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Clerk & Comptroller  
Palm Beach County,  
Florida

## 2013-2014 Annual Budget

For the Fiscal Year  
October 1, 2013 – September 30, 2014



Prepared by the  
Clerk & Comptroller's Office  
Palm Beach County

Annual Budget  
of the  
Clerk & Comptroller's Office  
PALM BEACH COUNTY, FLORIDA  
For the FISCAL YEAR  
OCTOBER 1, 2013 - SEPTEMBER 30, 2014

Respectfully submitted by

Sharon R. Bock, Esq.

Clerk & Comptroller

## ACKNOWLEDGEMENTS

Special recognition is given to the following individuals for their efforts in coordinating, preparing and reviewing the FY2014 Budget Document.

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Chief Operating Officer – Courts & Official Records	Cynthia Guerra, Esq.
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Chief Human Resources Officer	Lisa Turner
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**Sharon R. Bock, Esq.**

To the Citizens of Palm Beach County,

I am pleased to present the *Clerk & Comptroller's Annual Budget Report for Fiscal Year 2014*, which was prepared pursuant to Chapter 218.35(2), Florida Statutes. Each year, this report provides a detailed view of my office's spending and strategies in support of the Palm Beach County citizens.

The Florida Constitution, ensuring a check and balance at the local level, established the independent office of the Clerk & Comptroller as a public trustee, responsible for safeguarding public records and public funds. The Clerk & Comptroller serves as the County's Chief Financial Officer, Treasurer, Auditor; Clerk of the Board of County Commissioners; Clerk of the Circuit Court; and County Recorder. As the third largest of the 67 Clerk's offices in Florida, the Palm Beach County Clerk & Comptroller's employees serve a local population of approximately 1.4 million citizens from six physical locations or globally via [www.mypalmbeachclerk.com](http://www.mypalmbeachclerk.com). The organization is committed to being a world-class leader in customer service, employee satisfaction and standards of excellence.

Dedicated to being the people's watchdog, we protect the County's \$4 billion budget; provide information to residents on how their tax dollars are being spent and managed; and, deliver on our commitment to increase transparency and accountability in government. This commitment proved essential over the past several years as tax dollars declined and government institutions struggled to meet increased taxpayer service level expectations. In fact, during this difficult time, our office reduced its budget by 33 percent without sacrificing customer service through the proactive leveraging of technology and aggressive renegotiation of contracts.

It is my honor to present to you our \$78.0 million budget plan for Fiscal Year 2014. This budget plan provides a wealth of information about how we protect the public in Palm Beach County, where our funding comes from and how we diligently spend those dollars.

Some of the report's highlights include:

- Section II (starting on page 4) - Issues and Priorities involving my office, including our Strategic Plan and the steps we've taken to become a world-class organization that provides outstanding customer service;
- Section IV – the Financial Policies, Guidelines and Goals implemented by my office to ensure fiscal responsibility;
- Section VI – Major Expenditures and Funding Sources, providing an overview of my office's historic and prospective spending plan.

By reviewing this report, you are taking an active role in understanding and participating in the financial future of Palm Beach County.

I consider it an honor and a privilege to serve as your Clerk & Comptroller, and I remain committed to transparency in how your tax dollars are managed, reported and spent.

Best regards,

A handwritten signature in black ink that reads "Sharon R. Bock". The signature is written in a cursive, flowing style.

Sharon R. Bock, Esq.  
Constitutional Clerk & Comptroller, Palm Beach County



GOVERNMENT FINANCE OFFICERS ASSOCIATION

*Distinguished  
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The Government Finance Officers Associations of the United States and Canada (GFOA) presented a Distinguished Budget Presentation Award to the Clerk & Comptroller's Office of Palm Beach County, Florida for the Annual Budget beginning October 1, 2012. In order to receive this award, a governmental unit must publish a budget document that meets program criteria as a policy document, as an operations guide, as a financial plan, and as a communications device.

This award is valid for a period of one year only. The Palm Beach Clerk & Comptroller's Office current budget continues to conform to the GFOA's program requirements. It is our intention to submit our budget document to the GFOA to determine its eligibility for the Distinguished Budget Presentation Award for the fiscal year beginning October 1, 2013.

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## Vision, Strategic Direction, Mission and Values



### *Our Vision*

To be recognized as the world-class leader in customer service, employee satisfaction and standards of excellence.

### *Our Strategic Direction*

Deliver Outstanding Service  
Be Effective and Efficient  
Be a Great Place to Work

### *Our Mission*

To protect, preserve and maintain the public records and public funds with integrity and accountability.

### *Our Values*

**Respect** everyone.  
Embrace **Diversity**.  
Act with **Integrity**.  
Thrive on **Challenge**.  
Learn through **Innovation**.  
Build **Relationships**.  
Celebrate **Achievements**.

## **I. About the Clerk & Comptroller's Office**

### **A. Independent Public Trustee**

More than 170 years ago, the Florida Constitution established the Clerk & Comptroller as an independent public trustee, directly elected by the public. As the third largest of the 67 Clerk's offices in Florida, the Clerk & Comptroller of Palm Beach County serves a local population of nearly 1.4 million residents. The office performs more than 1,000 different functions and provides services from six physical locations throughout Palm Beach County and online at [www.mypalmbeachclerk.com](http://www.mypalmbeachclerk.com).

As Clerk & Comptroller of Palm Beach County, we serve four major constitutional and statutory roles:

#### **Chief Financial Officer, Treasurer & Auditor**

- Acts as the official "watchdog" of all County funds, providing the necessary checks and balances on the County's budget, revenue and spending.
- Performs unbiased accounting and auditing of funds to ensure every County expense is lawful, budgeted and serves a public purpose.
- Invests and earns interest income on County funds to reduce the tax burden on the residents of Palm Beach County.
- Maintains financial records and produces all required financial statements and reports.

#### **Clerk of the Circuit Court**

- Protects the integrity of public records and public funds as an impartial third-party directly accountable to the citizens of Palm Beach County.
- Receives, processes and files all Civil and Criminal Court documents; protects evidence; disburses all court fees, fines and costs; and provides the public with access to court records.
- Manages the County's jury system and provides a Self Service Center for residents who choose to represent themselves in court proceedings (pro se). Protects the County's most vulnerable citizens through the auditing of

Guardianships conducted by its Inspector General Division and a Guardianship Fraud Hotline for citizens to report suspected financial exploitation or mismanagement.

### **County Recorder**

- Maintains the Official Records of the County dating back to 1909.
- Electronically records documents such as mortgages, deeds, liens, judgments and marriage licenses and provide scanned images online.
- Issues marriage licenses.

### **Clerk of the Board**

- Documents and maintains the records and activities of all Palm Beach County Board of County Commission meetings and other County meetings.
- Ensures accuracy and accessibility of meeting minutes via video and published meeting minutes.
- Acts as the Clerk of the County's Value Adjustment Board (VAB).

The Clerk & Comptroller's website at [www.mypalmbeachclerk.com](http://www.mypalmbeachclerk.com) makes many services available online, including court case record searches, Official Record searches, VAB petitions, foreclosure sales, County financial information and County Commission meeting minutes and video.

The four major roles described are each governed by unique applicable State Constitutional or Statutory guidance (Appendices D, E, F and G) and each role has unique duties, challenges and delineated funding sources which will be discussed throughout this document.

## **B. Awards and Recognition**

The Clerk & Comptroller's Office is committed to being a world-class leader in customer service, employee satisfaction and standards of excellence. As recognition of these accomplishments, the office has been a recipient of several awards and certifications:

- Governor's Sterling Award for Organizational Performance Excellence;
- Centre for Fiduciary Excellence certification;
- Government Finance Officers Association "Distinguished Budget Presentation Award" for Fiscal Year 2013 Budget;
- Government Finance Officer's Certificate of Achievement for Excellence in Financial Reporting for the 24<sup>th</sup> consecutive year;
- Award for "Outstanding Achievement in Popular Annual Financial Reporting, "Checks & Balances: Your Guide to County Finances," for seven consecutive years;
- 2013 Vision Award for Popular Annual Financial Report (PAFR) for FY2011 in the Annual Report Competition;
- 2013 Hermes Creative Platinum Award for "Annual Financial Education & Reporting" for the FY2011 CAFR, PAFR, Annual Investment Guide & Annual Debt Guide;
- 2013 Hermes Creative Gold Award for Popular Annual Financial Report (PAFR) for FY2011 in "Publications – Annual Reports" category;
- 2013 Impact Award for "Annual Financial Education & Reporting" for the FY2011 CAFR, PAFR, Annual Investment Guide & Annual Debt Guide in the Strategic Communications Competition;
- 2013 Palm Award of Excellence for Checks & Balances: Your Guide to County Finances (PAFR for Fiscal Year 2011) in Product Awards - Annual Reports, One-to Three-Color Reports category, Public Relations Society of America, Palm Beach Chapter;
- 2013 Palm Award of Quality for our 12-12-12 Wedding Event in Program Awards, Special Events and Observances, One Day or Less category, Public Relations Society of America, Palm Beach Chapter;
- ShowCase Innovator award for 2013;
- 2013 Gold Level Recipient of the American Heart Association's Start! Fit-Friendly Companies Recognition program, for our commitment to providing physical activity and wellness opportunities for our employees and;
- 2013 Healthiest Employer Award, Finalist, South Florida Business Journal.

## II. Issues and Priorities

After several years of historic financial challenges, the economy is showing signs of improvement. Palm Beach County's growth in employment, increase in local revenues (i.e. tourism, sales, and gas), and an improving real estate market are key indicators in this economic recovery. While the recession presented serious challenges for government, it also provided an opportunity to benefit our taxpayers through innovation.

The Clerk & Comptroller is committed to providing excellent customer service while minimizing the financial burden on citizens, maintaining our focus on being fiscally conservative, efficient, and transparent. During the recession the Clerk's office clearly understood that costs, not revenues, could be controlled. The delivery of a fiscally conservative and cost effective budget while continuing to meet our constitutional mandate for public service remains a key priority for the office. Our strategy for achieving this priority, as evidenced throughout this document, is the effective and innovative use of technology. While the considerable upfront cost of implementing new technology remains challenging, the future return on this investment will ensure our office remains fiscally healthy for years to come.

Each constitutional and statutory division within the Clerk & Comptroller's office has unique issues and priorities. The impacts upon each division are detailed below:

### **Chief Financial Officer, Treasurer and Auditor**

- Personnel costs account for 78% of the expenditure budget in FY 2014. Operating as a personnel-based organization, budget reductions usually result in cost allocation adjustments affecting employee salaries and benefits, scheduled (productive) hours worked or actual staff reductions.
- The FY 2014 budget reflects the proactive leveraging of technology to improve processes and provide a higher level of customer service. For example, in 2014 we will begin using electronic payment of vendor invoices through our new "payment manager" system. Through the use of this technology interface with Wells Fargo, the Clerk's office will realize staffing and cost efficiencies, in addition to a cash rebate.

- Consistent with budget guidelines issued by the County for FY 2014, the Clerk & Comptroller budget includes additional funding for health insurance and retirement cost increases. This is the first budget increase in seven years. Despite the increase, the expenditure budget for the division still reflects an overall reduction of \$5,430,041, or 30%, since 2007.

### **Clerk of the Circuit Court**

- Personnel costs account for 92% of the expenditure budget in FY 2014. Budget reductions directly impact employee salaries and benefits, scheduled (productive) hours worked or actual staff reductions.
- Revenues for civil case filings are received at the time the case is filed, but the efforts associated with processing the cases may extend beyond the current fiscal year. These on-going costs associated with cases filed in prior years present a challenge when managing those caseloads with the current fiscal year revenues.
- Revenues received from collection efforts associated with criminal cases remain minimal as many defendants are incarcerated and therefore uncollectable.
- New legislation passed in 2013 affected the requirements for plaintiffs to file a foreclosure action. This legislation reduced the number of new foreclosure case filings resulting in a significant decline in revenues.
- While new foreclosure case filings declined, the workload from existing foreclosure cases remained a high priority statewide. To assist with this effort, the Legislature appropriated special funding in the amount of \$492,306 (for a 15 month period) in 2013 to be exclusively utilized in addressing the backlog of foreclosure cases.
- Decreases in the number of traffic citations issued by law enforcement agencies combined with the inability of defendants to pay fines and court costs has had an adverse impact on court-related revenues.
- Service levels continue to be a challenge due to the 110 staff positions eliminated from legislative budget reductions in FY 2009. However, the implementation of technological improvements, including electronic filing, has allowed the office to significantly improve its on-time performance metrics despite this reduction in staff. (Performance metrics are defined by the Clerk of Court Operations Corporation and are presented in subsequent sections of this document.)

- While the economy is improving, Clerks statewide did not receive additional spending authority for FY2014. As a result, increases in health care and retirement costs were absorbed through cost reduction initiatives including:
  - 1) Changing business hours to minimize the overtime associated with processing cases received electronically;
  - 2) Utilizing lower paid temporary hires where practical; and
  - 3) Re-deploying employees to meet changes in workload conditions.

### **County Recorder**

- Personnel costs account for 65% of this budget in FY 2014. As the real estate market rebounds, addressing the increasing workload with current staffing levels remains a challenge. As mentioned previously, our office will meet this challenge through the use of technology, including the implementation of a new official records system.
- The increase in workload has been accompanied by a 22% increase in recording fee revenues in FY 2013. Despite this increase, fees collected for the recording of mortgages, deeds and other official records remain at stubbornly lower levels than they were prior to the recession in 2007.
- Efficiencies gained through increased technology utilization and the rebound in the real estate market enabled the Clerk & Comptroller to remit \$5,353,999 of unspent revenue to the County in FY 2013. This brings the total excess remitted since FY 2005 to \$40 million. Our continued commitment to accountability and responsible fiscal stewardship has made this valuable contribution to the County possible during these challenging financial times.

### **Clerk of the Board**

- Personnel costs account for 97% of the budget in FY 2014 and workloads are steadily increasing as additional demands for services are received from the County and the public at large. To address these increases with current staffing levels, our office continues to automate the public records inventory in perpetuity, videotaping County meetings for inclusion of our website, and providing all records online.

## Issues and Priorities: Summary

The key revenue streams supporting office operations are uncontrollable and unpredictable. The Clerk & Comptroller's office is placing an emphasis on re-examining existing processes with an eye toward better utilization of technology. Major initiatives are described in greater detail in "Key Projects" (beginning on page 15). In addition to these key initiatives, we continue to utilize technology wherever feasible to streamline processes, reduce costs and increase efficiencies by:

- Implementing paperless processing for County financial documents, such as travel and other County employee reimbursements, cash receipts and County paychecks;
- Utilizing electronic payment options for vendors, which not only reduce cost, but also generate income through rebates; and
- Expanding payment options for County taxpayers including online and credit payment options for special assessments and other specific taxes.

While our commitment to technological advancement remains strong, funding these initiatives remains a challenge. It is important to note that according to State law, funding provided by court fees, fines and service charges, which makes up 55% of the total budget of our office in FY 2014, is disallowed for technology cost associated uses. As a result, the Clerk & Comptroller must implement new technology utilizing other funding sources, which are further described throughout this document. Figure 1 below demonstrates how the cost of technology is continuing to rise, while available funding steadily declines.

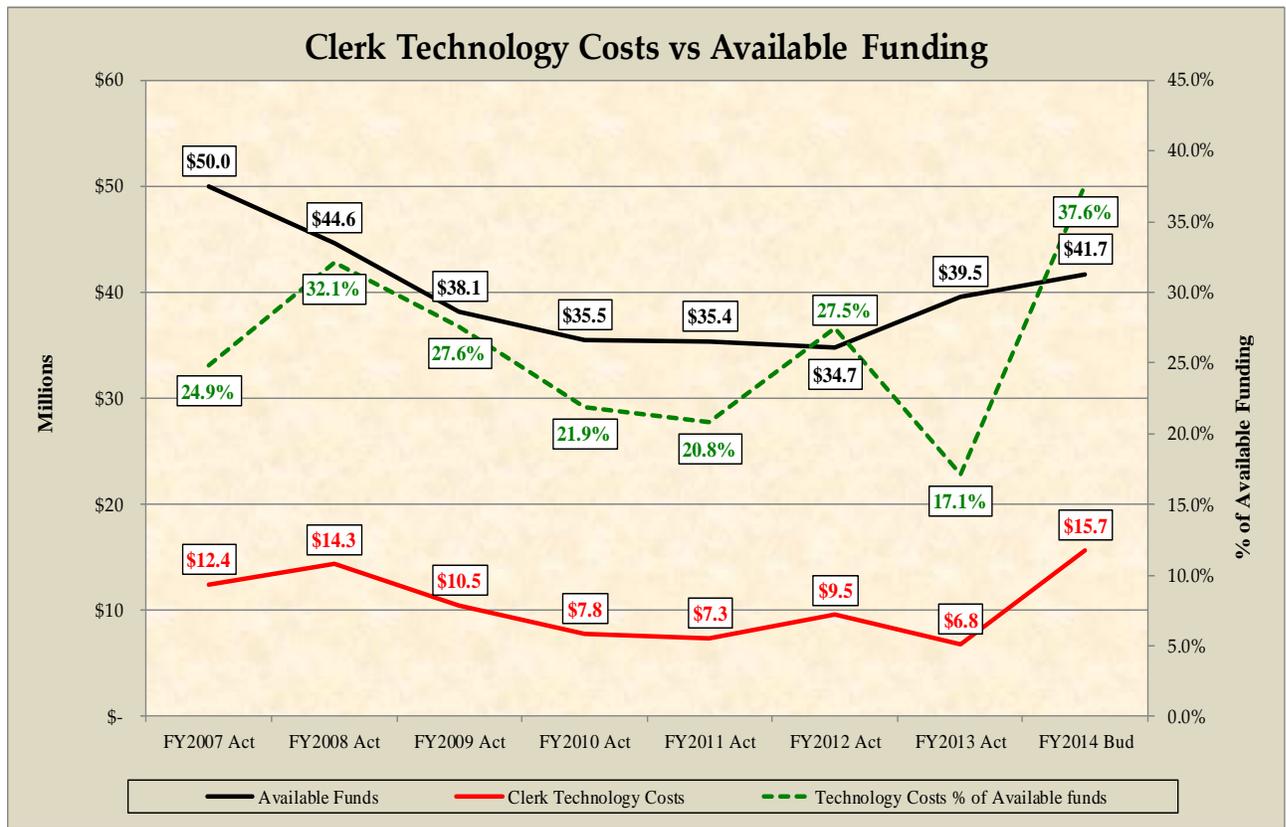


Figure 1: Technology Cost vs. Available Funding

## **A. Strategic Plan**

The Clerk & Comptroller's Office has implemented both long-term and short-term goals, which address both financial and non-financial objectives. While the office is committed to achieving all of its directives, the current focus is predominately on financial objectives due to recent budget constraints.

### **1. Deliver Outstanding Service**

#### **Long-Term Goals**

- Inform the public of the value provided by the organization to the taxpayer.
- Implement technology to improve the overall customer experience.
- Measure the overall customer experience.

#### **Short-Term Goals**

- Identify community partners.
  - Evaluate and prioritize existing community, business and civic groups for partnership opportunities.
- Identify opportunities to expand public awareness of Clerk & Comptroller's Office.
  - Create campaigns to brand the office's relevance, business approach and fiscal leadership.
- Identify customer and/or user groups and implement appropriate performance measures and tools.
  - Implement customer feedback systems for each customer group through the use of technology.

### **2. Be Effective & Efficient**

#### **Long-Term Goals**

- Measure performance and use that data to drive decision making.
- Increase efficiency through the use of technology.

#### **Short-Term Goals**

- Align the Clerk of the Circuit Court role with statewide performance measures.

- Integrate state performance standards with internal measurements.
- Continually review fiscal performance.
  - Evaluate budgeted expenditures versus actual expenditures and take appropriate action on a monthly basis at Executive Committee (EC) meetings.
- Use internal performance measures and metrics to drive decision making.
  - Create and maintain a dashboard of key indicators for review at Executive Committee meetings.
- Implement systems that save customers and the office time and money.
  - New official records system and eRecording process.
  - eFiling in all court divisions.
  - Civil ShowCase Case Management System.
  - Upgrade of PeopleSoft system.
  - Paperless processing in courts.

### **3. Be a Great Place to Work**

#### **Long-Term Goals**

- Build an empowered and increasingly technologically savvy workforce.

#### **Short-Term Goals**

- Implement programs that support a culture of professional achievement and well-being.
  - Comprehensive wellness program.
  - New employee recognition program.
- Enhance recruitment and retention efforts.
  - Develop and implement curriculum to build an empowered workforce.
  - Implement Talent Identification Program.
  - Develop and implement curriculum for new and existing leaders.
  - Identify recruitment opportunities.
- Improve employee's trust in leadership.
  - Continue "Lunch n' Learn" with Executive Committee, Directors and trainers.
  - Continue to utilize "Suggestion Connection" as a tool for employees to communicate new cost saving ideas to the Executive Committee.

## **B. Ongoing Initiatives**

In support of our fiscal priority to deliver a fiscally conservative and cost effective budget, that meets our constitutional mandate for service to the public, the Clerk & Comptroller's Office has numerous ongoing initiatives which are highlighted below.

### **Key Objectives – Chief Financial Officer, Treasurer & Auditor**

- Continue implementation of paperless processing for County financial documents, such as travel and other County employee reimbursements, cash receipts and County paychecks.
- Implement electronic storage of all financial records.
- Utilize additional electronic payment solutions for vendors which not only reduce cost, but also generate income through rebates.
- Expand payment options for County taxpayers including online and credit payment options for special assessments and certain taxes.

### **Key Objectives - Clerk of the Circuit Court**

- Implement eFiling for all court divisions.
- Implement ShowCase Case Management System for the Civil Court Division.
- Provide court processing services to the public and justice partners in an efficient and effective manner.
- Focus on improving the implementation of technical and human resource innovations to maximize court services within the constraints of limited financial resources.
- Improve unit-processing ratios through the implementation of process improvement projects.
- Coordinate with the Administrative Office of the Courts, the Judiciary, the State Attorney's Office, the Public Defender's Office, local and State law enforcement agencies, the Department of Children and Family Services, attorneys and criminal justice partners to process cases in a timely, accurate and efficient manner.
- Support the complex process of the criminal justice partners, ensuring the timely and accurate processing of notices, subpoenas and summonses.
- Improve accuracy and timely maintenance of court case records.

- Increase debt collections through the combination of data extrapolation and sophisticated collection efforts.
- Sustain highly efficient electronic processing, storage and retrieval systems for maintaining public records and court data submitted to the Clerk & Comptroller's Office.
- Meet the demands of the various agencies and departments related to archival documents in an efficient and effective manner.
- Ensure that all records are properly preserved and maintained and protected from environmental elements.
- Provide information technology services for public access both inside and outside the traditional courthouse setting, while complying with both the public access Statutes and the public concerns of confidentiality.
- Align technology initiatives with strategic vision while working within the constraints of limited financial resources.
- Monitor all enterprise systems to ensure that adequate security and audit controls are included as an integral part of each system.

#### **Key Objectives – County Recorder**

- Implement new Official Records system.
- Implement eRecording.

#### **Key Objectives – Clerk of the Board**

- Preserve all County public records in a digital format in perpetuity.

## **Key Projects**

### **1. eFiling Project**

Electronic filing of court documents, or eFiling, allows attorneys to submit court documents electronically 24 hours a day, seven days a week. As a result of all Civil Division eFiling in April 2013, the Clerk & Comptroller's office has experienced increased efficiencies and significantly improved case filing timeliness.

The Florida Supreme Court mandated that attorneys will be required to submit all Criminal Court documents electronically no later than February 1<sup>st</sup>, 2014. Additionally, plans are under way at this time to enable pro se filers (individuals representing themselves) to eFile court documents sometime in 2014.

In Palm Beach County, it has been determined that a phased-in eFiling implementation is necessary to ensure a successful transition to the electronic submission of court documents. In October 2013, Palm Beach County began accepting electronic filings from any private attorney. In addition, the State Attorney and Public Defenders Offices will begin eFiling in a limited number of Criminal Divisions. The Clerk & Comptroller's Office is working with the State Attorney and Public Defenders Offices to ensure eFilings are submitted in all Criminal and Juvenile Delinquency Divisions before the mandatory deadline.

### **2. ShowCase Project**

The Clerk & Comptroller's new Case Management System, ShowCase, was launched in the Criminal Courts in February 2012. Since the implementation, fine-tuning of the functionality has taken place, resulting in a robust, user-friendly Case Management System. During 2013, work continued by the Clerk's office, along with the CMS vendor, on Phase 1b of the Criminal CMS. Two of the four criminal interfaces went live and the information exchanged with the Sheriff's Office and the Public Defender's Office continues to provide efficiencies. In addition, the development of the In-Court Processing module for the Criminal Courts is in progress with the Circuit-wide implementation schedule before the end of FY2014. Once implemented, it is expected that this change of process will effectively support the Justice Partners' shared goal of file-less courtrooms.

The Civil Courts phase of the ShowCase project continued to move forward in 2013 with the development of the conversion process. A detailed review of the current ShowCase functionality in Civil Courts, along with discussions regarding the gaps and enhancements, was held in the first half of 2013. The project team continues to move forward towards a “go live” date of early 2015.

### **3. Official Records Project**

The Clerk & Comptroller’s Official Records System houses court judgments, deeds, liens, marriage licenses, mortgages, plats and tax deeds for Palm Beach County.

The Clerk's Official Records System Project will improve operational efficiency and modernize the imaging, processing, storage and retrieval of Official Records, as well as improve ease of access to Official Records by the public. A contract with a vendor was recently negotiated and a new system will replace the Clerk's existing Official Records Information System in May 2014. The project team is currently working on confirming the set-up of the system prepared by the vendor. Quality Assurance and user testing of the Official Records conversion and the systems functionality are scheduled for January and February of 2014.

### **4. PeopleSoft Upgrade Project**

The Clerk & Comptroller’s Office utilizes PeopleSoft Financial Management Solutions (FMS) and PeopleSoft Human Capital Management (HCM) applications to manage Accounting and HR/Payroll, respectively. HCM is also used to manage the County’s payroll.

Phase I of the project includes the migration to a Commercial Off-The-Shelf (COTS) platform along with an Oracle tools and database upgrade. Phase I is planned for completion in FY2014. Phase II of the project includes the migration to PeopleSoft version 9.2 for both FMS and HCM and is planned for completion in FY2015.

These ongoing initiatives were reviewed in the development of the FY2014 annual budget. Their impact continues to be positive and they will help to mitigate the effects of ongoing budgetary challenges.

### C. Capital Improvement Plan Overview

A Capital Improvement Plan (CIP) is essentially a planning tool whereby the local government puts forth a substantial effort to identify and schedule capital improvements over an extended period of years. For the Clerk & Comptroller, capital expenditures are limited to purchases of technology hardware such as computers and other equipment which cost \$1,000 or more per item.

Capital projects are typically those that replace or improve the local government's infrastructure in terms of its buildings, roads, land, storm-water facilities, vehicles and heavy equipment, computer equipment or related items, which serve to facilitate local government in the provision of services as required by local mandate or State law. This criterion does not apply to the Clerk & Comptroller and as such the capital plan is solely focused on a strategy to replace the inventory of servers and other computer equipment to keep pace with new technology.

Additionally, pursuant to State law, the Board of County Commissioners is required to provide the Clerk & Comptroller with the infrastructure necessary to perform their duties as outlined in the Constitution of the State and in Florida Statutes. Therefore, buildings and other infrastructure are not included as an element in the Clerk & Comptroller's Office CIP.

As shown in Table 1 on the following page, the total Capital Outlay budget for FY2014 is \$377,788. The breakout of budgeted capital expenditures for FY2014 is as follows:

- \$150,000
  - Data processing equipment required to implement the ShowCase Case Management System Project for Civil Courts.
- \$227,788
  - High volume scanners and desktop scanners for document redaction efforts as well as scanners needed to implement Official Records Project to support customer service, processing and cash room activities.

( ) denotes a decrease

Capital Expenditures (All Funds)	FY2012	FY2013	FY2014	Variance \$	Variance %
	Actual Expenditures	Estimated Actual	Adopted Budget		
Data Processing Equipment	\$ 667,854	\$ 291,022	\$ 150,000	\$ (141,022)	-48.5%
Scanners	701,318	144,792	227,788	82,996	57.3%
<b>Total</b>	<b>\$ 1,369,172</b>	<b>\$ 435,814</b>	<b>\$ 377,788</b>	<b>\$ (58,026)</b>	<b>-68.2%</b>

Table 1: Detail Capital Expenditures (All Funds)

Overall, the capital expenditures budget for FY2014 allows for equipment purchases such as scanners or additional servers to support system upgrades or additional processing and storage capacity related to the implementation of current projects.

Table 2 provides a three year outlook for the Capital Improvement Plan. The CIP outlook supports the key projects described in the previous section and discussed further in the sections below.

Three Year CIP Outlook					
Projects	FY2013	FY2014	FY2015	FY2016	FY2017
Servers	\$ 269,631	\$ 100,000	\$ 2,500,000	\$ 1,500,000	\$ 1,200,000
Scanners	144,792	227,788	500,000	400,000	200,000
DP Equipment	21,391	50,000	275,000	45,000	45,000
<b>Total</b>	<b>\$ 435,814</b>	<b>\$ 377,788</b>	<b>\$ 3,275,000</b>	<b>\$ 1,945,000</b>	<b>\$ 1,445,000</b>

Table 2: Three Year CIP Outlook

### Scanners

Imaging and redaction of forward filed court documents started in January 2007 and all courts were completed by November 2008. Back Filing of old case files is currently available and implemented on a case-by-case basis. Scanners have been purchased to aid in document redaction and data extraction. Figure 2 on page 17, displays the cost associated with scanner replacement and the age of the current scanners in service. The actual cost of scanner replacement outreaches the available budget for FY2014.

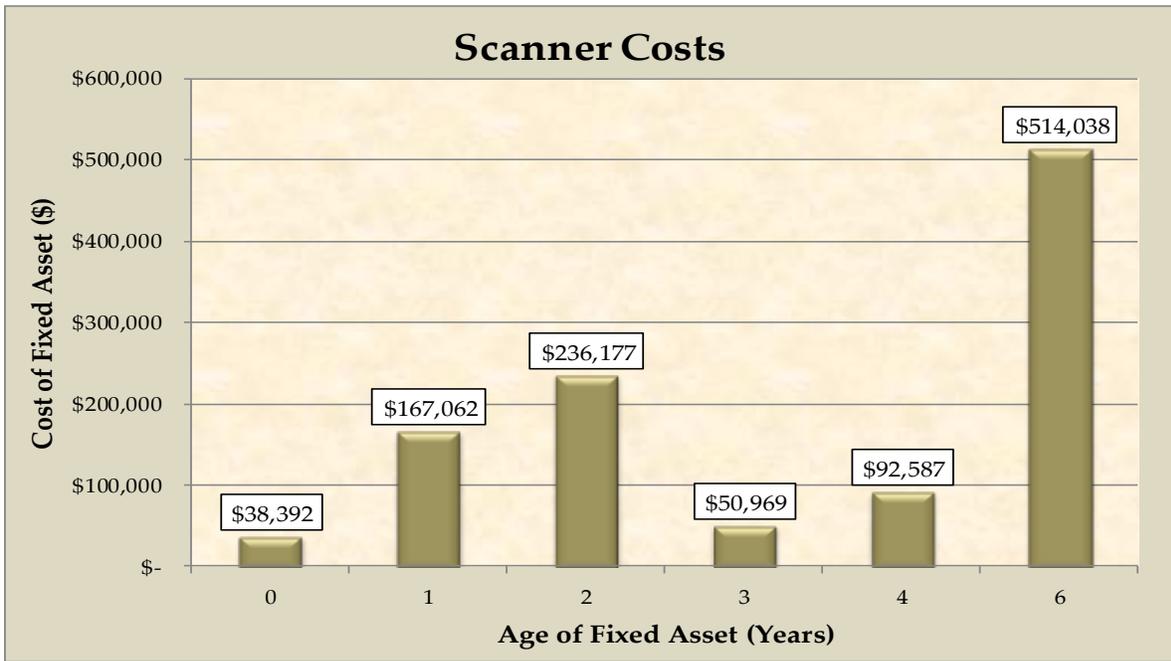


Figure 2: Scanner Costs

## Servers

It is a priority of the Clerk to implement infrastructure modifications and upgrades, address disaster recovery options, implement a comprehensive back-up of data, migrate to a new storage system and replace aging servers with new technology platforms.

Access to court records and financial systems are becoming more electronic. Paper backup is no longer a viable option. The Clerk must provide for backup and access to information in the event of a major outage or disaster. The goal is to build a Disaster Recovery site either in the Tallahassee, Florida datacenter or at a category 5 facility to house the backup and server capacity. The plan would include automated failover scripts with procedures documented and tested on a semi-annual basis.

The Clerk's server infrastructure is aging. The average life expectancy of the servers used by the Clerk & Comptroller's Office is five to seven years. As a result, servers and storage will be reaching the end of a normal support life cycle. Replacing the hardware technology is necessary in order to improve the overall administrative efforts (new tools and hardware capability), reduce maintenance cost and support the increasing capacity requirements as new features and functions are being added.

As indicated in Figure 3, the majority of the infrastructure exceeds five years and will need to be replaced, resulting in a potential expenditure of \$4.0 million in FY2015. Current plans are to replace critical servers and utilize virtual technology to increase the overall utilization of each new server. Idle capacity would be utilized thus driving down the number of physical servers required.

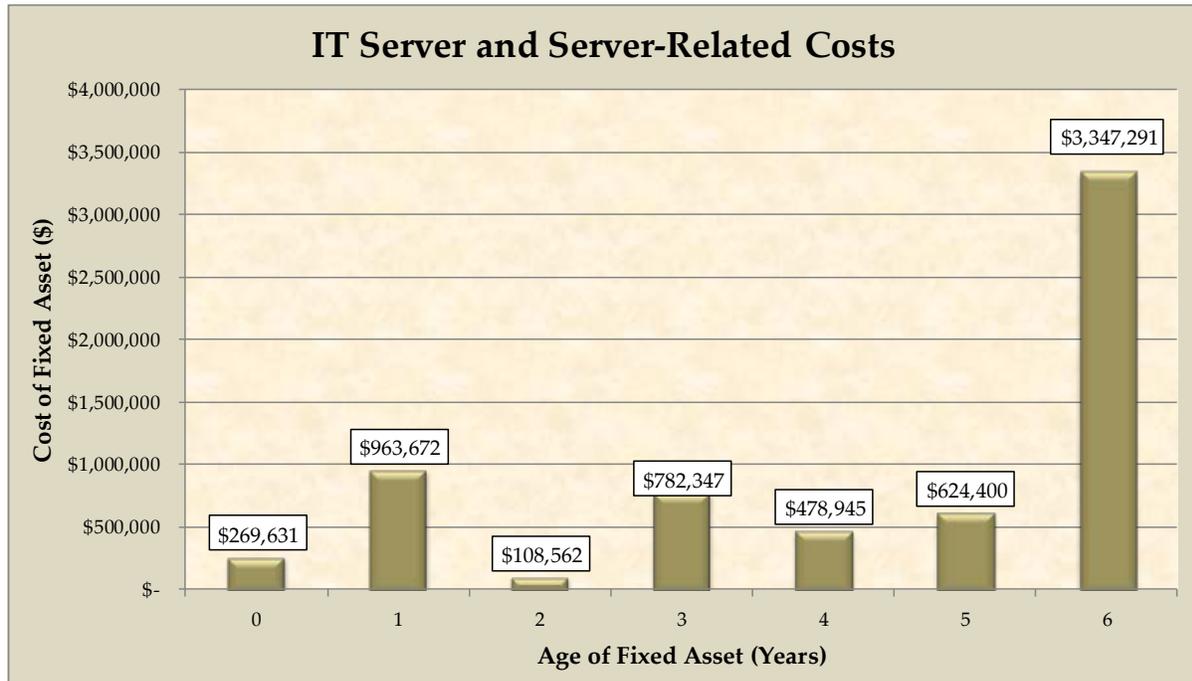


Figure 3: IT Server and Server-Related Costs

The Clerk also plans to replace aging technology in preparation for the upgrade of the PeopleSoft application to Version 9.2. Infrastructure enhancements are needed to fully support the upgrade of the PeopleSoft application for the Financial Management Solutions (FMS) and Human Capital Management (HCM) platforms.

### Data Processing Equipment

In order to accept electronic recording of all Official Record documents, the following steps must be taken:

- Implement a WorkFlow to allow routing of documents to be recorded through the recording, indexing, verifying and release steps;

- Establish working relationship with legal firms or their representatives to ensure consistent, agreed-upon submission of data and funds; and
- Implement eRecording with external customers.

### **Impact of Capital Spending on Other Operating Expenditures**

The capital expenditures related to hardware replacement will generate future savings such as maintenance costs in the first year. As fixed assets are replaced by new equipment it is anticipated that recurring maintenance costs will follow the expiration of the warranty period.

In addition, the new systems and system upgrades being implemented by the Clerk & Comptroller's Office will provide productivity improvements. These improvements will enhance the Clerk's ability to meet the needs of our customers and the anticipated future workload without adding new staff positions.

## D. Financial Outlook

The economic environment has a major impact on the office’s funding both in current and future years. As described in later sections of this document, the Clerks funding has been essentially flat during the last five years. Additionally, by law, the Clerk & Comptroller is required to remit most of its unspent revenues at the end of each fiscal year. As such, these dollars cannot be carried forward to offset future spending. Those revenues that the Clerk & Comptroller may retain annually are managed in a special revenue fund. A portion of this revenue is generated from a fee on mortgage and deed recordings and is statutorily restricted to expenditures which improve access to public records and implementing and/or maintaining court technology. The remainder of the revenue in this fund is generated by a 10% withholding from all court fines which may be used to fund expenditures related to court operations. As a result of these restrictions, long term financial plans for our office are directly related to the implementation of technology. Therefore, the planning of expenditures related to projects is crucial and requires a strategy to preserve a minimum balance that is sufficient to maintain court and public record platforms.

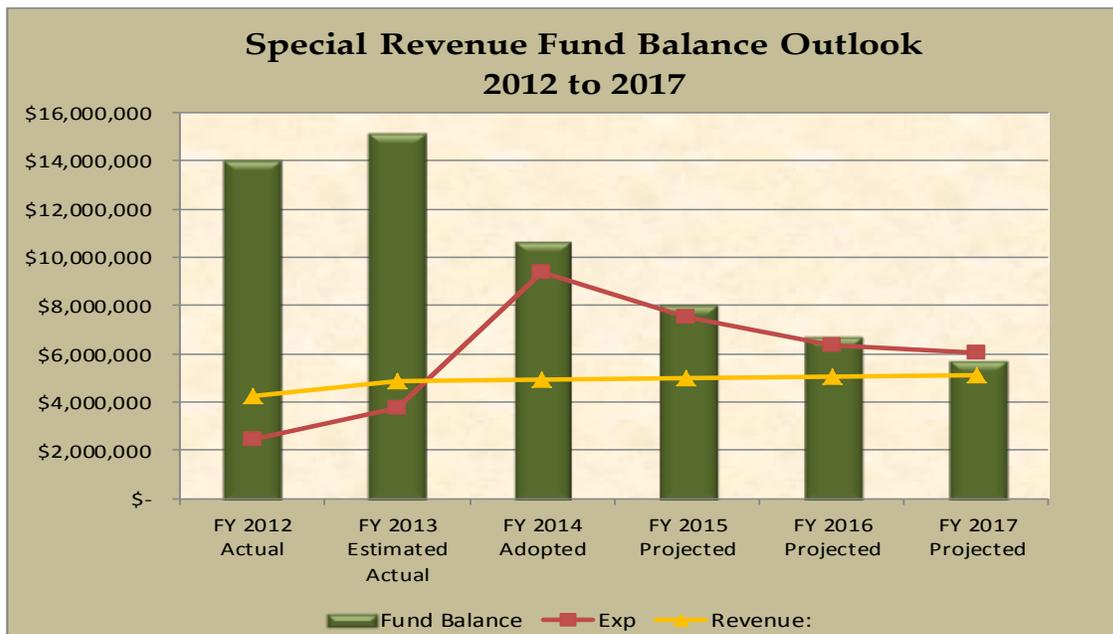
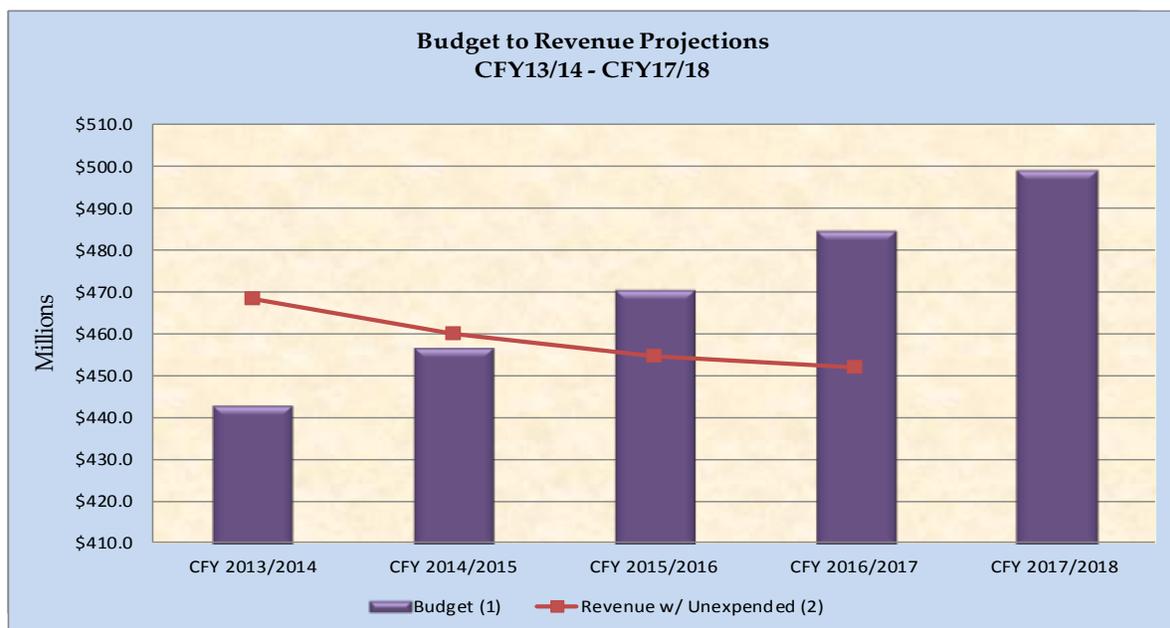


Figure 4: Special Revenue Fund Balance Outlook

As depicted in Figure 4 above, the balance in the fund is expected to decline based on expected costs to complete current and future technology projects as well as replacing

aging computer equipment. Revenue forecasted is conservative as we remain cautiously optimistic on the rate of economic recovery. The office must ensure the balance in the fund is sufficient to maintain the major systems in service.

The Clerk of Court Operations Corporation (CCOC) is a governmental agency created by the legislature to evaluate all clerks of court budgetary needs. The CCOC has a responsibility to make recommendations to the legislature and inform them of any changes in court related fines, fees, and service charges and costs to ensure reasonable and adequate funding of the clerks of courts in performing their court related duties. In a recent CCOC Legislative Committee meeting a comparison of the state’s projected revenues for the Clerks of Circuit Court Trust Fund (a fund in which all clerks of court remit excess revenues) compared to the Clerk’s court-related budget with a 3% increase per year starting in County Fiscal Year (CFY) 2014/15 through County Fiscal Year (CFY) 2014/18 was presented to the clerks. As presented in Figure 5 below, it appears that the total revenues projected through CFY14/15 for all 67 clerks would be sufficient to fund all clerks. However, future years may be an issue.



Notes:

- 1.) Assume 3% budget increase per year
- 2.) Assume State REC revenue estimating from August 2013 Conference
- 2.) Assume \$10.1 million per year unexpended budget

Florida Clerks of the Court Corporation

8/19/2013

Figure 5: CCOC Budget to Revenue Projections

Figure 6 below reflects the impact of those same projections only on the Clerk & Comptroller’s Office of Palm Beach County. Despite this negative fiscal outlook, the Clerk is committed to providing a high level of service to our customers and communities by continuing to invest in technology and implement efficiencies within the organization in order to help offset some of the expected increases in cost.

