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## BUDGET COMMITTEE MEETING

April 5, 2021

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**JD Peacock, II**  
OKALOOSA COUNTY  
EXECUTIVE COUNCIL CHAIR

**Jeffrey R. Smith, CPA, CGMA**  
INDIAN RIVER COUNTY  
VICE-CHAIR

**Tiffany Moore Russell, Esq.**  
ORANGE COUNTY  
SECRETARY/TREASURER



**STACY BUTTERFIELD, CPA**  
POLK COUNTY

**JOHN CRAWFORD**  
NASSAU COUNTY

**TODD NEWTON**  
GILCHRIST COUNTY

**LAURA E. ROTH**  
VOLUSIA COUNTY

**HARVEY RUVIN, ESQ.**  
MIAMI-DADE COUNTY

**RON FICARROTTA**  
13TH JUDICIAL CIRCUIT JUDGE  
SUPREME COURT APPOINTEE

**ANGELINA "ANGEL"**  
COLONNESO, ESQ.  
MANATEE COUNTY  
SENATE APPOINTEE

**KEN BURKE, CPA**  
PINELLAS COUNTY  
HOUSE APPOINTEE

**JOHN DEW**  
EXECUTIVE DIRECTOR

**FIRM OF BOYD AND DURANT**  
GENERAL COUNSEL

2560-102 BARRINGTON CIRCLE | TALLAHASSEE, FLORIDA 32308 | PHONE 850.386.2223 | FAX 850.386.2224 | WWW.FLCCOC.ORG

## BUDGET COMMITTEE MEETING

**April 5, 2021**

**Meeting: 2:00 PM – 4:00 PM, Eastern**

**WebEx Link:** <https://flclerks.webex.com/flclerks/j.php?MTID=m8a822174aee823dfb5965a1995951ac7>;

**Meeting Code: 160 302 0875, Password: CCOC**

**Conference Call: 1-866-469-3239; Access Code: 160 302 0875**

- 1) Call to Order and Introduction.....Hon. JD Peacock
- 2) Approve Agenda .....Hon. JD Peacock
- 3) Approve Minutes from 3/8/21 Meeting.....Marleni Bruner
- 4) Legal Opinion.....John Dew
- 5) Budget Workplan Update .....Hon. JD Peacock
- 6) Budget Forms .....Marleni Bruner
- 7) Budget Training .....Marleni Bruner
- 8) Other Business.....Hon. JD Peacock
  - a) Next Meeting
  - b) Public Comment

**Committee Members:** JD Peacock, Chair; Jeffrey Smith, CPA, Vice-Chair; Tom Bexley; Ken Burke, CPA; Stacy Butterfield, CPA; Pam Childers, CPA; Gary Cooney, Esq.; John Crawford; Brenda Forman; Greg Godwin; Tara S. Green; Carla Hand, CPA, CGFO; Bill Kinsaul; Kellie Rhoades, CPA; Tiffany Moore Russell, Esq.; Donald C. Spencer; Carolyn Timmann; and Angela Vick



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## Minutes of March 8, 2021, CCOC Budget Committee Meeting

**Committee Action:** Review and approve with amendments, as necessary.

The Budget Committee of the Clerk of Courts Operation Corporation (CCOC) held a meeting via WebEx on March 8, 2021. An agenda and materials were distributed in advance of the meeting and posted on the CCOC website. Provided below is a summary of staff notes from the meeting. These staff notes are designed to document committee action, not to be a complete record of committee discussions. All motions adopted by the committee are in **bold** text. All CCOC staff action items based on committee direction are in red and **bold** text.

### 1. Agenda Item 1 – Call to Order and Introduction

The meeting was called to order by Clerk JD Peacock, Chair of the Budget Committee. Marleni Bruner, CCOC Senior Budget Manager, called the roll.

Present for the meeting conference call: Clerk JD Peacock, Clerk Jeff Smith, Clerk Tom Bexley, Clerk Ken Burke, Clerk Stacy Butterfield, Clerk Pam Childers, Clerk Gary Cooney, Clerk John Crawford, Clerk Tara Green, Clerk Carla Hand, Clerk Bill Kinsaul, Clerk Tiffany Moore Russell, Clerk Don Spencer, Clerk Angela Vick

Absent from conference call: Clerk Brenda Forman, Clerk Greg Godwin, Clerk Kellie Rhoades, Clerk Carolyn Timmann

### 2. Agenda Item 2 – Approve Agenda

**A motion was made to adopt the agenda by Clerk Crawford and seconded by Clerk Butterfield.**

Clerk Burke stated that he had a comment relating to both the agenda and the minutes. Clerk Burke recalled that the minutes referenced an action point from the February meeting, but there is no action point present on the agenda. Clerk Burke asked why there was no action point present when the committee committed to acting at the February meeting.

Clerk Peacock responded to Clerk Burke, suggesting that the agenda's adoption be postponed so that the minutes can be approved with edits, if necessary. Clerk Peacock explained that this would allow for anyone to have the option to amend the minutes.

3. Agenda Item 3 – Approve Minutes from January 27, 2021 Meeting

**Clerk Moore Russell motioned to adopt the minutes, which Clerk Green seconded.**

Clerk Peacock explained that Agenda Item 8 (Usage of Excess Revenue – Executive Council Direction) from the previous meeting referenced a prior Revenue Estimating Conference meeting where the revenue was estimated at \$41 M, nearly \$12 M higher than ever before. Clerk Peacock stated that the cumulative excess revenue share at the end of this fiscal year would be used to amend the budgets of those counties in dire need. Clerk Peacock stated that there was a great conversation about this, and it was noted that stakeholders should be included in the conversation of these excess dollars. Clerk Peacock stated that he is a proponent of using every resource to help the clerks, especially in communicating concerns and issues. Clerk Peacock stated that the plan was to see if the February REC followed through with the budget trends and if so, the Budget Committee intended to help those clerks in dire need.

Clerk Peacock stated that this meeting's agenda featured an item that would review the REC's report from their February meeting. Clerk Peacock explained that although their estimate fell short of the original number expected, there is still excess revenue to be utilized. This excess revenue of \$8.2 M means that clerks are entitled to half of that amount, by current law, for CFY 2021-2022. Clerk Peacock recognized Clerk Burke's earlier statement, clarifying that he meant, should the REC hold the exact numbers, the Budget Committee would discuss and bring recommendations to the Executive Council to act. Clerk Peacock stated that his plan, because the numbers from the REC came in short, and the clerks' share would be in the ballpark of four million dollars, he did not feel as if there was enough money available to recommend a particular plan. Clerk Peacock stated that later in the meeting, he would suggest using these funds for a reserve. Clerk Peacock stated that there is \$2 M unspent available from last year's true-up, which would put the available dollar amount at \$6 M. Clerk Peacock stated that later in the meeting, there would be the discussion of how this money should be used, under what circumstances they will be used, and if a reserve should be built with the excess dollars that rolled over from the previous fiscal year. Clerk Peacock recognized Clerk Burke to speak.

Clerk Burke stated that words have meaning, and the words "dire circumstances" were not featured in the minutes from the previous meeting. Clerk Burke stated that back in 2016, the clerks had a statewide budget of \$447 M, which was a smaller budget than prior years, and is much smaller than the current 2021 year. Clerk Burke stated that the clerks are in dire circumstances, as the only player in the legal field with a smaller budget, to his knowledge. Clerk Burke stated that there is no need to go around and justify why each county is in a dire circumstance, but the budget itself explains that clerks statewide are in the midst of a dire circumstance. Clerk Burke stated that around thirty counties were held harmless (fiscally constrained counties) when given a budget cut which all clerks were given, which he supported. Clerk Burke stated that if there is money on the table available to help a dire situation, the money should be

used. Clerk Burke stated that his impression was that after the REC met in February and the committee had a better idea of the numbers and money available. Clerk Burke exclaimed that with this money if clerks don't need it, that is fine, but clerks whose counties do need it should not have to justify their dire circumstance to receive help. Clerk Burke explained that it would be difficult for the legislature to help the clerks when there is money available to be used as it is. Clerk Burke stated that he believes it is essential to be considered on the agenda of the meeting.

