



LEGISLATIVE COMMITTEE MEETING

August 12, 2021

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CCOC LEGISLATIVE COMMITTEE MEETING

August 12, 2021

Meeting: 1:00 PM – 3:00 PM, Eastern

WebEx Link: <https://flclerks.webex.com/flclerks/j.php?MTID=maaf6b43686f779641c95172c89d41db4>

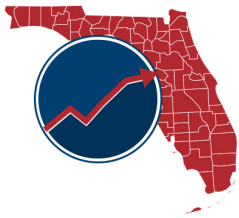
Meeting Number: 180 443 9576 Password: CCOC

Conference Call: 1-866-469-3239, Access Code: 180 443 9576

The Duties of the Corporation shall include: “Recommending to the Legislature changes in the amounts of the various court-related fines, fees, service charges, and costs established by law to ensure reasonable and adequate funding of the clerks of the court in the performance of their court-related functions.” Chapter 28.35(2)(c), F.S.

- 1) Call to Order and Introduction..... Honorable Carolyn Timmann
- 2) Approve Agenda Honorable Carolyn Timmann
- 3) Approve Minutes from 1/22/21..... Honorable Carolyn Timmann
- 4) Legislative Recap / Legislative Agenda Ideas..... Jason L. Welty
- 5) Other Business Honorable Carolyn Timmann
 - a) Public Comment
 - b) Next Meeting

Committee Members: Honorable Carolyn Timmann, Chair; Honorable Joseph Abruzzo; Honorable Barry Baker; Honorable Tom Bexley; Honorable Doug Chorvat, Jr.; Honorable Gary J. Cooney, Esq.; Honorable Tara S. Green; Honorable Crystal Kinzel; Honorable Kevin Madok; Honorable Gwendolyn Marshall; Honorable Laura Roth, Esq.; Honorable Harvey Ruvin, Esq.; Honorable Donald Spencer; Honorable Cindy Stuart; and Honorable Angela Vick



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Minutes of January 22, 2021, CCOC Legislative Committee Meeting

The Legislative Committee of the Clerk of Courts Operation Corporation (CCOC) held a meeting via WebEx on January 22, 2021. CCOC distributed an agenda and materials in advance of the meeting and posted them 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 blue and **bold** text.

Agenda Item 1 – Call to Order and Introduction

Clerk Carolyn Timmann, Chair of the Legislative Committee, called the meeting to order. Jason L. Welty, Legislative and Communications Director, called the roll.

Present via WebEx: Honorable Carolyn Timmann, Chair; Honorable Joseph Abruzzo; Honorable Barry Baker; Honorable Doug Chorvat, Jr.; Honorable Gary J. Cooney, Esq.; Honorable Tara S. Green; Honorable Crystal Kinzel; Honorable Kevin Madok; Honorable Gwendolyn Marshall; Honorable Laura Roth, Esq.; Honorable Harvey Ruvin, Esq.; Honorable Donald Spencer; and Honorable Angela Vick

Absent from conference call: Honorable Tom Bexley (excused)

Agenda Item 2 – Approve Agenda

Clerk Vick motioned to adopt the Agenda, and Clerk Baker seconded the motion. The committee adopted the Agenda without objection.

Agenda Item 3 – Approve Minutes from the Meeting on October 10, 2019.

Clerk Vick motioned to adopt the minutes, and Clerk Green seconded the motion. The committee adopted the minutes without objection.

Agenda Item 4 – CCOC Legislative Budget Request

Chair Timmann introduced the agenda item to develop a 2021 CCOC Legislative Budget Request to present to the Executive Council. She recognized it would be a tight and challenging budget year, given the impact of the global pandemic. She asked Jason L. Welty to discuss potential ideas. Mr. Welty explained that the idea of having a budget request would be separate and apart from the FCCC policy agenda. The first idea was to explore an option to mimic the State Courts' request for additional funding to alleviate the backlog of cases due to the pandemic.

