



**Stacy M. Butterfield, CPA**  
POLK COUNTY  
EXECUTIVE COUNCIL CHAIR

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

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

CRYSTAL K. KINZEL  
COLLIER COUNTY  
SENATE APPOINTEE

TODD NEWTON  
GILCHRIST COUNTY

JODY PHILLIPS  
DUVAL COUNTY

TOM BEXLEY  
FLAGLER COUNTY  
HOUSE APPOINTEE

JOHN A. CRAWFORD  
NASSAU COUNTY

JOHN DEW  
EXECUTIVE DIRECTOR

RON FICARROTTA  
13TH JUDICIAL CIRCUIT JUDGE  
SUPREME COURT APPOINTEE

MICHELLE R. MILLER  
SAINT LUCIE COUNTY

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

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## Minutes of June 5, 2023, Executive Council Meeting Approved by CCOC Executive Council on 9/5/23

The Executive Council of the Clerks of Court Operations Corporation (CCOC) met in person at the Sawgrass Marriott in Ponte Vedra, FL, and via WebEx on June 5, 2023. An agenda and materials were distributed and posted to the CCOC website before the meeting.

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

Chair Smith called the meeting to order at 2:30 PM. CCOC Performance, Policy, and Education Director, Marleni Bruner, called roll. Clerk John Crawford provided the invocation.

Council members present in person: Chair Jeffrey Smith, Vice-Chair Tiffany Moore Russell, Clerk Crystal Kinzel, Clerk Tom Bexley, Clerk Stacy Butterfield, Clerk John Crawford, Clerk Todd Newton, Clerk JD Peacock, and Clerk Jody Phillips

Council members present via WebEx: Judge Ronald Ficarrotta

Council members absent: Secretary/Treasurer Laura Roth (excused)

### 1. Agenda Item 1 – Introduction and Approval

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

Chair Smith swore in Clerk Kinzel and Clerk Bexley to the Executive Council. Clerk Kinzel was appointed to the Council by Senate President Passidomo and Clerk Bexley was appointed to the Council by House Speaker Renner.

### 2. Agenda Item 2 – Approve Minutes from 02/21/2023

Mr. Dew went through the minutes and presented those to the Council for review and approval.

Clerk Peacock motioned to approve the minutes from February 21, 2023, and Clerk Russell seconded the motion. The motion passed.

### 3. Agenda Item 3 – CCOC Office Treasurer's Report

#### A) Office Budget Update

CCOC Executive Director, John Dew read the CCOC Office Report on behalf of Clerk Roth. Mr. Dew explained that CCOC had spent a little over 40% of their budget and expected to be

under budget for CFY 2022-23. The CCOC office budget is \$1.86 million and through March have spent just over \$750,000.

**A motion to approve was made by Clerk Bexley and seconded by Clerk Butterfield. The motion passed.**

**B) Proposed CFY 2023-2024 CCOC Office Budget**

Mr. Dew requested a budget increase of less than 3% for the upcoming year. The budget would include an expected increase in health insurance, FRS, the CCOC office lease, and a request for a pay raise of 5% for CCOC staff to match what the State was providing their employees. Mr. Dew said that CCOC competes with the salary of state workers in Tallahassee and asked for the raise to take effect in July, the same time state workers would receive their raise. Clerk Kinzel said that while she was not going to disagree with the increase in pay for CCOC staff, she wanted to put it on the record that she has had to go to the county to seek additional dollars for her court-related staff because there have not been sufficient funds every year to provide across the board raises.

**A motion was made by Clerk Peacock to approve the CFY 2023-24 budget and Clerk Newton seconded the motion. The motion passed. Clerk Peacock also made a motion to revise the CFY 2022-23 budget to approve including the CCOC employee pay raise effective July 1, 2023. Clerk Russell seconded the motion. The motion passed.**

**C) Proposed CFY 2023-2024 Workplan**

Mr. Dew explained that there were eleven items for the workplan, and several were carried over from the current year. Mr. Dew said that the Guardianship Database was a new item for CCOC. CCOC would be providing training for both Clerks and Staff, and Judges and their staff during CFY 2023-24. Clerk Kinzel was concerned that the ability to get analytics for legislature had not been successful. Clerk Kinzel asked Mr. Dew his thoughts on becoming more successful in receiving funds from the legislature. Mr. Dew stated that we continue to need to improve our data to tell the story of not being sufficiently funded and the impact. He said that we continue to improve each year with the data we collect, but we are not 100% there yet. Clerk Kinzel stated that she thought Clerks have been trying to use the same approach with the legislature each year and receiving similar results and we still are not sufficiently funded. Chair Smith thought Clerk Kinzel's points would be more applicable to discuss with the CCOC Legislative and Budget Committees.

