

**MINUTES**  
**FLORIDA CLERKS OF COURT OPERATIONS CORPORATION**  
**EXECUTIVE COUNCIL**  
**THURSDAY, MARCH 9, 2006**  
**TELEPHONE CONFERENCE**

Ms. Morse called the March 9, 2006 meeting of the Executive Council of the Florida Clerks of Court Operations Corporation (CCOC) to order at 2:00 p.m. Ms. Morse welcomed members and guests. Members and staff of the Executive Council of the Corporation present were the Honorable Maryanne Morse, Honorable Jeffrey K. Barton, Honorable Ken Burke, Honorable Howard Forman, Honorable Annie Mae Murphy, Honorable Harvey Ruvin, Honorable Tim Smith, Honorable Richard Weiss, John Dew, Joseph Boyd, and Judy Zorn.

**AGENDA**

Ms. Morse asked if there were any changes to the Agenda. There being none, the Agenda was approved as circulated.

**MINUTES**

Ms. Morse entertained a motion that the Minutes of the January 19, 2005 meeting be approved. Mr. Forman so moved with Mr. Ruvin seconding. The motion carried unanimously.

**TREASURER'S REPORT**

Mr. Barton reported that since our last meeting, the Corporation has received \$80,104.83 and disbursed \$121,782.46 leaving an available balance of \$133,103.34. The breakdown is included in the packet. We show pending revenues of \$80,000 from the state with pending expenditures of \$100,425.08 leaving \$112,678.26 available.

**PERFORMANCE MEASURES**

Ms. Murphy reported that there are several Clerks who aren't meeting the Timeliness and/or Collections Performance Standards. The state requires CCOC to prepare corrective action plans for these counties. She suggested that some standards may be too high. Mr. Dew responded that most Clerks are meeting both the Timeliness and Collections Standards. He also noted that he is seeing a marked improvement from quarter to quarter. He suggested that counties within the 75% - 79% range may well make the timeliness standard of 80% by the next quarter. He said that there may be some Clerks below 70% who we could contact to better determine the reasons they are not currently meeting the standards. Our contract with DFS requires that we submit to them quarterly corrective action plans for those counties not meeting the standards. He noted that a corrective action plan may be as simple as contacting the Clerk, discerning the problem (e.g. staffing), and noting the reason for the problem and how long we anticipate the problem will continue to occur. Mr. Dew offered that we could begin contacting Clerks next week or we can wait and hire contractors to undertake this duty. DFS has not

pressured CCOC to get this done since they realize the amount of work required. Mr. Forman suggested sending a letter to all Clerks who have not met the standard(s) requesting an explanation as to why this occurred and offering help. Ms. Murphy asked if most who haven't met the standards are small counties, and Mr. Dew reported that they are. The way the contract between the CCOC and DFS is worded, the Clerk will put together the action plan and we'll provide whatever assistance the Clerks need in helping them in meeting the standards. Ms. Morse asked if, with only 71% of Clerks meeting the standard, the Timeliness Traffic standard is too high. Mr. Dew agreed that this is a possibility. Mr. Barton stated that many law enforcement agencies hold their tickets for a week or more and then submit a large stack of tickets which keeps his office from timely entering the data. Some Clerks authorize staff to work overtime to be sure the tickets are entered timely. Other Clerks either don't have the FTE's or the space for an extra staff person to do this. Mr. Ruvin asked about the ramifications for a Clerk's not meeting the standard(s). Ms. Morse stated that our contract allows us to adjust the standard; and if law enforcement doesn't meet their standard (submitting within ten days from date of issue), then this creates problems for Clerk staff. She suggested we may need to revisit the number of days for this standard. Mr. Dew reported that we are examining the data and will check this. He further stated that analyzing the data is a task included in our RFP for Contract Services. Ms. Morse is also concerned about Juvenile Delinquency Collections. One problem with Juvenile Delinquency is that the amounts are small and easy to overlook in favor of the higher amounts in other categories.

Mr. Dew requested clarification on what the Council would like him to do on working with Clerks to develop corrective action plans if they don't currently meet performance standards. It was agreed that he will contact all Clerks with problems in any category except Traffic Timeliness and Juvenile Delinquency Collections. More analysis will be done in these areas. It was also agreed that, regarding Timeliness, we will contact those below 70% and watch those between 70% and 79% to be sure they are improving each quarter.

#### **BUDGETING COMMITTEE**

BAR – Volusia County – Mr. Dew reported that this is the first 05-06 BAR and that it is unique in that they are asking to increase budget authority by \$147,437 for Clerk staff to support two new judges in their county. They decided to not go through the Legislative Budget Commission process because their current approved budget is under their approved budget cap. This request is simply to increase their approved budget as long as they remain within their budget cap. Volusia's current budget is set at \$11.6 million while their cap is set at \$12.6 million. Increasing their budget by \$147,437 keeps them well within their budget cap. Staff recommended approval of the BAR. Mr. Dew noted that the Clerks' Trust Fund could handle the additional \$147,437 coming from the Fund. Mr. Barton moved we approve this BAR. Mr. Smith seconded the motion and it passed unanimously.

