Clarifying Purpose – Improving Outcomes

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

Compliance Workshop-May 11th, 2022

Workshop Agenda

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* ***<u>shall</u>*** *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 <u>YOUR</u> challenges

Listening first- describing process

Discovering available resources

Targeting priority needs

Compliance 3 Part Program

1

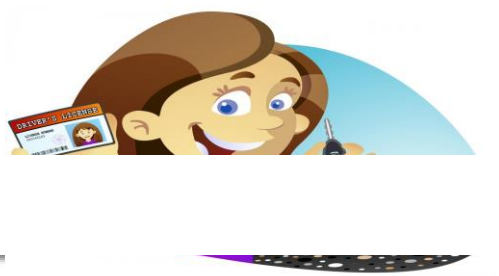
Prevention: Providing public access with multiple payment methods; establishing mutually agreed terms with the defendant; advertising a willingness to work with defendants; notification/alert systems before default.

2

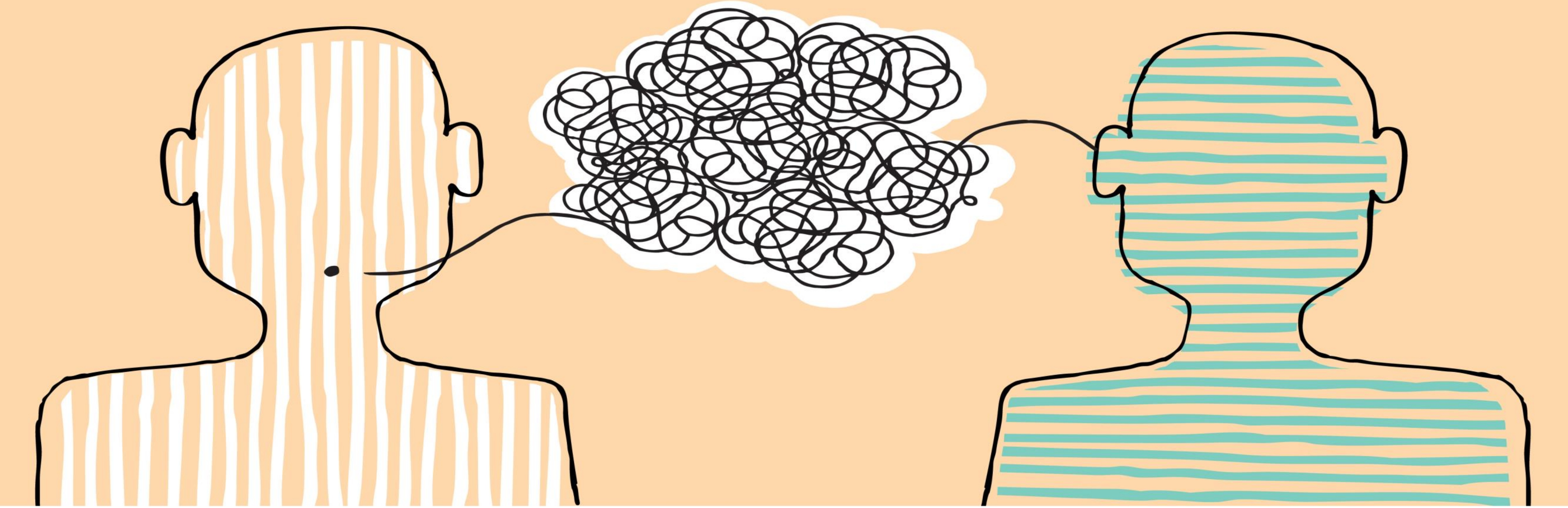
Mediation: Not just waiving fees but a process that provides defendants an opportunity to restructure payment terms including extending payment time periods, modifying the payment amount due, and date payment due, and community service option

3

Restoration: An opportunity for a defendant to restore his/her driver's license without significant



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.

