### Clarifying Purpose – Improving Outcomes





CIS is an educational & consulting service provided by the Florida Clerks of Court Operations Corporation





#### **Workshop Opening- Clarifying Purpose**

- Understanding Challenges & Listening
- Pre-Event Survey Results
- Pros & Cons Discussion- Payment Plans
- Table-Top Talk Take 1

#### **Vision for Better Outcomes**

- Compliance workflow life cycle
- Good, Better, Best & BP Checklist
- Table-Top Talk Take 2

#### **Prioritizing Goals**

- Importance of focus
- Options for program improvements
- Pros & Cons Discussion- In-house program

#### **Workload & Financial Framing of Compliance**

- Workload & Financial Profile
- Pros & Cons Discussion- Enhanced Reporting
- Table-Top Talk Take 3

#### **Outsourcing Compliance Service**

- Providing compliance resource option
- Comparing needs versus ability
- Pros & Cons Discussion

#### **Recap for Improving Outcomes**

- Listening & Dialogue
- Concluding Q & A

# What we learned from Pre-Meeting Survey Improving Revenue Staffing to get there



"You can sum up this year's budget with one word."

#### **REQUIRED CLERK STATUTORY DUTY**

Florida Statute 938.30 (9) The clerk of the court **shall** enforce, satisfy, compromise, settle, subordinate, release, or otherwise dispose of any debts or liens imposed and collected under this section in the same manner as prescribed in s. 938.29(3).



Collection & Compliance for Fines & Costs is a Clerk responsibility

### Part 1 Understanding YOUR challenges



### Compliance 3 Part Program



<u>Prevention</u>: Providing public access with multiple payment methods; establishing mutually agreed terms with the defendant; advertising a willingness to work with defendants; notification/alert systems before default.





Mediation: Not just waiving fees but a process that provides defendants an opportunity to restructure payment terms including extending payment time periods, modifying the payment amount due, and date payment due, and community service option

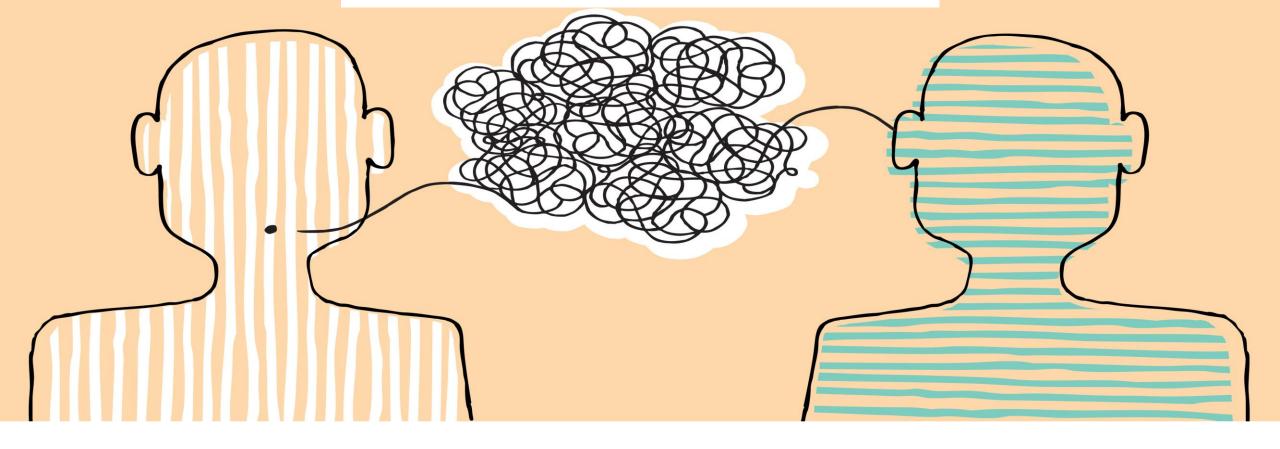




<u>Restoration</u>: An opportunity for a defendant to restore his/her driver's license without significant costs, as provided in statutes.

