

MINUTES
FLORIDA CLERKS OF COURT OPERATIONS CORPORATION
EXECUTIVE COUNCIL
TUESDAY, AUGUST 18, 2009
MIAMI, FLORIDA

Mr. Forman called the August 18, 2009 meeting of the Executive Council of the Florida Clerks of Court Operations Corporation (CCOC) to order at 1:30 pm, EDT. He welcomed members and guests. Members of the Executive Council present were the Honorable Howard Forman, Honorable Harvey Ruvin, Honorable Richard Weiss, Honorable John Crawford, Honorable Buddy Irby, and Honorable Bob Inzer. Honorable Scott Ellis and Honorable Tim Sanders attended telephonically. Judge Steinbeck was unable to attend the meeting.

AGENDA

Mr. Forman asked for a motion to approve the Agenda. Mr. Weiss so moved and Mr. Inzer seconded his motion. The motion passed unanimously.

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Mr. Inzer moved approval of the minutes from the June 9 meeting. Mr. Weiss seconded the motion which passed unanimously.

TREASURER'S REPORT

Mr. Weiss reported that each line item of the FY 08-09 CCOC budget is under its budget maximum. The total expenditures for FY 08-09 are at 93.3% and for education services are at 93.7%. The budget began June 1, 2009 at \$312,260.99 and ended the month with a balance of \$255,853.78.

Mr. Dew noted that the Corporation under-expended its budget as it has every year. This year the dollars will not remain in the Corporation bank account. Mr. Dew will check with JAC and legislative staff to find out where we need to send these dollars. Mr. Inzer suggested we keep sufficient dollars to cover any remaining expenses accrued but not yet paid during this fiscal year. Mr. Weiss moved approval of the Treasurer's Report. Mr. Crawford seconded his motion. The motion passed unanimously.

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Mr. Weiss asked Mr. Dew to present the current budget report for state fiscal year 09/10. Mr. Dew reported that through the end of July, we have expended 2.2% of our FY 09-10 budget. He noted that this is lower than usual because there is a lag time in processing payments. He reported that we will still be in good shape once the invoices from July are paid, and expenditures will remain low because three positions remain unfilled.

SUMMARY OF 08-09 NINE-MONTH BUDGETS FOR 10/1/08 THROUGH 6/30/09

Mr. Dew reported that Revenue projections originally made by Clerks for this time period was approximately \$416.9 million. Due to the economic downfall, actual revenues came in at \$393.8 million, down \$18.3 million or 4.4% below projections. Expenditures, revised in March 2009, were projected to be \$393.8 million. Actual expenditures for nine months came in at \$373.3 million, down \$20.5 million or 5.2% below projections.

Mr. Dew stated that it while it may appear some Clerks were over-budgeted, the reality is that many of these Clerks realized revenues were not coming in as expected and cut back on their expenditures due to the expectations of less revenues. Clerks took great measures to keep from over-expending their revenues, to include furloughs, lay-offs, and other cost-saving measures. It was not a case of having too much and not expending it. Rather it was a case of not spending revenues that were not being realized.

In comparing the nine month periods of FY 07-08 to FY 08-09, the budget cap did increase but by only 1.9%. Budgets needed to increase because the workload, which still included a high number of foreclosures, was up. Revenues declined by 3.9% while expenditures increased by 8.9% due to the increase in cases. The budgeted net for FY 07-08 was \$72.2 million while the budgeted net for FY 08-09 was \$25.3. Approximately 48% (32 Clerks) expended less than 95% of their budgeted expenditures for the nine-month period of October 2008 through June 30, 2009.

UPDATE ON FY 09-10 BUDGET

The Executive Council has already approved the FY 09-10 allocation for each county. Because of the budget cycle and problems with getting budgets in, determination was made that budgets would be submitted by mid-August for the nine-months from October 1, 2009 through June 30, 2010. CCOC has received all but three budgets. After a cursory review of budgets received Mr. Dew said that he had a concern that the amount of revenue projected by Clerks for the nine month period may not be sufficient to fund their offices, pay back the \$35 million dollar loan, and pay the 8% Administrative Trust Fund fee. Mr. Dew said he has met with legislative, DFS, and JAC staff about when the loan and administrative fees repayments will need to begin. He has asked that repayment not be implemented until such time there

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is sufficient dollars to at least assure Clerks are getting their 1/12 distribution at the beginning of the month instead of distributions almost weekly.

