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Minutes of March 8, 2022, CCOC Executive Council Meeting

Approved by the Executive Council on June 6, 2022.

The Executive Council of the Florida Clerks of Courts Operations Corporation (CCOC) held a meeting in person in Panama City Beach and via WebEx on March 8, 2022. The agenda and materials were distributed in advance of the meeting and posted on the CCOC website.

Call to Order, Invocation, and Roll Call

Chair Peacock called the meeting to order at approximately 3:05 p.m. Central Time and asked Clerk John Crawford to provide an invocation. Clerk Tiffany Moore Russell called roll.

Council members present in person: Chair JD Peacock, Secretary/Treasurer Clerk Tiffany Moore Russell, Vice-Chair Jeff Smith, Clerk Stacy Butterfield, Clerk John Crawford, Clerk Todd Newton, Clerk Nikki Alvarez-Sowles, and Clerk Ken Burke

Council members present via WebEx: Clerk Laura Roth and Judge Ronald Ficarrotta,

Council members absent from the meeting: Clerk Harvey Ruvin

Agenda Item #1 – Approve Agenda

Chair Peacock introduced the agenda as presented.

A motion was made to approve the agenda by Clerk Newton and seconded by Clerk Moore Russell. The agenda was adopted unanimously.

Agenda Item #2 – Approve Minutes from the 12/16/21 Meeting

Chair Peacock called on Clerk Moore Russell to present the December 16, 2021, meeting minutes.

A motion was made to adopt the minutes by Clerk Moore Russell and seconded by Clerk Butterfield. The minutes were adopted by consent.

Agenda Item # 3 – CCOC Office Treasurer's Report

Clerk Moore Russell presented the Treasurer's report and stated that the CCOC staff is doing an excellent job. John Dew, CCOC Executive Director, watches the resources and expenditures

to ensure the CCOC is within budget. Chair Peacock asked Council Members if they had any questions or comments, and there were none.

Agenda Item #4 – Committee Updates

a) Budget Committee

Clerk Moore Russell provided the Budget Committee update stating that the Budget Committee has met twice this year. The next in-person meeting is scheduled for Thursday, April 21, 2022, in Gainesville, FL. Webex will be available as an option for those who cannot make it in person.

The committee created three new Workgroups to address budget issues that have continually come up in the past. Those workgroups are the Cost of Living Component Workgroup, chaired by Clerk Godwin, the Compliance Workgroup, chaired by Clerk Maloy, and the New Judges Funding Workgroup, chaired by Clerk Abruzzo. These Workgroups will continue to meet to review their budget topics and potentially have options presented to the Budget Committee for review.

The Budget Committee will build the CFY 2022-23 budget in the coming months. Projected available revenues are expected to be almost \$5 million higher than the current year's budget; however, this number will likely change in July at the next REC meeting. In February, the committee established the use of the Reserve Fund at the statutorily required 10 percent, which is the same as last year.

In April, the committee plans to establish the base budget for CFY 2022-23. By June 1, each Clerk will have the opportunity to submit any funding request over their base budget. The committee will then review the issue requests and determine how to allocate any funding over the base budget.

The committee approved the budget forms at the February meeting. Those forms are to be submitted by each Clerk's office by June 1. These forms include the Budget issues form, the Revenue projections form, and the Clerk's verification letter. The revenue projection form and verification letter are the same as last year. Based on feedback from clerks and staff, slight changes were made to the Budget issues forms, including streamlining issue categories, removing pre-set issue requests for FRS increases, health insurance increases, and costs for new judges. The tabs are laid out in priority order and are available for any request over the current year's operational budget. These budget forms are included in the meeting packet and are up for Council approval today. Chair Peacock opened the floor for any questions or comments from Council members.

Clerk Ken Burke asked how the forms were developed. Clerk Moore Russell answered that the forms were developed by staff, presented to the Budget Committee, discussed, and approved by the Budget Committee to bring to the Council. Griffin Kolchakian, CCOC Budget and Communications Director, also provided detail on the development of the forms.

A motion was made by Clerk Moore Russell to approve the budget development forms, seconded by Clerk Newton.

