

MINUTES
FLORIDA CLERKS OF COURT OPERATIONS CORPORATION
EXECUTIVE COUNCIL
TUESDAY, APRIL 4, 2006
RENAISSANCE HOTEL
TAMPA, FLORIDA

Chairman Maryanne Morse called the April 4, 2006 meeting of the Executive Council of the Florida Clerks of Court Operations Corporation (CCOC) to order at 1:00 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 Annie Mae Murphy, Honorable Harvey Ruvin, Honorable Tim Smith, Honorable Richard Weiss, John Dew, Joseph Boyd, and Judy Zorn. Honorable Howard Forman attended the meeting telephonically.

MINUTES

Ms. Morse entertained a motion by Mr. Barton that the Minutes of the March 9, 2006 teleconference be approved. Ms. Murphy seconded his motion which passed unanimously.

TREASURER'S REPORT

Mr. Barton reported that since our last meeting, the Corporation has disbursed \$116,358.62 leaving an available balance of \$21,264.93. We are awaiting revenues from DFS amounting to \$80,000 and have pending payments of \$8,380. After taking this into consideration, the available balance will be \$92,884.93. The breakdown is included in the packets. Mr. Burke asked about the deposited correction listed on the Financial Report. Mr. Dew will determine the answer and contact Mr. Burke.

Mr. Barton moved that the Financial Report be filed for audit. Mr. Burke seconded the motion. There being no discussion, the motion passed unanimously.

SUBCOMMITTEE REPORTS

PERFORMANCE MEASURES

Ms. Murphy announced that the next round of performance measures reports is due April 20, 2006. Those reports are Cases and Defendants, Timeliness, Collections, and Fiscal Management. This is the first time Clerks have been required to file the Fiscal Management form which is available with instructions on the CCOC website, www.flccoc.org.

PERSONNEL

Mr. Smith reported that the Insurance approved at an earlier meeting is now in place.

LEGISLATIVE COMMITTEE

Mr. Forman gave an overview of the bills being considered at this time in the 2006 Legislative Session.

The Privacy Bill (SB 2366) hopefully will be up in the House (HB 1563) tomorrow. Official records redaction will begin in 2007 with court records redaction beginning in 2009.

Regarding Article V, PCB JA 06-01 was released as HB 7235. This legislation places additional budgetary responsibilities on the Clerks, shifts 5 cents from CCIS funding to the Supreme Court's Court Technology Trust Fund, and requires Clerks to provide to those posting cash bonds a report of any outstanding court fees due. Currently the bill does not have a Senate sponsor.

HB 789 and SB 1394, the Sunshine State One Call bill, authorize the Clerks to retain 20 percent of each \$250 penalty paid, a \$50 fee.

The Pretrial Release bill (HB 827 / SB 2018) requires judges to set a bond amount for EACH charge filed in a case.

Post sentencing DNA (HB 61 / SB 186) requires a governmental entity, Clerks included, to hold all physical evidence until the term of the sentence has expired. More space will be needed to hold this evidence. Mr. Ruvin asked if there was any funding tied to this bill. Mr. Forman responded that he did not see any funding in the bill.

Mortgage Foreclosure (HB 65 / SB 166) requires establishment of a trustee for surplus funds to be certified by the CCOC. The surplus funds will be administered by DFS. The clerk will receive \$5 per case. The purpose of the legislation is to try to contact people via the court registry.

Guardianship (HB 457 / SB 476) sets an additional \$18 charge on misdemeanors. The Clerk will retain \$3 of that to offset any potential expense incurred as a result of this legislation.

The Traffic Bill (SB 2336 / HB 7079) increases the Dori Slosberg monies from \$3 to \$5, doubles speeding fines, requires a mandatory hearing for offenses over 30 mph if the driver has had more than one offense in a 12 month period, and doubles (from \$100 to \$200) the fine for load dropping (a citation levied for dump trucks not having a canopy over whatever they're hauling).

There will be an additional \$6 charge for individuals entering the Drug Court Program (SB 940 / HB 709). The Clerks will get 8 percent (48 cents / charge) to help offset costs associated with the drug court misdemeanor court.

Mr. Forman reported that he and Mr. Ellspermann are currently in Tallahassee and are visiting legislators about pending legislation affecting the Clerks.