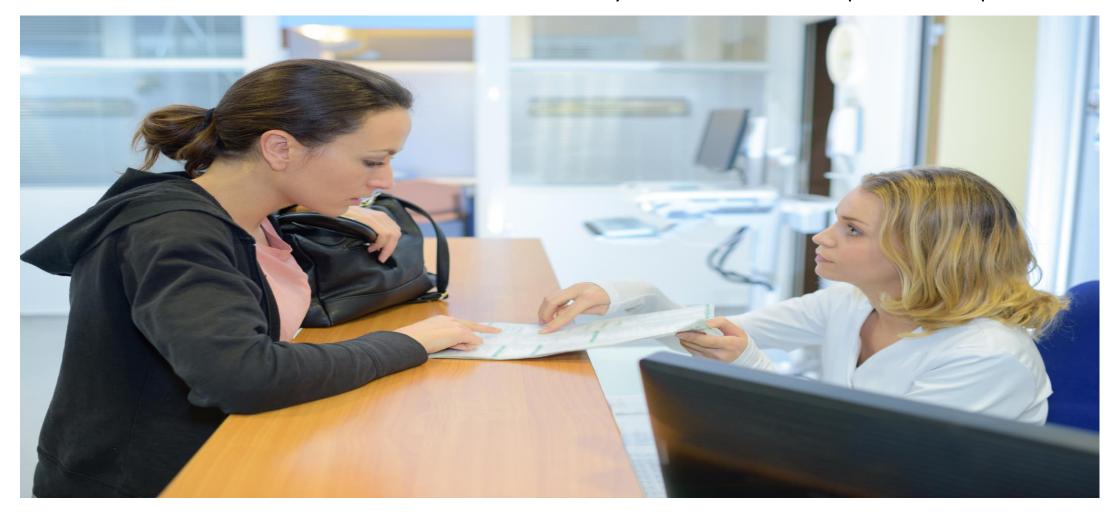


### Listening first- Describing process



Everyone has an approach in daily activities. Even if that approach is to wait. We can't come in and provide you with a lot of solutions if we haven't taken the time to listen to your current approach and your challenges with compliance service.

Let's look at three different scenarios and then talk about how your office handles compliance startup.





The court approach has defendants/customers step outside of the courtroom to make payment arrangements. At that point they come to your counter to pay court ordered sanctions. If full payment isn't made customers are enrolled into a payment plan to make installments until the debt is satisfied.

Judges may determine the payment compliance date and compliance begins later. That could be 30 days or longer. How are you encouraging compliance after court? This can include reminder notices that prompt next payments for enrolled payment plans.



The approach may also be to wait for the customer to respond to their fine sanctions and if payment arrangements are not made, send out late notices for past due payments for collections to pursue and for D6 notices to be delivered for a pending suspension.



This keeps all of the obligation in the customers hands and creates failure actions for not complying with the judge's order. This also adds additional collection agent fees to the case.



## Table Top Talk- Take 1

Who is currently performing compliance service? Compliance clerks, Counter clerks, Other?

When does compliance service start in your office?

Which cases are you offering payment plans? Explain how that process works?

What things prevent you from starting payment plans closer to sentencing dates?

### State-wide Payment Plan



Section 1	ACKNOWLEDGEM	ENT OF TE	RMS AND FAILURI (s. 28.246(4), F.S.)		MPLY CONSEQUENCES
Initial		my knowled o so may re ation and po	dge. I will abide by tl sult in the suspension otentially my case(s)	ne terms o	of the payment plan and Iriver's license for failure
	I understand that court and pursuant to F.S. 93 from my case proceedi	38.30, I am			
	I wish to enroll in a pay	ment plan p	per s. 28.246(4)(B),	F.S.	
Applicant Sig	nature				Date
Section 2			ENERAL INFORMA s. 28.246(4)(b), F.S		
First Name	Mi	ddle Name		Last Na	me
Street Addres	es				
City			State		Zip Code
Date of Birth		Driver	License or State II	) Number	r
			NOTIFICATIONS age rates may apply	<i>j</i> .	
I consent to p	ayment notifications by □ Yes □ No	email	Email Address		
I consent to a	utomated notifications   □ Yes □ No	by phone		nent notif □ Yes	ications by text message □ No
Phone Number	er		Cell Phone		