Mr. Ruvin suggested we consolidate the loan and pay it over multi-years. He would also like for us to see if the 8% could be paid as an additional allocation from General Appropriations on top of the \$451 million. If it cannot, can we consolidate the 8% with the \$35 million and spread it out over a period of years? He asked if other units of government that get appropriations from the general fund are permitted to borrow dollars if the funds are not available. He feels that, if we are included in the general fund, like other entities we should be afforded protection from our downside.

Mr. Crawford asked if we have notified everyone at the state level that this unforeseen 8% will take funds needed to run Clerks' offices. Mr. Dew responded that he learned about the 8% through a series of emails between Economic Demographic Research and JAC staff. He immediately asked if we were exempt. He was told by legislative staff that there is a section of the statute that allows for exemption but it was determined that we would not be exempt. The Courts are in the same position. Everyone is aware of this now. He believes the state will try and work with us in the way of a delayed payment of the loan and the administrative fee.

Mr. Crawford said, for the record, he has difficulty trying to justify to his constituents and staff and judges that \$40 million for an 8% administrative fee is being taken out of the system to fund general government at a time when Clerks and Courts so sorely need those dollars.

Mr. Inzer said that it is his understanding that none of the staff analysis done prior to the passage of the bill indicated that these dollars would be taken out. As a result, there was no discussion that would lead us to believe that this was going to happen and would create the shortfall. If there had been discussion on this issue, we could have tried to address it in the bill. Mr. Dew said that no one asked the questions of him or CCOC staff and he was not present at any meetings where this was discussed prior to the passage of legislation. He is not sure what part Economic Demographic Research may have played. He does know that the State is looking for \$58 million to be provided by Clerks above and beyond the \$451 million needed to run Clerks' offices.

Mr. Irby stated that starting the Trust Fund with a zero balance on July 1 put Clerks in a very awkward position to begin the fiscal year. He feels we need, through a delay of the loan repayment or another solution, to be given time to build the Trust Fund. He believes we have a strong enough case to show the Legislature that taking \$40 million off the top is punitive, especially as Clerks are struggling with cuts they've already been forced to take just to make the \$451 million. We need to have the 8% waived as it is for some other entities. He believes it should be waived for the courts as well.

Mr. Dew noted that Mr. Inzer, as chair of the Legislative Committee, is looking for dates to discuss the glitch issues relating to SB 2108. There are several glitch issues that need to be worked out. One of the big glitch issues relates to sweeping the Trust Fund. The current law requires Clerks to settle-up dollars by June 20, 2010 and for the JAC to then sweep all the dollars to General Revenue by June

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25th. It also means that you will again have zero dollars to begin July for FY 10-11. Legislative staff is aware of some of the glitch issues.

Mr. Irby asked if the administrative fee is paid on a monthly basis according to the dollars sent to the Trust Fund. Mr. Dew said that, as he understands it, the fee is paid on a quarterly basis and is done according to the dollars sent to the Trust Fund.

Mr. Crawford noted that, just before vote was cast on the bill that put us in this situation, he heard a Representative on the floor of the House chambers say they'll worry about details later in Conference. He asked Mr. Dew, on the record, how many times Legislative staff called him over to the Capitol to explain how the proposed legislation would work or what problems there were with the proposed legislation. Mr. Dew stated that he was not called over to the Capitol to talk about any potential problems associated with SB 2108.

Mr. Ellspermann asked if there is a county or counties that are not sending their revenues in causing CCOC to only be able to send 1/48 of the distribution. Mr. Dew stated that some Clerks may not have submitted their dollars by the 20th of the month. He said he would check to see if there are any Clerks not sending in any dollars at all.

