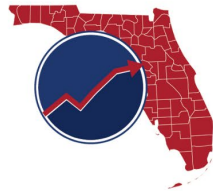


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VICE-CHAIR

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## Minutes of December 5, 2022, Budget Committee Meeting

Approved by the Budget Committee at the meeting held on February 9, 2023.

The Budget Committee of the Clerks of Court Operations Corporation (CCOC) held a meeting via WebEx on December 5, 2022. An agenda and materials were distributed in advance of the meeting and posted on the CCOC website. Provided below is a summary of staff notes from the meeting. These staff notes are designed to document committee action, not to be a full record of committee discussions. All motions adopted by the committee are in **bold** text. All action items based on committee direction are in **red** and **bold** text.

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

Clerk Tiffany Moore Russell, Chair of the Budget Committee, called the meeting to order at 10:00 AM. The meeting was turned over to Rafael Ali, CCOC Budget Manager I, to conduct roll call.

Present via WebEx: Clerk Tiffany Moore Russell, Clerk Joseph Abruzzo, Clerk Nikki Alvarez-Sowles, Clerk Ken Burke, Clerk Stacy Butterfield, Clerk Gary Cooney, Clerk John Crawford, Clerk Nadia K. Daughtrey, Clerk Tara S. Green, Clerk Crystal Kinzel, Clerk Grant Maloy, Clerk Brandon Patty, Clerk Clayton Rooks, III, Clerk Rachel Sadoff, Clerk Carolyn Timmann, Clerk Angela Vick.

Absent from meeting: Clerk Greg Godwin, Clerk Tom Bexley, Clerk Pam Childers, Clerk Brenda Forman, Clerk Carla Hand, Clerk Bill Kinsaul, Clerk Don Spencer, Clerk Cindy Stuart.

### Agenda Item 2 – Approve Agenda

A motion was made to approve the agenda by Clerk Vick and seconded by Clerk Butterfield; the motion was adopted without objection.

### Agenda Item 3 – Approve Minutes from 8/24/22 Meeting

Chair Russell presented the minutes of the August 24, 2022, meeting to committee members.

**A motion was made to adopt the minutes by Clerk Timmann and seconded by Clerk Sadoff; the motion was adopted without objection.**

Clerk Kinzel asked why more detail from the budget presentations was not included in the meeting minutes. She wants the minutes to include an overview of what was presented at the committee meeting. Chair Russell replied that the meeting minutes are not meant to capture what happened word for word, but rather to provide a summary of events that occurred. An addendum with additional information was added to the minutes to address this request.

#### **Agenda Item 4 – Approve New Judges Funding Calculation**

Chair Russell called on Griffin Kolchakian, CCOC Budget and Communication Director, to present the New Judges Funding Calculation. Clerk Abruzzo, chair of the workgroup, thanked the workgroup members and the committee for all their help in the development of this calculation. Mr. Kolchakian stated that there was legislation signed into law earlier this year that now requires the CCOC to develop a formula that calculates the total cost for court support associated with a new county and circuit court judge and to make a recommendation to the Legislature for needed additional funding. Mr. Kolchakian stated that this calculation uses a three-year average of cases per judge and applies the annual hours worked by employee. The calculation uses SRS case data that was provided by the courts.

Clerk Maloy asked if this included magistrates and hearing officers. Mr. Kolchakian responded that they are excluded from this calculation. Clerk Maloy asked if this is additional funding that the Legislature will provide to the clerks. Mr. Kolchakian stated that this allows clerks to certify a request to the Legislature for additional State funding needed for new judges. This is a separate amount of funds from the CCOC budget. Clerk Burke wants the minutes to reflect that this is an appropriation from the Legislature in addition to our current funding from the Trust Fund as well as that this is a request that the Legislature must vote on to approve, not something that the clerks will automatically receive. Clerk Timmann asked if the formula takes into consideration local administrative orders. Clerk Timmann referenced an order in the 19<sup>th</sup> Circuit that requires clerk staff to be in every single courtroom. Mr. Kolchakian stated that was not something that was built into this formula. Clerk Kinzel has concerns with using the case counts of the last three years as it relates to the impact from Covid-19 and recommends using the highest of the three years. Mr. Kolchakian stated that the workgroup selected to use a three-year rolling average to address issues that may come up like the pandemic. Clerk Kinzel stated that the formula should include sick leave. Clerk Vick agreed that it is important to include sick leave in the calculation. Clerk Abruzzo agreed that the calculation should be moved forward with the possibility of amending later. Clerk Kinzel asked how often the averages can be changed. Clerk Burke stated that they can be changed at any Executive Council meeting.

**A motion was made to approve the New Judges Calculation and to have the workgroup continue to look at all the factors involved in the calculation by Clerk Burke and seconded by Clerk Abruzzo. The motion was adopted with Clerk Kinzel voting against the motion.**

Chair Russell called on Mr. Kolchakian to present the funding methodology that goes with the FTE calculation. Mr. Kolchakian stated that in the past, the committee used the average cost of all FTE in a county, excluding the elected clerk, from the most recent Operational Budget submitted. The calculated FTE needed would be multiplied by an amount approved by the committee for the funding request total cost. Clerk Maloy asked if we have worked this formula backwards and looked at every county to identify the potential budgetary impact. Mr. Kolchakian said the current calculation shows the FTE total associated with getting a single new judge and that the committee needs to determine the dollar total with each potential request. Clerk Kinzel asked if we have considered using continuous case reporting. Mr. Kolchakian stated that the workgroup considered CCIS data and SRS case data but decided to go with SRS data because it is more uniform as well as data that the Legislature is used to. Clerk Green asked for clarification of certain columns in the formula and if the caseload is taking the case type into account. Chair Russell stated that this is not taking case count into account because we don't know where the new judge is going to go. Chair Russell stated that we should not overly complicate this calculation to the Legislature. Clerk Abruzzo agreed that the formula is meant to be easy to understand. Clerk Maloy commented that this formula is never going to be perfect and that it is better when presenting to the Legislature to show them one number instead of multiple. Clerk Kinzel stated that averages harm Collier County because of being an outlier in cost, and it continues to get diminished. Clerk Butterfield asked if this motion was for the funding part of the calculation. Mr. Kolchakian stated that the dollar amount associated with the new FTE is what is being discussed. Chair Russell commented that, since we don't have that average amount in front of us, we can bring this item back to the committee.