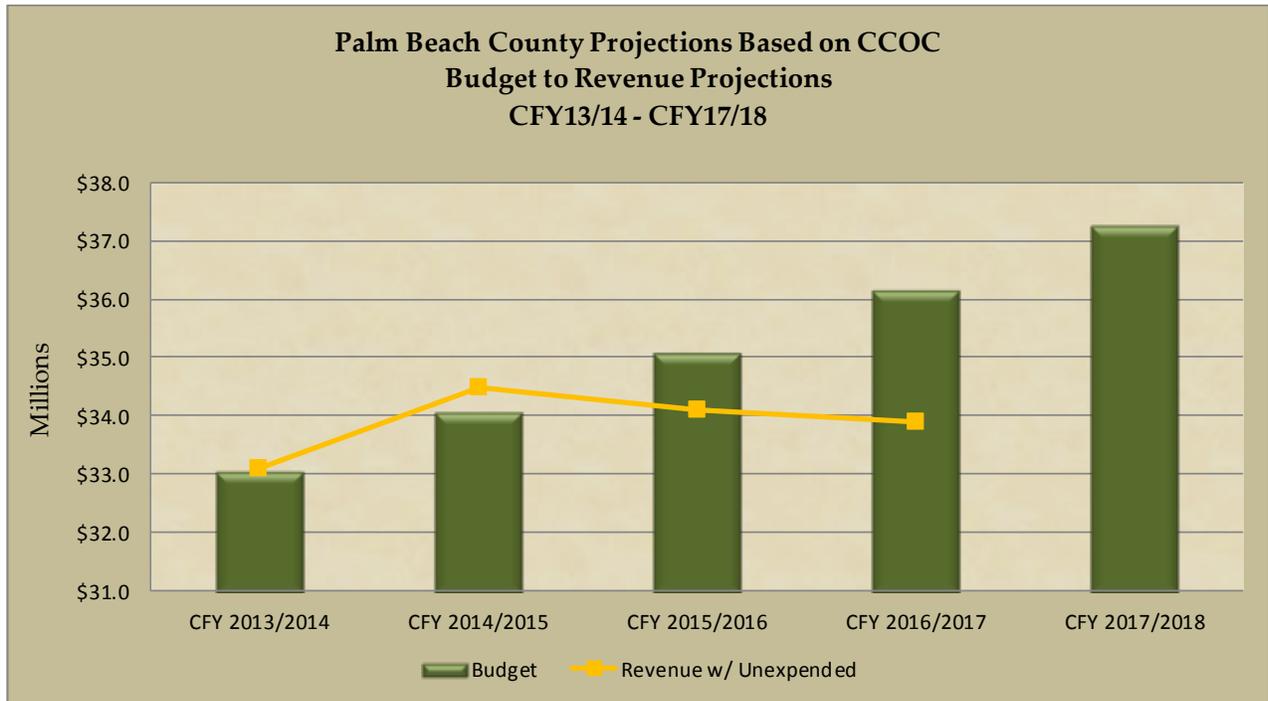


Figure 6: Clerk & Comptroller PBC Budget to Revenue Projections

### III. Budget Introduction and Summary

This document presents the FY2014 annual budget and describes services provided by the Clerk & Comptroller's Office in support of the Board of County Commissioners (BOCC) and the Palm Beach County Circuit Courts for the period October 1, 2013, through September 30, 2014. The Clerk & Comptroller provides essential services to the public, justice partners including Court Administration, Public Defender, State Attorney, Sheriff, the Board of County Commissioners, County departments, outside auditors and State, federal and regulatory agencies.

The Clerk & Comptroller monitors the County budget, revenue, debt and spending. The Clerk pays all the County's bills and maintains an accurate, complete set of financial records in order to produce all required financial statements and reports to comply with State and Federal laws and generally accepted accounting principles. As Treasurer, the Clerk actively manages and earns interest income for the County on the average investment portfolio size of \$1.5 billion. As County Auditor, the Clerk audits County expenditures to ensure they serve a public purpose, comply with the law and are within the County's budget. As Clerk of the Board, the Clerk maintains the records of the County Commission and other meetings and provides all meeting minutes and videos to the public via the Clerk's website.

The Court Operations & Official Records functions are led by the Chief Operating Officer of Courts and Official Records and the departments include:

- Criminal Courts;
- Civil Courts;
- Branch Courts; and
- Official Records.

Comptroller and Clerk of the Board operations are led by the Chief Operating Officer of Finance and the departments include:

- Clerk Accounting;
- Investments;
- Budget & Financial Analysis;
- Payroll;
- County Payables;
- Finance Business Analysis ;
- Revenue and Cash Management;
- Financial Reporting;
- Procurement;
- Value Adjustment Board;
- Board Services; and
- Shared Services

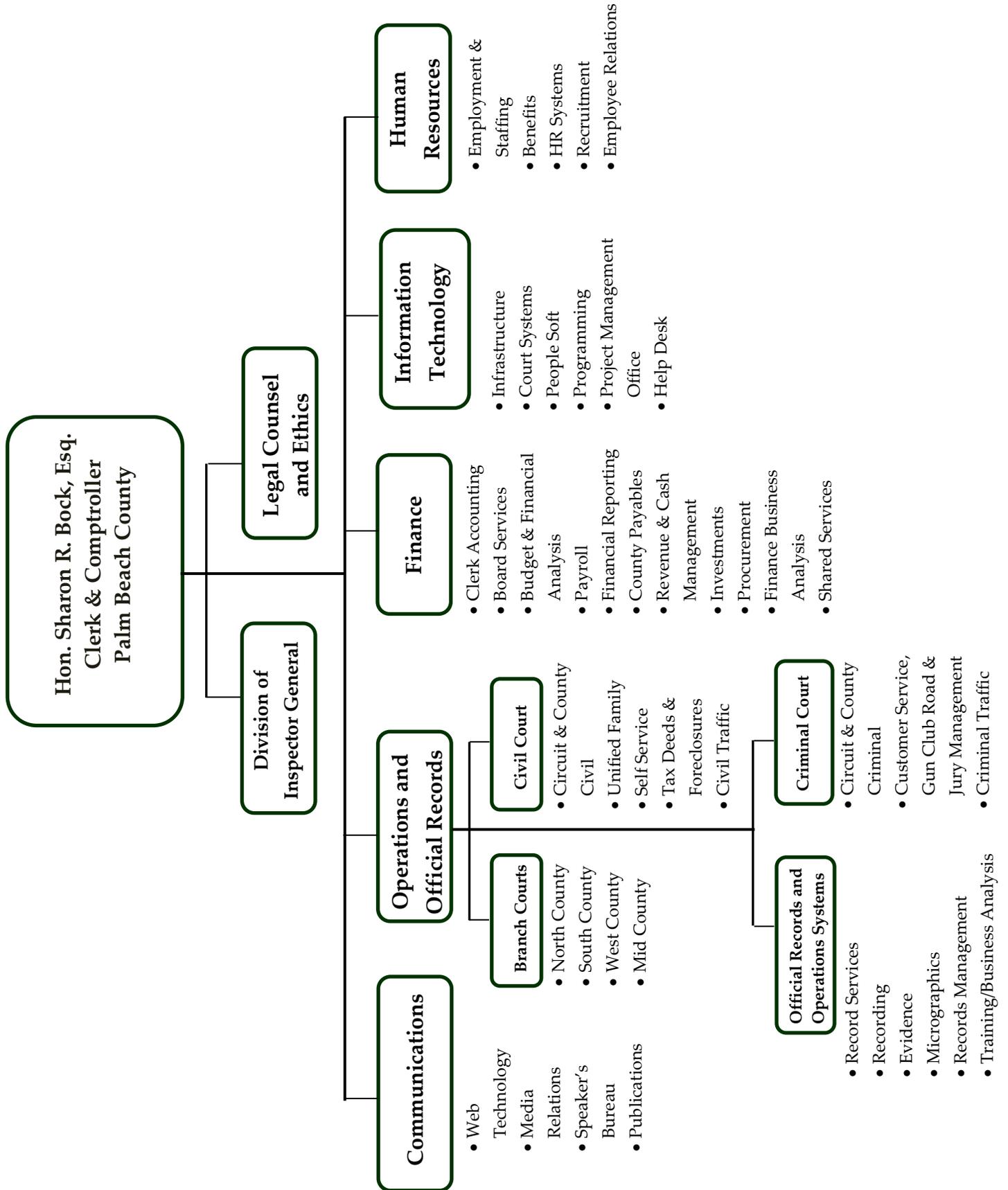
The Information Technology Department, led by the Chief Information Officer, provides application, database administration and technical support for Court Systems and Official Records systems, PeopleSoft which processes Clerk and County payroll, Clerk compensations and benefits and Clerk Accounting. The infrastructure and operating software for the County's financial system utilized by the office is owned by the County. The Clerk's Finance Business Analysis team interfaces with the County's Information Systems Support organization to coordinate systems support.

The Clerk's administrative functions include:

- The Chief Human Resources Officer, whose staff provides the support for Employment, Compensation and Benefits for Clerk employees.
- The Chief Communications Officer who provides support for Media Relations and public access to the Clerk's public website.
- The Clerk and Executive staff which includes the Division of Inspector General (DIG) and Legal Counsel & Ethics Officer.

The Organization Chart displayed on the following page provides more detailed information.

# A. Organizational Chart



## B. Funding Trends

The most challenging areas in the budget development process for the Clerk & Comptroller's Office are in regard to the instability of the level of funding available to carry out the roles of the (1) Clerk of the Circuit Court and (2) Comptroller and Clerk of the Board.

As a Constitutional Officer, the guidance for the annual budget submission is outlined in Section 218.35(4), Florida Statutes and the deadline for the FY2014 submission was September 1, 2013.

The court-related functions that clerks perform are limited to those functions expressly authorized by law or court rule. Those functions include the following: case maintenance; records management; court preparation and attendance; processing the assignment, reopening and reassignment of cases; processing of appeals; collection and distribution of court fees, fines and service charges; processing of bond forfeiture payments; payment of jurors and witnesses; payment of expenses for meals or lodging provided to jurors; data collection and reporting; processing of jurors; determinations of indigent status; and reasonable administrative support to enable the Clerk of the Circuit Court to carry out these court-related functions.

The duties of the Clerk of the Circuit Court role per the State Constitution is funded by revenues collected from court fees, fines and services charges. The State Constitution decrees that *All funding for the offices of the clerks of the circuit and county courts performing court-related Departments, except as otherwise provided in this subsection and subsection (c), shall be provided by adequate and appropriate filing fees for judicial proceedings and service charges and costs for performing court-related Departments as required by general law*<sup>1</sup>.

The budget is submitted to the Florida Clerk of Court Operations Corporation in accordance with Section 28.36(1), Florida Statutes, by June 1<sup>st</sup> of each year for the following County Fiscal Year which runs from October 1<sup>st</sup> through September 30<sup>th</sup>. The graphs that are included in this section depict how funding received from the court fees, fines and service charges along with charges for services to the County, has declined over the last six years.

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<sup>1</sup> Florida Constitution - Article V

As indicated in Figure 7, the statewide cumulative funding for all Clerks' Offices was reduced drastically by 18% in 2009 when the State assumed control of the Clerk's budget.

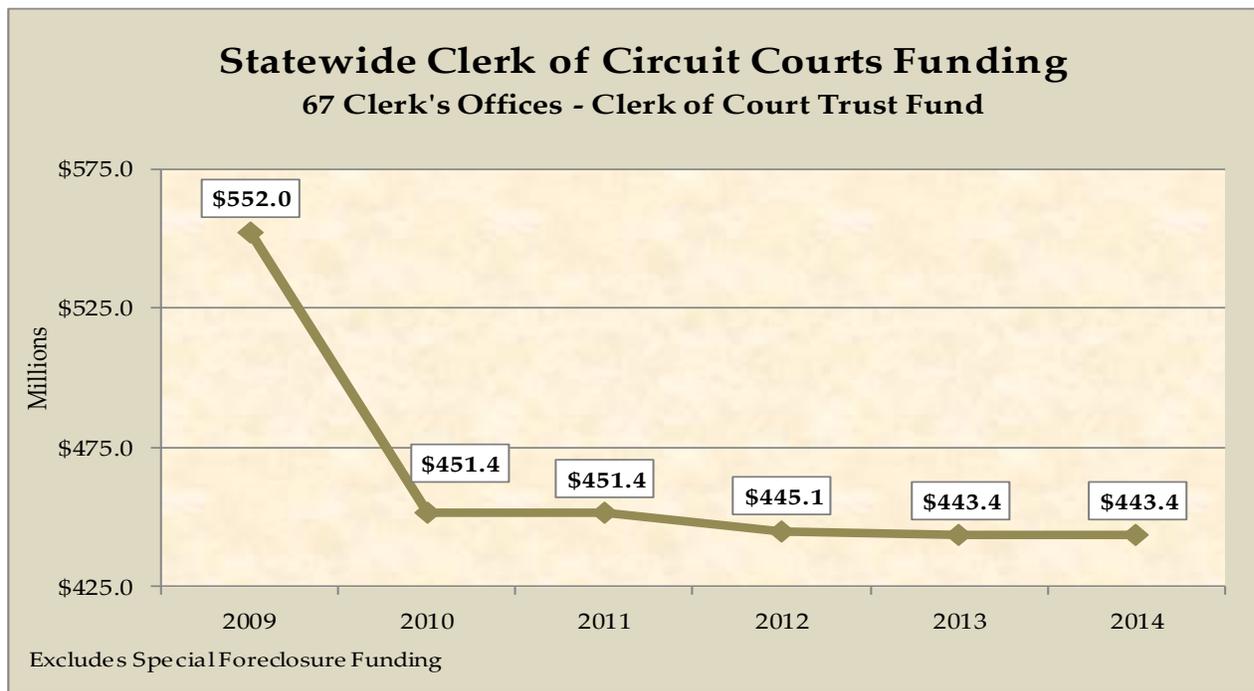


Figure 7: Annual Statewide Clerk of Courts Funding

Chapter 2013-44, Laws of Florida, formerly CS/CS/SB 1512 was enacted and contains the funding authority for clerks for FY2014 and that effective June 1, 2013, the clerks are authorized to retain the collections of court fines, fees and service charges and costs. Clerks' budgets will be funded solely from the revenues that are collected each month as compared to a monthly/annual State appropriation in the prior years since 2009.

The trend provided in Figure 8 on the next page highlights how the funding provided to the Clerk & Comptroller's Office mirrors the trend of the funding authorized by the State as shown in Figure 7. The Clerk & Comptroller's Office share of the total State budget reduction was \$7,125,788 and that reduction resulted in an unprecedented loss of 110 staff positions. Since 2010, an additional reduction of \$468,550 has been absorbed by the Clerk & Comptroller's Office.

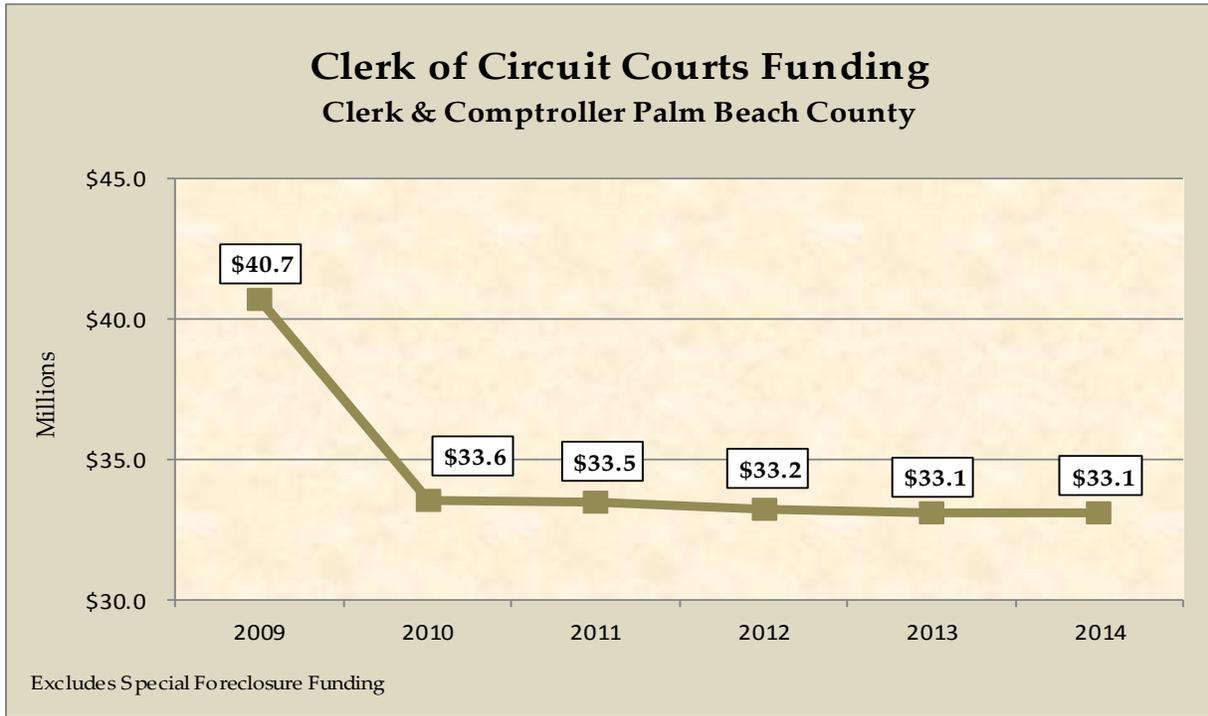


Figure 8: Annual Funding from Court Fees, Fines and Service Charges

Beginning in FY2011, the State Legislature authorized special funding to the clerks and the judiciary in an effort to reduce the number of foreclosure cases that were backlogged in the court system. During the 2013 legislative session, clerks were authorized to receive a Special Foreclosure appropriation. As shown in Table 3 below, the amount authorized to the Clerk & Comptroller for CFY2014 is \$393,845.

	2011	2012	2013*	2014
<b>Special Foreclosure Funding</b>	\$ 415,219	\$ -	\$ 261,390	\$ 393,845

\* Reflects Estimated Actuals for CFY13

Table 3: Special Foreclosure Funding

The basis for the funding for the Comptroller and Clerk of the Board roles are directly related to the cost for county related financial services provided to the Board of County Commissioners. The budgeted expenditures are based on the number of personnel within the Finance departments performing financial services for the County. In addition to these direct employees, an allocation of indirect employees performing services on behalf of the County are included such as Clerk Accounting. Allocations of shared costs for administrative services, such as Human Resources are determined based on the overall percentages of direct employees performing the constitutional duties of the office; Comptroller and Clerk of the Board, Clerk of the Circuit Court and County Recorder.

There are certain functions included in the funding provided by the County such as the County's Information System Services (ISS) Department. .

The budgeted expenditures funded by the Board of County Commissioners consist of the personnel cost related to the services described on page 1 and outlined in the organization chart on page 25. In addition, the County's ISS Department supports the financial system utilized by the Clerk & Comptroller's Office, but is not under the direct control of the Clerk, as it is owned by the County. In cases where Florida Statutes mandate that the Board of County Commissioners fund specific functions associated with the court-related duties of the Clerk, such as communications and facilities, the projected costs are included at 100% of budget estimates.

As indicated in Figure 9, the annual funding for duties related to Comptroller and Clerk of the Board from the Board of County Commissioners has steadily declined from FY2009 through FY2013. Staff reductions were necessary, creating a challenging environment to maintain the existing levels of service. The funding request to the Board of County Commissioners for FY2014 is based on the County's guidelines for a 3% merit increase as well as funding increases in health insurance costs and FRS which is statutorily required. The budget adopted for FY2014 reflects an increase of \$629,117, the first increase in funding since 2007.

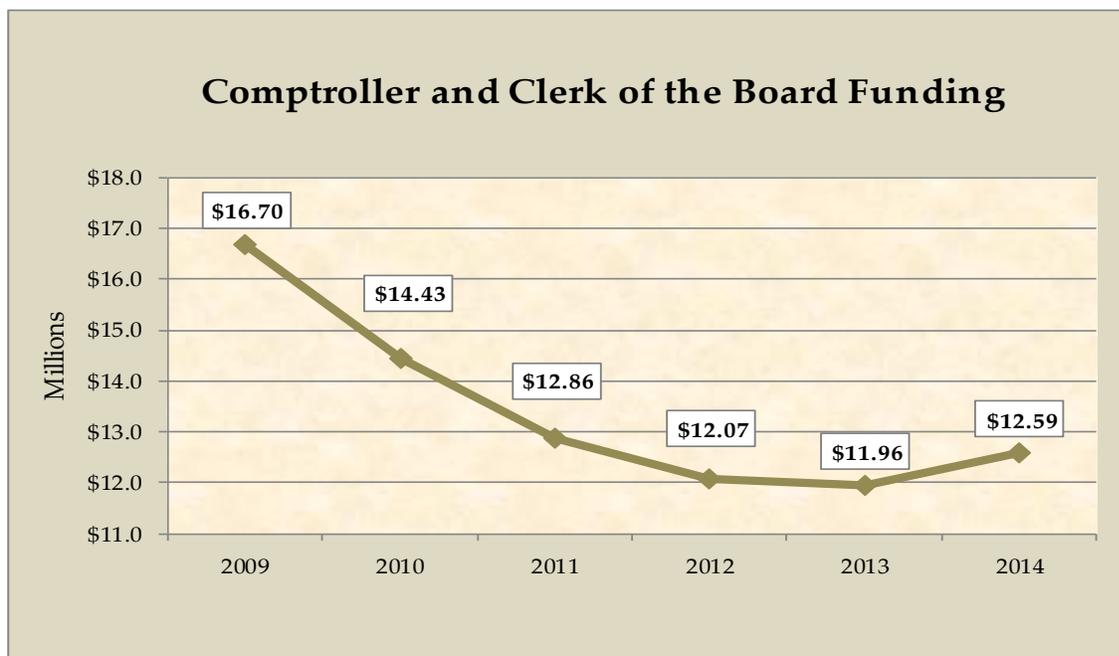


Figure 9: Annual Comptroller Funding

### C. Position Assignment Distribution

The Clerk & Comptroller serves the public in the following roles as established by the Florida Constitution and Florida Statutes, which include Comptroller and Chief Financial Officer, County Auditor, County Recorder and Treasurer, Clerk of the Circuit Court and ex-officio Clerk of the Board of County Commissioners.

In order to accomplish the duties of the roles defined above, the organizational structure of the Clerk & Comptroller’s Office is represented by six unique functions: (1) Clerk & Executive Staff, (2) Communications, (3) Operations & Official Records (4) Finance, (5) Information Technology and (6) Human Resources.

Table 4 provides a summary of all staff positions, including part-time and temporary hires, as funded for each of the major organizations within the Clerk & Comptroller’s Office.

<b>Palm Beach County Clerk &amp; Comptroller</b>	<b>FY2012 Positions FTE</b>	<b>FY2013 Positions FTE</b>	<b>FY2014 Positions FTE</b>
Clerk & Executive Staff	11	12	12
Communications	5	5	5
Operations & Official Records	569	569	575
Finance	121	125	131
Information Technology	41	42	42
Human Resources	12	13	15
<b>Total</b>	<b>759</b>	<b>766</b>	<b>780</b>

*Table 4: Position Assignment by Major Organization*

## D. Staffing Changes

After experiencing a loss of 110 staff positions in FY2009, the Clerk & Comptroller's Office entered into a plan for reorganization, mostly within the Criminal and Civil Courts divisions and those functions that serve or are indirectly funded by court-generated revenue.

Since that time, the Clerk & Comptroller's Office has been able to maintain a consistent staffing threshold by increasing internal procedural efficiency. Legislative action, judicial requirements, performance standards and accounting and reporting guidelines often require adjustments in work duties and assignments. Workload transitions and job task shifts within the office enable a more efficient responsibility and accountability distribution.

The following functional changes were initiated as part of the FY2014 budget so that existing staff positions would be provided with adequate support to carry out their job duties:

- Operations & Official Records:
  - +6 Clerks
  
- Finance:
  - +1 Record Coordinator
  - +1 Facilities Coordinator
  - +1 Administrative Specialist
  - +1 Payables Project Coordinator
  - +1 Revenue Supervisor
  - +1 Accountant
  
- Human Resources:
  - +1 Manager – Training & Development
  - +1 Manager – Recruiting & Selection

## **IV. Financial Policies, Guidelines and Goals**

The goal of the Clerk & Comptroller's Office is to submit a balanced budget so that the office may operate in accordance with Florida Constitution and Florida Statutes and comply with the directives established therein. A balanced budget is one in which the total of estimated receipts, including balances brought forward, equals the total of estimated expenditures and reserves. The budget for FY2014 is balanced and it was prepared in accordance with policy and guideline directives of the Clerk & Comptroller's Office and Generally Accepted Accounting Principles (GAAP). The budget is based on the modified accrual method of accounting; which recognizes revenues when they become available and expenditures when the liability is incurred and GAAP defined accounting to distinguish the purpose of government agencies from for-profit and non-for-profit non-government agencies; and follows the State Uniform Chart of Accounts, which is the same basis of accounting used in the organizations audited financial statements. Policies and guidelines were established at the outset of the budget process through meetings and memoranda.

### **Long-Term Financial Goals**

- Ensure the maintenance of the liquidity of the Special Revenue Fund in order to achieve the long-term requirements associated with the defined goals. Continue to leverage technology advancements to offset the impacts of funding reductions.
- Provide critical services to our customers, despite a reduction in funding from multiple sources.

### **Short-Term Financial Goals**

- Incorporate changes to the Florida Retirement System (FRS) funding assumptions at the conclusion of the 2013 Legislative Session.
- Utilize temporary staff and volunteers to reduce personnel costs and mitigate the impacts of funding reductions.
- Freeze Overtime spending at FY2013 service levels.
- Continue to review and renegotiate contracts to reduce costs.

## A. Budget Policy

Budget policy addresses the major components of the budget: personnel services, operating expenditures and capital. Table 5 provides a summary of assumptions used during the budget development for FY2014. As the Clerk & Comptroller's Office continues to adjust to the FY2009 loss of 110 staff positions and the potential of future reductions imposed by the funding sources, the following budget policies were put in place prior to budget development:

FY2014 Budget Development Assumptions (Per Employee)		
FICA	2013	2014
Max Wage Applicable to FICA	\$ 110,100	\$ 113,700
FICA Rate	6.20%	6.20%
FICA-Medicare Rate	1.45%	1.45%
Health & Dental Insurance		
Average Cost	\$ 9,689	\$ 10,528
FRS Retirement Contribution Rates (By Class)		
Regular	5.18%	6.95%
Elected Official	8.53%	33.03%
Senior Management	6.30%	18.31%
Deferred Retirement Option Plan (DROP)	5.44%	12.84%

Table 5: FY2014 Budget Development Assumptions

### Personnel Services Budget

- The Budget & Financial Analysis Department prepares the Personnel Services budget for each department using the current salaries of the staff positions assigned to each department as well as the employee's actual benefit selections effective as of January 1, 2013.
- Overtime spending is frozen at FY2013 budget levels. Additional funding requirements above and beyond the FY2013 budget levels must be submitted as a supplemental request.
- If any staff position has been eliminated or will be eliminated during the Fiscal Year, the Budget & Financial Analysis Department will remove the staff position from the total budget request.

- A Health Insurance budget is developed based on actual plans selected by employees during open-enrollment.

### **Operating Budget**

- In order to be fiscally conservative, we employ a modified zero-based budget approach with the exception of known recurring annual costs such as postage, office supplies, etc.
- The total operating expenditure budget may not exceed the total prior year operating expenditure budget for each department. Budget requests for operating expenditures above the prior year budget must be submitted as a supplemental funding request and approved by the Executive Committee.
- Travel expenses must be consistent with the Organization Travel Policy and may not exceed the prior year budget.
- Mileage reimbursements are to be calculated using the current Federal Internal Revenue Service (IRS) rate in effect at the time of budget development.
- Pursuant to the Florida Statutes, the County is responsible for providing our facilities funding for projects that involve the demolition or movement of permanent walls and/or doors; requests are submitted to the Facilities Manager for review and must be approved by the Executive Committee prior to being forwarded to the County to be included in their budget.

### **Capital Outlay Budget**

- Capital expenditures are defined as unit purchases which cost \$1,000 or more. If an item is attached to another to make it functional, the value is combined and capitalized. (i.e. desk with drawers and attached credenza, machines with feeder devices, computer with monitor, etc.)
- Capital funding requests are generally one-time expenditures and are not considered part of the recurring base budget.
- All capital funding requests must be submitted as a supplemental request and approved by the Executive Committee.

## Supplemental Funding Requests

- All supplemental funding requests must have adequate justification along with approval from the department's Chief Officer prior to submission.
- Supplemental funding requests should be prioritized in order of importance to the Clerk & Comptroller's Office as a whole. Legally mandated supplemental funding requests must include appropriate documentation and should be ranked as a first priority.
- If the supplemental funding request is for a new project, the following information must be provided with the justification:
  - Project name;
  - Projected cost to successfully complete the project;
  - Projected completion time for the project;
  - Total number of Clerk & Comptroller staff hours needed to complete the project; and
  - New recurring costs that will be incurred as a result of the project following project completion.
- If the request is for a new staff position, the narrative information must describe the reason for the additional employee including the reason the functions cannot be performed by current staff.
- If the request is for operating or capital funding, a description must be provided on how the purchase will enhance or add to the current process.
- Any expected efficiencies and benefits to be gained through the approval of the supplemental request must also be provided in the justification.
- All supplemental funding requests are summarized by the Budget & Financial Analysis Department for review and approval by the Executive Committee.

## **B. Budget Process**

The budget review process is completed as a whole in accordance with the budget calendar provided on page 39 and includes a series of meetings with the Executive Committee to develop plans to create the budget. The budget is prepared using Generally Accepted Accounting Principles (GAAP) basis.

The Clerk's budget is funded through user fees, court-related fines, fees and court costs. The initial budget review focuses on each department's expenditure requests, regardless of funding source. Subsequent reviews and budget reductions may be completed several times during the process to ensure sufficient revenues are forecasted to cover budgeted expenditures.

Budget instructions are sent to all Department Managers to submit requests for operating and capital expenditures for the upcoming Fiscal Year. Personnel expenditures for the organization are developed by the Budget & Financial Analysis Department using assumptions required to fund salaries and benefits. Each Department Manager reviews the positions to be funded within their departments to ensure accuracy. With few exceptions for recurring accounts, the Department Managers also budget for operating expenditures using a modified zero based budgeting approach. Supplemental funding to expand services and all capital funding requests require Director and Chief Officer approvals. In addition, when applicable, major projects are budgeted within unique organization codes to separately track associated expenditures.

The Budget & Financial Analysis Department protects the Budget Request Excel Worksheet to accept department inputs to specific operating accounts and supplemental funding requests using a password. Once the budget requests forms are formally received and verified by the Budget & Financial Analysis Department, the security permissions to "modify" are removed and changed to "read only." Each Director and Chief Officer must provide their approval for their respective department budget requests on the Budget Approval Form. The security setup and password protection within the workbook ensures that only the appropriate personnel may provide inputs within the document without altering the budget data created by the Budget & Financial Analysis Department.

The various budget requests by departments providing court-related services and/or administrative support for these services are submitted to the Clerk's Budget & Financial

Analysis Department and are submitted to the CCOC on October 1. The various budgets for departments providing financial services on behalf of the County are due in March. Each department budget must be reviewed and approved by the department's Director and Chief Officer, including submission of a formal approval sheet that requires his or her signature. Once received, all budget requests are reviewed by the Budget & Financial Analysis Department for completeness and compliance with the budget instructions.

The submission of the budget as required by Florida Statutes is as follows:

- Prior to the passage of SB 1512, the budget for all court-related duties related to the collection of court-related fines, fees and court costs is submitted to the Florida Clerk of Courts Operations Corporation (CCOC) on October 1, 2012. For the FY2014 budget, the court-related budget was submitted October 1, 2012 for the Fiscal Year beginning July 1, 2013.
- The budget submission for all of the financial services performed by the Clerk & Comptroller, as Chief Financial Officer, Treasurer and Auditor for Palm Beach County and as Clerk of the Board, is statutorily required to be submitted to the County, via the County's Office of Financial Management and Budget (OFMB), by May 1<sup>st</sup>. For FY2014, this budget was submitted May 1, 2013 for the County Fiscal Year beginning October 1, 2013.
- The total General Fund budget of the Clerk & Comptroller is formalized as a whole by the Clerk on September 1<sup>st</sup> pursuant to Section 218.35(4), Florida Statutes.

With the passage of Chapter 2013-44, Laws of Florida, the clerk's budget was authorized by the Legislature for FY2014. The clerks' budget request to fund the court related duties of the Clerk & Comptroller will be required to be submitted to the CCOC on June 1 and the total budget for all 67 clerks is due to the Legislative Budget Commission on August 1; and will be based on a county fiscal year.

In early June and July, the BOCC conducts budget workshops concerning the total County budget including the submission by the Clerk & Comptroller. The Clerk's budget request to the BOCC may be adjusted up or down depending on the economic situation affecting the County's overall budget. The adjusted tentative Clerk budget is then subject to public hearings in September when citizens are given a chance to voice their opinions on the County budget. Upon completion of the public hearings, the Clerk's adjusted tentative budget is adopted by the BOCC.

Actual expenditures are closely monitored during the year to coincide with any significant variations in the actual units reported from the approved budget. Commitment control processes established in PeopleSoft allow purchasing and other expenditure related transactions to occur as long as there are available funds at the total operating and total capital budget level. This minimizes the need for Department Managers to initiate intra-departmental transfers between accounts within the operating or capital budget expenditure designation. Transfers of available personnel services budget must be approved by the department's Director and Chief Officer. To facilitate a transfer request, the Department Manager emails the request to the Budget & Financial Analysis Department as documentation to execute the approved budget transfer. During the course of the year, latitude is provided to transfer budget from one line item to another within the same funding source, including operating to capital, as required and approved by the Executive Committee.

The Clerk & Comptroller's Office includes all approved base and supplemental budget requests as a whole in the adopted budget for all accounts, including capital items to ensure the correct budget allocation. Any remaining budgeted revenues in excess of budgeted expenditures are accounted for as an unallocated expenditure item. Allocation of budget from the unallocated expenditure item for an unanticipated expenditure requires express approval from the department's Chief Officer and the Chief Operating Officer of Finance.

## C. FY2014 Budget Calendar

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February 22, 2013	Distribution of Budget Instruction Manual
February 25, 2013	Budget Kick-Off meeting
February 25, 2013	Budget Template available for data input
March 22, 2013	Director/Chief Officer review and approval of department budgets
April 29, 2013	Internal Budget approval (BOCC funding)
May 01, 2013	Budget submission to OFMB
April & May, 2013	Manager review of budget for any changes necessary to the funding from court fees, fines and service charges
May, 2013	Court related budget approved by Legislation
June and July, 2013	Budget review and workshops by OFMB/BOCC
September, 2013	FY2014 budget distribution by CCOC
September, 2013	Public hearings and BOCC budget approval
September 30, 2013	Notification of approved budgets to Department Managers/Directors and upload to PeopleSoft

## D. Fiscal Management Requirements

Throughout the year, budget performance is monitored through monthly reports generated by the Budget & Financial Analysis Department, including financial position, fund status and department expenditure reports. These reports provide information about budgeted revenue and expenditure amounts, actual receipts and expenditures and year-to-date totals. The Chief Operating Officer of Finance and the Financial Services Director review these reports and follow up where unfavorable variances indicate that a budgeted amount may be exceeded.

There are nine requirements for which the Clerk & Comptroller’s Office is required to manage and send as a report to the CCOC as a measure of fiscal responsibility. Table 6 provides the nine requirements, to which the response must always be “yes” for a passing review. The Clerk & Comptroller’s Office has met all standards as required.

Requirement	Standard Met?
1. Audit by independent auditor?	Yes
2. Corrective plan for audit?	Yes
3. Accounting system - GAAP/UAS?	Yes
4. Revenue collection report system?	Yes
5. Detailed accounting for expenditures?	Yes
6. System to support budget submission?	Yes
7. CCOC reports timely?	Yes
8. Last budget completed per instructions?	Yes
9. Copy of financial audit related to court related duties of Clerk sent to Supreme Court?	Yes

*Table 6: Fiscal Management Requirements*

## Unspent Revenue Projection Report

The Budget & Financial Analysis Department prepares monthly reports for Executive Committee review to track high level summaries of spending, unspent revenues generated and fund balance changes. Both the County and State funding are displayed in percentages in order to provide a simple straight-line budget comparison to actual spending. An example of the unspent revenue projection report is provided in Figure 10.

<b>Sharon R. Bock, Esq. Clerk &amp; Comptroller</b>				
<b>Unspent Revenue Projection</b>				
<b>Fiscal Year 2014</b>				
<b>Reporting Period Ending- September 30, 2014</b>				
		<b>% of CFY Elapsed:</b>	<b>100.0%</b>	
<b>BOCC + County Recorder</b>				
		<b>CFY2014 Budget</b>	<b>CFY2014 Actual</b>	<b>% Act of Budget</b>
<b>Revenue:</b>				
Charges for Services to the County		\$ 12,861,632	\$ 12,654,630	98.4%
County Recorder Fees		\$ 6,663,905	\$ 7,606,962	114.7%
Court Fees, Fines and Service Charges				
Recording Fees				
10% Fines				
Interest				
<b>Total Revenue</b>		<b>\$ 19,495,537</b>	<b>\$ 20,258,592</b>	<b>103.9%</b>
<b>Expenditures:</b>				
Personnel Services		\$ 14,486,566	\$ 13,386,660	92.4%
Operating		\$ 2,484,876	\$ 3,268,621	131.5%
Operating (ISS)		\$ 1,380,065	\$ 1,171,472	84.9%
Capital Outlay		\$ 36,288	\$ 257,401	709.3%
Intergovernmental Transfers		\$ 607,743	\$ 1,012,508	166.6%
<b>Total Expenditures</b>		<b>\$ 18,995,538</b>	<b>\$ 19,096,661</b>	<b>100.5%</b>
<b>Net Revenues</b>		<b>\$ 500,000</b>	<b>\$ 1,161,931</b>	<b>232.4%</b>

Figure 10: Example of Unspent Revenue Projection Report

## Department Expenditure Report

The Budget & Financial Analysis Department prepares monthly expenditure reports for Department Managers to review. The report provides summary detail by account, comparing budgeted expenditures versus actual expenditures, including any upcoming encumbrances. A comparison to prior year spending at the same point in time is provided as well. An example of a department expenditure report is provided in Figure 11. By comparing the yellow highlighted numbers, Department Managers are able to determine if they are in line with the percent of the Fiscal Year that has expired, with the percent of budget that has been committed as of the reporting date.

Sharon R. Bock, Esq. Clerk & Comptroller - Palm Beach County Summary of Expenditures by Department							
		% of Year Lapsed			16.7%	Period	2
<i>Example Department</i>							
Account	Annual Budget	YTD Activity *	Available Budget	% of Budget Committed Year to Date	Prior YTD Activity	Year over Year Variance	Variance
Regular Salaries	\$ 573,528	\$ 91,907	\$ 480,821		\$ 95,296	\$ (3,389)	
Overtime	\$ 2,769	\$ (170)	\$ 2,939		\$ 393	\$ (563)	
FICA	\$ 35,730	\$ 5,341	\$ 30,390		\$ 5,580	\$ (240)	
FICA-Medicare	\$ 8,356	\$ 1,249	\$ 7,107		\$ 1,305	\$ (56)	
Retirement	\$ 29,992	\$ 4,675	\$ 25,317		\$ 4,523	\$ 152	
Health Insurance	\$ 168,062	\$ 25,898	\$ 142,163		\$ 26,584	\$ (685)	
Dental Insurance	\$ 3,588	\$ 677	\$ 2,911		\$ 597	\$ 80	
Life Insurance	\$ 1,418	\$ 280	\$ 1,138		\$ 287	\$ (7)	
Long-Term Disability Insurance	\$ 1,658	\$ 228	\$ 1,430		\$ 182	\$ 47	
FSA Funding	\$ 1,500	\$ -	\$ 1,500		\$ 269	\$ (269)	
Short-Term Disability Insurance	\$ 4,003	\$ 664	\$ 3,339		\$ 666	\$ (2)	
Unemployment Compensation	\$ 22,500	\$ -	\$ 22,500		\$ -	\$ -	
<b>Total Personnel Services</b>	<b>\$ 853,105</b>	<b>\$ 130,749</b>	<b>\$ 722,356</b>	<b>15.3%</b>	<b>\$ 135,682</b>	<b>\$ (4,933)</b>	<b>-3.8%</b>
Professional Services	\$ 300	\$ -	\$ 300		\$ -	\$ -	
Travel and Per Diem	\$ 1,045	\$ -	\$ 1,045		\$ -	\$ -	
Communication-Commercial	\$ 75	\$ 3	\$ 73		\$ 3	\$ (1)	
Rentals-Office Equipment	\$ 1,131	\$ -	\$ 1,131		\$ 188	\$ (188)	
Repair and Maint-Telephone	\$ 1,000	\$ -	\$ 1,000		\$ -	\$ -	
Printing & Binding-Outside	\$ 67	\$ -	\$ 67		\$ -	\$ -	
Copies of Documents	\$ 10	\$ -	\$ 10		\$ -	\$ -	
Office Supplies	\$ 3,336	\$ 43	\$ 2,650		\$ -	\$ 43	
Office Furniture and Equip	\$ 500	\$ -	\$ 434		\$ -	\$ -	
Telephone Equipment	\$ 1,800	\$ -	\$ 1,800		\$ -	\$ -	
<b>Total Operating</b>	<b>\$ 9,263</b>	<b>\$ 45</b>	<b>\$ 8,509</b>	<b>8.1%</b>	<b>\$ 192</b>	<b>\$ (146)</b>	<b>-322.5%</b>
<b>Organization Total</b>	<b>\$ 862,369</b>	<b>\$ 130,795</b>	<b>\$ 730,865</b>	<b>15.2%</b>	<b>\$ 135,873</b>	<b>\$ (5,079)</b>	<b>-3.9%</b>

\* Includes Encumbrances

Figure 11: Example of Department Expenditure Report

## E. Funding Overview

As shown in Figure 12, the General Fund is used to account for all activities related to the Clerk & Comptroller's Office except those which may be accounted for in the Special Revenue Fund. The General Fund includes the charges for services to the County, County Recorder user fees and other County fees collected. Funding from court fees, fines and service charges utilized for the Clerk of the Circuit Court role, for which the maximum level of funding is set by the Florida State Legislature, is also included.

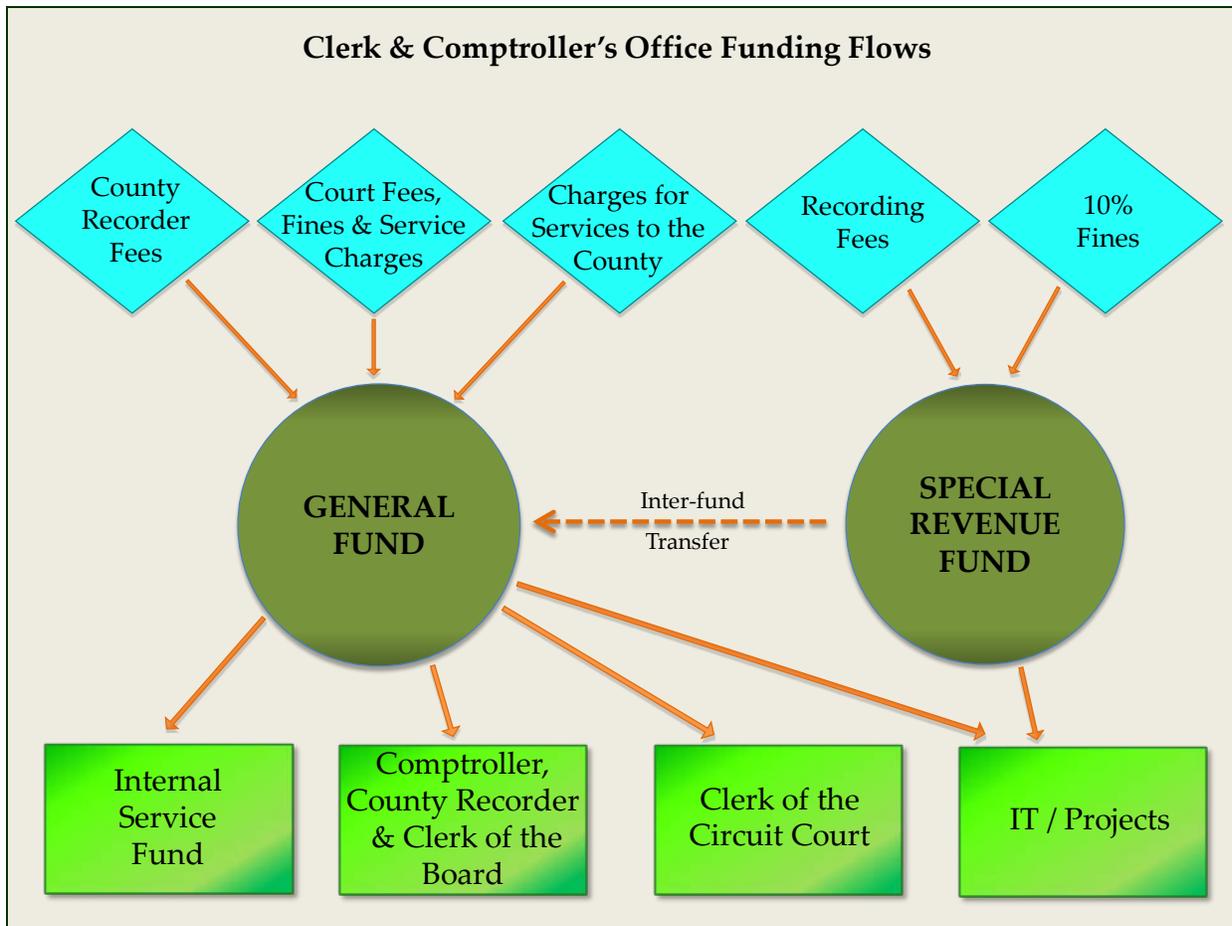


Figure 12: Clerk & Comptroller's Office Funding Flows

The current state of the economy has adversely impacted the Clerk & Comptroller's Office across the board. The inability of people to pay court costs and fines has also had a negative impact on collections. Fluctuations in real estate activity and mortgage lending have great bearing on recording revenue. Until these sectors of the economy become more stable, it is expected that revenue will remain at a decreased level. Anticipated deficits in the County budget may again result in decreased fund availability, because

property values have a direct relationship with the amount of ad valorem dollars generated for the BOCC.

