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CCOC
FLORIDA CLERKS OF COURT
OPERATIONS CORPORATION

JOHN DEW
EXECUTIVE DIRECTOR

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TODD NEWTON
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13TH JUDICIAL CIRCUIT JUDGE
SUPREME COURT APPOINTEE

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HOUSE APPOINTEE

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PASCO COUNTY
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Minutes of November 1, 2022, Executive Council Meeting

Approved by the Executive Council at their meeting on December 14, 2022.

The Executive Council of the Clerks of Court Operations Corporation (CCOC) held a meeting in person at the Hilton Sandestin, Miramar Beach, FL and via WebEx on November 1, 2022. An agenda and materials were distributed in advance of the meeting and posted on the CCOC website.

Call to Order, Invocation, and Roll Call

The meeting was called to order by Chair Jeffrey Smith at 4:05 PM Central Standard Time, Clerk John Crawford provided an invocation, and Secretary/Treasurer Laura Roth called roll.

Council members present for meeting in person: Vice-Chair Tiffany Moore Russell, Secretary/Treasurer Laura Roth, Clerk Nikki Alvarez-Sowles, Clerk Ken Burke, Clerk John Crawford, Clerk Todd Newton, and Clerk JD Peacock

Council members present via WebEx: Chair Jeffrey Smith, Clerk Stacy Butterfield, and Judge Ronald Ficarrotta

Council members absent from meeting: Clerk Harvey Ruvini

Agenda Item 1: Approve Agenda

A motion was made to approve the agenda by Clerk Newton and was seconded by Clerk Russell.

Clerk Burke asked for the process for selection of General Counsel be put on the agenda. Clerk Smith said he agreed the CCOC should look at the General Counsel position every few years, as is done in the Clerks' offices, and that we should consider putting out an RFP. He said that item for discussion would be added to the agenda for the December Executive Council Meeting.

CCOC Executive Director, John Dew requested that the agenda be revised to allow Clerk Burke to update the Council on the Guardianship Database project earlier as he has a conflict later in the meeting. Chair Smith asked the maker of the motion and the seconder if they would

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.

agree to allow Clerk Burke to provide his report earlier in the meeting. They both agreed to amend the agenda to allow Clerk Burke to make his presentation directly after the Treasurer's report. **The revised motion was adopted unanimously.**

Agenda Item 2: Approve minutes from 08/08/22 and 09/21/22

Chair Smith stated a correction is needed for the 8/8/22 minutes. The PIE Committee had four items to address and the minutes listed three. Mr. Dew said he would make the correction.

A motion to approve the minutes with the revision mentioned by Chair Smith was made by Clerk Russell and seconded by Clerk Newton. The motion carried unanimously.

Agenda Item 3: Treasurer's Report

Clerk Roth announced that CCOC was underbudget for CFY 2021-22, expending approximately 90% of the budget. She pointed out that as expected and explained to the Council at previous meetings, there were two categories that exceeded their budget authority, but overall, were well within the annual budget authority. There were no questions.

Clerk Alvarez-Sowles motioned to approve the Treasurer's Report. Clerk Russell seconded the motion. Motion was passed unanimously.

Agenda Item 8: (a) Guardianship Update

Clerk Burke stated that this is an important item. This is the first time the CCOC has been provided such an important project that is unrelated to the budget process for the Clerks. The Legislature purposefully selected the CCOC to do this project instead of a State Agency. Our role is to build a Guardianship Database which is going to be available to the Judiciary as the primary customer and part of it will be available to the general public. Clerk Burke explained other duties in the bill as far as communicating with the Department of Elderly Affairs, and records registration for guardians. He noted the Legislature has given us funding and deadlines. Clerk Burke praised Mr. Dew for all his endeavors in the project by continuing to push along the process to assure we are on track. He noted that Mr. Dew has taken on the duties as the lead person in the CCOC office; however, he also has hired a Project Manager, Nicole Taylor, who is doing an excellent job. He introduced Ms. Taylor, and she provided the Council members with information concerning her background in leading projects while with the Department of Corrections.

