

MINUTES
FLORIDA CLERKS OF COURT OPERATIONS CORPORATION
EXECUTIVE COUNCIL
SUNDAY, JUNE 18, 2006
ORLANDO, FLORIDA

Ms. Morse called the June 18, 2006 meeting of the Executive Council of the Florida Clerks of Court Operations Corporation (CCOC) to order at 2:33 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 Tim Smith, Honorable Richard Weiss, John Dew, Joseph Boyd, and Judy Zorn. Honorable Annie Mae Murphy and Honorable Harvey Ruvin were unable to attend.

MINUTES

Ms. Morse entertained a motion that the Minutes of the May 11, 2005 meeting be approved. Mr. Weiss so moved with Mr. Barton seconding. The motion carried unanimously.

TREASURER'S REPORT

Mr. Barton reported that since May 11 we have received deposits of \$265,000 and \$40,000 and an insurance overpayment refund of \$83.34. He reported on the CCOC disbursements since the last Council meeting as provided in the handout to the Council members. He stated that the current balance, pending revenues and payments, is \$202,507.18. Mr. Barton moved the Financial Report be filed for audit. Mr. Smith seconded the motion. Mr. Burke asked if the Balance Sheet, labeled 'to March 2' was mislabeled. Mr. Dew stated that the Balance Sheet should read 'to June 2'. The motion passed unanimously.

Mr. Barton further moved that we amend the CCOC budget, decreasing the Budget Analyst annual salary by \$4,000 and increasing the Administrative Assistant annual salary by \$4,000. With Ms. El Kadiri's illness, Ms. Zorn has taken responsibility for some of her duties necessitating increased hours. Mr. Burke seconded the motion which passed unanimously.

PERSONNEL

Mr. Smith reported that he submitted an annual employee review of Mr. Dew's performance and accomplishments. He enlisted input from other Clerks and from Mr. Boyd and wrote the evaluation with that input and his own. He stated that he appreciates Mr. Dew's competency and his hard work and recommends that Mr. Dew receive the 5% raise which was included in the annual budget and approved at the Annual Corporation Meeting. Ms. Morse agreed and asked if there were any comments. Being none Mr. Dew was given the 5% increase as already approved in the 06/07 Corporation budget and would be effective July 1, 2006.

LEGISLATIVE

Mr. Forman thanked Mr. Ellspermann, Honorable Marion County Clerk and Mr. Baggett, FACC General Counsel for their diligence and their help during the Legislative Session this year. He also thanked those legislators and staff who worked with us on key issues. He recapped legislative action taken this past session:

We are still waiting for the Governor to act on HB61, the Post Sentencing DNA evidence bill. He must act on this by June 27. HB65, the foreclosure bill, which protects people with money in the court registry from surplus chasers, was signed by the Governor late last week. HB113 adds fifty-five new elected judgeships around the state. This bill wasn't signed but became law without the Governor's signature earlier in the week. SB428 revises the per diem amounts: breakfast to \$6, lunch to \$11, and dinner to \$19. HB 457, the Guardianship bill tightened some of the definitions of what a guardian does and authorizes the revocation or suspension of guardianship when certain circumstances occur. HB789, Underground Utilities, imposes a \$250 fine of which the Clerk collects 20%, from those being careless when digging. HB 827, the Pre-Trial Release Bill provides that any judge sentencing or granting bail shall set separate bail amounts for each charge. This bill has not been received by the Governor yet. HB1563 – the Privacy Bill, not yet submitted to the Governor, moves the redaction date from January 1, 2007 to January 1, 2008. SB2336 increased certain penalties for exceeding the speed limit. HB5003 appropriated over \$900,000 to Hillsborough County. HB1001 – Biometric Evidence (fingerprint) bill – FACC will be working with Clerks to make sure they are able to handle this the best way possible.

Mr. Burke asked if we would again be using the Legislative Budget Commission (LBC) process to gain funding for staffing new judges. Ms. Morse answered that we will be using the LBC process once again. We will organize a workgroup to discuss the process and develop a good staffing formula taking varied costs of living into consideration. This workgroup will meet in July or August. Ms. Morse reminded Clerks that these funds are not to be included in the budget. Mr. Dew spoke with Legislative staff who assured him the LBC will meet in August. We are, however, hoping to meet with the LBC in either September or October since we will not have a packet ready to move forward until that time. The new judges would not be in office until January 2007.

REOPENING DEFINITION

Ms. Morse reminded everyone that the Council had passed the concept of adding Reopens as a Performance Measure this current year. What the Council has not done is to define a "Reopen". Ms. Morse stated that it is her recommendation that we utilize the SRS definition for reopens, with the sole exception being Criminal Traffic since we do not report Criminal Traffic through the SRS Report. Each of us will need to adjust our computers to come up with some kind of definition for criminal traffic.

Ms. Morse stated that, while we gave thought to eliminating Criminal Traffic from reopens, Seminole County alone has three Criminal Traffic cases to every misdemeanor traffic case. Since criminal traffic reopens could have a definitive impact on the number of reopens we suggested it be counted. The potential exists for there being so many Criminal Traffic Reopens that they may dramatically change your unit cost per case / per defendant and will impact especially those Clerks who are going to the LBC for funding for new judges.

Mr. Forman noted that some people may get confused on the SRS definition of reopen versus the dollars collected for reopens. He noted that the SRS report is a statistical measure for workload. The SRS Report is really a measurement of Judges' time. Ms. Morse said we are capitalizing on the fact that Clerks already report this

number per SRS requirement. It stands to reason that if dealing with a reopened case is a utilization of judges' time, it's also a utilization of Clerks' time.