Due to declining revenues from court fees, fines and service charges during these difficult economic times, the Clerk's funding has declined or remained stagnant.

Chapter 2013-44, Laws of Florida, formerly CS/CS/SB 1512 was enacted after the 2013 legislative sessions and includes provisions to address several issues affecting the funding of the court related duties of the Clerks of Court. Among key changes in the statute are the following:

- Establishing the spending budget authority from a state fiscal year to the county fiscal year beginning October 1, 2013 and ending September 30, 2014.
- Established spending authority for the transitional period of July 1, 2013 thru September 30, 2013.
- Provided for the first settle-up of collected and appropriated funds for the period of June 1, 2013 through August 31, 2014 (15 months) on January 25, 2015, and for the county fiscal year settle up every January 25<sup>th</sup> thereafter.
- The January 25<sup>th</sup> settle up will consist of twelve months of collections less twelve months of expenditures with expenditures lagging by one month.
- The first settle up will consist of collections for the period of June 2013 thru August 2014 and expenditures for July 2013 thru September 2014.
- An \$80.00 filing fee that was previously remitted to the State General Fund is now retained by Clerks.
- The revenue forecast is determined by the Revenue Estimating conference. (REC)
- The Clerks budget is to be balanced with the revenue forecast in total.

Departments within the Clerk of the Circuit Court role will continue to search for greater efficiency with a smaller workforce.

The Special Revenue Fund (SRF) is derived from two revenue sources.

- Recording fees generated by transactions stemming from real estate and mortgage activity.
- 10% of fines collected.

Recording revenue collected is restricted for use, pursuant to Section 28.24 Florida Statutes, to cover costs associated with court technology and specific costs related to public records modernization efforts to increase accessibility to public records. Also

included, is a revenue source related to the collection of fines in which 10% of the fine amounts are retained by the clerks and can be used by clerks to offset the operational costs associated with the processing of violations of special laws and municipal ordinances or court related technology.

Technology costs related to the Clerk of the Circuit Court is funded through inter-fund transfers from the Special Revenue Fund to the General Fund.

## **F. Fund Balance Policy**

Florida Statutes provide that the amount by which revenues and transfers exceeding annual expenditures for the Comptroller and County Recorder roles be remitted to the Board of County Commissioners immediately following the Fiscal Year for which the funding was provided, or following the Fiscal Year during which other revenues were recognized. Likewise, unexpended revenues for the Clerk of the Circuit Court role at the conclusion of the County Fiscal Year (September 30<sup>th</sup>) are to be remitted to the Department of Revenue no later than January 25<sup>th</sup> of the following year. As such, the Clerk & Comptroller's Office does not have a fund balance in the General Fund.

As a result, the definition of "Fund Balance" for the Clerk & Comptroller's Office only relates to the available balance at the end of the year for the Special Revenue Fund.

The consequence of a change in fund equity for the Special Revenue Fund that is greater than 10% results in less available funds to use for future projects. The benefit of using such a large percentage of the fund balance that was taken into consideration during budget development is that the Clerk & Comptroller's Office will be able to expedite the completion of the ShowCase project, enhancing customer service and realizing cost savings from the technology upgrades sooner, which has a compounding effect.

Table 7 on the following page provides a schedule showing the projected change in fund balance for the Special Revenue Fund. In FY2014, the fund balance is expected to be reduced by over 29% due to an anticipated increase in technology related expenditures.

The change in fund balance of \$4.5 million in FY2014 includes \$2.5 million in contractual milestone contractual milestones associated with the implementation of the Civil Court phase of the ShowCase project. In addition, the Official Records project is anticipated to begin in FY2014 and is estimated at \$0.6 million. The remaining change in fund balance is

due to the inter-fund transfer which is \$1.4 million greater than the anticipated revenue for FY2013.

( ) denotes a decrease

Special Revenue Fund Fund Balance	FY2012 Actual	FY2013 Estimated Actual	FY2014 Adopted Budget	Variance \$	Variance %
Beginning Fund Balance	\$ 12,214,205	\$ 14,043,277	\$ 15,130,687	\$ 1,087,409	7.7%
Ending Fund Balance	14,043,277	15,130,687	10,679,805	(4,450,882)	-29.4%
<b>Change in Fund Balance</b>	<b>\$ 1,829,073</b>	<b>\$ 1,087,409</b>	<b>\$ (4,450,882)</b>	<b>\$ (5,538,291)</b>	<b>-509.3%</b>

Table 7: Special Revenue Fund Balance

## G. Debt Service

Although the Clerk & Comptroller's service charges are a bondable revenue source, the office has no outstanding debt. The Clerk's policy is to incur debt only for specific projects occurring within the current Fiscal Year when a funding source is insured. The Clerk & Comptroller's Office does not have debt and does not intend to issue debt in FY2014. The Clerk's operating funds are turn back funds and cannot issue debt encompassing more than a single Fiscal Year. As a result, the Clerk's policy is to not issue debt for the operations of the Clerk & Comptroller.

## H. Budget Amendments

The Clerk & Comptroller does not have the authority to amend the amount of funds in the maximum budget received to perform the roles as the Comptroller, Clerk of the Board and as Clerk of the Circuit Court. If an amendment were required, the Clerk & Comptroller's Office would have to request and receive additional budget authority from the County and/or CCOC. As an internal control measure, departments are not allowed to exceed the budget. Any purchase order for an expenditure that will result in a department exceeding its budget will automatically be rejected. Additional funds required by a department may be acquired by an inter-department transfer approved by each manager and processed by the Budget & Financial Analysis Department, provided that the funding source is identical for both departments.

## **I. Procurement Policy**

The Clerk & Comptroller's Procurement Department provides centralized guidance and oversight for the procurement of goods and services for the benefit of Palm Beach County residents. The process for the procurement of goods requires that all purchase requisitions pass a budget check and management approvals prior to the issuance of the purchase order. The mission of the department is to secure the lowest price for all goods and services with competitive pricing practices as well as utilizing government or State contracts to obtain the lowest possible price.

The Procurement Policy provides the guiding principles for the procurement of goods and services by the Clerk & Comptroller for both employees and vendors. The contract policy provides guidelines as to the types of expenditures that require a formal contractual obligation for goods or services and include competitive solicitations as required by Florida Statutes. More information on the Clerk & Comptroller's Procurement Policy can be found on the Clerk's website at <http://www.mypalmbeachclerk.com/procurement.aspx>.

The Procurement Department is also taking the initiative to utilize technology. A more efficient method for processing requisitions related to common operating supplies called "Punch-Out" was implemented in FY2013. Punch-Out is a software application that makes it possible for the buyer to access a supplier's website from within the buyer's own procurement application. This functionality reduces the amount of time needed for processing requisitions as well as eliminating the need to manually enter the items into the requisition. Thus, the number of errors to process these orders is drastically reduced.

## V. Revenues

### A. Revenue Policy, Trends and Assumptions

The Clerk & Comptroller has distinct court and non-court-related duties and functions and collects different types of revenue associated with each and distributes these collections according to Statutes. As a result, a significant portion of the receipts collected by the office do not apply to funding the operations of the office.

As indicated in Figure 13, monies received by the Clerk & Comptroller for court-related fines, fees and service charges are distributed to various agencies through State funds as well as to the State's General Revenue Fund.

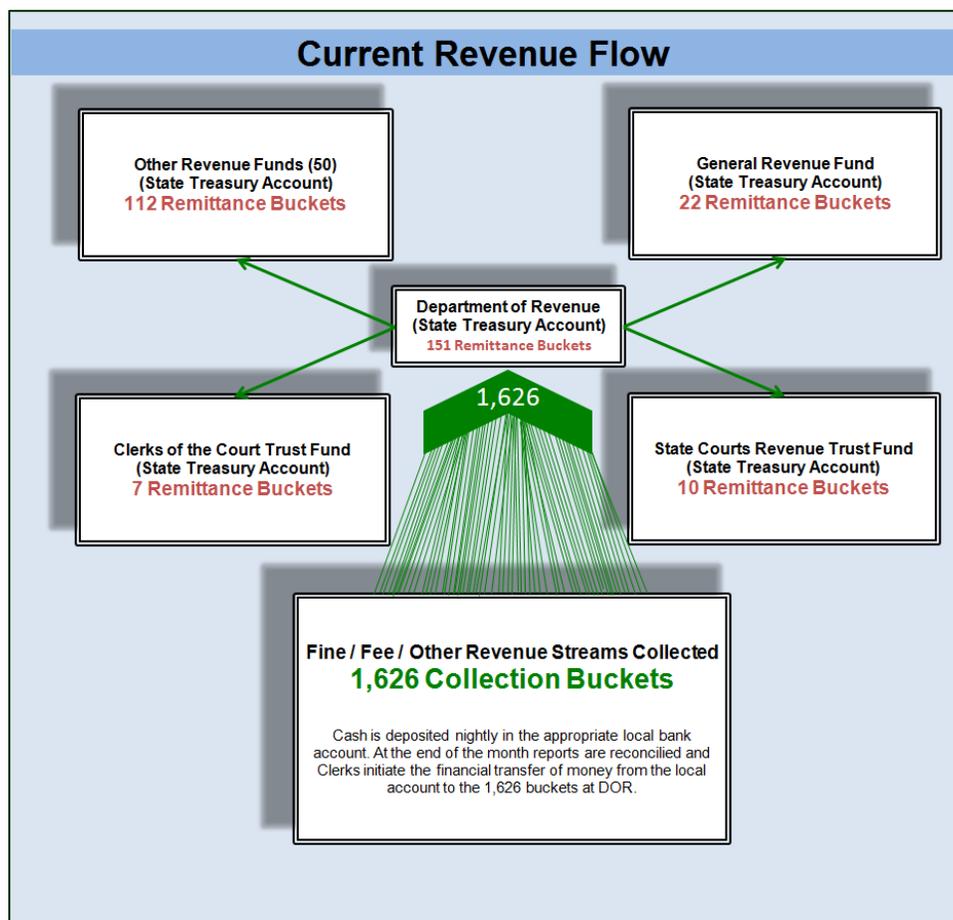
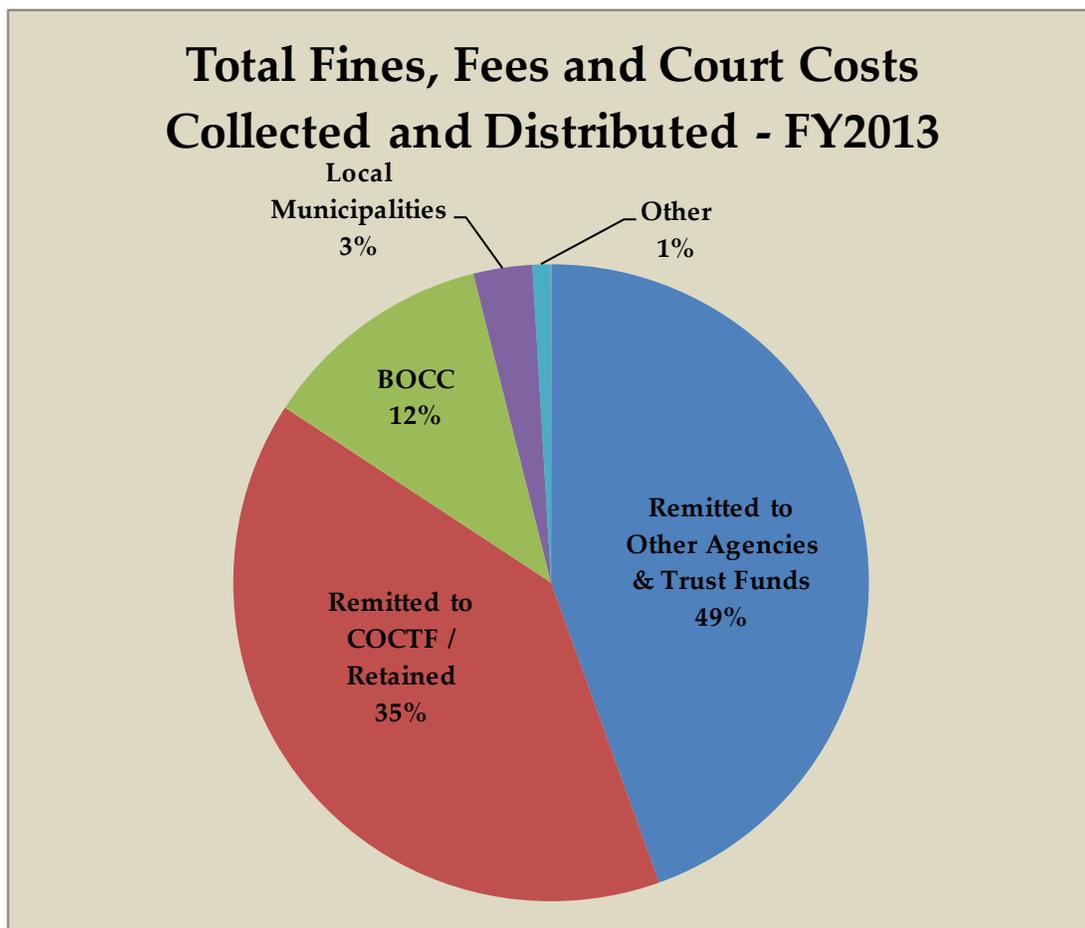


Figure 13: Court-Related Revenue Flow

The complexity of remitting court fees, fines and service charges by the Clerk to the Department of Revenue (DOR) is directly related to the number of "buckets" or earmarks that are identified in Statutes governing the distribution of the revenue that is collected

and placed in 1,626 different buckets. These collection buckets are sent by the clerks to the DOR where they are rolled into 151 remittance buckets that are distributed by the DOR to various funds, including the Clerks of Circuit Court Trust Fund, State Courts Revenue Trust Fund, State General Revenue Fund and other State trust funds. The number of buckets has grown over the years resulting in the current 1,626 unique revenue stream buckets that the clerks fill each month.

As shown in Figure 14, only 35% of the court fees, fines and service charges collected by the Clerk & Comptroller were available for our office to use to fund the operations of the Clerk of the Circuit Court in FY2013.



*Figure 14: Court-Related Collections*

The recent change brought by Chapter 2013-44, Laws of Florida authorizes the clerks to retain the collections court fees, fines and service charges. The revenue trend is analyzed by revenue classification and in conjunction with a projection of new case activity by division of court in order to determine the projected revenue to be included in the budget submitted to CCOC. As noted in Figure 15, total collections are declining. To demonstrate the impact of the trend in cases and the impact on total collections, Figures 16 and 17 on the next page shows the impact of fines and fees projected in the FY2014 budget. Current economic conditions are assumed to continue to affect the collection effort in regards to fines and court costs. Until economic conditions improve, revenue is likely to remain at a decreased level as indicated in Figure 15.

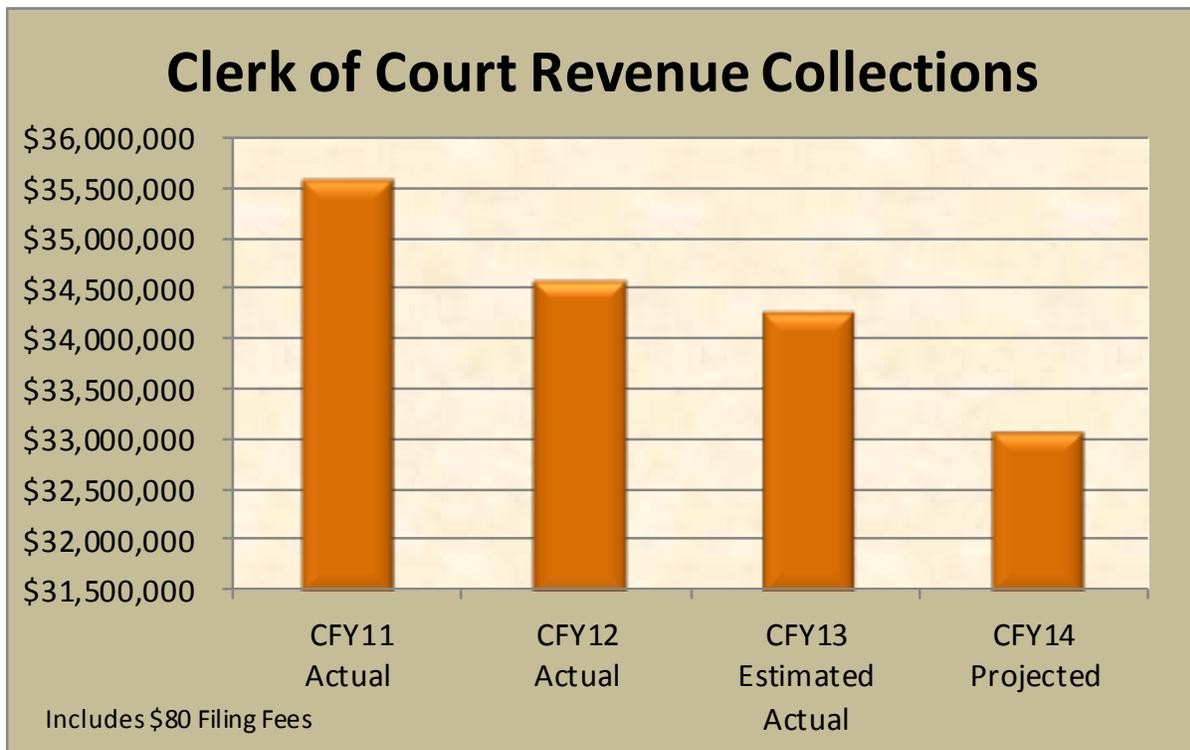


Figure 15: Clerk of Court Trust Fund Collections

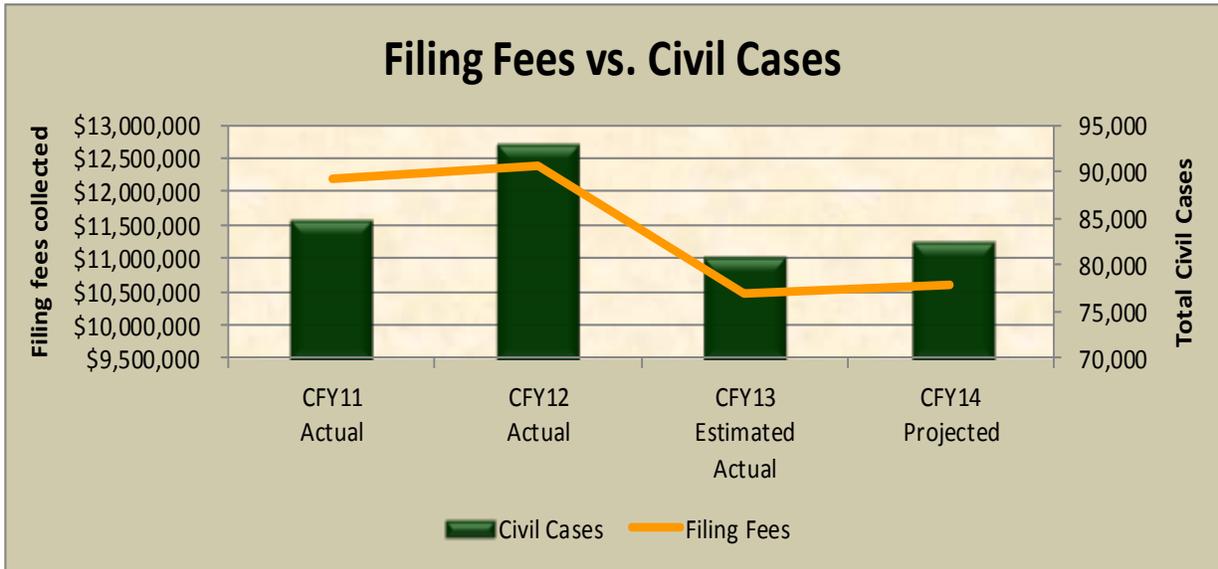


Figure 16: Filing Fees vs. Civil Cases

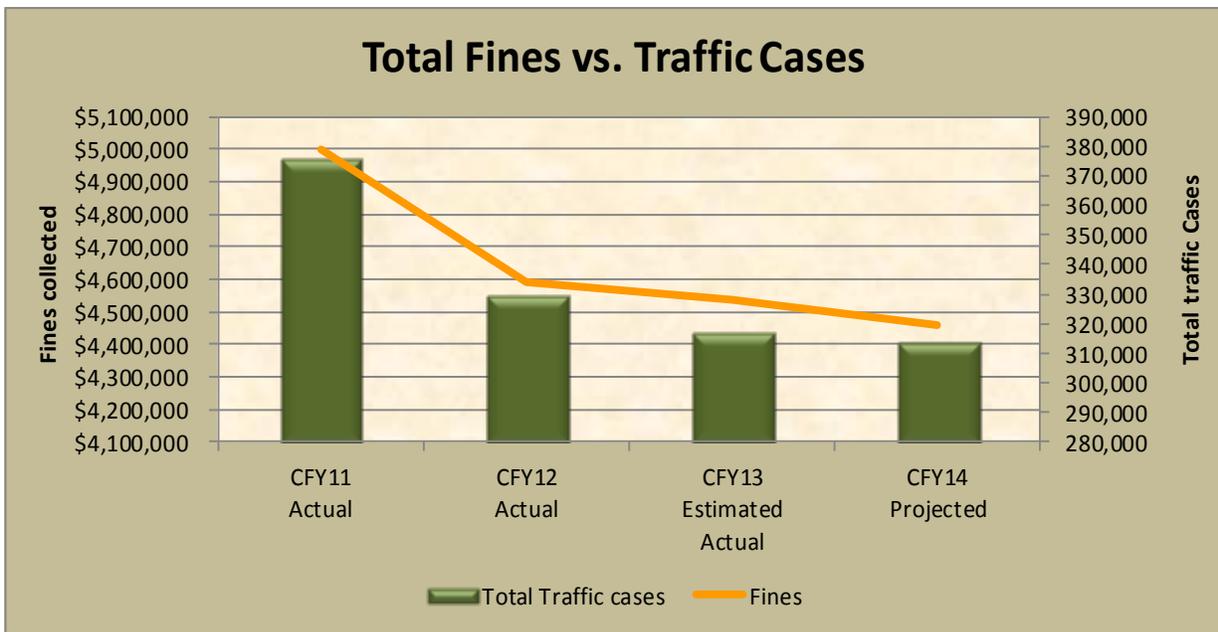


Figure 17: Total Fines vs. Traffic Cases

## 1. General Fund Revenue

Sources of revenue that are part of the General Fund include:

- Charges for services to the County
- Recording fees
- Court fees, fines and service charges
- Special funding for foreclosures<sup>2</sup>
- Other general government fees
- Intergovernmental transfers
- Interest

Charges for services to the County relate to the roles as Comptroller, Treasurer, Auditor and Clerk of the Board.

Recording and other government fees are collected by non-court personnel and are related to the role of County Recorder. These fees are comprised of recording fees, intangible taxes and documentary stamp commissions associated with recording deeds and mortgages as well as other user fees such as preparing copies of official documents and marriage licenses. The majority of the County Recorder revenues are directly related to property values, whereas recording fees associated with the Special Revenue Fund are directly related to the number of pages filed.

Court fees, fines and service charges are related to revenues collected in the role as Clerk of the Circuit Court. In addition, funding specifically designated by the Florida Legislature was distributed to each clerk to offset costs related to the efforts by the judiciary to reduce the backlog of foreclosure cases. Chapter 2013-44, Laws of Florida authorized clerks to retain the collections and as noted on page 49, the revenue, retained by clerks represents 35% of the court fines, fees and service charges collected by and available for our office to use to fund the operations of the Clerk of the Circuit Court.

Intergovernmental transfers are revenues associated with federal grant money received from DOR to offset the costs associated with processing non private child support cases.

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<sup>2</sup> Specifically designated by the Florida Legislature for costs related to reducing the backlog of foreclosure cases statewide

As shown in Table 8, the General Fund revenue budget reflects an increase of \$571,204. Revenues from recording fees are projected based on the FY13 trends and the increased stability of the real estate market and property values.

( ) denotes a decrease

<b>General Fund Revenue</b>	<b>FY2012 Actual Revenue</b>	<b>FY2013 Estimated Actual</b>	<b>FY2014 Adopted Budget</b>	<b>Variance \$</b>	<b>Variance %</b>
County Charges for Services	\$ 11,850,286	\$ 11,903,715	\$ 12,589,198	\$ 685,483	5.8%
Recording Fees	4,972,648	6,171,878	6,546,443	374,565	6.1%
Court Fees, Fines and Service Charges	33,172,101	\$33,656,465	\$33,100,629	(555,836)	-1.7%
Special Foreclosure Funding	-	\$261,390	\$393,845	132,455	50.7%
Other General Government Fees	2,885,843	4,092,693	4,049,074	(43,619)	-1.1%
Intergovernmental Transfers	1,129,746	1,246,842	1,224,999	(21,843)	-1.8%
Interest	-	-	-	-	N/A
<b>Total</b>	<b>\$ 54,010,625</b>	<b>\$ 57,332,983</b>	<b>\$ 57,904,187</b>	<b>\$ 571,204</b>	<b>1.0%</b>

Table 8: General Fund Revenue

## 2. Special Revenue Fund

Sources of revenue that are part of the Special Revenue Fund include:

- Recording Fees
- 10% Fines & Forfeitures
- Interest

The recording fees in the Special Revenue Fund are user fees set by Florida Statutes for a specific purpose to help the Clerk improve access to public records and to help offset the technology costs to support the courts. These fees are based on a charge for each page of the document that is recorded, whereas, the recording fees associated with the General Fund are directly related to property values. In addition, the Clerk retains 10% of the fines collected in the Special Revenue Fund that may be used to offset operational costs or technology costs.

As shown in Table 9 on the following page, the revenue projection in the Special Revenue Fund reflects an increase of \$65,975. The increase is due to an expectation of increased number of pages recorded from the recording of mortgages and deeds. This increase is offset by the projected reduction in the fines collected. Interest earnings are expected to decline due to an external banking policy change.

( ) denotes a decrease

Special Revenue Fund	FY2012 Actual	FY2013 Estimated Actual	FY2014 Adopted Budget	Variance \$	Variance %
<b>Revenue</b>					
Recording Fees	\$ 2,692,149	\$ 3,381,543	\$ 3,422,796	\$ 41,253	1.2%
10% Fines & Forfeitures	1,574,319	1,472,635	1,496,823	24,189	1.6%
Interest	269	8,631	9,164	533	6.2%
<b>Total</b>	<b>\$ 4,266,737</b>	<b>\$ 4,862,808</b>	<b>\$ 4,928,783</b>	<b>\$ 65,975</b>	<b>1.4%</b>

Table 9: Special Revenue Fund - Revenue

## VI. Major Expenditures and Funding Sources

### A. Consolidated Funds

The Consolidated Budget Overview provided in Table 10 highlights the Clerk & Comptroller's historical and planned expenditures by funding source and expense type.

( ) denotes a decrease

Consolidated Budget	FY2012 Actual	FY2013 Estimated Actual	FY2014 Adopted Budget	Variance \$	Variance %
<b>Revenue</b>					
Court Fees, Fines and Service Charges	\$ 33,172,101	\$ 33,656,465	\$ 33,100,629	\$ (555,836)	-1.7%
Special Foreclosure Funding	-	261,390	393,845	132,455	50.7%
County Charges for Services	11,850,286	11,903,715	12,589,198	685,483	5.8%
Recording Fees	7,664,797	9,553,421	9,969,238	415,818	4.4%
Other General Government Fees	2,885,843	4,092,693	4,049,074	(43,619)	-1.1%
10% Fines & Forfeitures	1,574,319	1,472,635	1,496,823	24,189	1.6%
Intergovernmental Transfers	1,129,746	1,246,842	1,224,999	(21,843)	-1.8%
Interest	269	8,631	9,164	533	6.2%
<b>Total Revenue</b>	<b>58,277,362</b>	<b>62,195,791</b>	<b>62,832,970</b>	<b>637,178</b>	<b>1.0%</b>
Internal Service Fund	10,821,920	12,338,683	13,641,116	1,302,433	10.6%
Inter-fund Transfer	2,437,664	3,246,874	4,458,915	1,212,041	37.3%
<b>Fund Balance</b>					
Balances Brought Forward (SRF Only)	12,214,205	14,043,277	15,130,687	1,087,409	7.7%
<b>Total Revenues</b>	<b>\$ 83,751,151</b>	<b>\$ 91,824,625</b>	<b>\$ 96,063,687</b>	<b>\$ 4,239,062</b>	<b>4.6%</b>
<b>Expenditures</b>					
Personnel Services	\$ 43,069,977	\$ 46,030,387	\$ 50,310,673	\$ 4,280,287	9.3%
Operating Expenses	10,204,608	8,385,875	14,595,390	6,209,515	74.0%
Capital Outlay	1,244,561	435,813	377,788	(58,025)	-13.3%
<b>Total Expenditures</b>	<b>54,519,145</b>	<b>54,852,075</b>	<b>65,283,851</b>	<b>10,431,777</b>	<b>19.0%</b>
Internal Service Fund	10,821,920	12,338,683	13,641,116	1,302,433	10.6%
Inter-fund Transfer	2,437,664	3,246,874	4,458,915	1,212,041	37.3%
<b>Year End Commitments</b>					
Unspent Revenues Returned to BOCC	1,929,119	5,353,999	2,000,000	(3,353,999)	-62.6%
Fiscal Year Overlap/Unspent Rev. due to	25	902,308	0	(902,308)	-100.0%
<b>Fund Balance</b>					
Reserves (SRF Only)	14,043,277	15,130,687	10,679,805	(4,450,882)	-29.4%
<b>Total Reserve &amp; Expenditures</b>	<b>\$ 83,751,151</b>	<b>\$ 91,824,625</b>	<b>\$ 96,063,687</b>	<b>\$ 4,239,062</b>	<b>4.6%</b>

Table 10: Consolidated Budget

The budgeting basis of the Clerk & Comptroller’s Office is a conservative one and considers the uncertainty of one of its main funding sources, in particular, court fees, fines and service charges to fund court-related activities.

During times of financial unpredictability, it is more important than ever to provide excellent customer service, improve service and reporting standards, rely more heavily on technological advances, and ensure volatile costs are covered and to provide a seamless transition from one Fiscal Year to the next.

### Net Budget

The Net Budget, as shown in Table 11, subtracts Internal Service Fund charges and transfers of money from one fund to another (Inter-fund Transfers) from the total Consolidated Budget. These reductions from the total Consolidated Budget are considered double-counted because they do not represent money coming into the Clerk’s budget as revenue or leaving the Clerk’s budget as expense. Inter-fund transfers are necessary to reflect movement of revenues within the legal budget from the fund where received to the fund where the expenditure is recorded.

( ) denotes a decrease

Net Budget	FY2012 Actual	FY2013 Estimated Actual	FY2014 Adopted Budget	Variance \$	Variance %
Total Budget	\$ 83,751,151	\$ 91,824,625	\$ 96,063,687	\$ 4,239,062	4.6%
<b>Less:</b>					
Internal Service Fund	10,821,920	12,338,683	13,641,116	1,302,433	10.6%
Inter-fund Transfer	2,437,664	3,246,874	4,458,915	1,212,041	37.3%
<b>Net Revenue Budget</b>	<b>\$ 70,491,566</b>	<b>\$ 76,239,069</b>	<b>\$ 77,963,656</b>	<b>\$ 1,724,588</b>	<b>2.3%</b>
Total Expenditures	\$ 54,519,145	\$ 54,852,075	\$ 65,283,851	\$ 10,431,777	19.0%
Unspent Revenues Returned to BOCC	1,929,119	5,353,999	2,000,000	(3,353,999)	-62.6%
Fiscal Year Overlap	25	902,308	0	(902,308)	-100.0%
Reserves (SRF Only)	14,043,277	15,130,687	10,679,805	(4,450,882)	-29.4%
<b>Net Expenditure Budget</b>	<b>\$ 70,491,566</b>	<b>\$ 76,239,069</b>	<b>\$ 77,963,656</b>	<b>\$ 1,724,588</b>	<b>2.3%</b>

Table 11: Net Budget

## **B. General Fund Expenditures**

Funding for each of the functional units described later in this document is budgeted in the following individual funds. The interdependence of their funding is also shown in Figure 12 on page 43. While the functions and funding may appear independent, each fund's ability to absorb its assigned costs is directly or indirectly dependent on one or more other areas of the financial structure. When funding is reduced, a ripple effect is felt throughout the entire organization.

It is important to note that effective July 1<sup>st</sup>, 2013 funding from court fees, fines and service charges, included in the General Fund are budgeted based on the County Fiscal Year, which begins on October 1<sup>st</sup> and ends on September 30<sup>th</sup> the following year similar to all other funding sources within the General Fund.

As shown in Table 12 on the following page, the total FY2014 adopted budget for charges for services to the County is \$12,589,198, which reflects an increase of \$685,483. The total FY2014 adopted budget of \$11,820,515 for County recorder fees is comprised of \$6,546,443 of Recording Fees, \$4,049,074 of Other Government Fees and \$1,224,999 of Intergovernmental Transfers. This reflects a total increase of \$309,103 from FY2013, which is due to anticipated revenue increases in recording fees. The projected increase in revenue has been accounted for in the planned expenditures budget with a significant cost reduction in operating expenses related to one-time maintenance service agreements on technology software and hardware products owned by the organization.

( ) denotes a decrease

General Fund	FY2012 Actual	FY2013 Estimated Actual	FY2014 Adopted Budget	Variance \$	Variance %
<b>Revenue</b>					
Court Fees, Fines and Service Charges	\$ 33,172,101	\$ 33,656,465	\$ 33,100,629	\$ (555,836)	-1.7%
Special Foreclosure Funding	-	261,390	393,845	132,455	50.7%
County Charges for Services	11,850,286	11,903,715	12,589,198	685,483	5.8%
Recording Fees	4,972,648	6,171,878	6,546,443	374,565	6.1%
Other General Government Fees	2,885,843	4,092,693	4,049,074	(43,619)	-1.1%
Intergovernmental Transfers	1,129,746	1,246,842	1,224,999	(21,843)	-1.8%
Interest	-	-	-	-	N/A
<b>Total Revenue</b>	<b>54,010,625</b>	<b>57,332,983</b>	<b>57,904,187</b>	<b>571,204</b>	<b>1.0%</b>
Inter-fund Transfer	2,437,664	3,246,874	4,458,915	1,212,041	37.3%
<b>Total Revenues</b>	<b>\$ 56,448,289</b>	<b>\$ 60,579,856</b>	<b>\$ 62,363,102</b>	<b>\$ 4,131,568</b>	<b>7.3%</b>
<b>Expenditures</b>					
Personnel Services	\$ 43,069,977	\$ 46,030,387	\$ 50,310,673	\$ 4,280,287	9.3%
Operating Expenses	10,204,608	7,861,322	9,824,640	1,963,318	25.0%
Capital Outlay	1,244,561	431,840	227,788	(204,052)	-47.3%
<b>Total Expenditures</b>	<b>54,519,145</b>	<b>54,323,549</b>	<b>60,363,101</b>	<b>6,039,552</b>	<b>11.1%</b>
<b>Year End Commitments:</b>					
Unspent Revenues Returned to BOCC	1,929,119	5,353,999	2,000,000	(3,353,999)	-62.6%
Fiscal Year Overlap/Unspent Rev. due to State	25	902,308	0	(902,308)	-100.0%
<b>Total Expenditures &amp; Year End Commitments</b>	<b>\$ 56,448,289</b>	<b>\$ 60,579,856</b>	<b>\$ 62,363,102</b>	<b>\$ 1,783,245</b>	<b>2.9%</b>

Table 12: General Fund

The total adopted budget related to court fees, fines and service charges is \$33,100,629 for FY2014, which reflects a decrease of \$555,836 from FY2013 estimated actual. This reduction is consistent to the projected decline in court case filings and related fees.

## C. Special Revenue Fund Expenditures

As is shown in Table 13 below, the total adopted budget related to the Special Revenue Fund is \$20,059,470 for FY2014. This reflects a increase of \$1,153,384, which is due to the increase in revenues in the FY2013 Estimated Actual and a reduction in estimated expenditures. This resulted in a reduction of the balances brought forward into FY2014.

Expenditures in the Special Revenue Fund are accounted for as direct when the cost is charged directly to the fund and indirect when the cost is charged to the General Fund through the inter-fund transfer.

The bulk of the increase in budgeted operating expenditures in FY2014 is due to the expected use of available fund balances for the implementation of the ShowCase Project, Official Records Project and eFiling mandated requirements.

( ) denotes a decrease

Special Revenue Fund	FY2012 Actual	FY2013 Estimated Actual	FY2014 Adopted Budget	Variance \$	Variance %
<b>Revenue</b>					
Recording Fees	\$ 2,692,149	\$ 3,381,543	\$ 3,422,796	\$ 41,253	1.2%
10% Fines & Forfeitures	1,574,319	1,472,635	1,496,823	24,189	1.6%
Interest	269	8,631	9,164	533	6.2%
<b>Total</b>	<b>\$ 4,266,737</b>	<b>\$ 4,862,808</b>	<b>\$ 4,928,783</b>	<b>\$ 65,975</b>	<b>1.4%</b>
<b>Fund Balance</b>					
Balances Brought Forward	12,214,205	14,043,277	15,130,687	1,087,409	7.7%
<b>Total Revenues</b>	<b>\$ 16,480,942</b>	<b>\$ 18,906,086</b>	<b>\$ 20,059,470</b>	<b>\$ 1,153,384</b>	<b>6.1%</b>
<b>Expenditures (Direct)</b>					
Personnel Services	\$ -	\$ -	\$ -	\$ -	N/A
Operating Expenses	-	524,552	4,770,750	4,246,198	809.5%
Capital Outlay	-	3,973	150,000	146,027	3675.3%
Total Expenditures	-	528,526	4,920,750	4,392,225	831.0%
Inter-fund Transfer	2,437,664	3,246,874	4,458,915	1,212,041	37.3%
<b>Fund Balance</b>					
Reserves	14,043,277	15,130,687	10,679,805	(4,450,882)	-29.4%
<b>Total Reserve &amp; Expenditures</b>	<b>\$ 16,480,942</b>	<b>\$ 18,906,086</b>	<b>\$ 20,059,470</b>	<b>\$ 1,153,384</b>	<b>6.1%</b>

Table 13: Special Revenue Fund

## **D. Internal Service Fund**

The current health plan utilized by the Clerk & Comptroller's Office is "grandfathered" under the Patient Protection and Affordable Care Act (PPACA). As a result, the plan is not required to comply with some of the health reform provisions in the PPACA. For example, grandfathered plans are exempt from the requirement that preventive care services be covered with no member cost-sharing. Additionally, the plan provides generic birth control at a member cost share. Both of these features reduce claims costs. With the go-live of the Marketplace portion of the PPACA on 10/1/2013, employees have been informed of its availability and the Clerks health coverage plan reviewed to ensure it meets the "minimum value standard" and the cost is "affordable" based on the employee's wages. The Clerk has been able to implement several premium holidays throughout the plan year, providing employees with no premium payments during these periods. The plan also includes 180 days of claims reserves and administrative reserves in the event of catastrophic loss and or plan termination.

To protect against major loss, the Clerk & Comptroller's Office purchases reinsurance (stop loss insurance) on both a specific and aggregate basis to limit its liability for catastrophic or unpredictable losses. Specific stop loss insurance provides protection on an individual member basis. The Clerk will not pay more than \$125,000 in the plan year for any given employee or dependent under this arrangement. Aggregate reinsurance provides protection from an excessive amount of claim expenditures for the entire group for the plan year. The maximum amount the Clerk will pay for health care expenditures varies from plan year to plan year and is based on expected claims costs for the year.

Every year the Clerk & Comptroller's Office reviews plan design features of its health care insurance in order to maximize employee benefits, while minimizing costs. There is also a Wellness Committee that aims to positively impact the health of employees, thereby decreasing health care-related costs. This Committee provides a wellness incentive program that incents employees to adopt healthy behaviors, including preventive care initiatives and take personal responsibility and accountability for their health and wellbeing. The Clerk's health plan is self-insured, thereby avoiding State premium taxes and allowing for a flexible plan design that targets the needs of its employees and avoids unnecessary benefits that would otherwise increase health care costs.

Table 14 highlights an expected increase in the Internal Service Fund budget of \$1,985,433, which is due to the impacts of the PPACA and health care premiums and claims noted below:

- Comparative Effectiveness Research Fee to remains at \$2 per member per year;
- Pre-existing condition clause omitted from the Clerks health plan as of 1/1/2014;
- Transitional Reinsurance Program Fees – assessed to insured and self-funded plans 1/1/2014. Estimated to range from \$61 to \$105 per member per year and to be paid quarterly; and
- Employer Shared Responsibility (Pay or Play) rules – 30-day limit on eligibility waiting periods takes effect on 1/1/2014.

( ) denotes a decrease

Internal Service Fund	FY2012 Actual	FY2013 Estimated Actual	FY2014 Adopted Budget	Variance \$	Variance %
<b>Revenue</b>					
Employee contributions	\$ 955,851	\$ 1,709,286	\$ 2,106,495	\$ 397,209	23.2%
Employer contributions	6,761,946	7,318,890	8,223,512	904,622	12.4%
Cobra/Retiree Contributions	349,393	390,643	313,265	(77,378)	-19.8%
Reinsurance Recoveries	91,331	131,669	92,153	(39,516)	-30.0%
Pharmaceutical Rebate	54,701	65,123	57,885	(7,238)	-11.1%
Other income	32,132	116,804	69,093	(47,711)	-40.8%
<b>Total Revenue</b>	<b>8,245,354</b>	<b>9,732,415</b>	<b>10,862,403</b>	<b>1,129,988</b>	<b>11.6%</b>
<b>Fund Balance</b>					
Balances Brought Forward	2,576,567	2,606,267	2,778,712	172,445	6.6%
<b>Total Revenues</b>	<b>\$10,821,920</b>	<b>\$12,338,683</b>	<b>\$13,641,116</b>	<b>\$ 1,302,433</b>	<b>10.6%</b>
<b>Expenditures</b>					
Claims Distributions	\$ 6,813,212	\$ 8,247,413	\$ 8,957,291	\$ 709,878	8.6%
Insurance And Bonds	749,534	719,518	912,432	192,915	26.8%
Administration Fees	469,126	414,590	583,184	168,594	40.7%
Other Contractual Services	62,519	78,450	62,710	(15,739)	-20.1%
Other costs	121,262	100,000	54,723	(45,277)	-45.3%
<b>Total Expenditures</b>	<b>8,215,653</b>	<b>9,559,970</b>	<b>10,570,340</b>	<b>1,010,370</b>	<b>10.6%</b>
<b>Fund Balance</b>					
Reserves	2,606,267	2,778,712	3,070,776	292,063	10.5%
<b>Total Expenditures</b>	<b>\$10,821,920</b>	<b>\$12,338,683</b>	<b>\$13,641,116</b>	<b>\$ 1,302,433</b>	<b>10.6%</b>

Table 14: Internal Service Fund

## E. Department / Fund Relationship

Table 15 below displays the relationship between the funding sources and the major Clerk & Comptroller functions.

