

**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



**JOHN DEW**  
EXECUTIVE DIRECTOR

**CCOC**  
**FLORIDA CLERKS OF COURT**  
**OPERATIONS CORPORATION**

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

**TODD NEWTON**  
GILCHRIST COUNTY

**JOHN A. CRAWFORD**  
NASSAU COUNTY

**MICHELLE R. MILLER**  
SAINT LUCIE COUNTY

**JD PEACOCK, II**  
OKALOOSA COUNTY

**BERTILA SOTO**  
11TH JUDICIAL CIRCUIT JUDGE  
SUPREME COURT APPOINTEE

**TOM BEXLEY**  
FLAGLER COUNTY  
HOUSE APPOINTEE

**CRYSTAL K. KINZEL**  
COLLIER COUNTY  
SENATE APPOINTEE

**JODY PHILLIPS**  
DUVAL COUNTY

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## APPROVED Minutes of December 13, 2023, Executive Council Meeting Minutes Approved at March 18, 2024 EC Meeting

The Executive Council of the Clerks of Court Operations Corporation (CCOC) met via Webex on December 13, 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 2:00 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 John Crawford, Clerk Michelle Miller, Clerk JD Peacock, and Judge Bertila Soto.

Council members absent: Clerk Tom Bexley

### Agenda Item 1 – Introduction and Agenda Approval

Stacy Butterfield welcomed Judge Soto as the newest member of the CCOC Executive Council and thanked the Chief Justice of the Supreme Court for appointing her. Clerk Butterfield shared Judge Soto's background as a judge in Miami-Dade County since 1997, including Chief Judge of the 11<sup>th</sup> circuit from 2013-2020. Judge Soto's work on various initiatives and support of the new courthouse in Miami-Dade County was also highlighted. Judge Soto thanked the committee and expressed what an honor it was for her to be appointed to the Council. She extended her appreciation to Clerks for the work they do statewide. She reassured the Council that she was there to hear everyone's needs and would extend that message to the Florida Supreme Court. CCOC General Counsel Rob Bradley swore Judge Soto into the Executive Council as the Supreme Court representative.

Clerk Russell asked the Council to remove the proposed revision to the Clerks' operational budgets from Agenda Item 5(a)(i). CCOC staff have received several comments from different CCOC Budget Committee members that led her to believe that it would be appropriate to send this issue back to the Committee for further consideration.

Clerk Russell made a motion to approve the agenda as revised. Clerk Newton seconded the motion. Motion carried.

*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.*

**Agenda Item 2 – Approve Minutes from 9/5/23 meeting.**

Clerk Roth asked the Council for any corrections to the minutes of September 5, 2023. No corrections or comments were made.

**Clerk Kinzel made a motion to approve the minutes of the September 5, 2023, Executive Council meeting. Clerk Newton seconded the motion. Motion carried.**

**Agenda Item 3 – Treasurer’s Report**

**a) CFY 2022-23 CCOC Office Budget**

Clerk Roth explained that CCOC staff has completed the reconciliation process for the for the CFY 2022-23 CCOC Office Budget. CCOC staff is now ready to provide information to the audit firm for them to start their review and preparation of the financial statements. For CFY 2022-23, the CCOC spent just over 92% of the budget and continues to keep expenses within the approved budget authority. To ensure CFY 2022-23 closed out timely and to prevent a similar situation to the CFY 2021-22 budget, John Dew, CCOC Executive Director, approved that the accounting vendor, Mr. Bill Sittig, work nights and weekends to promptly close out the year. The extra hours, however, will increase the cost of the contract amount for the current calendar year. The CCOC Treasurer requested that the Council therefore approve increasing the maximum contract payment amount to Mr. Sittig for these expenses. There are sufficient funds in the CFY 2023-24 budget to handle the increase of the contract by an additional \$17,000. There were no questions or comments.

**Clerk Newton made a motion to approve the reconciled 2022-23 office budget and allow for the increase in the contract authority to Mr. Bill Sittig. Clerk Russel seconded the motion. Motion carried.**

**b) CFY 2023-24 CCOC Office Budget**

Clerk Roth introduced the CFY 2023-24 office budget report which only included one month. In the figures for October, the spending was slightly over \$94,000, which was well within the budget limits for the year. There were no questions or comments.

