



# CCOC

FLORIDA CLERKS OF COURT  
OPERATIONS CORPORATION

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## Minutes of July 16, 2021, CCOC Budget Committee Meeting

Approved by the Budget Committee at the meeting held on August 5, 2021.

The Budget Committee of the Clerk of Courts Operation Corporation (CCOC) held a meeting in-person at the EpiCenter at Saint Petersburg College and via WebEx on July 16, 2021. CCOC distributed an agenda and materials in advance of the meeting and posted on the CCOC website. Supplied below is a summary of staff notes from the meeting. Staff notes 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.

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

Clerk JD Peacock, Chair of the Budget Committee, called the meeting to order at 8:30 AM, Eastern. Marleni Bruner, CCOC Senior Budget Manager, called the roll.

Present for the meeting in-person: Clerk JD Peacock, Clerk Ken Burke, Clerk Stacy Butterfield, Clerk Pam Childers, Clerk Gary Cooney, Clerk John Crawford, Clerk Greg Godwin, Clerk Carla Hand, Clerk Tiffany Moore Russell, Clerk Cindy Stuart, Clerk Carolyn Timmann, Clerk Angela Vick

Present via WebEx: Clerk Jeff Smith (Vice-Chair), Clerk Bill Kinsaul, Clerk Don Spencer

Absent from conference call: Clerk Tom Bexley, Clerk Brenda Forman, Clerk Tara Green, Clerk Kellie Rhoades

### Agenda Item 2 – Approve Agenda

Clerk Peacock called for the agenda to be adopted with no objections. **A motion was made by Clerk Vick and seconded by Clerk Timmann. The agenda was adopted by consent.**

### Agenda Item 3 – Approve Minutes from 6/14/21 meeting

Clerk J.D. Peacock called for the June 14, 2021 minutes to be reviewed and opened floor for any questions. There were no additions, corrections, or questions. **Clerk Crawford made a motion to adopt minutes as presented which was seconded by Clerk Butterfield. The motion was adopted unanimously.**

#### **Agenda Item 4 – Jury Management Process**

Clerk Vick presented on the jury management process that is changing as the result of the passage of SB 838 (2021). The moves the jury model from an advance and reconcile process to a reimbursement process. After much discussion, **a motion was made by Clerk Vick to approve the jury form and for CCOC staff to bring back the budget for jury at the August Budget Committee meeting. The motion was seconded by Clerk Butterfield. The motion passed unanimously.**

#### **Agenda Item 5 – Budget Deliberations**

Clerk Peacock opened up the floor for the budget deliberations. He Informed the committee that CCOC Senior Budget Manager, Marleni Bruner worked late last night putting together a spreadsheet that combines each county request and bucket. Clerk Peacock asked Mrs. Bruner to send out the updated spreadsheet to everyone.

- a) FRS – After much discussion **Clerk Timmann made a motion to allow CCOC Budget Staff to validate FRS requests to ensure technically correct, ensure FRS for new FTE's were not included, and to verify Duval only calculated their retirement to the equivalent of the FRS increase. The motion was seconded by Clerk Childers. CCOC staff was directed to present updated findings at the August Budget Committee meeting. Motion was passed unanimously.**

The Budget Committee requested that a study of FTE in the Senior Management Class be brought up in a future meeting. Clerk Childers requested the rules relating to how many FTE's each office can have in Senior Management Class be sent to everyone. Clerk Crawford also suggested that the new clerks be trained on the various funding sources available to them.

- b) Health Insurance – **Clerk Butterfield made a motion not to accept additional health insurance requests over the CCOC calculated amount of a 6.6% increase from the CFY 2020-21 Operational Budget. Seconded by Clerk Crawford. After much discussion a vote was taken. Vote by raised hands 7 Aye - 7 Nay; the motion failed.**

**Clerk Butterfield made a motion to give up to a 9% increase for those who requested additional health insurance over the 6.6% in the base budget, seconded by Clerk Vick. The motion was amended to 10%. Motion passed unanimously.**

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Clerk J.D. Peacock called for a ten-minute break at 10 a.m. The meeting reconvened at 10:15 a.m.

- c) Salary & Pay related issues - After much discussion a motion was made to give everyone who requested a cost of living adjustment (COLA) increase up to a 5%. The motion was seconded by Clerk Childers. After much debate the motion was withdrawn.

A motion was made by Clerk Butterfield and seconded by Clerk Crawford to have CCOC staff calculate a 3.5% COLA increase for all employees, minus the elected clerk and not to include new FTE. A vote was taken, with two opposed, the motion passed.

There was much discussion about the confusion in the terminology used in the preparation of the Clerk's budget. It was suggested that a new name be used instead of "Needs-Based Budget" which some felt was confusing to many Clerks. A suggestion was made to have training sessions for clerks to understand the budget request needs process.

