



**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

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GILCHRIST COUNTY

JODY PHILLIPS  
DUVAL COUNTY

TOM BEXLEY  
FLAGLER COUNTY  
HOUSE APPOINTEE

JOHN A. CRAWFORD  
NASSAU COUNTY

JOHN DEW  
EXECUTIVE DIRECTOR

BERTILA SOTO  
11TH JUDICIAL CIRCUIT JUDGE  
SUPREME COURT APPOINTEE

MICHELLE R. MILLER  
SAINT LUCIE COUNTY

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## Minutes of September 5, 2023, Executive Council Meeting

Approved by the Executive Council at their meeting on December 13, 2023.

The Executive Council of the Clerks of Court Operations Corporation (CCOC) met in person at the Renaissance Hotel at SeaWorld, Orlando, and via Webex on September 5, 2023. The agenda and materials were distributed and posted to the CCOC website before the meeting.

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

Chair Stacy Butterfield called the meeting to order at 3:30 PM. Secretary/Treasurer Laura Roth called the roll, and Clerk John Crawford provided the invocation.

Council members present in person: Chair Butterfield, Vice-Chair Tiffany Moore Russell, Secretary/Treasurer Laura Roth, Clerk Crystal Kinzel, Clerk Todd Newton, Clerk Jody Phillips, Clerk Tom Bexley, Clerk Michelle Miller, Clerk JD Peacock, and Clerk John Crawford.

Council members absent: None

### Agenda Item 1 – Introduction and Agenda Approval

Chair Butterfield asked the Council to consider agenda item 8, the TCBC update, and agenda item 9a, recognition of Judge Ficarrota's service, to be heard first.

Clerk Bexley made a motion to revise the agenda to take up Items 8 and 9a first. Clerk Newton seconded the motion. Motion carried.

### Agenda Item 9 – Other Business

#### a) Recognize Judge Ficarrota's Service

Chair Butterfield congratulated Judge Ficarrota's retirement and thanked him for his nine years of service. Chair Butterfield noted that he was the longest-serving Supreme Court appointee to serve on the Council. She stated that Judge Ficarrota had been serving the courts in Hillsborough County since 1994. Chair Butterfield said that the clerks and courts have benefited from his service. Judge Ficarrota said that it was his honor to serve and make friends with the clerks and work with John Dew and CCOC staff. He stated that he wanted to continue to build the great relationships he's made. Clerk Cindy Stuart stated that the 13<sup>th</sup>

*Our Mission: As a governmental organization created by the Legislature, we evaluate Clerks' court-related budgetary needs, and recommend the fair and equitable allocation of resources needed to sustain court operations.*

Circuit was big and there was a lot of responsibility. She said that Judge Ficarrotta put many people back into the position of driving by reducing their fees and fines during Operation Green Light. Clerk Stewart thanked Judge Ficarrotta on behalf of Hillsborough County and this body for his time and support. Judge Ficarrotta expressed his appreciation for the clerks.

### **Agenda Item 8 – TCBC Update**

Chair Butterfield stated that there had been no permanent replacement from the Supreme Court as a representative to the Council. She introduced Judge Mahon to give the TCBC update. Judge Mahon said that the two primary asks during the last session were recurring money for critical due process issues. Included in that was the 20 FTE for the deputy trial court administrators for their growing need for and use of technology in the court systems. Judge Mahon acknowledged that the legislature granted the raise of minimums for critical employees. The legislature also funded temporary resources for senior judge positions, some case workers, and staff attorneys for the third year of the pandemic recovery plan. Judge Mahon said that they have met and talked about the LBR requests that are associated with making temporary solutions from the pandemic permanent, such as critical due processes, more case managers, and interpreters for SFY 2024-25. There was also an ask for more stenographic reporting resources. Judge Mahon stated that many court-reporting schools had closed and there was a struggle to find stenographic reporters. He said that digital court reporters were being used in some areas, but areas like Jacksonville were still heavily reliant on stenographic models. Judge Mahon stated that additional FTE and resources were needed for the hiring of digital court reporters. He spoke of a committee that was created by the Supreme Court to assess a functional level of case management throughout the state. The assessment was made and the discussion for significant FTE has begun. Chair Butterfield thanked Judge Mahon for the report. There were no questions.

### **Agenda Item 2 – Approve Minutes from June 5, 2023 Meeting**

Clerk Roth asked the Council for any corrections to the minutes of June 5, 2023. Clerk Kinzel requested that item 4a of the minutes be adjusted to state her concerns about the jury budget not being allocated to the clerks for the last couple of years. Her indication was that jury money would run out and operational funds would need to be used. Chair Butterfield asked Clerk CCOC staff to review the recording for clarification.