Customer requests plan

Identifies case/cases

Identifies amount due

Enters contact data

**Authorizes contacts** 



### PROS

CONS

1-Payment Plan Creation

Provides customer options

Generates payment installments

Creates customer contact info

Considers ability to pay

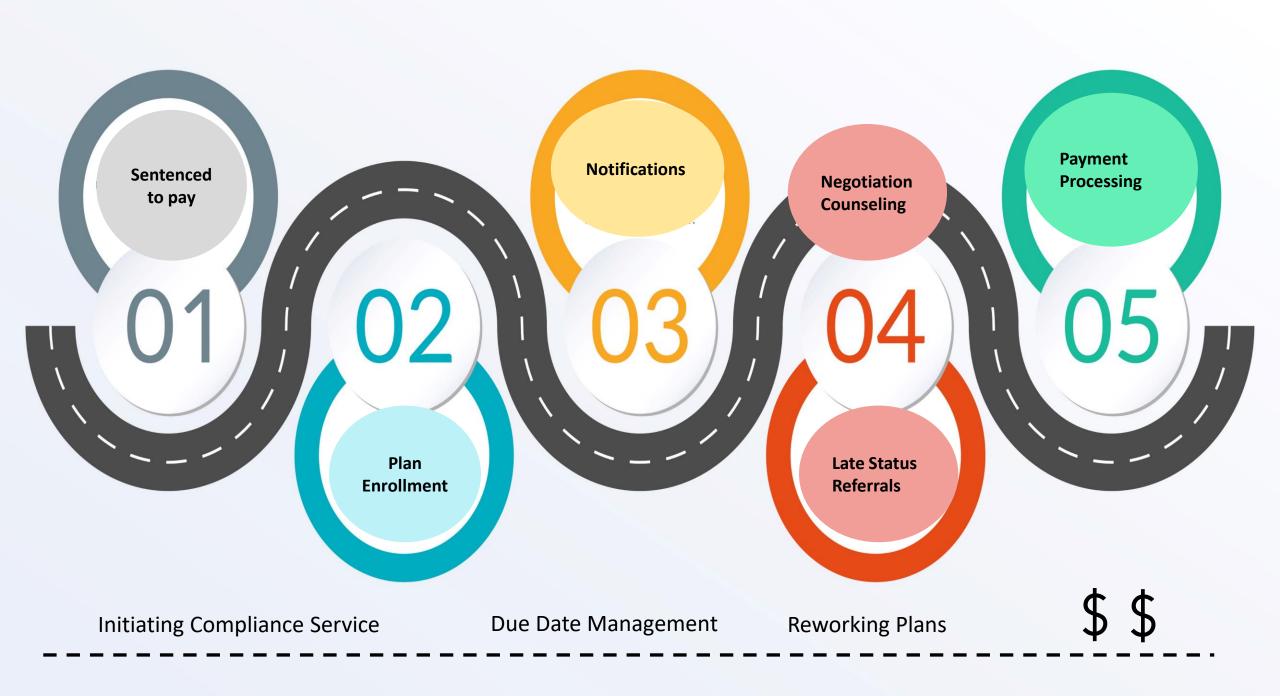
Dedicated staffing required

Length of time to satisfy

Judicial override on plans









Where is your program?



GOOD

**BETTER** 

**BEST** 



Measures Program Effectiveness

Based on Best Practice Standards

**Looks at Mandatory Elements** 

**Evaluates Optional Practices** 

#### BEST PRACTICE CHECKLIST-COMPLIANCE SERVICES

#### **Mandatory Elements**

#### **Fundamental Mandatory Elements**

	runuamentai ivianuatory Elements
1.	$\square$ Enforce, $\square$ satisfy, $\square$ compromise, $\square$ settle, $\square$ subordinate, $\square$ release, or $\square$ dispose of debts and liens as required by s. 938.30(9), F.S.
2.	☐ Impose statutory fees for payments as required by s. 28.24(26), F.S.
3.	☐ Distribute funds in the tiers required by s. 28.246(5), F.S., after distributing funds as required by s. 27.52(1)(c), F.S.
4.	☐ Comply with all bond forfeiture requirements noted in s. 903.26, s. 903.27, and s. 903.28, and s. 142.01, F.S.
5.	☐ Collect administrative costs for compliance per s. 938.30(12), F.S., for postage per s. 28.24(27), F.S., for copying per s. 28.24(5)(a), F.S., and for service fees per s. 318.15(1)(b), F.S., s. 318.18(8)(a), F.S., and s. 322.245(2), F.S.
6.	☐ Establish a payment program to accept partial payments for court related fees, service charges, costs, and fines as required by s. 28.246(4), F.S.
7.	☐ Apply cash bonds to financial obligations as required by s. 903.286, F.S.
8.	☐ Send cases to collections that are delinquent after 90 days per s. 28.246(6), F.S.
9.	☐ Hold Driver License Reinstatement Days event annually per s. 322.75, F.S.
10.	☐ Complete the collections performance report as required s. 28.35 F.S.
	Compliance Enforcement Mandatory Elements
1.	☐ Record court-ordered criminal judgments and sentences to ensure that a lien is created under s. 938.30(6), F.S.
	for the entire 20-year period per s. 938.30(8), F.S.
2.	☐ Suspend driver licenses for non-compliance under s. 322.245(5) and s. 318.15, F.S.
3.	☐ Contract with collection firms as required by s. 28.246(6), F.S.
4.	For cases sent to a collection firm when new costs and fines have been imposed:

a. 

Amend amounts with collection firm so that all court costs and fines on a case are combined, or

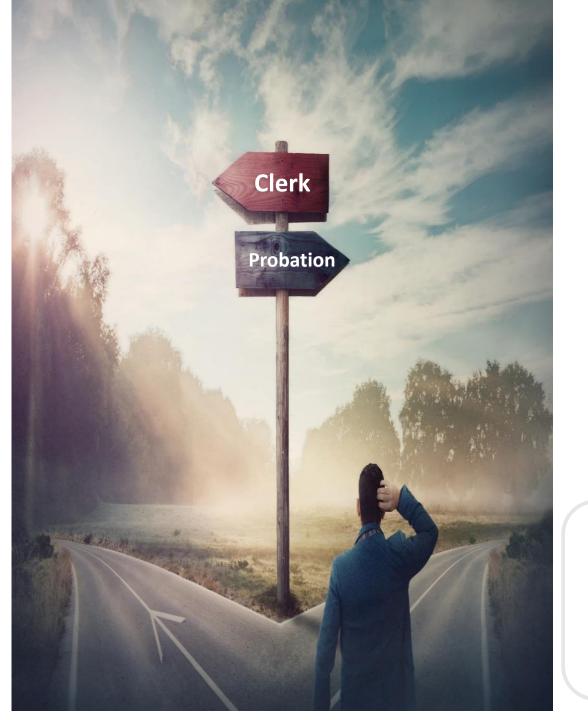
b.  $\square$  Retract and resend after 90-day time period so that all court costs and fines on a case are combined.

