

## **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 Ficarrota. 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 Ficarrota 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 20<sup>th</sup> 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 30<sup>th</sup> 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 14<sup>th</sup> 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 issues 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.