After technical difficulties, Chair Timmann called on Jason L. Welty to outline additional ideas. Mr. Welty restated the idea to copy the State Courts System of additional legislative appropriations for the backlog of cases. The second idea was reimbursement for statutorily required Florida Retirement System (FRS) increases in the current year. The next issue is related to the previous FRS issue and would request future FRS costs instead of those costs taken out of clerk revenue. The fourth idea would be revenue replacement to maintain the clerks' budgets.

As part of the discussion about the assorted options, Clerk Green provided a synopsis of the Trial Court Budget Commission (TCBC) meeting. Clerk Spencer encouraged clerks to prepare to live within the current revenue stream and work with the courts to manage the process. Clerk Roth supported the effort of asking for additional funding because it is a different approach than previously attempted. Clerk Cooney weighed in with an idea to amend the FRS statutes to allow clerks to bring back "Senior Clerks" without damaging the retirement of those individuals. Finally, Clerk Vick asked about the specifics of the budget requests.

Mr. Welty explained a final idea to request reimbursement for petitions for protection, which is already statutorily authorized at \$40 per petition.

Clerk Green spoke in favor of considering the reimbursement for petitions for protection. Clerk Roth asked if these ideas were mutually exclusive or put multiple issues in for consideration. Chair Timmann expressed support for multiple issues. Clerk Moore Russell advocated for the FRS issues because, as FRS rates increase, clerks effectively reduce the budget as more dollars go to the same personnel. Clerk Kinzel raised a point from a local delegation meeting that asking for increases in FRS might lead to increased costs to the employees, raising the current 3 percent employee contribution to a higher amount.

The committee provided direction to CCOC staff to begin moving forward with the ideas relating to the pandemic recovery plan and the \$40 reimbursement for petitions for protection.

Agenda Item 5 – Juror Management Funding

Chair Timmann called upon Clerk Vick to discuss another idea for the committee to consider for the Legislative Budget Request. Clerk Vick presented ideas relating to juror management funds. She provided three potential options for excess juror management funds, including:

1. Ask the Legislature to revert the funds and appropriate them for the same purpose
2. Ask JAC and the Legislature to allow clerks to use these funds for technology
3. Ask the Legislature to revert the funds and allow for the use of other court-related duties

Clerk Butterfield brought up the idea that once the courts get to their definition of Phase IV, jury trials are likely to expand significantly. Additionally, she mentioned pending legislation that would increase the juror per diem, putting additional strain on recurring General Revenue the Legislature provides to the clerks for that purpose. Clerk Roth reiterated the need for extra jury funding because they were going from one day of summoning jurors to five days per week in her county.

Clerk Vick moved to recommend the Legislature revert any remaining juror management funds at the end of the state fiscal year and appropriate them for the same purpose for the next state fiscal year, in addition to the recurring General Revenue provided for juror management. Clerk Ruvin seconded. The committee adopted the motion without objection.

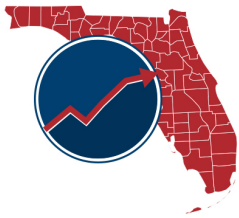
Agenda Item 6 and 7 – Bill Analysis Process and Priority Legislation

Chair Timmann then asked Mr. Welty to cover the bill analysis process and the priority legislation. First, Mr. Welty provided an overview of the process and a few tips for drafting fiscal analyses. He also covered the CCOC process of prioritizing and tracking legislation. Finally, Mr. Welty covered several of the current priority bills.

Agenda Item 8 – Other Business

Chair Timmann allowed public comments and questions. There were none. There was no other business presented before the committee.

The meeting adjourned at 4:25 PM.