REVIEW OF FY 10-11 BUDGET PROCESS

Mr. Weiss thanked everyone who has worked so hard on this process of developing the potential unit costs for budget comparisons. There has been a tremendous amount of work that has gone into developing this process. What is being presented today has been approved by the Finance and Budget Committee to be moved forward to the Executive Council for its approval.

Mr. Dew noted that we have tight deadlines to get the budgets done in time for presentation to the Legislature. SB 2108 requires CCOC to develop peer groups and unit costing. During July and August, the Finance and Budget Committee met numerous times to discuss the process. In addition, staff has met with legislative staff, DFS, the Supreme Court, the Auditor General's office, and OPPAGA staff. Once the Executive Council approves the budget process CCOC staff would distribute the budget forms and instructions by September 1. Clerks are to submit budgets to CCOC by October 1 according to the law. After budget submittal, the CCOC staff would review the budgets and submit the information to the Council. The Council, by law, is required to submit their budget recommendation to the Legislature and Supreme Court by December 1. The Legislature will determine the total budget allocation in the 2010 legislative session which usually ends the first week of May. If the dollar amount allocated by the Legislature is different than what was requested by the CCOC, the Council would have to meet and readjust the budgets.

The legislation required that we create peer groupings. Mr. Robertson reported that, in terms of creating peer groupings, staff looked at one large group and then three groups based on criminal,

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civil, and civil traffic categories. Finally, the finance and budget workgroup looked at the ten court divisions with which all Clerks are familiar and decided to keep a ten-court set of groupings which allows analysis of data and cases by court division. It was felt that these groupings were the fairest way to determine peer groups because offices vary from small, medium, and large but also by the types of cases predominantly filed in each county.

SB 2108 further required that CCOC consider cases and population in producing calculations that will allow for the fairest separation of all sixty seven Clerks' offices into peer groups. Each office will be placed in a peer group for each of the ten divisions. Clerks may notice that the groupings will change from court division to court division.

The workgroup took the average year cases for FY 06-07 and FY 07-08, those being the last two full fiscal years for which we have data making the data more credible. The workgroup used the number of cases and expenditures over those two years to calculate an average for each Clerk's office. Then when calculating unit cost, they were able to see where the unit cost fell for each Clerk's office. The workgroup looked to putting Clerks into peer groups and came up with sets of Clerks who were as close as possible in calculated unit cost averages.

The workgroup then calculated a peer group unit cost average for each peer group and applied the peer group average unit cost to determine what each budget within that peer group would be using unit costing. Tables were developed and benchmarks were determined using these pieces of data.

Mr. Cowan detailed the peer grouping data tables. Columns listed counties in the peer group, population, average year cases, peer grouping number (multiplying population and average year cases), average year expenditures (from FY 06-07 and FY 07-08 data), unit cost (average year expenditures divided by average year cases), peer group average (average of all unit costs within the peer group, benchmark (unit cost times average year cases). Tables for each court division take each of the ten divisional benchmarks for each county and sum to arrive at the total benchmark budget for each county.

Mr. Dew noted that total expenditures are not reported by court division. He stated that staff took each Clerk's approved budget and noted the percent of cases in each division and applied that percent to the total expenditures. In deciding which counties fit into which peer groups, staff ran a mathematical formula that moved a county into the next group if it was greater than 40% more than the previous group.

Mr. Robertson said that, after talking with Senate, House, Auditor General, DFS, OPPAGA, and the Courts, staff is putting all of this together to create an FY 10-11 budget request. Staff is currently developing budget instructions oriented to the process they have developed. The groups with which we discussed our work to date understand that timing requires us to proceed quickly. They have sent suggestions which staff is incorporating as possible.

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Each office projects the estimates for workload for FY 10-11 for each division and multiplies the average unit cost for that division times the workload for that division. The amounts determined for each of the ten divisions will be added to arrive at a preliminary budget. Clerks will then follow each form and worksheet provided. In completing these, the staff will indicate to CCOC his/her particular needs, establish the number of FTE's required, determine the operational cost factors, and utilize revenue estimates to help cover costs. Through this process, each office will provide CCOC with a budget request that will be sufficient in the mind of each Clerk for operating the office at an appropriate level.