1

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	ACKNOWLEDGEMENT OF TERMS AND FAILURE TO COMPLY CONSEQUENCES (s. 28.246(4), F.S.)
Initial	I attest/confirm/swear that the information provided on this application is true and accurate to the best of my knowledge. I will abide by the terms of the payment plan and understand failure to do so may result in the suspension of my driver's license for failure to pay a financial obligation and potentially my case(s) being referred to a collection agency and additional collection fees assessed.
	I understand that court-imposed financial obligations are penalties from my sentence and pursuant to F.S. 938.30, I am required to pay for all fines, fees, and costs incurred from my case proceeding(s).
	I wish to enroll in a payment plan per s. 28.246(4)(B), F.S.
Applicant Signature	Date

Section 2	GENERAL INFORMATION (s. 28.246(4)(b), F.S.)	
First Name	Middle Name	Last Name
Street Address		
City	State	Zip Code
Date of Birth	Driver License or State ID Number	

PAYMENT NOTIFICATIONS Data and message rates may apply.	
I consent to payment notifications by email ☐ Yes ☐ No	Email Address
I consent to automated notifications by phone ☐ Yes ☐ No	I consent to payment notifications by text message ☐ Yes ☐ No
Phone Number	Cell Phone

Customer requests plan

Identifies case/cases

Identifies amount due

Enters contact data

Authorizes contacts

Determine Installment Amounts

1-Payment Plan Creation

PROS	CONS
Provides customer options	Dedicated staffing required
Generates payment installments	Length of time to satisfy
Creates customer contact info	Judicial override on plans
Considers ability to pay	


Sentenced to pay
01
02
Plan Enrollment
Notifications
03
Negotiation Counseling
04
Late Status Referrals
Payment Processing
05
Initiating Compliance Service
Due Date Management
Reworking 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

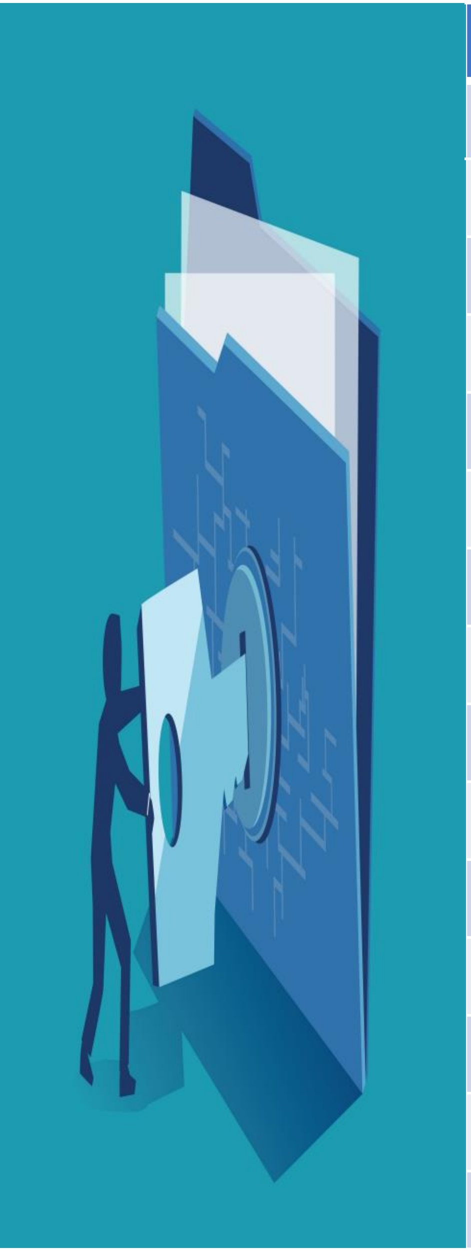
Fundamental Mandatory Elements

1. ☐ Enforce, ☐ satisfy, ☐ compromise, ☐ settle, ☐ subordinate, ☐ release, or ☐ 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.

