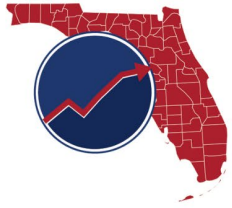


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Minutes of September 7, 2022, CCOC Legislative Committee Meeting

Approved by the Legislative Committee at their meeting on January 17, 2023.

The Legislative Committee of the Clerk of Courts Operation Corporation (CCOC) held a meeting via WebEx on September 7, 2022. An agenda and materials were distributed and posted on the CCOC website before the meeting. Provided below is a summary of staff notes from the meeting. These staff notes are designed to document committee action, not to be a complete 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.

1. Agenda Item 1 – Call to Order

Clerk Stacy Butterfield, Chair of the Legislative Committee, called the meeting to order at 1:00 PM. Marleni Bruner, CCOC Performance, Policy, & Education Director, called the roll.

Present for meeting [via WebEx]: Honorable Stacy Butterfield, Chair; Honorable Joseph Abruzzo; Honorable Nadia Daughtrey; Honorable Tara Green; Honorable Crystal Kinzel; Honorable Michelle Miller; Honorable Gwendolyn Marshall Knight; Honorable Victoria Rogers; Honorable Clay Rooks; Honorable Laura Roth; Honorable Rachel Sadoff; Honorable Donald Spencer; Honorable Cindy Stuart; Honorable Carolyn Timmann; Honorable Angela Vick

Present after roll call [via WebEx]: Honorable Doug Chorvat, Jr.

Absent from the meeting: Honorable Barry Baker, Honorable Tom Bexley, Honorable Angel Colonnese, Honorable Gary Cooney; Honorable Jess Irby; Honorable Kevin Karnes; Honorable Kevin Madok; Honorable Harvey Ruvlin

2. Agenda Item 3 – Legislative Budget Request

At the initial roll call, a quorum was not present. Chair Butterfield requested that Agenda Item 3 be presented because it was informational only. This would give time for more members to join the call.

Chair Butterfield asked Jason Welty, CCOC Deputy Executive Director, to present. Mr. Welty explained that section 28.35(2)(i), Florida Statutes, requires the Clerks of Court Operations Corporation (CCOC) to annually prepare a budget request which provides the amount necessary for reimbursement of Baker Act, Marchman Act, and Sexually Violent Predators petitions and orders.

CCOC collects these subcase types on the monthly Output Report. To minimize the workload on clerks, CCOC will provide the Justice Administrative Commission (JAC) with each county's number of cases for the most recently completed fiscal year (CFY 2020-21). If the Legislature funds this issue during the 2023 Legislative Session, each county will receive the reimbursement in a quarterly distribution.

Clerk Green asked how much is the per petition amount, and Mr. Welty explained that the reimbursement was \$40. Each county can calculate its amount by taking its CFY 2020-21 numbers and multiplying them by \$40.

3. Agenda Item 4 – Recommended Changes to Fine & Fee Amounts and Distribution

Mr. Welty began by reviewing the contents of the memo for this item. Section 28.35(2)(c)1., Florida Statutes requires the Clerks of Court Operations Corporation (CCOC) to recommend to the Legislature changes in the amounts and distribution 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.

The CCOC Budget Committee reviewed the clerks' budgets and established a recurring Needs-Based Budget of \$481.2 million. Currently, the Revenue Estimating Conference projects \$441.0 million available to the clerks for the fiscal year.

The CCOC staff presented two options for review by the Legislative Committee: make changes to the distribution schedule or the amounts.

Option 1: Changes to the Distribution

Fines, fees, service charges, and court costs fund the services clerks provide to the public. The Legislature sets the fines, fees, service charges, and court costs and gives the clerks a percentage. As a result, some distribution tables are simple, and others can be complex.

Mr. Welty provided the example of the \$55 filing fee for small claims, which goes to four places. It's very simple and straightforward. The filing fee funds court-related services, such as court education, state revenue in the State Court Revenue Trust Fund, and the DFS Administrative Trust Fund, which funds the audits DFS performs on

your office every few years. The clerk retains the rest to fund the services that the clerk provides.