We will have calculated a benchmark budget for each county and can review FTE requirements and workload standards, etc. and the Clerk can look at other factors like insurance and retirement contributions, etc and create a fair budget. Once this is complete, the Clerk will subdivide the total budget into four core services – case processing, financial processing, information and reporting, and jury management. Each Clerk has been asked to determine and submit the percent of FTE's allocated to each of these core services. Staff will take the number of cases and divide the units of work into the total dollars for case processing and derive the unit cost for case processing for each Clerk's office. By the time forms are completed, Clerks will be able to indicate organizationally how dollars are spent by court division and also by services. Staff will be able to determine unit cost on an organizational basis and on a service basis. This provides the Clerk, CCOC, the State Legislature, and other stakeholders the ultimate amount of information to help make judgments as to what is required to fund and operate a Clerk's office.

As CCOC receives each budget, they will analyze trends in revenues, expenditures, workloads, and performance collected over the past four to five years. Staff will also look at information provided by the benchmarks preliminary budget. Finally staff will compare this information to the Clerk's estimation of what is necessary to run his/her office. To help explain why a particular budget request is above the calculated preliminary budget, budget forms will include a form to allow Clerks to indicate the particular cost drivers which make his/her budget more challenging. If a Clerk's budget is greater than the preliminary budget, there will be a discussion as to why the difference exists. Staff will be able to isolate those factors influencing costs which differ from office to office. These factors will be taken into consideration.

Mr. Inzer asked if and received confirmation that Clerks do not have to break jury expenses out into the core services. He also asked if CCOC will make this determination based on percents Clerks provided after Clerks submit their budgets. Mr. Robertson stated that no final decision has been made on this yet. Mr. Inzer said he feels that by distributing the preliminary budget numbers in the budget forms, CCOC is basically telling each Clerk that this is a baseline. There will be no reason for any Clerk to submit a budget that is below his/her preliminary budget number. If Clerks submit budgets legitimately above their preliminary budget number, those budgets will require additional dollars. He therefore suggested not sending the preliminary budget numbers to each Clerk.

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Mr. Crawford noted that, at a recent meeting, Clerks were told to not give much credence to the final numbers. He suggested that there are Clerks who are cringing because the number presented are much lower than those Clerks' FY 04-05 budgets. Clerks must have sufficient dollars to support their judges. Mr. Forman reminded everyone that those numbers are preliminary. Special factors will be taken into account. Mr. Crawford asked if, through this process, we are tying our hands such that reason will lose out. Mr. Forman stated that we are not tying our hands.

Mr. Weiss noted that the Executive Council has discussed holding four regional sessions where each Clerk will be able to meet with the Executive Council to discuss those issues that are driving their budgets. The Council will learn from each of these sessions and incorporate the information as needed.

Ms. Butterfield from Polk County, who is a member of the finance and budget workgroup, stated that Mr. Inzer's suggestion to not distribute the preliminary budget number was discussed and the number can be withheld. It was further suggested that once a Clerk submits his budget request, that some calculation will be done again based on what has been requested and comparison to others in their peer group will be made. Mr. Inzer still prefers we not send the preliminary budget number.

Mr. Irby noted that some counties come in as negatives and asked how these will be handled. Negatives occur in a number of divisions. In the case of the family division, it has to do with backing out Title IV dollars. After discussion as to whether to back the negatives out, it was decided to leave them in for illustrative purposes. They will not be used in developing unit cost.

Mr. Barton noted that Indian River instituted OPEB a few years ago and this increased their costs dramatically. He also feels that some of the peer groups are too large. Mr. Cowan stated that OPEB is an issue to be raised during workshops. As with peer groups, there was much discussion as to how to develop them and staff did what they thought was best for everyone.

Mr. Dew stated there were questions as to how staff worked with the average cases vs population. CCOC used a weighted average. OPPAGA suggested a straight average and further suggested doing a more statistical analysis to get fairer numbers. Mr. Gaitanis from OPPAGA explained that they recommended using a rate. Rather than multiplying populations and filings per division, OPPAGA suggested dividing those numbers and multiplying by a factor. This number, they feel, will be more meaningful and relate to something tangible. It will change the results. OPPAGA also suggested not using a weighted average because the purpose of having a unit cost for purposes of comparison is to compare Clerks who are more efficient with those who are less efficient.