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AGENDA ITEM 4

DATE: August 12, 2021
SUBJECT: 2021 Legislative Recap
COMMITTEE ACTION: Information Only

OVERVIEW:

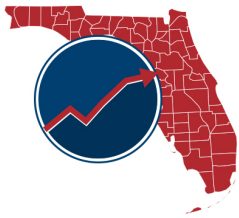
The 2021 Legislative Session was unique; the Session began with an expected budget cut, upwards of \$3 billion, and ended with a budget of about \$6 billion more than last year.

As far as legislative items of interest to the clerks, and specifically budget-related items, they include:

- Establishment of a Reserve to use during emergencies and funding shortages
- \$6.25 million nonrecurring General Revenue for temporary staffing to help with backlogged cases
- \$14.1 million for juror management expenses
 - Legislature provided \$2.4 additional funding for SFY 2021-22
 - No cuts to the recurring \$11.7 million
 - Juror Management converts to a reimbursement model
 - Fifteen new judges – Five Circuit Judges and Ten County Judges
- The FRS Contribution Rate was a smaller increase in comparison to CFY 2020-21.
- Retained a portion of future cumulative excess revenue
- No new statewide initiatives with a significant fiscal impact
- No reduction in revenue funding sources

COMMITTEE ACTION: Information Only

LEAD STAFF: Jason L. Welty, Deputy Executive Director



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AGENDA ITEM 4

DATE: August 12, 2021
SUBJECT: Legislative Agenda Ideas
COMMITTEE ACTION: Discuss Future Initiatives

OVERVIEW

In the past three sessions, CCOC and the Legislative Committee, chaired by Clerk Carolyn Timmann, worked closely with the FCCC Legislative Committee, chaired by Clerk Tom Bexley, on the legislative priorities for the clerks. During the 2019 Session, FCCC advocated for the Clerks Serve Florida Act, which included many structural changes to the budgeting development for the clerks. The Legislature accepted many of these ideas, which resulted in an additional \$15.8 million for the clerks' CFY 2019-20 budgets. In the 2021 Session, FCCC successfully advocated for efficiencies in the clerk budget processes with fundamental changes in the foundation of the CCOC budget process and a bill to simplify the juror management payment process.

In addition to the policy proposals advocated by FCCC, CCOC staff recommends the Legislative Committee discuss continuing to advance budget proposals.

Last year, the CCOC Legislative Committee created a legislative agenda to pursue additional funding to stabilize services and recovery after the negative impacts from the pandemic. The three initiatives approved were:

- 1) Pandemic Recovery Plan – \$6.8 million – **Adopted at \$6.25 million**
- 2) Juror Funding Carryforward – \$2.4 million – **Adopted at \$2.4 million**
- 3) Reimbursement for Injunctions for Protection – \$3.3 million – **Not adopted**

This year, the FCCC continues its advocacy for clerks, and CCOC will continue to support the legislative policy efforts. CCOC is proud to work with FCCC and is thankful for the continued partnership to advocate for those issues to help the clerks succeed. To that end, the CCOC Legislative Committee seeks to get input from the committee members for the 2022 Legislative Budget Requests.

Our Mission: As a governmental organization created by the Legislature, we evaluate Clerks' court-related budgetary needs, and recommend the fair and equitable allocation of resources needed to sustain court operations.

Continuation Items

- 1) Pandemic Recovery Plan, Year 2
- 2) Juror Funding Carryforward
- 3) Reimbursement for Injunctions for Protection

New Funding Ideas

- 1) Dedicated funding for new clerks linked to new judges
- 2) DL Suspensions - clearing the license and receiving the reinstatement fee
- 3) Processing court-ordered payments from individuals under FDC supervision
 - a. Restitution
 - b. Fine, service charge, and court cost
- 4) Reviewing statutory fines, fees, service charges, and court costs to make fee increase recommendations to the Legislature
- 5) Other committee ideas

COMMITTEE ACTION: Discuss Future Initiatives

LEAD STAFF: Jason L. Welty, Deputy Executive Director

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The Clerk's Pandemic Recovery Plan FY 2021-22

The Pandemic, the Courts, and the Clerks

The COVID-19 global pandemic abruptly impacted how the world operates, altering the scope of day-to-day public and private business operations, including the judicial system. The Florida Clerks of Court have been faced with unanticipated adversity, forcing changes in how their offices operate to provide essential services to the public, businesses, and the courts.