Clerk Peacock asked if any other committee members had any commentary to provide. Clerk Smith stated his recollection that this was going to be an action item addressed at today's meeting. Clerk Smith explained that he agrees with Clerk Burke and stated that there should be a reconciliation between the minutes and agenda for this meeting. Clerk Peacock explained that he would entertain a motion to add an item to this agenda, as the minutes do recall action needed from the Budget Committee. Clerk Smith explained that he might have misunderstood the previous meeting, but he recalls that the intent was to have an action item on this meeting's agenda. Clerk Peacock asked if any other committee members recalled the same.

Clerk Crawford asked Clerk Peacock, as part of his decision to amend the agenda, would it have anything to do with the use of these funds. Clerk Peacock answered that it is an accounting mechanism related to future income; however, Clerk Peacock is looking at it from the eyes of a constitutional officer. Clerk Peacock explained that there is the possibility to use these dollars; however, there are significant challenges working through the rules at the state level. Clerk Peacock explained that he had heard many legalities and questions, but given the timing of things, he chose to pause from listening to this input. Clerk Peacock explained his worry of a legality issue with the state in using dollars, not technically the clerks, until the end of the fiscal year. Clerk Peacock asked if there are any questions.

**The minutes as presented were approved by a majority voice vote.**

Clerk Peacock explained that the agenda still needed to be adopted.

**Clerk Moore Russell made a motion to amend the agenda to add the discussion of Agenda Item 8 from the previous meeting's minutes under Other Business and approve the agenda as amended. Clerk Crawford seconded the motion.**

Clerk Peacock asked for any debate or comment on the motion. Hearing none, a voice vote was taken. **The agenda was adopted as amended.**

4. Agenda Item 4 – YTD Revenue Update

Clerk Peacock called on Jason Welty to provide the Year-to-Date Revenue Update. Mr. Welty reviewed the material in the meeting packet.

Clerk Peacock thanked Jason Welty for his report and asked the committee if they had any further questions. Clerk Smith asked Mr. Welty for clarification that even though January was below the REC's projection, the clerks are still above the REC projection for the fiscal year. Mr. Welty explained that clerks are 3.6 percent ahead but are still losing ground, as in December, clerks were 7 percent ahead.

Clerk Newton clarified that the clerks are ahead due to the county civil felony being so far ahead. Mr. Welty confirmed that this is one of the reasons why clerks are ahead. Mr. Welty stated that he has heard that clerks had a relatively good February from Operation Green Light. Mr. Welty explained that it could help clerks get back to where they need to be if February comes in higher than expected.

Clerk Smith asked if Mr. Welty has created a projection for what clerks will have accumulated in revenue for the coming twelve months. Mr. Welty explained that when he presented to the REC last week, his projection was on top of the \$410 M projection. Mr. Welty stated that the projection for the clerks is \$418.3 M. Clerk Smith then stated that his Operation Green Light (OGL) event would not be until later in March. Clerk Smith asked how many clerks participated in OGL in the month of February and was informed that the majority of OGL events were held in March or ended in March. Clerk Smith then asked to clarify that Tom Bexley is the legislative lead on legal initiatives. Mr. Welty explained that he has been talking to Clerk Bexley and Jason Harrell, FCCC, to make them aware of the clerks' revenue projections. Clerk Smith thanked Jason for the close relationship between FCCC and CCOC.

Clerk Peacock asked if there were any other questions or comments. There were none.

5. Agenda Item 5 – Revenue Estimating Conference Update

Clerk Peacock asked that Jason Welty provide the update. Mr. Welty explained that the REC met on March 3 and had quite a bit of variance between analyst projections. Analyst projections come from CCOC, the Governor's Office, the Office of Economic and Demographic Research (EDR), and the Office of State Courts Administrator (OSCA). Mr. Welty's projections tend to be closer to OSCA's projections. The REC adopted a lower projection for the current year from the previous projection but a higher amount for the next fiscal year.

Clerk Peacock thanked Mr. Welty for his update. Clerk Peacock asked, should the \$418 M hold for the county fiscal year, what is the timing of when the clerks will know their share of the cumulative excess and what their share would be? Referencing page 16 of the meeting packet, Mr. Welty stated that the adopted forecast shows the cumulative excess at \$4.2 M for the 2021-2022 budget. He also stated that the



cumulative excess is known at the end of the county fiscal year once the August revenue is recorded.

Clerk Kinzel stated her frustration that after reviewing these numbers, there is still dire circumstance present for many clerks. Clerk Kinzel stated that her office is facing a wage issue, causing employees to leave for places that can pay more. Clerk Kinzel stated that if legislature members are on the call, clerks should state how they've lost employees and that clerks need help rather than being cut in their budget. Clerk Peacock agreed with Clerk Kinzel and stated that the legislative efforts of the Legislative Committee prove these facts to be true. Clerk Peacock stated that during the global pandemic, a \$54 M cut was taken, with no response from the court system, leaving the clerks to fend for themselves. Clerk Kinzel stated her worry about going back to full jury trials, as she is facing low staff numbers due to budget cuts and stated the need for dramatic change. She encouraged all clerks to get more local and more vocal.

Clerk Colonnesso clarified that the number given does not include the jury funding, and Jason Welty confirmed that as correct. Mr. Welty explained that he had positive conversations regarding an increase in juror management funding. Clerk Peacock asked if the \$2 M unused dollars will be accessible to clerks above the \$11 M in appropriation.

Clerk Kinzel stated frustration that the legislature is gifting the clerks' dollars, which are already the clerks, all while proposing a raise in juror pay. Clerk Peacock explained that there is a legislative request for an appropriation for the backlog of cases. Mr. Welty stated there is a fiscal analysis taking place to request additional dollars for the fiscal impact of the raise in juror pay.

Mr. Welty stated that there had been an additional request for funding for extra clerks in the courtroom, providing resources to clerks if the judicial system provides more judges for the court. The CCOC request tracks with the request for judges made by OSCA. Mr. Welty also informed everyone that it is still a little early in session for budget items.

Clerk Peacock thanked Jason and moved onto the next item.

## 6. Agenda Item 6 – Other Business

Clerk Peacock began the conversation regarding Agenda Item 8 – Excess Revenue on the previous meeting's minutes to clarify the recommendation of the committee. Clerk Peacock stated his own thought process, explaining that clerks have an unstable revenue stream, which is lower than the numbers from back in November; however, higher than what the clerks started the year with. Clerk Peacock stated that his suggestion is, based on the clerk's legislative agenda, to build a reserve to help clerks who have dramatic impacts, recommending a policy be put in place to provide access to the reserve. Clerk Peacock stated that he is not in support of an across-the-board

allocation now but supports a policy in which the Budget Committee would listen to clerks' concerns. From there, the Budget Committee would recommend this to the Executive Council. Clerk Peacock stated that there is a budget of \$410 M and anticipated revenue of \$418 M, leaving the clerks with 50 percent of the excess dollars. That \$4 M will be used for the next fiscal year. The unexpended revenue amounts to approximately \$2 M, which Clerk Peacock suggested being used to seed the reserve and that the Budget Committee produce the criteria for how the reserve will be used. He suggested tabling the use of the \$4 M cumulative excess until legislative decisions have been finalized.

Clerk Burke stated his support of having a reserve, but the point of a reserve is for a rainy day. Clerk Burke explained that the budget this year is lower than it has been in the history of Article V funding since 2004 or 2005. Clerk Burke explained that this low budget is not only a rainy day but a hurricane day. Clerk Burke explained that he's unsure whether it is better to use current dollars to begin a reserve and explained that the committee took the across-the-board approach when holding counties harmless. Clerk Burke stated that there is a frustrating separation in the clerks, where there are different criteria per group of clerks. Clerk Burke explained that there was supposed to be a contact with legislative staff to find out what the reaction was to the clerks using the money this year. Clerk Burke asked if Mr. Boyd provided a legal opinion and if the legislative staff was reached out to but wanted to be provided names and their specific opinion.