**Clerk Kinzel made a motion to approve the minutes with a review of the recording for clarification. Clerk Newton and Clerk Miller seconded the motion. Motion carried.**

### **Agenda Item 3 – CCOC Treasurer Report**

#### **a) CFY 2023-24 Office Budget Update**

Clerk Roth reported that CCOC had expended 70% of the budget in the last ten months and is expected to be well within the budget authority at the end of the fiscal year.

#### **b) CFY 2021-22 CCOC Office Financial Statements**

Clerk Roth announced that a draft of the office financial audit for the CFY 2021-22 is available on the CCOC website. She noted that it was delayed due to QuickBooks system errors, data

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entry errors, and CCOC system errors that needed correcting. Clerk Roth announced that Dana Powell, from Law, Redd, Corona, and Munroe was available via phone. Clerk Kinzel asked for more clarification on the QuickBooks data entry issues and if there had been an extension on the due date of the audit. Clerk Kinzel requested information on what CCOC had done internally. CCOC Executive Director, John Dew, informed the Council that there had been staff turnover and that the previous staff had not entered some of the financial information into CCOC's system. He stated that the internal auditor, Bill Sittig, had to go back and correct the previous year's QuickBooks files before the financial audit. Mr. Dew stated that he is training his current staff to prevent future issues. Clerk Kinzel noted that she reviewed the draft of the financial statements and there did not seem to be any irregularities in the audit that was performed. Mr. Dew confirmed that this was again a clean financial report.

**c) CCOC Office Space Contract**

Clerk Roth informed the Council that CCOC would like a three-year extension for the lease of office space with Leger Group. The lease will only increase by 10% and will total \$3,093.75 monthly.

**Clerk Roth made a motion to approve the CCOC lease renewal. Clerk Moore Russell seconded the motion. Motion carried.**

**d) CCOC Contract Amendment – Financial Services**

Clerk Roth brought forth the contract amendment for financial services directly related to the QuickBooks issue. Clerk Roth stated that the internal auditor for CCOC had to spend unplanned time correcting previous staff issues. Clerk Roth added that there was sufficient budget for the \$10,900 increase. Clerk Kinzel asked Mr. Dew which line item would cover the funds. Mr. Dew explained that the CCOC had sufficient funds in several areas such as travel and other services.

**Clerk Roth made a motion to approve the contract amendment for the increase to the Bill Sittig contact. Clerk Newton seconded the motion. Motion carried.**

**Agenda Item 4 – Committee Updates**

**a) Budget Committee**

Clerk Moore Russell announced that the Budget Committee approved the \$458.6 million Base Budget that included the prior year's Revenue-Limited Budget of \$453.2 million and \$5.4 million for the calculated FRS increase. In July, the REC established the projected total revenues establishing the clerks' available budget at \$474.4 million. Clerk Moore Russell stated that it gave the committee \$15.8 million to allocate over the Base Budget to build the clerks' 2023-24 Revenue-Limited Budget. Clerk Moore Russell informed the Council that the Budget Committee met and approved the clerks' 2023-24 Revenue-Limited Budget and were able to distribute the \$15.8 million. \$1.4 million was distributed for a blended FRS rate to cover the estimated rate increase for quarter four and \$14.5 million for a statewide weighted

case distribution. Clerk Moore Russell added that the committee wanted to ensure that each clerk receives at least a 3% increase year over year.

Clerk Moore Russell recognized Clerk Gary Cooney and his staff for their assistance in reviewing the case data needed for the weighted workload measure. Clerk Kinzel asked when the provisional budget would be altered. She had questions about the elements related to the budget allocation and cost of living. Clerk Moore Russell informed her that the Budget Committee did not vote on the cost of living, but a workgroup was formed to continue to evaluate. CCOC Budget and Communications Director, Griffin Kolchakian, explained that the weighted workload measure was the final piece and information would be distributed once finalized. Chair Butterfield added that several workgroups were formed to address future elements. Clerk Kinzel was curious why the provided spreadsheet added \$11.7 million for jury when the need was articulated for around \$17 million plus. She wanted to know why that difference should not be included in the overall budget shortfall. Mr. Kolchakian explained that the spreadsheet reflected the actual budget and not the needed budget. He informed the Council that if the additional appropriation were not received, the funds to cover additional costs would come out of each clerk's individual CCOC budget. Clerk Moore Russell reminded the clerks that they had only been appropriated \$11.7 million for jury funds. She informed the Council that a workgroup had been formed to look at the concerns brought by Clerk Kinzel. She added that active workgroups are reviewing jury funding, a surplus distribution, and the Needs-Based Budget. Clerk Nikki Alvarez-Sowles proposed two workgroups, one to review Courthouse locations and one to review a living wage. Clerk Moore Russell encouraged clerks to serve on these workgroups. Clerk Karen Rushing asked if there were any jury allocations for extraordinary circumstances. Clerk Moore Russell acknowledged that there was nothing specific outlined for extraordinary circumstances but invited Clerk Rushing to the next Budget Committee meeting to present on behalf of Sarasota County. Chair Butterfield added that the Legislative Committee will be requesting additional jury dollars for next year.