### Compliance Best Practice Review





Best Practice Characteristics	Good	Better	Best
Dedicated Compliance Staff	<b>Ø</b>	<b>V</b>	<b>Ø</b>
Day of Sentencing Payment Plan Enrollment			$\bigcirc$
Notifications generated for late payments	<b>V</b>		<b>Ø</b>
Collection Agent Enrollment for past due payment plans			
Statistical Reporting tracking payment plans, participation, total dollar, monthly averages			<b>Ø</b>
Payment Plan Management Software- tracks all plans, initiates notifications, reports plan results			
Call Center dedicated to payment plan calls for upcoming or late payments, and payment collection			<b>Ø</b>
Notifications generated in advance of payment due dates			
Thankyou notifications delivered upon receipt of plan payments			<b>V</b>
Community Service offering to citizens for those unable to make payment contributions			
Compliance team review of services on at least an annual basis to make improvements			
Negotiation staff available to work with citizens to satisfy payment obligations			
Call Center IVR available to send out automated calls for payments due on plans			
Online payment plan enrollment available to create and track plan involvement for citizen and County			
Electronic notifications through email and text messages for payments due on plans			



#### **Probation Staff & Court Fines**

At what point are you receiving fine payments from misdemeanors?

What considerations could be made to ensure fine payments are directed to Clerk from sentencing?

### **Probation Experiences**

Sarasota

Highlands

**Pinellas** 

Pick a priority to improve

Align dedicated resources

Line up tasks to a workplan

Take baby steps

Evaluate progress & stay with it

**FOCUS** N THE GOAL **OBSTACLES** 

Keep reaching for additional goals



# Table Top Talk- Take 2

What could make your process work better?

Understanding how best practices fit my office needs

Dedicated staffing and technology tools

Better understanding by justice partners

Tips for improving bottom line

### PROS

CONS

Satisfies Clerk obligation for fines

Controls payment plan initiation

Customer point of contact

Lack of available staff

Skills required to staff

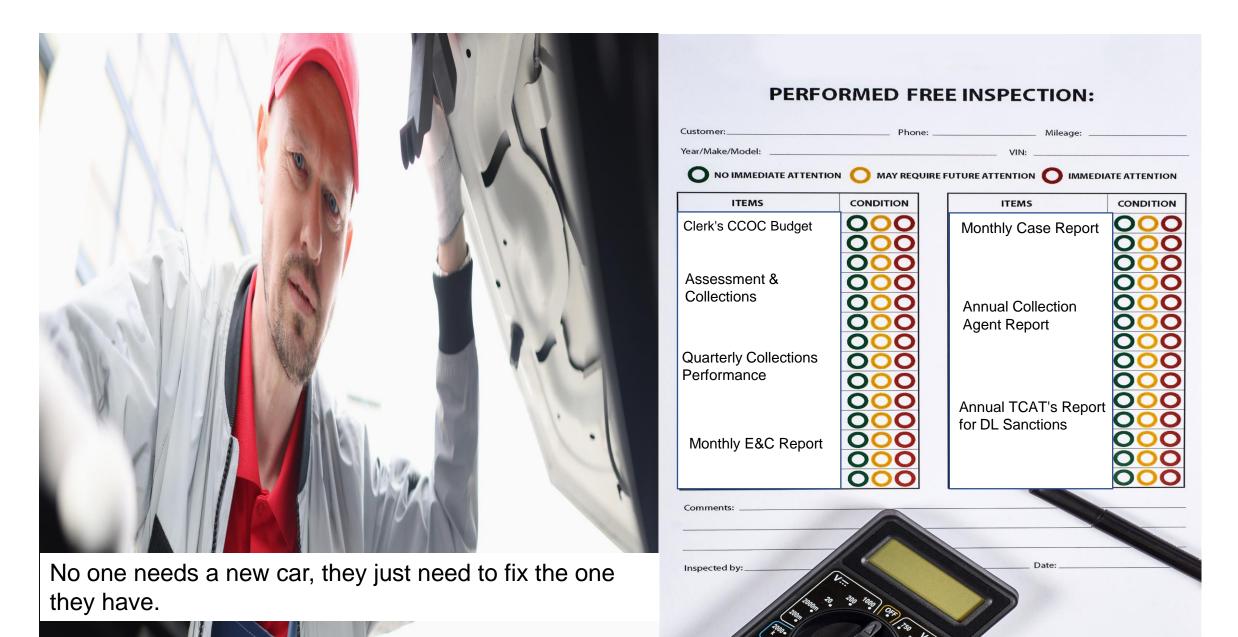
Lack of technology

### 2-In-House Program





We are looking under the hood of the clerk's compliance program & kicking the tires.