Jason Harrell and Clerk Bexley asked to speak before they had to go to the capital to represent the clerk's legislative proposal. Clerk Bexley stated his respect for all the clerks but strongly opposed any action regarding the carry forward dollars. Clerk Bexley stated that the clerk's bill up this week directly impacts the reserve and carry forward process, so he is hesitant to move forward as a committee before the bills are moved forward. The law granting clerks 50 percent will sunset (end) after this session if no action is taken. The clerk's legislative proposal is asking to make this permanent and does not want to hamper their options by moving forward on using those funds now.

Clerk Peacock asked if the legislative team would be looking for clerks to create a logical utilization of a reserve now or wait. Clerk Bexley explained that a discussion of the \$2 M in unexpended funds could be discussed now.

Clerk Crawford stated that he previously supported the Fiscally Constrained Counties to be held harmless; however, FCC status has to do with ad valorem, and it may have hurt some counties. He hopes more science instead of emotion be put into considering clerks held harmless or not in the future.

Clerk Green stated that she is a huge proponent of helping clerks come up with a solution as courts rise back to full capacity. Clerk Green said that for her to support borrowing future revenues out of the norm, she would have to be comfortable with the legality so that no adversarial situation comes to take place. Clerk Green stated she believes that there are good intentions, but she would need to feel more comfortable



that there are legal practices taken to use these funds. Clerk Green requested that it be clarified which money is being utilized for the reserve. Clerk Peacock explained that as the bills are passed, the committee must create a policy for the reserve. Clerk Green stated that she is in support of creating a policy but hesitant to make any decisions regarding the cumulative excess. Clerk Peacock stated that the focus of the conversation is to discuss the clerks' share of the cumulative excess at the end of this fiscal year.

Clerk Smith explained that he prefers that the committee put more thought into what the policy might be rather than producing a policy today. Clerk Smith requested that a meeting be set up to discuss this policy specifically, as he is not prepared to create or vote on a policy. Clerk Peacock stated that he was not intending on creating and implementing this policy today but put this into the work order on a time-sensitive basis.

Clerk Moore Russell asked that a conversation be had regarding whether the money should be used for a reserve or instead be used right now in dire circumstances. Clerk Moore Russell stated that she does believe all clerks want a reserve, but there should be a discussion of whether these unexpended funds (\$2 M) are specifically needed now.

Clerk Green reminded the committee that conversations with legislative figures did not encourage clerks to use the cumulative excess now.

Clerk Peacock asked the committee if there is an action or motion that a committee member would like to take regarding the cumulative excess.

**Clerk Moore Russell made a motion to direct the CCOC General Counsel to provide a legal opinion of whether or not clerks can use the cumulative excess funds in the current fiscal year. Clerk Green seconded the motion.**

Clerk Peacock asked if there were any questions; there were none. Clerk Peacock asked if there was any debate. Clerk Peacock shared his debate explaining that in 2011, legal discussion resulted in negative consequences of law changes. Clerk Peacock stated that if the legal opinion is negative, it ties a clerks' hands, but if it is positive, clerks are encouraged to move forward. Clerk Moore Russell stated that it is also valuable to be knowledgeable and ask for a legal opinion.

Clerk Peacock asked for a vote on the motion. The motion passed with a majority voice vote.

**Clerk Moore Russell made the motion that no action is taken on the anticipated cumulative excess in this year's budget.** With no second, the motion died. Clerk Peacock opened the floor to committee members for action on this item. There was no further action.

Clerk Peacock explained that there are \$2 M dollars available from the unspent budgeted funds and proposed a policy to begin a reserve with these dollars. Clerk Peacock opened the floor to committee members. Clerk Peacock clarified that the Budget Committee is the workgroup for this topic, and the staff may put together a draft for this policy to be sent back to the clerks for recommendations.

Clerk Burke explained that he believes that it is unfair to leave this policy draft in the hands of CCOC but believes there should be a sub-group put in place for this action. Clerk Burke stated that this group should be a broad group of clerks from all different counties to sit on this group, explicitly suggesting Clerk Alvarez-Sowles (Pasco County) and Clerk Kinzel (Collier County). Clerk Burke explained that if there is a group willing to work on this, that he would like to make a motion.

**Clerk Burke made a motion to create a workgroup with members from counties of all sizes to work with CCOC staff on the policy regarding the reserve. Clerk Smith seconded the motion.**

Clerk Peacock asked if there was any question or debate on this motion. Clerk Smith was nominated to chair the workgroup. Clerk Miller from Saint Lucie County volunteered to join the workgroup. **The motion was adopted by voice vote.**

Clerk Peacock stated that the committee would get back on track regarding the CFY 2021-2022 budget at the next meeting. Clerk Peacock stated that a spreadsheet would be created with Jason Welty, paring down to the revenue limitations to create a spending limit. Clerk Peacock stated that he would like the Budget Committee to come up with any additional bucketed columns for the spreadsheet regarding the budget process. Clerk Peacock stated that there would be an opportunity for additional requests from clerks.

Clerk Peacock asked for any questions or comments. There were none.

Clerk Peacock stated that the next meeting would be in early April, and the committee will get back on track.

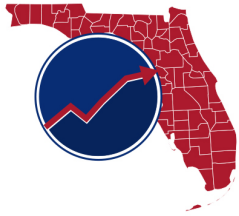
Clerk Burke explained that CCOC staff had done some calculations based on FRS to be approved by the legislature. Clerk Burke said that it would be good to take the same percentage of the state increase on FRS and apply it to the clerk's estimates. Clerk Peacock agreed that there is a need to go backward before going forward.

Clerk Butterfield asked if the \$15/hour minimum wage issue had been discussed and stated that the clerks should prepare for that impact. Clerk Peacock explained that this could be an item that clerks submitted an issue for and included in the spreadsheet for all counties. Clerk Peacock stated that nothing has come through the legislative process and that clerks should model what the state does for employees. Clerk Butterfield stated that there should be a follow-up on that.

Clerk Kinsaul stated that the committee should plan for next year and simplify how much each clerk should get by case. Clerk Peacock stated that he likes using weighted cases and suggests an increase in how the dollars are distributed. Clerk Peacock also stated that the work of the PIE and Budget Committee on weighted cases strengthen their ability to utilize it in the budget.

Clerk Peacock stated that clerks should email Marleni Bruner to volunteer for the workgroup.

The meeting adjourned at 3:54 PM.



# CCOC

FLORIDA CLERKS OF COURT  
OPERATIONS CORPORATION

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## AGENDA ITEM 4

**DATE:** April 5, 2021  
**SUBJECT:** Legal Opinion  
**COMMITTEE ACTION:** Informational

### OVERVIEW:

At the previous CCOC Budget Committee meeting the Committee approved seeking an opinion from the CCOC General Counsel concerning if the Clerks have the authority to use projected cumulative excess for the current fiscal year during the same year to increase Clerks' budgets. Rob Boyd, of the firm of Boyd and Durant, provided the attached opinion to our office on April 1, 2021.

The opinion provides that 'there is no legal authority of the Clerks of Court to use projected cumulative excess of the current fiscal year to increase budget authority in the same fiscal year.' Mr. Boyd will be available during the meeting to answer any questions.

