



**Jeffrey R. Smith**, CPA, CGMA  
INDIAN RIVER COUNTY  
EXECUTIVE COUNCIL CHAIR

**Tiffany Moore Russell**, ESQ.  
ORANGE COUNTY  
VICE-CHAIR

**Laura E. Roth**, ESQ.  
VOLUSIA COUNTY  
SECRETARY/TREASURER

CRYSTAL KINZEL  
COLLIER COUNTY  
SENATE APPOINTEE

TOM BEXLEY  
FLAGLER COUNTY  
HOUSE APPOINTEE

RON FICARROTTA  
13TH JUDICIAL CIRCUIT JUDGE  
SUPREME COURT APPOINTEE

JD PEACOCK, II  
OKALOOSA COUNTY

JODY PHILLIPS  
DUVAL COUNTY

JOHN DEW  
EXECUTIVE DIRECTOR

TODD NEWTON  
GILCHRIST COUNTY

JOHN CRAWFORD  
NASSAU COUNTY  
STACY BUTTERFIELD, CPA  
POLK COUNTY

ROB BRADLEY  
BRADLEY, GARRISON & KOMANDO, P.A.  
GENERAL COUNSEL

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## Minutes of February 21, 2023, Executive Council Meeting

**Approved by the Executive Council at their meeting on June 5, 2023.**

The Executive Council of the Clerks of Court Operations Corporation (CCOC) met in person at the Hard Rock Hotel, Daytona Beach, FL, and via WebEx on February 21, 2023. An agenda and materials were distributed and posted to the CCOC website before the meeting.

Chair Jeffrey Smith asked for a moment of silence to honor the memory of Clerk Harvey Ruvin and invited the audience to share their experiences with the late Clerk Ruvin.

### **Call to Order, Invocation, and Roll Call**

Chair Smith called the meeting to order at 2:30 PM. Secretary/Treasurer Laura Roth called the roll, and Clerk John Crawford provided the invocation.

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

Council members present via WebEx: Judge Ronald Ficarrotta and Clerk Stacy Butterfield

Council members absent: Clerk JD Peacock (excused), Clerk Harvey Ruvin passed away in late December.

### **1. Agenda Item 1 – Call to Order and Approve Agenda**

Chair Smith announced an additional agenda item to be added to Other Business for Clerk Alvarez-Sowles.

Clerk Newton motioned to approve the agenda as indicated, and Clerk Russell seconded the motion. The motion passed unanimously.

### **2. Agenda Item 2 – Approve Minutes from 12/14/2022 & 1/20/2023 meetings**

Clerk Roth motioned to approve the minutes from December 14, 2022, and January 20, 2023, meetings, and Clerk Russell seconded the motion. The motion passed unanimously.

**3. Agenda Item 3 – 2023 Executive Council Special Election**

Chair Smith stated that a special election had been held to fill the position of the late Clerk Ruvin. Chair Smith announced that Clerk Jody Philips from Duval County was elected to serve the remainder of Clerk Ruvin's term. Chair Smith swore in Clerk Philips as the newest member of the CCOC Executive Council.

**4. Agenda Item 4 – Treasurer's Report**

Clerk Roth announced that CCOC Executive Council and Corporation set the office budget at \$1,778,928 for CFY 2022-2023. She noted that the expenditure numbers through December 2022 show that CCOC has expended \$326,113, 18.33% of the budget. Clerk Roth noted that the CCOC is operating under budget.

Clerk Butterfield motioned to approve the Treasurer's Report, and Clerk Newton seconded. The motion passed unanimously.

**5. Agenda Item 5 – Update on Hiring of CCOC General Counsel**

Chair Smith informed the Council that CCOC's General Counsel, Rob Boyd, had announced that he was stepping down at the December CCOC Executive Council Meeting. A workgroup that consisted of himself, Clerk Russell, Clerk Roth, and Clerk Burke to find alternatives for new counsel was appointed by Chair Smith. The workgroup agreed and voted for Rob Bradley to serve as CCOC's General Counsel. They were seeking approval from the Council to allow staff to negotiate a contract. Chair Smith informed the Council that Mr. Bradley would be available for the Council at any time with a monthly retainer fee of \$5,000.00. Clerk Burke stated that hiring Mr. Bradley would be beneficial because he restricts his practice to various governments and is well aware of clerk issues. Clerk Burke encouraged the Council members to integrate Mr. Bradley into ongoing work with CCOC, adding knowledge and value-added results for our legal counsel. Especially considering we will be paying a retainer of \$5,000 monthly. Clerk Burke added that an escape clause allowed each party to terminate the contract with thirty-day notice. Mr. Bradley had agreed to work with CCOC on every legal matter apart from litigation. Chair Smith invited Council members to address Mr. Bradley with any questions or comments. Mr. Bradley vocalized that he would like a thirty-day rolling engagement window. Chair Smith thanked Mr. Bradley and asked if there was a motion from the Council to approve Mr. Bradley as our General Counsel.