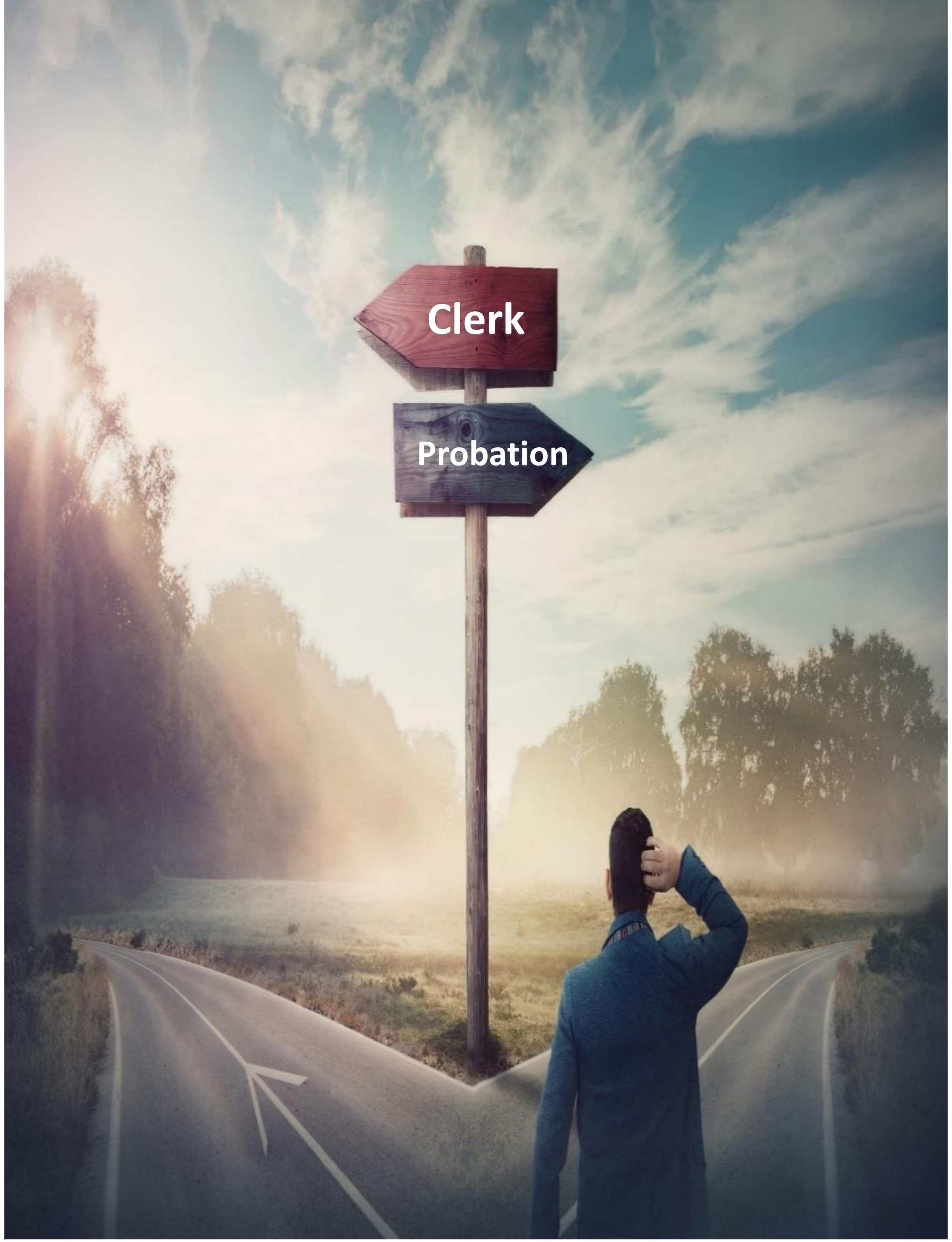
Compliance Enforcement Mandatory Elements

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, <u>or</u>
    b. ☐ 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	✓	✓	✓
Day of Sentencing Payment Plan Enrollment	✓	✓	✓
Notifications generated for late payments	✓	✓	✓
Collection Agent Enrollment for past due payment plans	✓	✓	✓
Statistical Reporting tracking payment plans, participation, total dollar, monthly averages	✓	✓	✓
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		✓	✓
Notifications generated in advance of payment due dates		✓	✓
Thankyou notifications delivered upon receipt of plan payments		✓	✓
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

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

2-In-House Program

PROS	CONS
Satisfies Clerk obligation for fines	Lack of available staff
Controls payment plan initiation	Skills required to staff
Customer point of contact	Lack of technology

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

REVENUE GAP TO BUDGETS

County	Approved 20-21 Budget	Projected Revenues	Actual Revenues Collected	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	$ 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%

