

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: CS/SB 548

INTRODUCER: Criminal Justice Committee and Senator Bracy

SUBJECT: Comprehensive Case Information System

DATE: March 28, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Erickson	Hrdlicka	CJ	Fav/CS
2.			JU	
3.			ACJ	
4.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 548 clarifies the role of the Florida Association of Court Clerks and Comptrollers, Inc. (association), regarding the Comprehensive Case Information System (CCIS), a secure data hub providing access to court case data from all 67 counties. The bill also:

- Specifies that the association develops, operates, and maintains the CCIS, and in this role is an agent of the clerks of the circuit court;
- Describes the CCIS as a system that serves as a secure, single point of access for searching statewide court information, provides access to court records, and contains electronic case data, and any other data necessary to support the state court system;
- Specifies that records accessed through the CCIS are official court records, and that a clerk of the circuit court is the official custodian of, and is responsible for, the court records and other data submitted by his or her office to the CCIS; and
- Authorizes the association to transfer ownership and operation of the CCIS to an intergovernmental authority created by the clerks of the circuit court.

According to the association, the bill will not have a fiscal impact on clerks of the circuit court, counties, municipalities, or the state. The development, maintenance, and operation of the CCIS are fully supported by funding from a statutorily-authorized document service charge. There is no cost to authorized users to use the system.

II. Present Situation:

Comprehensive Case Information System (CCIS)

The Florida Association of Court Clerks and Comptrollers, Inc.¹ (association), states that the CCIS was established in 2002 “as an initiative to view court case information across county and circuit lines,” and was developed by the clerks pursuant to s. 28.24(12)(e), F.S., which provides for funding of the CCIS.² (See Section V. Fiscal Impact.) Further, s. 28.2405, F.S., requires all clerks of the circuit court to participate in the CCIS of the association and submit electronic case data to the system based on the case types designated by the Florida Supreme Court.

The CCIS, which is a secure data hub providing access to court case data from all 67 counties,³ is owned and operated by the association and the Florida Association of Court Clerks Services Group.⁴ The CCIS provides read-only access to this statewide court data which originates and is stored locally in the respective clerk’s system.⁵ According to the association, there are currently more than 36,000 federal, state, and local government users, representing 19 Florida government agencies, and 134 million cases involving 400 million parties throughout the state.⁶

Intergovernmental Authority

An intergovernmental authority is a governmental entity that is created through an interlocal agreement among two or more municipalities or counties. Section 163.01, F.S., the “Florida Interlocal Cooperation Act of 1969,” is intended to allow local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis

¹ The Florida Association of Court Clerks and Comptrollers, Inc., is a nonprofit corporation comprised of the 67 elected clerks of the circuit court and the one elected county comptroller from Orange County. E-mail from the Florida Association of Court Clerks and Comptrollers, Inc. (February 28, 2017) (on file with the Senate Committee on Criminal Justice). The association acts as an agent of the individual clerks of the court in partial performance of the clerks’ court-related records maintenance function. In that role, the association is subject to all statutes, court rules, and Florida Supreme Court administrative orders applicable to the clerks in performance of that function. Analysis of SB 548 (February 10, 2017), Florida Association of Court Clerks and Comptrollers, Inc. (on file with the Senate Committee on Criminal Justice). This analysis is further referenced as “Association Analysis.”

² Association Analysis.

³ *Id.* The CCIS contains case data and provides access to court records. To avoid duplication of records, the CCIS does not contain copies of court records, but provides a single, statewide access point to the original court records maintained by the clerks. E-mail from the Florida Association of Court Clerks and Comptrollers, Inc. (February 28, 2017) (on file with the Senate Committee on Criminal Justice).

⁴ E-mail from the Florida Association of Court Clerks and Comptrollers, Inc. (March 9, 2017) (on file with the Senate Committee on Criminal Justice). The association states that the Florida Association of Court Clerks Service Group is a wholly owned subsidiary of the Florida Association of Court Clerks and Comptrollers, Inc., and was “established to provide enterprise services, including information technology, to the clerks in order to meet legislative directives and serve the public in the most efficient manner.” E-mail from the Florida Association of Court Clerks and Comptrollers, Inc. (February 28, 2017) (on file with the Senate Committee on Criminal Justice).