Chair Peacock opened the floor for discussion on forms. Clerk Alvarez-Sowles stated that she raised a NAY on the Certification form during the Budget Committee meeting. Clerk Alvarez-Sowles' concern, conveyed at the Budget Committee, is regarding revenue sources. Clerks report the amounts received through fines, fees, and service charges. However, they may not report on revenues received outside of the fines and fees. Clerk Alvarez-Sowles would like to see included on the Certification Form non-CCOC revenue sources and include a line that certifies that the Clerks include outside revenue sources. She would like to see the Budget Committee require Clerks to provide that outside revenue source throughout the entire budget process. In addition, she would like Clerks to certify it because what is happening is that sometimes the additional revenue line is left blank on the Operational Budget Form. CCOC doesn't have the viewpoint of seeing where all the revenue comes from to support court operations. Therefore, because that language is not in the current Certification form, Clerk Alvarez-Sowles's vote will be nay on the approval of the forms for that reason. Clerk Moore Russell pointed out the language at the end of the Certification form presented today # 3 "Revenues used to support court-related operations are included within the Revenue Projections submitted." So those county-related revenues should be included in what they sign off on.

Chair Peacock called for a vote on the motion. With a nay from Clerk Alvarez-Sowles, the motion carried.

Clerk Butterfield wanted to discuss and consider the issue of salary increases, which she believes will again be a huge issue. The State is considering increases for all State employees. If passed, the increases include going to the \$15 minimum and addressing compression on the salary issue and a 5.38% increase for all State employees. These increases will significantly impact Clerks and employees from the labor resources.

b) PIE Committee

Chair Peacock asked Clerk Roth to present a briefing on all the PIE committee's work. The PIE Committee met on Monday, February 28, 2022, and provided several updates on the PIE Workgroups. The Quarterly Performance Measures and Action Plans Report was discussed at the PIE Committee meeting. The report was posted on the CCOC website and submitted to the Legislature as required. The PIE Committee went over some edits made to the Uniform Payment Plan that includes language that will enable Clerks' offices to modify the form to meet their local and county needs and remove the word "willfully." The collection agent report was posted on the CCOC website but not included in the Executive Council meeting packet.

Uniform Payment Plan Form

Chair Peacock said that the form did come before the Council at the December meeting, but it was not presented for approval, and it should have been. Since then, the form has had a couple of tweaks from the PIE Committee. Chair Peacock asked Jason Welty to explain the changes to the form. Jason Welty, CCOC Deputy Executive Director, stated that there are a couple of changes to the form in section 6 on page 3. In the original draft of the "Failure to

Comply" language, the word "willfully" is included; however, the statute does not contemplate a willful failure; it states Failure to Pay, so the committee struck the word "willfully" from the form.

The second change is on the last page. A disclaimer was added that Clerks can modify the form to fit their local practices. Chair Peacock asked Council members if there were any questions about the edits to the form mentioned by Mr. Welty. Clerk Burke asked if the form is for a one-case, one-payment plan or if several cases can be put on the same payment plan form. Mr. Welty answered Clerks can use the form for either method. Mr. Welty explained if you choose to do one case on one payment plan, then you can do that, or if you opt to bundle payment plans together, you can put all the case numbers on the top and put all the cases into one payment plan as well. Clerk Burke commented that bundling of payment plans is how the Clerk's offices should go to make it more effective. As far as he was aware, Mr. Welty said that there was no Best Practice from the Best Practices Committee on that issue. CCOC hosted a Payment Plan Forum last year to discuss the bundling vs. not bundling issue. There were some counties where there were some technical issues that they felt that they couldn't bundle. From a constituent standpoint and making sure Clerks keep people on the payment plan, bundling cases into a single payment plan makes it easier for the constituent.

Clerk Daughtrey commented that the form is currently being used in DeSoto County. Clerk Daughtrey says the form is very time-consuming. In addition, many of her constituents do not understand a lot of the words on the form. Clerk Daughtrey requests the Council to consider possibly condensing the form or making the form into a front and back page, not asking so many questions to speed up signing people up for a payment plan. In addition, the form has slowed the process down for her office. She has a clerk who attends every arraignment and signs people up; however, now they have had to send people downstairs to sit in chairs and answer questions like "What does Assets and Liability" mean. Clerk Daughtrey suggests that a shorter version form with fewer questions would be more concise with what we are trying to do.

