



PLAN OF OPERATION

FLORIDA CLERKS OF COURT OPERATIONS CORPORATION

ARTICLE I GENERAL PROVISIONS

Section 1-1: Name

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

Section 1-2: Establishment

The Florida Clerks of Court Operations Corporation, hereinafter known as “Corporation,” is established under s. 28.35, F.S. The statutory duties assigned to the Corporation shall be performed by the Executive Council (Council) through the Corporation staff.

Section 1-3: Legal Structure

- A. The Corporation is established as a public corporation organized to perform the functions specified in statute and as described in this Plan of Operation.
- B. Membership in the Corporation consists of the Clerks of the Circuit Court, each serving in an ex officio capacity.
- C. The members must adopt the Corporation Plan of Operation and may amend it by a majority vote of the Corporation members at the annual meeting. The Plan of Operation may not contradict the Corporation’s statutory purpose, construction, operation, or scope of duties/authority.

Section 1-4: Corporation Powers and Duties

The duties of the Corporation shall include the functions assigned to the Corporation, as defined in ss. 11.45, 27.52, 28.246, 28.35, 28.36, 28.37, 28.42, 40.29, 57.082, 318.18, 322.75, and 744.2112, F.S. These duties shall include, but are not limited to:

- A. **Annually reviewing and adopting** the Plan of Operation and **developing** a corporate budget.
- B. **Conducting** elections for the Executive Council and **supporting** governance functions.

- C. **Recommending** changes to fines, fees, service charges, and costs, and **developing** funding formulas when judicial capacity increases.
- D. **Establishing and certifying** workload measures and performance standards, **monitoring** clerk performance, and **reporting** deficiencies **requiring** corrective actions.
- E. **Reviewing, amending, and setting** clerk budget authority, **ensuring** alignment with available revenues, and **performing** comparative and annual budget analyses.
- F. **Contracting** for audits and **ensuring** fiscal accountability of court-related expenditures.
- G. **Developing and delivering** statewide education and training programs for clerks.
- H. **Preparing and submitting** annual reports detailing operations, budget development, and expenditure reconciliation.
- I. **Preparing and submitting** annual budget requests for statutory reimbursements to the Legislature.
- J. **Maintaining and upgrading** the Guardianship Transparency Database.

Section 1-5: Corporation Meetings

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

- A. The Corporation will collaborate with the Florida Court Clerks & Comptrollers to coordinate meetings for the convenience of the members. The Corporation shall hold an annual business meeting each year and such other meetings as deemed necessary by the call of the Council or upon the petition to the Council by twenty-two (22) or more members of the Corporation.
- B. The Corporation shall notice the Corporation's annual meeting thirty (30) days before the meeting date. The agenda, stating the substance and nature of each agenda item, shall be provided at least seven days prior to the annual meeting. For other meetings described in subsection A, notice shall be provided at least seven days prior to the meeting and shall include an agenda as described above.
- C. All meetings of the Corporation shall be open to the public pursuant to Florida law. Proceedings of Corporation meetings shall be governed by the most current edition of Robert's Rules of Order, with detailed minutes of all proceedings taken and maintained by the Secretary/Treasurer. Upon approval by the Corporation, minutes shall be posted on the Corporation's website for public access.
- D. Corporation Annual Meeting: After providing proper notice as outlined under Section 1-5, a quorum will consist of a majority of the Corporation membership. This includes counting those present in person and electronically.

ARTICLE II COUNCIL

Section 2-1: Membership

The Council shall be composed of eight clerks elected by the Corporation members. Two clerks shall be from each of the following four population categories and shall serve two-year terms.

- A. Group A: Less than 100,000 citizens
- B. Group B: 100,000 but fewer than 500,000
- C. Group C: 500,000 but fewer than one million
- D. Group D: one million or more

The Executive Council shall consist of staggered two-year terms. The Executive Council shall establish the process, terms, and division within groups to implement the staggered terms. The Council shall also include, as ex officio members, a designee of the President of the Senate, a designee of the Speaker of the House of Representatives, and a designee of the Chief Justice of the Supreme Court.

Section 2-2: Election of Council

At the annual meeting, the currently sitting Council members shall conduct the meeting then the General Counsel will swear in the incoming board members.