## **PERSONNEL COMMITTEE**

Mr. Smith reported that there are three policies before the Council today. Back-up documentation for each is in the packets provided. These are the Credit Card Policy, the Cell Phone Policy, and the Insurance Carrier Issue.

Mr. Smith moved that the Credit Card, Cell Phone policies and Insurance Carrier recommendation as provided in each member's packet be approved. Mr. Ruvin seconded his motion. Ms. Morse asked if there would be a problem voting on all three as an aggregate. Mr. Boyd stated that this is acceptable as long as no one asks for division of the question. There was no such request. Vote was taken and the motion passed unanimously.

## **LEGISLATIVE**

Mr. Forman updated members on pending legislation that could affect the Clerks and CCOC.

SB 940 authorizes counties to fund their Drug Court Programs through the assessment of an additional \$6.00. The Clerks get \$ .48 of the \$6.00. The House Bill is not out yet but is purported to be the same. Mr. Smith asked where the \$6.00 would be assessed to. It will be assessed to the defendant and the revenues will fund Drug Court.

SB 2270 and HB 1371 would increase Hillsborough's maximum budget amount for the Hillsborough Clerk of Court. This bill seeks to amend the methodology employed in calculating the 03-04 expenditures used to set Hillsborough's 04/05 budget. It states that Hillsborough's budget was less as a result of the methodology used where as the methodology of using actual expenditures would provide additional dollars to their budget. Mr. Weiss asked if this should have been discussed with the Executive Council before being taken to the Legislature. Ms. Frank stated that she raised these questions early in the FACC Legislative Committee meeting trying to get a consensus to include other counties facing the same situation. She was told that the Legislature is not going to consider any amendments to the Article V revision. She then spoke with Senator Lee who recommended she talk with Sen. Crist who agreed to sponsor the bill with Rep. Glorioso. Ms. Frank stated that her situation is unique in that she inherited a budget done by her predecessor. Mr. Ruvin explained that the original methodology, however flawed, was used across the board. There are approximately thirty other counties similarly affected by this issue. Ms. Morse requested that Mr. Dew send the legislation to Clerks as information making each Clerk responsible for contacting their representatives to see if this might be an option for their county. For clarification, Mr. Ellspermann, Honorable Clerk of Marion County and the Chair of the FACC Legislative Committee, stated that he referred this issue to the CCOC when it was presented to the FACC Legislative Subcommittee because it is a budget issue and the CCOC is responsible for budget issues. Mr. Ruvin recommended that we use caution and not burden the bill so much that it fails for Hillsborough. He also suggested that CCOC might consider supporting Clerks in this endeavor. He further stated that he would prefer having this come through the CCOC in an organized fashion rather than having thirty Clerks head individually to the Legislature to request help.

SB 1908, sponsored by Sen. Smith, is a place-holder bill in case any constitutional moves are made on Article V. Mr. Dew concurred this is also what he has heard.

HB 65 / SB 166 – Sponsored by Rep. Porth and Rep. Fields and Sen. Campbell, is legislation that is intended to make it easier for people owed money from court registries to get their monies. It is unclear what this will mean in time for Clerk staff.

Mr. Ellspermann reported that HB 1563 / SB 2366 – sponsored by Rep. Kendrick and Sen. Argenziano concerns the redaction issue. The Senate bill was filed first. It is favorable to the Clerks. Mr. Ellspermann reiterated that the FACC Legislative Committee is very important in the Clerks' relationship with legislators. He stated that it is our contention that this is not a court issue, but rather a legislative issue and, while we respect the court, it should be addressed as a legislative issue.

Mr. Dew reported that SB 1698 – adds sixty-six new judges and HB 113 adds 54 new judges. Mr. Burke requested a breakdown by County / Circuit. Mr. Dew will distribute this to the members.

Mr. Shea, Pasco County asked about SB 2024 relative to Chapter 29.008, funding responsibilities of the Board of County Commissioners. He feels this bill eviscerates their method of enforcing their compliance with the statute. This affects the Clerks' offices as the counties are responsible for providing / supplying communications equipment including computers. It changes their funding responsibility. Mr. Forman stated that he will follow this legislation.

#### **REVISED ANNUAL BUDGET CERTIFICATION**

Budget revision was necessitated by the need to remove the cash carry forward from the budgets and by the cap increases resulting from the LBC process. Mr. Forman moved we approve the revisions as provided in the members' packets. Seconded by Mr. Weiss, the motion passed unanimously.