Information Technology and certain components of the Finance function of the Clerk & Comptroller’s Office are not allowed to utilize funds from court fees, fines and service charges in order to fund the activities related to its goals and objectives. As such, the Special Revenue Fund provides funding necessary for technology needs. The remaining Clerk functions are funded by the three non-SRF funding sources; charges for services to the County, court fees, fines and service charges and County recorder fees.

Clerk & Comptroller Palm Beach County	Charges for Services to the County	Court Fees, Fines and Service Charges	County Recorder Fees	Special Revenue Fund
Clerk & Executive Staff	X	X	X	
Communications	X	X	X	
Operations & Official Records	X	X	X	X
Finance	X	X	X	
Information Technology	X		X	X
Human Resources	X	X	X	

Table 15: Department / Fund Relationship

## VII. Office Structure

The Clerk & Comptroller serves the public in the following roles as established by the Florida Constitution and Florida Statutes. These roles include Comptroller and Chief Financial Officer, County Auditor and Treasurer, County Recorder, Clerk of the Circuit Court and ex-officio Clerk of the Board of County Commissioners.

In order to accomplish the duties of the roles defined above, the organizational structure of the Clerk & Comptroller's Office is represented by six unique functions: (1) Clerk & Executive Staff, (2) Communications, (3) Operations & Official Records (4) Finance, (5) Information Technology and (6) Human Resources.

As shown in Table 16, the overall funding request for FY2014 is \$65,283,851 which is an increase of \$10,431,776 compared to FY2013 Estimated Actuals. The increase is due to increases in salary and benefit costs, in addition to major investments in project related technology which are partially offset by reductions in overtime spending, utilizing temporary hires, as well as other operating efficiencies achieved by shifting resources to departments that are receiving higher work volumes without adding staff and the recent change in business hours.

( ) denotes a decrease

Clerk & Comptroller Palm Beach County	FY2012 Actual Expenditures	FY2013 Estimated Actual	FY2014 Adopted Budget	Variance \$	Variance %
<b>By Expense Type</b>					
Personnel Services	\$ 43,069,977	\$ 46,030,387	\$ 50,310,673	\$ 4,280,287	9.3%
Operating Expenses	10,204,608	8,385,875	14,595,390	6,209,515	74.0%
Capital	1,244,561	435,813	377,788	(58,025)	-13.3%
<b>Total</b>	<b>\$ 54,519,145</b>	<b>\$ 54,852,075</b>	<b>\$ 65,283,851</b>	<b>\$ 10,431,776</b>	<b>19.0%</b>
<b>By Clerk Function</b>					
Clerk & Executive Staff	\$ 3,280,457	\$ 3,534,036	\$ 3,858,024	\$ 323,988	9.2%
Communications	587,993	454,869	517,917	63,048	13.9%
Operations & Official Records	32,498,884	33,875,450	36,023,143	2,147,693	6.3%
Finance	8,049,337	9,055,881	10,225,169	1,169,288	12.9%
Information Technology	9,098,136	6,581,823	13,034,850	6,453,027	98.0%
Human Resources	1,004,337	1,350,015	1,624,747	274,732	20.4%
<b>Total</b>	<b>\$ 54,519,145</b>	<b>\$ 54,852,075</b>	<b>\$ 65,283,851</b>	<b>\$ 10,431,776</b>	<b>19.0%</b>

Table 16: Budget by Expense Type and Clerk Function

## A. Clerk & Executive Staff

The Clerk & Executive Staff is led by the Clerk & Comptroller and consists of the Division of Inspector General (DIG) and Legal Counsel & Ethics.

As shown in Table 17, the budget request for the Clerk & Executive Staff function for FY2014 is \$3,858,024. This represents a \$323,988 increase from FY2013 and is due to an increase in health and retirement costs, as well as increases in technology support.

( ) denotes a decrease

Clerk & Executive Staff	FY2012 Actual Expenditures	FY2013 Estimated Actual	FY2014 Adopted Budget	Variance \$	Variance %
<b>By Expense Type</b>					
Personnel Services	\$ 1,372,662	\$ 1,426,846	\$ 1,538,604	\$ 111,758	7.8%
Operating Expenses	1,907,795	2,107,190	2,319,420	212,230	10.1%
Capital	-	-	-	-	N/A
<b>Total</b>	<b>\$ 3,280,457</b>	<b>\$ 3,534,036</b>	<b>\$ 3,858,024</b>	<b>\$ 323,988</b>	<b>9.2%</b>

Table 17: Clerk & Executive Staff Financial Schedule

### 1. Division of Inspector General

The mission of the Division of Inspector General of the Clerk & Comptroller's Office is to provide independent, objective auditing and investigative services designed to add value to the County, improve the Clerk & Comptroller operations and preserve public trust.

The Division is subdivided into the following units:

- Audit Services Unit (ASU)
  - Provides auditees with an independent appraisal of whether desired results and objectives are achieved economically, efficiently and in accordance with prescribed laws, regulations and policies and procedures.
- Public Integrity Unit (PIU)
  - Investigative Section - conducts investigations into Clerk & Comptroller affairs and makes inquiries as necessary, compiles the production of books and papers and implements appropriate investigative techniques. The objective is to determine whether allegations of fraud, waste, abuse and ethical misconduct can be substantiated. Projects that uncover administrative wrongdoing typically identify violations of law, policy or regulations. They also identify the

individuals responsible for the violations and make recommendations for administrative action. The identification of internal control weaknesses is equally important in the investigative process.

- Guardianship Section - conducts varying levels of assessments, audits and financial investigations of Guardianship activities. This program supplements the Clerk of the Circuit Court in supporting the Court's oversight process of the assets of the County's most vulnerable residents: elderly, minor children and incapacitated individuals who are served by Florida Guardianship Law. There are more than 2,750 open guardianship cases in Palm Beach County.

The Division is accredited by the Commission for Florida Law Enforcement Accreditation, Inc. In fulfilling its responsibilities, the Division complies with professional auditing and investigative standards including:

- *International Standards for the Professional Practice of Internal Auditing* of The Institute of Internal Auditors (IIA).
- *Principles and Standards for Offices of Inspector General* of The Association of Inspectors General (AIG).

An Ethics Hotline promotes honesty and efficiency in government and promotes the public's trust in government. The Hotline is managed by an independent third-party reporting agency, with all contacts forwarded immediately to the Division. Clerk & Comptroller management and employees are urged to immediately report, anonymously if desired, any suspected instance of fraud, waste, abuse or ethical misconduct.

In addition, a Guardianship Fraud Hotline is in place and managed by the Division, which enables anyone suspecting fraud, waste or financial mismanagement of a ward's property and assets to report such concerns, anonymously if desired.

The Division employs a staff of highly qualified and experienced professional auditors with various certifications, including Certified Public Accountant, Certified Internal Auditor, Certified Fraud Examiner, Certified Inspector General, Certified Inspector General Auditor and Certified Inspector General Investigator.

As the Division encompasses a large range of reviews, including highly specialized and technical subject matters, outside consultants are occasionally called upon to assist in reviews and the evaluation of best practices. Outside consultants include, among others,

information technology specialists, investment and debt specialists and law enforcement specialists. In analyzing staffing requirements, the office has determined that recruiting and maintaining such specialized expertise on staff is not cost effective. When the need for an outside consultant is identified, the Inspector General/Audit Director will assess the competency, independence and objectivity of the consultant as it relates to the particular assignment to be performed.

To provide for the independence of the Division, the Inspector General/Audit Director reports functionally and administratively to the Clerk & Comptroller. As an independently elected official, the Clerk & Comptroller is directly responsible to the citizens and taxpayers of Palm Beach County. The Division has no direct responsibility or authority over any area subject to its audit, review and investigation. Therefore, the Division is organizationally independent from those areas within the Clerk & Comptroller's Office. Employees in the Division report to the Inspector General/Audit Director.

### **Policies**

- Deliver outstanding service, be effective and efficient and be a great place to work.
- Ensure audit and investigative processes are performed in compliance with appropriate professional standards and departmental procedures.
- Ensure accurate and timely reporting to all parties (e.g., internal and external customers, accreditation bodies).
- Provide high quality training to employees on proper auditing procedures, professional standards and organizational systems and processes.

### **Key Objectives**

- Develop risk-based annual plans and conduct audits, investigations and other types of reviews to satisfy professional standards and customer needs.
- Evaluate the effectiveness of the organizations' ability to identify and manage risks and ensure controls are in place to sufficiently mitigate the vulnerabilities and potential impacts.
- Review the reliability and integrity of financial and operating information.
- Assess the achievement of the organization's strategic objectives.
- Review the systems established to ensure compliance with policies, procedures, laws and regulations.
- Review the means of safeguarding assets and verify the existence of such assets.

- Appraise the economy, efficiency and effectiveness with which Clerk & Comptroller's Office resources are employed.
- Review operations or programs to ascertain whether results are consistent with established objectives and goals.
- Coordinate investigative activities as necessary with law enforcement agencies.
- Report results and recommendations and follow up on management's resolution of corrective actions.

### **Short-Term Goals**

- Enhance accuracy and timeliness of all services performed.
- Comply with professional audit and investigation standards and criteria.
- Enhance customer service delivery by responding to customer requests and implementing changes when feasible.

### **Long-Term Goals**

- Cultivate a culture of continuous improvement of all processes within the Division.
- Develop a system of periodic examinations and maintain accreditation and compliance with professional standards-setting agencies.
- Develop a best in class team of certified professionals that demonstrate superior audit and investigative skills.

### **Performance Workloads and Metrics**

The Division prepares written reports detailing the results of audits and investigations performed. Management provides written responses to the audit recommendations, which are included in the report. The responses will include corrective actions to be taken by management and target completion dates by which the actions will be implemented.

Final audit reports are issued to the appropriate parties. The Division follows up on corrective actions indicated in the management responses to monitor successful completion.

Table 18 below summarizes the Division’s key performance workloads and metrics for the three Fiscal Years ending September 30, 2012 through 2014.

<b>Inspector General Performance Workloads and Metrics</b>	<b>FY2012</b>	<b>FY2013</b>	<b>FY2014 Goal</b>
<b>Audit Services Unit</b>			
Reports Issued	6	6	6
Potential Cost & Revenue Recoveries Identified	\$ 1,068,661	\$ 307,837	\$ 500,000
<b>Public Integrity Unit (PIU) Investigations</b>			
Cases Handled	22	58	70
Referrals to Law Enforcement & Clerk Management	15	21	25
Reports Issued	4	5	6
Potential Cost & Revenue Recoveries Identified	\$ -	\$ 2,520	\$ 25,000
<b>Guardianships</b>			
Guardianship Hotline Contacts Received	65	121	125
Assessments & Limited Reviews Performed	138	343	400
Audits Performed & Reports Issued	10	9	12
Other Memos to Judiciary	3	25	30
Referrals to Law Enforcement & Other Agencies	16	12	20
Unsubstantiated Expenditures & missing Assets	\$ 821,820	\$ 1,701,153	\$ 2,000,000

*Table 18: Inspector General Performance Workloads and Metrics*

## **2. Legal Counsel & Ethics Officer**

It is the mission of the Clerk & Comptroller's Office to protect, preserve and maintain the public records and public funds with integrity and accountability. The Legal Counsel & Ethics Officer reports directly to the Clerk & Comptroller and as such directs the entire organization on all legal matters and compliance on ethical conduct.

### **Policies**

- Deliver outstanding service, be effective and efficient and be a great place to work.
- Policy on Ethics is derived from Chapter 112, Part III Florida Statutes Employee policy – Standards of conduct
- Employee policy – Conflict of Interest
- Gift Policy
- Anti-Harassment Policy
- Workplace Violence Avoidance and Intervention Policy
- Contract Policy
- Procurement Policy
- Public Records pursuant to Chapter 119, Florida Statutes

### **Objectives**

- Review Clerk policies affecting conduct in the workplace and approving for legal sufficiency.
- Review, draft and process contracts in a manner that protects the office from liability and conserves taxpayer dollars.
- Review and provide legal input regarding training for anti-harassment and workplace violence awareness.
- Advise and consult with Chief Officers regarding legal issues arising in HR, Operations, Finance, IT and Communications.

### **Short-Term Goals**

- Develop and expand focus and role of Legal Counsel within the organization.
- Update contract and procurement methodology with Procurement to clarify processes for all relevant employees.
- Expand online public record requests to incorporate additional types of requests through monthly uploads of reports or availability through shopping carts and review costs and charges.

- Update Legal Services page on the Clerk's internal website.

### **Long-Term Goals**

- Develop a separate Ethics Manual and training to include Public Records information and education regarding ministerial role of clerks vs. giving legal advice...
- Develop new ethics training for employees during orientation by Legal Counsel & Ethics Officer. This will include
  - Listing identified risks and related those risks to statutory or rule requirements. This will include Conflict of Interest, Outside Employment, Gift Policy, Anti-Harassment and Anti-Discrimination.
  - Follow up to determine effectiveness.
- Continue to update and reorganize document bank for relevant legal issues.
- Update legal research bank to include subject matter files, i.e.: complaints and separate causes of action, bonds, public records, ethics, employment issues, etc.

## B. Communications

The Communications function is led by the Chief Communications Officer and provides all internal and external communications for the Clerk & Comptroller of Palm Beach County.

Key activities include media relations, website and Intranet content and maintenance, social media channels, publication of internal and external eNewsletters, employee communications, development of collateral materials, the financial publication *Checks & Balances: Your Guide to County Finances*, Speaker's Bureau and video production.

As shown in Table 19 the budget request for the Communications function for FY2014 is \$517,917. This represents a \$63,048 increase from FY2013 and is due to health and retirement cost, increases offset by the reduction of a position and a reduction in advertising contracts and printing services.

( ) denotes a decrease

Communications	FY2012 Actual Expenditures	FY2013 Estimated Actual	FY2014 Adopted Budget	Variance \$	Variance %
<b>By Expense Type</b>					
Personnel Services	\$ 497,946	\$ 379,618	\$ 436,549	\$ 56,932	15.0%
Operating Expenses	86,357	68,261	81,367	13,106	19.2%
Capital	3,691	6,990	-	(6,990)	-100.0%
<b>Total</b>	<b>\$ 587,993</b>	<b>\$ 454,869</b>	<b>\$ 517,917</b>	<b>\$ 63,048</b>	<b>13.9%</b>

Table 19: Communications Financial Schedule

### Policies

- Deliver outstanding service, be effective and efficient and a great place to work.
- All media relations are handled by the Communications department. Staff directs all inquiries to their supervisor for referral to the Chief Communications Officer.
- The Communications department is comprised of the Chief Communications Officer, Digital Communications Administrator, Digital Communications Specialist, Media Communications Specialist, and Senior Communications Editor.

## **Key Objectives**

The department's key objective is to increase the public's awareness and understanding of the Clerk's role by providing clear, consistent and accurate information that aligns with our vision, mission and values using a variety of mechanisms, including, but not limited to, our external website, our internal intranet, community outreach and education, publications, traditional (TV, newspapers, etc.) and social media (Facebook, twitter, YouTube, etc.).

## **Short-Term Goals**

- Enhance community awareness through expansion of education outreach programs and speaking opportunities.
- Identify additional community stakeholders and strategic partners.

## **Long-Term Goals**

- Attain consistency in the Clerk & Comptroller's office messaging and brand.
- Ensure uniform visual identity in all communications tools and channels.
- Enhance metrics to guide departmental and organizational goals.
- Establish an organizational Style Guide based on Best Practices and industry standards to govern all written items.

## **Performance Workload Indicators**

- Media Monitoring: The monitoring includes online and print-edition newspapers and magazines, as well as broadcast clips.
- Social Media: The Clerk & Comptroller's office measures the number of Facebook "friends" and twitter followers, including posts and the number of total "tweets" monthly.
- External website and Intranet site: The measures for the external website and the internal intranet site capture the number of visitors and visits per month, page views per month and average time viewed.

Personnel within the Communications Department handle the following responsibilities, among others:

- Media relations
- Internet content and maintenance
- Intranet content and maintenance
- Publication of internal eNewsletters
- Publication of external eNewsletters
- Employee communications
- Customer communications
- Crisis communications
- Development of collateral materials, flyers, posters
- External events
- Charity program management
- Public education
- Development of the financial publication *Checks & Balances: Your Guide to County Finances*
- Social media
- Speaker's bureau
- Video production.
- Employee awards and suggestions, such as Suggestion Connection and Clerk Kudos.

## C. Operations & Official Records

As Clerk of the Circuit Court, the Clerk & Comptroller's Office is the service and support center for Palm Beach County's court system.

The Clerk & Comptroller's Office supports Palm Beach County's Criminal, Civil and Juvenile Courts. The office processes, records and files court documents such as lawsuits, traffic tickets, divorce agreements, wills, domestic violence petitions and tenant evictions.

All court services are available at the Main Courthouse in West Palm Beach, and limited services are available at four branch courthouse locations throughout Palm Beach County. The satellite office at Gun Club Road in West Palm Beach provides services for first appearances, specialty courts such as Mental Health, Drug and Veterans Court, traffic and criminal case payments. Civil and Criminal Court records may be searched online at <http://www.mypalmbeachclerk.com>.

The Operations & Official Records function is led by the Chief Operating Officer of Courts and Official Records and the divisions include Civil Courts, Criminal Courts, Branch Courts and Official Records.

As shown in Table 20 on the next page the budget request for the Operations & Official Records function for FY2014 is \$36,023,143. This represents a \$2,147,693 increase from FY2013 and is due primarily to increases in health insurance, retirement costs, merit increases as well as increases in maintenance costs related to new technology implementations. The increase in salary and benefit costs are partially offset by reductions in overtime spending, utilize temporary hires, savings achieved from technology deployed in 2013, as well as other operating efficiencies achieved by shifting resources to departments that are receiving higher work volumes without adding staff and the recent change in business hours.

( ) denotes a decrease

Operations & Official Records	FY2012 Actual Expenditures	FY2013 Estimated Actual	FY2014 Adopted Budget	Variance \$	Variance %
<b>By Expense Type</b>					
Personnel Services	\$ 30,180,910	\$ 31,428,124	\$ 33,464,661	\$ 2,036,537	6.5%
Operating Expenses	2,314,381	2,439,018	2,522,195	83,177	3.4%
Capital	3,594	8,309	36,288	27,979	336.8%
<b>Total</b>	<b>\$ 32,498,884</b>	<b>\$ 33,875,450</b>	<b>\$ 36,023,143</b>	<b>\$ 2,147,693</b>	<b>6.3%</b>

Table 20: Operations & Official Records Financial Schedule

### Policies

- Deliver outstanding service, be effective and efficient and be a great place to work.
- Ensure that all processes are completed accurately and timely.
- Safeguard the integrity of court records while providing complete and thorough records for the public and the court.
- Ensure accurate and timely reporting to all federal, State and local agencies, based on statutory requirements and/or court order.
- Safeguard all financial transactions and records, ensuring that (1) records accurately reflect balances due based on statutory requirements and/or court orders and (2) that all customer payments are properly applied.
- Provide high quality training to employees on proper procedures, legislative changes, available resources, system processes and customer needs.
- Provide a systematic approach to safeguarding all phases of records, from intake to storage to destruction, inclusive of official records, court records, financial records and administrative records.
- Promote and coordinate opportunities for paperwork reduction.
- Coordinate the disposal of records that have met retention criteria/standards, maintaining documentation of compliance with laws, ordinances and other regulations.
- Maintain thorough records while utilizing a systematic retrieval system.
- Maintain evidence required for court cases in a safe and secure location.

## **Key Initiatives**

- eFiling
- ShowCase

### **1. Civil Courts**

The Civil Courts are divided into two main divisions, Circuit and County, and provide support for activities associated with Probate, General Civil, Tax Deeds & Foreclosure Self Service and Unified Family Court.

Circuit Civil courts handles lawsuits with damages of more than \$15,000. Examples of Circuit Civil lawsuits include bond validations, car bonds, personal property bonds, declaratory judgments, ejectment, eminent domain, injunctions, petitions, quiet title, replevin, and tax-related cases, such as contest of tax assessments, enforcement of a tax warrant and IRS liens. The Circuit Civil courts also handle probate of estates, marriage licenses and ceremonies.

County Civil Courts have jurisdiction over claims up to and including \$15,000. A County Civil case is any civil matter that falls within the jurisdiction of County Court. Details may be found in Chapter 34, Florida Statutes.

The County Civil Courts also handle evictions and small claims. Small Claims include claims up to \$5,000. Examples of common types of actions handled in small claims include auto negligence, claims of goods sold, claims for work done and materials furnished, claims for money lent, promissory notes and replevin actions for recovery of property. The office staff provides assistance with the filing of small claim actions, prepares the court calendars and attends hearings.

## **Key Objectives**

- Provide court processing services to the public and justice partners in an efficient and effective manner.

- Focus on improving the implementation of technical and human resource innovations to maximize court services within the constraints of limited financial resources.
- Improve unit-processing ratios through the implementation of process improvement projects.
- Improve accuracy and timely maintenance of court case records.
- Communicate case flow processing demands to customers as needed, requesting their support and understanding.
- Increase debt collections through the combination of data extrapolation and sophisticated collection efforts.

### **Short-Term Goals**

- Systematically examine and improve all processes in the Civil Courts Division.
- Consolidate designated functional areas to maximize resources.
- Enhance accuracy and timeliness of the processing of all services.
- Comply with all State processing standards and criteria.
- Enhance the management of emergency petition procedures by coordinating efforts with law enforcement and community services.
- Enhance collection processes to increase debt collection by at least 1%.
- Enhance customer service delivery by listening to customer requests and researching possible adaptations.

### **Long-Term Goals**

- Consolidate all court records and financial processes within the conversion transition to the new case maintenance system (ShowCase).
- Receive and process all court filings electronically.
- Expand electronic access to provide automated services to the judiciary, court-related agencies and the public.
- Expand the imaging of all court records to enhance records management efficiencies.
- Encourage a culture of continuous process improvement.
- Collaborate with other agencies to combine resources and enhance services to the public.

- Maximize employee skills through cross-training efforts.

### Foreclosure Initiative

- We have worked together with the judiciary to cause stagnant cases to be moved through the system. Efficiencies in processing all aspects of foreclosures including the sale and issuance of the certificates of title have increased dramatically.
- Foreclosure sales were routinely being scheduled 6 to 7 months after judgment because of the backlog. Now they are being scheduled within 30 to 45 days. Certificates of title were previously not being issued for up to 2 months after the sale. Today, certificates of title are being issued within the statutorily proscribed time frame of 11 days.



Figure 18: Foreclosure Case Backlog

## **eFiling**

- eFiling for attorneys in civil courts has resulted in huge time saving efficiencies.
- Our docketing time standards in our busiest areas (Circuit Civil and County Civil) had been well below state standards for many years. As noted in Figure 19 on page 81 and Figure 20 on page 89.
- Since eFiling has commenced, we have been able to achieve over a 90% success rate for docketing documents into the system within the state standards. This has been a remarkable turn-around.
- For 2014, we will continue to improve on our docketing time standards as more attorneys start to eFile. Also, when pro se individuals are allowed to eFile, our docketing time standards will improve even further.

## **Performance Workloads and Metrics**

Personnel assigned in the Civil Courts Division handle the following responsibilities:

- Open new cases, index parties on each case record, process interim filings and close cases upon final disposition.
- Assist the public with and process emergency injunctions, simplified dissolution of marriages, mental health petitions and small claims.
- Process financial activities that include receipting for payments, court registry deposits and disbursements.
- Track court-ordered events, process indigent applications, assist pro se litigants and issue summonses, notices and subpoenas.
- Maintain physical and computerized case records, maintain court calendars, attend court, manage foreclosure actions and sales, tax deed sales, process writs and executions, manage evidence, issue clerk default judgments, consolidate cases, manage eminent domain actions, prepare documents for recording in Official Records, process mass dismissals, process civil appeals, handle public record requests and inquiries, coordinate procedures with justice partners, process collection notices and reports, audit guardianship reports, manage electronically-filed court documents and maintain child support payment records.
- Report statistical and compliance information to local and State agencies.
- Provide the general public with resources, referrals and information.

Table 21 demonstrates the trend of new case filings relative to the Civil Courts. Both Circuit and County Civil case filings are expected to decrease in FY2014. The change in new case activity is taken into consideration when developing the divisional budget for Civil Courts, which are funded mostly by court fees, fines and service charges.

( ) denotes a decrease

Civil Court	FY2012	FY2013	FY2014	Variance	Variance
New Case Filings	Actual	Actual	Projected	#	%
Circuit Civil	23,985	20,637	21,500	863	4.2%
County Civil	44,439	33,638	35,000	1,362	4.0%
Probate	10,260	10,909	10,000	(909)	-8.3%
Family	13,795	15,037	15,500	463	3.1%
Juvenile Dependency	589	767	600	(167)	-21.8%
Traffic	297,723	286,065	282,000	(4,065)	-1.4%
<b>Total Civil</b>	<b>390,791</b>	<b>367,053</b>	<b>364,600</b>	<b>(2,453)</b>	<b>-0.7%</b>

Table 21: Civil Court New Case Filings

Figure 19 on the following page provides a summary of the performance workloads and metrics relating to timeliness, new cases opened, docket entries and collection rates for the Civil Courts, which are posted on the Clerk & Comptroller’s external website and provided to the State as statutorily required.

## Civil Court Performance Workloads and Metrics

Annual projected % of new cases OPENED within X business days after initial documents are clocked in.

### 1. Timeliness Measures:

#### New Cases Opened

	Performance Measure Level %	Business Days #	2012 Actual	2013 Actual	2014 Projected	MEMO: Q4 2013
Circuit (cases)	80%	2	81%	65%	=> 80%	98%
County (cases)	80%	2	76%	65%	=> 80%	98%
Traffic (UTC)	80%	4	97%	100%	=> 80%	100%
Probate (cases)	80%	2	95%	94%	=> 80%	99%
Family (cases)	80%	3	99%	98%	=> 80%	100%
Juvenile Dependency (juveniles)	80%	2	99%	99%	=> 80%	100%

Annual projected % of docket entries ENTERED within X business days after clock in/action taken date.

#### Docket Entries

	Performance Measure Level %	Business Days #	2012 Actual	2013 Actual	2014 Projected	MEMO: Q4 2013
Circuit (cases)	80%	3	72%	71%	=> 80%	98%
County (cases)	80%	3	69%	62%	=> 80%	99%
Traffic (UTC)	80%	4	97%	99%	=> 80%	99%
Probate (cases)	80%	3	76%	88%	=> 80%	99%
Family (cases)	80%	3	77%	87%	=> 80%	98%
Juvenile Dependency (juveniles)	80%	3	87%	88%	=> 80%	87%

### 2. Collection Rates

Actual percentage of assessed fines, fees and court cost collected

	Annual Standard %	2012 Actual	2013 Actual	2014 Projected	MEMO: Q4 2013
Circuit	90%	97%	97%	=> 90%	94%
County	90%	100%	100%	=> 90%	100%
Traffic	90%	90%	88%	=> 90%	87%
Probate	90%	99%	99%	=> 90%	99%
Family	75%	98%	97%	=> 75%	96%

Figure 19: Civil Court Performance Workloads and Metrics

- Our docketing time standards in Circuit Civil and County Civil had been well below state standards for many years. As noted in Figure 19 above, there is a huge improvement in the success rate for docketing documents into the system within the state standards since eFiling commenced in the third quarter of 2013.
- For 2014, we will continue to improve on our docketing time standards as more attorneys start to eFile. Also, when pro se individuals are allowed to eFile, our docketing time standards will improve even further.

Technology has had a significant impact on the Clerk & Comptroller's Office's ability to manage this diverse and complex area of the court system. A few of the technological innovations implemented are:

- Online foreclosure auctions, enabling bidders to conduct research and perform bidding from the convenience of their computers, as well as increasing the number of bidders. Foreclosure sales were routinely being scheduled 6 to 7 months after judgment because of the backlog. Now they are being scheduled within 30 to 45 days. Certificates of title were previously not being issued for up to 2 months after the sale. Today, certificates of title are being issued within the statutorily proscribed time frame of 11 days.
- Internet access to forms and detailed information and directions for many case types.
- An automated customer service queuing system that enables tracking of the in-office customer service process, including wait times, service times and volume of customers throughout office hours.

#### **a. Child Support**

The Clerk & Comptroller maintains the official payment records for all Palm Beach County domestic relations support and alimony cases. The amount of support, frequency of payments, payment start dates and payee information is determined by the court. Payments may be paid through the State Disbursement Unit, through the Clerk & Comptroller's Office or through one's employer by Income Deduction Order. The Child Support Division also assists the Department of Revenue in the maintenance of all records relating to child support, including opening cases and maintaining all payment records throughout the court-ordered timeframe.

#### **b. Probate**

The Estates area of Probate involves the court-monitored distribution of a decedent's assets according to his/her will or, in the absence of a will, Florida Statutes. When a deceased person leaves titled assets in his or her name alone, a petition for probate may

be filed that allows distribution of the decedent's assets. The court oversees the estate to make sure debts are paid and proper distribution is made. Case life can last from a few months to several years depending on the case type and complexity. In cases when a file falls outside of statutory time standards, or becomes delinquent, the Clerk & Comptroller's Office notifies the Court.

### **c. Unified Family Court (UFC)**

The Unified Family Court (UFC) handles all case types related to family issues and provides services to the public at all four Palm Beach County courthouse locations. Case types include adoption, child support, divorce, domestic/repeat/sexual/dating violence, guardianship, juvenile, mental health, name change and paternity.

The Self Service Center offers assistance for those representing themselves in court by offering packets of legal forms with instructions available for purchase, interactive forms for divorce, small claims and evictions and low-cost attorney consultations.

### **d. Guardianships**

Guardianships encompass the court monitoring of a ward's personal needs and/or property when he/she has been deemed incapacitated by the court or by reason of minority. There are several different types of guardianship actions: Guardianship of the Person, Guardianship of the Property, Guardianship of the Person and Property, Veterans Guardianship, Guardianship of a Minor and Emergency Temporary Guardian. Guardianships can have a case life of one to many years. If a minor guardianship is opened on an infant, the case could last 17 more years, until the age of majority.

The Clerk & Comptroller's responsibility, per Statutes, is to audit initial and annual guardianship reports following the rules of court. Local procedures, using Generally Accepted Accounting Principles (GAAP), set the standards and rules that accountants follow in recording and summarizing transactions and financial statements. Professional guardians monitor and maintain credit and criminal investigation reports and notify the court of any activity that requires intervention.

## **e. Mental Health**

The Mental Health section of Unified Family Court involves court intervention when an individual becomes incapacitated due to substance abuse or mental illness to the point that he/she may be a danger to himself/herself or others and does not willingly enter a mental health facility. An active role is taken in mental health cases when a petitioner asks to have an individual "Baker Acted." This involves the involuntary examination of mental capacities when it is believed that he or she is a danger to himself/herself or others and refuses voluntary medical care. Statutes provides for the community's ready access to the court system when an individual refuses to voluntarily enter a receiving center or obtain outpatient counseling. These actions are considered emergency actions and receive priority processing.

The role of the Clerk & Comptroller's Office in assisting applicants is to perform the following steps:

- Explain the purpose and procedure of the Baker Act;
- Explain, identify and assist with the completion of forms;
- Deliver the temporary file to the court;
- Maintain all court pleadings and computer records for all actions filed; and
- Prepare certified copies and deliver them to local law enforcement for service.

Processing for Marchman Acts is similar to Baker Acts with two important exceptions:

- Petitioners may request involuntary examination; and/or
- Involuntary treatment.

The Unified Family Court clerk must clearly understand the needs of the applicant to ensure that the proper forms are completed for court review.

## **2. Criminal Courts**

The Criminal Courts are split into two main divisions, Circuit and County, and provide support for activities associated with the processing and maintenance of criminal appeals, felonies, misdemeanors, jury services, animal ordinance violations, marine violations, civil traffic infractions, criminal traffic infractions, parking violations, ordinance violations, cash Bond Refund, Sealing & Expungement of Records, Court Revenue and the Customer Call Center. The Clerk & Comptroller maintains the records for all Criminal and Traffic cases filed in Palm Beach County, as well as collects and disburses court fines, fees and assessments. Much of the criminal justice process occurs behind-the-scenes.

### **Key Objectives**

- Support the complex process of the criminal justice partners (the Judiciary, the State Attorney's office, the Public Defender's Office, local and State law enforcement agencies and attorneys), ensuring the timely and accurate processing of notices, subpoenas and summonses.
- Focus on improving the implementation of technical and human resource innovations to maximize court services within the constraints of limited financial resources.
- Improve unit-processing ratios through the implementation of process improvement projects.
- Improve accuracy and timely maintenance of court case records.
- Increase debt collections through the combination of data extrapolation and sophisticated collection efforts.

### **Short-Term Goals**

- Systematically examine and improve all processes in the Criminal Courts.
- Prepare all Criminal and Traffic cases for electronic transfer into the Case Management System through a Document Management System.
- Implement eFiling for criminal and traffic cases as mandated by the Supreme Court.

- Expand the eCitation process currently utilized for red light camera, toll and Florida Highway Patrol (FHP) citations to PBSO and all municipalities.
- Implement an In-court processing system that will enable the courtroom clerks to enter data into the case maintenance system; making the information available to the criminal justice community and public in “real time”.
- Provide an interface that will exchange data from the Clerk’s case maintenance system, Showcase to the Public Defender, State Attorney and PSBO. This will enhance the information flow of communication with the Palm Beach County’s Criminal Justice Partners.
- Track payment contracts for compliance with established payment schedules.
- Comply with all State processing standards and criteria.
- Enhance collection processes to increase debt collection by at least 1%.
- Enhance customer service delivery by listening to customer requests and researching possible adaptations.
  - The division has utilized technology to enhance delivery of customer service through a variety of means including the Traffic-Web Payment system and the ability for customers to text message the office to determine wait times at any location.

### **Long-Term Goals**

- Consolidate all court records and financial processes within the conversion transition to the new case maintenance system.
- Receive and process all court filings electronically.
- Expand electronic access to provide automated services to the judiciary, court-related agencies and the public.
- Expand the imaging of all court records to enhance records management efficiencies.
- Encourage a culture of continuous process improvement.
- Maximize employee skills through cross-training efforts.

### **Key Performance Initiative**

- The eCitation process has provided a significant impact on the filing of traffic infractions (TRs) and case creation. Receiving citations electronically has positively impacted several performance measures:

- Timeliness: the timeframe in which citations are initiated and docketed has improved to 99%, which exceeds the statewide standard of 80% for both docketing and case initiation. eCitations are validated at a higher rate of speed making our processes & procedures more efficient. Paper citations that are manually scanned and validated take longer to complete at a rate of 25 citations per hour. eCitations are validated at a significantly faster rate of 35 to 40 per hour.
- Efficiency: receiving citations electronically utilizes less manpower to create and validate cases. When fully implemented, this will allow us to reduce the number of staff needed for the function of validating citations. (cost efficiency). Receiving citations electronically has also drastically reduced the resources utilized for sorting and manually scanning citations into our case management system prior to case creation and validation.
- Accuracy: The Palm Beach County Clerk's Office requires all partnering agencies that file citations electronically to submit each citation (data & image) through TCATs or TCAT-like process. This requirement has ensured that the integrity of the information filed is accurate and pristine, thus reducing the number of Law Enforcement and Clerk data entry errors.

**Performance Guideline:**

- Paper Citations: validated at a rate of 25 per hour
- eCitations: validated at a rate of 35 - 40 per hour

As we seek to roll out the eCitation process to all local and county Police Departments, we would expect to see continued efficiencies in the years to come.

**Performance Workloads and Metrics**

Personnel assigned in the Criminal Courts Division handle the following responsibilities, among others:

- Provide assistance to the judiciary, attorneys, defendants, victims, businesses and other members of the public and the criminal justice community.

- Respond to daily inquiries from the public in person, by mail, web and on the telephone concerning details about hearings, fines and costs, court orders and other critical information related to criminal and traffic cases.
- Work meticulously to make certain that case files meet all State-mandated processing time standards and remain available for court and for the public.
- Attend court sessions, prepare and maintain court calendars, create and maintain case dockets, safeguard evidence, receipt and record all filed documents and coordinate the jury process.
- Collect and disburse statutory fees, assessed court costs and fines as well as the compilation of data required for numerous statistical reporting requirements.
- Issue subpoenas to witnesses in criminal and traffic proceedings, issue summonses notifying individuals of pending court actions and issue subpoenas mandating court attendance.
- Timely prepare and submit accurate statistical and performance measure reports required by law to various state agencies.
- Forward unpaid criminal and traffic financial obligations to contracted collection agencies.

Table 22 demonstrates the trend of new case filings relative to the Criminal Courts. Both Circuit and County Criminal case filings are expected to decrease in FY2014. The change in new case activity is taken into consideration when developing the divisional budget for Criminal Courts, which are funded mostly by the court fees, fines and service charges.

( ) denotes a decrease

Criminal Court	FY2012	FY2013	FY2014	Variance	Variance
New Case Filings	Actual	Actual	Projected	#	%
Circuit	14,503	14,310	14,400	90	0.6%
County	36,744	33,629	33,000	(629)	-1.9%
Juvenile Delinquency	4,470	3,829	3,800	(29)	-0.8%
Traffic	32,436	31,702	32,000	298	0.9%
<b>Total Criminal</b>	<b>88,153</b>	<b>83,470</b>	<b>83,200</b>	<b>(270)</b>	<b>-0.3%</b>

Table 22: Criminal Court New Case Filings

Figure 20 provides a summary of the performance workloads and metrics relating to timeliness, new cases opened, docket entries and collection rates for the Criminal Courts which are posted on the Clerk & Comptroller’s Internet website and provided to the State as statutorily required.

### Criminal Court Performance Workloads and Metrics

<b>1. Timeliness Measures:</b>		<i>Annual projected % of new cases OPENED within X business days after initial documents are clocked in.</i>					
<b>New Cases Opened</b>		<b>Performance Measure Level %</b>	<b>Business Days #</b>	<b>2012 Actual</b>	<b>2013 Actual</b>	<b>2014 Projected</b>	<b>MEMO: Q4 2013</b>
	Circuit (defendants)	80%	2	97.8%	98.5%	=> 80%	99%
	County (defendants)	80%	3	77%	95%	=> 80%	95%
	Juvenile Delinquency (juveniles)	80%	2	97%	96%	=> 80%	99%
	Traffic (UTC)	80%	3	91%	99%	=> 80%	98%
<b>Docket Entries</b>		<i>Annual projected % of docket entries ENTERED within X business days after clock in/action taken date.</i>					
		<b>Performance Measure Level %</b>	<b>Business Days #</b>	<b>2012 Actual</b>	<b>2013 Actual</b>	<b>2014 Projected</b>	<b>MEMO: Q4 2013</b>
	Circuit (defendants)	80%	3	63%	63%	=> 80%	78%
	County (defendants)	80%	3	75%	91%	=> 80%	94%
	Juvenile Delinquency (juveniles)	80%	3	87%	86%	=> 80%	86%
	Traffic (UTC)	80%	3	79%	93%	=> 80%	94%
<b>2. Collection Rates</b>		<i>Actual percentage of assessed fines, fees and court cost collected</i>					
		<b>Annual Standard %</b>		<b>2012 Actual</b>	<b>2013</b>	<b>2014 Projected</b>	<b>MEMO: Q4 2013</b>
	Circuit	9%		5.9%	5.1%	=> 9%	7%
	County	40%		26.4%	30.2%	=> 40%	32%
	Juvenile Delinquency	9%		23.2%	19.8%	=> 9%	13%
	Traffic	40%		53.5%	57.2%	=> 40%	56%

Figure 20: Criminal Court Performance Workloads and Metrics

One of the key initiatives in FY2013 that affected performance in the criminal courts division is eCitations. As noted in Figure 20 related to timeliness, the timeframe in which citations are initiated and docketed has improved to 99%, which exceeds the statewide standard of 80% for both docketing and case initiation. eCitations are validated at a faster rate which significantly improved our processes and made

procedures more efficient. Paper citations that are manually scanned and validated take longer to complete at a rate of 25 citations per hour. eCitations are validated at a significantly faster rate of 35 to 40 per hour.

Receiving citations electronically utilizes less manpower to create and validate cases. It has also drastically reduced the resources utilized for sorting and manually scanning citations into our case management system prior to case creation and validation. In addition, the Clerk's Office requires all partnering agencies to submit each citation filed electronically through TCATs or TCAT-like process. This requirement has ensured that the integrity of the information filed is accurate, thus reducing the number of data entry errors. When fully implemented, eCitations will allow the office an opportunity to reduce the number of staff needed for validating citations.

As we seek to roll out the eCitation process to all local and county Police Departments, we would expect to see continued efficiencies with processing cases and to continue to exceed state timeliness performance measures by maintaining our 99% timeliness rate.

The Customer Call Center provides a means to assist the public with their questions regarding a case. Below is a summary of the increase in customer calls responded to and the procedures implemented which reduced the number of customer calls, enhanced the answer rate, reduced abandoned and terminated call and overall time a customer had to wait to have their call answered.

As indicated in Table 23 on page 91, the Call Center accomplished the following.

- The answer rate has improved to 90% due ongoing training of staff.
- The number of overall calls has reduced by 38,345 calls and can be attributed to staffing and the number of calls being handled in one phone call, "one stop shop".
- The number of abandoned calls has dropped by 13,780 calls or 18%. By reducing the amount of time the customer has to wait their call is being answered sooner and therefore not hanging up while waiting.
- The terminated rate dropped by a hefty 5,903 calls. This is a 72.28% improvement in the number of calls we did not have to disconnect due to having too many customers already waiting for a Clerk.
- The average time a customer had to wait to have their call answer dropped by 48 seconds. This is a 34.53% improvement to the following year.

Call Center	2012	2013	2014
Performance Workload	Actual	Actual	Projected
Total Calls Received	341,730	303,385	288,216
Total Calls Answered	258,518	239,856	259,394
Percentage	75.60%	79.05%	90.0%
Abandoned	75,046	61,266	52,382
Terminated	8,166	2,263	2,042
Avg. Wait Time	2:19	1:31	1:26
Avg. Talk Time	2:56	3:04	2:54

*Table 23: Call Center Performance Workloads and Metrics*

The overall improvements to all metrics of the call center have continued to improve. We have completed the training for all new staff members who are now independently taking calls. With the change to business hours from 5:00 to 4:00 PM the call center team is now available to assist in other operational departments while at the same time helping to improve and maintain their timeliness requirements.

### **Additional Duties & Responsibilities**

The Criminal Courts Division is responsible for the collection of all monetary payments for fines, costs, restitution and fees. Defendants are assisted with indigent applications and their accounts are monitored through payment plans, collection notices and driver's license suspensions imposed for non-compliance to ensure that State-mandated collection requirements are maintained.

Jury management is also performed through the Criminal Courts Division. Jurors are summoned by mail to report to the Main Palm Beach County Courthouse. The Clerk & Comptroller's Office works closely with the court to effectively support trial operations and assist the public in performing its civic responsibilities.

Additionally, the Traffic Department handles all civil traffic infractions as well as tobacco, smoking, parking and toll violations. It processes traffic citations issued by all local and State law enforcement agencies in Palm Beach County, including the Florida Highway Patrol (FHP) and the Florida Department of Transportation (FDOT). Payment

methods are facilitated through online services, mail or in person. Parking citations are written for violations of County or municipal ordinances or Florida Statutes. By law, parking citations are the responsibility of registered owners of ticketed vehicles.

### **3. Official Records**

The Official Records Division also reports to the Chief Operating Officer of Courts and Official Records. This division consists of Recording, Record Services and Operations Systems & Training Departments.

#### **Key Objectives**

- Sustain highly efficient electronic processing, storage and retrieval systems for maintaining public records and court data submitted to the Clerk & Comptroller's Office.
- Meet the demands of the various agencies and departments related to archiving documents in an efficient and effective manner.
- Ensure that all records are properly preserved and maintained and protected from environmental elements.
- Provide court processing services to the public and justice partners in an efficient and effective manner.
- Focus on improving the implementation of technical and human resource innovations to maximize recording services within the constraints of limited financial resources.
- Ensure the proper maintenance, storage and safeguarding of evidence submitted to the Clerk & Comptroller's Office.

#### **Short-Term Goals**

- Systematically examine and improve all processes in the Records & Support Services Department.
- Implement a new system to process official records.
- Expand eRecording to include submissions from external customers.
- Consolidate designated functional areas to maximize resources.
- Expand systems training opportunities offered to new and tenured employees.

- Enhance accuracy and timeliness in the processing of all services.
- Comply with all State processing standards and criteria.
- Enhance customer service delivery by listening to customer requests and researching possible enhancements in customer service.
- Enhance evidence vaults for maximum storage capacity and protection of the evidence.

### **Long-Term Goals**

- Collaborate with all other divisions with regard to the transition to the new case maintenance system (ShowCase)
- Receive and process all official records electronically.
- Receive and process all copy requests electronically.
- Expand the imaging of all records to enhance records management processes and become green efficient.
- Encourage a culture of continuous process improvement.
- Maximize employee skills through cross-training efforts.