Mr. Dew asked Mr. Gaitanis about their suggestion that CCOC hire a statistician and did he think that this would show a great difference from the numbers at this point. Mr. Gaitanis said he could not speculate without actually hiring a statistician and comparing the numbers. OPPAGA methodologist's primary concern is that a rate would be a much more defensible mechanism for taking those numbers into consideration. Mr. Dew asked if OPPAGA could help CCOC understand or is hiring a statistician the only way to get the analysis they are suggesting. He further suggested that if the Executive Council

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agrees to not include the actual benchmark on Exhibit A of the budget forms, this could give us time for staff to look at the software and other mechanisms available for developing peer groups.

Mr. Barton noted that when we talked about the current budget, we discussed not taking any Clerk back further than their FY 04-05 budget cap. The budget being presented takes Indian River and other counties back beyond their FY 04-05 cap. Mr. Forman noted that these numbers are not etched in stone.

Mr. Inzer stated that he has no problem looking at other methods of developing peer groups. Looking at the numbers, he doesn't feel it will make a big difference but he is willing to look at it. Mr. Inzer moved that we take a second look at the appropriateness of the peer groups and that budget benchmarks not be included on Exhibit A of the budget forms. Mr. Weiss seconded the motion. Mr. Irby agreed with Mr. Inzer but suggested that the Legislature is saying we should work toward equalization within the peer groups and at some point we will need to get to that unit cost.

Mr. Forman reviewed the four elements of the motion: 1) staff continues work on the process, 2) staff looks at appropriateness of peer groups, 3) budget benchmarks will not be included on budget forms, and 4) staff will further refine the formulas. The motion passed unanimously.

Mr. Dew noted that before the Budget forms and instructions can be sent, the Finance and Budget Committee moved five items forward for Executive Council consideration. Each was considered separately.

- 1) Include on the budget forms "Are there costs currently paid by the county that if not paid by the county would need to be picked up in the CCOC budget?" Mr. Weiss moved inclusion of this question on the budget form. Mr. Crawford seconded the motion. It passed unanimously.
- 2) Include a requirement for each Clerk to indicate specific policy decisions factored into the FY 10-11 budget, including salary adjustment, filing new positions, reducing the number of furloughs, insurance increases, cost of living increases, FRS issues, etc. Mr. Crawford moved to include this on the budget forms. Mr. Inzer seconded the motion. The motion passed unanimously.
- 3) Include an option for Clerks to indicate factors that may relate to the need for increased budget authority. These factors might include a disproportionate number of judges, highway miles in the county, jury trials, etc. Mr. Inzer moved approval. Mr. Crawford seconded the motion. Highway miles in county could relate to increased costs but could also relate to a possible increase in traffic tickets. The motion passed unanimously.
- 4) Include questions regarding internal Clerk collections efforts. Mr. Crawford moved approval. Mr. Weiss seconded the motion. This impacts upfront costs and possibly brings in greater revenues. The motion passed unanimously.

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- 5) Include questions to capture judicial impact on workload. Mr. Irby moved approval. Mr. Inzer seconded the motion. The motion passed unanimously.

Mr. Inzer moved that the Executive Council hold budget workshops, previously called budget hearings, before approving budgets. Mr. Weiss seconded the motion. Mr. Inzer noted the time and travel commitment the Executive Council is making to do this. Mr. Weiss suggested that the better job Clerks do in completing their budgets, the better the Executive council can review and understand their considerations before the workshops. The motion passed unanimously.

LEE COUNTY BUDGET AMENDMENT REQUEST

Mr. Weiss reported that this issue was taken to and approved by the Finance and Budget Committee. Lee County is requesting \$105,000 to staff a judge who has been moved from Collier County to Lee County. The committee used the same methodology previously used to determine the dollars needed to staff judges. The \$105,000 will be transferred from the Collier County budget to the Lee County budget. Mr. Inzer moved approval of the budget amendment request. Mr. Irby seconded the motion. Mr. Forman asked if there were any concerns from those present or on the phone concerning the budget amendment. There being none there was a call for the question. The motion passed unanimously.