In comparison, a civil traffic citation distribution is substantially more complex. The total civil penalties, as shown in the memo, is \$198; however, it goes to 15 different places and gets split sometimes by individual dollar amounts and other times by percentage. In addition, there are several places where the civil traffic penalty goes to places without connection to the civil traffic case.

Chair Butterfield asked Marleni Bruner, CCOC Performance, Policy, & Education Director, to call the roll again. Upon having a quorum, Chair Butterfield asked Mr. Welty to continue explaining Agenda Item 4.

Mr. Welty provided attachments for the distribution of fines from civil traffic citations by the receiving trust fund, removing trust funds that were directly tied to the civil traffic infraction. These trust funds have little nexus between the traffic citation and the work necessary to process these citations; however, the Legislature created some fines to fund the public policies they wanted at the time. Therefore, if the public policy direction has changed, and the Legislature was to redistribute a portion of this funding from the current recipients to the clerks, it could adequately fund the clerks' Needs-Based Budget.

Chair Butterfield asked a few clarifying questions on the attachment Mr. Welty provided. He pointed out that the listed Clerk of Court Trust Fund was the \$25 turnpike fee, a pass-through amount immediately sent to the Department of Transportation Trust Fund. Mr. Welty left it on the chart for discussion purposes. He also pointed out that this recommendation wasn't to tell the Legislature exactly which trust funds to reevaluate but to provide them a list of the trust funds benefitting from a fee that could be used to benefit those doing the work to process the fee.

Clerk Green asked for further clarification on some of the items that were listed in the penalty breakout. Mr. Welty explained that those were additional items should an ordinance be in place. He also mentioned that other additions might be found in other areas of the distribution schedule, such as the Dory Slosberg fee.

Clerk Miller asked if this was an example of his suggestion to only look at speeding tickets or across the board for fines and fees. Mr. Welty explained that Option 1 was to consider making a recommendation to the legislature regarding the places that the funds are being distributed to and do not address dollar amounts. Option 2, which he will present momentarily, is a recommendation for changes to the dollar amounts of the fines and fees.

Clerk Vick asked if any CCOC recommendations overlap with the FCCC Legislative agenda. Chair Butterfield and Mr. Welty explained that this differs from the FCCC

Legislative Agenda. The information currently being presented is part of the statutory responsibility of the CCOC. Therefore, the FCCC team can take these recommendations as part of their agenda, or they can exist as a recommendation to the Legislature from CCOC.

Clerk Kinzel stated that the court facilities fee goes to courtrooms. She also stated that the framing of the message should be that the cost of doing the same job has increased due to inflation. She would like to present all options so that, eventually, something is chosen. Mr. Welty explained that he only included the fines and fees that do not go to the local county.

Chair Butterfield mentioned that Clerk Kinzel's second point was accurate. The amount collected by the clerks would be enough to fund themselves; however, they do not retain the revenue. Clerk Green also commented that this is a fundamental concept. It is not that the revenue isn't there; the distribution of that revenue is the problem. She also mentioned that the recommendation should consider the distribution's prioritization. The clerks who work on the ticket, collect the fees, and do all the casework should be the first to receive funding. Clerk Green is a proponent of looking at the distribution and the priority of receiving the funding so that the clerk's needs are taken care of regarding the distribution and the policy.

Clerk Miller stated that she has heard that the legislature is not inclined to raise fees; however, with the increase in inflation and the high cost of everything going up, now is the time to suggest raising fees. She would like it to be kept on the table to hopefully open the door to begin those discussions. Her recommendation would be to have a cost of living adjustment built in so it would adjust automatically.

Option 2 - Changes in the Amounts

Mr. Welty explained that the second option is to recommend increasing a particular fine or fee. In the packet, a suggestion is made for circuit civil and county civil cases. He states that this was not scientific but a means to begin the discussion. There may be some difference between filing fees for particular things, such as foreclosures, from another case type. In the attachments, Mr. Welty has provided an estimate of a 10% increase in the filing fee. The current fee is \$400, so a 10 percent increase would be an additional \$40 in circuit civil. County civil is \$300, so a 10 percent increase would be an additional \$30.