Chair Peacock asked Mr. Welty when the statutory requirement was to provide this uniform payment plan. Mr. Welty responded it was January 1, 2022. Mr. Welty also stated that he believes that CCOC can consolidate some of the sections of the Uniform Payment Plan, such as the financial and liabilities section. In addition, having that information available allows the Clerks to ask the constituent if the payment amount written on the form is correct and if the person can make payment. Chair Peacock summarized Clerk Daughtrey's real-world experience regarding the actual impact using this form has on operations. Chair Peacock called on Clerk Roth to move the form as presented, but if there is consensus among the Council, refer back to a continuing refinement of the form, especially now that we have some real-world experience. Chair Peacock asked Council members if there was a consensus to send back for continued refinement. Because it is past the deadline, Chair Peacock suggested the Council move forward, and he asked Clerk Roth for a Motion to adopt the form as edited.

A motion was made by Clerk Roth to approve the forms submitted today as edited and seconded by Clerk Todd Newton. With no discussion, the motion passed.

Chair Peacock asked Clerk Roth to send all Clerks some type of questions requesting their feedback on how the form impacts their operations. Mr. Welty stated that this form was a part of the Clerk's legislative package two years ago. The statute gives CCOC complete control over the form, so CCOC can go back and amend the form as needed.

Discussion continued regarding the length of the form, the amount of time it takes to fill it out, and its impact on Clerks' operations. Chair Peacock asked Clerk Roth to take the form back to the PIE Committee to see if they can take another stab at it to condense the form now that we have real-world experience using it. Clerk Roth agreed.

CFY 2021-22 1st Quarter Performance Measures and Action Plans Report

Chair Peacock stated that a link was provided in the meeting packet to view the report. The CCOC is statutorily required to complete this report and provide it to the Legislature. Chair Peacock opened the floor to Council Members for any questions. No questions were asked.

A motion to approve the report was made by Chair Roth and seconded by Clerk Butterfield. With no further discussion, the report was adopted.

c) Legislative Committee

Chair Peacock asked Clerk Carolyn Timmann to present the report. She said the Legislative Session is still going on in Tallahassee, but several clerk items are complete. The House and Senate finalized the budget, and bills are passing back and forth between the two chambers. The CCOC Legislative team worked tirelessly with the FCCC Legislative and Lobby team to advocate for our established priorities and identify and defend against bills and amendments that could negatively impact Clerks.

Priority House Bill 397 by Representative Clemon and Senate Bill 552 by Senator Boyd passed last Friday. The bill is on its way to the Governor's desk. Clerk Timmann reported that the redirect of additional recurring revenues was pulled out of the bill. Clerk Timmann realizes that this is one thing that is a concern to many; however, when those bills were developed, it was understood that recurring funding was going to be a challenge. Still, we wanted to bring the conversation forward, which has occurred. The CCOC Legislative Committee will continue focusing on recurring revenues which all Clerks believe are critically important and far more reliable as part of our budget requests in the future and next year.

Clerk Timmann also explained that the Clerks now have an avenue into the Legislature's annual budgeting process, which all Council members are familiar with. The CCOC will be able to submit a Legislative Budget Request on behalf of the Clerks relating to the Baker Act and Marchman Act cases and when the Legislature contemplates funding new Judges.

Additionally, the bill makes it easier for our constituents to get into and stay on payment plans. The priority to allow clerks to review property records and vehicle titles to verify an individual's civil indigent status is another step in the right direction. This tool will allow the clerks to verify the information on an individual's application.

The CCOC Legislative Committee and the Executive Council adopted three funding request issues for the session. The \$6.25 million for our Pandemic Recovery Plan has been successfully approved. The \$3.3 million in reverted funds for additional Jury Funding has been approved. What was not approved is the \$3.2 million for Injunctions for Protection. We will continue to work on this critically important issue. One dynamic for future consideration that we heard is the appropriate avenue for that distribution of funds, whether it is OSCA as it is currently in statute or the JAC. That will be an issue coming forward next year.

Another bill is HB 1349, which is the Guardianship database bill. There is \$2.4 million in the bill as an appropriation for the CCOC to get the required database off the ground and provide the critical data to the Legislature and Judiciary to help improve the guardianship system. Chair Peacock thanked Clerk Burke for his leadership on the Guardianship Task Force. During the process, we did not anticipate that this would be thrown in with CCOC to do a database. It's not something done before; however, working with Clerk Burke and Legislative Team through the process, the Legislature believed that the Clerks had the skillset and capabilities to accomplish this task. Chair Peacock commented that we would watch and see if the Governor signs the bill with the appropriation. In the meantime, he said he would continue to work with Mr. Dew and Mr. Welty.