**Clerk Roth made a motion to approve the CFY 2023-24 CCOC Office Budget report. Clerk Newton seconded the motion. Motion carried.**

**c) Cyber Activity Issue**

Clerk Roth reported on the cyber incident that occurred at the CCOC on August 25, 2023. The issue involved a fraudulent email received that day which eventually allowed one of the CCOC vendors (Cloud Navigator) to have their payments sent to a fraudulent account in the amount of just over \$300,000. Mr. Dew was made aware of the problem in October and immediately notified CCOC Chair Clerk Butterfield and Secretary/Treasurer Clerk Roth as well as contacted the FBI and FDLE. Mr. Dew spoke to the FDLE investigator again this week and was told that the State Attorney’s office has issued a subpoena to the bank seeking records. FDLE indicated that a response from the bank could take anywhere from weeks to months for their reply. Mr.

Dew said the CCOC General Counsel has advised us to wait until FDLE did its investigation and then work with the bank to see if their insurance had some coverage for the loss.

In the meantime, the CCOC office strengthened their process for making payments through the bank, including two-factor authentication, requiring verbal approval from a vendor for any revisions to bank accounts, and training staff to look for “phishing” emails. Likewise, the CCOC IT vendor set up additional barriers to prohibit “phishing” attempts.

Clerk Butterfield shared how unfortunate the cyber security issue has become, she also informed the Council about Clerk JD Peacocks’ involvement in a panel for cyber security. She was aware that many offices have had to deal with similar incidents and stated that they can strengthen their processes, procedures, etc., and try to stay one step ahead of the next “scam,” which is a challenge.

Clerk Kinzel asked Mr. Dew if the office had any errors and omissions insurance or if they had looked into it. Mr. Dew responded yes, and the first thing he did was check with the insurance agent. There could be insurance but it would only be for \$15,000. He noted he also received a form from the CCOC Office insurance company to potentially request a quote for the cost for cyber liability insurance. He was told it would be extremely expensive but he could fill out the application if the Council wished. Clerk Kinzel added that they had a cyber security issue in Collier County, and previously had a claim that was covered 100% by the insurance company. She understood that it could be a little pricey but considering the magnitude of the current loss that may not be recoverable, extended security might be a good idea. She asked Mr. Dew if they also have a Positive Pay with the bank regarding disbursement, because that is something that usually the banking institute would offer for free, and it would validate any checks or payments that were bumping up against the account. This would give them a little time to deny the presentation of that payment. Mr. Dew responded that he would check to see if our bank could provide a Positive Pay service.

Clerk Butterfield responded that if it was the will of the Council, then Mr. Dew could get a quote for various insurance coverage and he could bring that back at the next Council meeting for our review and potential approval.

Clerk Kinzel asked where the money would come from to cover our loss if we are unable to recover the loss through insurance or restitution. Mr. Dew responded that the money expended for Cloud Navigator services were related to the Guardianship Data Transparency Project which is funded from General Revenue. However, we have not received any of the GR dollars because we ask for these monies based on a reimbursement request. Therefore, for now the dollars are coming from the CCOC budget revenues. He said we have sufficient dollars to cover the loss in the CCOC budget revenues due to having under-expended our budget authority.

He assured the Council that the CCOC Office would be fine as far as the budget for the incoming year. Clerk Butterfield responded that if FDLE saw this case led to criminal charges that could be pursued, then potentially we could also seek restitution from a defendant.

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Clerk Miller mentioned that St. Lucie County had almost the identical thing happen in her office and that Positive Pay is an awesome thing. She asked which bank the CCOC used. Mr. Dew responded Prime Meridian was the bank. Clerk Miller added that Wells Fargo does an excellent job with their Positive Pay and on their website were lots of information about their process, which she recommended as well as a second verification process.

Clerk Peacock asked who was doing/managing the training and the intrusion testing. Mr. Dew stated the CCOC had a new software they were using called QuickHelp for the staff training on phishing. This individual video training is set up for each staff member to complete. There were about 25 different training sessions about things like phishing, fraud, etc. Clerk Peacock asked where they got that training from, and Mr. Dew responded that Cloud Navigator, the vendor that did not receive the funds because they were stolen, felt bad about what happened and provided the training to the CCOC at no charge. Clerk Peacock asked if the CCOC had done an IT controls audit or some kind of external entity that looked at the CCOC's IT controls, specifically related to financials. Mr. Dew said they had internally set it all up with the IT vendor, Ken Baker of eGroupTech, who had also added other software to the system since the incident happened. However, they have not had an IT external audit done.

