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EXECUTIVE COUNCIL CHAIR



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OPERATIONS CORPORATION

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## Minutes of June 22, 2023, Budget Committee Meeting

**Approved by the Budget Committee at the meeting held on August 3, 2023.**

The Budget Committee of the Clerks of Court Operations Corporation (CCOC) held a meeting on June 22, 2023. 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**.

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

Clerk Tiffany Moore Russell, Chair of the Budget Committee, called the meeting to order at 1:08 PM. The meeting was turned over to Rafael Ali, CCOC Budget Manager, to conduct roll call. Mr. Ali called the roll.

Present in-Person: Clerk Tiffany Moore Russell, Clerk Nikki Alvarez-Sowles, Clerk Ken Burke, Clerk Stacy Butterfield, Clerk Gary Cooney, Clerk John Crawford, Clerk Nadia Daughtrey, Clerk Bill Kinsaul, Clerk Grant Maloy, Clerk Brandon Patty, Clerk Clayton Rooks, III, Clerk Rachel Sadoff, Clerk Cindy Stuart, Clerk Carolyn Timmann, Clerk Angela Vick.

Present via WebEx: Clerk Greg Godwin, Clerk Pam Childers, Clerk Tara Green, Clerk Carla Hand, Clerk Crystal Kinzel, Clerk Don Spencer.

Absent from meeting: Clerk Joseph Abruzzo, Clerk Tom Bexley, Clerk Brenda Forman.

### Agenda Item 2 – Approve Agenda

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

### Agenda Item 3 – Approve Minutes from 5/17/23 Meeting

Chair Russell presented the minutes of the May 17, 2023, meeting to committee members. Clerk Kinzel provided a proposed revision to the minutes.

A motion was made to adopt the minutes with Clerk Kinzel's revision by Clerk Vick and seconded by Clerk Maloy; the motion was adopted without objection.

#### Agenda Item 4 – Revenue and Expenditures Update

Chair Russell called on Griffin Kolchakian, CCOC Budget and Communications Director, to give the revenue and expenditures update. Mr. Kolchakian stated that, through the first eight months of the fiscal year, clerks collected just over \$315 million which included over \$64 million in March. This is \$23.5 million above the year-to-date REC projection. There are seven months of actual expenditures data totaling \$242.9 million, which is 8% below the year-to-date projections.

#### Agenda Item 5 – Funding Allocation Deliberation

Chair Russell stated that the goal of this discussion is to select the funding methodology for setting the upcoming budget. Chair Russell laid out the projected available funding using the February REC estimate as well as the clerks' priority bill.

Clerk Vick asked if the FRS number will change if we adopt the FRS blended rate proposal made by Clerk Cooney. Chair Russell confirmed. Chair Russell proposed using weighted cases to allocate the available funding. Chair Russell stated that the weighted cases included in the packet have not yet been validated by Clerk Cooney's Case Counting Workgroup. Chair Russell referenced previous years and the implementation of weighted cases in budget allocations. Clerk Burke asked if what Chair Russell is proposing ends with everyone receiving an increase. Chair Russell stated that it depends on which option is selected. Clerk Vick asked if this proposal would potentially allocate more than what a clerk is asking for. Chair Russell answered that there could be a motion to implement a cap. Mr. Kolchakian stated that the excess can also be rolled into the Reserve Fund like the committee did last year. Clerk Crawford pointed out the impact to Peer Groups 7 and 8 in options #5.1 and #5.2. Clerk Kinzel raised concerns with using the entire allocation for weighted cases because it is not the most recent data. Clerk Kinzel stated that we should start with the Needs-Based Budget. Clerk Burke asked if we implemented a 70%/30% distribution if every clerk would still get the minimum 4.2% increase. Mr. Kolchakian said that the new low would be 3.3% with a high of 9.9% and there will still be funds left to allocate. Clerk Kinzel stated that the weighted workload formula has not been updated regularly and that can make a big difference to some clerks. Clerk Kinzel stated that using weighted cases can create winners and losers because you are using average funding across-the-board without looking at what each clerk needs to stay whole. Clerk Kinzel stated that we should not rely on just one allocation method.