DISCUSSION OF FORMS

Mr. Cowan reported that there are two forms being presented for Executive Council approval. The first, the Expenditures and Collections Report replaces the current Revenue-Expenditure Report. It will be due to CCOC monthly on the same basis as the Revenue-Expenditure report was due. The second report is the Technology Hardware and Software Report. This report is required by SB 1718 and relates to NEW technology hardware and software purchases greater than \$25,000. The report is due monthly even if no dollars are expended. CCOC is required to report this data quarterly to the President of the Senate and Speaker of the House. Mr. Inzer moved approval of the two forms. Mr. Weiss seconded the motion which passed unanimously.

CCOC OFFICE TRANSITION

Mr. Dew reported that the Executive Council previously approved the Pay and Classification Plan. Since that vote, the report has been amended. It now includes wording

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related to the Governor's mentoring initiative. Additionally, there was discussion with legislative staff that CCOC maximum salaries were higher than executive branch maximum salaries. Mr. Dew therefore revised the pay plan by lowered the maximums by 2.6%. CCOC will submit the salary changes to JAC who will review and approve the plan as is their process. Finally, since the last meeting, CCOC has broken out the Budget Manager positions. Reviewing the process, Mr. Dew split these three positions into a Senior Budget Manager and Budget Manager 1 & 2 positions. Position descriptions are included. Mr. Dew also reported that we have removed the Senior Management Status related to retirement for the Executive Director's position since he was told by JAC staff that the position was not allowed to be considered as such. Mr. Inzer moved approval of the changes. Mr. Irby seconded the motion which passed unanimously.

CLERK AND JUDGE COMMUNICATIONS WORKGROUP

Mr. Forman reported that Mr. Inzer and Mr. Dew met with Justice Quince and Ms. Goodner from OSCA. They discussed that Clerks and Judges emerged from a heated battle during the legislative session during which both groups felt inaccuracies were leveled. They decided to form a workgroup to encourage open dialog between the two groups. Mr. Forman appointed Mr. Burke (Pinellas), Mr. Crawford (Nassau), Mr. Fuller (Duval), Mr. Inzer (Leon), Ms. Rushing (Sarasota), Mr. Ruvlin (Dade), Mr. Smith (St Lucie), and Mr. Weiss (Polk) to that workgroup. We are currently awaiting the names of the Judge representatives to the workgroup. Mr. Inzer moved to approve the creation of the workgroup and the appointees to it. Mr. Inzer stated that he believes that Justice Quince is genuinely interested in improving communication between the two groups. Mr. Weiss seconded the motion which passed unanimously.

NEW PERFORMANCE IMPROVEMENT AND EFFICIENCY COMMITTEE

Mr. Irby, Chair of the Performance Improvement and Efficiency Committee, thanked Mr. Forman for this appointment. Also serving with Mr. Irby will be Ms. Ewing (Martin), Mr. Green (Lee), Mr. Inzer (Leon), Mr. Crawford (Nassau), Ms. Johnson (Franklin), and Ms. Strifler (Citrus). Mr. Irby reported that Mr. Isabelle from the CCOC will be working with them. He would like to focus on two or three things the committee can make more uniform and hopefully more efficient.

TRUST FUND UPDATE

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Mr. Dew reported that we need for Clerks to submit approximately \$43 million per month to cover the \$451 million plus the administrative fee and loan repayment. Mr. Dew is working to find out what can be done if there needs to be a delay in the loan repayment due to a shortfall in remittances. Current dollars being submitted are not sufficient to cover all of it. CCOC monitors the numbers on a daily basis and will continue to do so. Clerks who can send dollars before the 20th of the month are encouraged to do so.

INTERIM SENATE PROJECTS

The Senate has published a list of interim projects, two of which pertain to CCOC and to the Clerks of Court and State Court systems.