- d) Cost Shift from County to State - A motion was made by Clerk Cooney and seconded by Clerk Timmann to fund the budget issues related to shifting costs back to the state from the county for court related expenditures. The requests came from Bradford, Hamilton, Levy (with clean up from CCOC staff), and Walton counties. With no objections, the motion passed.

Discussion took place over Osceola's issue related to a fund shift that was tied up with their health insurance request. CCOC staff was directed to assist Osceola by understanding the nature of the request and making sure the new clerk with new staff taking on the Comptroller duties had support to articulate their issue.

- e) New FTE – Clerk Childers made a motion not to fund any new FTE. Clerk Stuart seconded the motion. A voice vote was taken. The motion failed.

There was significant discussion around FTEs and the remaining requests for the Committee to decide which remaining ones they will fund.

- f) New FTE – Clerk Cooney made a motion to include all FTE requests but if budgets are reduced due to revenue limitations, they are removed and should not be used for calculating the Base Budget next year. Clerk Vick seconded the motion. Clerk Vick suggested that CCOC staff go back to those who requested FTEs and verify if any of those FTEs were for compliance. A voice vote was taken, and the motion passed unanimously.
- g) IT Issues – Discussion was held around remaining IT issues. No committee members expressed a desire to make a collective motion regarding IT. Clerk Cooney made a motion to fund the server requested by Glades County. The motion was seconded by Clerk Godwin. CCOC was directed to work with Glades to make sure they collect

enough 10% funds to cover the cost for the server, they have an accurate quote and can implement it in a timely manner.

Clerk Russell notified the committee that she will be sending out a letter to the committee that the committee explore a calculation the captures the counties who are sending to the trust fund, that they can keep at least a portion of what they are asking for so they can take care of their offices.

Clerk Cooney requested that CCOC staff look into the issue from Collier County regarding a judge moving to Lee then back to Collier.

#### **Agenda Item 6 – Reserve Policy Workgroup Update**

Clerk Peacock introduced Clerk Smith who was speaking to the committee via phone. Clerk Smith acknowledged staff at CCOC, John Dew, Jason Welty, Marleni Bruner, and Griffin Kolchakian, for assisting and contributing to creating the Reserve Fund Policy. Clerk Smith briefly explained the purpose of creating this policy. It is to provide the CCOC Budget Committee with an official policy for the establishment and management of a reserve for contingencies within the Clerks of the Court Trust Fund.

Jason Welty, Deputy Executive Director of the CCOC, discussed and reviewed the following:

- i. statutory minimum
- ii. additional options
- iii. incentive funding
- iv. additional dollars over the statutory minimum for the first fiscal year

He went on to explain that the percentages used here are for example purposes only. The committee will and can determine what percentage they determine is just. Mr. Kolchakian discussed, reviewed, and explained the numbers on the spreadsheet attached in the meeting packet.

Clerk Peacock opened the floor for discussion of Reserve Fund Policy. After much discussion, a motion was made by Clerk Stuart for edits to the Reserve Fund policy removing Section IV, a, ii through iv. Clerk Vick seconded the motion. Clerk Vick seconded the motion. The motion was approved unanimously.

The requested edits will be made, and the Reserve Fund Policy will be presented at the next budget committee for final review and adoption.

#### **Agenda Item 7 – Other Business**

Clerk Burke brought up a discussion from the prior day's meeting when a clerk mentioned that statute says the CCOC should require clerks to submit a balanced

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budget. He felt that if a clerk is questioning the statute that CCOC should have their General Counsel take a look at it and provide an opinion. Clerk Peacock did not feel it was necessary to seek that additional guidance and that the new Budget Chair could address that if needed. No formal motion was made.

Clerk Butterfield requested that CCOC staff bring options for how to get from the requested amount to a revenue limited amount so significant time would not be spent on discussions about how to calculate the reduction, but instead weighing the options. Clerk Peacock mentioned that last fiscal year, 60 percent of the reduction amount was taken across the board and 40 percent was taken using the weighted cases.

Clerk Cooney expressed his concerns with using the CFY 2019-20 case count numbers because they are still missing some large counties to get in their revised numbers or provide appropriate explanations to the Case Counting Workgroup.

Clerk Crawford suggested getting options to the Committee members as soon as possible so they have time to review. Clerk Peacock stated that Clerk Kinsaul has already requested that the **entire budget be allocated using weighted cases and be shown as informational to the Committee.**

Clerk Peacock stated he would **ask staff do use a 50/50 method: 50 percent across the board reduction and 50 percent weighted cases. Clerk Russell Requested 40/60 due to civil cases (40 percent across the board reduction and 60 percent weighted cases). All counties would be a part of the calculation and not hold harmless the fiscally constrained counties as the committee did last year.**

- a) Public Comment – None
- b) Next Meeting – Clerk Peacock announced the next budget committee meeting will meet on August 5, 2021, in Orlando, Florida.

**The meeting adjourned at 12:44 PM.**