This first step would be to bring in either a contracted project manager or an employee to manage this project with the oversight of a workgroup chair and some staff. Clerk Burke suggested meeting and discussing Chair Peacock's ideas further. Clerk Burke believes there are other factors that the Legislature asked about that Clerks will need to do. Clerk Burke would like to talk about some of those things and not take the time and consume the meeting here in helping to develop a plan. Chair Peacock said it was a great idea and asked Council members if there was a consensus. Clerk Peacock said, however, that we would first engage with Clerk Timmann as the Legislative Chair as to when the bill will be passed and signed. If the Governor signs the bill, we will move forward on getting a meeting together to help develop a plan.

Clerk Burke commented that we need to focus on uniformity throughout the State when doing an indigence review. He said there will probably be different interpretations in the 67 different Clerks' offices on how to do the process. Clerk Burke suggested creating a workgroup to determine how exactly the process should be done. Clerk Timmann stated it was a great point because there are different dynamics in every county. Some Judges already do that on their own now, and other Judges do not participate in that process, and it's been a different dynamic across the counties. Clerk Timmann suggested that maybe the Best Practices Committee be the best place to bring that forward because we all need consistency. Clerk Alvarez-Sowles commented that we already have that language on the criminal side. She suggested it also needs to be made available on the civil side. Chair Peacock requested that some more detailed conversations regarding this issue be made in the PIE Committee.

Agenda Item 5 – CCOC Telecommuting Policy

Chair Peacock referred to Ms. Bruner to provide a briefing on the CCOC Telecommuting Policy. Ms. Bruner explained that the CCOC collected the telecommuting policies from several counties (Lake, Orange, Palm Beach, and Pasco) and looked at some of the requirements that

those counties had. CCOC also looked at what they do in practice at the CCOC. Ms. Bruner said that Clerk Burke suggested the CCOC reach out to their HR Contractor to review, which CCOC did, and Joyce Chastain of The Krizner Group did not have any edits. Ms. Bruner also reached out to Clerk Alvarez-Sowles for some comments.

Chair Peacock opened the floor to Council members for questions regarding the CCOC Telecommuting Policy. Clerk Crawford asked about situations in which Telecommuting would apply. Ms. Bruner explained. Chair Peacock chimed in to answer and clarified the question by stating that the policy contemplates that there will be a time when it is a permanent either hybrid and/or work remote.

Clerk Burke asked if the Executive Council would be considered the Supervisor for the Executive Director. Chair Peacock answered yes but that the Council usually delegates such supervision for these issues to the Chair. Chair Peacock also stated that the Executive Director works closely with the Chair of the Executive Committee and, therefore, would not necessarily treat it as a Supervisory role because collectively, the Executive Director works for all of us. Discussion, questions and concerns were raised regarding calling or showing up in person at the CCOC and finding someone there. Mr. Dew said that the CCOC office is opened every day between the hours of 8 AM – 5 PM, Monday through Friday, eastern time. Also, there are several staff that has chosen to work at the office all five days and not work any from home. Mr. Dew said he also is one that usually shows up five days a week. However, for some employees, it is beneficial to have the ability to work from home a couple days a week, and we have found the work always gets done. Mr. Dew said he agrees that if he decides to do any telecommuting, he will bring the form to the Council for approval. Chair Peacock said we will present at the next Executive Council meeting the long-term telecommuting plan of the Executive Director for approval by the Executive Council.

A motion was made by Clerk Butterfield to adopt the CCOC Telecommuting Policy, seconded by Clerk Laura Roth. The motion was adopted.

Agenda Item 6 – CCOC Executive Council General Election

Clerk Moore Russell announced that its election season for CCOC. Each year the CCOC is required to conduct an election of four Executive Council members who are elected for two-year terms. The CCOC Plan of Operations under sections 2-3 requires specific time frames for the process. The proposed schedule is attached, and an announcement will go out on March 30th. April 14th is the deadline for receipt of your interest survey. By May 13, the ballot will be sent out to all Clerks. On May 30, ballots must be received by CCOC. On June 2, ballots will be opened by the CPA firm, which will certify the elections to the Executive Council and Corporation members. Finally, on June 6, the Corporation will swear in the newly elected Council Members at the Corporation meeting in Orlando.