REVENUE	GAF	TO BUD	GE	TS					
County	Арр	roved 20-21 Budget		Projected Revenues		Actual Revenues Collected	5	Actual Shortfall	Percent Revenues Collected of Budget
Liberty	\$	288,357	\$	127,733	\$	157,635	\$	(130,722)	55%
Calhoun	\$	423,037	\$	157,000	\$	231,118	\$	(191,919)	55%
Gulf	\$	460,067	\$	213,996	\$	246,117	\$	(213,950)	53%
Holmes	\$	552,802	\$	268,600	\$	507,208	\$	(45,594)	92%
Franklin	\$	620,259	Ş	152,340	\$	194,496	\$	(425,763)	31%
Washington	\$	741,009	\$	401,961	\$	541,459	\$	(199,550)	73%
Jackson	\$	1,040,209	\$	649,900	\$	952,426	\$	(87,783)	92%
Walton	\$	1,497,855	\$	1,323,600	\$	1,639,368	\$	141,513	109%
	21	-22 Budget	F	Projected	ı	Projected			Percent Revenues Collected of
County	<u></u>	Authority	F	Revenues	D	ifference			Budget
Liberty	\$	312,333	Ş.	137,307	\$	(175,026)			44.0%
Calhoun	\$	448,334	\$	163,200	\$	(285,134)			36.4%
Gulf	\$	490,361	\$	218,292	\$	(272,069)			44.5%
Holmes	\$	589,080	<b>ሃ</b> ን	499,605	\$	(89,475)			84.8%
Franklin	\$	658,287	<b>ነ</b>	173,999	<b>ነ</b>	(484,288)			26.4%
Washington	\$	786,795	\$	491,094	\$	(295,701)			62.4%
Jackson	\$	1,104,348	<b>'</b> ሱ	846,400	\$	(257,948)			76.6%
Walton	\$	1,649,782	ጥ	1,294,309	\$	(355,473)			78.5%

#### CFY 2020-2021 TRUST FUND REVENUE DISTRIBUTED BY COURT DIVISIONS

	C!!1	١,	<b>.</b>						TOTAL						
County	Circuit Criminal		County Triminal	ı	el.		riminal Traffic		TOTAL Riminal	Civil Traffic		All Civil	percent criminal	percent traffic	percent civil
<u>.</u>				_											
Liberty	\$ 16,977	\$	5,934	\$	3	Ş	14,474	\$	37,388	\$	75,299	\$ 44,948	24%	48%	29%
Calhoun	\$ 51,646	\$	31,491	\$	330	\$	15,442	\$	98,909	\$	36,909	\$ 95,300	43%	16%	41%
Gulf	\$ 38,372	\$	21,856	\$	163	\$	-	\$	60,391	\$	58,139	\$127,587	25%	24%	52%
Holmes	\$ 156,424	\$	57,608	\$	-	\$	35,590	φ.	249,622	\$	121,931	\$135,655	49%	24%	27%
Franklin	\$ 29,486	\$	34,876	\$	62	\$	29,018	\$	93,442	\$	30,538	\$ 70,516	48%	16%	36%
Washington	\$ 143,486	\$	29,478	\$	198	\$	35,604	\$	208,766	\$	142,234	\$190,459	39%	26%	35%
Jackson	\$ 116,797	\$	8,919	\$	61	\$	43,448	\$	169,225	\$	410,466	\$372,735	18%	43%	39%
Walton	\$ 160,962	\$	138,390	\$3	4,324	\$	236,046	\$	569,722	\$	228,693	\$840,953	35%	14%	51%

#### CFY 2020-2021 MANDATORY FINES AND FEES UNDER ASSESSED BY COURT

	Circuit	Criminal	County	Criminal	Delinquency		Delinquency Traffic		
County	Fines	Service Charges	Fines	Service Charges	Fines	Service Charges	Fines	Service Charges	
Liberty	24.5%	15.4%	27.1%	71.7%	83.6%	62.5%	0.0%	0.0%	
Calhoun	4.6%	2.6%	5.9%	5.7%	0.0%	0.0%	0.0%	0.0%	
Gulf	0.0%	0.0%	0.4%	0.0%	0.0%	0.0%	0.0%	0.0%	
Holmes	24.1%	1.3%	21.8%	2.7%	0.0%	0.0%	0.0%	0.0%	
Franklin	1.1%	109.5%	3.1%	35.4%	0.0%	0.0%	0.0%	0.0%	
Washington	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
Jackson	10.0%	10.1%	5.4%	7.0%	0.0%	0.0%	0.0%	0.0%	
Walton	1.6%	0.0%	5.0%	4.0%	0.2%	0.0%	0.0%	0.0%	