Clerk Peacock requested an external IT controls audit be done to try to find some ideas to put in place. He recommended it be done through a 3<sup>rd</sup> party, outside of staff or current contractors, to ensure that there were no conflicts. Clerk Peacock also asked if the expense would be seen in the expense budget because he did not see it as a line in the expenditure budget, or if it would just be taken as a negative against the bank account. Mr. Dew stated that right now they are taking it against their bank account until they possibly recover something from the bank. Clerk Roth chimed in to clarify that since the transfer did not get verified by phone call, there is a possibility there is some evidence. Mr. Dew stated that the expense was not seen in the CCOC budget at all yet because they had a \$2.4 million budget of State General Revenue for the guardianship project, which is where the expense might also show up. This depended on where the Council wanted to take the loss until such time we would hopefully be made whole through restitution or bank insurance. Clerk Peacock stated that the CCOC had enough dollars on hand to invest in the issue and to learn from the \$300,000 lesson. However, he wanted to make sure everyone was considering the issue a priority and hoped everyone would learn from it.

**Clerk Kinzel made a motion to allow Mr. Dew to check into cybersecurity insurance and get quotes. Seconded by Clerk Miller. Motion carried.**

#### **d) Auditor General Audit**

Clerk Roth introduced the Auditor General Audit for the CCOC office. The State Auditor General's office is required by statute to audit the CCOC once every three years. The last audit was done in 2020 and in November 2023 we received notification from their office that they would begin their audit within the next couple of weeks. An entrance conference was held where it was noted that the fieldwork would take anywhere from 3 to 4 months. The CCOC office will be providing documents requested by the auditors. A sample email for CCOC documents from the auditors is included in the packet. Mr. Dew will keep Clerk Roth informed

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of the progress of the audit and update the Council as well. There were no questions/comments.

**e) Contract Extensions**

The CCOC contracts are provided on a one-year basis but with the option to extend the contract for one year, twice (provided there is adequate funding) for a total of three years per vendor. Six of the attached contracts would be seeking their second and final one-year extension. Clerk Roth recommended to the Council that they give the vendors their last one-year extension for the calendar year 2024. Mr. Dew reported that the vendors agreed to the extension with the same rates they had in 2023. Contract extension forms were included in the packet. Krizner, the HR services group, is the only one of the vendors that is on its first extension. Clerk Roth reviewed the six vendors that were on their final extension: Bill Sittig (accounting services); Law, Redd, Crona & Monroe (external audit services); Understory, LLC (website hosting services); Tallahassee Cleaning Solutions (office janitorial services); FCCC (education services); and CIS, Inc. (compliance education services). The previous year's contract extension for CIS, Inc. included an increase of \$14,000 and the Clerk Roth requested that the Council approve to maintain that increase for 2024.

**Clerk Miller made a motion to approve the contract extensions as provided in the packet. Seconded by Clerk Newton.**

Clerk Kinzel asked about the FCCC and the CIS contracts. She mentioned Clerks already have training with FCCC and some of CCOC trainings are combined with FCCC. Clerk Roth responded yes, the CCOC is statutorily required to provide educational training for Clerks and Staff. Most of the training the CCOC provides to Clerks and staff are through contractual agreements. The major contract is with FCCC for the large portion of education as well as CIS services for compliance education services. Clerk Kinzel also asked if there was a reason why compliance training was not handled with clerk work groups or clerk staffing that could offer compliance evaluation. She also wanted to know if there were any reports showing the results, accomplishments, or improvements achieved through this contract. Mr. Dew responded by saying CCOC staff holds regular meetings with CIS, and he could send Clerk Kinzel information provided. He said the CCOC has also asked CIS to present at Council meetings to provide updates and that also could happen if the Council wanted them on the meeting agenda. Clerk Kinzel then asked if they did a summary of any compliance improvements from the reporting that they do. Mr. Dew said CIS does follow up with the places that ask for their assistance, and they can review performance measures to see if they have improved and where they have improved.

Marleni Bruner stated that the FCCC contract included funding for things such as New Clerk Academy, webinars, the mobile app, CertiClerk, conferences, and regional training along with Webex support for CCOC committee and Council meetings. This can be seen on the CCOC website under the deliverable schedule for the contract that lists the training that is done using that funding. She also stated that at the summer Executive Council meeting CIS provides a summary of what has been done over the year. She called attention to an issue that had been brought up by the Budget Committee regarding having CIS review and verify things

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related to compliance. While that item has been placed on hold, the funds are still within the contract so should the Budget Committee decide to take it up again, funds would be available. CIS provides the CCOC with what counties they are working with, helping them set up their compliance programs and looking at analytics and reporting. They also help with some of the workgroups the CCOC is involved in. There were no further questions or comments.

