx and would like to help answer questions Council members may have and be available to explain the reason for the amount of carry-over allowed in the PTO policy. CCOC staff have conducted research on total carry-over limits allowed by the State and/or some Clerk's offices.

COUNCIL ACTION: Confirmation of Executive Committee recommendation on amount of carry-over leave allowed or provide alternative recommendation. Confirm PTO Policy.

LEAD STAFF: John Dew, Executive Director

ATTACHMENTS:

- September 20th Summary Minutes of CCOC Executive Committee Meeting
- PTO Policy approved by CCOC Executive Committee



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DRAFT

Summary Minutes – September 20th CCOC Executive Committee Meeting

Chair Peacock at 2:30 pm, via a conference call, asked CCOC Executive Director John Dew to call the role. In attendance were Chair Clerk Peacock, Vice-Chair Clerk Smith, and Secretary/Treasurer Clerk Russell. Mr. Dew announced that all members of the Executive Committee were on the call and a quorum was present.

Chair Peacock welcomed the Committee members and noted that the meeting had been advertised on the CCOC Website and was properly noticed. He said that this was the first meeting of the newly elected Executive Committee and asked Executive Director John Dew to go over the purpose of the Executive Committee. Mr. Dew said that according to the CCOC Plan of Operations 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." Mr. Dew informed the members that as required by the Plan of Operations all decisions of the Committee shall be provided to the Council at the Council's next meeting for confirmation. Chair Peacock thanked Mr. Dew and expressed that while there were administrative issues to be voted on today, he also wanted to have an opportunity to meet with the Executive Committee members prior to the upcoming Council meeting and prepare them for the issues that will be brought before the Council. Especially considering that he would not be able to attend the October 1st Council meeting due to another obligation.

Chair Peacock asked for a motion to approve the draft agenda that was distributed to the members and placed on the CCOC website. Clerk Smith made a motion to approve the agenda as is and it was seconded by Clerk Russell. The agenda was approved.

COMMITTEE ACTION: Approved a policy that provides guidance to Clerks and Staff, when using state related CCOC revenues for travel to limit their daily lodging expense to \$150.00 as required by the State. However, if they are unable to do so, then document the justification explaining why they were unable to stay within that rate. In addition, the CCOC would work with the FCCC to educate Clerks on this policy.

Mr. Dew noted that in SFY 2018-19 the Legislature in their General Appropriations Act required the travel reimbursement be limited to \$150 per day for lodging. The same rate was approved by the Legislature last session for SFY 2019-20.

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). In recent budget reviews of Clerks conducted by DFS they had findings that Clerks and/or their

staff had instances of paying more than \$150 per day for lodging but there “was no justification for the hotel rates that exceeded the \$150 daily rate.”

After discussion Clerk Russell made a motion to have the CCOC educate Clerks and staff on the statutory and DFS requirement for limiting daily lodging costs to \$150 when using state related funding. This includes the importance of having documentation justifying those occasions when the rate paid was more than \$150. The motion was seconded by Clerk Smith and approved.

COMMITTEE ACTION: Approved the Juror Funding Process and Policy recommended by the Budget Committee. Approved CCOC staff revising the CFY 2018-19 budget letters for the 35 Clerks impacted and require them to send to staff before the close of the current county fiscal year.

CCOC Budget and Communications Director Jason Welty provided an update that the Budget Committee had met earlier in the day and approved the following:

1. Revise the juror management budget authority for the thirty-five impacted counties and send them revised CFY 2018-19 Budget Certification Letters.
2. Set CFY 2019-20 juror management budget authority for all Clerks to correspond with the three-year average JAC disbursement.
3. 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.
4. Modify the Expenditures and Collections (EC) report to include a line for juror expenditures that are not reimbursed by General Revenue.
5. Approve the draft “Juror Management Policy Guidance” that stated a Clerk should never overspend the aggregate budget authority of CCOC revenue authority and juror management authority; a Clerk cannot use excess juror management budget authority to over expend their CCOC revenue budget authority; and a Clerk may use excess CCOC revenue budget authority and excess CCOC revenue to over expend their juror management budget authority.

Clerk Russell motioned to approve the recommendations from the Budget Committee on the juror funding process and policies. Clerk Smith seconded the motion. Motion passed.

COMMITTEE ACTION: Approved the CCOC Office Paid Time Off (PTO) policy. Approved pay out to a CCOC employee so they are within the allowable PTO starting balance.