Four members have their current two-year terms ending this June; Clerk John Crawford, Clerk JD Peacock, Clerk Stacy Butterfield, and Clerk Harvey Ruvin. Clerks within the four individual population groups, including those whose terms expire, can submit their intent to run for the position by April 14. The four newly elected Council members will start their two-year terms after being sworn in on June 6. The four members who currently have another year left on

their terms are Clerk Todd Newton, Clerk Jeffery Smith, Clerk Laura Roth, and Clerk Tiffany Moore Russell.

Clerk Moore Russell asked Council Members if there were any questions. No questions were raised. Clerk Moore Russell said that if anyone is interested in being on the Council ballot, please submit their interest by the deadline.

Clerk Moore Russell made a motion to accept the Executive Council General Election schedule, seconded by Clerk Todd Newton. With no objections, the motion was adopted.

Agenda Item 7 – CCOC Data Management Process Update

Chair Peacock asked Mr. Welty to present a briefing on the CCOC Data Management project. Mr. Welty said that Legislative Session has occupied his time this year and has not advanced any further than we were at in December; however, there is a meeting with a vendor giving us a potential idea of the cost for this contract. We will have a little more information when we put this out for the RFQ to know how much we are looking at in terms of the scope.

Chair Peacock asked Council Members if they had any questions for Mr. Welty. There were no questions asked at this time.

Agenda Item 8 – E-Notify Project Update

Chair Peacock said he led the project and presented a briefing on what OSCA is working on. A question was presented to them by one of the Clerks about Payment Plan Notifications. Steven Hall is the project leader from the OSCA side. There are a few things that they have been working on with a vendor. One is for e-notification for juveniles and juvenile cases that require some understanding of confidential information. The vendor is working through testing now on those changes to ensure the confidentiality of information. They anticipate going live in late March.

Chair Peacock and Mr. Dew have talked to Mr. Hall about payment plans down the road and those types of expansions. Chair Peacock has been anticipating that the Courts will want to be able to notice changes in their Civil Dockets, but they are now responding to payment plan reminders. They have worked with the vendor to understand that that is coming. This system is a product fed by CCIS, so the work you are already doing feeds this project without doing additional work. We hope to expand additional tools to it in the future, such as reminders for payment plans and reminders to traffic violators. It continues to be funded by the Legislature for about \$370,000 a year. It is a recurring funding project for OSCA. Chair Peacock asked if there were any questions on the e-notify project.

Clerk Maloy asked if CCOC is doing e-notifications on payment plans. Chair Peacock responded no. We have communicated to OSCA about the idea of notifications on payment plans. He believes that for the benefit of everybody, the ability to notify people about payment plans is critical. It has not been put into practice yet as it's not part of the plan yet. However, they are aware that this is something we may want down the road. Clerk Maloy asked how this would work with counties that already use reminders. Chair Peacock said that what he suspects is it would help those who can't do it now or save money for those who are paying

extra for the service now. Some counties can do that, and others don't have the technical abilities to do that right now, so this will help those counties that don't have that product in place.

Agenda Item 9 - Other Business

Chair Peacock turned the meeting over to Judge Ficarotta to report briefly on the TCBC. Judge Ficarotta informed Council Members that the next meeting is March 25, 2022, and provided an update on the TCBC.

Chair Peacock opened up the floor to members, clerks, and staff present. Clerk James from Wakulla County addressed a moot point but wanted to make sure it was voiced in case not everyone is aware. Clerk James addressed Clerk Alvarez-Sowles' earlier recommendation about including non-court revenue on the certification. He said he has no problem providing that information; however, he is concerned about putting that in the certification form because that number can change during the year. He would not want to certify a number only to have it changed later and be out of compliance with certification and then re-certify somehow. Clerk Alvarez-Sowles commented that DFS, in their audit, only looks at where you are applying the fees and court costs collected. They are not looking at where you are applying the revenue outside of that. Clerk Alvarez-Sowles also commented that your budget is only as good as the day you submit it, and then at the end of the year, you submit your actuals.

Clerk Kinzel from Collier County asked about the budget instructions for submission this year. Clerk Kinzel asked if we have come up with a process for submitting our budgets this year and what it looks like this year. Chair Peacock commented that the process will be similar to last year, where there will be a base budget, and you will submit additions and subtraction from that budget. Clerk Moore Russell commented that there will be a CCOC session tomorrow where Mr. Kolchakian will go through the forms submission process and explain what is expected to be submitted. Chair Peacock asked if there were any further questions from Council members, to which there were none.

The meeting adjourned at 4:30 PM.