In mid-March 2020, many of Florida's courthouses closed for in-person proceedings; however, the E-Filing Portal remained open, and many case types continued to come to the court even though the time to resolve them was uncertain. Florida's clerks are responsible for intaking those cases and preparing them for hearings and eventually trials. Clerks found ways to fulfill their duty to their constituents, and even if courtrooms were empty, clerks' offices continued processing cases. Often, they accomplished this task with a reduced staff due to budget reductions and direct COVID-19 impacts on the office through employee quarantines and illness.

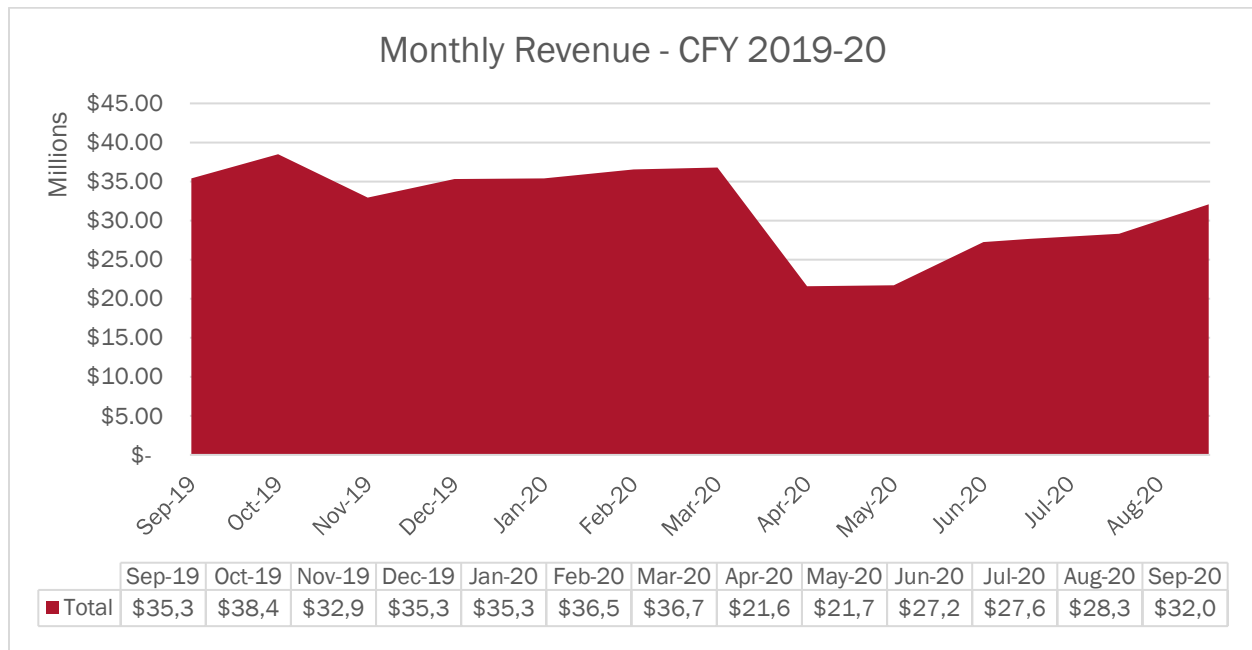
Due to the pandemic, suspension of speedy trial rules and the moratorium on foreclosure and eviction cases, the clerks and courts expect an extraordinary workload increase when these cases can move forward. Likewise, the clerks and courts will have to resolve a backlog in jury trials simultaneously. As of June 30, 2020, the Office of the State Court Administrator (OSCA) used data from the Clerks' Comprehensive Case Information System (CCIS) and estimated more than 400,000 extra cases were pending. By June 30, 2021, OSCA estimates there will be nearly 1.2 million pending cases. In addition to the pending civil cases, the number of delayed trials may exceed 5,000, including over 3,000 felony trials.