Chair Peacock noted that at the last CCOC Council meeting the members approved the CCOC Office Staff going from a separate annual and sick leave policy to a PTO. Studies show that many organizations, public and private, are doing away with the system of earning separately annual and sick leave. Chair Peacock said he worked with the CCOC Executive Director in drafting the current PTO policy and it is clearer and more concise than the previous policy. It also allows the office to be more competitive in today's market with the younger workforce. Mr. Dew stated that the policy takes the monthly amount of total sick

and annual leave earned by each employee currently and combines these for the PTO monthly amounts to be earned, so no current employee is harmed. It also limits the amount of leave the CCOC office will accept when a new employee is hired. This helps limit the liability to the office.

Chair Peacock noted that in order to have all employees stay within the starting PTO balance allowed, one employee would need to be paid for their unused sick and annual leave balance prior to October 1, 2019. Mr. Dew stated that we have the dollars in the budget for the payout amount and that the employee agreed to the amount paid.

After discussion, Clerk Smith made a motion to approve the PTO policy and pay out employee Jason Welty for the excess leave that would not be allowed by the policy to be carried over to CFY 2019-20. The amount approved for payout is \$26,920.07 and was calculated by paying for 100% of excess annual leave and 50% of excess sick leave. Clerk Russell seconded the motion. The motion was approved.

COMMITTEE ACTION: Approve CCOC policy on submitting reports timely.

CCOC Deputy Executive Director Doug Isabelle explained that the Legislature last session revised s. 28.35(2)(d), F.S. to require the corporation to notify the Legislature no later than 45 days after the end of each quarter of any clerk not meeting workload performance standards and provide a copy of their corrective action plan. The 45-day requirement was added to the statute. Mr. Isabelle presented the proposed CCOC policy that provided a timeline and responsibility of helping assure Clerks submitted their reports timely.

Chair Peacock addressed agenda item 7 by stating that the CCOC Plan of Operations requires an Education Committee. However, it was his preference to have the CCOC Executive Committee act as the Education Committee if needed. At this time, he expressed that the relationship with the FCCC, who was contracted by the CCOC to provide Clerk education, was working well and there were no issues.

Mr. Dew provided the Committee with the draft Council agenda for the September 30th and October 1st upcoming Executive Council meetings and asked if there were any suggested revisions. There were no revisions and Mr. Dew said he would send these out today to the members.

With no further business before the Committee the meeting was adjourned at 3:17 pm.

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.**



CCOC

FLORIDA CLERKS OF COURT
OPERATIONS CORPORATION

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AGENDA ITEM 11d

DATE: December 10, 2019
SUBJECT: Review of Similarly Situated Clerks Peer Groups
COUNCIL ACTION: Determine Process for Review

OVERVIEW:

Section 28.35(2)(f)(2), F.S. requires that a duty of the CCOC Executive Council in their review of Clerks' budgets is to "prepare a cost comparison of similarly situated clerks of the court, based on county population and number of filings, using the standard list of court-related functions specified in paragraph (3) (a)". The issue became how best to develop these "peer groups" for comparison.

Originally CCOC staff worked with Legislative staff in the development of the "peer groups". The Executive Council then approved to have an outside consultant review the current peer grouping and provide recommendations. They further approved the process of hiring a consultant every two years to review the current peer groupings. The most recent study done by a consultant was provided in 2017. Last year the Executive Council approved delaying the bid process to seek a consultant until after the Clerks' CFY 19/20 budget was approved and review the need then.

Because there is no requirement by statute or the CCOC Plan of Operations to hire an outside consultant to review the current peer groupings, the Council could decide to use a workgroup of Clerks and staff instead to undertake such a review. Unlike earlier years, the Council now has substantial insight on the process and methodology for the development of the peer groupings.

There has been interest in having Clerks and their staff, in addition to CCOC staff, review the current peer groupings and make recommendations for revisions to the Budget Committee for review for the 20/21 budget year. This would eliminate the cost of hiring an outside consultant.

COUNCIL ACTION: Approve a workgroup lead by a Clerk and consisting of Clerk staff and CCOC staff to review the current peer grouping. Recommendations for any revisions would be provided to the Budget Committee for approval and then to the Executive Council for review and approval.

LEAD STAFF: John Dew, Executive Director

ATTACHMENTS: Click on: <https://flccoc.org/wp-content/uploads/2018/01/April2017-Budget-Committee-Meeting-Packet.pdf> Report and information from consultant hired to provide recommendations on peer groups. Link to 4/5/17 Budget Committee material. See pages 4 through 32.