**Clerk Butterfield made a motion to approve the CFY 2023-2024 Workplan. Clerk Crawford seconded. The motion passed.**

**D) Update on CFY 2021-2022 CCOC Office Financial Statements**

Mr. Dew announced that there was an issue when there was a changeover for the office manager in CFY 2021-2022. He thanked the Council for allowing the CCOC to contract out the bookkeeping, but said shortcuts were taken by the former bookkeeper, and a number of transactions were not properly placed in the QuickBooks software. Mr. Dew explained that this discovery occurred when the CCOC was preparing for their annual financial audit. It is expected to take several weeks to resolve the issue before the auditors will have corrected information for their review. No motions were necessary.

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#### **4. Agenda Item 4 – Committee Updates**

##### **A) Budget Committee**

Clerk Russell announced that the Budget Committee had established the Base Budget of \$458.6 million to include the current year's Revenue-Limited Budget and the calculated FRS increase. She said that it would be the starting place for the committee to build a final budget. Clerk Russell said that the revenue for this year's funding was yet to be determined as the Revenue Estimating Conference will not meet until sometime in July. Once the information is received from the REC, the Committee will meet again to prepare a recommendation for all Clerks' 2023-24 budgets for the Council's approval. She noted that in December the Council approved the new judges FTE calculations. Clerk Russell said that this will be applied to any new judges that are appropriated by the legislature and approved by the Governor. She noted that a uniform methodology was the best to be successful when we ask the Legislature for funding. Clerk Kinzel added that it was unknown what the Legislature would accept until it was presented and disagreed with the methodology being presented because using an average cost for Clerks is not the best approach.

**Clerk Russell made a motion to approve the funding methodology. Clerk Peacock seconded that motion. The motion passed with one opposition, Clerk Kinzel.**

Clerk Russell thanked Citrus County Clerk Angela Vick for all the work she did on the jury management reimbursement form. She stated that there are no changes in the form for the current year, SFY 2023-24. CFY 2023-24 had an appropriation of \$11.7 million for jury reimbursement costs. Clerk Kinzel asked what will happen if we don't have sufficient dollars in CFY 2023-24 to pay all the juror related expenses. CCOC Deputy Director, Jason Welty, informed Clerk Kinzel that there had been a juror budget cap a few years ago, but now it is just a reimbursement for costs of jury. He said that there was no budget authority at this time. Clerk Russell agreed to speak with Clerk Vick and CCOC Budget and Communications Director, Griffin Kolchakian, to examine what process we would use if there were not sufficient juror reimbursement dollars during the year. Mr. Kolchakian added that reimbursements are based on actuals and if additional revenue is not received from the state, future funding requests may be proportionately reduced. Clerk Russell said that she believes we may not have sufficient reimbursement dollars available next budget year, based on the recent and expected increase in juror related costs but that this issue needs to be presented to the CCOC Legislative Committee to seek resolution.

**Clerk Russell made a motion to approve the SFY 2023-24 Jury Reimbursement form. Clerk Butterfield seconded the motion. The motion passed.**

Clerk Russell thanked Palm Beach Clerk Joseph Abruzzo for leading the Statutory Compliance Workgroup. The workgroup was set up at the direction of the Budget Committee to review sections 28.35, 28.36, and 28.37 of the Florida Statutes to determine CCOC compliance with these statutes. The workgroup concluded its work and provided final observations to the Budget Committee to identify specific subsections for the Committee to consider. Mr. Dew also thanked the workgroup and noted in the end there were only three further review recommendations that were brought to the attention of the Budget Committee.