### **a. Recording**

The Clerk & Comptroller is the Custodian of the Official Records for Palm Beach County. Official Records include court judgments, deeds, liens, marriage licenses, mortgages, plats and tax deeds.

Personnel assigned to recording activities carry out the following responsibilities:

- Accept documents for recording into the official records.
- Collect State documentary stamps and intangible taxes and fees associated with submitted documents, per Florida Statutes.
- Record court documents as received.
- Index and verify images of documents to provide easy retrieval on the Internet and in the office. Internet access is provided to the Official Records database for Palm Beach County. Digital images of documents can be researched back to 1968 and marriage license listings back to 1909.

## Performance Workload and Metrics

Table 24 provides a summary of the Performance Workloads and Metrics to help track key Recording activities.

Recording Performance Workloads and Metrics	FY2012 Actual	FY2013 Actual	FY2014 Projected
Customers Assisted	38,115	44,154	46,361
Calls Answered	28,404	32,101	33,706
Documents Recorded	507,055	560,407	588,427
Pages Recorded	1,441,080	1,721,737	1,807,824
Fees & Taxes Collected	\$ 154,992,732	\$ 210,638,048	\$ 221,169,950

Table 24: Recording Performance Workload and Metrics

### b. Record Services

Record Services consists of the following departments:

- Micrographics/Scanning;
- Mailroom; Records Management;
- Record Service Center Photocopy and Index Search; and
- Evidence Storage.

The Official Records Department is the custodian for all inactive records and evidence maintained by the Clerk & Comptroller's Office.

The department archives records in accordance with Chapter 119, Florida Statutes, which governs all aspects of public records and guarantees open access to all citizens. Records in these facilities include administrative records, files and evidence, which are maintained from acceptance through destruction.

## Micrographics/Scanning

Official Records is also responsible for microfilming and imaging documents, producing permanent archival records and retaining the best photographic quality possible.

All produced film is of archival quality and meets the standards set forth in Chapter 1A-26, Florida Administrative Code, developed by the National Archives and Record Service and the standards of the American National Standards Institute (ANSI). Images that are filmed and scanned include official records, various court cases and personnel files. This procedure includes preparing, imaging, filming, processing, duplicating and storing archival quality film.

There are two types of available media storage:

- Micrographic; and
- Optical imaging.

Optical imaging is a key component in the expansion of eFiling options, paperless storage and access to documents through the Internet.

Personnel assigned to Micrographic activities carry out the following responsibilities:

- Prepare, film and process documents for microfilming and imaging.
- Process film for archival storage and duplicate information for outside customer sales.
- Verify and inspect images and film to ensure the best possible quality of image.
- Adhere to permanent media storage specifications set by the State.
- Convert scanned images of documents to microfilm, avoiding traditional filming procedures. This practice utilizes the best of both worlds: digital format for accessible storage and analog format for archival storage.
- Ensure permanent retention of documents on microfilm.
- Ensure permanent retention of paper files for all capital court cases.

## **Mailroom, Evidence and Records Management**

Personnel assigned to activities related to Mailroom, Evidence and Records Management carry out the following responsibilities:

- Maintain records of acceptance, retention and destruction of case files from the court and administrative areas of the office. Records are retained in accordance with the Florida Rules of Judicial Administration as well as GS1SL and GS11 records schedules issued by the Florida Department of State for each type of individual record.
- Retain evidence as defined in the Florida Rules of Judicial Administration and Florida Statutes for the court area in a secure environment, while providing efficient and effective tracking from acceptance through destruction.
- Manage mail activity. Pick up, process and deliver incoming mail. Prepare and meter outgoing mail for pickup.
- Provide courier transport of records and associated paperwork across the County on a daily basis.

## **Performance Workload Indicators**

- Records accepted into the Records Center are measured by box or case file. Individual files are requested by departments for examination, sent to the requesting department and returned to the original storage box. White label boxes containing miscellaneous documentation are received from each department, retention schedules are checked and destruction is performed when the retention time is met.
- Incoming and outgoing mail is tracked by the piece. The mailroom strives to deliver each piece of mail received each morning to the correct department. Outgoing mail is metered for postage at a reduced rate and processed for outgoing delivery.

## **Record Service Center (Photocopy and Index Search)**

Personnel assigned to Record Service Center activities carry out the following responsibilities:

- Provide searches of the index and abstract (land) records dating back to the early 1900's.
- Fill internal and external copy requests relating to court and Official Records.
- Issue Clerk Certificates (e.g. Plat related, No Marriage and Declaration of Condominium).
- Assist counter and phone customers with questions relating to the Official Record Public View system.

### **Performance Workload Indicators**

Personnel performing Official Record activities are responsible for assisting customers as they come into the public area to perform various tasks. Customers include, but are not limited to, attorneys, title companies and the general public. The workload is varied and dependent on housing sales, economic stability and court case activity. Quality control is provided for imaging and filming that takes place in the Official Records Department, as well as other departments in the Clerk & Comptroller's Office and outside agencies.

### **c. Operations Systems and Training**

#### **Operations Systems**

The Operations Systems unit modifies enterprise software systems to support user needs; defines specifications; plans, recommends, develops, tests and implements solutions and enhancements. It is a technical resource to system users, providing assistance and support of various enterprise software systems, including troubleshooting and/or resolving questions and problems, acting as a backup to Systems Analysts in providing customer service to end users and fulfilling user/customer requests for information, support and reports.

Personnel assigned to Operations System activities carry out the following responsibilities:

- Maintains a working knowledge of a variety of operating systems and programs associated with work activities and the functions performed by end users in Operations.
- Consults with operations to identify opportunities for improvements in processes and communicates the changes to supervisors, employees, internal and external customers as needed.
- Works as a liaison between operations and IT, resolving problems and vetting issues as well as answering questions regarding processes and procedures.
- Executes tests plans for upgrades and changes made to operating systems; vets issues and recommends changes based on operational needs of the organization and the systems they are working with.
- Designs, and runs reports and queries for a variety of reason that include troubleshooting, state reporting requirements, identifying and fixing issues within the software and at the request of operations.

### **Operations Training**

As part of the support arm for the Operations & Official Records function, the Operations Training Department develops and delivers training programs to new and tenured employees. As the Clerk & Comptroller's Office continues to be impacted by and takes advantage of new technologies and systems, the role and importance of this unit continues to grow. Formal new employee orientation programs have replaced the traditional non-standard on-the-job (OTJ) training of the past and new streamlined process-oriented training is rolled out for newly implemented systems and software. Additionally, remediation is administered based on management requests and reports provided by the Operations Quality Control team. Operations Training also serves as an Operations Helpdesk providing support for internal user requests by phone or email. This role requires issue analysis, troubleshooting, liaising with vendor contacts, brainstorming workarounds and updating user documentation.

Personnel assigned to Operations Training activities carry out the following responsibilities:

- Review existing processes for inefficiencies and provide recommendations for streamlined processes;

- Develop department process manuals including diagrammatic representations for process flows;
- Perform fit gap analysis for proposed system implementation, document gaps and change requests, assist with system testing and enhancement verification;
- Develop and design job specific training for each job role for New Hire Orientation;
- Deliver initial and remedial training programs for division employees using place-based, online tutorials, webinars and blended delivery methods;
- Design and deliver training to customers including attorneys, external agencies and court partners, the media and the public;
- Keep documentation and users up to date with process changes as related to new Statutes, Statute changes and administrative orders;
- Evaluate success of training projects and provide appropriate reporting to management;
- Maintains a working knowledge of a variety of computer operating systems and software programs associated with work activities, which may include word processing, spreadsheet, database, report generation, desktop publishing, presentation, communications, training development, training delivery, learning management, Internet and email; maintains working knowledge of computer programs utilized by various Clerk & Comptroller departments.

New Hire Orientation is typically held every two weeks whereas initial and refresher training is provided on demand. Preparation and update of materials is ongoing.

### **Performance Workload Indicators**

Personnel performing Operations Training activities are responsible for ensuring that new and tenured employees are able to perform their job roles and customers able to use clerk systems. Customers include, but are not limited to, attorneys, State/County agencies, other court partners, the media and the general public. The workload with regard to external customers varies according to the volume of technology innovation.

## D. Finance

The Clerk serves as the Comptroller, Chief Financial Officer, Auditor and Treasurer for the County by monitoring the County budget, revenue, debt and spending. The Clerk pays all the County's bills and maintains an accurate, complete set of financial records in order to produce all required financial statements and reports to comply with State and federal laws and Generally Accepted Accounting Principles. As Treasurer, the Clerk actively manages and earns interest income for the County on an average investment portfolio size of \$1.5 billion, last year earning the County \$34.4 million to reduce the financial burden on County taxpayers. As County Auditor, the Clerk audits County expenditures to ensure it serves a public purpose, complies with the law and is within the County's budget. Additionally, the Clerk serves as Clerk of the Board of County Commissioners by maintaining the records of the County Commission and other meetings and provides all meeting minutes and video to the public via the Clerk's Internet website. As Clerk of the Circuit Court, the Clerk's Accounting Department records and distributes all revenues received for all court fees, fines and service charges as well as recording and other user fees collected as County Recorder. Additionally, the internal business responsibilities of Procurement, Budget & Financial Analysis, Payroll and Clerk Accounting are under the auspices of the Finance function. The Finance and Clerk of the Board operations are led by the Chief Operating Officer of Finance.

( ) denotes a decrease

Finance	FY2012 Actual Expenditures	FY2013 Estimated Actual	FY2014 Adopted Budget	Variance \$	Variance %
<b>By Expense Type</b>					
Personnel Services	\$ 7,496,076	\$ 8,524,651	\$ 9,505,451	\$ 980,800	11.5%
Operating Expenses	539,312	531,230	719,718	188,488	35.5%
Capital	13,949	-	-	-	N/A
<b>Total</b>	<b>\$ 8,049,337</b>	<b>\$ 9,055,881</b>	<b>\$ 10,225,169</b>	<b>\$ 1,169,288</b>	<b>12.9%</b>

Table 25: Finance Financial Schedule

As shown in Table 25, the budget request for the Finance function for FY2014 is \$10,225,169. This represents a \$1,169,288 increase from FY2013 and is due to the combination of increase health and retirement costs, an adjustment of the allocation of

funding for personnel affecting the overhead activities that impact the entire Clerk & Comptroller's organization and the addition of six staff positions as detailed in Section III.

### **Policies**

- Ensure that all transactions of the Board of County Commissioners and the Clerk & Comptroller's Office are properly recorded in accordance with Generally Accepted Accounting Principles (GAAP).
- Ensure that all financial statements are prepared in accordance with GAAP and audited annually.
- Provide cash management services, including the investment of excess operating funds of the Clerk & Comptroller in accordance with adopted policy and Florida Statutes.
- Maintain Board of County Commissioners accounts.
- Monitor debt service requirements and compliance with bond covenants.
- Ensure timely payment of debt service requirements and monitor compliance with bond covenants.
- Ensure accurate and timely reporting to all federal, State and local agencies.

### **Key Goals & Objectives**

- Deliver outstanding service, be effective and efficient and be a great place to work.
- Encourage a culture of continuous process improvement and superior customer service.
- Provide high quality training to employees on proper procedures, legislative changes, available resources, system processes and customer needs.
- Continue excellence as investment stewards by maintaining the Accredited Investment Fiduciary designation as well as the Centre for Fiduciary Excellence (CEFEX) certification.
- Finalize implementation of electronic vendor registration and payment options, which optimize cash management, strengthen controls, reduce turnaround times and generate passive rebate income.

- Allow credit card transactions for various types of payments received in Finance Revenue & Cash Management (i.e. Special Assessments, Fire Rescue Inspections, Non-Sufficient Fund Items, copy charges).
- Develop a strategy for electronic storage and retention of all County Finance Documents.
- Complete implementation of an automated process for payment of County travel via purchasing cards.
- Finalize the development and implementation of a new automated receipting system for Revenue & Cash Management.
- Complete the development and implementation of the automated system for Public Service Tax.
- Continue working with the County departments to educate them about the efficiencies and benefits of implementing remote Deposit Capture along with the Cash Receipt Interface for a paperless system.
- Educate County departments about efficiencies and benefits of implementing remote Deposit Capture along with the Cash Receipt Interface for a paperless system.
- Continue coordination and management of the newly formed Investment Council of the Palm Beaches.
- Complete implementation of a fully paperless process for County payroll by providing pay cards in lieu of paper checks for County employees.
- Continue working with the County to implement automated time and attendance system.
- Work with Information Technology and Human Resources as necessary to implement PeopleSoft process improvements.

### **Accomplishments**

- Implemented new purchasing card program for payment of County employee travel expenses, decreasing the number of reimbursement checks needed to be cut, as outlined in Table 26 on page 106.
- Implemented new software system and process improvements in the Investment Department to allow for a more efficient risk, performance and attribution analyses and reporting as well as an automated process for portfolio accounting. Table 26 illustrates how this new process will significantly improve investment interface transaction workload on staff.

- Implemented quarterly Clerk & Comptroller 457b Deferred Compensation Plan program oversight reporting process and procedures.
- Completed phase one of paperless work environment project, which provides for new workflow processes, electronic document storage, elimination of new/additional paper document storage space and associated costs.

### **Long-Term Goals**

- Fully implement Go-Green initiative to provide for paperless work environment.
- Receive and process all vendor activity electronically.
- Pay all vendor payments electronically.
- Finalize ability to pay all employee salary and expense reimbursements electronically.
- Maximize employee skills through cross-training efforts.
- Create online video training material for the County's Financial and Self Service System users to facilitate timely and easily accessible refresher training and reduce the need for printed material.

### **External Customers: Responsibilities related to the Comptroller and Clerk of the Board Role**

- Maintain the records of all County financial transactions and prepare all related financial statements and reports;
- Prepare the County's Popular Annual Financial Report (PAFR) and the Comprehensive Annual Financial Report (CAFR) submitted to the Government Finance Officers' Association (GFOA), the Auditor General, bond agencies and other concerned parties. Also included is the reporting of federal and certain State financial assistance in compliance with the federal and State of Florida Single Audit Acts and Section 318.18(13), Florida Statutes Assessment of Additional Costs. These items are submitted to the Florida Clerk of Court Operations Corporation who then submits a summary report to the Chief Judge of the Circuit, the Governor, the President of the Senate and the Speaker of the House of Representatives;
- Audit requests for disbursement of funds by the County to ascertain and certify that the requests are in compliance with applicable laws and regulations, within

authorized appropriations, limited to public purposes and supported by proper evidence of receipt of goods or services ordered. The functional sections of Payables processes payment requests that originate from purchase orders, contracts and grants, or other types of special payments;

- Issue vendor checks, payroll checks, refund checks and direct deposit receipts;
- Record and analyze all County revenue;
- Monitor financial compliance with all State and federal grants;
- Invest available funds in accordance with the Board of County Commissioners' Investment Policy and Florida Statutes. Deposits include pooled cash, checking and investment accounts with reconciliations that are performed on a monthly basis. Quarterly investment reports are provided to the Board of County Commissioners;
- Participate in the administration of Board of County Commissioners bonds and activities related to arbitrage rebate calculation;
- Schedule and process documents generated from Board of County Commissioners-supported areas for microfilming, imaging, storage and destruction in compliance with Florida Statutes; and
- Deliver information systems support for the accounting of all funds of the Board of County Commissioners.

#### **Internal Customers: Responsibilities related to the Clerk & Comptroller's Office**

- Maintain records of all Clerk & Comptroller financial transactions and prepare all financial statements and reports;
- Conduct pre-audit of all vendor payments requiring review of each purchase order and multiple invoices referencing the purchase order or contract;
- Review all related contracts to ensure compliance with the Clerk & Comptroller's policy and that the contract meets the requirements for competitive pricing;
- Issue vendor checks, refund checks, direct deposit receipts, juror checks, witness checks and court-ordered checks;
- Conduct pre-audits of travel reimbursements for Clerk & Comptroller personnel;
- Disburse revenue collected by the Clerk & Comptroller to various agencies pursuant to Florida Statutes;
- Identify the best rate for operating supplies, forms, bulk items and technology purchases to assure that the best value is obtained;

- Review invoices to ensure a three-way match between (1) purchase order, (2) receipt and (3) invoice prior to issuance of payment;
- Monitor financial compliance with State and federal funds, review related financial reports and continually examine budget and expenditure activity;
- Conduct physical inventory and maintain related records for Clerk & Comptroller fixed assets;
- Monitor legislative activity and recommend procedural changes, including those affecting cashiering and the accounting for and reporting of financial activity;
- Provide budget and financial analysis services for the Clerk & Comptroller's Office; and
- Produce and enhance the Annual Budget document according to Government Finance Officers Association (GFOA) guidelines.

### **External and Internal Customers: Responsibilities Related to Payroll**

The Payroll Department falls within the Finance function and has the responsibility of overseeing and producing three distinct payrolls:

- Clerk & Comptroller;
- Board of County Commissioners; and
- Palm Tran.

The Clerk & Comptroller's payroll is processed bi-weekly and requires balancing and auditing various payroll functions and reviewing employee data changes by Human Resources. The Payroll Department is also responsible for the processing of bi-weekly payroll for Palm Beach County and Palm Tran (County bus system) employees. Similarly, this requires auditing and balancing the various payroll functions; reviewing employee data changes by County Human Resources and Risk Management. This includes reviewing the pay policies for non-union, CWA (Communications Workers of America) union shift employees, part time and temporary employees and Firefighters unions that are paid on various bi-weekly work schedules. Processing includes entering employee's W-4, direct deposit of paychecks to employee's bank account, wage assignments, IRS levies, and Charitable Contributions (United Way). The Payroll department is responsible for various regulatory state and Federal reporting; including: filing and paying payroll taxes, Florida Retirement System (FRS) contributions for

multiple plans (Regular, Investment, DROP and Senior Management), pre and after tax retirement/pension plans and processing and mailing employee's W-2s.

**Performance Workload and Metrics**

Table 26 illustrates the performance workload and effectiveness metrics for the Finance function of the Clerk & Comptroller's Office. As a point of clarification, post audit quality assurance is a performance measure that calculates the percentage of invoices and/or interfaces processed with no errors identified in the payment amount, invoice numbers, vendor name, etc. during a payment post audit.

Finance Performance Workload and Metrics	FY2012	FY2013 (Estimated)	FY2014 Goal
Number of Investment Transactions	3,920	3,361	650
Percentage of Investment Performance	2.14%	1.08%	1.50%
Invoices & Interface Transactions Processed	210,727	199,508	205,000
Post Audit Quality Assurance	99.93%	99.94%	99.94%
County & Palm Tran Payroll Checks and Advices	167,685	164,739	162,126
County & Palm Tran Payroll Gross	\$ 389,961,258	\$ 391,298,586	\$ 413,639,739
County Purchase Audited	50,829	47,132	48,980
County Revenue Recorded	\$ 3,210,796,053	\$ 3,064,164,317	\$ 3,980,359,534
County Grants Reviewed	420	375	398

*Table 26: Finance Performance Workload & Metrics*

Table 27 displays the key performance metrics within the Clerk’s Accounting and Procurement departments.

Accounting & Procurement Performance Workloads & Metrics	Department	2012 Actual	2013 Actual	2014 Goal
Cash Reports :				
# business days to receive from Operations	Clerk Accounting	2.0	1.5	1.4
# business days to post cash reports to Financial System	Clerk Accounting	3.5	5.7	5.0
Disbursements :				
# business days to process and mail:				
Court Operations	Clerk Accounting	5.3	5.0	4.5
Tax Deed and Deposit & Bonds	Clerk Accounting	4.5	5.8	4.5
Cash Bond Refunds	Clerk Accounting	na	4.6	4.5
% Requisition Processed Successfully	Procurement	89%	94%	95%
% Reqs processed to PO	Procurement	88%	91%	94%

*Table 27: Accounting & Procurement Performance Workloads & Metrics*

As noted in Table 27, the Procurement Department improved its effectiveness in processing requisitions. During 2013, new technology was implemented which provided a more efficient method for processing requisitions related to common office supplies. A software application called “Punch-Out” made it possible to reduce the amount of time needed for processing requisitions as well as eliminating the need to manually enter the items to the requisition. While it reduced the amount of time to create the requisition, it also improved the flow from requisition to purchase order by eliminating errors.

The Clerk’s Accounting department is pursuing improvements in the disbursement process. A new case processing system was implemented for managing court cases which affected the accounting flow and requires additional development. These system issues continue to be address by the vendor.

## Responsibilities as Clerk of the Board of County Commissioners

As the duties related to the role of Clerk of the Board fall under the purview of the Chief Operating Officer of Finance, this information is provided within the Finance section of the document. The duties related to the Clerk of the Board role encompass both the Board Services Department and Value Adjustment Board (VAB). Minutes clerks must be in attendance at all meetings and workshops of the Board of County Commissioners and its committees as well as the VAB for the purpose of recording, indexing and distributing official minutes. In this role, the Clerk & Comptroller serves as the custodian of the official County seal, resolutions, contracts and ordinances of the Board of County Commissioners.

Table 28 illustrates the workload and effectiveness metrics for the Clerk of the Board role of the Clerk & Comptroller’s Office. It is important to note that FY2013 values are an estimate and subject to change following updates.

<b>Clerk of the Board Performance Workloads and Metrics</b>	<b>FY2012</b>	<b>FY2013</b>	<b>FY2014 Goal</b>
<b>Minutes</b>			
Meetings Attended	116	103	110
Documents Processed	3,515	2,885	3,200
Contracts	1,948	1,889	1,900
Ordinances	31	34	32
Pages Imaged	108,936	284,272	95,000
Copies Made for Public	1,962	1,040	1,500
<b>Value Adjustment Board</b>			
Petitions Received	6,379	4,898	5,600
Hearings Scheduled	5,418	4,267	4,800

*Table 28: Clerk of the Board Performance Workloads and Metrics*

## E. Information Technology

The Information Technology function maintains monitors and supports the organization's enterprise systems, ensuring compliance with Florida Statutes, Supreme Court orders and local administrative orders. The Information Technology function, led by the Chief Information Officer, establishes technical direction and provides services and support for the Clerk's Infrastructure, Case Management Systems (ShowCase), Official Records, Finance & Payroll, Project Management, as well as IT support services for the Clerk, justice partners and external customers.

As shown in Table 29, the budget request for the Information Technology function for FY2014 is \$13,034,850. An increase of \$6,453,027 over FY2013 is mainly due to the increases in health and retirement costs in addition to project related costs of \$5,560,750 to be funded mostly by the Special Revenue Fund.

( ) denotes a decrease

Information Technology	FY2012 Actual Expenditures	FY2013 Estimated Actual	FY2014 Adopted Budget	Variance \$	Variance %
<b>By Expense Type</b>					
Personnel Services	\$ 2,740,695	\$ 3,204,337	\$ 4,077,127	\$ 872,790	27.2%
Operating Expenses	5,135,341	2,958,021	8,616,223	5,658,202	191.3%
Capital	1,222,099	419,465	341,500	(77,965)	-18.6%
<b>Total</b>	<b>\$ 9,098,136</b>	<b>\$ 6,581,823</b>	<b>\$ 13,034,850</b>	<b>\$ 6,453,027</b>	<b>98.0%</b>

Table 29: Information Technology Financial Schedule

### Policies

- Deliver outstanding service, be effective and efficient and be a great place to work.
- Manage, maintain and safeguard Information Technology hardware, resources and data used within the Clerk & Comptroller's Office by ensuring that only authorized users are extended the privilege of accessing data and using equipment.
- Safeguard all electronic data by providing for proper backups, firewalls and precautions.

- Ensure that the information available has been reviewed in compliance with applicable Statutes and is provided pursuant to public access requests.

### **Key Objectives**

- Deliver outstanding service on a “24/7/365” foundation.
- Ensure that all processes are completed accurately and timely, safeguarding the integrity of court, financial and official records.
- Monitor all enterprise systems to ensure that adequate security and audit controls are included as an integral part of each system.
- Provide Information Technology services for public access both inside and outside the traditional courthouse setting while complying with both the public access Statutes and the public concerns of confidentiality.
- Maintain technology assets so Clerk & Comptroller staff can efficiently complete work assignments and other job related duties-
- Align technology initiatives with strategic vision while working within the constraints of limited financial resources.
- Provide documentation, Facilitate testing, provide support and implement both vendor and in-house applications.
- Provide consistent and accurate customer support for end-user and enterprise-related issues.
- Monitor all enterprise systems to ensure that adequate security and audit controls are included as an integral part of each system.

### **Short-Term Goals**

- Complete the Criminal ShowCase Project by completing all remaining tasks for Phase 1b.
- Provide support to Operations for Civil Courts, Phase II of the ShowCase Project. Assist by setting up a project environment working with Subject Matter Experts (SME) on data cleanup and conversion and overseeing fit gap analysis and working on an implementation plan.
- Migrate from proprietary to commodity hardware in preparation for upgrade of the PeopleSoft application to Version 9.2.
- Initiate upgrade of PeopleSoft application to Version 9.2.

- Implement a new talent management system which tightly integrates with the existing PeopleSoft platform to increase efficiencies by eliminating dual data entry.
- Provide support Court Operations in order to comply with State mandates, including eFiling, ADA Compliance with imaged documents, Searchable Text documents and eService for Attorneys.
- Establish eRecording for external customers via the Official Records system.
- Drive the successful implementation of the new Official Records system.
- Refine the processes and templates of the Project Management Office, to ensure its project portfolio remains tightly aligned to the Clerk & Comptroller's strategies and to improve communication across the organization.
- Transition Help Desk to Service Delivery Management based on the ITIL framework.
- Implement a more flexible and robust architecture for QA environments to increase the quality and predictability of production system deployments.
- Improve collaboration and efficiencies throughout the organization with the deployment of SharePoint 2013.
- Enhance mobile device security by implementing device management application and processes.
- Implement Electronic Document Management System for Finance.

### **Long-Term Goals**

- Support and implement new Civil Court Case Management System (ShowCase).
- Conduct review of location of current Data Center and identify available locations for back-up.
- Increase the maturity of service delivery methods and metrics in order increase the value provided by the IT department to the business units.
- Define business intelligence strategies to better position the Clerk's office delivery of "big data" solutions to various stakeholders.
- Expand review of IT staff positions in relationship to skill sets needed in order to support all enterprise systems.
- Ensure security of IT environments in relationship to changing views of Florida Supreme Court regarding moratorium on displaying images on the Internet.

- Encourage a culture of continuous process improvement by rewarding IT staff for innovative, cost-effective solutions.

### **Performance Workload and Metrics**

- Provide technical support to the Clerk & Comptroller’s Office by responding to and troubleshooting technical problems as well as deploying and installing hardware.
- Confirm business requirements and ensure that software solution providers address these requirements either in new “commercial off-the-shelf” software selections or by the implementation of changes to the existing providers.
- Follow proven processes for the deployment of changes in installed software and infrastructure (servers, storage and network). Conduct, functional and regression testing to ensure that the changes meet business requirements and that existing functionality is not impacted by new enhancements.
- Support the Clerk & Comptroller’s IT services including all servers, desktop computers and printers.
  - The infrastructure team maintains a hybrid of physical/virtual server environments that includes an enterprise class storage area network (SAN) and backup platform that supports in excess of over 1000 users (including justice partners, public and Clerk employees).
- The IT support services team maintains desktops and peripherals for use by employees and the public across six sites. A typical desktop can include support for a printer, a scanning device and potentially two monitors. Maintain security access to the various user applications hosted on the Clerk’s network as well as the security of many non-Clerk users that utilize the various systems managed by the Clerk & Comptroller’s Office. Operational needs of the servers are maintained by performing and overseeing the backups of all the systems and user software upgrades.
- Manage the data center server infrastructure, which requires the coordination of network designs/needs with the County’s network solutions and support team. The Clerk’s network team must also ensure operability with Palm Beach County’s supported network and the Clerk’s data center.

Table 30 on the following page, provides a summary of the projects and releases supported by the Information Technology department. The flat year-over-year changes

between 2013 and 2014 are consistent with the flat project capacity of the team (based on no growth in full-time employees in 2014). The increase in the number of new users provisioned correlates with the large number of vacant positions filled in FY2013. A slight decrease is expected in FY2014 due to the Office’s focus on staff retention.

<b>Information Technology Performance Workloads and Metrics</b>	<b>FY2012</b>	<b>FY2013</b>	<b>FY2014 Goal</b>
<b>Work Orders</b>			
Opened	1,254	2,786	3,000
Closed	1,347	2,783	3,000
Service Level	107%	100%	100%
<b>Support Tickets</b>			
Opened	14,150	12,639	14,000
Closed	14,345	11,479	13,300
Service Level	101%	91%	95%
<b>IT Help Desk Calls</b>			
Incoming	19,444	16,983	17,000
Answered	n/a	14,619	14,450
Service Level	n/a	83%	85%
<b>System Availability (MTBF - Days)</b>			
PeopleSoft	41.3	51.7	52.0
CSI	32.4	30.9	40.0
ShowCase	36.3	43.6	50.0
Official Records	n/a	31.5	31.5
<b>System Availability (MTTR - Hrs)</b>			
PeopleSoft	1.5	0.6	0.5
CSI	43.1	0.2	0.2
ShowCase	12.0	0.6	0.5
Official Records	n/a	20.0	20.0
<b>Customer Satisfaction</b>	4.59	4.69	4.75

*Table 30: Information Technology Performance Workloads and Metrics*

Table 30 provides a summary of request, tickets and calls processed through the Information Technology department. The number of support tickets and inbound calls decreased in FY2013 due to higher than normal volume in FY2012 associated with the ShowCase Case Management System “go live” for the Criminal Courts in February 2012. Conversely, work orders continue to increase as the number of projects continues to increase to support the integrations across the IT Enterprise. System availability has improved between FY2012 and FY2013 as the Mean Time Between Failure (MTBF) has increased while the Mean Time To Repair has decreased.

## F. Human Resources

Human Resources is led by the Chief Human Resources Officer and is responsible for HR strategic planning, policy development and administration, recruitment and selection, compensation administration, benefits administration, wellness programs, Clerk events, volunteer and internship programs, workers' compensation, employee relations, performance management, Human Resource Information System (HRIS) management, EEO reporting, unemployment hearings, recordkeeping, professional development and compliance training, HR statutory and regulatory compliance and management of the Human Resources Department reception.

Human Resources are committed to our strategic direction of delivering outstanding customer service, being effective and efficient, and being a great place to work. Human Resource plays a key role in each of these strategies and believes it is important to lead by example in an effort to support the clerk's office values: Respect Everyone, Act with Integrity, Embrace Diversity, Build Relationships, Learn through Innovation, Thrive on Challenge, and Celebrate Achievements.

As shown in Table 31 the budget request for the Human Resources function for FY2014 is \$1,624,747. This represents a \$274,732 increase from FY2013 and is due in large part to the addition of two positions: Manager of Training & Development and a Manager of Recruiting & Selection, as well as increased health and retirement plan costs.

( ) denotes a decrease

Human Resources	FY2012 Actual Expenditures	FY2013 Estimated Actual	FY2014 Adopted Budget	Variance \$	Variance %
<b>By Expense Type</b>					
Personnel Services	\$ 781,688	\$ 1,066,810	\$ 1,288,280	\$ 221,470	20.8%
Operating Expenses	221,421	282,154	336,467	54,313	19.2%
Capital	1,228	1,051	-	(1,051)	-100.0%
<b>Total</b>	<b>\$ 1,004,337</b>	<b>\$ 1,350,015</b>	<b>\$ 1,624,747</b>	<b>\$ 274,732</b>	<b>20.4%</b>

Table 31: Human Resources Financial Schedule

- The fiscal year variance in operating expenses was a result of one-time training programs provided in 2013: 1) Management leadership training and 2) technical

Predictive Index training for several human resources and management employees.

## **Policies**

- Deliver outstanding service, be effective and efficient and be a great place to work.
- Ensure that all processes are completed accurately and timely, safeguarding the integrity of all human resources' responsibilities.
- Ensure that all areas of recruitment and selection are in compliance with federal and State laws including but not limited to: Equal Employment Opportunity (EEO) laws; Americans with Disabilities Act (ADA); Age Discrimination in Employment Act (ADEA); Federal and State Veterans Preference Laws; Civil Rights Act of 1991; Immigration Reform and Control Act (IRCA) of 1986.
- Monitor and manage the Clerk's compensation administration program and pay policies internally as well as facilitating comparisons to the labor market by conducting and participating in periodic salary, policy and benefit surveys.
- Manage and monitor, in conjunction with the Gehring Group, employee benefits administration to ensure compliance with Consolidated Omnibus Budget Reconciliation Act (COBRA), Section 125 of Internal Revenue Code, Family and Medical Leave Act (FMLA), Health Insurance Portability and Accountability Act (HIPAA), Patient Protection and Affordable Care Act (PPACA) and applicable Internal Revenue Service (IRS) Codes. In addition, monitor and manage the competitiveness of the benefits package offered by the Clerk & Comptroller's Office by conducting periodic benefit surveys.
- Create succession plans, career paths and high quality training programs to facilitate the development of qualified internal successors.
- Investigate employee complaints, administer policies with consistency, and conduct exit interviews efficiently to ensure a fair and respectful work environment for all employees.
- Manage the Clerk & Comptroller's Office online performance appraisal program, and support management with development plans and communication tools to promote and encourage a high-performing workforce.
- Comply with labor laws such as the Fair Labor Standards Act (FLSA), Retaliation/Whistle Blower's Act, new hire reporting, EEO-4, ADA, ADEA,

Veterans Preference, Civil Rights Act of 1991, IRCA of 1986, COBRA, Section 124, FMLA, HIPPA, PPACA, IRS Codes, the Equal Pay Act and State Worker's Compensation laws.

- Provide employee training on proper policies and procedures, legislative changes, technical skills, systems processes and customer service.
- Ensure regulatory compliance by accurately and timely reporting to all federal, State and local agencies, based on statutory requirements, court orders or customer requests.
- Manage the employee recognition, Clerk 4 Wellness and volunteer/internship programs to help motivate our workforce to not only be top performers, but to also be healthy employees.
- Manage the accuracy of all personnel recordkeeping, requirements based on various regulations, such as the ADA and the Florida Records laws.

### **Key Objectives**

- Policy Administration: Develop, implement, maintain and consistently interpret administrative policies and procedures to support a great organization and effectively communicate to employees.
- HR Accountability and Compliance: Ensure segregation of duties, checks and balances and appropriate auditing for pay and benefit are in place. Ensure HR is in compliance with all federal, State and local Statutes and regulations.
- Talent Management & Selection: Recruit, hire, motivate, compensate, develop and retain the best employees who will support our organization's mission, vision and values.
- Improve Efficiencies and Effectiveness: Assess and improve HR business processes (automate and standardize via HRIS and work toward going paperless).
- Employee Relations: Assist and support supervisors and managers to resolve employee issues so employees stay productive and efficient and will continue to provide outstanding customer service to our citizens.

## Short-Term Goals

- Encourage and support a culture of continuous process improvement.
- Enhance accuracy and timeliness of all HR operational services.
- Determine and continue to implement benefit changes to comply with the PPACA and educate employees.
  - Develop an Internal Healthcare Plan Committee that includes employees across the organization in an effort to educate about issues and obtain feedback on upcoming challenges.
- Revitalize the Employee Recognition Program.
- Evaluate the feasibility of offering employees an on-site clinic.
- Conduct a wellness interest survey with employees.
- Automate the volunteer application process.
- Digitize all terminated personnel records.
- Continue to work toward becoming paperless.
- Implement a new applicant tracking system that integrates with PeopleSoft.
- Manage and promote the utilization of volunteers. 84 volunteers were utilized during 2013 and provided 6,621.5 hours of service. 182 volunteers were utilized in 2012 and provided 8,091.5 hours of service.
- Continue to offer the Summer Intern Program. In 2013 the Clerk & Comptroller's Office offered a six week summer internship for 9 students who were provided employment opportunities to enhance their hands-on practical work experience.

## Long-Term Goals

- Implement PeopleSoft HR and Benefits Module upgrades 2015.
- Continue to research Learning Management System (LMS) to launch all HR, Operations and/or County training.
- Develop and implement a formal organizational succession plan.
- Maximize employee skills training by placing an emphasis on departmental cross-training.

## Performance Workload and Metrics

Table 32 provides a summary of the performance measures that are tracked and evaluated by the Human Resources function. Data is not available for multiple items in FY2011 because the software used to track those items had not been implemented at the time.

Human Resources Performance Workloads and Metrics	FY2012	FY2013	FY2014 Goal
<b>Annual Turnover Statistics</b>			
Total Budgeted FTEs	759	782	780
Total New Hire	135	204	<150
Total Terminated Employees	138	173	<150
Turnover Rate	18.9%	23.0%	<18%
Total Applications Received	15,890	11,681	11,000
<b>Employee Demographics</b>			
Total Employees	727	758	<760
Full-time Employees	708	736	<735
Part-time Employees	5	6	<10
Temporary Employees	14	16	<15
% Male	18.0%	18.0%	18.0%
% Female	82.0%	82.0%	82.0%
Average Years of Service	10	11	10

*Table 32: Human Resources Performance Workloads and Metrics*

## Appendix A: Palm Beach County Supplemental Statistics

As part of Florida's Gold Coast, Palm Beach County is located in Southeast Florida and is the largest County in area in the State of Florida. It is located just 50 miles north of Fort Lauderdale, 70 miles north of Miami and 150 miles south of Orlando.

The County is located on the coast of the Atlantic Ocean as shown in Figure 21.

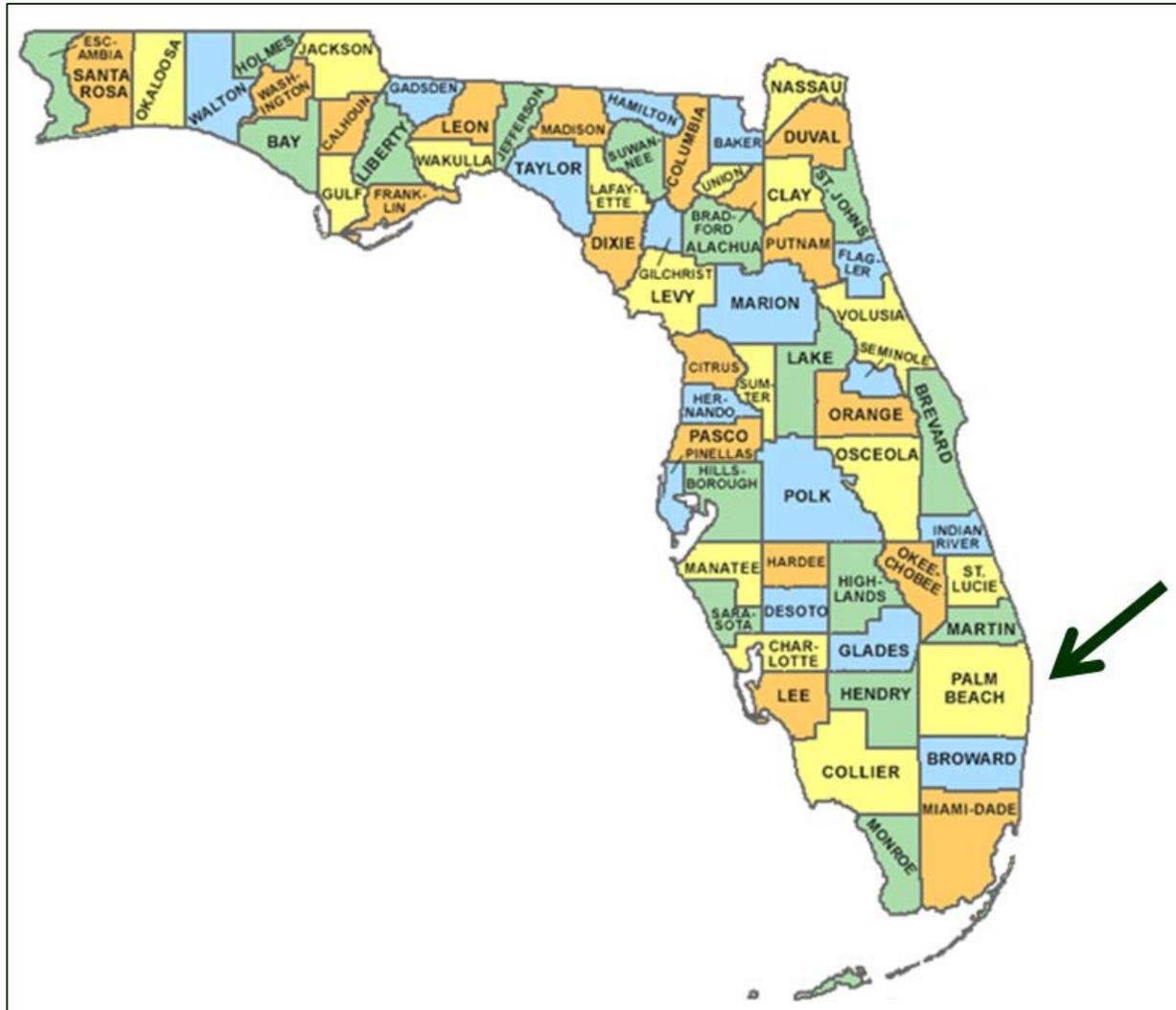


Figure 21: Map of Florida<sup>3</sup>

<sup>3</sup> Digital-Topo-Maps.com

## Demographics

According to the 2012 Census, Palm Beach County has an estimated population of 1,356,545, making it the third most populated county in Florida behind Miami-Dade (2.59 million) and Broward (1.82 million). Palm Beach County is, however, the largest in size of Florida's 67 counties. The County's 2,385 square miles include 1,977 square miles of land and 408 square miles of surface water, making it one of the largest counties east of the Mississippi River. In fact, Palm Beach County is larger in land area than Rhode Island and Delaware.<sup>4</sup>

There are 38 municipalities within the County encompassing a total of 324 square miles, or approximately 16% of the County's area. Since the incorporation of the County in 1909, the municipalities, which developed much earlier along the eastern coast, have held the bulk of the County's population. Starting in the 1960's, population growth began to move westward into the unincorporated land. As of FY2014, approximately 56% of the County's population resides within the municipalities.

The largest Palm Beach County city, both in area and population, is West Palm Beach, which covers 55.48 square miles and has approximately 103,760 residents. Boca Raton is second most populous with 84,392 residents, followed by Boynton Beach, 68,217, Delray Beach, 60,831 and Wellington, 56,508. The County's smallest town in population is Cloud Lake with 138 residents. The smallest in area is Briny Breezes at just under one-half square mile.<sup>5</sup>

The four largest lakes in Palm Beach County are Lake Okeechobee, 488,000 acres; Lake Mangonia, 540 acres; Clear Lake, 401 acres; and Lake Osborne, 356 acres. The County has 45 miles of shoreline and is 53 miles wide. The county's 45-mile-long Atlantic shoreline was nicknamed Florida's Gold Coast after the gold recovered from Spanish galleons that sank offshore.

Palm Beach County's climate has enhanced its image as a location that provides a high quality of life to its residents. The average temperature is 75 degrees with an average of 82 degrees in the summer and 67 degrees in the winter. The wet season extends from June through October, with an average annual rainfall of 62 inches.

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<sup>4</sup> <http://www.pbcgov.com/pzb/Planning/population/countyprofile.pdf>

<sup>5</sup> [http://www.leagueofcities.com/membership/pdf/LeagueDirectory\\_122713.pdf](http://www.leagueofcities.com/membership/pdf/LeagueDirectory_122713.pdf)

## History

The first settlers in what is now Palm Beach County were Indian tribes such as the Tequesta, Jeaga, Caloosa and later the Seminoles. The next settlers arrived in 1860 when the Jupiter Lighthouse was built to aid sailors navigating the Atlantic Ocean.

Homesteading began in the late 1800's with the majority of the settlers coming to the area to farm. Early farmers found the soil to be highly productive and earned most of their income by growing vegetables for the northern winter market.

The late 1800's also marked the beginning of the tourism industry. Transportation improvements, particularly to the railroad system, provided easier access to the area. Hotels to serve tourists and the first winter homes for seasonal residents were constructed.

In 1892, Henry Flagler visited Palm Beach and decided to build a large resort hotel, the Royal Poinciana and extend the Florida East Coast Railroad to West Palm Beach from Jacksonville. These developments made Palm Beach the nation's premier winter resort.

Flagler considered the mainland area a perfect satellite location to service his resort and a good place for his workers to live. This area was incorporated as West Palm Beach in 1894.