#### CFY 2020-2021 ASSESSMENTS OPPORTUNITIES TO BE COLLECTED **County Criminal** Delinquency Circuit Criminal Traffic Mandatory Discretionary Discretionary | Mandatory Discretionary Mandatory Discretionary County Mandatory Total 68,529 9,009 34,762 8,074 215,649 336,401 378 Liberty 436,886 117,328 4,788 176,217 736,573 Calhoun 1,354 Gulf 70,937 513,984 210,990 34,843 150,211 44,003 3,000 859,177 \$ 331,965 29,035 5,593 365,968 \$ 1,683,188 91,450 Holmes 4,093 Franklin 127,442 2,234 148,600 13,206 79,792 375,367 Washington 342,584 172,561 144,265 27,029 1,292 451,201 1,308 \$ 1,140,240 307,245 11,518 1,255 Jackson. 579,111 \$ 1,185,828 \$ 2,084,957 \$ 1,119,592 | \$ 19,100 3,852 71,790 669,567 | \$ \$ 3,124,542 Walton \$1,240,481 160

### Collection Performance Trend Not Adequate to Meet Budgetary Needs

	Circuit	t Criminal				
	With Drug	w/o Drug	County		Criminal	Civil
County		Trafficking	Criminal	Del.	Traffic	Traffic
Liberty 20-21	11%	16%	62%	8%	78%	94%
Liberty 18-19	19%	19%	50%	54%	89%	95%
Calhoun 20-21	6%	8%	52%	84%	77%	88%
Calhoun 18-19	9%	9%	50%	17%	58%	80%
Gulf 20-21	15%	15%	61%	32%	51%	82%
Gulf 18-19	18%	18%	69%	57%	74%	85%
Holmes 20-21	10%	12%	51%	32%	60%	88%
Holmes 18-19	9%	12%	49%	42%	61%	88%
Franklin 20-21	11%	11%	49%	40%	57%	92%
Franklin 18-19	10%	10%	40%	89%	52%	85%
Washington 20-21	11%	10%	48%	92%	71%	90%
Washington 18-19	6%	7%	54%	81%	59%	88%
Jackson 20-21	7%	11%	51%	46%	78%	89%
Jackson 18-19	6%	9%	53%	0.4%	72%	91%
Walton 20-21	17%	20%	71%	99%	77%	92%
Walton 18-19	18%	19%	68%	96%	76%	92%

#### CFY 2020-21 ASSESSMENTS WAIVED; JUDGEMENT LIENS & FORFEITURES **County Criminal** Circuit Criminal Traffic FORFEITURES 8 Liens County Waived Liens Waived Liens Waived ESTREATURES \$ \$ \$ \$ \$ \$ \$ Liberty 900 2,895 720 183 Calhoun 70,218 \$ 272,902 8,435 31,239 13,312 6,681 \$ Gulf 5,712 10,101 94,170 32,966 2,393 \$ Holmes 4,680 422,280 2,356 9,891 60,444 \$ 14,975 Franklin 125 3,715 18 50 822 287 S 253,976 44,296 5,990 Washington Jackson 4,538 \$ 359,362 23,014 67,538 12,919 7,050 \$ 710,454 Walton 2,557 111,165 284 43,687

# UNPAID ACCOUNTS REMITTED TO COLLECTION AGENTS CFY 2020-21

County	Circuit & County Criminal	Criminal Traffic	Civil Traffic
Liberty	NO	NO	YES
Calhoun	NO	YES	YES
Gulf	YES	NO	YES
Holmes	YES	YES	YES
Franklin	YES	YES	YES
Washington	NO	NO	YES
Jackson	YES	YES	YES
Walton	YES	YES	YES

# PAYMENT PLANS CREATED Monthly AS OF MAY 2022

County	Criminal Plans Per Month	Civil Traffic Plans Per Month	Annualized Estimates
Liberty	11 to 20	none	132 to 240
Calhoun	less than 10	less than 10	less than 120
Gulf			
Holmes			
Franklin	11 to 20	less than 10	132 to 240
Washington	less than 10	less than 10	less than 120
Jackson	21 or more	21 or more	app 500
Walton			

### Calendar Year 2020 Driver License Sanctions Created

	Non-payment of Traffic	
County	Fines	Criminal Cases
Liberty	208	0
Calhoun	78	10
Gulf	115	0
Holmes	185	11
Franklin	89	23
Washington	301	0
Jackson	770	0
Walton	760	13