County	21-22 Budget Authority	Projected Revenues	Projected Difference	Percent Revenues Collected of Budget
Liberty	$ 312,333	$ 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	$ 499,605	$ (89,475)	84.8%
Franklin	$ 658,287	$ 173,999	$ (484,288)	26.4%
Washington	$ 786,795	$ 491,094	$ (295,701)	62.4%
Jackson	$ 1,104,348	$ 846,400	$ (257,948)	76.6%
Walton	$ 1,649,782	$ 1,294,309	$ (355,473)	78.5%

CFY 2020-2021 TRUST FUND REVENUE DISTRIBUTED BY COURT DIVISIONS

County	Circuit Criminal	County Criminal	Del.	Criminal Traffic	TOTAL CRIMINAL		Civil Traffic	All Civil	percent criminal	percent traffic	percent civil
Liberty	$ 16,977	$ 5,934	$ 3	$ 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	$ 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	$34,324	$ 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		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

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

Collection Performance Trend

Not Adequate to Meet Budgetary Needs

County	Circuit Criminal With Drug Trafficking	Circuit Criminal w/o Drug Trafficking	County Criminal	Del.	Criminal Traffic	Civil 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

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

County	Non-payment of Traffic 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?

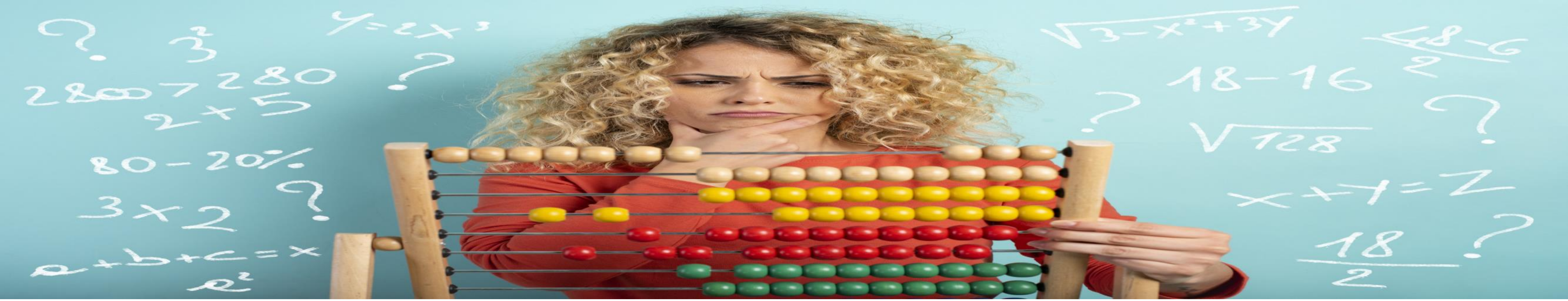
Are Judgment Liens Collected?

	2018-2019				2019-2020				2020-2021			
County	circuit criminal	County criminal & CT	Del.	Total	circuit criminal	County criminal & CT	Del.	TOTAL	circuit criminal	County criminal & CT	Del.	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 Criminal & Criminal Traffic				Performance	
County	Cases Filed	Mandatory	Discretionary	Assessment Per Case	County Criminal	Collections per case
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	
County	Cases Filed	Mandatory	Discretionary	Assessment Per Case	Civil Traffic	Collections 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	Creates Deficit	($425,763)

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

3- Enhanced Reporting

PROS	CONS
Improved workload measure	Lack of reporting available
Identifies ROI for program	Cost of technology
Ability to review and adjust	Staffing required