**COMMITTEE ACTION:** Informational

**LEAD STAFF:** John Dew, Executive Director

### **ATTACHMENTS:**

1. Legal Opinion from Boyd and Durant


# BOYD | DURANT

Attorneys at Law

J. ROBERT BOYD, JR.

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**TO:** JOHN DEW, EXECUTIVE DIRECTOR, FLCCOC  
**FROM:** ROB BOYD, GENERAL COUNSEL   
**CLIENT:** FLCCOC  
**SUBJ:** MEMORANDUM AS TO THE AVAILABILITY OF EXCESS FROM 28.37 TO INCREASE APPROVED BUDGETS  
**DATE:** APRIL 1, 2021

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**ISSUE:** WHAT IS THE AUTHORITY OF THE CLERKS OF COURT TO USE THE PROJECTED CUMULATIVE EXCESS OF THE CURRENT FISCAL YEAR TO INCREASE BUDGET AUTHORITY IN THE SAME FISCAL YEAR.

**CONCLUSION:** THERE IS NO LEGAL AUTHORITY OF THE CLERKS OF COURT TO USE THE PROJECTED CUMULATIVE EXCESS OF THE CURRENT FISCAL YEAR TO INCREASE BUDGET AUTHORITY IN THE SAME FISCAL YEAR.

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## STATEMENT OF FACTS

The challenges of COVID-19 and its extended effects on operations of Clerk's offices has created shortfalls the Clerks are seeking to cover. Unlike 2011, where a loan from the Governor's office was made available, Florida Clerks of Court Operations cannot seek such loans now as it was part of the State from 2009-2013.

Florida Statutes 28.37 provides for a 50% retention of revenue by the Florida Clerks of Court Corporation. We have been asked by the Florida Clerks of Court to opine as to the availability of these projected funds for the current fiscal year.

## DISCUSSION

Florida Statutes §28.37 provides for the retention of funds by the FLCCOC.

Specifically, 28.37(3)(a) provides:

"Each year, no later than January 25, 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 Clerks of the Court Trust 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."

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This is further addressed in Section 28.37(3)(b)(3) which provides:

“No later than February 1, 2022, the Department of Revenue shall transfer from the Clerks of the Court Trust Fund to the General Revenue Fund not less than 50 percent of the sum of the cumulative excess of all fines, fees, service charges, and costs submitted by the clerks of court pursuant to subsection (2) and the cumulative excess of all fines, fees, service charges, and costs remitted by the clerks of court pursuant to paragraph (a); provided however, the balance remaining in the Clerks of Courts Trust Fund after such transfer may not be more than \$20 million.”

The Revenue Estimating Conference met in November 2020 and forecast the retention of revenue would be approximately twelve (12) million dollars. That would leave the Clerks with an availability of six (6) million dollars. This estimate was in part due to the anticipation of filing fees after the Florida Restoration of Rights Coalition (FRRC) meeting in October. FRRC had a hard push from August to November of 2020 which anticipated 8.6 – 8.3 million in funds to the Courts for voter registration/restoration of rights.

The Revenue Estimating Conference met again in March 2021, and based in part by Legislative action since the October meeting of FRRC, lowered the original twelve (12) million dollars forecast estimate to approximately eight (8) million dollars, taking the Clerks from a six (6) million dollars in forecast retained revenue to four (4) million dollars in forecast retained revenue.

Clearly the issue remains one of estimated (forecasted) revenues versus actual retained revenue and is subject to further reduction or increase based on real world events, i.e. foreclosure and eviction status, etc. The Revenue Estimating Conference will meet again in July or August and it is anticipated they will make further changes to the forecasted estimates.

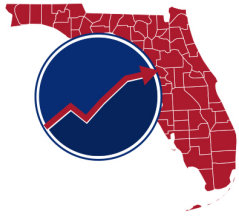
The statute, and its Legislative history, is silent as to the availability of these funds for use in the current fiscal year. Under the canons of statutory construction, if the Legislature intended an action it is capable of stating that intention.

Further, our review of the relative case law, as well as secondary authorities, we are unable to find any precedent or any situations where the facts at hand that would give the FLCCOC or the individual Clerks of Court the authority to use the estimated funds for current year expenditures.

### **CONCLUSION**

There is no legal authority of the Clerks of Court to use the projected cumulative excess of the current fiscal year to increase budget authority in the same fiscal year.





## AGENDA ITEM 5

**DATE:** April 5, 2021  
**SUBJECT:** Budget Workplan Update  
**COMMITTEE ACTION:** Discuss and make recommendations

### **OVERVIEW:**

The CFY 2021-22 Budget Committee Timeline (**Attachment 1**) outlines a general timeline for the CFY 2021-22 budget development process. Based on this calendar, the Budget Committee is scheduled to work on the Base Budget between now and May.

The budget procedure (**Attachment 2**) provides a detail of the steps in the process of Base Budget development. The Budget Committee will need to determine the statewide funding issues that will be incorporated into the Base Budget, then require counties to submit a Budget Issue Form for those statewide issues.

**COMMITTEE ACTION:** Discuss and make recommendations

**LEAD STAFF:** Marleni Bruner, Senior Budget Manager

### **ATTACHMENTS:**

1. CFY 2021-22 Budget Committee Timeline
2. CFY 2021-22 Budget Committee Budget Procedure
3. CFY 2021-22 Base Budget Template



**FLORIDA CLERKS OF COURT  
OPERATIONS CORPORATION**

2560-102 BARRINGTON CIRCLE ✓ TALLAHASSEE, FLORIDA 32308 ✓ PHONE 850.386.2223 ✓ FAX 850.386.2224 ✓ WWW.FLCCOC.ORG

Agenda Item 5 – Attachment 1

**CFY 2021-22 Budget Committee Timeline**

|               |  |
|---------------|--|
| January 2021  | Budget Committee Policy Work   |
| February 2021 | Budget Committee Policy Work, continues  |
| March 2021    | Budget Committee Policy Work, continues  |
| April 2021    | Begin Base Budget work   |
| May 2021      | (End of Session) Adopt Base Budget<br>Direction to clerks on submission of additional funding requests<br>with a deadline of June 1, 2021. |
| June 2021     | Review funding requests.<br>Include approved funding requests in committee adopted<br>expenditure Budget for CFY 2021-22.                  |
| July 2021     | (After REC Article V Meeting) Review and apply REC revenue<br>estimate. (Balance approved expenditure budget to available<br>revenue)      |
| August 2021   | Final review of budget and adopt CFY 2021-22 Expenditure<br>Budget.  |



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Agenda Item 5 – Attachment 2

**CCOC Budget Committee  
CFY 2021-22 Budget Procedure**

1. Start from the Committee approved CFY 2020-21 Expenditure Budget (not the revenue limited operational budget)
2. Apply Statewide Funding & Reduction Issues

Once the Budget Committee determines issues for statewide funding, clerks would submit a Budget Issue Form for these items along with their additional funding requests.

Examples include:

- a. FRS Increases
  - b. Health Insurance Increases
  - c. Impacts of \$15 an hour amendment
  - d. New/Re-Allocated Judge Assignments
  - e. Legislative Court Duty changes
  - f. Others as determined by the Budget Committee
3. Adopt Base Budget
  4. Clerks submit the following by June 1, 2021
    - a. Budget Issue Form for statewide and additional funding issues
    - b. Revenue Projection Form
    - c. Clerk Certification Letter
  5. Budget Committee Review and Approve Funding Issues; Adopt Expenditure Budget
  6. Budget adjusted for revenue limitations
  7. Final Approved Budget; Revenue Limited Budget