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Only one of these issues needed review or direction from the Council. The workgroup reviewed the language in subsection 28.36(2)(b), F.S., which states that the proposed budget must be balanced such that the total of the estimated revenues available equals or exceeds the total of the anticipated expenditures. While the workgroup concluded that it appeared to be legislative intent that these budgets must be balanced in such a way that aggregate Clerks' estimated revenues equal or exceeds the total anticipated expenditures, it was recommended that the CCOC General Counsel review the statutory language more thoroughly. Clerk Kinzel requested that Clerks have individual input with General Counsel Bradley during his review of the statute. General Counsel Bradley did say he would appreciate getting clarification on specifically what is the question he is being asked on the interpretation of the statute. Clerk Kinzel said she would like to meet with him to clarify and provide their concern. Clerk Kinzel attempted to clarify her question. Mr. Dew volunteered to take time with Clerk Kinzel and understand her question for Mr. Bradley. Chair Smith announced that Mr. Dew and Clerk Kinzel would meet for a better understanding. Mr. Dew would then meet with Mr. Bradley after his meeting with Clerk Kinzel.

**Clerk Russell made a motion to have the balanced budget statute reviewed by the CCOC General Counsel and bring advice back to the Council. Clerk Peacock seconded the motion. The motion passed with Clerk Kinzel opposing.**

**B) PIE Committee**

Mr. Welty gave the PIE Committee update on behalf of Committee Chair Roth as she was unable to attend the meeting. He noted that the meeting packet stated the Committee met on June 2<sup>nd</sup>, but actually the Committee will be meeting on June 9<sup>th</sup>. The Committee will be discussing the progress of the case counting workgroup that is needed for the Budget Committee to help them make budget allocations. The Committee will also be working with a Payment Plan workgroup that is going to help build the agenda for an upcoming Compliance Summit later this year. Clerk Kinzel asked Mr. Welty if he had sent out a request to all Clerks to provide the CCOC with information on their experiences with using payment plans. Mrs. Bruner noted that the workgroup was established to gather information by a sample group of counties in order to not overwhelm counties with additional work. She let Clerk Kinzel know that anyone could sign up for the Workgroup if they would like to participate.

Mr. Welty concluded by letting the Council know that quarter one and quarter two of the performance measures and action plans have been posted to the CCOC website and Legislative staff were notified.

**C) Legislative Committee**

Clerk Tara Green stated that session concluded May 5, 2023. She stated that there was value in consistency, messaging and relationship building with the Legislature. Clerk Green said that it worked in the Clerks' favor this year. The Clerks Priority Bill passed and is pending the Governor's signature. The legislation included redirects from general revenue. It was projected to be a \$24.1 million increase in revenues. Clerk Green noted that the redirect was the first one since 2017. A glitch in the bill was detected and she and Mr. Welty started the correction process. She said that the REC will meet in July, and we will have more knowledge about the actual outcome after that meeting.

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She informed the Council that there were no cuts to the jury funding and that \$11.7 million recurring will continue. However, we did not receive additional revenues for the jury fund as requested and this issue will have to be taken up again. There was back of the bill language approved that will carry forward for the CCOC Guardianship Database initiative any unexpended funds from the current fiscal year. She stated that CCOC, with Clerk Ken Burke's leadership, was building the Guardianship Database and was projected to be available in the upcoming fiscal year. Clerk Green announced that the employer portion of FRS had a projected impact of \$5.4 million, and it was addressed in the Budget Committee meeting. She stated that state funding for the E-Notify project received no cuts in the recurring \$370,000 that supports the project. Clerk Green announced that as of July 1, 2023, the hotel reimbursement for travel was increased from \$175.00 per night to \$225.00.

She concluded by noting that the CCOC Legislative Committee will meet this summer and continue to work in conjunction with the FCCC Legislative Committee to discuss the next budgetary request for the 2024 legislative session. Chair Smith thanked all Clerks that made the trek to Tallahassee so many times to benefit Clerks as a whole.

**5. Agenda Item 5 – Update on Guardian on Guardianship Database**

Clerk Burke announced that he was pleased with the progress that has been made on the Guardianship Database. He informed the Council that the legislation was passed to authorize the extraction of a statewide database. He said CCOC was charged with building the database with a little over \$2 million state general revenue appropriation. Clerk Burke stated that the project was on schedule and that CCOC Project Manager, Nicole Taylor and Executive Director John Dew were doing a magnificent job. He said that two sitting judges and several Clerks did user testing for the project and things were as hoped. Clerk Burke thanked the FCCC's CCIS for being able to make the database successful without putting the burden of pulling data directly from Clerks but instead importing the data from CCIS. He thanked Michael Rankin with the FCCC for being so cooperative.