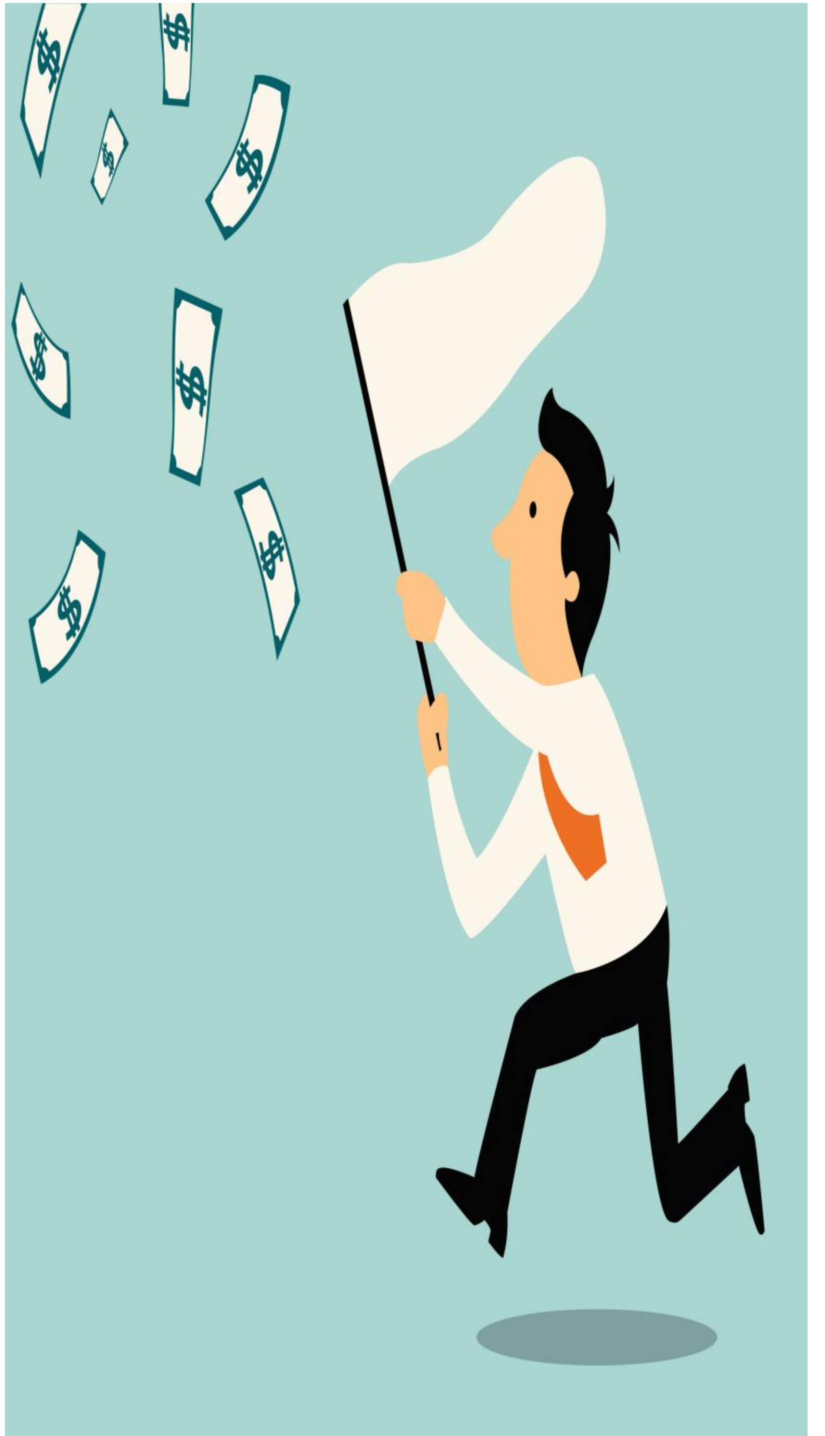
Table Top Talk- Take 3

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?



What is Outsourced Compliance Services?

Outsourced compliance service is an optional virtual staffing and technology solution implemented to free up resources. Work would be monitored to ensure adequate response times and satisfactory service.

Clerks employ outsourced services to virtually fill work needs. Customers receive immediate hands-on assistance through a virtual delivery platform that keeps up with compliance service and reduces local office workload.

Why use Outsourced Compliance Services?

1. ability to focus on the main activity
2. reduction of personnel costs
3. sharing responsibility
4. overall cost reduction
5. access to higher quality 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 Clerk- *electronically provided and reviewed upon request*

Sounds familiar?