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

- A. Counties shall be assigned to population categories based on individual county population estimates for the year in which the election is held, as published by the Bureau of Economic and Business Research (BEBR), University of Florida.
- B. On or before April 1 of each year, the Secretary/Treasurer shall provide email notice to all clerks of the upcoming election. The notice shall include the election schedule and a statement that any clerk who intends to be a candidate must notify the Secretary/Treasurer in writing by April 15. By May 15 of each year, the Secretary/Treasurer shall prepare an election ballot that shall contain the names of all candidates divided into appropriate population categories of their respective counties. The ballot shall be distributed to all clerks via email at least 15 days before the ballot return deadline.
- C. All ballots shall be returned to the email address of a Certified Public Accountant (CPA) selected by the Council by the designated date for the official opening and counting of

the ballots. The CPA shall maintain custody of all ballots until the designated date and time for opening and counting.

- D. On the date and at the time and location noticed for the official opening and counting of the ballots, the designated CPA shall open and count all ballots and shall certify the official results of the election. The designated CPA shall serve notice of certification to the Council and the Corporation Members.
- E. Special elections, as may be necessary and called pursuant to Section 2-5, shall be conducted within the requirements and framework of the above provisions, including applicable schedule timelines. Special elections may be held to fill a vacated term on the Council for the remaining term of the vacated office.
- F. If a candidate is unopposed, then no ballot process/election process shall be required.

Section 2-3: Duties and Responsibilities

The Council and Corporation staff shall perform, on behalf of the Corporation, those duties and responsibilities assigned by statute and the Corporation's Plan of Operation. Such duties and responsibilities shall be administered in accordance with the Plan of Operation. The Council shall develop administrative, personnel, and purchasing policies for the Corporation.

The Council shall have standing committees to help perform statutory duties more efficiently. Ad hoc committees may be established as determined necessary by the Council Chair. Summary minutes of all proceedings of meetings of the standing committees shall be taken and maintained by Corporation staff and placed and maintained on the Corporation website for public access.

Standing committees shall include:

- A. Budget Committee: Duties include developing budget forms and instructions for clerks; educating clerks about the budget process; requesting and reviewing proposed clerk budgets using established evaluation criteria; recommending a consolidated budget for all clerks to the Council; recommending amendments to existing or proposed budgets as necessary; presenting the budget to the Legislature, the Governor, or their staff as required; and identifying legislative issues and proposed solutions for referral to the Legislative Committee.
- B. Legislative Committee: Duties include reviewing legislative priorities, committee hearings, and bills affecting clerks and CCOC activities, and providing recommendations to the Legislature on court-related fines, fees, service charges, and costs, and on the distribution of those fines and fees.
- C. Performance Improvement and Efficiency Committee: Duties include working with Corporation members to develop, review, and refine workload measures and performance standards for clerks' court-related functions; evaluating Clerk operations to identify opportunities to improve efficiency, effectiveness, and consistency;

recommending process improvements, best practices, and operational enhancements to support high-quality court services; analyzing performance data to identify trends and areas requiring corrective action or support; and coordinating with other committees, as appropriate, to ensure performance expectations align with budgetary, legislative, and educational priorities.

- D. Education Committee: Duties include assisting Corporation members to help carry out statutory duties of developing and conducting clerk education programs. The Committee shall ensure that all education programs comply with applicable continuing education requirements and support the Corporation's mission of promoting efficient and effective court operations throughout Florida.
- E. Executive Committee: The Committee shall consist of the Council Officers as established in Section 3-1. The purpose of the Committee is to act on behalf of the Council when decisions must be made on issues requiring immediate attention or on administrative matters. The Council shall be notified of any action taken by the Executive Committee. All decisions of the Executive Committee shall be provided to the Council at the Council's next meeting for confirmation.