Using the prior year's case counts, multiplied by the increase, gives the total additional revenue that could be expected. For example, for CFY 2020-21, it would have been an increase of \$34.1 million; in CFY 2021-22, year to date, it would have been \$24.4 million.

Clerk Green stated that this might have a domino effect because the fundamental issue is inequitable distribution. She recommends presenting a more equitable distribution that is sustainable and suitable regardless of everything else. Then the

policy decisions can be made on that basis if the legislature doesn't feel that the sources in the distribution need more. Clerk Green stated that clerks are in a position where traffic tickets and other negative events fund their offices. No one wants to see more tickets written, and no one wants to see fees increased.

Clerk Miller said she liked Clerk Green's comments but feels it needs to be a little of both options. We need to try to increase the total amount coming to the clerks because her fear is that when looking at the distribution side, we will be taking it from somewhere. If it is not General Revenue, we are going up against someone else and may run into pushback.

Chair Butterfield thanked both for their comments. She reminded the committee that the statutory charge is to recommend changes to ensure reasonable and adequate funding. The CCOC does not lobby, so this is fulfilling the statutory responsibility. The recommendation can be adjusted. The recommendations would be to show the legislature that there is potential and let them choose.

Chair Butterfield asked Mr. Welty if there was a deadline to complete this report. Mr. Welty responded that there was no deadline. This meeting was scheduled for now because the Budget Committee has set its Needs-Based Budget. We have that number to compare to the REC number. So we now have the delta between the two to work from. Mr. Welty stated that he thought to write a report similar to the Funding Continuity Plan from previous years, which would include these options as recommendations to the legislature so they would have our input.

Chair Butterfields stated that the committee would plan its next meeting, and in the interim, Mr. Welty would work on this report. She asked if members had strong opinions on one option or if the committee should include both options.

Clerk Marshall Knight stated that she was in favor of raising the fees. She also asked Mr. Welty which path would be easier to adopt and which would have the least resistance. She told of a time when she took office, and the Mothers Against Drunk Driving were in her office because their trust fund had declined, and they thought the clerk was keeping the funds. It turned out to be from a reduced number of citations being written.

Mr. Welty stated that Clerk Marshall Knight was absolutely correct. He told her state agencies are no different and have called the CCOC asking the same questions. Both options have their areas of resistance. A fee increase would require two-thirds approval of the legislature, which is a more arduous threshold to cross.

Clerk Kinzel asked if Mr. Welty had pulled information on the trust funds or got a detail of how much of their trust fund they had expended. Mr. Welty replied that he has looked into a handful of the trust funds in the state system, particularly those we send less than \$100,000 annually. He examined them to see what that would do to their budget

by looking at their daily cash balances. State agencies spend their trust fund dollars before their General Revenue funds. Therefore, most state agencies utilize the majority, if not all, of the funding they receive from us. He stated that he did not look into non-profits that receive from the clerks because that is a trickier process. Clerk Kinzel stated that she looked at their 990 forms, and some had not even filed them when she was looking for them. She volunteered her staff to research any non-profits Mr. Welty could identify.

4. Agenda Item 1 – Approve Agenda

Clerk Kinzel made a motion to approve the agenda, which was seconded by Clerk Sadoff. With no objections, the motion was adopted by consent.

5. Agenda Item 2 – Approve Minutes from the 8/21/21 Meeting

A motion was made to approve the minutes by Clerk Sadoff and seconded by Clerk Vick. With no objections, the motion was adopted by consent.

6. Agenda Item 5 – Other Business

Discussion occurred regarding the timing for the final report to have time to go before the Executive Council is sent to the legislature. Chair Butterfield asked that everyone be on the lookout for further information.

Chair Butterfield stated that this was a public meeting and opened the floor to any comments. There were none. She thanked everyone for attending the meeting, knowing everyone was busy with tight schedules.

The meeting was adjourned at 2:02 PM.