| CURRENT    |            |                                   |                           |   |   | REDUCTION ISSUES                      |   |                      |                           |
|------------|------------|-----------------------------------|---------------------------|---|---|---------------------------------------|---|----------------------|---------------------------|
| County     | Peer Group | Approved CFY1920 Budget Authority | TOTAL CFY2021 Base Budget | Budget Committee Approved Enhancements FRS Increases Only | CFY 2021-22 Expenditure Budget (Committee Approved) | DEDUCT Vacant Positions over 180 days | DEDUCT Other Issues (BUDGET COMMITTEE DECISION) | Reduction Percentage | Reduction Issues Subtotal |
| Calhoun    | 1          | \$428,517                         | \$418,926                 | \$4,111   | \$423,037   | (\$1,000)                             | (\$1,000)                                       | -0.47%               | \$421,037                 |
| Lafayette  | 1          | \$298,844                         | \$292,156                 | \$0   | \$292,156   |                                       |   | 0.00%                | \$292,156                 |
| Liberty    | 1          | \$288,357                         | \$281,903                 | \$288,358   | \$288,357   |                                       |   | 0.00%                | \$288,357                 |
| Union      | 1          | \$467,330                         | \$449,872                 | \$8,000   | \$457,872   | (\$57,872)                            | (\$99,999)                                      | -34.48%              | \$300,001                 |
| Baker      | 2          | \$663,029                         | \$648,190                 | \$663,031   | \$663,029   |                                       |   | 0.00%                |                           |
| Dixie      | 2          | \$465,241                         | \$454,829                 | \$5,842   | \$460,671   |                                       |   | 0.00%                |                           |
| Franklin   | 2          | \$620,259                         | \$606,377                 | \$620,261   | \$620,259   |                                       |   | 0.00%                |                           |
| Gilchrist  | 2          | \$512,702                         | \$501,227                 | \$512,704   | \$512,702   |                                       |   | 0.00%                |                           |
| Glades     | 2          | \$504,497                         | \$493,206                 | \$5,246   | \$498,452   |                                       |   | 0.00%                |                           |
| Gulf       | 2          | \$470,599                         | \$460,067                 | \$0   | \$460,067   |                                       |   | 0.00%                |                           |
| Hamilton   | 2          | \$498,919                         | \$487,753                 | \$8,961   | \$496,714   |                                       |   | 0.00%                |                           |
| Holmes     | 2          | \$559,006                         | \$546,495                 | \$6,307   | \$552,802   |                                       |   | 0.00%                |                           |
| Jefferson  | 2          | \$471,920                         | \$461,358                 | \$5,058   | \$466,416   |                                       |   | 0.00%                |                           |
| Taylor     | 2          | \$526,312                         | \$514,533                 | \$11,218  | \$525,751   |                                       |   | 0.00%                |                           |
| Washington | 2          | \$754,649                         | \$737,759                 | \$3,250   | \$741,009   |                                       |   | 0.00%                |                           |
| Bradford   | 3          | \$680,789                         | \$665,552                 | \$680,792   | \$680,789   |                                       |   | 0.00%                |                           |
| DeSoto     | 3          | \$762,973                         | \$745,897                 | \$762,976   | \$762,973   |                                       |   | 0.00%                |                           |
| Gadsden    | 3          | \$1,243,932                       | \$1,216,092               | \$14,359  | \$1,230,451   |                                       |   | 0.00%                |                           |
| Hardee     | 3          | \$863,252                         | \$843,932                 | \$9,000   | \$852,932   |                                       |   | 0.00%                |                           |
| Hendry     | 3          | \$1,197,173                       | \$1,170,379               | \$1,197,176   | \$1,197,173   |                                       |   | 0.00%                |                           |
| Jackson    | 3          | \$1,052,321                       | \$1,028,769               | \$11,440  | \$1,040,209   |                                       |   | 0.00%                |                           |
| Levy       | 3          | \$1,030,854                       | \$1,007,783               | \$9,909   | \$1,017,692   |                                       |   | 0.00%                |                           |
| Madison    | 3          | \$536,805                         | \$524,791                 | \$0   | \$524,791   |                                       |   | 0.00%                |                           |
| Okeechobee | 3          | \$1,251,005                       | \$1,179,693               | \$15,997  | \$1,195,690   |                                       |   | 0.00%                |                           |
| Suwannee   | 3          | \$1,098,181                       | \$1,073,603               | \$15,001  | \$1,088,604   |                                       |   | 0.00%                |                           |
| Wakulla    | 3          | \$644,175                         | \$629,758                 | \$644,178   | \$644,175   |                                       |   | 0.00%                |                           |

|            |            | STATEWIDE ENHANCEMENT ISSUES                       |  |  |  |                               | CFY 2021-22 BASE BUDGET |                                 |
|------------|------------|--|--|--|--|-------------------------------|-------------------------|---------------------------------|
| County     | Peer Group | ADD<br>FRS Increase<br>(BUDGET COMMITTEE DECISION) | ADD<br>New Judges<br>(BUDGET COMMITTEE DECISION) | ADD<br>Minimum Wage<br>(BUDGET COMMITTEE DECISION) | ADD<br>Other Issues<br>(BUDGET COMMITTEE DECISION) | Statewide Increase Percentage | CFY 2021-22 Base Budget | Base Budget Increase Percentage |
| Calhoun    | 1          | \$100,000  | \$100,000  | \$100,000  | \$100,000  | 95.00%                        | \$821,037               | 94.08%                          |
| Lafayette  | 1          |  |  |  |  | 0.00%                         | \$292,156               | 0.00%                           |
| Liberty    | 1          |  |  |  |  | 0.00%                         | \$288,357               | 0.00%                           |
| Union      | 1          | \$1,000  | \$1,000  | \$1,000  | \$1,000  | 1.00%                         | \$304,001               | -33.61%                         |
| Baker      | 2          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Dixie      | 2          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Franklin   | 2          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Gilchrist  | 2          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Glades     | 2          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Gulf       | 2          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Hamilton   | 2          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Holmes     | 2          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Jefferson  | 2          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Taylor     | 2          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Washington | 2          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Bradford   | 3          |  |  |  |  |                               | \$0                     | -100.00%                        |
| DeSoto     | 3          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Gadsden    | 3          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Hardee     | 3          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Hendry     | 3          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Jackson    | 3          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Levy       | 3          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Madison    | 3          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Okeechobee | 3          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Suwannee   | 3          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Wakulla    | 3          |  |  |  |  |                               | \$0                     | -100.00%                        |



| CURRENT      |            |                                   |                           |   |   | REDUCTION ISSUES                      |   |                      |                           |
|--------------|------------|-----------------------------------|---------------------------|---|---|---------------------------------------|---|----------------------|---------------------------|
| County       | Peer Group | Approved CFY1920 Budget Authority | TOTAL CFY2021 Base Budget | Budget Committee Approved Enhancements FRS Increases Only | CFY 2021-22 Expenditure Budget (Committee Approved) | DEDUCT Vacant Positions over 180 days | DEDUCT Other Issues (BUDGET COMMITTEE DECISION) | Reduction Percentage | Reduction Issues Subtotal |
| Citrus       | 4          | \$2,977,771                       | \$2,977,571               | \$38,965  | \$3,016,536   |                                       |   | 0.00%                |                           |
| Columbia     | 4          | \$1,510,013                       | \$1,406,126               | \$25,150  | \$1,431,276   |                                       |   | 0.00%                |                           |
| Flagler      | 4          | \$1,823,431                       | \$1,822,336               | \$22,806  | \$1,845,142   |                                       |   | 0.00%                |                           |
| Highlands    | 4          | \$1,872,231                       | \$1,797,783               | \$25,531  | \$1,823,314   |                                       |   | 0.00%                |                           |
| Indian River | 4          | \$3,015,965                       | \$3,012,311               | \$39,122  | \$3,051,433   |                                       |   | 0.00%                |                           |
| Nassau       | 4          | \$1,562,829                       | \$1,562,176               | \$22,306  | \$1,584,482   |                                       |   | 0.00%                |                           |
| Putnam       | 4          | \$1,993,279                       | \$1,948,668               | \$47,231  | \$1,995,899   |                                       |   | 0.00%                |                           |
| Sumter       | 4          | \$1,864,635                       | \$1,872,818               | \$29,449  | \$1,902,267   |                                       |   | 0.00%                |                           |
| Walton       | 4          | \$1,632,548                       | \$1,637,478               | \$21,742  | \$1,659,220   |                                       |   | 0.00%                |                           |
| Alachua      | 5          | \$6,101,007                       | \$5,852,988               | \$116,100   | \$5,969,088   |                                       |   | 0.00%                |                           |
| Charlotte    | 5          | \$3,564,967                       | \$3,551,816               | \$34,936  | \$3,586,752   |                                       |   | 0.00%                |                           |
| Clay         | 5          | \$3,675,597                       | \$3,677,494               | \$46,350  | \$3,723,844   |                                       |   | 0.00%                |                           |
| Hernando     | 5          | \$3,415,436                       | \$3,406,080               | \$34,582  | \$3,440,662   |                                       |   | 0.00%                |                           |
| Martin       | 5          | \$3,601,519                       | \$3,587,770               | \$44,189  | \$3,631,959   |                                       |   | 0.00%                |                           |
| Monroe       | 5          | \$3,681,004                       | \$3,520,344               | \$46,633  | \$3,566,977   |                                       |   | 0.00%                |                           |
| Okaloosa     | 5          | \$3,684,787                       | \$3,675,742               | \$0   | \$3,675,742   |                                       |   | 0.00%                |                           |
| Saint Johns  | 5          | \$3,565,949                       | \$3,556,024               | \$32,600  | \$3,588,624   |                                       |   | 0.00%                |                           |
| Santa Rosa   | 5          | \$3,167,828                       | \$3,166,438               | \$33,000  | \$3,199,438   |                                       |   | 0.00%                |                           |