Other cities, such as Linton and Boynton Beach, were established soon after West Palm Beach. Linton was founded in 1894 by William S. Linton, the postmaster of Saginaw, Michigan. He and a friend purchased 160 acres of land and sold it in five-acre tracts through ads in Michigan newspapers. In 1901, they renamed the town Delray Beach, after a Detroit suburb. Boynton Beach was founded in 1895 when Civil War Officer Major Nathan S. Boynton built a 50-room resort hotel on the beach. One year later the railroad came through on its way to Miami.

The State Legislature established Palm Beach County as Florida's 47<sup>th</sup> County on July 1, 1909. Prior to that time, the area was part of Dade County. Palm Beach

County originally encompassed Lake Okeechobee and the areas that became Broward County in 1915, Okeechobee County in 1917 and Martin County in 1925. In 1963, the State of Florida partitioned Lake Okeechobee among all of the counties that border it.

The first County Commission meeting was held on July 6, 1909 and West Palm Beach was designated as the County Seat. By 1910, the County's population had grown to more than 5,500 residents. The entire County experienced tremendous growth and development following World War I. The building and population increase produced a great land boom in the early 1920's. Contributing to the land boom was the climate, as well as an increase in the use of the automobile along with a growing network of roads. The State encouraged the influx of new residents during this period by promising never to pass State income or inheritance taxes. The 1926 Florida Land Bust, the 1926 and 1928 hurricanes and the 1929 stock market crash drastically affected the local economy, but these events did not stop growth entirely due to the prior establishment of major transportation facilities.

World War II brought many changes to the County, including air bases and new jobs. After the war, Grace Morrison Field was expanded and became Palm Beach International Airport. During the same time period, small specialized businesses, many electronic-oriented, joined industrial giants like Pratt-Whitney and IBM in establishing plants in Palm Beach County.

The County remained largely undeveloped through the 1950's as evidenced by a 1960 population of less than 250,000. Although some citizens felt that it had lost its natural, unspoiled quality, many leaders welcomed urbanization and actively promoted growth and development.

In the late 1960's and early 1970's, large numbers of middle and upper income retirees began to move to Florida, prompting developers to build new subdivisions and cities. During this same period, the advent of air conditioning greatly enhanced the living and working environment, further increasing the pace of development.

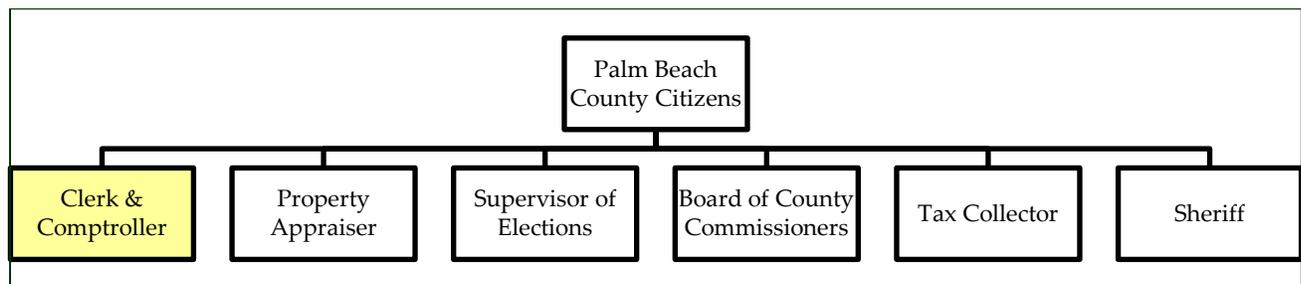
Throughout the 1980's, the economy and the construction industry thrived as the

population grew by approximately 5% per year. The national recession that occurred in the early 1990's reduced the County's growth rate to an average of approximately 3.1% annually<sup>6</sup>. The County's FY2014 population is estimated to be 1,364,632 a 1.1% increase from FY2013<sup>7</sup>.

## Government Structure

Figure 22 provides a representation of the Palm Beach County government structure As a result of the November 6, 1984 general election; Palm Beach County became a Home Rule Charter County on January 1, 1985. This "Home Rule" allows residents, through their elected commissioners, greater independence in determining how their County government will function and what services it will provide. Major advantages resulting from changing to this form of government include:

- allowing the County to pass its own ordinances and laws as long as they do not conflict with State and federal laws;
- providing initiative procedures that allow voters to create, modify and amend local laws;
- providing a process to modify or amend the Charter; and
- providing voters with a process to recall County Commissioners for cause.



*Figure 22: Palm Beach County Government Structure*

The Board of County Commissioners, which is the legislative branch of County government, adopts ordinances and resolutions to establish programs that protect and maintain the health, safety and welfare of County residents. In 1990, the Board of County Commissioners changed from five at-large Commissioners to seven, each

<sup>6</sup> Palm Beach County Business Development Board

<sup>7</sup> 2011 PZ&B Population Allocation Model

representing a single-member district. Each Commissioner is elected to a four-year term by voters in the district in which they reside. Commissioners elect a Mayor to preside over meetings and serve as the ceremonial head of the County. A Vice Chair is also selected to assume these duties in the absence of the Mayor; each term is for one year.

The County Commission considers major problems facing County government and guides the growth and development of the County consistent with the public interest. Major areas of public interest under the control of the Board of County Commissioners include:

- provision of fire protection and disaster relief services;
- construction and maintenance of County buildings, roads and bridges;
- provision of programs of housing, community development, slum clearance, conservation, flood and beach erosion control and air pollution control;
- adoption and enforcement of building and housing codes and regulations;
- preservation of natural resources;
- preparation, review and periodic amendment of the Comprehensive Land Use Plan for the development of the unincorporated portion of the County; and
- provision of cultural and recreational facilities and programs.

Additionally, the Board of County Commissioners may enter into agreements with other governmental agencies for the joint performance of duties.

The Commission appoints the Chief Executive Officer, i.e., the County Administrator, who implements Board of County Commissioners approved programs and manages the day-to-day operations of County government. With Commission approval, the County Administrator appoints Assistant County Administrators and Department Directors.

The County's departments under the County Administrator are organized into two groups: (1) General Operations Departments, which provide direct services to residents and (2) Central Services Departments.

## **General Operations Departments include**

Airports	Medical Examiner
Community Services	Palm Tran
County Cooperative Extension Services	Parks & Recreation
County Library	Planning, Zoning & Building
Engineering & Public Works	Public Safety
Environmental Resources Management	Tourist Development
Fire-Rescue	Water Utilities
Department of Economic Sustainability	

## **Central Services Departments include**

County Administration	Internal Audit
County Attorney	Legislative Affairs
Facilities Development & Operations	Public Affairs
Financial Management & Budget	Purchasing
Human Resources	Risk Management
Information Systems Services	

In addition to the County Administrator, the Board of County Commissioners appoints County residents to serve as volunteers on various citizens' boards, commissions, committees and councils. These groups are established for advisory and/or regulatory purposes. State law creates some advisory boards, while others are formed by the County Commission to meet special needs and to help solve challenging issues facing County government.

Constitutional Officers and Judiciary are the County Officials other than the County Commissioners, who are elected by the voters. The Clerk & Comptroller, Property Appraiser, Sheriff, Supervisor of Elections, Public Defender, State Attorney and Tax Collector are the Constitutional Officers elected to four-year terms in general elections.

Palm Beach County is not a consolidated or "metro" form of government. The Palm Beach County School System is governed by a non-partisan elected School Board and operates under the direction of a School Board-appointed Superintendent. The County Commission has no jurisdiction over the School Board.

The South Florida Water Management District, Children's Services Council, Health Care District, Drainage Districts, Inlet Districts and municipalities within the County are also not under the authority of the Board of County Commissioners.

### **Economic Trends**

Palm Beach County is Florida's largest county in area and third in population. Growth predominantly from in-migration has historically been a major influencing factor in the County. The population has increased approximately 1.5% annually from 1990 to 2012 and is estimated to continue increasing through FY2014.

Current economic indicators for Palm Beach County point to an economy which is increasingly healthy over the past several years. Significant investment made to develop the Biotechnology Industry in the County has spurred growth in that sector, pushing it into a tie with Retail Trade as the second largest industry behind only Educational, Health Care and Social Services. Tourism, construction and agriculture continue to play a prominent role in the County's economy.

**Tourism**<sup>8</sup> - Palm Beach County government is making a concentrated and continuing effort to increase the number of visitors to the County each year, which is expected to generate a 4% increase in revenues in FY2014. There were an estimated 70,800 people employed in jobs related to the tourism industry at the end of the 2013 fiscal year, with direct spending from visitors of \$1.57 billion annually to the County's economy. During FY2013, Palm Beach County had an exceptional year for tourism. Bed tax revenues increased 11.05% from the previous year.

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<sup>8</sup> Smith Travel Research Occupancy and Property Census, Bureau of Labor Statistics and Overview of Workforce Alliance Region

**Construction**<sup>9</sup> – During FY2013 the total volume of permits increased by 20%, as compared to FY2012. The Building Permit fee revenue increased 26% from \$11.9 million to \$15 million. In residential construction, there were 1,131 single unit permit starts and 52 multi-unit permit starts representing 585 units as compared to 928 single unit permits and 23 multi-unit permit starts representing 404 units as previously reported for FY2012. The total value for these residential permit starts was \$544.7 million, as compared to \$340.3 million reported in FY2012. Overall, permitting activity in both residential and commercial continues to improve.

**Agriculture**<sup>10</sup> - Palm Beach County's agricultural acreage has remained stable for the last five years. Palm Beach County still leads the State of Florida and all counties east of the Mississippi River, in agricultural proceeds. Palm Beach County leads the nation in the production of sugarcane, bell peppers, and fresh sweet corn. It leads the state in the production of rice, lettuce, radishes, Chinese vegetables, specialty leaf produce, and celery.

The 459,865 acres dedicated to agriculture, represent 36% of the total land mass in the County. Palm Beach County is third in the State in nursery production with estimated sales at \$279 million, and leads the State in agricultural wages and salary with over \$316 million. The industry currently uses bagasse, a sugarcane by-product, in conjunction with other waste wood products as the fuel source for the largest agriculturally based biomass co-generation plant in the United States for electricity generation. Several crops are currently grown as potential sources for ethanol production. Equestrian acreage in Palm Beach County continues to expand, currently ranking as the 2<sup>nd</sup> largest equine county in the State, following Marion County.

**Manufacturing** - Primarily electronics and other high tech products, manufacturing plays an important role in the County's local economy. The arrival of Scripps Research Institute continues to provide a boost to the area's technology industry.

**Bio Science** – Scripps Research Institute and Max Planck Florida Institute are

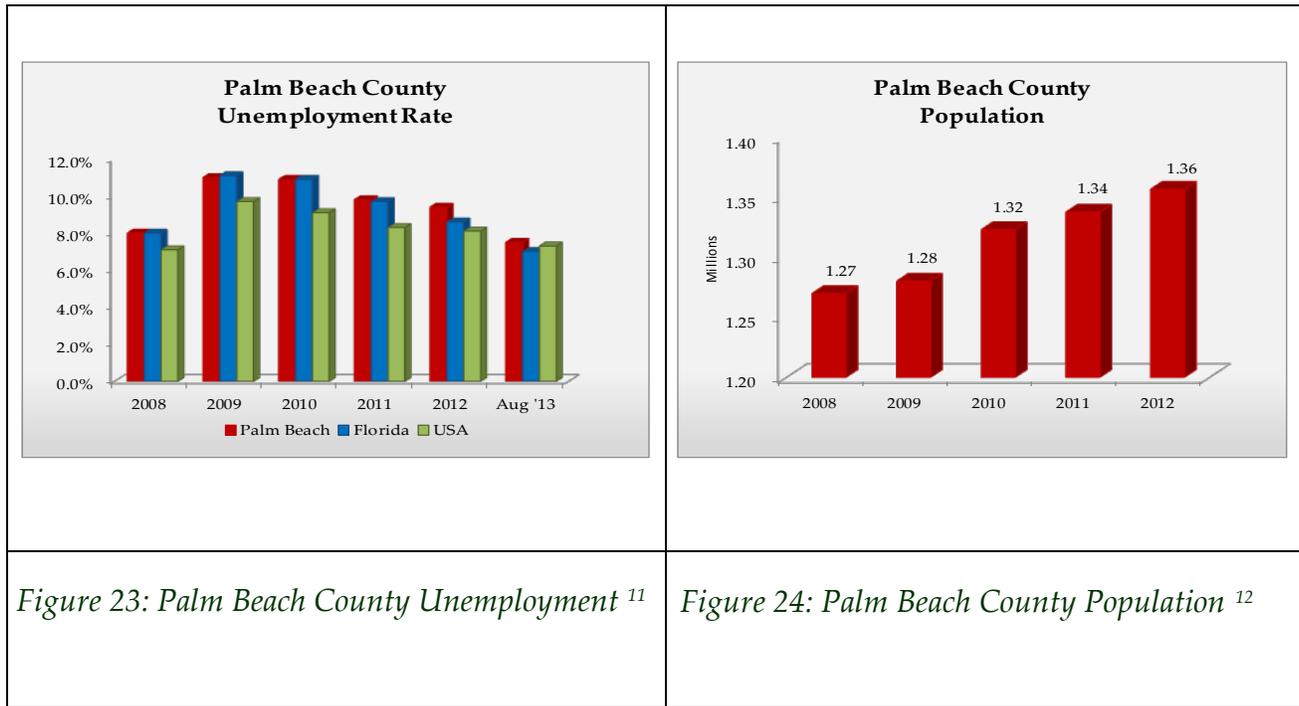
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<sup>9</sup> Electronic Planning, Zoning and Building (ePZB) permitting system

<sup>10</sup> <http://www.pbcgov.org/coextension/agriculture/facts.htm>

anchors to an eight million square feet Bioscience Cluster in Northern Palm Beach County. A “cluster” of related bio-technology businesses will form a hub to strengthen the County’s position as leader in this industry. Smaller bio-related companies have either expanded or moved to the County such as Ocean Ridge Biosciences LLC and Sancilio & Company Inc.

**Unemployment Rate** - While enduring multiple budgetary challenges, Palm Beach County has the additional burden of a higher-than-average rate of unemployment<sup>12</sup> over the past five years as shown in Figure 23. Since FY2010, Palm Beach County’s unemployment rate has begun to decrease. The declining unemployment rate along with Palm Beach County’s expanding population, as shown in Figure 24, is an indicator that the labor market is improving.



In 2013, the County’s labor force was estimated at approximately 640,695 which is another indicator of the improving market. Palm Beach County’s unemployment rate has also decreased by 1.9% from a rate of 9.4% in August 2012 to 7.5% in August 2013. Per the US Census Bureau, Palm Beach County’s personal median household income of

<sup>11</sup> U.S. Census Bureau

<sup>12</sup> Florida Research and Economic Information Database Application

\$51,278 is well above Broward County's at \$49,793 and Miami-Dade County's at \$41,400.

## **Property Taxes**

Property taxes are a lien on all taxable property as of January 1<sup>st</sup> of each year. Tax payments are due November 1<sup>st</sup> and are payable by April 1<sup>st</sup> of the following year. Each parcel of property is assessed to the last known owner as established from the latest recorded deed or tax return.

There are three types of property which are subject to an ad valorem tax (a tax based on the assessed value of real or personal property). The three types are:

- **Real Estate** covers land and the improvements thereon;
- **Tangible Personal Property** includes property such as business fixtures, equipment, and machinery; and
- **Intangible Personal Property** includes stock, bonds (except those exempt), mortgages accounts receivable, mutual funds, notes, trusts, estates, etc. (This is a State tax handled directly by the State of Florida).

All property owners who maintain their permanent home on the property are entitled to a "Homestead Exemption" which exempts the first \$25,000 of assessed value of the property from ad valorem taxes. Effective January 1, 2008, a property with an assessed value of \$75,000 or more receives an additional \$25,000 exemption. Additional exemptions are also available to widows, widowers, disabled veterans, totally disabled non-veterans, and senior citizens. The November 6<sup>th</sup>, 2012 elections passed additional groups eligible for receiving exemptions, including a surviving spouse of a veteran or first responder and low-income seniors who maintained long-term residency on property.

The Board of County Commissioners levies a countywide millage that applies to all property owners in the County on the net assessed value of property. (Millage is the

rate used to determine the amount of tax. A mill is one-tenth of a cent, or \$1.00 of tax for every \$1,000 of net assessed value). The FY2014 countywide rate is 4.7815 mills.

Palm Beach County Fire-Rescue and the County Library are dependent districts under the control of the Board of County Commissioners. They levy millages that apply to all property owners in the unincorporated portion of the County and residents of the municipalities that have elected to join the districts rather than provide the services themselves. The municipalities also levy millages to finance their local government's operating costs.

In addition to the Board of County Commissioners and municipalities, various other taxing districts levy millages that affect all property owners in the County or property owners in the particular districts. Some other entities in the County that levy property taxes are drainage districts. These taxes are not based on the value of the property, but on the number of acres in the parcel. Each district assesses an "Acreage Levy," a fixed amount for each acre or part thereof, to cover the maintenance and debt of the drainage facilities in the district. Additionally, some districts assess a "Parcel Levy," a fixed amount per parcel, to cover the cost of road maintenance and debt within the district.

### **Additional Information<sup>13</sup>**

The median age of citizens residing in Palm Beach County is 43.7 years. The average household size is 2.52 persons. There are 185 schools with 177,815 students enrolled. Of the 185 schools, 107 are Elementary, 33 are Middle School, 23 are High School, 17 are Alternative, two are Adult and three are considered Other Educational Schools. There are 1,506 law enforcement offices, 689 corrections officers and 1,757 civilian staff employed by the Palm Beach County Sheriff's Office. The major employers of the county include the Palm Beach County School Board (20,810 employees), Palm Beach County (11,043 employees), Tenet Healthcare Corporation (6,100 employees), NextEra Energy (3,635 employees) and G4S (3,000 employees). As of November 25, 2013, there were 891,496 registered voters in the County.

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<sup>13</sup> [http://pbcgov.com/ofmb/budget/annual\\_budget/2014/pdf/2014%20Budget%20Book.pdf](http://pbcgov.com/ofmb/budget/annual_budget/2014/pdf/2014%20Budget%20Book.pdf)

## Appendix B: Glossary of Terms

### A

#### **Ad Valorem**

Latin for according to value; is a tax levied on the assessed value of real or tangible personal property. It is also known as "Property Tax."

#### **Adopted Budget**

The financial plan of revenues and expenditures for a Fiscal Year as approved by the Clerk.

#### **Age Discrimination Employment Act (ADEA)**

A law that makes it unlawful for an employer "to fail or refuse to hire or to discharge any individual or otherwise discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's age."<sup>14</sup> The Statutes not only applies to hiring, discharge, and promotion, but also prohibits discrimination in employee benefit plans such as health coverage and pensions.

#### **Amended Budget**

An increase or decrease in revenues with a corresponding increase or decrease in expenditures within the same fund. The budgeted fund total is changed.

#### **American National Standards Institute (ANSI)**

A private non-profit organization that oversees the development of voluntary consensus standards for products, services, processes, systems and personnel in the United States. The organization also coordinates U.S. standards with international standards so that American products can be used worldwide.

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<sup>14</sup> <http://www.eeoc.gov/laws/statutes/adea.cfm>

### **Americans with Disabilities Act of 1990 (ADA)**

Prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, state and local government services, public accommodations, commercial facilities, and transportation.

### **Anti-Harassment Policy**

Policy which prohibits discrimination and harassment based on race, color, religion, age, gender/sex, sexual orientation, gender identity or expression, pregnancy, national origin, disability, genetic information, veteran status, marital status, or any other legally protected status.

### **Arbitrage**

The practice of taking advantage of a price difference between two or more markets: striking a combination of matching deals that capitalize upon the imbalance, the profit being the difference between the market prices. Basically, it is the possibility of a risk-free profit at zero cost.

### **Association of Inspectors General (AIG)**

An association that seeks to foster and promote public accountability and integrity in the general areas of prevention, examination, investigation, audit, detection, elimination and prosecution of fraud, waste and abuse through policy research and analysis; standardization of practices, policies, conduct and ethics; encouragement of professional development by providing and sponsoring educational programs; and the establishment of professional qualifications, certifications, and licensing.

### **Audit Services Unit (ASU)**

A Unit of the Clerk & Comptroller's Division of Inspector General that provides auditees with an independent appraisal of whether desired results and objectives are achieved economically, efficiently and in accordance with prescribed laws, regulations, and policies and procedures.

## B

### **Back Filing**

Imaging and redaction of forward filed court documents.

### **Baker Act**

A law that provides individuals with emergency services and temporary detention for mental health evaluation and treatment when required, either on a voluntary or an involuntary basis.

### **Balanced Budget**

A budget, in which the total of estimated receipts, including balances brought forward, equals the total of estimated expenditures and reserves. Florida Statutes require that budgets must be balanced.

### **Base Budget**

The portion of the Clerk's budget that is recurring on a yearly basis to maintain existing levels of service.

### **Board of County Commissioners (BOCC)**

Authorizes the expenditure of County funds and the portion of County funds that is allocated to the Clerk for Palm Beach County.

### **Budget**

A comprehensive financial plan of operations embodying an estimate of proposed expenditures for a given period, the proposed means of financing them and specifying the type and level of services to be provided.

### **Budget Approval Form**

A form used by a Director and Chief Officer which shows their approval for their respective department budget requests within the Clerk & Comptroller's Office.

## **Budget Instruction Manual**

A set of guidelines developed to assist the management team in developing their annual budgets while adhering to specific expenditure guidelines set forth by senior management, State, local or legislative government.

## **Budget Request Worksheet (or Budget Template)**

The Microsoft Excel file that is used as the main source of input for each department in the budget development process for the Clerk & Comptroller's Office.

## **C**

### **Capital Budget**

The portion of the Clerk's budget that relates to the acquisition of long-term assets.

### **Capital Expenditures**

Unit purchases which cost \$1,000 or more. If an item is attached to another to make it functional, the value is combined and capitalized. (i.e. desk with drawers and attached credenza, machines with feeder devices, computer with monitor etc.)

### **Capital Improvement Plan (CIP)**

A plan for capital expenditures to be incurred each year over a fixed period of years to meet anticipated capital needs. It sets forth each project or other contemplated expenditure in which the Clerk is to have a part and specifies the full resources estimated to be available to finance the projected expenditures.

### **Cash Receipt Interface**

A computerized system which tracks and reports accounts receivable.

## **Centre for Fiduciary Excellence (CEFEX)**

A global independent rating and certification organization that works closely with the investment community and fiduciary industry to provide comprehensive assessments that measure risk and trustworthiness of investment fiduciaries.

## **Chief Officer**

The high-ranking corporate officer or administrator in charge of a specific operational and functional area within the Clerk & Comptroller's organization.

## **Circuit Civil Division AW**

A special division for that handles residential foreclosures.

## **Civil Court**

Civil Courts deal with "private" controversies, particularly disputes that arise between individuals or between private businesses or institutions (i.e., a disagreement over the terms of a contract or over who shall bear responsibility for an automobile accident).

## **Civil Rights Act of 1991**

A United States Statute that was passed in response to a series of United States Supreme Court decisions that limited the rights of employees who had sued their employers for discrimination. It provided for the right to trial by jury on discrimination claims and introduced the possibility of emotional distress damages while limiting the amount that a jury could award.

## **Clerk**

The Clerk of Circuit Court is responsible for various administrative and ministerial duties in conjunction with the court he/she serves. The Clerk of Circuit Court is responsible for receiving, filing, maintaining and safeguarding court records. The Clerk manages the administrative activities of the Clerk's office and oversees the performance of the statutory duties of the office.

## **Clerk Kudos**

Program which recognizes Clerk & Comptroller employees who go above and beyond to provide exceptional customer service while exemplifying the Clerk's Vision, Mission and Values.

## **Clerks of Circuit Court Trust Fund (COCTF)**

Court fees, fines and service charges are collected by the clerks' offices for deposit into various State funds. A portion of these funds is deposited into the Clerks of Circuit Court Trust Fund within the Justice Administrative Commission and is used to fund Clerks through the court fees, fines and service charges funding process.

## **Clerks of Court Operations Corporation (CCOC)**

The Florida Clerks of Court Operations Corporation (CCOC) was created at the direction of the Florida Legislature. The CCOC support the Clerks of Court in all 67 counties in the State of Florida by reviewing and certifying court-related proposed budgets under the oversight of the Florida Legislature, the Governor, the Chief Financial Officer and the Department of Revenue.

## **Commission for Florida Law Enforcement Accreditation, Inc.**

Correctional facilities and agencies with pretrial responsibilities can achieve accredited status through the Florida Corrections Accreditation Commission, Inc. Accreditation is the certification by an independent reviewing authority that an entity has met specific requirements and prescribed standards.

## **Comprehensive Annual Financial Report (CAFR)**

A set of U.S. government financial statements comprising the financial report of a state, municipal or other governmental entity that complies with the accounting requirements promulgated by the Governmental Accounting Standards Board (GASB).

## **Comptroller**

A management level staff position responsible for supervising the quality of accounting and financial reporting of an organization.

## **Conflict of Interest**

A situation in which regard for a private interest tends to lead to disregard of a public duty or interest.

## **Consolidated Funds**

The annual budget of the Clerk & Comptroller's organization that includes all revenues, expenditures and fund balances.

## **Consolidated Omnibus Budget Reconciliation Act (COBRA)**

A law that gives workers and their families who lose their health benefits the right to choose to continue group health benefits provided by their group health plan for limited periods of time under certain circumstances such as voluntary or involuntary job loss, reduction in the hours worked, transition between jobs, death, divorce and other life events.

## **Contract Policy**

Policy that provides guidelines as to the types of expenditures which require a formal agreement for goods and services.

## **County Fiscal Year**

A period of time that a County uses for accounting purposes and preparing financial statements. Palm Beach County operates within a Fiscal Year that ranges from October 1<sup>st</sup> to September 30<sup>th</sup>.

## **County Recorder Fees**

The Clerk & Comptroller's Office is responsible for collecting fees for various court-related activities including divorce filings, tenant evictions, applying for a public defender, recording official documents, traffic infraction fines and costs related to criminal prosecutions.

## **Court Registry**

The official record keeper of the pleadings and all other documents that are filed in relation to a case.

## **Criminal Court**

A court empowered to hear and decide on cases involving criminal offenses.

## **D**

## **Debt**

An amount of money borrowed by one party from another.

## **Deferred Compensation Plan**

A retirement savings program governed by IRS code 457(b) which permits deferment of part of an employee's salary up to the Internal Revenue Service allowable amount through payroll deductions.

## **Deferred Retirement Option Program (DROP)**

A program which provides an alternative method for payment of retirement benefits for a specified and limited period for eligible Florida Retirement System (FRS) Pension Plan members.

## **Department of Revenue (DOR)**

A department of the State of Florida that collects State taxes fairly and efficiently and makes complying with Florida's tax laws as simple and convenient as possible. Oversees Florida's property tax system to ensure accuracy and fairness in property valuation throughout the State.

## **Deposit Capture**

A system that allows a customer to scan checks remotely and transmit the check images to a bank for deposit.

## **Docket Entries**

The official summary of proceedings in a court of law.

## **Document Management System**

A computer system used to track and store electronic documents.

## E

### **eCitation**

Ticketing system, in which violations are sent to The Clerk & Comptroller's office electronically.

### **eFiling**

Allows Attorneys and Pro Se users to file documents to the County Clerk online.

### **Encumbrance**

A pending expenditure that has not been made yet but has been committed.

### **ePerformance**

An Oracle Web-deployed performance management solution that streamlines the appraisal aspect of the development business process, from goal planning and coaching to performance assessments and rewards. Managers, employees and HR administrators can collaborate on performance evaluations and goals, review performance history and monitor and manage the overall performance process of its employees.

### **Equal Employment Opportunity (EEO)**

The first federal law designed to protect most U.S. employees from employment discrimination based upon that employees (or applicant's) race, color, religion, sex or national origin.

### **eRecording**

The process of electronically transmitting real property documents to County or local government officials for recording in public records.

### **Ethics hotline**

A hotline that Clerk & Comptroller employees can contact to anonymously report potential incidents of fraud, waste, abuse or ethical violations.

### **Executive Committee (EC)**

A committee that consists of the Clerk, the Inspector General & Audit Director, Legal Counsel & Ethics Officer, Chief Communications Officer, Chief Operating Officer of Courts and Official Records, Chief Operating Officer of Finance, Chief Information Officer and Chief Human Resources Officer; who helps the Clerk with major organizational decisions as well as acts as an overseer of organizational activities.

### **Expenditure**

The total amount of money that a government or person spends as a cost of doing business or providing a service.

## **F**

### **Fair Labor Standards Act (FLSA)**

Establishes minimum wage, overtime pay, recordkeeping and youth employment standards affecting employees in the private sector and in federal, State and local governments.

### **Family Medical Leave Act (FMLA)**

A law designed to help employees balance their work and family responsibilities by allowing them to take reasonable unpaid leave (up to 12 weeks) for certain family and medical reasons while continuing their group health benefits coverage.

### **Federal Insurance Contributions Act (FICA)**

The Federal Insurance Contributions Act (FICA) tax is a payroll tax imposed by the federal government on both employees and employers to fund Social Security and Medicare.

## **Fiduciary Funds**

Funds that are used to account for assets held by a governmental unit in a trustee capacity or as an agent for individuals, private organizations, governments and other funds.

## **Financial Management Solutions (FMS)**

A family of applications in Oracle's PeopleSoft Enterprise product line that integrates financials, procurement, human resource and accounts payable for improved information management, planning and reporting.

## **Fiscal Stewardship**

An ethic that promotes responsible planning and management of resources and finances.

## **Fiscal Year (FY)**

A period of time that an entity uses for accounting purposes and preparing financial statements. The State of Florida operates within a Fiscal Year that ranges from July 1<sup>st</sup> to June 30<sup>th</sup>. Palm Beach County operates within a Fiscal Year that ranges from October 1<sup>st</sup> to September 30<sup>th</sup>.

## **Fiscal Year Overlap**

The three month time period (July through September) between the end of State Fiscal Year and the beginning of County Fiscal Year.

## **Fit Gap Analysis**

An important component of the project life cycle in which a phase of study made to identify whether the present system fits the requirements and if any such gaps are identified they are recorded in a prescribed format.

## **Fixed Asset**

A term used in accounting for tangible assets and property that cannot be easily converted into cash.

**Florida Administrative Code**

An official compilation of the administrative rules and regulations of State agencies.

**Florida Association of Court Clerks and Comptrollers (FACC or FCCC)**

An entity that acts as a governmental lobbyist on behalf of all 67 clerks in the State of Florida.

**Florida Clerks of Court Operations Corporation (CCOC)**

Refer to entry on CCOC

**Florida Department of Transportation (FDOT)**

A decentralized agency charged with the establishment, maintenance and regulation of public transportation in the State of Florida.

**Florida Highway Patrol (FHP)**

A division of the Florida Department of Highway Safety and Motor Vehicles and the law enforcement agency charged with ensuring the safety of the highways and roads of the State.

**Florida Retirement System (FRS)**

Refers to the general retirement system established by Florida Statutes, including, but not limited to, the defined benefit program administered under Chapter 121, referred to as the “pension plan,” and the defined contribution program administered under part II of Chapter 121, referred to as the “investment plan.”

**Foreclosure**

A specific legal process in which a lender attempts to recover the balance of a loan from a borrower who has stopped making payments to the lender by forcing the sale of the asset used as the collateral for the loan.

### **Full-Time Equivalent (FTE)**

A unit of measure that indicates the workload of one employee for comparison purposes.

### **Fund Balance**

The amount available within a fund at the close of a Fiscal Year and can be carried over as a source of available funding for the succeeding fiscal period.

## **G**

### **General Appropriations Act (GAA)**

The annual appropriations act authorizes the vast majority of a budget for a Fiscal Year. The GAA is commonly referred to as “The Budget” or “The Bill.” The structure of the GAA is hierarchical. The broadest level of the hierarchy is the first seven sections of the budget, constitutionally delineated and containing departments of like missions. The sections of the budget are educational enhancement trust fund items; education (all other funds); human services; criminal justice and corrections; natural resources environment, growth management, and transportation; general government; and judicial branch. The budget includes proviso language that qualifies or restricts a specific appropriation.

### **General Fund**

One of two funds used by the Clerk & Comptroller’s Office to track and report on revenues and expenditures.

### **Generally Accepted Accounting Principles (GAAP)**

A uniform minimum standards of, and guidelines for, financial accounting and reporting. They govern the form and content of the basic financial statements of an entity. GAAP encompass the conventions, rules and procedures necessary to define accepted accounting practices at a particular time.

## **Government Finance Officers Association (GFOA)**

The purpose of the Government Finance Officers Association (GFOA) is to enhance and promote the professional management of governments for the public benefit by identifying and developing financial policies and best practices and promoting their use through education, training, facilitation of member networking and leadership.

## **GS11**

A staff position or job generally filled by someone who has completed a doctorate in a specific field relating to their job.

## **GS1SL**

General records schedule utilized by State and local government agencies.

## **Guardianship**

A legal relationship created when a person or institution named in a will or assigned by the court to take care of minor children or incompetent adults.

## **Guardianship Fraud Hotline**

A hotline that the public can contact to anonymously report potential incidents of financial fraud or waste involving court-appointed guardianships over elderly, minor children and incapacitated individuals.

# **H**

## **Health Insurance Portability and Accountability Act (HIPAA)**

A law that protects health insurance coverage for workers and their families when they change or lose their jobs.

## **Human Resource Information Systems (HRIS)**

The systems and processes at the intersection between human resource management and information technology.

## **Human Capital Management (HCM)**

An Oracle based integrated Human Resource system that helps organize staff, payroll and time-tracking, as well as provide self-service capabilities to employees.

## **I**

## **Immigration Reform and Control Act of 1986 (IRCA)**

A law that seeks to preserve jobs for those who are legally entitled to them: American citizens and immigrants who are authorized to work in the United States.

## **Income Deduction Order**

A court order directing that child support payments be withheld from the wages of the responsible parent.

## **Information Systems Services (ISS)**

Serves as the primary information technology support agency for most of the departments reporting to the Board of County Commissioners as well as the constitutional officers.

## **Injunction**

An order issued by a court that forces the defendant; a person, corporation or government entity to do something or stop doing something.

## **Institute of Internal Auditors (IIA)**

An international Internal Auditors professional association; a global voice for internal auditor professionals, a recognized authority, acknowledged leader, chief advocate and principal educator.

## **Internal Service Fund (ISF)**

A fund used to account/monitor Health Care costs for the Clerk & Comptroller's Office.

### **Internal Revenue Service (IRS)**

The nation's tax collection agency; administers the Internal Revenue Code enacted by Congress.

## **J**

### **Judicial Administrative Commission (JAC)**

An organization that provides administrative services on behalf of 49 judicial related entities. Services provided are primarily in the areas of accounting, budget, financial services and human resources.

## **L**

### **Learning Management System (LMS)**

Computer software utilized by the Palm Beach Clerk & Comptroller's Office for training-related activities.

### **Lunch n' Learn**

A training event scheduled during the lunch hour. Employees who attend bring their lunches and eat them during the training session. The training is usually less formal and less structured than normal.

### **Liquidity**

The amount of capital that is available for investment and spending or how easily an asset(s) can be converted to cash.

## M

### **Mandate**

Any responsibility, action or procedure that is imposed by one sphere of government on another through constitutional, legislative, administrative, executive or judicial action as a direct order or that is required as a condition of aid.

### **Marchman Act**

A law under the Florida Statutes that enables family members to obtain help for a loved one who is unwilling to seek substance abuse services voluntarily.

### **Modified Accrual**

Modified accrual recognizes revenues when they become available and measurable and, with a few exceptions, recognizes expenditures when liabilities are incurred. GAAP defined to distinguished state and local government accounting from business accounting due to the difference in the purpose of government agencies compared to for-profit and not-for-profit non-government agencies.

### **Municipality**

A local government having governmental, corporate and proprietary powers that enable it to conduct municipal government, perform municipal functions and render municipal services. For example, Atlantis, Boca Raton, Wellington and Pahokee are considered municipalities.

## N

### **National Archives and Record Service**

An independent agency of the United States government charged with preserving and documenting government and historical records.

## **Net Budget**

The Net Budget subtracts Internal Service Fund charges and transfers of money from one fund to another (Inter-fund Transfers) from the total Consolidated Budget. These reductions from the total Consolidated Budget are considered double-counted because they do not represent money coming into the Clerk's budget as revenue or leaving the Clerk's budget as expense.

## **Non-Sufficient Funds (NSF)**

A term used to indicate when an item such as a check or other transaction presented for payment is returned unpaid because the available funds are not enough to cover it.

# O

## **Office of Financial Management and Budget (OFMB)**

The department within Palm Beach County that coordinates the planning and submission of the Clerk & Comptroller's Office budget to the Board of County Commissioners.

## **Official Records Project**

This consists of a searchable computerized index and links to digital images of documents dating back to 1968 (marriage license listings date back to 1909). Official Records include court judgments, deeds, liens, marriage licenses, mortgages, plats and tax deeds.

## **On the Job (OTJ)**

On-the Job generally refers to training that is done, received or happening while in the actual performance of one's work.

## **Operating Budget**

The portion of the Clerk's budget that relates to short-term, recurring financial needs including contractual support, travel, training, office supplies, communications, rentals, printing, binding, repair and maintenance costs.

## **Organization Travel Policy**

Ensures that travel and other expenditures are appropriate, provide a uniform and consistent approach for the timely reimbursement of authorized expenses incurred by Personnel for business-related travel expenses and that there are adequate cost controls and guidelines in place.

## **P**

### **Patient Protection and Affordable Care Act (PPACA)**

Legislation (Public Law 111-148) signed by President Obama on March 23, 2010. Commonly referred to as the health reform law.

### **PeopleSoft**

Integrated software system for financial and personnel applications servicing the Clerk & Comptroller's organization.

### **Personal Computer (PC)**

A desk top computer used by the Clerk & Comptroller employees to efficiently and effectively service their customers and perform other work-related tasks.

### **Personnel Services Budget**

The portion of the Clerk's budget that relates to all costs associated with employees, including wages, taxes, insurance, retirement and overtime.

### **Plats**

A survey of land that identifies the boundaries of the property and any easements, flood zones, roadway and access rights-of-way.

### **Popular Annual Financial Report (PAFR)**

An extract of information from the State or local government's Comprehensive Annual Financial Report (CAFR) specifically designed to be readily accessible and easily understandable to the general public and other interested parties without a background in public finance.

## **Post Audit Quality Assurance**

A percentage of invoices or interfaces processed with no errors identified in the payment amount, invoice numbers, vendor name etc. during a payment process.

## **Pre-Audit**

The Payables Department within the Finance function of the Clerk & Comptroller's Office is responsible for the Pre-Audit function, which is to audit requests for disbursement of funds controlled by the Board of County Commissioners. The audits ascertain and certify that the requests are in compliance with applicable laws and regulations, within authorized appropriations, limited to public purposes and supported by proper evidence of receipt of goods or services ordered.

## **Pro Se Litigants**

A person who advocates on one's own behalf before a court, rather than being represented by an attorney.

## **Procurement Policy**

Guiding principles for the purchasing of goods and services by the Clerk & Comptroller for both Clerk employees and vendors.

## **Prove-It**

Skills testing and pre-employment assessments provided by a division of the company named Kenexa.

## **Public Integrity Unit (PIU)**

Consists of two sections in the Clerk & Comptroller's Office: 1) Investigative Section, which conducts investigations into Clerk & Comptroller affairs and makes inquiries as necessary, compels the production of books and papers, and implements appropriate investigative techniques. The objective is to determine whether allegations of fraud, waste, abuse and ethical misconduct can be substantiated; and 2) Guardianship Section which conducts varying levels of assessments, audits and financial investigations of Guardianship activities. This program supplements the Clerk of the Circuit Court in supporting the Court's

oversight process of the assets for the County's most vulnerable residents: elderly, minor children and incapacitated individuals who are served by Florida Guardianship Law.

### **Punch-Out**

An eProcurement software application that makes it possible for a buyer to access a supplier's website from within the buyer's own procurement application. The buyer leaves ("punches out" from) their procurement application and goes to the supplier's Web-based catalog to locate and select products while the buyer's procurement application transparently maintains connection with the supplier's Website so that relevant information about the transaction is delivered back to the buyer's internal purchase requisition. Approval workflow and the issuing of purchase orders are then completed within the buying organizations procurement application.

### **Purchasing Card**

A line of credit used to make approved purchases on behalf of an organization.

## **Q**

### **Quality Assurance**

The process of determining whether products or services rendered meets the customers' expectations.

## **R**

### **Redaction**

The practice of removing confidential or sensitive data before distributing a document.

## **Replevin**

Also known as claim and delivery, it's a law that allows people to recover goods that they believe are rightfully theirs and that are being withheld from them.

This recovery is typically done by suing through a court of law.

## **Request for Proposal (RFP)**

A form(s) and/or request(s) for estimates, issued when a company or business is in need of services or equipment from other businesses. These requests are similar to a bidding process.

## **Reserves**

A specified amount of funds set aside for the purpose of meeting future expenses. Expenditures may not be charged directly to reserve accounts.

## **Revenue**

Funds that the Clerk & Comptroller's Office receives as income or revenue, which includes such items as tax payments, fines, forfeitures, and other fees for services.

## **Revision 7 Amendment**

*All funding for the Offices of the Clerks of the Circuit and County Courts performing court-related functions, except as otherwise provided in this subsection and subsection (c), shall be provided by adequate and appropriate filing fees for judicial proceedings and service charges and costs for performing court-related functions as required by general law....[T]he State shall provide, as determined by the legislature, adequate and appropriate supplemental funding from State revenues appropriated by general law.<sup>15</sup>*

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<sup>15</sup> Article V, Florida State Constitution

## S

### **SB 2108**

In part, relates to the Welfare of Children; it requires certain agencies and organizations named in the Florida Prevention of Child Abuse, Abandonment and Neglect Plan to implement and monitor the plan and provides legislative findings. Requires the Department of Children and Family Services to report to the Legislature.

### **SharePoint**

A program used to connect with employees across the enterprise using intranet.

### **ShowCase**

ShowCase is the new criminal and traffic Case Management System for Palm Beach County. ShowCase's web application, "my Criminal Records," allows any member of the public to search and view detailed information about all criminal and traffic cases filed, such as charges, dispositions, sentences, court dates and more.

### **Single Audit Act**

An Act that was enacted to establish State audit and accountability requirements for State financial assistance provided to non-state entities.

### **Small Claims**

Small claims are disputes involving money damages where the amount at issue does not exceed \$5,000 excluding costs, interest and attorney' fees.

### **Speaker's Bureau**

A company that brings audience's quality speakers and experts whose ideas are changing the face of business and inspiring the world.

### **Special Foreclosure Funding**

Court fees, fines and service charges specifically designated by the Florida Legislature for costs related to processing the backlog of foreclosure cases.

### **Special Revenue Fund (SRF)**

A specified percentage of all court-related fines collected by the Clerk shall be deposited in the Clerk's Special Revenue Fund and used exclusively for additional court-related operational needs and programs related to technology.

### **State Constitution**

State constitutions address a wide array of issues deemed by the states to be of sufficient importance to be included in the Constitution rather than in an ordinary Statutes. Often modeled after the federal Constitution, they outline the structure of the state government and typically establish a bill of rights, an executive branch headed by a governor, a state legislature and state courts, including a state supreme court.

### **State Courts Revenue Trust Fund (SCRTF)**

A State fund that includes mortgage foreclosure filing fees and the incremental portion of cross-claim, counterclaim, counter-petition filing fees.

### **State Disbursement Unit**

A unit created and designed to improve the collection and tracking of child support monies.

### **State General Revenue Fund**

Includes revenues coming into the State treasury that are not allocated by law to a specific fund or purpose. These funds are usually acquired through business and property taxation.

## **State Legislature**

A legislative branch or body of a political subdivision in a federal system which approves the maximum court fees, fines and service charges funding for the Clerk of Circuit Court role.

## **State Uniform Chart of Accounts (UAS)**

Rules and regulations regarding uniform accounting practices and procedures by local governmental entities in a state, including a uniform classification of accounts, as it considers necessary to assure the use of proper accounting and fiscal management techniques by such units as the standard for recording and reporting financial information.

## **Statutes**

A law enacted by a duly organized and constituted legislative body.

## **Storage Area Network (SAN)**

A type of local area network designed to store and handle large data transfers.

## **Subpoena**

A formal document that orders a named individual to appear before a duly authorized government body (usually a court) at a fixed time to give formal testimony.

## **Suggestion Connection**

A tool in which Clerk employees can share their ideas and suggestions for improving services, processes and/or the work environment with the Executive Committee.

## **SumTotal**

A company that uses cloud-based strategic human capital management (HCM) solutions that provide organizations with a level of visibility to help make more informed business decisions and accelerate growth.

## **Supplemental Request**

The portion of the Clerk's budget that relates to an expansion of existing service levels, new staff positions, upgrades and reclassifications, capital funding, additional overtime and new equipment.