**Clerk Moore Russell made a motion to approve the provisional budget. Clerk Crawford seconded the motion. Clerk Kinzel voted nay. Motion carried.**

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

There are several items to approve for the PIE Committee starting with the Quarter 3 Performance Measures and Action Plans Report. Clerk Roth reported that 11 counties did not require any action plan for collections. She said filing timeliness remained the same and docketing and jury timeliness saw a decrease in action plans. There was a minimal difference from Quarter 2 to Quarter 3 and the report was posted to the CCOC website

**Clerk Roth made a motion to approve the CFY 2022-23 Quarter 3 Performance Measures and Action Plans Report. Clerk Miller seconded the motion. Motion carried.**

Clerk Roth announced that the PIE Committee had revised the form used to determine civil indigent status. The PIE Committee modified the form to ensure that all three options had a checkbox, and the language had a statutory reference. The form now has an additional

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checkbox that says, "Ward is not indigent." Chair Butterfield asked Clerk Roth if this addresses the specific issue that was discussed in June. Clerk Roth said that it did address Clerk Carolyn Timmann's issue of the lack of clarity when a ward is involved.

**Clerk Roth made a motion to approve the modifications to the application for civil indigent status. Clerk Miller seconded the motion. Motion carried.**

Clerk Roth discussed reducing the tracking time following a driver's license reinstatement event from 12 months to three months. The PIE Committee approved the reduction effective October 1, 2022, so that it would apply for the current fiscal year. Clerk Kinzel stated that the twelve months helped establish a pattern. Her experience is that 51% of her applicants fail and retry. She does not believe that three months of tracking will establish a pattern. Clerk Kinzel stated that Operation Green Light is more costly than productive. She suggested that the legislature be informed that it is not working. She believes that narrowing the capture time will not allow sight of the negative patterns. Clerk Roth noted that CCOC would send the appropriate communications for the driver's license reinstatement.

**Clerk Roth made a motion to approve the committee's change to the tracking timeframe from 12 months to 3 months. Clerk Newton seconded the motion. Clerk Kinzel voted nay. Motion carried.**

Clerk Roth stated that a Payment Plan Workgroup was created, and they have developed a pilot form to capture basic data related to payment plans. Clerk Roth encouraged everyone to contact CCOC Performance, Policy, and Education Director, Marleni Bruner, to sign up for this workgroup and receive a template, as more members are needed.

Clerk Roth also mentioned that dates for PIE Committee meetings for the rest of 2023 and 2024 had been established and were posted on the CCOC website.

### **c) Legislative Committee**

Committee Vice Chair Tara Green stated that CCOC must prepare a budget request that provides the amount necessary for reimbursement of the Baker Act, Marchman Act, and Sexually Violent Predators petitions and orders. The CCOC Legislative Committee plans to meet and discuss additional funding issues with the FCCC Legislative Committee and the CCOC Legislative Committee. Clerk Green believes this will help with solutions for unforeseen events in accounting. She noted that Volusia and Clay were experiencing an expensive venue change.

### **Agenda Item 5 – Guardianship Database**

Clerk Ken Burke informed the Council that the Guardianship Database was going extremely well. He added that most technology projects are not typically on time, but this project will meet its deadline. Clerk Burke noted that the most recent activity involved user testing that involved judges, magistrates, clerks, and clerk staff. He said that the feedback was positive and had a few modifications. Clerk Burke thanked all the clerks who reviewed the data. He

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mentioned that there had been a problem with case status due to the way Guardianship travels through the path of the clerk's office. Clerk Burke asked each clerk's office to go through the checklist to ensure the data was accurate. He announced to the Council that the Guardianship Database would go live in November. Clerk Burke spoke of how the OPPG was not cooperative at first, but the new director is enthusiastic and has worked well. He mentioned that the IT departments have become more sophisticated, and the website has improved. Clerk Burke noted that Ms. Nicole Taylor had done a magnificent job as a project manager. Mr. Dew mentioned that an amendment was needed to the Canopy contract for an additional \$15,000 since help was needed after Ms. Taylor left the CCOC. Mr. Dew added that Cloud Navigator's one-year contract needed renewal because they still had deliverables. He asked the Council to approve the contracts that Clerk Burke had already signed. Clerk Burke thanked CCOC's Deputy Executive Director, Jason Welty, for working with legislative staff to ensure there was reappropriation for the following year. Chair Butterfield encouraged the Council to review a webinar that had been recorded on the implementation of the Guardianship Database.