Mr. Kolchakian asked whether the committee would like to retroactively apply this calculation to counties that received new judges in the recent past. Clerk Butterfield suggested that the committee moves forward with the calculation without grandfathering in counties that have already had new judges certified.

**A motion was made to start using the New Judges Funding Calculation moving forward and not for any past certified judges by Clerk Butterfield and seconded by Clerk Vick; the motion was adopted without objection.**

#### **Agenda Item 5 – Revenue and Expenditures Update**

Chair Russell called on Mr. Kolchakian to give the revenue and expenditures update. Mr. Kolchakian provided a summary of the CFY 2021-22 revenue and expenditures data. We also have two months of actual revenue data for CFY 2022-23. Revenues for September totaled \$36.4 million, almost \$1 million above the REC monthly projection.

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Revenues for October totaled \$36.5 million, \$1 million above the REC month projection.

### **Agenda Item 6 – CFY 2021-22 Settle-Up Update**

Chair Russell called on Mr. Kolchakian to give the settle-up update. Mr. Kolchakian stated that the first draft of the CFY 2021-22 settle-up spreadsheet is included in the meeting packet and was sent out last week. Mr. Kolchakian explained that the last two columns on the right of the spreadsheet reflect the amount owed to or owed from the Trust Fund based on settle-up data. Mr. Kolchakian requested each county to review the spreadsheet and, if there are no discrepancies, to send the CCOC an email confirming the settle-up total. The deadline to remit settle-up funds is January 25<sup>th</sup>. When remitting these funds, please ensure that the correct settle-up line is used. Mr. Kolchakian let the committee know that if you are owed funds, they will be sent out once the budget amendment is approved, which typically occurs in January or February. Clerk Kinzel asked Mr. Kolchakian if any clerks' expenditures exceeded their revenues after the initial budget allocation. Clerk Kinzel stated that giving funds to clerks that do not meet collections requirements perpetuates the issue. Clerk Daughtrey replied that DeSoto County is one of those counties that has brought in revenue but has also needed help from the Trust Fund to meet the budget authority. Clerk Daughtrey stated that DeSoto County should not have to cut expenses because they do the same work as other counties as well as that her staff does not make as much as other counties. Clerk Kinzel stated that Collier County has contributed funds to the Trust Fund and that their budget authority is less than the revenues collected. Clerk Kinzel stated that we are taking the money that her county has earned and are redistributing it. Clerk Kinzel stated that they have had to let go 30% of her staff.

Clerk Maloy asked Mr. Kolchakian if there was an update on jury expenses for the committee. Mr. Kolchakian stated that we currently have the first quarter actuals which were \$4 million. Based on these increased expenditures, we will likely run out of reimbursement funding this year. If funding runs out, each county's expenditures will be proportionally reduced to meet the available statewide funding, and the difference will need to come from each county's CCOC budget. Mr. Kolchakian stated that this will continue to be messaged as the year progresses. Clerk Maloy recommended that this committee keep an eye on that and proposed it to be added to the legislative agenda.

### **Agenda Item 7 – 2023 Budget Committee Workplan and Calendar**

Chair Russell presented the proposed 2023 Budget Committee work calendar and went over lessons learned from previous budget years. Chair Russell stated that this year's committee will strive to approve items early in the process, continue to communicate the Needs-Based Budget and what it is used for, review weighted cases, and review outside factors affecting the budget such as local AOs. Also, if there are not at least 13 committee members confirmed to attend an in-person meeting, the meeting will automatically be moved to virtual. Chair Russell mentioned that Clerk Burke wants to look into the appropriation level of funding for specific requirements.

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Chair Russell mentioned that Clerk Patty had an issue that he wanted to address regarding collections. Clerk Patty referenced that, if clerks as a whole increased collections on certain case types, additional dollars would be available for the committee to allocate statewide. This is something he would like the committee to pursue this year. Chair Russell acknowledged Clerk Karnes who would also like the committee to address collections in the budget process. Clerk Karnes stated that he wants to create a workgroup to review how we can incentivize revenue collections, including a way where a clerk who does more in collections can keep some of those funds. Chair Russell requested that clerks interested in creating a new workgroup write a proposal and present it at the next Budget Committee meeting. Chair Russell called on John Dew, CCOC Executive Director, who mentioned that, at the Executive Council meeting in November, clerks mentioned the opportunity to have a collections summit if approved by the Council. Clerk Kinzel mentioned that she sent a letter to Chair Russell and Mr. Dew regarding the statutes. Chair Russell agreed that the committee should review applicable statutes and stated that the letter is on the agenda for the next Budget Committee meeting. Clerk Butterfield asked if the committee could get dates for upcoming Budget Committee meetings early for planning purposes.

#### **Agenda Item 8 – Other Business**

Mr. Kolchakian stated that the Operational Budget submissions were now due and that the CCOC has already started the technical reviews. Mr. Kolchakian also mentioned that a recording of the CCOC budget training is available on the CCOC website.

Chair Russell adjourned the meeting at 11:30 AM.

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