⁵ Association Analysis.

⁶ Association Analysis. Judges and circuit court administration have unrestricted read-only access to statewide court data. *Id.* Based on restrictions contained in court rules at the time CCIS was developed, the CCIS was only accessible by governmental agencies; however, since that time the Florida Supreme Court has adopted an access security matrix, which now provides for attorneys and the public to have limited access. Clerks are in the process of implementing the access provided by this new matrix. Implementation is expected to be completed by the end of 2017. E-mail from the Florida Association of Court Clerks and Comptrollers, Inc. (February 28, 2017) (on file with the Senate Committee on Criminal Justice).

of mutual advantage.⁷ The statute provides that local governmental entities may jointly exercise their powers by entering into a contract in the form of an interlocal agreement.⁸ Under such an agreement, the local governmental units may create a separate legal or administrative entity “to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities.”⁹ A separate entity created by an interlocal agreement possesses the authority specified in the agreement.¹⁰

III. Effect of Proposed Changes:

The bill amends s. 28.2405, F.S., to clarify the role of the Florida Association of Court Clerks and Comptrollers, Inc. (association), regarding the Comprehensive Case Information System (CCIS), a secure data hub providing access to court case data from all 67 counties. The bill also:

- Specifies that the association develops, operates, and maintains the CCIS, and in this role is an agent of the clerks of the circuit court;
- Describes the CCIS as a system that serves as a secure, single point of access for searching statewide court information, provides access to court records, and contains electronic case data, and any other data necessary to support the state court system;
- Specifies that records accessed through the CCIS are official court records, and that a clerk of the circuit court is the official custodian of, and is responsible for, the court records and other data submitted by his or her office to the CCIS; and
- Authorizes the association to transfer ownership and operation of the CCIS to an intergovernmental authority created by the clerks of the circuit court.¹¹

The bill takes effect July 1, 2017.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

⁷ Section 163.01(2), F.S. For example, one benefit of creating an intergovernmental authority may be operational improvements (e.g., combining resources, eliminating duplication of efforts, streamlining organizational structure, clarifying or improving allocation of functional responsibilities, and enhancing delivery of services).

⁸ Section 163.01(5), F.S.

⁹ Section 163.01(2), F.S.

¹⁰ Section 163.01(7)(b), F.S.

¹¹ The association states that if the intergovernmental authority were to be implemented, such authority would still contract with the association and the Florida Association of Court Clerks Services Group to operate the CCIS in the same manner as done today. E-mail from the Florida Association of Court Clerks and Comptrollers, Inc. (March 9, 2017) (on file with the Senate Committee on Criminal Justice). The association also states that an intergovernmental authority “provides governance as a public body that is subject to the transparencies and accountabilities required of such bodies. Also[,] it better facilitates collaboration among stakeholders.” E-mail from the Florida Association of Court Clerks and Comptrollers, Inc. (March 15, 2017) (on file with the Senate Committee on Criminal Justice).

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

According to the Florida Association of Court Clerks and Comptrollers, Inc. (association), the bill will not have a fiscal impact on clerks of the court, counties, municipalities, or the state.¹² The development, maintenance, and operation of the CCIS are fully supported by funding from a statutorily-authorized document service charge. Pursuant to s. 28.24(12)(e)1., F.S., 10 cents from the \$4 recording service charge authorized in s. 28.24(12)(e), F.S.,¹³ is distributed to the association for the cost of development, implementation, operation, and maintenance of the CCIS. The association also received a federal grant, administered through the Florida Department of Law Enforcement, of \$1.79 million in September of 2014, which has allowed for recent upgrades to the system. There is no cost to authorized users to utilize the system.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 28.2405 of the Florida Statutes.

¹² E-mail from the Florida Association of Court Clerks and Comptrollers, Inc. (February 10, 2017) (on file with the Senate Committee on Criminal Justice). All information regarding government sector impact of the bill is from this source.

¹³ Section 28.24(12)(e), F.S., provides, with some exceptions, that 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, F.S. (e.g., deeds, leases, bills of sale, judgments, and certified copies of death certificates).

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Criminal Justice on March 27, 2017:

The CS deletes reference to the CCIS containing courts records; the CCIS does not contain court records.

- B. **Amendments:**

None.