Further complicating the recovery, criminal cases do not have accompanying filing fees to support the administrative processing costs. For example, in CFY 2018-19, just over one million, or almost 21 percent, of new cases were criminal cases (felony, misdemeanor, delinquency, and criminal traffic), which do not have filing fees and require the most work by the clerks. The fines and court costs in criminal cases do not cover the clerks' expenses because the defendants often do not have the means to pay, particularly in the more labor-intensive felony cases.

Our Mission: As a governmental organization created by the Legislature, we evaluate Clerks' court-related budgetary needs, and recommend the fair and equitable allocation of resources needed to sustain court operations.

Before the effects of the COVID-19 pandemic, clerks were on pace to not only meet their budgets for CFY 2019-20 but would have likely produced excess revenue for the state's General Revenue Fund. The Revenue Estimating Conference (REC) expected clerks to collect and retain \$431 million for the year; however, ultimately clerks collected \$377.4 million, a deficit of \$53.6 million.

As an example of the drop in supporting revenue, the REC projected clerks would collect \$36.4 million during April 2020. Actual collections totaled \$21.6 million. This difference is almost a 41 percent drop. For April 2019, clerks collected \$38.1 million, making the year-over-year drop over 43 percent.



Using the projections in cases, provided by the courts, it is realistically predictable that this increased workload will overwhelm the clerks that provide direct service to the courts and the public. There is a symbiotic relationship in the workload capabilities, and there is a direct correlation to increases and decreases in workload level. To confront the backlog of cases, the courts developed a Legislative Budget Request (LBR) asking for approximately 102 non-recurring senior judge and general magistrate positions to handle the adjudicatory workload to reduce the backlog.

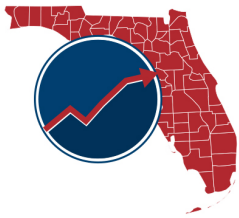
Further complicating the clerks' recovery plan, the clerks began the fiscal year with a 9-percent budget reduction, while the state court system started the year with an increase. Due to the pandemic impacts on their budgets and staff impacts, clerks are already struggling to meet the normal workload without the extra backlog of cases.

Increases in the number of judges and magistrates approved by the Legislature equates to a parallel increased workload for the clerks. The Legislature recognizes this workload increase, explicitly providing the Florida Clerks of Court Operations Corporation (CCOC) the authority in s. 28.36(4), Florida Statutes, to increase clerks' budget for increased judges; however, while CCOC has the power to increase budgets for clerks to meet the pent-up demand, there will be no revenue to support such an increase without a Legislative appropriation. Clerks cannot handle any increased workload when they also experience a significant decrease in their budget authority due to the current revenue gap.

Pandemic Recovery Plan

At its public meeting in January 2021, the CCOC Legislative Committee recommended a plan to request extra resources for temporary clerks to directly correspond with the extra judicial resources the trial courts requested in their Legislative Budget Request (LBR). After receiving approval at the publicly noticed Legislative Committee, the CCOC Executive Council also approved of the plan, allowing CCOC staff to pursue sponsors for the issue. Senator Keith Perry sponsored the Pandemic Recovery Plan with a Local Funding Initiative Request (LFIR - 1993). As part of the budget process, the Clerks' Pandemic Recovery Plan was a part of the Chairman's Recommended Budget and the Conference Report for the final budget.

The \$6.25 million provided to the clerks will allow individual clerks' offices to hire temporary staff to support the courts as they schedule and work through the backlog of cases. CCOC will work with OSCA as they determine where the judicial resources are best deployed to address the greatest needs of each judicial circuit's backlog of cases. CCOC estimates the funding could support up to 93.25 temporary FTEs supporting the reopening of the courts. As the courts' strategy evolves, CCOC will work with individual counties to tailor the funding to ensure the full support of the courts.



