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VICE-CHAIR

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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

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MINUTES OF DECEMBER 17, 2020 EXECUTIVE COUNCIL MEETING

Minutes approved by Executive Council on 6/28/21.

CALL TO ORDER, INVOCATION, AND ROLL CALL

The Executive Council Chair JD Peacock called to order the December 17, 2020 meeting of the Executive Council of the Florida Clerks of Court Operations Corporation (CCOC) at approximately 2:00 PM via WebEx. The Honorable John Crawford began the meeting with an invocation. Clerk Moore Russell called the roll. Council Members present during the meeting were the Honorable Clerk Peacock, Clerk Smith, Clerk Russell, Clerk Butterfield, Clerk Crawford, Clerk Newton, Clerk Roth, Clerk Ruvin, Clerk Colonnese, and Judge Ficarrotta.

1. Agenda Item 1 – Introduction and Agenda Approval

Chair Peacock began by stating that an Executive Council meeting requires a motion to adopt the agenda.

Clerk Newton made the motion to adopt the agenda as presented and was seconded by Clerk Colonnese. Hearing no objections, the Council adopted the motion by consent.

2. Agenda Item 2 – Approve Minutes from Meeting on 9/29/20

Clerk Moore Russell motioned to approve the previous meetings' minutes. Clerk Colonnese seconded the motion. With no objections, the Council adopted the motion by consent.

3. Agenda Item 3 – Treasurer's Report

Secretary/Treasurer Clerk Moore Russell stated that we have seven CCOC vendor contracts that will expire on December 31st unless the Council approves a one-year extension. These contracts are for Bill Sittig Accounting services; Law, Redd, Crona and Monroe Audit services; UnderStory Web services; eGroupTech IT services; Tallahassee Cleaning services; Krizner HR services; and FCCC Education services. While all the other contracts would continue for one year under the original contractual agreements, the FCCC's contract would be extended for one year with a funding increase of \$47,700 due

to FCCC conducting the WebEx for all major meetings for CCOC virtually one additional New Clerk Training session.

She asked if there were any questions, comments, or objections. Chair Peacock explained the need for FCCC to manage CCOC virtual calls so that CCOC staff can manage the content of all calls and file sharing.

Clerk Moore Russell moved to approve the seven vendor's contract extensions and one-year increase in funding of \$47,700 for the FCCC. Clerk Colonnese seconded the motion. The Council adopted the motion without objection.

4. Agenda Item 4 – Budget Committee Report

CCOC Budget and Communications Director Jason Welty provided a summary of his memo and report in the meeting packet. Bringing to the Council today for a vote is the Budget Committee's recommendation from their November 19, 2020 meeting which provided a three-part motion. First, the Budget Committee will recognize the \$5.95 million, half of the cumulative excess, which would be the clerks' future revenue for CFY 2021-22. Second, the Budget Committee will recommend the Executive Council apply a budget amendment to use the \$5.95 million in CFY 2020-21. And third, the CCOC will communicate with our partners and stakeholders on the clerks' dire needs, why we took action to amend the current year budget rather than wait for those funds to become part of the CFY 2021-22 budget to get feedback from those partners.

Jason Welty stated that there is a decision to be made as to whether or not CCOC should ask the legislature or inform them that the budget authority is utilized. He stated that he talked with staffers this week at House, Senate and the Governor's office regarding this issue. He explained clerks were considering borrowing from future revenue for the current fiscal year because of the clerks' need for additional revenue. The staff expressed reservation about the concept of borrowing from future revenues because that authority is not statutorily outlined.

Chair Peacock explained that there are differing opinions on this issue and that he anticipates a close vote. He acknowledged concern that working without legislative approval would hurt the clerks' future goals. Also, he understood the strong opinions that clerks would have who have taken larger reductions this year. As chair, he said it is his responsibility to bring ideas before the Council. He proposed using CFY 2019-20 excess funds for the current fiscal year rather than CFY 2021-22.

Chair Peacock stated that from an accounting perspective, because of how the settle-up is handled, it should be noted that expenditures are non-recurring, and the deficit position is variant from year to year. He stated that the Article V REC is expected to meet again in February and the Council may have time to firm-up the future revenue number. He noted that there is a concern with acting now, as future discussion in February may reverse the direction presently desired.

Jason Welty stated that the REC estimate from November and the future estimate in February will allow for 4-5 months of data for the Committee to work with. Clerk Newton asked for the response from the staffers, which Mr. Welty mentioned previously. Mr. Welty explained that they had hesitation as they read the statute along with hesitation with estimates as they respond to the volatile situation with COVID-19.

Clerk Colonnese asked if money is taken now, whether it goes beyond the current spending authority. Chair Peacock replied that yes, there is projected to be cumulative excess. Clerk Colonnese clarified that this is based on one month of data. Jason Welty stated that they base their projections on the state fiscal year, so they only have one month of data from this county fiscal year, decreasing the state side of the projection. Jason Welty explained that the last months have been so low that they anticipate the coming months to be exponentially higher. Welty stated that the foreclosures and evictions will expire at the end of the year.