Past Due Collections Service

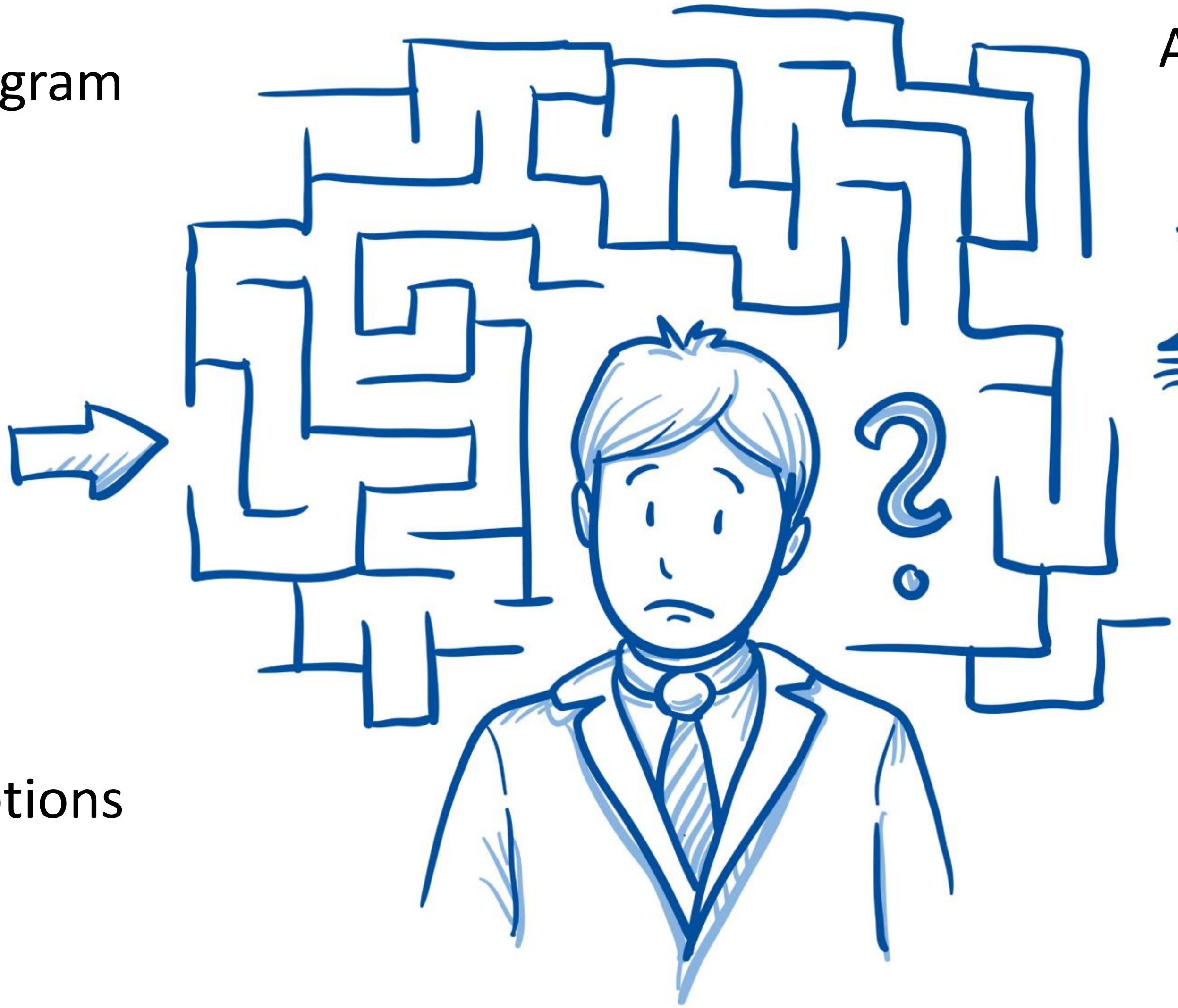
4-Outsourced Program

PROS	CONS
Reduces staffing obligation	Coordination with staff
Satisfies compliance requirement	Off site work requirement
Provides workload reporting	Service Costs

So, what’s next?

Q & A

Review In-House Program



Ask more questions

Identify Options

Review Outsource Options

Seek Guidance

Clarifying Purpose Improving Outcomes

For further information contact us at
www.complianceimprovement.com

CIS is a consulting & educational resource of FLCCOC

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

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