ELECTION OF NEW EXECUTIVE COUNCIL

Clerks have been sent, via email and certified letter, the Interest to Serve Survey requesting they indicate that either they are willing to serve or they feel they cannot currently commit the time required. If they commit that they are willing to serve then the ballot will indicate such. These signed Interest Surveys are to be returned by fax and US Mail to CCOC by April 15, 2006. Ballots will be sent out on April 28, 2006 by an independent audit firm hired by the CCOC. Ballots are required to be returned to the CPA firm by 4:00 pm May 12, 2006. The ballots will be opened, counted, and certified

by the CPA firm at 9 a.m. May 26, 2006. The CPA firm of Thomson, Brock, Luger & Company has been hired to certify the elections.

RFP – CONTRACT FOR SERVICES

Mr. Weiss reported that in the past audit, we were criticized for not bidding services. We have solicited bids for this year's services contract and have received five responses to our Request for Proposal. These responses have come from FACC, Governmental Services Group Inc, Glenn W. Robertson and Associates, Hal Foy Consulting, and Michael Richardson and Associates. Mr. Dew, Mr. Boyd and Mr. Weiss reviewed all responses and feel all five firms are qualified to provide some or all of the services required by CCOC. Mr. Weiss moved approval of all five applicants with the understanding that services they provide and the rates for those services will be negotiable on a project by project basis. For clarification, Mr. Ruvin asked if, as tasks are required, we will decide to whom the task is assigned and the appropriate rate for the task. His clarification affirmed. Mr. Ruvin seconded the motion. Mr. Smith asked if this process will require more of Mr. Dew's time. Ms. Morse explained it is a matter of having a pool of five vendors, four of which have already been approved by DFS. As assignments arise, it would simply mean deciding who can best accomplish the task and at what rate. The motion passed unanimously.

BUDGET PROCESS

Mr. Dew reported that this is the fourth budget process we've done since CCOC's inception. He asked Mr. Robertson to present the changes from last year's budget process to this year's. Mr. Robertson explained that the process, with a few changes, is similar to the 05-06 process. Preliminary instructions are in the packets today. It is anticipated that the final budget instructions will be presented for approval at the May 11, 2006 meeting. By then we hope to be able to incorporate any legislative changes resulting from the current legislative session. Training will be done as needed with budgets due to CCOC by August 15. After technical review, final Clerk initiated budget changes, and staff analysis of budget issues and their impact on the Trust Fund; budgets will be approved by the CCOC at their September 12th meeting and certified to the state by October 15, 2006.

Mr. Robertson reported that we have created a template to help each Clerk understand rebasing. Mr. Dew restated that today we are presenting the draft budget forms and instructions. We have already presented these forms and instructions to a CCOC workgroup consisting of Deputy Clerks from throughout the State for their input. He is now asking for input from the Council and all Clerks. Because rebasing is difficult, we created a template that will help Clerks determine the affect, given previous revenues, that rebasing will have on their budget. He demonstrated how the template calculates each Clerk's rebasing percent.

Mr. Robertson stated that by way of streamlining the budget process, we began with Exhibit A. We are requesting that Clerks no longer be required to describe the methodology used to project 06-07 revenues and develop their revenue rate if the projected rate is no more than two percent above or below the final rebased growth rate from the 04-05 and 05-06 budget years. By example, if a Clerk originally projected a 5% revenue growth rate, determines a final rebased revenue projection rate of 4%, and

projects a revenue growth rate for 06-07 of 3% over 05-06 (less than 1% difference from the 4% rebased figure), there is no need to explain the methodology. If, on the other hand, the Clerk projects a 7% revenue growth rate (3% over the rebased 4%), a methodology description is required. Ms. Morse asked if projecting low by more than 2% would require a methodology explanation. Mr. Robertson stated that underprojecting can impact the Trust Fund and, therefore, this also requires explanation. Ms. Morse recommended that while the effort to make the process less work for Clerks was commendable, we would unfortunately probably confuse the process more with this policy. She suggested we just continue to require Clerks to provide documentation on how they projected the revenues. Mr. Dew said they would revisit this issue with the budget workgroup.

Mr. Robertson reminded the Council Members that the decision was made by DFS to no longer allow Cash Carry Forward to be included as a revenue beyond January of each budget year. The question was asked, is there any pending legislation to correct this. Ms. Morse responded that to the best of her knowledge, there is none.