Mr. Weiss moved to approve the reopen definition as circulated. Mr. Forman seconded the motion which passed unanimously. Ms. Morse stated that the addendum with examples for training purposes will be distributed to all Clerks and be posted on the website (www.flccoc.org) as well.

06-07 BUDGET PREPARATION UPDATE

Mr. Dew reported that, since the Council approved the budget forms and instructions at their May meeting, CCOC staff has sent them electronically by email to Clerks and financial staff and also sent a CD with the forms and instructions by certified mail to each Clerk. CCOC staff then contacted Clerks and/or financial staff in each office by phone to be sure they received the forms, the forms could be opened and worked, and that staff understood how to use the rebasing template. Everyone has received the forms and instructions; all seem to be able to understand and use the template; and we anticipate few problems with the budget process this year.

However, to help assure there are less difficulties with completing the budget forms, CCOC staff will hold several training sessions. Mr. Dew noted that he will provide a training session on June 20th at the FACC Summer Conference. In addition, we'll have phone-in training opportunities every two weeks leading up to the date the budgets are due to CCOC. The dates and times will be posted on our website and emailed to Clerks and financial staff. Given that this is the fourth round of budgets and we're using the same form with minor adjustments, we hope that most everyone is able to complete the process with few problems.

AUDIT

Ms. Morse asked the members to turn to the Auditor General's FY 04/05 audit found in the notebook. She then opened the floor for questions about the Audit. There were none since discussion had occurred at the Corporation meeting that took place earlier that day.

UNIT COST COMPARISON ISSUE

Ms. Morse noted that last year legislative staff started examining the Clerks' unit cost for both caseload - defendant as well as per capita unit cost. While neither of these may accurately measure a Clerk's workload, we will have to deal with this issue as we look ahead to the LBC process. We would expect to see the per case / per defendant costs decrease with the addition of Reopens to your budget figures. Ms. Morse stated that she would like for CCOC to be proactive and to develop an RFP to hire a consultant to ascertain the nuances and uniqueness of our different offices. Mr. Weiss so moved with Mr. Barton's second. Mr. Burke asked how this would occur. Ms. Morse responded that first we would seek input from FACC since they are already in the process of developing a scope. Once we receive their input, the Council would determine the scope, prepare an RFP and send it to potential vendors for a bid. Mr. Smith asked if we have funds in the budget to accommodate this. Ms. Morse responded that we have added funds to the budget that hopefully will be adequate to cover this. Until we have the scope, prepare the RFP, and receive responses, we won't know for sure if we have allotted enough funds to cover this. If we haven't, we will have to limit the RFP to bring it within budget.

The intent of this study is to help show that Clerks all operate somewhat differently due to judges and other elected officials requiring different processes and

services. Ms. Morse noted that the LBC or anyone else's determination of efficiency based on per case / per defendant data isn't necessarily accurate, and she would like for us to be able to show documentation to this affect. She would like for this to be a primary concern to the new Council. She asked if adding July 13 as the deadline for beginning the process to the motion is acceptable with those who made and seconded the motion. Both Mr. Weiss and Mr. Barton agreed. The vote to approve the motion was unanimous.

UPDATE ON TASK ASSIGNMENTS FOR SERVICES TO CCOC

Mr. Dew reported that we did an RFP for consultant budget services and as reported earlier have contracted with five vendors. As in other recent contracts established by the Council, these contracts require task assignments. In your packet you will see each contract. Also included are the first three task assignments established. Mr. Dew thanked FACC for their help with the first two task assignments which involved helping CCOC staff develop definitions for reopenings and also receiving Performance Measures Action Plans from Clerks.

TRUST FUND UPDATE

The Trust Fund balance is currently \$22.7 million dollars. The revenue and expenditure report for April 2006 shows both lower revenues and expenditures than the average for the previous months.

At the last meeting Mr. Weiss asked for information regarding Revenues and Expenditures that would show more than just the previous month's report. Mr. Dew noted that in each member's packet was a report that illustrates the revenues and expenditures reported since October 2004. This trend information can be used to gain a better understanding of changes in expenditures as well as revenues during the year and better project when these may occur.

OPPAGA LETTER

Ms. Morse announced that she received a letter from OPPAGA stating that they will be doing an update evaluation based on Report 04-07 which reviewed efforts in collection of court fines and fees. They will begin the review immediately. You can visit the OPPAGA website and using their search mechanism, find and read the Report 04-07 to see where they're coming from and where they're going. She expected that they will be contacting the CCOC office soon to begin the audit process. It is expected that part of this process will be to look at the role of the Corporation, specifically the Council, in helping Clerks be more effective in their collection efforts.

OTHER BUSINESS

Ms. Morse asked if there was any other business to be brought before the Executive Council. There was none.

RECOGNITION OF COUNCIL MEMBERS

Ms. Morse announced that it is her honor and pleasure to recognize the outgoing members of the Executive Council. She thanked each member for their hard work and service to the CCOC Council on behalf of all the Clerks of the state of Florida. Plaques

were presented to Mr. Ken Burke, Mr. Jeff Barton, and to Mr. Tim Smith. Plaques will be presented to Ms. Annie Mae Murphy and Mr. Jim Fuller at a later time since they were not present. She once again thanked the Clerks and the Executive Council for allowing her the opportunity to serve them for the past two years. Mr. Tim Smith, in turn, presented Ms. Maryanne Morse with a plaque expressing appreciation for her service as Chair and for her hard work and dedication to the work of the Executive Council for the past two years.

The organizational meeting of the new Executive Council will be held July 13, 2006 at 10am in Orlando at Airport Hyatt.

The meeting was adjourned at 3:45 p.m.