A motion was made by Clerk Newton to approve Mr. Bradley as the CCOC's new General Counsel and give staff the authority to develop a contract. Clerk Butterfield seconded the motion. The motion passed unanimously.

**6. Agenda Item 6 – Guardianship Update**

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Clerk Burke provided the Guardianship update and informed the Council that the kick-off meeting with Cloud Navigator was successful. He stated that there were many bureaucratic obstacles we had to jump through related to receiving funding from the State because the Justice Administrative Commission (JAC) was treating the project as a grant rather than a state appropriation. Clerk Burke gave CCOC Executive Director John Dew accolades and stated that he thought Guardianship Project Manager, Nicole Taylor, had much experience with project management. Clerk Burke announced that the agreement with JAC had been finalized. He also informed the Council that an operations workgroup and a technical workgroup were developed for the project. Clerk Burke said a budget situation has been discussed with legislation, and there are plans to get it worked out since we will not be completing the project by this state fiscal year. He also informed everyone that the completion of the project is projected for November 2023.

#### **7. Agenda Item 7 – Annual Evaluation of Executive Director**

Chair Smith extended the evaluation of CCOC Executive Director Mr. Dew since several members had not yet completed the evaluation. He said he would like to allow the Council members a few more weeks to send their evaluations to CCOC's current General Counsel, Rob Boyd.

#### **8. Agenda Item 8 - Committee Updates**

##### **a) Budget Committee**

Clerk Russell noted that the Budget Committee met in December and February, and the next scheduled meeting is potentially set for April. She highlighted that the Budget Committee had created a Statutory Compliance Review Workgroup to review applicable statutes and examine compliance with laws. She noted that the committee had established using the reserve fund at the statutory required 10%. Clerk Russell informed the Council that the FTE calculation portion of the new judge's future requests methodology had been approved. She explained that during the annual budget process, each clerk submits their budget requests to the CCOC for any items they want to be funded over their current budget amount. The submission includes the Budget Issues Form, Revenue Projection Form, and Clerk Certification Letter. These forms included in the meeting packet are similar to last year's.

Clerk Russell said she would like approval of these forms from the Council today as these forms are due statutorily to the Council by June 1<sup>st</sup>. Clerk Kinzel stated that even though she lost the vote at the Budget Committee meeting, she still wanted to put on the record that she believes it is a statutory requirement that the budget request submitted by a Clerk must be balanced to their individual revenues.

**Clerk Russell motioned to approve all three forms submitted in the packet, seconded by Clerk Burke. The motion passed unanimously.**

##### **b) PIE Committee**

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Clerk Roth reported that the CFY 2022-23 Quarter 1 Performance Measures and Action Plan report is in progress and will be reviewed at the March PIE Committee Meeting. She noted that the information could be viewed on the CCOC website. Clerk Roth announced a scheduled PIE Committee meeting for June 2, 2023, from 10:00 AM to 12:00 PM. Clerk Roth asked for Council approval of the CFY 2021- 22 Annual Collection Agent Report posted to the CCOC website.

Clerk Newton asked if all the counties were reported as having a collection agent. CCOC's Performance, Policy, and Education Director, Mrs. Marleni Bruner, said that one county did not have a collection agent, but all other 66 counties were included in the report. Clerk Newton noted that Section 3 did not show all other counties. Clerk Roth said she would make sure the corrections were made before submitting the report to the Legislature.

**Clerk Roth motioned to approve the CFY 2021- 22 Annual Collection Agent Report with corrections, seconded by Clerk Newton. The motion passed unanimously.**

Clerk Roth asked CCOC's Deputy Executive Director, Jason L. Welty, to explain why Clerks are requested to provide the CCOC data related to jurisdiction thresholds. A change in county civil cases effective January 1, 2023, requires county civil courts to hear cases between \$30,001.00 and \$50,000.00. Mr. Welty explained that the REC relies on this data because it has more granular data than the Office of the State Courts Administrator (OSCA) and the Office of Economic & Demographic Research (EDR). Mr. Welty said this was not a breakdown of the \$30,000.00 to \$50,000.00, it was a look at small claims from January 2020 when small claims were between \$5,000.00 and \$8,000.00. The CCOC started tracking both categories. Collecting this data is important for revenue projections because claims under \$2,500.00 are not projected by the REC. He stated that the Clerks kept most of the filing fee, as opposed to the claims above \$2,500, where the fee is split between state General Revenue (GR) and state court revenue trust fund and the Clerks. Mr. Welty said that the trend line could give the Clerks the ammunition to show the REC that Clerks had claims outside of their projection. It gives Clerks the extra data point to show increases in small claims projections. Mr. Welty stated that the REC has taken CCOC's numbers for the clerk's side of the equation for revenue projections, which boosted revenue. He said the current fiscal year's revenue was projected at \$440 million to \$456 million. Mr. Welty stated that splitting cases was more work for clerks to send in information, but it was important for revenue projections. Chair Smith thanked Mr. Welty for the report and appreciated his hard work ensuring the REC had the best information.