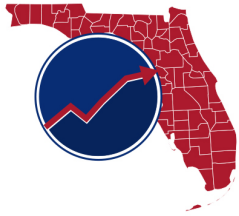
|              |            | STATEWIDE ENHANCEMENT ISSUES                       |  |  |  |                               | CFY 2021-22 BASE BUDGET |                                 |
|--------------|------------|--|--|--|--|-------------------------------|-------------------------|---------------------------------|
| County       | Peer Group | ADD<br>FRS Increase<br>(BUDGET COMMITTEE DECISION) | ADD<br>New Judges<br>(BUDGET COMMITTEE DECISION) | ADD<br>Minimum Wage<br>(BUDGET COMMITTEE DECISION) | ADD<br>Other Issues<br>(BUDGET COMMITTEE DECISION) | Statewide Increase Percentage | CFY 2021-22 Base Budget | Base Budget Increase Percentage |
| Citrus       | 4          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Columbia     | 4          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Flagler      | 4          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Highlands    | 4          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Indian River | 4          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Nassau       | 4          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Putnam       | 4          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Sumter       | 4          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Walton       | 4          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Alachua      | 5          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Charlotte    | 5          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Clay         | 5          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Hernando     | 5          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Martin       | 5          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Monroe       | 5          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Okaloosa     | 5          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Saint Johns  | 5          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Santa Rosa   | 5          |  |  |  |  |                               | \$0                     | -100.00%                        |



| CURRENT         |            |                                   |                           |   |   | REDUCTION ISSUES                      |   |                      |                           |
|-----------------|------------|-----------------------------------|---------------------------|---|---|---------------------------------------|---|----------------------|---------------------------|
| County          | Peer Group | Approved CFY1920 Budget Authority | TOTAL CFY2021 Base Budget | Budget Committee Approved Enhancements FRS Increases Only | CFY 2021-22 Expenditure Budget (Committee Approved) | DEDUCT Vacant Positions over 180 days | DEDUCT Other Issues (BUDGET COMMITTEE DECISION) | Reduction Percentage | Reduction Issues Subtotal |
| Bay             | 6          | \$3,663,308                       | \$3,659,281               | \$37,755  | \$3,697,036   |                                       |   | 0.00%                |                           |
| Brevard         | 6          | \$11,462,167                      | \$11,447,607              | \$128,000   | \$11,575,607  |                                       |   | 0.00%                |                           |
| Collier         | 6          | \$6,528,308                       | \$6,506,814               | \$98,000  | \$6,604,814   |                                       |   | 0.00%                |                           |
| Escambia        | 6          | \$6,926,892                       | \$6,912,051               | \$91,312  | \$7,003,363   |                                       |   | 0.00%                |                           |
| Lake            | 6          | \$6,180,164                       | \$6,175,514               | \$80,487  | \$6,256,001   |                                       |   | 0.00%                |                           |
| Leon            | 6          | \$5,926,985                       | \$5,919,634               | \$99,505  | \$6,019,139   |                                       |   | 0.00%                |                           |
| Manatee         | 6          | \$5,983,881                       | \$5,970,236               | \$58,807  | \$6,029,043   |                                       |   | 0.00%                |                           |
| Marion          | 6          | \$6,626,239                       | \$6,620,880               | \$78,360  | \$6,699,240   |                                       |   | 0.00%                |                           |
| Osceola         | 6          | \$7,327,693                       | \$7,318,005               | \$126,214   | \$7,444,219   |                                       |   | 0.00%                |                           |
| Pasco           | 6          | \$11,761,853                      | \$11,740,716              | \$198,453   | \$11,939,169  |                                       |   | 0.00%                |                           |
| Saint Lucie     | 6          | \$6,804,885                       | \$6,768,388               | \$58,291  | \$6,826,679   |                                       |   | 0.00%                |                           |
| Sarasota        | 6          | \$8,228,236                       | \$8,220,736               | \$101,515   | \$8,322,251   |                                       |   | 0.00%                |                           |
| Seminole        | 6          | \$8,901,420                       | \$8,873,348               | \$102,743   | \$8,976,091   |                                       |   | 0.00%                |                           |
| Duval           | 7          | \$19,487,703                      | \$19,250,308              | \$331,044   | \$19,581,352  |                                       |   | 0.00%                |                           |
| Lee             | 7          | \$11,850,439                      | \$11,576,006              | \$125,000   | \$11,701,006  |                                       |   | 0.00%                |                           |
| Pinellas        | 7          | \$23,152,497                      | \$23,059,824              | \$207,000   | \$23,266,824  |                                       |   | 0.00%                |                           |
| Polk            | 7          | \$12,340,907                      | \$12,311,875              | \$188,668   | \$12,500,543  |                                       |   | 0.00%                |                           |
| Volusia         | 7          | \$11,653,280                      | \$11,627,046              | \$135,000   | \$11,762,046  |                                       |   | 0.00%                |                           |
| Broward         | 8          | \$40,307,454                      | \$39,018,910              | \$360,688   | \$39,379,598  |                                       |   | 0.00%                |                           |
| Hillsborough    | 8          | \$29,882,862                      | \$29,788,946              | \$380,661   | \$30,169,607  |                                       |   | 0.00%                |                           |
| Miami-Dade      | 8          | \$71,545,715                      | \$71,339,454              | \$831,377   | \$72,170,831  |                                       |   | 0.00%                |                           |
| Orange          | 8          | \$29,035,203                      | \$28,840,714              | \$372,406   | \$29,213,120  |                                       |   | 0.00%                |                           |
| Palm Beach      | 8          | \$30,632,144                      | \$30,551,927              | \$321,869   | \$30,873,796  |                                       |   | 0.00%                |                           |
| STATEWIDE TOTAL |            | \$446,812,672                     | \$442,971,083             | \$10,677,022  | \$448,398,803                                       | (\$58,872)                            | (\$100,999)                                     | -34.95%              | \$1,301,551               |

|                 |            | STATEWIDE ENHANCEMENT ISSUES                       |  |  |  |                               | CFY 2021-22 BASE BUDGET |                                 |
|-----------------|------------|--|--|--|--|-------------------------------|-------------------------|---------------------------------|
| County          | Peer Group | ADD<br>FRS Increase<br>(BUDGET COMMITTEE DECISION) | ADD<br>New Judges<br>(BUDGET COMMITTEE DECISION) | ADD<br>Minimum Wage<br>(BUDGET COMMITTEE DECISION) | ADD<br>Other Issues<br>(BUDGET COMMITTEE DECISION) | Statewide Increase Percentage | CFY 2021-22 Base Budget | Base Budget Increase Percentage |
| Bay             | 6          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Brevard         | 6          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Collier         | 6          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Escambia        | 6          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Lake            | 6          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Leon            | 6          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Manatee         | 6          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Marion          | 6          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Osceola         | 6          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Pasco           | 6          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Saint Lucie     | 6          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Sarasota        | 6          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Seminole        | 6          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Duval           | 7          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Lee             | 7          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Pinellas        | 7          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Polk            | 7          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Volusia         | 7          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Broward         | 8          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Hillsborough    | 8          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Miami-Dade      | 8          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Orange          | 8          |  |  |  |  |                               | \$0                     | -100.00%                        |
| Palm Beach      | 8          |  |  |  |  |                               | \$0                     | -100.00%                        |
| STATEWIDE TOTAL |            | \$101,000  | \$101,000  | \$101,000  | \$101,000  | 23.28%                        | \$1,705,551             |                                 |