Clerk Burke noted that the funding for this project is being passed through from the Legislature to the Justice Administrative Commission (JAC). The JAC is handling the pass-through dollars as a grant from the State to the CCOC which means there are a host of rules and regulations we must follow. Therefore, the process of seeking vendors and developing a contract for someone to build the database as well as tracking all the dollars we expend is more cumbersome than our previous contractual processes.

Clerk Burke thanked Clerk Peacock for his role as the Chair of the Technical Workgroup and asked if he would like to make any comments on what they have done thus far and will

continue to do. Clerk Peacock noted that his group will be looking at the technical aspect requirements for the project to assure our request for proposal clearly lays out the expectations to potential vendors. The workgroup will work with the chosen vendor to help provide technical guidance and answer questions as needed. He closed by saying that what he thought originally was not going to be a complex project has turned out to be more complex than expected. The workgroup will continue to help us focus on how to make this as easy as possible for the Clerk's offices so there is not a large burden on clerks and their staff.

Clerk Burke also noted he has established an Operational Workgroup that will consist of 16 staff. This workgroup will help develop a data dictionary, develop forms, determine what the website will look like, and work with the CCOC staff on educational programs. Finally, he noted that we will be working with a Judge on fully understanding what data will be needed and assure the process works for them as we test it. Clerk Burke closed by thanking leadership as well as John Dew for his work.

Agenda Item 4: Presentation on Compliance Education

Mr. Dew said that annually he updates the Council on compliance training as provided by the CCOC office through the contract with Compliance Improvement Services. He introduced Don Murphy from CIS to provide the update.

Mr. Murphy, informed council members of services his company offers and announced that they are doing more face-to-face visits after COVID. This past year they also conducted regional training workshops for the smaller counties. He provided a PowerPoint for the meeting and went over the history of training for the current calendar year. He further provided information on what CIS would like to do for the next year. Clerk Smith said he appreciated the update on the measurables and deliverables. He asked if there were any questions. Mr. Dew said he also appreciated the opportunity for the Executive Council to get an update from CIS as he meets with Mr. Murphy each month himself to check on the progress of compliance training. There have been many successes this year. There were no questions.

Agenda Item 5: Committee Updates

a) Budget Committee

Clerk Russell said that the Budget Committee will next meet in early December to approve the new judges' funding calculation, provide a CFY 2021-22 settle-up update, and establish the 2023 committee workplan and calendar. She went over each of the items listed on the Budget Update memorandum that was found in the meeting packet. This included updates on the importance of using more analytics in committee decisions, reminding Clerks that the Operational Budgets will be due to the CCOC on December 2, that the office will be helping Clerks with the settle-up process, and that the expense of juror costs may be more this county fiscal year than the available GR reimbursement dollars.

Clerk Alvarez-Sowles asked if jury reimbursement that is currently projected to be over-budget could be submitted into next year's budget. Jason Welty, CCOC Deputy Executive Director, said there is additional revenue in the current fiscal year for juror expenses, but

it still may not be enough to cover the costs. If that money does run out this year, there are currently not additional dollars to cover the cost from the Legislature to take care of this shortfall. CCOC staff talked internally about attempting to get an increase in our juror cost appropriation of \$11.7 million due to increased costs. Nothing has been finalized on that issue yet, but the CCOC does plan on advocating for additional dollars. If those dollars are not received, then the costs above the budget allocations will have to come from the CCOC court-related approved budget or other sources.

b) PIE Committee

Clerk Roth informed the Council that the PIE Committee met on August 31, to adopt the CFY 2021-22 Quarter 3 Performance Measures and Action Plans report. She encouraged clerks and their staff to attend the Case Counting Workshop scheduled for November 17 in Daytona. Clerk Roth noted that a simplified version of the Uniform Payment Plan will be addressed at their December meeting. There were no questions or comments.

c) Legislative Committee

Clerk Tara Green, Vice-Chair stated that the Legislative Committee met to provide an update on requirements in s. 28.35(2)(i), F.S. This requires that the CCOC must annually prepare a legislative budget request which provides the amount necessary for reimbursement of Baker Act, Marchman Act, and Sexually Violent Predators petitions and orders. This information was provided to the Justice Administrative Commission with each county's number of cases for CFY 2020-21. She noted that if the Legislature funds the issue during the 2023 Session, each county will receive the reimbursement in a quarterly distribution.