The object of Project 2010-423, Implementation of Judicial Branch Reforms, is to monitor the development of the proposed Clerk services and associated unit costs by the CCOC, to monitor the review by OPPAGA, and to monitor the development of the plan by the Technology Review Workgroup and report any issues the legislature may need to address. This will be accomplished through meetings with CCOC staff and review of relevant documents developed for the proposed services and associated unit costs to be used in Clerk budget requests, through meetings with OPPAGA staff following the review of shared judicial workload, through meetings with the Technology Review Workgroup staff and review of relevant documents developed to follow the development of the plan for integrating court system information technology.

The object of Project 2010-424, Implementation of Judicial Electronic Filing, is to monitor the implementation of electronic filing processes by Clerks of Court and to monitor the implementation of electronic filing for workers compensation appeals and report any issues the legislature may need to address. This will be accomplished through meetings between Professional Staff, Clerks of Court, and the State Court system to follow the implementation of electronic filing processes and review of relevant documents developed for implementation of electronic filing.

GENERAL COUNSEL ISSUES

Mr. Boyd reiterated the need for Clerks to send dollars to the Clerks' Trust Fund as soon as possible as these are dollars needed by other Clerks.

The existing CCOC office lease expired June 30 but was extended through September 30 as we awaited the signing of SB 2108. Once the bill was signed, it was determined that CCOC would need more space. Staff looked at more than forty sites throughout Tallahassee and

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found an office in Barrington Circle with a greater amount of space at approximately the same per square foot cost. The Lease presented was modeled after State of Florida leases. Mr. Boyd asked that Mr. Forman sign the lease after today's meeting. Mr. Forman agreed to do so.

Mr. Boyd updated the Executive Council on the Ervin lawsuit where plaintiffs assert that all dollars collected at the courthouse should stay in the courthouse for use by the courts and the Clerks of Court. Mr. Boyd's firm represents CCOC and filed a motion to dismiss and a motion to abate. Judge Sheffield has scheduled a hearing for August 31. At this time Clerks should continue to follow the law. Mr. Boyd will keep Clerks informed. Mr. Inzer asked if plaintiffs win their lawsuit, would the 8% issue go away. Mr. Boyd stated that it would.

OTHER BUSINESS

Mr. Inzer remarked that he did not understand why Mr. Dew would no longer be considered Senior Management for retirement purposes just because the CCOC was administratively housed within the JAC. Mr. Dew stated that he was surprised to discover that this was supposed to be the case when the CCOC transferred to the State since no one had ever discussed this issue with him or Council members. He noted that he had been Senior Management for several years as determined by the Department of Management Services. Mr. Weiss asked if the Council could petition the Governor's Office to reconsider. He felt this is a step backward for the Executive Director's position and that this was probably not the intent of moving the CCOC office to the State. Mr. Boyd noted that the Plan of Operations has always provided that the Executive Director would be a Senior Management position. Mr. Boyd stated that, at the Council's direction, he will follow up to see what needs to be done to restore the Executive Director position to Senior Management status. Mr. Inzer moved that the Executive Council support efforts to have the position restored to Senior Management status. Mr. Ruvin seconded the motion. Mr. Weiss noted that Mr. Dew's responsibilities are much broader than they appear. He works not only with seven staff but with all Clerks and Clerks' staff. The motion passed unanimously

Mr. Irby moved to restore Mr. Dew to the salary he had prior to CCOC becoming a state entity since he did not believe the Executive Director should be taking a salary reduction. Especially in light of the significant amount of additional workload the CCOC office has to take on. He asked Mr. Boyd if the Executive Council has the authority to do this. Mr. Boyd stated that the Council did have the authority. Mr. Inzer asked who reduced Mr. Dew's salary. Mr. Dew said he voluntarily reduced his salary since at the time it appeared that all Senior Management State Employee employees were going to have their salary reduced by 2%. Mr. Crawford noted that he Mr. Dew both took the reduction and at that same time was stripped of his Senior Management Status at a time when he was working harder than ever. Mr. Ruvin seconded the motion. The motion passed unanimously.

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Mr. Weiss asked if there is anything we can do to improve the phone sound quality for those who listening to the meetings. Ms. Daws reported that we are investigating possible solutions.

There being no further business, the meeting was adjourned at 4:20 pm.

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