**Clerk Peacock made a motion to approve the amended contracts. Clerk Miller seconded. Motion carried.**

#### **Agenda Item 6 – Follow-up on CCOC Office Workplan – Succession Plan**

Clerk Crawford spoke of how the timeliness issue of a succession plan was critical for the CCOC. Mr. Dew has worked for the state for forty years and announced he was looking at retirement from the CCOC in October 2024. He stated that he had a great experience and realized how lucky he was to work with so many friends. Mr. Dew made the recommendation for the CCOC Deputy Executive Director, Mr. Welty, to be considered for the CCOC Designate Executive Director. He noted that Mr. Welty had been with the organization for five years and had been the Deputy Executive Director for two years. Mr. Dew expressed the benefits of Mr. Welty training with him on the administrative aspects of the position.

Clerk Roth spoke of her support for Mr. Welty but asked who would replace his role as Deputy Executive Director. He said he and Mr. Welty would discuss the need to fill the position in the future. Clerk Kinzel agreed that a succession plan was necessary. She suggested that it would be a fair opportunity to look at the market and explore it in conjunction with the succession plan. Clerk Kinzel said that there could be clerks with the background and more years of service who would be willing to take the position. Clerk Peacock stated that when he served as Chair of the Council for three years, he worked closely with Mr. Welty and believes the learning curve he's already mastered puts him ahead of any candidates. He feels another year in training will only put him further ahead and does not want to second guess Mr. Dew's opinion. Clerk Kinzel stated that it was uncomfortable to have staff present during these discussions. She said that she was not meaning to insult Mr. Welty, but she had concerns from a fiscal perspective. Clerk Newton agreed with Clerk Peacock that having a highly capable person in the office, one who sees the day-to-day operations, is beneficial and thought it would be unwise to go in a different direction. Bringing someone from the outside may create issues down the road.

Clerk Crawford commented that he appreciates Clerk Kinzel's comments. He feels Mr. Welty had the experience and the ability to face off with the legislature, which was important. He also stated that while the CCOC was taking a chance, Mr. Welty was also taking a chance. He wished both Mr. Dew and Mr. Welty well.

**Clerk Crawford made a motion to adopt the recommendation of Executive Director, John Dew, to name Jason Welty, as the CCOC Designate Executive Director. Clerk Newton seconded the motion. Clerk Kinzel voted nay. Motion carried.**

Clerk Moore Russell suggested there be a study done regarding the sufficient staffing at CCOC, along with the budget. Chair Butterfield agreed that Mr. Dew and Mr. Welty have the opportunity to develop the budget and added the charge of reviewing staffing. Chair Butterfield thanked the Council for their input and concerns.

She invited Mr. Welty to speak. Mr. Welty thanked Mr. Dew for the recommendation and the Council for approving him as the Designate Executive Director. He said he was honored to have their faith and trust. He noted that both he and Mr. Dew were looking at staffing and organization structure for the future CCOC team. Chair Butterfield thanked Mr. Dew for his mentorship and succession planning which allowed for a year of training.

#### **Agenda Item 7 – Judicial Circuit Assessment Workgroup**

Chair Butterfield announced that the Supreme Court put together a workgroup to review circuit assessments of whether the judicial circuits should be combined. She said the Chief Justice asked the workgroup to look at the criteria outlined in Rule 2.241. The workgroup was to hear from all the potential stakeholders. The workgroup met in July and is required to have a report submitted to the Supreme Court by December 1, 2023. Chair Butterfield stated that one public hearing had already been held and another one would take place in October. She said the workgroup would allow anyone to speak on behalf of their entity or individuals. Chair Butterfield stated that the workgroup was receptive to written letters as well. She informed the Council that there is a subcommittee looking at the potential impact of the CCOC. She said she would be reaching out to CCOC staff when the time was appropriate.

#### **Agenda Item 9 – Other Business, continued**

##### **b) Other Business**

Chair Butterfield stated that she would like to continue with regular leadership meetings with CCOC Chair, FCCC President, and CCOC Executive Director. Chair Butterfield announced that the first meeting had been in July, and she plans to continue those regularly. Clerk Miller asked about a letter that Clerk Ken Burke sent. Chair Butterfield stated that the issue had been resolved.

**Chair Butterfield made a motion to adjourn. Clerk Newton and Clerk Miller seconded. The meeting was adjourned at 4:53 PM.**

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MINUTES OF SEPTEMBER 5, 2023, EXECUTIVE COUNCIL MEETING

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