### Are Judgment Liens Collected?

			2018-2	019						2019-2	2020							2020-20	21		
									(	County											
	circuit		County					circuit	cri	minal &						circuit	(	County			
County	criminal	crir	minal & CT	[	el.	Total	C	riminal		CT		Del.	1	TOTAL	(	criminal	crin	ninal & CT		el.	Total
Liberty	\$ 5,852	\$	-	\$	-	\$ 5,852	\$	61,013	\$	535	\$		\$	61,548	\$	2,895	\$	•	\$	-	\$ 2,895
Calhoun	\$ 74,111	\$	27,737	\$	-	\$ 101,848	\$	28,323	\$	21,501	\$	•	\$	49,824	\$	272,902	\$	13,312	\$	-	\$ 286,214
Gulf	\$ 59,510	\$	23,618	\$	-	\$ 83,128	\$	32,759	\$	27,290	\$		\$	60,049	\$	94,170	\$	32,966	\$	-	\$ 127,136
Holmes	\$ 1,180,844	\$	139,907	\$	268	\$ 1,321,019	\$	521,828	\$	81,187	\$	1,178	\$	604,193	\$	422,280	\$	60,444	\$	-	\$ 482,724
Franklin	\$ 20,369	\$	7,229	\$	-	\$ 27,598	\$	22,529	\$	4,701	\$	5,709	\$	32,939	\$	14,975	\$	3,715	\$	-	\$ 18,690
Washington	\$ 183,607	\$	50,737	\$	-	\$ 234,344	\$	184,492	\$	39,750	\$	138	\$	224,380	\$	253,976	\$	44,296	\$	-	\$ 298,272
Jackson	\$ 286,452	\$	62,537	\$	-	\$ 348,989	\$	253,638	\$	50,894	\$	•	\$	304,532	\$	359,362	\$	45,725	\$	-	\$ 405,088
Walton	\$ 667,909	\$	117,069	\$	-	\$ 784,978	\$	361,858	\$	95,223	\$	-	\$	457,081	\$	710,454	\$	111,165	\$	-	\$ 821,619

	(	County Crimii	Performance						
					ssessment		Collections		
County	Cases Filed	Mandatory	Di	scretionary		Per Case	County Criminal	pe	rcase
Liberty	246	\$ 42,836	\$	8,074	\$	207	62%	\$	128
Calhoun	438	\$ 122,116	\$	4,788	\$	290	52%	\$	151
Gulf	707	\$ 194,214	\$	13,206	\$	293	61%	\$	179
Holmes	890	\$ 361,000	\$	44,003	\$	455	51%	\$	233
Franklin	819	\$ 161,806	\$	4,250	\$	203	49%	\$	100
Washington	678	\$ 171,294	\$	27,029	\$	293	48%	\$	140
Jackson	1103	\$ 318,763	\$	11,518	\$	299	51%	\$	152
Walton	2258	\$1,123,244	\$	3,852	\$	499	71%	\$	354

	Civil Traffic						Performance		
					Assessment			Collections	
County	Cases Filed	Mandatory	Dis	cretionary	Per Case		Civil Traffic	per case	
Liberty	1373	\$ 215,649	\$	-	\$	157	94%	\$	148
Calhoun	971	\$ 176,217	\$	-	\$	181	88%	\$	159
Gulf	445	\$ 70,937	\$	-	\$	159	82%	\$	131
Holmes	2290	\$ 365,968	\$	-	\$	160	88%	\$	140
Franklin	645	\$ 79,792	\$	-	\$	124	92%	\$	114
Washington	3114	\$ 452,509	\$	1,308	\$	146	90%	\$	131
Jackson	6852	\$1,185,828	\$	-	\$	173	89%	\$	155
Walton	4424	\$ 669,727	\$	160	\$	151	92%	\$	140

## Making the Math work!



Approved Budget



Under Assessed Fines & Fees



Other\*



Revenues Collected



Budget Gap

Franklin \$620,259

Less available to collect

\$194,496



(\$425,763)