Clerk Crawford stated that he is worried about giving the impression that Clerks would not follow the interpretation of the statute. Clerk Green thanked Jason Welty for the discussion at the Budget Committee meeting, as this is a very challenging issue. Clerk Green also thanked Chair Peacock for his diligence to see if the revenue projection holds and then thanked him for his leadership. Clerk Moore Russell stated that she struggles to delay the conversation as she knows some Clerks need the dollars now. If they vote on the issue today, she said she would recommend using the fund now and not wait.

Chair Peacock stated that the fiscally constrained counties will be held harmless, but that leaves some Clerks who were not held harmless now needing budget assistance. He asked if any Clerks had any questions before a motion. There were none.

Clerk Butterfield made a motion to wait to make any decision to use “projected” excess funds until after the February REC meeting. Clerk Colonnese seconded the motion.

Chair Peacock opened the floor for debate. Clerk Roth clarified that the item was not being tabled, but there will still be active communications between now and the February REC meeting. Clerk Newton explained that the item should be held off because of a lack of data. Clerk Newton asked that if there was an observed increase in projected revenues would the excess funds then increase. Chair Peacock replied yes, but again we would be able to receive only a 50% share.

Clerk Smith stated that the reaction is likely not favorable but asked what would change if this item is delayed. Jason Welty explained that there would typically be a bottom-up approval where CCOC gets buy-in from the bottom up, from staffers to Chairs. He said a delay would allow Clerks to work with the Speaker and President to assure they are on board, and then the staff could be provided direction to OK the motion, providing top-down approval.

Clerk Smith asked if the Budget Committee would need to weigh in on this issue. Chair Peacock explained that they are a subset of the body, and they can make

recommendations, but the Council does not have to adopt the recommendation. He initiated a vote on the motion. **The motion was approved unanimously.**

5. Agenda Item 5 – PIE Committee Update

The Quarter 4 Performance Measure and Action Plan Report was sent to the legislature to meet the November 13th deadline. Clerk Roth explained that there are 5 action plans for collections. Clerk Roth asked for questions and there were none.

Clerk Roth motioned to certify the Quarter 4 Report, and it was seconded by Clerk Newton. There were no objections, and the motion was adopted by consent.

Clerk Roth noted that the next PIE meeting will take place January 19, 2021, from 2:00 - 4:00 PM.

6. Agenda Item 6 – CCOC Annual Report

Jason Welty provided a summary of the CFY 2019-20 Annual Report. He clarified that the Council approved the Annual Report but gives the Chair permission to update the finalized numbers. The draft report was provided in the meeting packet and it is required by law to be submitted to the Legislature by January 1, 2021.

Clerk Burke explained that this year was the lowest revenue the Clerks have produced since 2014 when this was created. Clerk Burke explained that this shows the Clerks are barely surviving and not meeting the needs of constituents in the area. He requested a chart showing the Budget slashed year by year. Jason Welty explained that page 28 provided a highlighted quote and agreed that the chart would be helpful. Clerk Moore Russell acknowledged many words on page 32, but a graph or chart may depict the story better.

Clerk Butterfield made a motion to approve the CFY 2019-20 Annual Report. The motion was seconded by Clerk Moore Russell.

7. Agenda Item 7 – Other Business

Jason Welty asked if he could be given permission to ask Clerks to send in an interim EC January reports by January 10th instead of waiting until the 20th to help us with our revenue projections to get that ready for the February REC meeting. Chair Peacock said this would be on a voluntary status only, and this would be communicated to the Clerks.

Chair Peacock explained that there were no findings or recommendations for approval of the CCOC office in the newly released Auditor General Report. The Auditor General's staff came into the CCOC office in March and started conducting their every three-year review which is required by law. He said he is pleased that the audit report was clean and there were no findings which is very unusual for any audits especially considering it covered a three-year time period. This is a sign of diligence from John Dew and the team

making sure we follow laws, good accounting procedures and policy requirements. He further mentioned that a reporter from in the State tweeted out that the Auditor General posted the CCOC Audit Report on their website and what a rarity it was that there were no findings. Again, he wanted to thank John Dew for keeping the office running smoothly and this is a great audit report. Clerk Colonnese noted that she too was very impressed with the release of an audit with no findings and also saw the tweet from the reporter.

Judge Ficarrota explained that TCBC will meet December 4th to plan for the legislative session, cover the Pandemic Recovery Plan, one million extra cases, and proceedings delayed or not yet filed. Chair Peacock thanked Judge Ficarrota for the great partnership.

Chair Peacock stated that the next Council date is not yet set, but it will be after the February REC meeting.

The meeting was adjourned at 3:27 PM.