# CCOC

FLORIDA CLERKS OF COURT  
OPERATIONS CORPORATION

JD Peacock, II  
OKALOOSA COUNTY  
EXECUTIVE COUNCIL CHAIR

Jeffrey R. Smith, CPA, CGMA  
INDIAN RIVER COUNTY  
VICE-CHAIR

Tiffany Moore Russell, Esq.  
ORANGE COUNTY  
SECRETARY/TREASURER

STACY BUTTERFIELD, CPA  
POLK COUNTY

JOHN CRAWFORD  
NASSAU COUNTY

TODD NEWTON  
GILCHRIST COUNTY

LAURA E. ROTH  
VOLUSIA COUNTY

HARVEY RUVIN, ESQ.  
MIAMI-DADE COUNTY

RON FICARROTTA  
13TH JUDICIAL CIRCUIT JUDGE  
SUPREME COURT APPOINTEE

ANGELINA "ANGEL"  
COLONNESO, ESQ.  
MANATEE COUNTY  
SENATE APPOINTEE

KEN BURKE, CPA  
PINELLAS COUNTY  
HOUSE APPOINTEE

JOHN DEW  
EXECUTIVE DIRECTOR

FIRM OF BOYD AND DURANT  
GENERAL COUNSEL

2560-102 BARRINGTON CIRCLE | TALLAHASSEE, FLORIDA 32308 | PHONE 850.386.2223 | FAX 850.386.2224 | WWW.FLCCOC.ORG

## AGENDA ITEM 6

**DATE:** April 5, 2021  
**SUBJECT:** Budget Forms  
**COMMITTEE ACTION:** Approved Required Budget Forms

### OVERVIEW:

The following forms are being recommended by CCOC staff as required for the submission of CFY 2021-22 Budget Request:

1. Budget Issue Form
2. Revenue Projection Form
3. Clerk Certification Letter

For the Budget Issue form, the Issue Categories are as follows:

- AO/Supreme Court Order
- Audit Finding
- Compliance
- Continuation Budget
- Cost Shift from County
- Efficiencies
- IT Funded from CCOC
- Legislative Mandate
- Pay & Benefit
- Performance Measures
- Rule Change
- Other

**COMMITTEE ACTION:** Approved Required Budget Forms

**LEAD STAFF:** Marleni Bruner, Senior Budget Manager

### ATTACHMENTS:

1. CFY 2021-22 Budget Issue Form
2. CFY 2021-22 Revenue Projection Form
3. CFY 2021-22 Clerk Certification Letter

**Florida CCOC Budget Issue Form**  
**County Fiscal Year 2021-2022**



CCOC Form Version 1  
 Created 4/1/2021

|                        |                      |                   |                      |                        |                      |
|------------------------|----------------------|-------------------|----------------------|------------------------|----------------------|
| <b>County:</b>         | <input type="text"/> | <b>Priority:</b>  | <input type="text"/> | <b>Issue Type:</b>     | <input type="text"/> |
| <b>Contact:</b>        | <input type="text"/> |                   |                      |                        |                      |
| <b>E-Mail Address:</b> | <input type="text"/> | <b>Recurring:</b> | <input type="text"/> | <b>Issue Category:</b> | <input type="text"/> |

|                  | Case Processing | Revenue Collection and Distribution | Financial Processing | Requests for Records and | Provide Ministerial Pro Se Assistance | Technology Services for External Users | Mandated Reporting Services | Jury Management | Administration | TOTAL |
|------------------|-----------------|-------------------------------------|----------------------|--------------------------|---------------------------------------|--|-----------------------------|-----------------|----------------|-------|
| <b>FTE</b>       |                 |                                     |                      |                          |                                       |  |                             |                 |                | 0.00  |
| <b>Personnel</b> |                 |                                     |                      |                          |                                       |  |                             |                 |                | \$0   |
| <b>Operating</b> |                 |                                     |                      |                          |                                       |  |                             |                 |                | \$0   |
| <b>Capital</b>   |                 |                                     |                      |                          |                                       |  |                             |                 |                | \$0   |
| <b>TOTAL</b>     | \$0             | \$0                                 | \$0                  | \$0                      | \$0                                   | \$0                                    | \$0                         | \$0             | \$0            | \$0   |

#### ISSUE REQUEST DETAIL

Please provide a **detailed** description of the budget issue including the amounts that are related to Personnel, Operating, or Capital costs, and any FTE impact. Be sure to **thoroughly** explain the item and provide supporting documents as needed. Description should include the impact to the clerk's office if issue is not funded and impact if reduction is taken. Additional supporting documentation with county name in file name, can be submitted with form to [reports@flccoc.org](mailto:reports@flccoc.org).

**Florida CCOC Revenue Projection  
County Fiscal Year 2021-2022**



CCOC Form Version 1  
Created 4/1/2021

County:   
Contact:   
E-Mail Address:

Projection as of Date:   
Version:

**CFY 2021-22 Fine and Forfeiture Trust Fund Projection**

|   | Sep-20 | Oct-20 | Nov-20 | Dec-20 | Jan-21 | Feb-21 | Mar-21 | Apr-21 | May-21 | Jun-21 | Jul-21 | Aug-21 | YTD Total |
|---|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|-----------|
| Fines, Fees, Service Charges, Court Costs, etc.<br>(Not Including Redirected 10% Fines) |        |        |        |        |        |        |        |        |        |        |        |        | \$ -      |
| Redirected 10% Fines  |        |        |        |        |        |        |        |        |        |        |        |        | \$ -      |
| <b>TOTAL FINE AND FORFEITURE TRUST FUND PROJECTION:</b>                                 | \$ -   | \$ -   | \$ -   | \$ -   | \$ -   | \$ -   | \$ -   | \$ -   | \$ -   | \$ -   | \$ -   | \$ -   | \$ -      |

Fine and Forfeiture Trust Fund Projection  
Additional Notes:

**CFY 2021-22 Chapter 2008-111 Projection**

|   | Sep-20 | Oct-20 | Nov-20 | Dec-20 | Jan-21 | Feb-21 | Mar-21 | Apr-21 | May-21 | Jun-21 | Jul-21 | Aug-21 | YTD Total |
|---|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|-----------|
| Driving Under the Influence s. 316.193, F.S.    |        |        |        |        |        |        |        |        |        |        |        |        | \$ -      |
| Issuance of a Summons s. 28.241(1)(d), F.S.     |        |        |        |        |        |        |        |        |        |        |        |        | \$ -      |
| Traffic Administration Fees s. 318.18(18), F.S. |        |        |        |        |        |        |        |        |        |        |        |        | \$ -      |
| All Other Line 47 Additional Revenues All Other |        |        |        |        |        |        |        |        |        |        |        |        | \$ -      |
| <b>TOTAL 2008-111 PROJECTION</b>                | \$ -   | \$ -   | \$ -   | \$ -   | \$ -   | \$ -   | \$ -   | \$ -   | \$ -   | \$ -   | \$ -   | \$ -   | \$ -      |