The Legislative Committee also discussed previously how to approach the statutory requirement related to changes in filing fees and the distribution of those fees to ensure Clerks are adequately funded. A draft report will be provided to the Council at a later date. There were no questions.

Agenda Item 6: CCOC Travel Policy Revision

Mr. Welty informed the Council that the current CCOC's travel policy had not been updated in several years and that the new policy would align closer to the state travel policy. The new policy includes authority under Florida statutes. Mr. Welty went through each area of the current policy that was being revised as provided in the meeting packet.

Clerk Burke asked if the new policy mirrored the state policy. Mr. Welty said that it does not mirror exactly because while the CCOC is considered a political subdivision of the state, CCOC is not a state agency. He informed the council that CCOC has taken the pieces that are applicable to the corporation as a political subdivision of the state and removed specific language that is only applicable to state agencies. Mr. Welty noted that for example, the CCOC did not include international travel when considering mirroring the state.

Clerk Smith asked if the dollar amount on lodging was in the revised policy. Mr. Welty stated that the rate had been increased from \$150 to \$175 per night. Mr. Welty said this change

was not a permanent law and if the Legislature changes their policy, then CCOC will follow them, and the policy does not have to be changed.

Clerk Burke asked if the policy was made to be as neutral as possible, so not to continuously update policies. Mr. Welty explained that most of the dollar amounts were in statue, and this was a clean refresh and therefore should not have to be changed as the policy noted that our authority was gained from both statutory sources and the DFS reference guide for state expenditures.

Clerk Peacock made a motion to approve the travel policy and forms with the revision on the lodging rate. The motion was seconded by Clerk Russell. Motion was passed unanimously.

Agenda Item 7: TCBC Report

Honorable Judge Ficarrota announced that the Trial Court Budget Commission (TCBC) met twice in August, once in person in Naples and once virtually to discuss and approve recommendations to the Supreme Court to include in our 2023-24 legislative budget request. He explained that the Trial Court Budget Commission and Florida Supreme Court approved \$21.8 million and 20 FTE from the general revenue fund to provide funding for targeted salary increases for court reporters, digital court reporters, court interpreters, trial court staff attorneys and court program specialists. It also requests increased contractual court reporting funding and to hire a deputy chief technology officer for each Judicial Circuit. There is a request for year three of the pandemic recovery plan for approximately \$11.9 million and non-recurring general revenue funds. These funds for temporary adjudicatory and case support resources necessary to address the over 210,000 pending cases above normal that the trial courts are estimated to be facing on July 1 of next year because of the COVID 19 pandemic. The LBR will be some courthouse furnishings for my courthouse here in the 13th circuit and in the fourth 14th Judicial Circuit. The TCBC has a virtual meeting scheduled tomorrow on November 2 by Zoom to review recommendations from its statewide FT Resource Management Workgroup and to allocate any remaining monies from its CFY 2022-23 Post Pandemic Support Program that will be about at \$530,000 that needs to be reallocated. There were no questions.

Agenda Item 8(b): Other Business

Chair Smith asked the Council if anyone had any other issues. None replied. Chair Smith noted that we may want to take a look at the potential fiscal impact of the GASB updates relating to Leases (GASB 87) and Subscription Based IT Arrangements (GASB 96). He asked that if anyone had any concern with these issues that you let us know. And if these issues are being picked up on our reporting forms. Mr. Welty stated that he would communicate with CCOC Budget and Communications Director, Griffin Kolchakian to make sure that the expenditures are flowing in the proper places.

Chair Smith asked if the audience had any questions or comments.

Mr. Welty encouraged everyone to use Don Murphy's services to ensure that we continue to work toward having continued success in our compliance efforts. It is important that we meet

the set revenue numbers that have been projected by the Revenue Estimating Conference. Chair Smith thanked Mr. Welty for his presentation at the REC hearings in which Mr. Welty presented on behalf of the Clerks. Chair Smith added that he believed Mr. Welty's performance contributed to the increase of the REC estimate and that he is very well respected by the REC. Mr. Welty acknowledged CCOC Budget Manager, Johnny Petit, and his work for the REC presentation.

A motion to adjourn the meeting was made by Clerk Alvarez-Sowles and seconded by Clerk Peacock.

Meeting adjourned at 4:05 PM Central Standard Time.