**c) Legislative Committee**

Clerk Green, CCOC Legislative Committee Chair, made two personal points before giving her committee update. Clerk Green spoke about her memory of the late Clerk Ruvin. She remembered him as a warm and welcoming individual she would never forget. Clerk Green congratulated Rob Bradley on his new General Counsel role. She said that Mr. Bradley and his wife, Senator Jennifer Bradley, were tremendous attributes to her community in Clay County.

Clerk Green stated that statutorily the Council must make recommendations to the Legislature to ensure clerks are adequately funded. She noted that she is presenting a memorandum from the Committee with recommendations and is seeking the Council's approval. The report highlights and educates the services of the clerks. It also defines reasonable and adequate budgets.

Clerk Green said the first recommendation is to distribute state General Revenue to the Clerks. The second recommendation is for the Legislature to review trust fund distributions, and finally, recommend increasing filing fees and service charges. Clerk Green stated that the recommendations for trust fund distributions and for a rise in filing fees and service charges did not include any specific recommendation regarding how specifically the Legislature should do this.

Clerk Kinzel stated that the ten-year projection graph in the report may not give the complete history of how Clerks have been funded over the last 20 years. She also requested to change the word "absorb" in the memorandum accompanying the report because she did not feel that Clerks could absorb reductions in funding. Clerk Newton suggested changing the memorandum to state that Clerk's services must be adjusted and not absorbed. Clerk Green agreed to make changes with Mr. Welty in the memo and report to show that Clerks must sacrifice personnel when dealing with the increased cost of healthcare and FRS. Clerk Alvarez-Sowles suggested using the word "reduced" in place of absorb.

**A motion was made by Clerk Butterfield to allow Clerk Green to work with Mr. Welty to find a word that would adequately describe the situation and approve the report to be presented to the Legislature. Clerk Crawford seconded the motion. The motion passed unanimously.**

#### **9. Agenda Item 9 – TCBC Report**

Judge Ron Ficarrota congratulated the CCOC for bringing on Mr. Bradley as General Counsel stating that Mr. Bradley knows the Clerks and the Courts well. He also noted that Boyd's firm did much over the years for the CCOC and did a great job. Judge Ficarrota announced the next TCBC Meeting will be on February 23, 2023. It will be a virtual meeting to determine any preferred strategy for developing SFY 2024-25 legislative budget request. In addition, Judge Ficarrota announced that the TCBC would meet virtually in March to update the state court's revenue trust fund projections and determine if our year-end spending plans are appropriate. He also informed the Council that an in-person meeting in Tampa is scheduled for June 2023 for SFY 2023-24 allocations and SFY 2024-25 LBR meeting. Chair Smith thanked Judge Ficarrota for participating in the Council and the update.

#### **10. Agenda Item 10 – Other Business**

Chair Smith called on Clerk Alvarez-Sowles to present her issue to the Council. Clerk Alvarez-Sowles said she is providing information for the CCOC General Counsel's consideration regarding her office's request for support from CCOC through an amicus curiae brief. She provided information on the results of the trial in her circuit in January. The issue involves laws applicable to Multiagency CJIS and Annex Courthouse Local Requirements. She noted that, in

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her opinion, the trial court ruling will have a negative statewide impact on all clerk's offices. Therefore, she is seeking CCOC's support in filing an amicus curiae brief to support the position she is taking in the case to support clerks' budgets.

Clerk Alvarez-Sowles responded to several questions asked by Council members and Clerks. First, she asked that when the General Counsel looks at this issue, he recognize that the CCOC is the entity responsible for budgets and this legal issue will impact our budgets and also to consider that if the FCCC joins in the brief that the CCOC could join in with the FCCC in the amicus brief.

Chair Smith thanked Clerk Alvarez-Sowles. He noted that once we have our General Counsel on contract, we can ask him to look at this issue to see if the CCOC's statutory authority provides guidance on if this is one of the organization's roles.

Clerk Burke announced that this would be his last meeting as a member of the CCOC Executive Council, and he has enjoyed his time as the Speaker's designee. The new Speaker selected Clerk Tom Bexley of Flagler County to be his designee. Chair Smith expressed gratitude to Clerk Burke for the years he has served, not only as the Speaker's designee but also having been elected multiple times by his fellow Clerks. He noted that Clerk Burke will be genuinely missed.

**Chair Smith adjourned the meeting at 3:59 PM.**

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