Mr. Burke stated that he hopes DFS will allow us to revisit the cash carry forward issue. Ms. Morse restated that the problem with this issue did not arise from DFS, rather from an Auditor General concern and subsequently legislative staff. He asked if CCOC can develop a strategy to approach this issue. Ms. Morse asserted that this is a legislative issue and hopefully will be clarified during this session. Mr. Forman will add this to our legislative agenda. Mr. Dew agreed to draft a letter on behalf of our Chair requesting the issue be revisited and that they look to delete 28.37 and keep 28.36 thus allowing Clerks to retain and use their cash carry forward funds for the next budget year. Ms. Morse concurred with this approach. Mr. Burke offered to contact legislators as needed.

#### **UPDATE ON RFP FOR CONTRACTUAL SERVICES**

Mr. Weiss reported that he, Mr. Boyd and Mr. Dew prepared and distributed a Request for Proposal (RFP) for Contractual Services. He referred members to the RFP placed in their meeting packet. A number of firms appear to be interested and qualified for providing these services. Mr. Boyd reported that the protocol was similar to that employed with the RFP for Insurance, and modeled after that used by the state of Florida when they seek such services. It recognizes minority business responses but does not weight that either way. It also includes a provision stating there is no guarantee of a minimum amount of service. In addition, respondents are not entitled to the cost of their response. It was distributed to all we knew might be or have expressed an interest in providing services to CCOC. Additionally, it was distributed to the local universities and community college, to the Business Schools and to presidents of these schools. Finally,

it was advertised on our website. We did not utilize the state run MyMarketplace.com or MyFlorida.com as this did not garner responses to the insurance RFP. We have advertised a Bidders' Conference for March 10 at 10:00 a.m. which can be attended in person or by telephone. Subsequent questions and answers will be published on our website so that all prospective vendors have access to all information. We hope to select a number of vendors to provide services on a task assignment basis. All vendors must be approved by DFS. Vendors cannot subcontract these services. The deadline for submitting an RFP is 4pm on March 30, 2006. Without objection, the report was approved as submitted.

### **EXCESS REVENUES FROM CLERKS**

Mr. Dew said he believed all excess Clerk court-related revenues from FY 04/05 have now been submitted to the State of Florida. We are currently checking to assure our numbers match the data that has been submitted to the Department of Revenue. Almost \$39,000,000 was submitted to the State in January 2006 as excess from FY 04/05.

Mr. Weiss asked whether this amount includes the \$50 automatically taken each month from filing fees and sent to the state. Mr. Dew stated that it does not include the \$50 and neither does it include funds swept from the Clerks' Trust Fund. Mr. Weiss said he would like to see these amounts included in the future so we know the total amount Clerks have contributed to the state. Mr. Dew will work on this.

Mr. Smith stated that it upsets him to see that the Clerks probably send over \$50 million to the state general revenue in a year while the people of his county, admittedly a poor county, struggle to pay what is required and he struggles to collect what is owed. Topping this, some legislative staff criticizes the way counties run their offices and the Supreme Court says Clerks are out of control. At the same time, he admitted that because he does not have sufficient funds, he has not been able to meet performance standards and will need to develop a corrective plan of action. Yet, he isn't able to hire enough staff to serve the good people of Putnam County, all while the Clerks are providing \$50 million to the general revenue of the state of Florida. He requests that DFS and Legislative staff come to our April meeting to answer questions and help us understand these issues. Mr. Ruvin commended Mr. Smith for his comments. Mr. Smith allowed that, with session it may be difficult for DFS and Legislative Staff to get away for the April meeting, so it may have to wait until the June meeting.

### **AUDITOR GENERAL – AUDIT REPORT**

The annual audit of CCOC has not been completed.

### **OTHER BUSINESS**

Mr. Barton announced that the elections process will begin soon. We must, by April 1, send a list of population groupings to all Clerks with a survey asking which Clerks would be interested in being on the ballot for election to the Executive Council. Clerks will have until April 15, 2006 to submit to the CCOC their interest in serving. Ballots will then be sent to each Clerk by April 28<sup>th</sup> with them being due back to an independent CPA by May 12, 2006. The CPA would then open and determine the results of the election on May 26, 2006. The new members term of office would begin on July

1, 2006 with the organizational meeting expected to take place on July 13, 2006 at a Central Florida location.

Ms. Morse requested we include the name of the CPA who will handle the elections process in the April agenda. Mr. Dew will announce the new Executive Council at the Corporation Annual meeting held in conjunction with the FACC Summer Conference, in Orlando June 18, 2006. Ms. Murphy requested that announcement of the Annual meeting include notice to all members that this is when they should raise any issues they wish to have discussed.

The next Council meeting will be held April 4, 2006 at 1:00 p.m. in the Kalamata Room of the Renaissance Hotel in Tampa.

The meeting was adjourned at 3:05 p.m.