\*Other = Waived, Liens, Forfeitures, DL Suspend, Collection Agents

### PROS

CONS

Improved workload measure

Identifies ROI for program

Ability to review and adjust

Lack of reporting available

Cost of technology

Staffing required

### 3- Enhanced Reporting





# Table Top Talk- Take 3

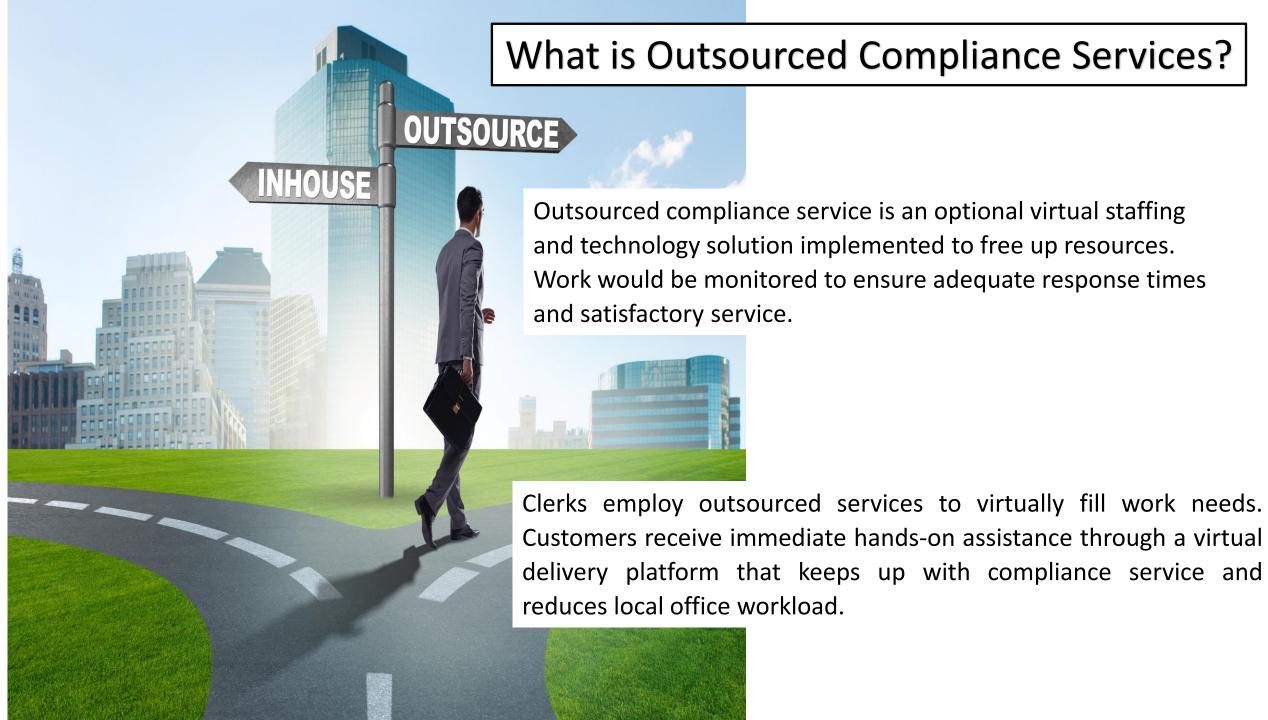
1) How do you use the CCOC reports to manage your revenue compliance efforts?

2) How difficult is for you to report the number of payment plans and plan balances? How does this process work?

3) Do you know how much it cost to monitor payment plans, send default notices, remit case to collection agencies, notify DHSMV of default?

4) Is there any information that you would like collected which would assist you with your collection efforts?





#### Why use Outsourced Compliance Services?



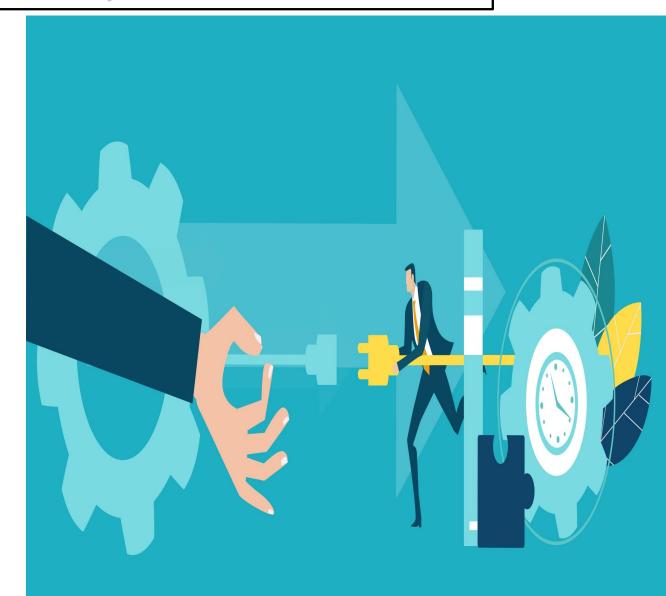
#### How does Outsourced Compliance Service work?

Court data to Outsource- (electronically- must include name, case, amount, contact information)

Outsource creates plan- (electronically- total due, installment amounts, due dates- State plan)

Outsource notifies Customer- (electronically- delivered to customer using Clerk provided contact information)

Plan payments from Customer to Outsource/Clerk-(Clerk counter, online, UPS mail, or call center)



#### How does Outsourced Compliance Service work?



Outsource provides reminders to Customer- (electronically- email/text includes due date, amount due, options to pay

Outsource provides past due notices to Customer- (electronically and USPS mail includes due date, amount,, and failure to pay warning)

Plan failure delivered back to Clerk- electronically for Collections Referral & DL suspension actions for Clerk action

Outsource provides regular progress reporting to Clerkelectronically provided and reviewed upon request





## Sounds familiar?

**Past Due Collections Service** 

### PROS

### CONS 4-Outsourced Program

Reduces staffing obligation

Satisfies compliance requirement

Provides workload reporting

Coordination with staff

Off site work requirement

**Service Costs** 





# So, what's next? - Q & A

Review In-House Program

**Identify Options** 

**Review Outsource Options** 





# Clarifying Purpose Improving Outcomes









Email at: <u>dmurphy@complianceimprovement.com</u> or call CIS at (239) 470-3956