## **T**

### **Talent Identification Program**

A function that allows the Human Resources Department to assess the opportunities and the organization's needs to identify an ideal candidate skillset, then utilizes multiple internal and external resources to initiate the search and hiring process.

### **Title IV\_D**

A child support enforcement act that helps fund State collection activities of child support. Part of an Intergovernmental Transfer utilized by the Clerk & Comptroller's Office.

### **TrakMan**

A comprehensive Case Tracking and Records Management system, with support for evidence.

### **Turn Back Funds**

The Clerk is required by statute to return the excess of revenues over expenditures at the end of each Fiscal Year. Court-related funds are remitted to the State, non-court funds are remitted to the Board of County Commissioners.

## **U**

### **Uniform Chart of Accounts**

Refer to entry on State Uniform Chart of Accounts

### **Unified Family Court (UFC)**

A fully integrated, comprehensive department that handles all cases involving children and families, while at the same time resolving family disputes in a fair, timely, efficient and cost effective manner.

### **Uniform Traffic Citation (UTC)**

A fine and/or ticket issued as a result of a traffic violation.

## **V**

### **Value Adjustment Board (VAB)**

An independent entity that is not affiliated with the Property Appraiser or the Tax Collector. It consists of two County Commissioners, one school board member and two citizen members who approve and hire Special Magistrates to settle disputes between a taxpayer and Property Appraiser.

### **Veterans Preference Laws**

The federal government and virtually all of the states grant some form of employment preference to Veterans.

## **W**

### **W-2**

A federal tax form issued by employers which states how much an employee was paid in a year.

### **Whistle Blower's Act**

A United States federal law that protects federal whistleblowers who work for the government and report agency misconduct.

## Appendix C: Acronyms

<b>ADA</b>	American with Disabilities Act
<b>ADEA</b>	Age Discrimination Employment Act
<b>AIG</b>	Association of Inspectors General
<b>ANSI</b>	American National Standards Institute
<b>ASU</b>	Audit Services Unit
<b>BOCC</b>	Board of County Commissioners
<b>CAFR</b>	Comprehensive Annual Financial Report
<b>CCOC</b>	Florida Clerks of Court Operations Corporation
<b>CEFEX</b>	Centre for Fiduciary Excellence
<b>CFY</b>	County Fiscal Year
<b>CIP</b>	Capital Improvement Plan
<b>COBRA</b>	Consolidated Omnibus Budget Reconciliation Act
<b>COCTF</b>	Clerks of Circuit Court Trust Fund
<b>COTS</b>	Commercial Off-The-Shelf
<b>CWA</b>	Communication Workers of America
<b>DIG</b>	Division of Inspector General
<b>DOR</b>	Department of Revenue
<b>DROP</b>	Deferred Retirement Option Program
<b>EC</b>	Executive Committee
<b>EEO</b>	Equal Employment Opportunity
<b>FCCC/ FACC</b>	Florida Court Clerks & Comptrollers
<b>FDOT</b>	Florida Department of Transportation
<b>FHP</b>	Florida Highway Patrol
<b>FICA</b>	Federal Insurance Contributions Act
<b>FLSA</b>	Fair Labor Standards Act
<b>FMLA</b>	Family Medical Leave Act
<b>FMS</b>	Financial Management Solutions
<b>FRS</b>	Florida Retirement System
<b>FTE</b>	Full-Time Equivalent
<b>FY</b>	Fiscal Year
<b>GAA</b>	General Appropriations Act
<b>GAAP</b>	Generally Accepted Accounting Principles
<b>GASB</b>	Government Accounting Standards Board

<b>GFOA</b>	Government Finance Officers Association
<b>HCM</b>	Human Capital Management
<b>HIPAA</b>	Health Insurance Portability and Accountability Act
<b>HR</b>	Human Resources
<b>HRIS</b>	Human Resource Information Systems
<b>IIA</b>	Institute of Internal Auditors
<b>IRCA</b>	Immigration Reform and Control Act of 1986
<b>IRS</b>	Internal Revenue Service
<b>ISF</b>	Internal Service Fund
<b>ISS</b>	Information Systems Services
<b>IT</b>	Information Technology
<b>ITIL</b>	Information Technology Infrastructure Library
<b>JAC</b>	Judicial Administrative Commission
<b>LMS</b>	Learning Management System
<b>MTBF</b>	Mean Time Between Failure
<b>MTTR</b>	Mean Time to Repair
<b>NSF</b>	Non-Sufficient Funds
<b>OFMB</b>	Office of Financial Management and Budget
<b>OTJ</b>	On the Job
<b>PAFR</b>	Popular Annual Financial Report
<b>PIU</b>	Public Integrity Unit
<b>PPACA</b>	Patient Protection and Affordable Care Act
<b>QA</b>	Quality Assurance
<b>REC</b>	Revenue Estimating Committee
<b>RFP</b>	Request for Proposal
<b>SAN</b>	Storage Area Network
<b>SB 2108</b>	State Bill 2108
<b>SRF</b>	Special Revenue Fund
<b>SME</b>	Subject Matter Expert
<b>TR</b>	Traffic Infraction
<b>UAS</b>	State Uniform Chart of Accounts
<b>UFC</b>	Unified Family Court
<b>UTC</b>	Uniform Traffic Citation
<b>VAB</b>	Value Adjustment Board
<b>YTD</b>	Year-to-Date

## Appendix D: Chapter 2013-44

### Senate Bill No. 1512- Clerks of Court<sup>16</sup>

An act relating to clerks of court; transferring the Clerks of the Court Trust Fund from the Justice Administrative Commission to the Department of Revenue; amending s. 11.90, F.S.; providing additional duties of the Legislative Budget Commission relating to clerks of court; amending s. 28.241, F.S.; revising distribution of filing fees; revising references to trust funds; repealing s. 28.2455, F.S., relating to transfer of trust funds in excess of amount needed for clerk budgets; amending s. 28.246, F.S.; conforming provisions to changes made by the act; amending s. 28.35, F.S.; deleting provisions providing for the housing of the Florida Clerks of Court Operations Corporation; revising duties of the corporation; defining terms; providing requirements for annual submission of a proposed budget and related information; revising provisions concerning functions that may and may not be funded from specified sources; revising distribution of the corporation's audit report; amending s. 28.36, F.S.; specifying that only certain functions may be funded from fees, service charges, costs, and fines retained by the clerks of the court; revising provisions relating to preparation of budget requests by clerks; providing for reporting and certification of revenue deficits; providing procedures for retention of additional revenues by clerks in the event of a deficit; providing for the release of funds from a specified trust fund to relieve such a deficit in certain circumstances; providing for increases in previously authorized budgets in certain circumstances; deleting provisions relating to review of budgets and related information; amending s. 28.37, F.S.; providing that a portion of all fines, fees, service charges, and costs collected by the clerks of the court which exceed a specified portion of the clerk's annual budget be remitted to a specified trust fund; providing for remission of certain excess collections to the department for deposit into the General Revenue Fund on specified dates; providing for deposit of such funds in a specified trust fund in certain circumstances; providing for collection of certain funds due by the department; amending s. 34.041, F.S.; conforming provisions to changes made by the act; revising distribution of certain fees; amending ss. 43.16 and 110.205, F.S.; conforming provisions to changes made by the act; amending s. 142.01, F.S.; revising the funds deposited in each county's fine and forfeiture fund; deleting provisions specifying that certain moneys are considered state funds; amending s. 213.131, F.S.; conforming provisions to changes made by the act; amending s. 215.22, F.S.; exempting certain moneys deposited in the Clerks of the Court Trust Fund from a specified deduction; amending s. 216.011, F.S.; conforming provisions to changes made by the act;

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<sup>16</sup> <http://www.flsenate.gov/Session/Bill/2013/1512#>

specifying the authorized budget for the clerks of the circuit court and the corporation for specified periods; requiring the corporation to determine budget amounts for the individual clerks for those periods; providing an effective date.

Approved by the Governor May 20, 2013.

Filed in Office Secretary of State May 20, 2013.

Senate Bill 1512 is defined in its entirety on The Florida Senate's website. The following is the link to the document:

<http://www.flsenate.gov/Session/Bill/2013/1512/BillText/er/HTML>

## Appendix E: Florida Constitution - Article V

### ARTICLE V. JUDICIARY<sup>17</sup>

**SECTION 14.** (b) All funding for the offices of the clerks of the circuit and county courts performing court-related functions, except as otherwise provided in this subsection and subsection (c), shall be provided by adequate and appropriate filing fees for judicial proceedings and service charges and costs for performing court-related functions as required by general law. Selected salaries, costs, and expenses of the state courts system may be funded from appropriate filing fees for judicial proceedings and service charges and costs for performing court-related functions, as provided by general law. Where the requirements of either the United States Constitution or the Constitution of the State of Florida preclude the imposition of filing fees for judicial proceedings and service charges and costs for performing court-related functions sufficient to fund the court-related functions of the offices of the clerks of the circuit and county courts, the state shall provide, as determined by the legislature, adequate and appropriate supplemental funding from state revenues appropriated by general law.

(c) No county or municipality, except as provided in this subsection, shall be required to provide any funding for the state courts system, state attorneys' offices, public defenders' offices, court-appointed counsel or the offices of the clerks of the circuit and county courts performing court-related functions. Counties shall be required to fund the cost of communications services, existing radio systems, existing multi-agency criminal justice information systems, and the cost of construction or lease, maintenance, utilities, and security of facilities for the trial courts, public defenders' offices, state attorneys' offices, and the offices of the clerks of the circuit and county courts performing court-related functions. Counties shall also pay reasonable and necessary salaries, costs, and expenses of the state courts system to meet local requirements as determined by general law.

History.—S.J.R. 52-D, 1971; adopted 1972; Am. proposed by Constitution Revision Commission, Revision No. 7, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

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<sup>17</sup> <http://www.leg.state.fl.us/Statutes/index.cfm?Mode=Constitution&Submenu=3&Tab=statutes#A8>

SECTION 16. Clerks of the circuit courts.—There shall be in each county a clerk of the circuit court who shall be selected pursuant to the provisions of Article VIII section 1. Notwithstanding any other provision of the constitution, the duties of the clerk of the circuit court may be divided by special or general law between two officers, one serving as clerk of court and one serving as ex officio clerk of the board of county commissioners, auditor, recorder, and custodian of all county funds. There may be a clerk of the county court if authorized by general or special law.

History.—S.J.R. 52-D, 1971; adopted 1972.

## **ARTICLE VIII LOCAL GOVERNMENT**

**SECTION 1. Counties - (d) COUNTY OFFICERS.** There shall be elected by the electors of each county, for terms of four years, a sheriff, a tax collector, a property appraiser, a supervisor of elections, and a clerk of the circuit court; except, when provided by county charter or special law approved by vote of the electors of the county, any county officer may be chosen in another manner therein specified, or any county office may be abolished when all the duties of the office prescribed by general law are transferred to another office. When not otherwise provided by county charter or special law approved by vote of the electors, the clerk of the circuit court shall be ex officio clerk of the board of county commissioners, auditor, recorder and custodian of all county funds.

History.—Am. H.J.R. 1907, 1973; adopted 1974; Am. H.J.R. 452, 1984; adopted 1984; Am. H.J.R. 125, 1998; adopted 1998; Am. proposed by Constitution Revision Commission, Revision No. 8, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

## Appendix F: Chapter 28 - Florida Statutes

### CHAPTER 28: CLERKS OF THE CIRCUIT COURTS <sup>18</sup>

28.001 Definitions.—As used in this chapter:

(1) “Official records” means each instrument that the clerk of the circuit court is required or authorized to record in one general series called “Official Records” as provided for in s. 28.222.

(2) “Public records” has the same meaning as in s. 119.011 and includes each official record.

History.—s. 1, ch. 94-348; s. 1, ch. 99-259.

28.01 Bond of circuit court clerks; small counties.—In each county of the state having a population of 150,000 or less according to the last state census, the clerk of the circuit court shall give bond as required by the board of county commissioners of the county, to be filed with the clerk of the circuit court and be conditioned upon the faithful discharge of the duties of office.

History.—ss. 1, 3, ch. 3724, 1887; RS 1381; GS 1821; RGS 3066; CGL 4847; s. 1, ch. 17754, 1937; s. 1, ch. 20719, 1941; ss. 10, 12, 35, ch. 69-106; s. 152, ch. 95-147; s. 12, ch. 95-312; s. 7, ch. 98-34.

28.02 Bond of circuit court clerks; large counties.—In each county of the state having a population in excess of 150,000 according to the last state census, the clerk of the circuit court shall give bond as required by the board of county commissioners of the county, to be filed with the clerk of the circuit court and be conditioned upon the faithful discharge of the duties of office.

History.—ss. 1, 3, ch. 3724, 1887; RS 1381; GS 1821; RGS 3066; CGL 4847; s. 1, ch. 17754, 1937; s. 1, ch. 20719, 1941; ss. 10, 12, 35, ch. 69-106; s. 153, ch. 95-147; s. 13, ch. 95-312; s. 8, ch. 98-34.

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<sup>18</sup>[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0000-0099/0028/0028ContentsIndex.html&StatuteYear=2012&Title=%2D%3E2012%2D%3EChapter%2028](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0000-0099/0028/0028ContentsIndex.html&StatuteYear=2012&Title=%2D%3E2012%2D%3EChapter%2028)

28.03 Obligation of sureties.—Each surety upon such bond may bind himself or herself for a specified sum, but the aggregate amount for which the sureties shall bind themselves shall not be less than the penalty of the bond.

History.—s. 9, ch. 3724, 1887; RS 934; GS 1822; RGS 3067; CGL 4848; s. 2, ch. 17754, 1937; s. 1, ch. 20719, 1941; s. 154, ch. 95-147.

28.04 Justification of sureties.—Each surety upon such bond shall make affidavit that the surety is a resident of the county for which the clerk is to be commissioned, and that he or she has sufficient visible property therein unencumbered and not exempt from sale under legal process to make good his or her bond.

History.—s. 10, ch. 3724, 1887; RS 935; GS 1823; RGS 3068; CGL 4849; s. 3, ch. 17754, 1937; s. 1, ch. 20719, 1941; s. 155, ch. 95-147.

28.05 Surety companies.—The provisions of ss. 28.01-28.04 as to number of sureties, affidavits of residence and justification of same, shall not apply to solvent surety companies authorized to do business and execute bonds in this state.

History.—GS 1824; RGS 3069; CGL 4850; s. 4, ch. 17754, 1937; s. 1, ch. 20719, 1941.

28.06 Power of clerk to appoint deputies.—The clerk of the circuit court may appoint a deputy or deputies, for whose acts the clerk shall be liable, and the said deputies shall have and exercise each and every power of whatsoever nature and kind as the clerk may exercise, excepting the power to appoint a deputy or deputies.

History.—s. 1, Feb. 12, 1834; s. 1, ch. 254, 1849; RS 1384; GS 1825; RGS 3070; CGL 4851; s. 1, ch. 21956, 1943; s. 156, ch. 95-147.

28.07 Place of office.—The clerk of the circuit court shall keep his or her office at the county seat. If the clerk finds a need for branch offices, they may be located in the county at places other than the county seat. Instruments presented for recording in the Official Records may be accepted and filed for that purpose at any branch office designated by the governing body of the county for the recording of instruments pursuant to s. 1, Art. VIII of the State Constitution. One or more deputy clerks authorized to issue process may be employed for such branch offices. The Official Records of the county must be kept at the county seat. Other records and books must be kept within the county but need not be kept at the county seat.

History.—s. 3, Feb. 12, 1834; RS 1385; GS 1826; RGS 3071; CGL 4852; s. 1, ch. 57-281; s. 1, ch. 87-190; ss. 2, 10, ch. 94-348; s. 2, ch. 99-259.

28.071 Clerk's seal.—Each clerk shall provide a seal which shall have inscribed thereon substantially the words:

“Circuit Court”

“Clerk,” “(Name of county)”

which shall be the official seal of the clerk of the circuit court in that county for authentication of all documents or instruments. It may be an imprint or impression type seal and shall be registered with the Department of State.

History.—s. 1, ch. 70-134; s. 1, ch. 70-439.

28.09 Clerk ad interim.—In the case of vacancy occurring in the office of a clerk of the circuit court by death, resignation, or other cause, the judge of that court shall appoint a clerk ad interim, who shall assume all the responsibilities, perform all the duties, and receive the same compensation for the time being as if he or she had been duly appointed to fill the office; and the clerk shall give such bond and security for the faithful performance of duties as required by the board of county commissioners.

History.—s. 1, ch. 722, 1855; RS 1393; GS 1838; RGS 3083; CGL 4866; s. 157, ch. 95-147; s. 9, ch. 98-34.

28.101 Petitions and records of dissolution of marriage; additional charges.—

(1) When a party petitions for a dissolution of marriage, in addition to the filing charges in s. 28.241, the clerk shall collect and receive:

(a) A charge of \$5. On a monthly basis, the clerk shall transfer the moneys collected pursuant to this paragraph to the Department of Revenue for deposit in the Child Welfare Training Trust Fund created in s. 402.40.

(b) A charge of \$5. On a monthly basis, the clerk shall transfer the moneys collected pursuant to this paragraph to the Department of Revenue for deposit in the Displaced Homemaker Trust Fund created in s. 446.50. If a petitioner does not have sufficient funds with which to pay this fee and signs an affidavit so stating, all or a portion of the fee shall be waived subject to a subsequent order of the court relative to the payment of the fee.

(c) A charge of \$55. On a monthly basis, the clerk shall transfer the moneys collected pursuant to this paragraph to the Department of Revenue for deposit in the Domestic Violence Trust Fund. Such funds which are generated shall be directed to the Department of Children and Family Services for the specific purpose of funding domestic violence centers.

(d) A charge of \$32.50. On a monthly basis, the clerk shall transfer the moneys collected pursuant to this paragraph as follows:

1. An amount of \$7.50 to the Department of Revenue for deposit in the Displaced Homemaker Trust Fund.

2. An amount of \$25 to the Department of Revenue for deposit in the General Revenue Fund.

(2) Upon receipt of a final judgment of dissolution of marriage for filing, and in addition to the filing charges in s. 28.241, the clerk may collect and receive a service charge of up to \$10.50 pursuant to s. 382.023 for the recording and reporting of such final judgment of dissolution of marriage to the Department of Health.

History.—s. 2, ch. 67-520; s. 2, ch. 70-134; s. 1, ch. 70-439; s. 1, ch. 73-300; s. 9, ch. 83-217; s. 103, ch. 86-220; s. 1, ch. 87-145; s. 25, ch. 87-387; s. 7, ch. 88-98; s. 2, ch. 88-181; s. 12, ch. 94-134; s. 12, ch. 94-135; s. 54, ch. 96-418; s. 82, ch. 97-237; s. 14, ch. 98-403; s. 13, ch. 99-2; s. 5, ch. 99-243; s. 4, ch. 2001-122; s. 25, ch. 2003-402; s. 3, ch. 2004-251; s. 14, ch. 2004-265.

28.12 Clerk of the board of county commissioners.—The clerk of the circuit court shall be clerk and accountant of the board of county commissioners. He or she shall keep the minutes and accounts and perform such other duties as provided by law. The clerk shall have custody of the seal and affix the same to any paper or instrument as required by law.

History.—RS 1392; GS 1836; RGS 3081; CGL 4864; s. 3, ch. 70-134; s. 158, ch. 95-147.

28.13 Papers and electronic filings.—The clerk of the circuit court must maintain all papers and electronic filings in the clerk’s office with the utmost care and security, storing them with related case files and affixing a stamp, which may be electronic, to each submission indicating the date and time that the submission was filed. The clerk may not permit any attorney or other person to remove filed documents from the control or custody of the clerk without leave of the court, except as otherwise provided by law.

History.—s. 59, Nov. 18, 1828; RS 1389; GS 1830; RGS 3075; CGL 4856; s. 1, ch. 89-297; s. 159, ch. 95-147; s. 1, ch. 2013-109.

28.14 Records, judgments, orders, and decrees prior to circuit courts.—All the records, judgments, orders, and decrees of the several circuit courts, in the respective counties, made and entered before July 28th, 1868, shall be taken and held to be the records, judgments, orders, and decrees of the circuit courts as established in said counties July 28th, 1868, and may be amended and enforced according to law and the practice of said courts.

History.—s. 9, ch. 1629, 1869; RS 1402; GS 1853; RGS 3098; CGL 4882.

28.15 Records from superior courts.—The files, rolls and books of record of the superior courts of the several districts of the Territory of Florida remaining in the clerk’s offices of the respective counties, so far as the same, by the concurrence of the Congress and the Legislature of this state, may relate to matters of appropriate state authority and jurisdiction, are placed in the custody and under the control of the circuit courts of this state in the respective counties thereof, where the said superior courts were held and the records kept, and shall be deemed, held and taken to be files, rolls and records of the said circuit courts; and the said circuit courts may lawfully have and exercise such judicial cognizance and power over them as the said courts may lawfully have and exercise over their own files, rolls and records.

History.—s. 2, ch. 520, 1853; RS 1403; GS 1854; RGS 3099; CGL 4883.

28.16 Certain records from prior county courts.—All the records, judgments and orders in the several county courts, in the respective counties, made and entered prior to May 4th, 1875, where the amount sued upon exceeded the sum of \$100, shall be held,

deemed and taken to be files, rolls and records of the circuit court and the said circuit court may lawfully have and exercise such cognizance and power over them as said courts may lawfully have and exercise over its own files, rolls and records.

History.—s. 1, ch. 3004, 1877; RS 1404-1406; s. 1, ch. 4725, 1899; GS 1855-1858; RGS 3100-3103; CGL 4884-4887.

28.211 Clerk to keep docket.—The clerk of the circuit court shall keep a progress docket in which he or she shall note the filing of each pleading, motion, or other paper and any step taken by him or her in connection with each action, appeal, or other proceeding before the court. The clerk may keep separate progress dockets for civil and criminal matters. The clerk shall keep an alphabetical index, direct and inverse, for the docket.

History.—s. 1, ch. 71-4; s. 160, ch. 95-147.

28.212 Minutes of court proceedings.—The clerk may keep minutes of court proceedings. The action of the court shall be noted in the minutes, but orders and judgments shall not be recorded in the minutes.

History.—s. 1, ch. 72-320.

28.213 Disposal of physical evidence filed as exhibits.—The clerk of any circuit court or county court may dispose of items of physical evidence which have been held as exhibits in excess of 3 years in cases on which no appeal, or collateral attack, is pending or can be made. Items of evidence having no monetary value which are designated by the clerk for removal shall be disposed of as unusable refuse. Items of evidence having a monetary value which are designated for removal by the clerk shall be sold and the revenue placed in the clerk's general revenue fund.

History.—s. 1, ch. 72-7; s. 21, ch. 73-333; s. 2, ch. 89-176; s. 26, ch. 2003-402.

Note.—Former s. 43.195.

28.215 Pro se assistance.—The clerk of the circuit court shall provide ministerial assistance to pro se litigants. Assistance shall not include the provision of legal advice.

History.—s. 27, ch. 2003-402.

28.222 Clerk to be county recorder.—

(1) The clerk of the circuit court shall be the recorder of all instruments that he or she may be required or authorized by law to record in the county where he or she is clerk.

(2) The clerk of the circuit court shall record all instruments in one general series called "Official Records." He or she shall keep a register in which he or she shall enter at the time of filing the filing number of each instrument filed for record, the date and hour of filing, the kind of instrument, and the names of the parties to the instrument. The clerk shall maintain a general alphabetical index, direct and inverse, of all instruments filed for record. The register of Official Records must be available at each office where official records may be filed.

(3) The clerk of the circuit court shall record the following kinds of instruments presented to him or her for recording, upon payment of the service charges prescribed by law:

(a) Deeds, leases, bills of sale, agreements, mortgages, notices or claims of lien, notices of levy, tax warrants, tax executions, and other instruments relating to the ownership, transfer, or encumbrance of or claims against real or personal property or any interest in it; extensions, assignments, releases, cancellations, or satisfactions of mortgages and liens; and powers of attorney relating to any of the instruments.

(b) Notices of lis pendens, including notices of an action pending in a United States court having jurisdiction in this state.

(c) Judgments, including certified copies of judgments, entered by any court of this state or by a United States court having jurisdiction in this state and assignments, releases, and satisfactions of the judgments.

(d) That portion of a certificate of discharge, separation, or service which indicates the character of discharge, separation, or service of any citizen of this state with respect to the military, air, or naval forces of the United States. Each certificate shall be recorded without cost to the veteran, but the clerk shall receive from the board of county commissioners or other governing body of the county the service charge prescribed by law for the recording.

(e) Notices of liens for taxes payable to the United States and other liens in favor of the United States, and certificates discharging, partially discharging, or releasing the liens, in accordance with the laws of the United States.

(f) Certified copies of petitions, with schedules omitted, commencing proceedings under the 1Bankruptcy Act of the United States, decrees of adjudication in the proceedings, and orders approving the bonds of trustees appointed in the proceedings.

(g) Certified copies of death certificates authorized for issuance by the Department of Health which exclude the information that is confidential under s. 382.008, and certified copies of death certificates issued by another state whether or not they exclude the information described as confidential in s. 382.008.

(h) Any other instruments required or authorized by law to be recorded.

(4) The county recorder shall remove recorded court documents from the Official Records pursuant to a sealing or expunction order.

(5) Any reference in these statutes to the filing of instruments affecting title to real or personal property with the clerk of the circuit court shall mean recording of the instruments.

(6) The clerk of the circuit court may maintain a separate book for maps, plats, and drawings recorded pursuant to chapters 177, 253, and 337.

(7) All instruments recorded in the Official Records shall always be open to the public, under the supervision of the clerk, for the purpose of inspection thereof and of making extracts therefrom; but the clerk shall not be required to perform any service in connection with such inspection or making of extracts without payment of service charges as provided in s. 28.24.

History.—ss. 2, 4, ch. 71-4; s. 24, ch. 81-259; s. 2, ch. 84-114; s. 2, ch. 92-25; s. 1, ch. 93-42; s. 100, ch. 94-119; s. 11, ch. 94-348; s. 1324, ch. 95-147; s. 2, ch. 95-214; s. 83, ch. 97-237; s. 3, ch. 99-259; s. 2, ch. 2013-109.

1Note.—Replaced by the 1978 Bankruptcy Code.

28.22205 Electronic filing process.—Each clerk of court shall implement an electronic filing process. The purpose of the electronic filing process is to reduce judicial costs in the office of the clerk and the judiciary, increase timeliness in the processing of cases, and provide the judiciary with case-related information to allow for improved judicial case management. The Legislature requests that, no later than July 1, 2009, the Supreme Court set statewide standards for electronic filing to be used by the clerks of court to

implement electronic filing. The standards should specify the required information for the duties of the clerks of court and the judiciary for case management. The clerks of court shall begin implementation no later than October 1, 2009. The Florida Clerks of Court Operations Corporation shall report to the President of the Senate and the Speaker of the House of Representatives by March 1, 2010, on the status of implementing electronic filing. The report shall include the detailed status of each clerk office's implementation of an electronic filing process, and for those clerks who have not fully implemented electronic filing by March 1, 2010, a description of the additional steps needed and a projected timeline for full implementation. Revenues provided to counties and the clerk of court under s. 28.24(12)(e) for information technology may also be used to implement electronic filing processes.

History.—s. 16, ch. 2009-61.

28.2221 Electronic access to official records.—

(1) The Legislature finds that a proper and legitimate state purpose is served by providing the public with access to public records and information on the Internet. The Legislature further finds that a proper and legitimate state purpose is also served by preventing disclosure of records and information made exempt by law from public disclosure.

(2) No later than January 1, 2002, the county recorder in each county shall provide a current index of documents recorded in the official records of the county for the period beginning no later than January 1, 1990, on a publicly available Internet website which shall also contain a document requisition point for obtaining images or copies of the documents reflected in the index and which has the capability of electronically providing the index data to a central statewide search site. The index shall be limited to grantor and grantee names, party names, date, book and page number, comments, and type of record.

(3) Each county recorder shall use appropriate Internet security measures to ensure that no person has the ability to alter or to modify records placed on the Internet by the county recorder.

(4) Unless otherwise provided by law, no information retrieved electronically pursuant to this section shall be admissible in court as an authenticated document.

(5)(a) No county recorder or clerk of the court may place an image or copy of a public record, including an official record, on a publicly available Internet website for general public display if that image or copy is of a military discharge; death certificate; or a court file, record, or paper relating to matters or cases governed by the Florida Rules of Family Law, the Florida Rules of Juvenile Procedure, or the Florida Probate Rules.

(b) Any records specified in this subsection made available by the county recorder or clerk of the court on a publicly available Internet website for general public display prior to June 5, 2002, must be removed if the affected party identifies the record and requests that it be removed. Such request must be in writing and delivered by mail, facsimile, or electronic transmission, or in person to the county recorder or clerk of the court. The request must specify the identification page number of the document to be removed. No fee may be charged for the removal of a document pursuant to such request.

(c) No later than 30 days after June 5, 2002, notice of the right of any affected party to request removal of records pursuant to this subsection shall be conspicuously and clearly displayed by the county recorder or clerk of the court on the publicly available Internet website on which images or copies of the county's public records are placed and in the office of each county recorder or clerk of the court. In addition, no later than 30 days after June 5, 2002, the county recorder or the clerk of the court must have published, on two separate dates, a notice of such right in a newspaper of general circulation in the county where the county recorder's office is located as provided for in chapter 50. Such notice must contain appropriate instructions for making the removal request in person, by mail, by facsimile, or by electronic transmission. The notice shall state, in substantially similar form, that any person has a right to request that a county recorder or clerk of the court remove an image or copy of a public record, including an official record, from a publicly available Internet website if that image or copy is of a military discharge; death certificate; or a court file, record, or paper relating to matters or cases governed by the Florida Rules of Family Law, the Florida Rules of Juvenile Procedure, or the Florida Probate Rules. Such request must be made in writing and delivered by mail, facsimile, or electronic transmission, or in person to the county recorder or clerk of the court. The request must identify the document identification page number of the document to be removed. No fee will be charged for the removal of a document pursuant to such request.

(d) Any affected person may petition the circuit court for an order directing compliance with this subsection.

(e) By January 1, 2006, each county recorder or clerk of the court shall provide for electronic retrieval, at a minimum, of images of documents referenced as the index required to be maintained on the county's official records website by this section.

History.—s. 2, ch. 2000-164; s. 2, ch. 2002-302.

28.2222 Public records capital improvement plan.—On or before December 1 of each year immediately preceding each year in which the Public Records Modernization Trust Fund is scheduled for review under s. 19(f)(2), Art. III of the State Constitution, each clerk of the circuit court shall file a 4-year capital improvement plan with the President of the Senate and the Speaker of the House of Representatives. The plan must specify the clerk's goals for modernizing and improving the storage of, and public access to, public records and must state the manner in which moneys from the trust fund will be expended to obtain the stated objectives. The plan must specify the methodology used to determine the projected cost to implement the plan and to determine the projected revenue to meet the cost. Each capital improvement plan must state the progress made in fulfilling the objectives listed in the previously filed capital improvement plan and must state the manner in which moneys from the trust fund were expended to reach those objectives.

History.—s. 6, ch. 95-214; s. 5, ch. 2006-1.

28.223 Probate records; recordation.—

(1) The clerk of the circuit shall record all wills and codicils admitted to probate, orders revoking the probate of any wills and codicils, letters of administration, orders affecting or describing real property, final orders, orders of final discharge, and orders of guardianship filed in the clerk's office. No other petitions, pleadings, papers, or other orders relating to probate matters shall be recorded except on the written direction of the court. The direction may be by incorporation in the order of the words "To be recorded," or words to that effect. Failure to record an order or a judgment shall not affect its validity.

(2) The clerk shall record all instruments under this section in Official Records and index them in the same manner as prescribed in s. 28.222.

(3) All records of a court of this state heretofore exercising probate jurisdiction shall be placed, and remain, in the custody of the clerk and shall be the records of the circuit court. The circuit court may exercise judicial cognizance and power over them as it may over its own records.

(4) Certified transcripts of the whole or any part of probate or administration proceedings in any court of this state or of any foreign state or country may be recorded. If the certified copy is not a part of a pending probate proceeding in the court, the person causing it to be recorded shall pay the costs of recordation.

(5) The recording of any instrument required or permitted to be recorded under this section in a pending probate or administration proceeding in the county shall be included in the fees prescribed in s. 28.2401.

History.—s. 2, ch. 74-106; s. 1, ch. 77-174; s. 161, ch. 95-147; s. 20, ch. 95-401.

28.231 Service charges by clerks of courts.—The clerk of any state appellate or county or state trial court shall receive as compensation for similar services the same charges as provided in this chapter for the clerk of the circuit court.

History.—s. 39, ch. 70-134.

28.235 Advance payments by clerk of circuit court.—The clerk of the circuit court is authorized to make advance payments on behalf of the county for goods and services, including, but not limited to, maintenance agreements and subscriptions, pursuant to rules or procedures adopted by the Chief Financial Officer for advance payments of invoices submitted to agencies of the state.

History.—s. 12, ch. 94-348; s. 89, ch. 2003-261.

28.24 Service charges.—The clerk of the circuit court shall charge for services rendered manually or electronically by the clerk's office in recording documents and instruments and in performing other specified duties. These charges may not exceed those specified in this section, except as provided in s. 28.345.

Charges

- (1) For examining, comparing, correcting, verifying, and certifying transcripts of record in appellate proceedings, prepared by attorney for appellant or someone else other than clerk, per page.....5.00
- (2) For preparing, numbering, and indexing an original record of appellate proceedings, per instrument.....3.50
- (3) For certifying copies of any instrument in the public records.....2.00
- (4) For verifying any instrument presented for certification prepared by someone other than clerk, per page.....3.50
- (5)(a) For making copies by photographic process of any instrument in the public records consisting of pages of not more than 14 inches by 8 1/2 inches, per page.....1.00
- (b) For making copies by photographic process of any instrument in the public records of more than 14 inches by 8 1/2 inches, per page.....5.00
- (6) For making microfilm copies of any public records:
  - (a) 16 mm 100' microfilm roll.....42.00
  - (b) 35 mm 100' microfilm roll.....60.00
  - (c) Microfiche, per fiche.....3.50
- (7) For copying any instrument in the public records by other than photographic process, per page.....6.00
- (8) For writing any paper other than herein specifically mentioned, same as for copying, including signing and sealing.....7.00
- (9) For indexing each entry not recorded.....1.00
- (10) For receiving money into the registry of court:
  - (a)1. First \$500, percent.....3
  2. Each subsequent \$100, percent.....1.5
  - (b) Eminent domain actions, per deposit.....170.00

(11) For examining, certifying, and recording plats and for recording condominium exhibits larger than 14 inches by 8 1/2 inches:

(a) First page.....30.00

(b) Each additional page.....15.00

(12) For recording, indexing, and filing any instrument not more than 14 inches by 8 1/2 inches, including required notice to property appraiser where applicable:

(a) First page or fraction thereof.....5.00

(b) Each additional page or fraction thereof.....4.00

(c) For indexing instruments recorded in the official records which contain more than four names, per additional name.....1.00

(d) An additional service charge must be paid to the clerk of the circuit court to be deposited in the Public Records Modernization Trust Fund for each instrument listed in s. 28.222, except judgments received from the courts and notices of lis pendens, recorded in the official records:

1. First page.....1.00

2. Each additional page.....0.50

Said fund must be held in trust by the clerk and used exclusively for equipment and maintenance of equipment, personnel training, and technical assistance in modernizing the public records system of the office. In a county where the duty of maintaining official records exists in an office other than the office of the clerk of the circuit court, the clerk of the circuit court is entitled to 25 percent of the moneys deposited into the trust fund for equipment, maintenance of equipment, training, and technical assistance in modernizing the system for storing records in the office of the clerk of the circuit court. The fund may not be used for the payment of travel expenses, membership dues, bank charges, staff-recruitment costs, salaries or benefits of employees, construction costs, general operating expenses, or other costs not directly related to obtaining and maintaining equipment for public records systems or for the purchase of furniture or office supplies and equipment not related to the storage of records. On or before December 1, 1995, and on or before December 1 of each year immediately preceding

each year during which the trust fund is scheduled for legislative review under s. 19(f)(2), Art. III of the State Constitution, each clerk of the circuit court shall file a report on the Public Records Modernization Trust Fund with the President of the Senate and the Speaker of the House of Representatives. The report must itemize each expenditure made from the trust fund since the last report was filed; each obligation payable from the trust fund on that date; and the percentage of funds expended for each of the following: equipment, maintenance of equipment, personnel training, and technical assistance. The report must indicate the nature of the system each clerk uses to store, maintain, and retrieve public records and the degree to which the system has been upgraded since the creation of the trust fund.

(e) An additional service charge of \$4 per page shall be paid to the clerk of the circuit court for each instrument listed in s. 28.222, except judgments received from the courts and notices of lis pendens, recorded in the official records. From the additional \$4 service charge collected:

1. If the counties maintain legal responsibility for the costs of the court-related technology needs as defined in s. 29.008(1)(f)2. and (h), 10 cents shall be distributed to the Florida Association of Court Clerks and Comptrollers, Inc., for the cost of development, implementation, operation, and maintenance of the clerks' Comprehensive Case Information System; \$1.90 shall be retained by the clerk to be deposited in the Public Records Modernization Trust Fund and used exclusively for funding court-related technology needs of the clerk as defined in s. 29.008(1)(f)2. and (h); and \$2 shall be distributed to the board of county commissioners to be used exclusively to fund court-related technology, and court technology needs as defined in s. 29.008(1)(f)2. and (h) for the state trial courts, state attorney, public defender, and criminal conflict and civil regional counsel in that county. If the counties maintain legal responsibility for the costs of the court-related technology needs as defined in s. 29.008(1)(f)2. and (h), notwithstanding any other provision of law, the county is not required to provide additional funding beyond that provided herein for the court-related technology needs of the clerk as defined in s. 29.008(1)(f)2. and (h). All court records and official records are the property of the State of Florida, including any records generated as part of the Comprehensive Case Information System funded pursuant to this paragraph and the clerk of court is designated as the custodian of such

records, except in a county where the duty of maintaining official records exists in a county office other than the clerk of court or comptroller, such county office is designated the custodian of all official records, and the clerk of court is designated the custodian of all court records. The clerk of court or any entity acting on behalf of the clerk of court, including an association, may not charge a fee to any agency as defined in s. 119.011, the Legislature, or the State Court System for copies of records generated by the Comprehensive Case Information System or held by the clerk of court or any entity acting on behalf of the clerk of court, including an association.

2. If the state becomes legally responsible for the costs of court-related technology needs as defined in s. 29.008(1)(f)2. and (h), whether by operation of general law or by court order, \$4 shall be remitted to the Department of Revenue for deposit into the General Revenue Fund.

(13) Oath, administering, attesting, and sealing, not otherwise provided for herein.....3.50

(14) For validating certificates, any authorized bonds, each.....3.50

(15) For preparing affidavit of domicile.....5.00

(16) For exemplified certificates, including signing and sealing.....7.00

(17) For authenticated certificates, including signing and sealing.....7.00

(18)(a) For issuing and filing a subpoena for a witness, not otherwise provided for herein (includes writing, preparing, signing, and sealing).....7.00

(b) For signing and sealing only.....2.00

(19) For approving bond.....8.50

(20) For searching of records, for each year's search.....2.00

(21) For processing an application for a tax deed sale (includes application, sale, issuance, and preparation of tax deed, and disbursement of proceeds of sale), other than excess proceeds.....60.00

(22) For disbursement of excess proceeds of tax deed sale, first \$100 or fraction thereof.....10.00

- (23) Upon receipt of an application for a marriage license, for preparing and administering of oath; issuing, sealing, and recording of the marriage license; and providing a certified copy.....30.00
- (24) For solemnizing matrimony.....30.00
- (25) For sealing any court file or expungement of any record.....42.00
- (26)(a) For receiving and disbursing all restitution payments, per payment.....3.50
- (b) For receiving and disbursing all partial payments, other than restitution payments, for which an administrative processing service charge is not imposed pursuant to s. 28.246, per month.....5.00
- (c) For setting up a payment plan, a one-time administrative processing charge in lieu of a per month charge under paragraph (b).....25.00
- (27) Postal charges incurred by the clerk of the circuit court in any mailing by certified or registered mail must be paid by the party at whose instance the mailing is made.
- (28) For furnishing an electronic copy of information contained in a computer database: a fee as provided for in chapter 119.

History.—s. 1, ch. 3106, 1879; RS 1394; GS 1839; RGS 3084; ss. 1, 2, ch. 11893, 1927; CGL 4867; s. 2, ch. 29749, 1955; s. 1, ch. 63-45; s. 5, ch. 70-134; s. 1, ch. 77-284; s. 1, ch. 78-367; s. 1, ch. 79-266; s. 12, ch. 79-400; s. 1, ch. 82-205; s. 35, ch. 85-180; s. 2, ch. 85-249; s. 22, ch. 87-95; s. 2, ch. 87-145; s. 1, ch. 88-176; s. 1, ch. 92-200; ss. 5, 13, ch. 94-348; s. 5, ch. 95-214; s. 2, ch. 2000-144; s. 90, ch. 2003-261; s. 28, ch. 2003-402; s. 16, ch. 2004-265; s. 6, ch. 2005-236; s. 14, ch. 2007-62; s. 6, ch. 2008-111; s. 2, ch. 2012-100; s. 3, ch. 2013-109.

28.2401 Service charges and filing fees in probate matters.—

- (1) Except when otherwise provided, the clerk may impose service charges or filing fees for the following services or filings, not to exceed the following amounts:
  - (a) Fee for the opening of any estate of one document or more, including, but not limited to, petitions and orders to approve settlement of minor’s claims; to open a safe-deposit box; to enter rooms and places; for the determination of heirs, if not formal administration; and for a foreign guardian to manage property of a nonresident; but not to include issuance of letters or order of summary administration.....\$230

- (b) Charge for caveat.....\$40
- (c) Fee for petition and order to admit foreign wills, authenticated copies, exemplified copies, or transcript to record.....\$230
- (d) Fee for disposition of personal property without administration.....\$230
- (e) Fee for summary administration—estates valued at \$1,000 or more.....\$340
- (f) Fee for summary administration—estates valued at less than \$1,000.....\$230
- (g) Fee for formal administration, guardianship, ancillary, curatorship, or conservatorship proceedings.....\$395
- (h) Fee for guardianship proceedings of person only.....\$230
- (i) Fee for veterans’ guardianship pursuant to chapter 744.....\$230
- (j) Charge for exemplified certificates.....\$7
- (k) Fee for petition for determination of incompetency.....\$230

The clerk shall remit \$115 of each filing fee collected under paragraphs (a), (c)-(i), and (k) to the Department of Revenue for deposit into the State Courts Revenue Trust Fund.

(2) Upon application by the clerk and a showing of extraordinary circumstances, the service charges or filing fees set forth in this section may be increased in an individual matter by order of the circuit court before which the matter is pending, to more adequately compensate for the services performed or filings made.

(3) An additional service charge of \$4 on petitions seeking summary administration, formal administration, ancillary administration, guardianship, curatorship, and conservatorship shall be paid to the clerk. The clerk shall transfer \$3.50 to the Department of Revenue for deposit into the Court Education Trust Fund and shall transfer 50 cents to the Department of Revenue for deposit into the Department of Financial Services’ Administrative Trust Fund to fund clerk education. No additional fees, charges, or costs shall be added to the service charges or filing fees imposed under this section, except as authorized by general law.

(4) Recording shall be required for all petitions opening and closing an estate; petitions regarding real estate; and orders, letters, bonds, oaths, wills, proofs of wills, returns, and such other papers as the judge shall deem advisable to record or that shall be required to be recorded under the Florida Probate Code.

History.—s. 5, ch. 1981, 1874; s. 2, ch. 3888, 1889; RS 1592, 1596; GS 2056, 2060; RGS 3347, 3351; CGL 5200, 5204; s. 1, ch. 19174, 1939; CGL 1940 Supp. 2877(115); s. 1, ch. 21960, 1943; s. 1, ch. 28152, 1953; s. 1, ch. 65-430; s. 1, ch. 72-397; s. 16, ch. 73-333; s. 2, ch. 77-284; s. 2, ch. 78-367; s. 13, ch. 79-400; s. 25, ch. 81-259; s. 3, ch. 87-145; s. 5, ch. 91-152; s. 1, ch. 93-268; s. 2, ch. 96-209; s. 5, ch. 2001-122; s. 29, ch. 2003-402; s. 2, ch. 2004-5; s. 17, ch. 2004-265; s. 7, ch. 2008-111; s. 4, ch. 2009-61.

Note.—Former s. 36.17.