Chapter 2008-111 Projection  
Additional Notes:



**FLORIDA CLERK OF COURT OPERATIONS CORPORATION  
BUDGET ISSUE CERTIFICATION  
FISCAL YEAR 2021-2022**

I, the undersigned Clerk of Court, do herein attest to the following:

1. Budget Issues requested for October 1, 2021 through September 30, 2022 as herein submitted represents, to the best of my knowledge and belief, pursuant to s. 28.35(3)(a), F.S., the salaries, benefits, and costs for all (the **gross budgeted expenditures**) of the following court-related functions of the office:
  - Case maintenance
  - Records management (all costs associated with storage, redaction, retrieval and maintenance not included under Chapter 29)
  - 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 and all Juror related costs including their payments
  - Payment of expenses for meals and lodging provided to jurors
  - Data collection and reporting
  - Determinations of indigent status
  - Paying reasonable administrative support costs to enable the Clerk of the Court to carry out above court-related functions

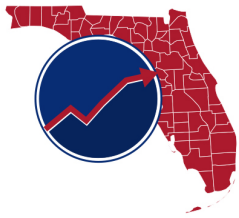
(Note: Certification of this provision will allow for compliance with numerous provisions under s. 28.35, F.S., in which these court-related functions are referenced.)

2. Budget Issues submitted, to the best of my knowledge and belief, **does not** include expenditures associated with local requirements deemed the responsibility of the county pursuant to s. 29.008, F.S., nor do the Budget Issues include expenditures for any non-court-related function of the office. Local requirements include the following as defined by applicable statute:
  - Facility Expenses (s. 29.008(1)(a), F.S.)
  - Construction or Lease Expenses (s. 29.008(1)(b), F.S.)
  - Maintenance (s. 29.008(1)(c) F.S.)
  - Utilities (s. 29.008(1)(d), F.S.)
  - Security (s. 29.008(1)(e), F.S.)
  - Communications (s. 29.008(1)(f), F.S.)
  - Radio Systems, existing (s. 29.008(1)(g), F.S.)
  - Multi-agency criminal justice information systems, existing (s. 29.008(1)(h), F.S.)
  - Specialized Programs (s. 29.008(2), F.S.)
3. Revenues used to support court-related operations are included within the Revenue Projections submitted. As per s. 28.35(2)(f) 3, F.S., court related revenues projected in this budget will not be used for non-court related purposes.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
CLERK OF COURT SIGNATURE

\_\_\_\_\_  
COUNTY



## AGENDA ITEM 7

**DATE:** April 5, 2021  
**SUBJECT:** Budget Training  
**COMMITTEE ACTION:** Informational Purposes

### **OVERVIEW:**

Budget training for CFY 2021-22 Budget Requests will be determined at a later date, but will occur in early May, most likely via WebEx, with a recorded version posted to the CCOC website. The successful end of session and the May Budget Committee meeting date will impact the date of training.

The CCOC will send out a statewide email with registration information as soon as it is finalized.

**COMMITTEE ACTION:** Informational Purposes

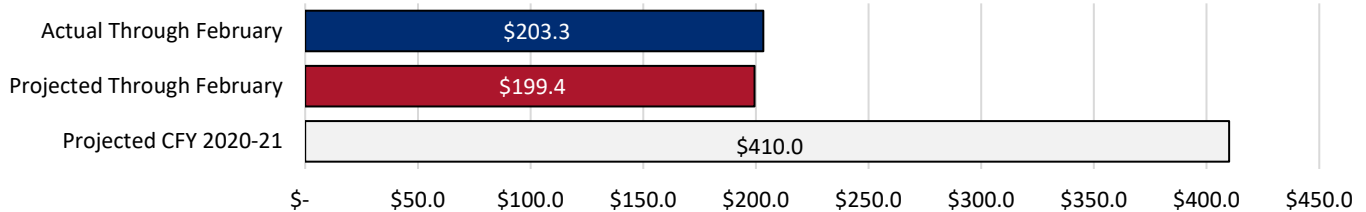
**LEAD STAFF:** Marleni Bruner, Senior Budget Manager

**ATTACHMENTS:** None

## REVENUE REPORT – Through February 2021

The July Article V Revenue Estimating Conference projected the clerks to collect a total statewide revenue of **\$410 million** for CFY 2020-21.

### CFY 2020-21 Projected Revenues vs. Actual Revenues



Total revenues reported for February 2021 were **\$33,858,960.29**

- This amount is about **\$2 million, or 5.7 percent below** the July REC projection for January.
- Through the first six months, the REC expected clerks to collect approximately **\$199.4 million**. The actual revenue is **\$203.3 million**.
- YTD Revenue is **\$3.9 million above** expectations or **2 percent above** the six-month projection.
  - Total revenue is above projection mainly due to the unexpected revenue from the restoration of voting rights initiative.

Compared to January 2021 – Up **\$0.9 million, or 2.76 percent**, compared to last month.

- County Civil revenue is up \$0.9 million – up 8 percent.
- Civil Traffic is up \$0.3 million – up 4 percent.
- Circuit Criminal is down \$0.3 million – down 15 percent.

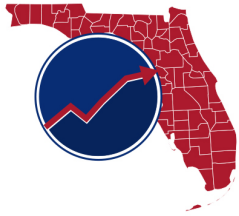
Compared to February 2020 – down **\$2.6 million, or 7.3 percent**, year-over-year.

- Civil Traffic revenue is down \$2.5 million or 24 percent.
- Circuit Civil revenue is down almost \$0.2 million.

Year to Date – down **\$10.7 million, or 5 percent**, compared to Sept-February last year.

- Circuit Criminal is up \$9 million – up 85 percent.
- County Criminal is down \$1.4 million – down 16 percent.
- Criminal Traffic is down \$2.2 million – down 14 percent.
- Civil Traffic is down \$14.5 million – down 25 percent.
- Unallocated revenue is down \$3.9 million – down 33 percent.
- Combined, Circuit Civil and County Civil revenue is up \$1.4 million – up 2 percent overall. <sup>1</sup>
  - County Civil is up \$7.8 million – up 13 percent.
  - Circuit Civil is down \$6.4 million – down 20 percent.
- Probate is up \$0.9 million – up 11 percent.
- Dependency is down \$0.3 million – down 17 percent.
- Family is down \$0.1 million – down 1 percent.

<sup>1</sup> As of January 1, 2020, the Legislature transferred certain Circuit Civil cases (cases valued between \$15,000 and \$30,000) to the County Civil division.



## AGENDA ITEM 8

**DATE:** April 5, 2021  
**SUBJECT:** Minimum Wage Update  
**COMMITTEE ACTION:** Informational

### OVERVIEW:

The current minimum wage in Florida is \$8.65 per hour. A Constitutional Amendment passed in November 2020, which will gradually increase the minimum wage rate to \$15.00 per hour. The subsequent increase to \$10.00 will take place in September 2021.

Using data from the CFY 2020-21 Operational Budget data, the chart below shows the number of positions and FTE per one-dollar increase.

| Thresholds        | Position Counts | FTE Counts      |
|-------------------|-----------------|-----------------|
| Less than \$10    | 49              | 32.98           |
| Between \$10-\$11 | 16              | 12.02           |
| Between \$11-\$12 | 29              | 20.34           |
| Between \$12-\$13 | 260             | 236.59          |
| Between \$13-\$14 | 434             | 397.21          |
| Between \$14-\$15 | 685             | 646.71          |
| <b>Totals</b>     | <b>1,473</b>    | <b>1,345.85</b> |

As CCOC finalizes technical reviews, these numbers may change. Sixty-three of sixty-seven counties have an FTE impacted by the \$15 per hour amendment.

**COMMITTEE ACTION:** Informational

**LEAD STAFF:** Jason L. Welty, Budget and Communications Director

**ATTACHMENTS:** None