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AGENDA ITEM 4

DATE: August 12, 2021
SUBJECT: Jury Funding
COMMITTEE ACTION: Information Only

OVERVIEW:

In SB 838 (2021), the Legislature changed the juror management funding process to a reimbursement model, replacing the current advance-and-reconciliation process. This change is effective as of July 1, 2021.

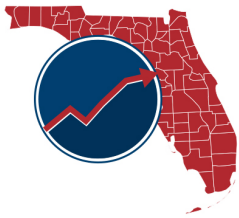
CCOC will require each clerk to send a request for reimbursement within ten days after each quarter concludes; this request should detail the actual costs to compensate jurors, meals or lodging provided to jurors, and jury-related personnel costs. CCOC will review the submissions and send the total request to the Justice Administrative Commission (JAC). The JAC will then ensure that funds are available and request payment from the Chief Financial Officer (CFO).

Clerks will no longer use the quarterly Jury Estimate form as of October 1, 2021. However, for April through June 2021, each clerk will need to complete the current actuals form. Once approved, the new form will be available on the CCOC website. The first quarterly due date for July through September 2021 will be October 20, 2021.

In addition to the current appropriation of \$11.7 million, the \$2.4 million of unexpended funds in CFY 2020-21 will be reverted and appropriated for the same purpose in CFY 2021-22. As a result, these funds are available for clerks to use in the upcoming year.

COMMITTEE ACTION: Information Only

LEAD STAFF: Jason L. Welty, Deputy Executive Director



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AGENDA ITEM 4

DATE: August 12, 2021
SUBJECT: Reimbursement for Petitions for Protection
COMMITTEE ACTION: Information Only

OVERVIEW:

Petitions for Protection are one of the most critical services clerks provide to Floridians every day. As such, there are dire public safety consequences at stake when a person files for an injunction for protection. Therefore, the Legislature created an avenue to support those constituents by reimbursing the clerks for handling those petitions. Specifically:

- Section 741.30, F.S., provides reimbursement for Domestic Violence petitions for protection,
- Section 784.046, F.S., provides reimbursement for Repeat Violence, Sexual Violence, or Dating Violence petitions for protection, and
- Section 784.0485, F.S., provides reimbursement for Stalking petitions for protection.

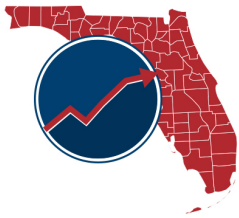
Reimbursement for Petitions for Protection

The three-year average for the number of petitions for protection is 80,000. Nine-month data through CFY 2020-21 supports a projection very close to 80,000 petitions.

80,000 Petitions for Protection * \$40 reimbursement = \$3,200,000

COMMITTEE ACTION: Information Only

LEAD STAFF: Jason L. Welty, Deputy Executive Director



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AGENDA ITEM 4

DATE: August 12, 2021
SUBJECT: Other Funding Options
COMMITTEE ACTION: Discussion

OVERVIEW:

Other items the CCOC Legislative Committee could consider for the 2022 Legislative Session include:

- 1) Dedicated funding for new clerks linked to new judges
 - a. Currently contemplated in the FCCC legislative package
- 2) DL Suspensions - clearing the license and receiving the reinstatement fee
 - a. Currently contemplated in the FCCC legislative package
- 3) Processing court-ordered payments from individuals under FDC supervision
 - a. Restitution
 - b. Fine, service charge, and court cost
- 4) Reviewing statutory fines, fees, service charges, and court costs to make fee increase recommendations to the Legislature

COMMITTEE ACTION: Discussion

LEAD STAFF: Jason L. Welty, Deputy Executive Director