Clerk Burke noted that the appropriation was not completely disbursed and there was additional reappropriation that will be used to continue working on the project in SFY 2023-24. He said that the State's Department of Elder Affairs was responsible for getting the data to us on the disciplinary status of guardians. He added that the relationship between Elder Affairs has improved since their new director was hired. Clerk Burke said he would appreciate a motion from the Council that would allow the extension of our contract with Cloud Navigator since the Legislature allowed us to carry forward dollars from this year to next. He noted Cloud Navigator is our vendor that we selected in January to be responsible for helping us build the database. Clerk Burke reported that only \$570,000.00 of the \$1.4 million contract had been expended. Chair Smith thanked Clerk Burke, Clerk Peacock, Mr. Dew, and Ms. Taylor for their work on the project.

**Clerk Peacock made a motion to extend Cloud Navigator's contract through SFY 2023-24. Clerk Newton seconded the motion. The motion passed.**

**6. Agenda Item 6 – Annual Evaluation of Executive Director**

Chair Smith announced that Mr. Dew scored a ninety-five out of one hundred on his annual evaluation. Chair Smith was thankful for Mr. Dew and congratulated John on his excellent

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review. Mr. Dew said he appreciates the trust and leadership of the Council and gave much of the credit for his success to the amazing CCOC staff.

**7. Agenda Item 7 – TCBC Report**

Judge Ficarrotta congratulated Mr. Dew for his evaluation and said that Mr. Dew did an outstanding job as CCOC Executive Director, working with courts, and office of state court administrator. He also congratulated CCOC on the outstanding choice of hiring Mr. Bradley as the CCOC General Counsel. He stated that Mr. Bradley understood the importance of a good working relationship between the Courts and Clerks.

Judge Ficarrotta stated that the Trial Court Budget Commission met virtually in February to discuss and approve recommendations for the initial development of the of the State fiscal year 2024-2025 legislative budget requests. He said the Commission met virtually in March to discuss and approve a year end spending plan initiatives for trial courts. Judge Ficarrotta announced that the Commission would be meeting in person on June 23, 2023, to discuss and approve the 2023-2024 allocations of resources as well as looking at the 2024-2025 budget request. Chair Smith thanked Judge Ficarrotta for his time on the Council.

**8. Agenda Item 8 – Response to request for amicus brief**

Mr. Bradley thanked the Council and Clerks for entrusting him as General Counsel. He also complimented the CCOC and FCCC for doing a wonderful job. Mr. Bradley addressed the litigation of Clerk Nikki Alvarez-Sowles with the trial court’s interpretation of statutes that apply to operations that could negatively impact revenues and other court offices. He stated that he understood Clerk Alvarez-Sowles seeking opportunities for CCOC to participate in litigation at an appellate level. He said that CCOC could only do what the statutes allow. Mr. Bradley said that CCOC could serve as a witness in the trial. Mr. Bradley did not see the authority to file an amicus brief in this case. Clerk Alvarez-Sowles appreciated the time that was spent on her case. She stated that she would continue to move forward. Chair Smith reiterated that they could offer professional support or expert testimony.

**9. Agenda Item 9 – Results of CCOC Election**

Mr. Dew delivered the election results on behalf of Clerk Roth. He congratulated the return of Clerk Newton, Clerk Roth, and Clerk Russell for two more years to the Council. He congratulated Clerk Michelle Miller on being elected as the new Clerk Representative for population group II. He announced that the elected CCOC members would be sworn in at the Corporation meeting following today’s conclusion of the Council meeting.

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

Clerk Kinzel offered her office’s analytics to any Clerk if they wanted to have information on work done by the CCOC on Clerk’s budgets from the last few years. Chair Smith gave Mr. Dew the floor. Mr. Dew recognized Chair Smith for his seven years of service on the Council. Mr. Dew reminded everyone that Chair Smith had announced his retirement and presented him with a plaque.

**Meeting was adjourned at 3:35 PM**

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