28.2402 Cost recovery; use of the circuit court for ordinance or special law violations.—

(1)(a) In lieu of payment of a filing fee under s. 28.241, a filing fee of \$10 shall be paid by a county or municipality when filing a county or municipal ordinance violation or violation of a special law in circuit court. This fee shall be paid to the clerk of the court for performing court-related functions. A county or municipality is not required to pay more than one filing fee for a single filing against a single defendant that contains multiple alleged violations. A filing fee, other than that imposed under this section, may not be assessed for initiating an enforcement proceeding in circuit court for a violation of a county or municipal code or ordinance or a violation of a special law. The filing fee shall not apply to instances in which a county or municipality has contracted with the state, or has been delegated by the state, responsibility for enforcing state operations, policies, or requirements under s. 125.69, s. 166.0415, or chapter 162.

(b) No other filing fee may be assessed for filing the violation in circuit court. If a person contests the violation in court, the court shall assess \$40 in costs against the nonprevailing party. The county or municipality shall be considered the prevailing party when there is a finding of violation to any count or lesser included offense of the charge. Costs recovered pursuant to this paragraph shall be deposited into the clerk's fine and forfeiture fund established pursuant to s. 142.01.

(2) To offset costs incurred by the clerks of the court in performing court-related functions associated with the processing of violations of special laws and municipal ordinances, 10 percent of the total amount of fines paid to each municipality for special law or ordinance violations filed in circuit court shall be retained by the clerk of the court for deposit into the clerk's fine and forfeiture fund established pursuant to s. 142.01, except for fines a portion of which the clerk of the court retains pursuant to any other provision of state law. A municipality does not include the unincorporated areas, if any, of a government created pursuant to s. 6(e), Art. VIII of the State Constitution.

History.—s. 30, ch. 2003-402; s. 18, ch. 2004-265; s. 7, ch. 2005-236.

28.2405 Comprehensive Case Information System.—All clerks of the circuit court shall participate in the Comprehensive Case Information System of the Florida Association of Court Clerks and Comptrollers, Inc., and shall submit electronic case data to the system based on the case types designated by the Supreme Court.

History.—s. 3, ch. 2012-100.

28.241 Filing fees for trial and appellate proceedings.—

(1) Filing fees are due at the time a party files a pleading to initiate a proceeding or files a pleading for relief. Reopen fees are due at the time a party files a pleading to reopen a proceeding if at least 90 days have elapsed since the filing of a final order or final judgment with the clerk. If a fee is not paid upon the filing of the pleading as required under this section, the clerk shall pursue collection of the fee pursuant to s. 28.246.

(a)1.a. Except as provided in sub-subparagraph b. and subparagraph 2., the party instituting any civil action, suit, or proceeding in the circuit court shall pay to the clerk of that court a filing fee of up to \$395 in all cases in which there are not more than five defendants and an additional filing fee of up to \$2.50 for each defendant in excess of five. Of the first \$200 in filing fees, \$195 must be remitted to the Department of Revenue for deposit into the State Courts Revenue Trust Fund, \$4 must be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services and used to fund the contract with the Florida Clerks of Court Operations Corporation created in s. 28.35, and \$1 must be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the

Department of Financial Services to fund audits of individual clerks' court-related expenditures conducted by the Department of Financial Services. By the 10th of each month, the clerk shall submit that portion of the filing fees collected in the previous month which is in excess of one-twelfth of the clerk's total budget to the Department of Revenue for deposit into the Clerks of the Court Trust Fund.

b. The party instituting any civil action, suit, or proceeding in the circuit court under chapter 39, chapter 61, chapter 741, chapter 742, chapter 747, chapter 752, or chapter 753 shall pay to the clerk of that court a filing fee of up to \$295 in all cases in which there are not more than five defendants and an additional filing fee of up to \$2.50 for each defendant in excess of five. Of the first \$100 in filing fees, \$95 must be remitted to the Department of Revenue for deposit into the State Courts Revenue Trust Fund, \$4 must be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services and used to fund the contract with the Florida Clerks of Court Operations Corporation created in s. 28.35, and \$1 must be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund audits of individual clerks' court-related expenditures conducted by the Department of Financial Services.

c. An additional filing fee of \$4 shall be paid to the clerk. The clerk shall remit \$3.50 to the Department of Revenue for deposit into the Court Education Trust Fund and shall remit 50 cents to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund clerk education provided by the Florida Clerks of Court Operations Corporation. An additional filing fee of up to \$18 shall be paid by the party seeking each severance that is granted. The clerk may impose an additional filing fee of up to \$85 for all proceedings of garnishment, attachment, replevin, and distress. Postal charges incurred by the clerk of the circuit court in making service by certified or registered mail on defendants or other parties shall be paid by the party at whose instance service is made. Additional fees, charges, or costs may not be added to the filing fees imposed under this section, except as authorized in this section or by general law.

2.a. Notwithstanding the fees prescribed in subparagraph 1., a party instituting a civil action in circuit court relating to real property or mortgage foreclosure shall pay a graduated filing fee based on the value of the claim.

b. A party shall estimate in writing the amount in controversy of the claim upon filing the action. For purposes of this subparagraph, the value of a mortgage foreclosure action is based upon the principal due on the note secured by the mortgage, plus interest owed on the note and any moneys advanced by the lender for property taxes, insurance, and other advances secured by the mortgage, at the time of filing the foreclosure. The value shall also include the value of any tax certificates related to the property. In stating the value of a mortgage foreclosure claim, a party shall declare in writing the total value of the claim, as well as the individual elements of the value as prescribed in this sub-subparagraph.

c. In its order providing for the final disposition of the matter, the court shall identify the actual value of the claim. The clerk shall adjust the filing fee if there is a difference between the estimated amount in controversy and the actual value of the claim and collect any additional filing fee owed or provide a refund of excess filing fee paid.

d. The party shall pay a filing fee of:

(I) Three hundred and ninety-five dollars in all cases in which the value of the claim is \$50,000 or less and in which there are not more than five defendants. The party shall pay an additional filing fee of up to \$2.50 for each defendant in excess of five. Of the first \$200 in filing fees, \$195 must be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund, \$4 must be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services and used to fund the contract with the Florida Clerks of Court Operations Corporation created in s. 28.35, and \$1 must be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund audits of individual clerks' court-related expenditures conducted by the Department of Financial Services;

(II) Nine hundred dollars in all cases in which the value of the claim is more than \$50,000 but less than \$250,000 and in which there are not more than five defendants. The party shall pay an additional filing fee of up to \$2.50 for each defendant in excess of five. Of the first \$705 in filing fees, \$700 must be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund, \$4 must be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services and used to fund the contract with the Florida Clerks

of Court Operations Corporation created in s. 28.35, and \$1 must be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund audits of individual clerks' court-related expenditures conducted by the Department of Financial Services; or

(III) One thousand nine hundred dollars in all cases in which the value of the claim is \$250,000 or more and in which there are not more than five defendants. The party shall pay an additional filing fee of up to \$2.50 for each defendant in excess of five. Of the first \$1,705 in filing fees, \$930 must be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund, \$770 must be remitted to the Department of Revenue for deposit into the State Courts Revenue Trust Fund, \$4 must be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund the contract with the Florida Clerks of Court Operations Corporation created in s. 28.35, and \$1 must be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund audits of individual clerks' court-related expenditures conducted by the Department of Financial Services.

e. An additional filing fee of \$4 shall be paid to the clerk. The clerk shall remit \$3.50 to the Department of Revenue for deposit into the Court Education Trust Fund and shall remit 50 cents to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund clerk education provided by the Florida Clerks of Court Operations Corporation. An additional filing fee of up to \$18 shall be paid by the party seeking each severance that is granted. The clerk may impose an additional filing fee of up to \$85 for all proceedings of garnishment, attachment, replevin, and distress. Postal charges incurred by the clerk of the circuit court in making service by certified or registered mail on defendants or other parties shall be paid by the party at whose instance service is made. Additional fees, charges, or costs may not be added to the filing fees imposed under this section, except as authorized in this section or by general law.

(b) A party reopening any civil action, suit, or proceeding in the circuit court shall pay to the clerk of court a filing fee set by the clerk in an amount not to exceed \$50. For purposes of this section, a case is reopened after all appeals have been exhausted or time to file an appeal from a final order or final judgment has expired. A reopen fee may be assessed by the clerk for any motion filed by any party at least 90 days after a

final order or final judgment has been filed with the clerk in the initial case. A reservation of jurisdiction by a court does not cause a case to remain open for purposes of this section or exempt a party from paying a reopen fee. A party is exempt from paying the fee for any of the following:

1. A writ of garnishment;
2. A writ of replevin;
3. A distress writ;
4. A writ of attachment;
5. A motion for rehearing filed within 10 days;
6. A motion for attorney's fees filed within 30 days after entry of a judgment or final order;
7. A motion for dismissal filed after a mediation agreement has been filed;
8. A disposition of personal property without administration;
9. Any probate case prior to the discharge of a personal representative;
10. Any guardianship pleading prior to discharge;
11. Any mental health pleading;
12. Motions to withdraw by attorneys;
13. Motions exclusively for the enforcement of child support orders;
14. A petition for credit of child support;
15. A Notice of Intent to Relocate and any order issuing as a result of an uncontested relocation;
16. Stipulations and motions to enforce stipulations;
17. Responsive pleadings;
18. Cases in which there is no initial filing fee; or

19. Motions for contempt.

(c)1. A party in addition to a party described in sub-subparagraph (a)1.a. who files a pleading in an original civil action in circuit court for affirmative relief by cross-claim, counterclaim, counterpetition, or third-party complaint shall pay the clerk of court a fee of \$395. A party in addition to a party described in sub-subparagraph (a)1.b. who files a pleading in an original civil action in circuit court for affirmative relief by cross-claim, counterclaim, counterpetition, or third-party complaint shall pay the clerk of court a fee of \$295. The clerk shall remit the fee to the Department of Revenue for deposit into the General Revenue Fund.

2. A party in addition to a party described in subparagraph (a)2. who files a pleading in an original civil action in circuit court for affirmative relief by cross-claim, counterclaim, counterpetition, or third-party complaint shall pay the clerk of court a graduated fee of:

a. Three hundred and ninety-five dollars in all cases in which the value of the pleading is \$50,000 or less;

b. Nine hundred dollars in all cases in which the value of the pleading is more than \$50,000 but less than \$250,000; or

c. One thousand nine hundred dollars in all cases in which the value of the pleading is \$250,000 or more.

The clerk shall remit the fees collected under this subparagraph to the Department of Revenue for deposit into the General Revenue Fund.

(d) The clerk of court shall collect a service charge of \$10 for issuing an original, a certified copy, or an electronic certified copy of a summons. The clerk shall assess the fee against the party seeking to have the summons issued.

(2) Upon the institution of any appellate proceeding from any lower court to the circuit court of any such county, including appeals filed by a county or municipality as provided in s. 34.041(5), or from the circuit court to an appellate court of the state, the clerk shall charge and collect from the party or parties instituting such appellate proceedings a filing fee not to exceed \$280 for filing a notice of appeal from the county

court to the circuit court and, in addition to the filing fee required under s. 25.241 or s. 35.22, \$100 for filing a notice of appeal from the circuit court to the district court of appeal or to the Supreme Court. If the party is determined to be indigent, the clerk shall defer payment of the fee. The clerk shall remit the first \$80 to the Department of Revenue for deposit into the General Revenue Fund.

(3) A filing fee may not be imposed upon a party for responding by pleading, motion, or other paper to a civil or criminal action, suit, proceeding, or appeal in a circuit court.

(4) The fees prescribed in this section do not include the service charges required by law for the clerk as provided in s. 28.24 or by other sections of the Florida Statutes. Filing fees authorized by this section may not be added to any civil penalty imposed by chapter 316 or chapter 318.

(5) Filing fees for the institution or reopening of any civil action, suit, or proceeding in county court shall be charged and collected as provided in s. 34.041.

(6) From each attorney appearing pro hac vice, the clerk of the circuit court shall collect a fee of \$100 for deposit into the General Revenue Fund.

(7) Nothing in this section authorizes the assessment of a filing fee if the assessment is otherwise prohibited by law.

History.—ss. 3, 4, 5, 6, 7, 8, ch. 26931, 1951; ss. 3, 4, 5, ch. 29749, 1955; ss. 1, 2, ch. 57-322; s. 1, ch. 63-47; s. 1, ch. 63-43; s. 6, ch. 70-134; s. 1, ch. 74-154; s. 4, ch. 75-124; s. 1, ch. 77-174; s. 3, ch. 77-284; s. 2, ch. 82-168; s. 2, ch. 82-205; s. 10, ch. 83-217; s. 122, ch. 86-220; s. 4, ch. 87-145; s. 1, ch. 87-231; s. 2, ch. 88-176; s. 6, ch. 89-290; s. 1, ch. 90-181; s. 69, ch. 90-271; s. 3, ch. 91-152; s. 162, ch. 95-147; s. 3, ch. 96-209; s. 1, ch. 96-350; s. 14, ch. 96-354; s. 1, ch. 97-155; s. 12, ch. 99-277; s. 6, ch. 2001-122; s. 2, ch. 2002-55; ss. 31, 32, ch. 2003-402; s. 19, ch. 2004-265; s. 3, ch. 2006-245; s. 8, ch. 2008-111; ss. 5, 20, ch. 2009-61; s. 1, ch. 2009-204; s. 11, ch. 2010-162; s. 1, ch. 2011-133; s. 4, ch. 2012-100; s. 1, ch. 2012-138; s. 3, ch. 2013-44.

28.242 Service charges retained when case laid in wrong venue.—The service charge paid by law to the clerk or judge of the court wherein a case is laid in the wrong venue shall be retained by him or her on the transfer thereof. The charge received by the clerk or judge upon the filing of the case is earned as of the time of filing, and another service charge shall be required of the person filing the action in another venue in accordance

with the statutes applicable in the county or district to which transferred. If the service charge is not paid within 30 days from transfer, the action may be dismissed without prejudice.

History.—s. 1, ch. 59-300; s. 43, ch. 67-254; s. 7, ch. 70-134; s. 163, ch. 95-147.

Note.—Former s. 53.17(3).

#### 28.243 Personal liability for accepting checks.—

(1) A check received by the office of a clerk of a court or comptroller which is tendered to him or her in payment for any services, collection of fines and forfeitures, sale of documentary stamps, recording of documents and instruments, collection of legal fees, or any other duties relating to his or her office and which is returned by the bank upon which the check is drawn shall be the personal liability of the clerk or comptroller unless the clerk or comptroller, after due diligence to collect the returned check, forwards the returned check to the state attorney of the circuit where the check was drawn for prosecution.

(2) Notwithstanding the provisions of subsection (1), the office of a clerk of a court or comptroller may accept personal checks drawn on any bank or similar financial institution in the United States for the payment of traffic fines and related court costs, and the clerk or comptroller shall not incur any personal liability for the acceptance of such checks. Any such check received by the office of a clerk of a court or comptroller which is returned by the bank upon which the check is drawn may be forwarded to the state attorney of the circuit where the check was presented for prosecution. The clerk or comptroller shall not be subject to the provisions of s. 832.07(2).

History.—s. 1, ch. 75-176; s. 1, ch. 83-277; s. 164, ch. 95-147.

28.244 Refunds.—A clerk of the circuit court or a filing officer of another office where records are filed who receives payment for services provided and thereafter determines that an overpayment has occurred shall refund to the person who made the payment the amount of any overpayment that exceeds \$10. If the amount of the overpayment is \$10 or less, the clerk of the circuit court or a filing officer of another office where records are filed is not required to refund the amount of the overpayment unless the person who made the overpayment makes a written request.

History.—s. 1, ch. 96-209; s. 4, ch. 2013-109.

128.245 Transmittal of funds to Department of Revenue; uniform remittance form required.—Notwithstanding any other provision of law, all moneys collected by the clerks of the court as part of the clerk’s court-related functions for subsequent distribution to any state entity must be transmitted electronically, by the 10th day of the month immediately after the month in which the moneys are collected, to the Department of Revenue for appropriate distribution. A uniform remittance form provided by the Department of Revenue detailing the specific amounts due each fund must accompany such submittal. All moneys collected by the clerks of court for remittance to any entity must be distributed pursuant to the law in effect at the time of collection.

History.—s. 2, ch. 2001-122; s. 33, ch. 2003-402; s. 20, ch. 2004-265; s. 8, ch. 2005-236; s. 12, ch. 2010-162.

1Note.—Section 17, ch. 2013-44, provides that “[n]otwithstanding the requirement in s. 28.245, Florida Statutes, that all moneys collected by the clerks of court be distributed pursuant to the law in effect at the time of collection, the modifications in the distribution of moneys made in sections 3, 9, and 12 of this act shall be applied to moneys collected during June 2013. This section shall take effect upon becoming law.”

28.2457 Mandatory monetary assessments.—

(1)(a) Except as otherwise provided by law, a monetary assessment mandated by statute shall be imposed and included in the judgment without regard to whether the assessment is announced in open court.

(b) When an assessment mandated by statute prescribes a minimum assessment and a maximum assessment, or prescribes solely a minimum assessment, the minimum assessment is presumed and shall be imposed and included in the judgment, unless the court specifies a greater amount.

(2) The clerks of court, through their association and in consultation with the Office of the State Courts Administrator, shall develop by October 1, 2012, a uniform form for the identification and imposition of all assessments mandated by statute. The clerks shall submit the form by that date, and by October 1 every year thereafter if necessary to reflect changes in the law, to the Supreme Court for approval. Upon approval of the

form by the Supreme Court, all circuit and county courts shall use the form.

(3) As used in this section, the term “monetary assessment” or “assessment” includes, but is not limited to, a fine or other monetary penalty, fee, service charge, or cost.

History.—s. 1, ch. 2012-124.

28.246 Payment of court-related fines or other monetary penalties, fees, charges, and costs; partial payments; distribution of funds.—

(1) The clerk of the circuit court shall report the following information to the Legislature and the Florida Clerks of Court Operations Corporation on a form, and using guidelines developed by the clerks of court, through their association and in consultation with the Office of the State Courts Administrator:

(a) The total amount of mandatory fees, service charges, and costs assessed; the total amount underassessed, if any, which is the amount less than the minimum amount required by law to be assessed; and the total amount collected.

(b) The total amount of discretionary fees, service charges, and costs assessed and the total amount collected.

(c) The total amount of mandatory fines and other monetary penalties assessed; the total amount underassessed, if any, which is the amount less than the minimum amount required by law to be assessed; and the total amount collected.

(d) The total amount of discretionary fines and other monetary penalties assessed and the total amount collected.

The clerk, in reporting to the Legislature and corporation, shall separately identify the monetary amount assessed and subsequently discharged or converted to community service, to a judgment or lien, or to time served. The form developed by the clerks shall include separate entries for recording the amount discharged and the amount converted. If a court waives, suspends, or reduces an assessment as authorized by law, the portion waived, suspended, or reduced may not be deemed assessed or underassessed for purposes of the reporting requirements of this section. The clerk also shall report a collection rate for mandatory and discretionary assessments. In calculating the rate, the clerk shall deduct amounts discharged or converted from the

amount assessed. The clerk shall submit the report on an annual basis 90 days after the end of the county fiscal year. The clerks and the courts shall develop by October 1, 2012, the form and guidelines to govern the accurate and consistent reporting statewide of assessments as provided in this section. The clerk shall use the new reporting form and guidelines in submitting the report for the county fiscal year ending September 30, 2013, and for each year thereafter.

(2) The clerk of the circuit court shall establish and maintain a system of accounts receivable for court-related fees, charges, and costs.

(3) Court costs, fines, and other dispositional assessments shall be enforced by order of the courts, collected by the clerks of the circuit and county courts, and disbursed in accordance with authorizations and procedures as established by general law.

(4) The clerk of the circuit court shall accept partial payments for court-related fees, service charges, costs, and fines in accordance with the terms of an established payment plan. An individual seeking to defer payment of fees, service charges, costs, or fines imposed by operation of law or order of the court under any provision of general law shall apply to the clerk for enrollment in a payment plan. The clerk shall enter into a payment plan with an individual who the court determines is indigent for costs. A monthly payment amount, calculated based upon all fees and all anticipated costs, is presumed to correspond to the person's ability to pay if the amount does not exceed 2 percent of the person's annual net income, as defined in s. 27.52(1), divided by 12. The court may review the reasonableness of the payment plan.

(5) When receiving partial payment of fees, service charges, court costs, and fines, clerks shall distribute funds according to the following order of priority:

(a) That portion of fees, service charges, court costs, and fines to be remitted to the state for deposit into the General Revenue Fund.

(b) That portion of fees, service charges, court costs, and fines required to be retained by the clerk of the court or deposited into the Clerks of the Court Trust Fund within the Department of Revenue.

(c) That portion of fees, service charges, court costs, and fines payable to state trust funds, allocated on a pro rata basis among the various authorized funds if the total collection amount is insufficient to fully fund all such funds as provided by law.

(d) That portion of fees, service charges, court costs, and fines payable to counties, municipalities, or other local entities, allocated on a pro rata basis among the various authorized recipients if the total collection amount is insufficient to fully fund all such recipients as provided by law.

To offset processing costs, clerks may impose either a per-month service charge pursuant to s. 28.24(26)(b) or a one-time administrative processing service charge at the inception of the payment plan pursuant to s. 28.24(26)(c).

(6) A clerk of court shall pursue the collection of any fees, service charges, fines, court costs, and liens for the payment of attorney fees and costs pursuant to s. 938.29 which remain unpaid after 90 days by referring the account to a private attorney who is a member in good standing of The Florida Bar or collection agent who is registered and in good standing pursuant to chapter 559. In pursuing the collection of such unpaid financial obligations through a private attorney or collection agent, the clerk of the court must have attempted to collect the unpaid amount through a collection court, collections docket, or other collections process, if any, established by the court, find this to be cost-effective and follow any applicable procurement practices. The collection fee, including any reasonable attorney's fee, paid to any attorney or collection agent retained by the clerk may be added to the balance owed in an amount not to exceed 40 percent of the amount owed at the time the account is referred to the attorney or agent for collection. The clerk shall give the private attorney or collection agent the application for the appointment of court-appointed counsel regardless of whether the court file is otherwise confidential from disclosure.

History.—s. 34, ch. 2003-402; s. 21, ch. 2004-265; s. 1, ch. 2005-2; s. 9, ch. 2005-236; s. 2, ch. 2009-204; s. 13, ch. 2010-162; s. 2, ch. 2012-124; s. 5, ch. 2013-44.

28.29 Recording of orders and judgments.—Orders of dismissal and final judgments of the courts in civil actions shall be recorded in official records. Other orders shall be recorded only on written direction of the court. The direction may be by incorporation

in the order of the words “To be recorded” or words to that effect. Failure to record an order or judgment shall not affect its validity. The certified copy of a judgment, required under s. 55.10 to become a lien on real property, shall be recorded only when presented for recording with the statutory service charge.

History.— ss. 1-3, ch. 23825, 1947; s. 3, ch. 71-4; s. 2, ch. 72-320.

28.30 Records; destruction; reproduction; electronic recordkeeping.—

(1) The purpose of this section and s. 28.31 is to make available for the use of the clerks of the circuit court of the several counties of the state sufficient space to enable them to efficiently administer the affairs of office.

(2) The clerk of the circuit court of each county of the state is authorized to destroy and dispose of public records pursuant to the rules adopted by the Division of Library and Information Services of the Department of State pursuant to s. 257.36.

(3) Each clerk of the circuit court is authorized to photograph, microphotograph, or reproduce on film, or to maintain in an electronic recordkeeping system, any public record that the clerk may select. Such photographs, microphotographs, or other reproductions on film or reproductions from an electronic recordkeeping system shall be admissible in evidence with the same force and effect as the originals. Duly certified or authenticated reproductions of such photographs, microphotographs, reproductions on film, or reproductions from an electronic recordkeeping system shall be admitted in evidence equally with the original photographs, microphotographs, reproductions on film, or reproductions from an electronic recordkeeping system.

(4) The clerk of the circuit court shall follow procedures for electronic recordkeeping in accordance with rules adopted by the Division of Library and Information Services of the Department of State.

(5) Except when otherwise provided by law or applicable rule, a document that is submitted to the clerk of the circuit court by electronic transmission is deemed filed when the document is received and the date and time are acknowledged by the clerk, as opposed to the date and time of transmission. The clerk is not liable for malfunctions or errors occurring in the transmission of documents for filing by electronic means.

History.— ss. 1, 2, 3, 4, ch. 25433, 1949; s. 8, ch. 69-82; s. 6, ch. 94-348.

28.31 Notice to county commissioners of intent to destroy; approval of board.—The clerk of the circuit court shall notify the board of county commissioners of the clerk's county in writing a reasonable time in advance of his or her intention to destroy such records and if for any reason the board of county commissioners of such county shall request the clerk to withhold destruction of such records the clerk shall refrain until such time as he or she obtains approval of such board.

History.—s. 5, ch. 25433, 1949; s. 165, ch. 95-147.

28.32 Destruction of certain instruments.—After the expiration of 20 years from the date of the execution of any bond or other instrument held by the clerk of the circuit court or a sheriff of any of the several counties of the state, which said instrument was executed to secure the performance or nonperformance of any act or matter and no proceeding of any type is pending involving said instrument any of the several clerks of the circuit courts or sheriffs of the state are hereby authorized, empowered and directed to cancel said instruments and to destroy the same upon making appropriate notation of the destruction and disposition thereof upon any remaining records pertaining thereto.

History.—s. 1, ch. 25502, 1949.

28.33 Investment of county funds by the clerk of the circuit court.—The clerk of the circuit court in each county shall invest county funds in excess of those required to meet expenses as provided in s. 218.415. No clerk investing such funds shall be liable for the loss of any interest when circumstances require the withdrawal of funds placed in a time deposit and needed for immediate payment of county obligations. Except for interest earned on moneys deposited in the registry of the court, all interest accruing from moneys deposited shall be deemed income of the county and may be expended as receipts of the county as approved by the board of county commissioners pursuant to chapter 129. The clerk may invest moneys deposited in the registry of the court and shall retain as income of the office of the clerk and as a reasonable investment management fee 10 percent of the interest accruing on those funds with the balance of such interest being allocated in accordance with the interest of the depositors.

History.—s. 1, ch. 73-282; s. 1, ch. 82-117; s. 166, ch. 95-147; s. 7, ch. 2000-264; s. 6, ch. 2009-61.

28.34 Salary discrimination based on gender or race; review within the county and circuit courts.—Each clerk of the court shall undertake an annual review of compensation, race, and gender employment policies for all persons employed or appointed by the clerk. Within the context of comparable positions, skills, experience, and responsibility, any inequities found to exist on the basis of gender or race shall be eliminated.

History.—s. 6, ch. 91-74; s. 14, ch. 94-348.

28.345 State access to records; exemption from court-related fees and charges.—

(1) Notwithstanding any other provision of law, the clerk of the circuit court shall, upon request, provide access to public records without charge to the state attorney, public defender, guardian ad litem, public guardian, attorney ad litem, criminal conflict and civil regional counsel, and private court-appointed counsel paid by the state, and to authorized staff acting on their behalf. The clerk of court may provide the requested public record in an electronic format in lieu of a paper format if the requesting entity is capable of accessing such public record electronically.

(2) Notwithstanding any other provision of this chapter or law to the contrary, judges and those court staff acting on behalf of judges, state attorneys, guardians ad litem, public guardians, attorneys ad litem, court-appointed private counsel, criminal conflict and civil regional counsel, public defenders, and state agencies, while acting in their official capacity, are exempt from all court-related fees and charges assessed by the clerks of the circuit courts.

(3) The exemptions from fees or charges provided in this section apply only to state agencies and state entities and the party represented by the agency or entity.

History.—s. 35, ch. 2003-402; s. 22, ch. 2004-265; s. 10, ch. 2005-236; s. 15, ch. 2007-62; s. 5, ch. 2013-109.

28.35 Florida Clerks of Court Operations Corporation.—

(1)(a) The Florida Clerks of Court Operations Corporation is created as a public corporation organized to perform the functions specified in this section and s. 28.36. All clerks of the circuit court shall be members of the corporation and hold their position and authority in an ex officio capacity. The functions assigned to the corporation shall

be performed by an executive council pursuant to the plan of operation approved by the members.

(b) The executive council shall be composed of eight clerks of the court elected by the clerks of the courts for a term of 2 years, with two clerks from counties with a population of fewer than 100,000, two clerks from counties with a population of at least 100,000 but fewer than 500,000, two clerks from counties with a population of at least 500,000 but fewer than 1 million, and two clerks from counties with a population of more than 1 million. The executive council shall also include, as ex officio members, a designee of the President of the Senate and a designee of the Speaker of the House of Representatives. The Chief Justice of the Supreme Court shall designate one additional member to represent the state courts system.

(c) The corporation shall be considered a political subdivision of the state and shall be exempt from the corporate income tax. The corporation is not subject to chapter 120.

(d) The functions assigned to the corporation under this section and ss. 28.36 and 28.37 are considered to be for a valid public purpose.

(2) The duties of the corporation shall include the following:

(a) Adopting a plan of operation.

(b) Conducting the election of an executive council as required in paragraph (1)(b).

(c) Recommending to the Legislature changes in the amounts of the various court-related fines, fees, service charges, and costs established by law to ensure reasonable and adequate funding of the clerks of the court in the performance of their court-related functions.

(d) Developing and certifying a uniform system of workload measures and applicable workload standards for court-related functions as developed by the corporation and clerk workload performance in meeting the workload performance standards. These workload measures and workload performance standards shall be designed to facilitate an objective determination of the performance of each clerk in accordance with minimum standards for fiscal management, operational efficiency, and effective collection of fines, fees, service charges, and court costs. The corporation shall develop the workload measures and workload performance standards in consultation with the

Legislature. When the corporation finds a clerk has not met the workload performance standards, the corporation shall identify the nature of each deficiency and any corrective action recommended and taken by the affected clerk of the court. The corporation shall notify the Legislature of any clerk not meeting workload performance standards and provide a copy of any corrective action plans. As used in this subsection, the term:

1. “Workload measures” means the measurement of the activities and frequency of the work required for the clerk to adequately perform the court-related duties of the office as defined by the membership of the Florida Clerks of Court Operations Corporation.

2. “Workload performance standards” means the standards developed to measure the timeliness and effectiveness of the activities that are accomplished by the clerk in the performance of the court-related duties of the office as defined by the membership of the Florida Clerks of Court Operations Corporation.

(e) Entering into a contract with the Department of Financial Services for the department to audit the court-related expenditures of individual clerks pursuant to s. 17.03.

(f) Reviewing, certifying, and recommending proposed budgets submitted by clerks of the court pursuant to s. 28.36. As part of this process, the corporation shall:

1. Calculate the minimum amount of revenue necessary for each clerk of the court to efficiently perform the list of court-related functions specified in paragraph (3)(a). The corporation shall apply the workload measures appropriate for determining the individual level of review required to fund the clerk’s budget.

2. Prepare a cost comparison of similarly situated clerks of the court, based on county population and numbers of filings, using the standard list of court-related functions specified in paragraph (3)(a).

3. Conduct an annual base budget review and an annual budget exercise examining the total budget of each clerk of the court. The review shall examine revenues from all sources, expenses of court-related functions, and expenses of noncourt-related functions as necessary to determine that court-related revenues are not being used for noncourt-related purposes. The review and exercise shall identify potential targeted budget

reductions in the percentage amount provided in Schedule VIII-B of the state's previous year's legislative budget instructions, as referenced in s. 216.023(3), or an equivalent schedule or instruction as may be adopted by the Legislature.

4. Identify those proposed budgets containing funding for items not included on the standard list of court-related functions specified in paragraph (3)(a).
5. Identify those clerks projected to have court-related revenues insufficient to fund their anticipated court-related expenditures.
6. Use revenue estimates based on the official estimate for funds accruing to the clerks of the court made by the Revenue Estimating Conference.
7. Identify and report pay and benefit increases in any proposed clerk budget, including, but not limited to, cost of living increases, merit increases, and bonuses.
8. Provide detailed explanation for increases in anticipated expenditures in any clerk budget that exceeds the current year budget by more than 3 percent.
9. Identify and report the budget of any clerk which exceeds the average budget of similarly situated clerks by more than 10 percent.

(g) Developing and conducting clerk education programs.

(h) Beginning August 1, 2014, and each August 1 thereafter, submitting to the Legislative Budget Commission, as provided in s. 11.90, its proposed budget and the information described in paragraph (f), as well as the proposed budgets for each clerk of the court. Before October 1 of each year beginning in 2014, the Legislative Budget Commission shall consider the submitted budgets and shall approve, disapprove, or amend and approve the corporation's budget and shall approve, disapprove, or amend and approve the total of the clerks' combined budgets or any individual clerk's budget. If the Legislative Budget Commission fails to approve or amend and approve the corporation's budget or the clerks' combined budgets before October 1, the clerk shall continue to perform the court-related functions based upon the clerk's budget for the previous county fiscal year.

(3)(a) The list of court-related functions that clerks may fund from filing fees, service charges, costs, and fines is limited to those functions expressly authorized by law or court rule. Those functions include the following: case maintenance; records

management; court preparation and attendance; processing the assignment, reopening, and reassignment of cases; processing of appeals; collection and distribution of fines, fees, service charges, and court costs; processing of bond forfeiture payments; payment of jurors and witnesses; payment of expenses for meals or lodging provided to jurors; data collection and reporting; processing of jurors; determinations of indigent status; and paying reasonable administrative support costs to enable the clerk of the court to carry out these court-related functions.

(b) The list of court-related functions that clerks may not fund from filing fees, service charges, costs, and fines includes:

1. Those functions not specified within paragraph (a).
2. Functions assigned by administrative orders which are not required for the clerk to perform the functions in paragraph (a).
3. Enhanced levels of service which are not required for the clerk to perform the functions in paragraph (a).
4. Functions identified as local requirements in law or local optional programs.

(4) The corporation shall be funded pursuant to a contract with the Chief Financial Officer. Funds shall be provided to the Chief Financial Officer for such purpose as appropriated by general law. Such funds shall be available to the corporation for the performance of the duties and responsibilities set forth in this section. The corporation shall participate in the Florida Retirement System for its eligible employees as provided in chapter 121. The corporation may hire staff and pay other expenses from such funds as necessary to perform the official duties and responsibilities of the corporation as described in this section.

(5) Certified public accountants conducting audits of counties pursuant to s. 218.39 shall report, as part of the audit, whether the clerks of the courts have complied with the requirements of this section and s. 28.36. In addition, each clerk of court shall forward a copy of the financial audit to the Florida Clerks of Court Operations Corporation. The Auditor General shall develop a compliance supplement for the audit of compliance with the budgets and applicable workload performance standards certified by the corporation.

History.—s. 36, ch. 2003-402; s. 23, ch. 2004-265; s. 2, ch. 2005-2; s. 2, ch. 2006-312; s. 9, ch. 2008-111; s. 3, ch. 2009-204; s. 3, ch. 2011-52; s. 6, ch. 2013-44.

28.36 Budget procedure.—There is established a budget procedure for the court-related functions of the clerks of the court.

(1) Only those functions listed in s. 28.35(3)(a) may be funded from fees, service charges, costs, and fines retained by the clerks of the court.

(2) Each proposed budget shall further conform to the following requirements:

(a) On or before June 1 of each year beginning in 2014, the proposed budget shall be prepared, summarized, and submitted by the clerk in each county to the Florida Clerks of Court Operations Corporation in the manner and form prescribed by the corporation. The proposed budget must provide detailed information on the anticipated revenues available and expenditures necessary for the performance of the court-related functions listed in s. 28.35(3)(a) of the clerk's office for the county fiscal year beginning October 1.

(b) The proposed budget must be balanced such that the total of the estimated revenues available equals or exceeds the total of the anticipated expenditures. Such revenues include revenue projected to be received from fees, service charges, costs, and fines for court-related functions during the fiscal period covered by the budget. The anticipated expenditures must be itemized as required by the corporation.

(3) If a clerk of the court estimates that available funds plus projected revenues from fines, fees, service charges, and costs for court-related services are insufficient to meet the anticipated expenditures for the standard list of court-related functions in s. 28.35(3)(a) performed by his or her office, the clerk must report the revenue deficit to the corporation in the manner and form prescribed by the corporation. The corporation shall verify that the proposed budget is limited to the standard list of court-related functions in s. 28.35(3)(a). If the corporation verifies that a revenue deficit is projected, the corporation shall certify a revenue deficit and notify the Department of Revenue that the clerk is authorized to retain revenues, in an amount necessary to fully fund the projected revenue deficit, which he or she would otherwise be required to remit to the Department of Revenue for deposit into the department's Clerks of the Court Trust Fund pursuant to s. 28.37. If a revenue deficit is projected for that clerk after retaining all of the projected collections from the court-related fines, fees, service charges, and

costs, the corporation shall certify the amount of the revenue deficit to the Executive Office of the Governor and request release authority for funds from the department's Clerks of the Court Trust Fund. Notwithstanding s. 216.192 relating to the release of funds, the Executive Office of the Governor may approve the release of funds in accordance with the notice, review, and objection procedures set forth in s. 216.177 and shall provide notice to the Department of Revenue and the Chief Financial Officer. The Department of Revenue shall request monthly distributions from the Chief Financial Officer in equal amounts to each clerk certified to have a revenue deficit, in accordance with the releases approved by the Governor.

(4) The Legislative Budget Commission may approve increases or decreases to the previously authorized budgets approved for individual clerks of the court pursuant to s. 28.35 for court-related functions, if:

(a) The additional budget authority is necessary to pay the cost of performing new or additional functions required by changes in law or court rule; or

(b) The additional budget authority is necessary to pay the cost of supporting increases in the number of judges or magistrates authorized by the Legislature.

History.—s. 37, ch. 2003-402; s. 24, ch. 2004-265; s. 3, ch. 2005-2; s. 11, ch. 2005-236; s. 10, ch. 2008-111; s. 4, ch. 2009-204; s. 14, ch. 2010-162; s. 2, ch. 2011-4; s. 7, ch. 2013-44.

28.37 Fines, fees, service charges, and costs remitted to the state.—

(1) Pursuant to s. 14(b), Art. V of the State Constitution, selected salaries, costs, and expenses of the state courts system and court-related functions shall be funded from a portion of the revenues derived from statutory fines, fees, service charges, and costs collected by the clerks of the court.

(2) Beginning November 1, 2013, that portion of all fines, fees, service charges, and costs collected by the clerks of the court for the previous month which is in excess of one-twelfth of the clerks' total budget for the performance of court-related functions shall be remitted to the Department of Revenue for deposit into the Clerks of the Court Trust Fund. Such collections do not include funding received for the operation of the Title IV-D child support collections and disbursement program. The clerk of the court shall remit the revenues collected during the previous month due to the state on or before the 10th day of each month.

(3) No later than January 25, 2015, and each January 25 thereafter for the previous county fiscal year, the clerks of court, in consultation with the Florida Clerks of Court Operations Corporation, shall remit to the Department of Revenue for deposit in the General Revenue Fund the cumulative excess of all fines, fees, service charges, and costs retained by the clerks of the court, plus any funds received by the clerks of the court from the Clerks of the Court Trust Fund under s. 28.36(3), which exceed the amount needed to meet their authorized budget amounts established under s. 28.35. The Department of Revenue shall transfer from the Clerks of Court Trust Fund to the General Revenue Fund the cumulative excess of all fines, fees, service charges, and costs submitted by the clerks of court pursuant to subsection (2). However, if the official estimate for funds accruing to the clerks of court made by the Revenue Estimating Conference for the current fiscal year or the next fiscal year is less than the cumulative amount of authorized budgets for the clerks of court for the current fiscal year, the Department of Revenue shall retain in the Clerks of the Court Trust Fund the estimated amount needed to fully fund the clerks of court for the current and next fiscal year based upon the current budget established under s. 28.35.

(4) The Department of Revenue shall collect any funds that the Florida Clerks of Court Operations Corporation determines upon investigation were due but not remitted to the Department of Revenue. The corporation shall notify the clerk of the court and the Department of Revenue of the amount due to the Department of Revenue. The clerk of the court shall remit the amount due no later than the 10th day of the month following the month in which notice is provided by the corporation to the clerk of the court.

(5) Ten percent of all court-related fines collected by the clerk, except for penalties or fines distributed to counties or municipalities under s. 316.0083(1)(b)3. or s. 318.18(15)(a), shall be deposited into the clerk's Public Records Modernization Trust Fund to be used exclusively for additional clerk court-related operational needs and program enhancements.

History.—s. 38, ch. 2003-402; s. 25, ch. 2004-265; s. 12, ch. 2005-236; s. 5, ch. 2009-204; s. 5, ch. 2012-100; s. 8, ch. 2013-44.

28.42 Manual of filing fees, charges, costs, and fines.—The clerks of court, through their association and in consultation with the Office of the State Courts Administrator, shall prepare and disseminate a manual of filing fees, service charges, costs, and fines

imposed pursuant to state law, for each type of action and offense, and classified as mandatory or discretionary. The manual also shall classify the fee, charge, cost, or fine as court-related revenue or noncourt-related revenue. The clerks, through their association, shall disseminate this manual to the chief judge, state attorney, public defender, and court administrator in each circuit and to the clerk of the court in each county. The clerks, through their association and in consultation with the Office of the State Courts Administrator, shall at a minimum update and disseminate this manual on July 1 of each year.

History.—s. 98, ch. 2004-265; s. 3, ch. 2012-124.

#### 28.44 Clerk discontinuance of court-related functions.—

(1) No function of the clerk of court being performed in support of the trial courts by the individual clerks of court on July 1, 2004, may be discontinued or substantially modified on a unilateral basis except pursuant to this section. A clerk of court may discontinue performing a function performed in support of the trial court only if:

(a) The chief judge of the circuit has consented in writing to the discontinuance or substantial modification of the function performed in support of the trial court; or

(b) The clerk of court has given written notice of the intention to substantially modify or discontinue a function performed in support of the trial court at least 1 year before the effective date of the discontinuance or substantial modification of the function.

(2) “Substantial modification” of a function performed in support of the trial court means a modification which has the effect of reducing the level of services provided to the trial court.

History.—s. 13, ch. 2005-236.

28.45 Provision of financial data to Executive Office of the Governor.—Each clerk of court shall provide financial data concerning his or her expenditures for court-related duties, including expenditures for court-related information technology, to the Executive Office of the Governor for the purposes contained in ch. 2009-74, Laws of Florida, or similar legislation.

History.—s. 17, ch. 2009-204.

## Appendix G: Chapter 218 - Florida Statutes

### CHAPTER 218: FINANCIAL MATTERS PERTAINING TO POLITICAL SUBDIVISIONS<sup>19</sup>

218.35 County fee officers; financial matters. —

(1) Each county fee officer shall establish an annual budget for carrying out the powers, duties, and operations of his or her office for the next county fiscal year. The budget must be balanced so that the total of estimated receipts, including balances brought forward, equals the total of estimated expenditures and reserves. The budgeting of segregated funds must be made in a manner that retains the relation between program and revenue source, as provided by law.

(2) The clerk of the circuit court, functioning in his or her capacity as clerk of the circuit and county courts and as clerk of the board of county commissioners, shall prepare his or her budget in two parts:

(a) The budget for funds necessary to perform court-related functions as provided in s. 28.36.

(b) The budget relating to the requirements of the clerk as clerk of the board of county commissioners, county auditor, and custodian or treasurer of all county funds and other county-related duties, which shall be annually prepared and submitted to the board of county commissioners pursuant to s. 129.03(2), for each fiscal year. Expenditures must be itemized in accordance with the uniform accounting system prescribed by the Department of Financial Services as follows:

1. Personnel services.
2. Operating expenses.
3. Capital outlay.
4. Debt service.

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<sup>19</sup> [http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0200-0299/0218/0218.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0218/0218.html)

5. Grants and aids.

6. Other uses.

(3) The clerk of the circuit court shall furnish to the board of county commissioners or the county budget commission all relevant and pertinent information that the board or commission deems necessary, including expenditures at the subobject code level in accordance with the uniform accounting system prescribed by the Department of Financial Services.

(4) The final approved budget of the clerk of the circuit court must be posted on the county's official website within 30 days after adoption. The final approved budget of the clerk of the circuit court may be included in the county's budget.

(5) Each county fee officer shall establish a fiscal year beginning October 1 and ending September 30 of the following year, and shall report his or her finances annually upon the close of each fiscal year to the county fiscal officer for inclusion in the annual financial report by the county.

(6) The proposed budget of a county fee officer shall be filed with the clerk of the county governing authority by September 1 proceeding the fiscal year for the budget, except for the budget prepared by the clerk of the circuit court for court-related functions as provided in s. 28.36.

History.—s. 2, ch. 73-349; s. 1176, ch. 95-147; s. 97, ch. 2003-402; s. 19, ch. 2011-144.

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