Clerk Patty presented a 5% salary and benefits increase to match the state's pay increase. Clerk Butterfield asked if we had a calculation of how much that was going to be. Mr. Kolchakian stated that it will be \$22.6 million. Clerk Vick asked Clerk Patty if he would be open to negotiating that amount at any point. Clerk Patty stated that we get our funding from state dollars, and this will allow them to stay competitive with other state employees that are receiving this increase. Clerk Cooney stated that if we

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select weighted cases, you will have the option to increase salaries if you choose to do so. Clerk Patty stated that it also helps with messaging so that our employees can keep up with what the state is offering. Clerk Green stated that she likes the idea of funding a 5% increase, but she wants more flexibility on what to do with those additional funds. Clerk Patty agreed but stated that 50% of the available funds can still be allocated to something else as well.

Clerk Cooney presented a blended FRS rate for the estimated rate increase in Quarter 4 of the upcoming fiscal year. Clerk Cooney stated that the committee approved the calculated FRS rate to be included in the Base Budget; this blended rate is to account for three months of FRS changes in Quarter 4. Clerk Cooney stated that it is a more realistic funding amount. Clerk Kinzel stated that the blended rate does not help her out when she is having to do the actual rate. Clerk Cooney stated that this is a way to not fall short in the last three months of the fiscal year.

Clerk Alvarez-Sowles presented a proposed funding allocation option that raises salaries to meet a county's MIT living wage as well as to address compression. Clerk Alvarez-Sowles stated that most of us can agree that we have struggled to compete with other state agencies and organizations when it comes to compensation. Clerk Alvarez-Sowles stated that this proposal puts all counties on an equal playing field, regardless of local challenges. This rate is updated annually. Clerk Alvarez-Sowles stated that option #1 brings up those counties that are below their cost-of-living calculation, and option #2 brings up all employees with calculated compression. Clerk Kinsaul stated that weighted cases are the fairest way to distribute funding. Clerk Alvarez-Sowles stated that weighted cases only consider cases, not local needs and requirements. Clerk Alvarez-Sowles stated that she will bring this option applied to all 67 clerks to the next meeting for committee review. Clerk Kinzel stated that this is the kind of information that needs to be looked at.

Clerk Patty presented a proposed funding allocation option to fund the current year's Needs-Based Budget. Clerk Patty stated that the Needs-Based Budget was used to show the Legislature the true needs of the clerks and that is what should be used to allocate the redirects included in the clerks' priority bill. Clerk Patty stated that these budget requests were vetted and voted on by the committee. Chair Russell clarified that the Needs-Based Budget was approved by the committee but was not vetted. Chair Russell is concerned with funding last year's Needs-Based Budget since a clerk's needs are different from what was submitted last year. Clerk Daughtrey stated that last year it was clearly communicated for clerks to submit their Needs-Based Budget and request anything needed. Clerk Kinzel stated that we need to get every clerk whole and that we must consider all factors when approving the budget. Clerk Burke stated that this committee needs to do a better job explaining what the Needs-Based Budget is and to provide training. Chair Russell stated that a workgroup chaired by Clerk Burke could address this issue and create a training.

Clerk Kinzel presented a proposed funding allocation option to fund depository clerks based on amounts sent to the Trust Fund. Clerk Kinzel stated that, with the surplus,

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we can fund the clerks that have been cut the most. Clerk Kinzel stated that some clerks got more than their requested Needs-Based Budget.

Clerk Stuart presented a proposed funding allocation option to address the impact from the tort reform legislation. The spreadsheet shows the cases for March, the average cases for the 12-months prior, and calculates the difference by county compared to the statewide increase. Clerk Cooney stated that we should calculate the impact by looking at the average cases per year and the percentage increase by county. Clerk Burke stated that we must look at the lifespan of these cases and the impact of funding in the long run. Chair Russell stated that this is a worthwhile discussion for the future because Orange experienced a huge rise in windshield cases. Clerk Green stated that we should look at the individual cost by county and not the cost across the state.

Clerk Alvarez-Sowles presented a proposed funding allocation option to address indigency. Clerk Alvarez-Sowles reviewed indigency data, as well as all no-fee cases, and the estimated corresponding loss of revenue. Clerk Patty agreed that this is something the committee needs to highlight.

Clerk Alvarez-Sowles presented the idea to consider the financial impact of additional courthouse locations. Clerk Alvarez-Sowles would like to create a workgroup that can study the impact of having multiple courthouses and then bring something back to the committee.