Section 2-4: Council Meetings

- A. At the annual Corporation meeting, the Council shall recommend a tentative schedule of all regular meetings for the coming year. To promote efficiency and cost-effectiveness, the Corporation must coordinate its in-person meetings with those of the Florida Court Clerks & Comptrollers.
- B. The Council shall meet in accordance with the annually published schedule of meetings. The Council can meet either in person or via an electronic meeting platform. Other meetings may be called by the Chair and/or by petition of at least three (3) Council members.
- C. Notice of the Council meetings shall be given seven (7) days before the meeting date to the Council and members of the Corporation and the notice shall include the agenda which shall advise the Council and Corporation members on the substance and nature of each agenda item. For other Council meetings, as provided herein, notices shall be provided a minimum of seven (7) days before such meetings, with agenda provisions as previously noted. The seven (7) day notice can be waived by seven (7) members of the Council at the commencement of the meeting.
- D. For any in-person Council meetings, all reasonable efforts must be made to have electronic access available to all members. Council members should attend in person but may also attend and vote electronically.
- E. All meetings of the Council shall be open to the public, governed pursuant to Florida law.

Section 2-5: Vacancies

Vacancies of Council members shall be governed by the following provisions:

- A. A vacancy in office is declared when a member has three consecutive unexcused absences from Council meetings; dies while in office; or no longer holds the qualifying office for Council membership. The Chair must grant excused absences.
- B. When a vacancy occurs or is imminent, the Secretary/Treasurer or the Chair must provide written notification to the Council.
- C. Upon such notification by the Secretary/Treasurer or the Chair, the Council shall notify the Corporation members of the vacancy.
- D. If the remaining term is less than six (6) months, the vacancy will remain open until the next regular election. If more than six (6) months remain, the Council shall direct the Secretary/Treasurer or Chair to conduct a special election under Section 2-2 to fill the unexpired term. The timeline for this process under Section 2-2 may be shortened to conclude within 30 days.
- E. Attendance by a member's designated representative at any regular and/or special meetings of the Council and/or Committee of the Council does not constitute official attendance by that member, and such representative shall not be permitted to cast a vote on behalf of the represented member.
 - a. Leave of Absence (LOA) Status – if a Council member is deployed in military service, that member must notify CCOC immediately to initiate a special election under Section 2-2. The active-duty members will be placed on LOA status for the duration of their deployment.
 - b. Reinstatement Protections – Upon return from active duty, the Council member shall be reinstated to their position on the Council, unless the term has expired.

Section 2-6: Quorum

Executive Council: A quorum shall consist of at least six (6) members of the Council being present in person or remotely to participate and vote.

**ARTICLE III
COUNCIL OFFICERS**

Section 3-1: Executive Officers

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

- A. Chair: The Chair shall preside at all meetings of the Corporation and the Council and shall serve as the Council's Executive Officer. If the Chair and the Vice Chair will not be present for a meeting, the Chair may designate another officer or member to preside in the Chair's absence. The Chair shall have authority to appoint regular or special committees as deemed necessary, appoint committee members, and appoint the chair and vice chairs of each committee.
- B. Vice Chair: The Vice Chair shall exercise all the powers and duties of the Chair during the Chair's absence or inability to act and shall perform such other duties as may be assigned by the Council or Chair.
- C. Secretary/Treasurer: The Secretary/Treasurer shall oversee the keeping of accurate up-to-date record of all proceedings of the Council and the Corporation and shall be the chief financial agent of the Corporation. As chief financial agent, he, or she shall oversee the financial matters of the Corporation, shall be the Chair of any audit committee, and shall propose the annual budget of the Corporation.

Section 3-2: Other Officers

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

- A. Executive Director: The Executive Director shall serve as the Administrator for the functions of the Council. Employment and/or contracting for the position shall be pursuant to Section 4-2 and the Corporation's Annual Budget, pursuant to Section 4-1.
- B. The Executive Director is a managerial and policy-making employee who serves at the pleasure of the Council without civil service protection. The Council must evaluate the performance of the Executive Director annually. The Chair shall request an evaluation from each Council member. The Chair shall go over the evaluations with the Director. The Chair will provide the Council members with the compilation of the evaluations.
 - a. The Executive Director has the responsibility to make personnel, budget, expenditure, or policy decisions in his or her area of responsibility. The

Executive Director shall be included in the Senior Management Services Class of the Florida Retirement System. The Executive Director shall be responsible for the day-to-day operations of the Corporation as well as function as a liaison between the Corporation and the Florida Court Clerks & Comptrollers.