Forfeiture and Estreature Revenues may again be included in the budgets. If the Clerk determines that these funds will be available and should be included in the budget, the county is authorized to include these revenues as long as they are a part of the cap calculation as well as the revenue sources on Exhibit G. The determination will be made by each Clerk as to whether these funds can be sustained and verified for use in the budget process this year.

IV-D Child Support is not part of the revenue or expenditure budget as it wasn't this year. The LBC process for staffing new judges and magistrates might be similar to the process used this year. The Council may wish to revisit the FTE criteria for staffing these judges and magistrates.

Mr. Robertson noted that we don't know of any new court functions for Clerks this year. Should the Legislature create new functions, we will develop criteria for calculating the new function budget requests.

Mr. Robertson then went over the suggested budget form changes: The cash carry forward is no longer required to be on the budget form. Exhibit H – performance measure and standards – includes a placeholder for number of projected “reopenings”.

In terms of education and training, the forms, instructions, templates, and tools will be available on our website. If needed, we may have regional training sessions commencing in May where instructions will be reviewed and the rebasing template tested for each county. We will be available in June at the Summer Conference to provide help and guidance as needed. Technical assistance will be available between now and August 15. Finally, Mr. Robertson noted that the amount of recording space is decreased in order to cut down on the number of pages to be submitted.

INDIGENCY EXAMINATION FORMS

Mr. Boyd recommended we have a special meeting by telephone prior to May 4 to finalize the Indigent Application Form. On March 8, 2006 the Florida Supreme Court requested input from the CCOC regarding the forms we put forth last year. Section 57.082, F.S. requires the CCOC to create an application for indigency determination. The CCOC created the application forms last year. The Supreme Court rendered an opinion without a great deal of input and asked the Florida BAR and others to make

comments. Those comments have been submitted to the CCOC and the Supreme Court is asking for our response. Mr. Boyd pointed out that Randy Long and FACC have been a great deal of help to the CCOC staff in gathering input. We currently have comments from Florida Legal Services, the Rules of Judicial Administration Committee, and the Florida BAR Criminal Rules Committee. We believe that CCOC staff will recommend few changes but we want to take this input into consideration. Approval must be given by this Council.

The meeting was tentatively set for April 26, 2006 at 2:30 p.m.

TRUST FUND UPDATE

The Trust Fund is healthy enough to take care of all deficit county Clerks. Mr. Dew reported that the Trust Fund is at \$16.6 million. He emphasized that we need to have these dollars in the Trust Fund as we are heading into Hurricane Season.

OTHER BUSINESS

Mr. Burke asked if we are required to broadcast our meetings by telephone. Mr. Boyd explained that broadcasting by telephone is not required. We must appropriately notice the meetings and make reasonable accommodation both for ADA compliance and the public. We broadcast as a courtesy to all interested parties.

Mr. Burke also stated that it was his belief that we agreed to see if the legislature would revisit the Cash Carry Forward issue. It was brought to the FACC Legislative Committee and, in spite of Mr. Forman's report, comment was made then that there would be no Article V issues brought forth in this legislative session. Mr. Boyd stated that there is no effort to change the law this year with respect to the cash carry forward issue and he believes that in any case there wouldn't be a great deal of support to make this change. There is a clear belief of Legislative staff that Clerks should be sending these monies in as they are now required to do. Our contract with DFS is being amended to reflect this. We are very limited in our interpretation at this point.

Mr. Burke also stated that he thought, regarding the Hillsborough legislation, that we planned to contact all the clerks regarding their possible need for similar help. Mr. Dew responded that he sent an email to all Clerks, attaching the legislation. He received one response from Calhoun County, and they were concerned that they didn't include in their expenditure methodology all the information they should have when they submitted data to FACC. Calhoun is not interested in becoming part of the legislation. They simply want to correct a situation where they didn't include correct information.

Mr. Ruvin asked how the Hillsborough issue is doing in the legislature. Mr. Dew announced that this is due up today at 3:15 in the Senate Judiciary Committee. No one has contacted our office for any information.

Mr. Barton requested that future meetings start at 2:00 p.m. to allow people traveling by car ample time to get to the meeting.

Having no further business, Ms. Morse announced the Executive Council will meet next on April 26 at 2:30 p.m. to discuss the Indigent Application Form and will subsequently meet May 11 at 2:00 p.m. Both meetings will be held telephonically.