Clerk Butterfield presented the idea to consider senior judges in funding allocations, including considering how the courts allocate senior judge days. Clerk Butterfield stated that senior judges in Polk County do not just handle cases when a judge is sick or on vacation. Clerk Butterfield recommended a simple approach that if a senior judge is used, then there is some kind of associated allocation. Clerk Burke stated that it is important to note that this year we did have a legislative victory.

Clerk Patty presented the Surplus Revenue Collections Distribution Workgroup's proposal for a compliance grant program. Clerk Patty stated that the goal of the program is to provide funding to clerks' offices to increase collections efforts which will ultimately lead to more funding. Clerk Patty stated that having a program like this could also show the Legislature that we are doing everything we can in collections. If approved, CIS will assist in the verification process. Clerk Green asked if the proposed \$2 million issue would come out of the total available funding. Clerk Patty confirmed. Clerk Green stated that Clay County had already reallocated resources into compliance, so her issues are no longer in compliance but in other areas. Clerk Patty answered that there is potentially always something that can be done in compliance. Chair Russell asked if Orange County could participate in the grant program to automate calling people. Clerk Patty stated that collection is one area within the budget that we can take funds and invest in and potentially see a positive ROI.

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Jennifer Barker, CFO in Flagler County, read a statement on behalf of Clerk Bexley. This letter referenced operational struggles with existing unfunded needs as well as Clerk Bexley's support of using weighted cases in funding allocations.

Clerk Spencer made a recommendation to go with a hybrid distribution option and combine five of the different options.

**A motion was made to distribute funding using the weighted workload statewide after ensuring there is a 5% increase to every clerk, adoption of the blended FRS allocation, allocation of the compliance grant funding for \$1 million, appropriation capped at the submitted budget request and any surplus to be transferred to the CCOC contingency fund by Clerk Vick and seconded by Clerk Crawford; the motion failed with eight yeas and eight nays.**

Clerk Sadoff asked for clarification on the funding cap. Clerk Vick stated that the allocation would be capped based on what each clerk requested in the budget request. The remainder of the funds would go into the Reserve Fund. Clerk Maloy stated that every one of our offices should have a starting pay of \$20 an hour. Clerk Patty asked if any counties submitted a Needs-Based Budget that is under a 5% year-over-year increase. Mr. Kolchakian confirmed and stated that the CCOC is currently going through and validating the issue requests. Clerk Kinzel stated that we are going in a good direction by selecting some of the proposals, but disagrees with the Needs-Based Budget training because many clerks have been here for a while and understand how to submit their Needs-Based Budget. Clerk Kinzel does not agree with the grant funding workgroup because some offices have been meeting standards even with budget cuts. Clerk Crawford requested to call the vote and see what this committee thinks. Clerk Butterfield does not agree with the capping portion of the motion.

**A motion was made to distribute funding using the weighted workload statewide after ensuring there is a 5% increase to every clerk, adoption of the blended FRS allocation, allocation of the compliance grant funding for \$1 million, and any surplus would be transferred to the CCOC contingency fund by Clerk Cooney; the motion was adopted with Clerk Kinzel voting nay.**

Clerk Kinzel asked if clerks can now get more than what they identified in their Budget Issue Request. Chair Russell confirmed. Clerk Stuart asked about the plan for the August meeting since the REC has not met yet. Chair Russell asked the committee what they wish to do for the August meeting. Clerk Kinzel supports the three-day meeting for August. Clerk Butterfield asked when the REC was scheduled to meet. Jason L. Welty, CCOC Deputy Executive Director, responded that the REC is planning to meet on July 20th.

Clerk Chorvat stated that we need to make it clear if the grant funding will be recurring or if counties will have to request funding for the following year. Clerk Kinzel stated that the committee is deciding funding allocations without having the numbers in front of us and without giving clerks the opportunity in August to present their Needs-Based

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Budget. Chair Russell stated that the recommendation of the committee is to meet one day.

**A motion was made to have a one-day Budget Committee meeting in August after the July 20<sup>th</sup> REC meeting by Clerk Daughtrey and seconded by Clerk Green; the motion was adopted with Clerk Kinzel voting nay.**

Chair Russell wants to reestablish Clerk Vick's Jury Workgroup to review the clerks' jury reimbursement funding.

#### **Agenda Item 6 – Other Business**

Clerk Chorvat stated that this is always a painful process, and he appreciates the work that is being done. Clerk Maloy stated that this system is at the beginning of collapsing because you can't hire people at \$15 an hour to do some of the complex tasks we have in our offices.

The meeting was adjourned at 4:05 PM.

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