- b. General Counsel: The General Counsel shall provide legal services in accordance with the directives of the Council related to the operations and the statutory duties and responsibilities of the Corporation.

**ARTICLE IV
ADMINISTRATION**

Section 4-1: Financial Administration

- A. Fiscal Year: The Corporation's fiscal and program year shall begin on October 1 and end on September 30.
- B. Budget and Program Administration: At its annual meeting, the Corporation, shall adopt an annual operating budget and program work plan for the upcoming fiscal year, as presented by the Executive Director and recommended by the Council. The budget and work plan shall provide a delineation of projected revenues and proposed expenditures by classification, personnel, operating, and capital. Each quarter, unless otherwise requested by the Corporation and/or the Council, the Secretary/Treasurer shall report on the status of the budget and may make recommendations for required modifications.
- C. Accounting and Financial Reporting: The financial reporting system for funds received by the Florida Clerks of Court Operations Corporation to fulfill its statutory responsibilities and the associated annual audit shall comply with the following provisions:
 - a. The Council must maintain a financial reporting system that records, establishes accountability for, and provides controls over all funds received in accordance with Generally Accepted Accounting Principles and applicable state law.
 - b. The Council shall ensure that an independent audit is conducted each year of the preceding fiscal year's financial statements and related records, performed by a Certified Public Accountant (CPA) in accordance with Generally Accepted Governmental Auditing Standards issued by the Comptroller's Office of the United States of America.
- D. The Council shall submit the resulting annual financial audit report, management letter, and Council response to the Corporation members and such other entities that may be designated by law within 45 days.
- E. Administration of Procurement and Contracting: The Council shall develop and adopt policies and guidelines for procurement and contracting in accordance with law.
- F. Lease and Acquisition of Facilities: The Council is authorized to lease or purchase office space. The Council may waive applicable procurement policies upon a determination that a direct negotiation strategy serves the best financial and operational interests of the Corporation. A record of such determination shall be maintained with the agreement.

Section 4-2: Personnel Administration

The Executive Director shall be responsible for the day-to-day personnel administration of the Corporation. This authority includes the power to hire, supervise, evaluate, and terminate staff necessary to conduct the Council's functions, provided such actions remain within the scope of the approved budget.

Annually, as an element of the Corporation's budget and work plan preparation, the Executive Director shall develop and submit a proposed staffing plan to the Council for review. The Executive Director shall have the authority to adjust the staffing plan as needed, subject to the overall budget and the Council-approved personnel policies. The Executive Director shall ensure that all personnel actions are consistent with the plan and the Corporation's policies and procedures.

The Council shall provide guidance and oversight to the Executive Director on personnel administration matters, as needed. The Executive Director shall keep the Council informed of any significant personnel actions or issues that may arise during the fiscal year.

Section 4-3: Program/Policy Coordination

For efficiency and public benefit, the Chair of the Corporation and its Executive Director shall meet regularly with the President and Executive Director of the Florida Court Clerks & Comptrollers to coordinate efforts on cross-organizational issues.

ARTICLE V OPERATIONS

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

Section 5-1: Plan of Operation

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

Section 5-2: Legislative Recommendations

The Council shall develop such legislative changes it deems appropriate for recommendation to Florida Legislature. Such recommendations shall be coordinated with the Legislative Committee of the Florida Court Clerks & Comptrollers for the purpose of obtaining input regarding Legislative initiatives. The proposed changes shall be and placed on the agenda for consideration at the next scheduled regular meeting of the Council before November 30 of each year.

Section 5-3: Research and Analytical Services

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

Section 5-4: Clerk of Court Education Programs

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

- A. Certification Training: The contract may provide for the development, implementation, and administration of a program of training and education as required by s. 145.051, F.S., and delineated in Administrative Order of the Florida Supreme Court, dated November 18, 1996.
- B. Budgetary Training: The contract may provide for the development, implementation, and administration of training requirements deemed necessary by the Council for the effective ongoing implementation and administration of the budgetary and reporting process.
- C. Notification: Any contracts entered by the Corporation for educational training of Clerks and staff shall include in the contract and training announcements, publication, and materials that funding for such training is paid for by the Corporation.