**Clerk Butterfield called for a vote on the motion to approve the contract extensions. Motion carried.**

**Agenda Item 4 – CCOC Annual Report**

Griffin Kolchakian, CCOC Budget and Communications Director, introduced the 2023 CCOC Annual Report for the Council to review. This report included an overview of the activities conducted by the CCOC throughout the year. There were a couple of updates for the 2023 report, such as sections added on the guardianship project, the tort reform legislation, and updated numbers and charts throughout the document. After approval, the CCOC would send a copy to the House, Senate, and Governor's Office; as well as publish it on the CCOC website by the statutory deadline of January 1.

**Clerk Peacock made a motion to approve the 2023 CCOC Annual Report. Seconded by Clerk Miller.**

Clerk Kinzel had a concern regarding the message from the CCOC Chair Clerk Butterfield in the Report's cover letter. Clerk Kinzel said from her opinion the highlights were very optimistic, but did not reference that we still are under-funded and we are in a large deficit for meeting our overall budget needs. Regarding the area that said there is no choice but to reduce positions and services to absorb, there was no mention of local subsidies of almost millions, which she thought should be included. Page 8 showed the \$14 million in jury management reimbursement and funding, but what they received was \$11.7 million. They had not yet received that increase to cover additional costs. They received \$11.7 million again and now they were putting in the glitch the \$4 million. Clerk Kinzel believed that the deficit should also be mentioned under the parts that mentioned the jury. The 2022-23 budget authority is the revenue limited, and most of the clerks were still not getting their needs budget.

She noted numerous other areas where she had suggestions, which Clerk Butterfield asked her to send a list of those concerns to Mr. Kolchakian so they could review the concerns. She believed some of the concerns such as the 50% cumulative access are smaller issues of the year that are being reported since this report is from 2022-23 and she believed that the money is in the next year's budget. She also asked if there were any additional comments from the Council, if so, they could be brought forth or sent to Mr. Kolchakian. Since it is due on January 1<sup>st</sup>, if it is the will of the council, Clerk Butterfield suggested they approve the Chair to work with the Executive Director and staff to look at the additional comments from the Council members and work to see about the inclusion/edits of those comments as appropriate.

Clerk Kinzel asked if other people have also seen these differences because for most years, she did this in detail and she saw quite a bit that she thought was important. She understood that it was due January 1<sup>st</sup>, but since this was the first packet they had gotten, that was when she did the review of it. She thought it would be important for the members of the Budget Committee to comment on these numbers. Even things like the expenditure compared to the revenue, only the expenditure that fell under the budget was being shown, without including subsidies that they had to receive from their local governments to even keep the operations going. She thought some of that would be very important information to articulate to the Legislature and the Senate, to show them what was happening with the reduced budgets that they had.

**Clerk Peacock amended his motion to allow the Chair to work with CCOC Staff to incorporate the edits mentioned. Seconded by Clerk Newton. The motion passed with opposition from Clerk Kinzel.**

Clerk Miller asked if the CCOC was allowed an extension. Mr. Dew answered that no, an extension was not provided for in the statute. Clerk Butterfield suggested that they submit the report on time. They could submit an amended report or follow up after the due date if necessary.

Clerk Butterfield also mentioned that going into the next year she would like to consider using the Budget Committee to review this report first since many of Clerk Kinzel's comments were related to the budget. Clerk Kinzel agreed and mentioned that would be great since she is on the Budget Committee.

## **Agenda Item 5 – Committee and Workgroup Reports**

### **a) Budget Committee**

Clerk Russell provided an update on the Budget Committee. They met in October 2023 to set the committee calendar and work plan for the upcoming year. They would continue to build the CFY 2024-25 budget based on their success in the previous years. They canceled the December meeting since they did not have a full agenda, but they would be meeting again in February or March. After Session, they would know the success of their priority bill. The Committee had four active workgroups which were listed as follows: Jury Management, Compliance, Needs-Based Budget, and Living Wage Analysis workgroups. CCOC staff are currently committed to the settle-up process and would be reaching out to the Clerks' offices as needed. The item that was removed from the current meeting related to the operational budget changes will be brought to the next Council meeting. She finished by thanking all the Clerks and staff who gave help to different workgroups and different projects, which proved extremely helpful to the budget committee.

### **b) PIE Committee**

Clerk Roth stated that the PIE committee met on December 1<sup>st</sup> via WebEx and the meeting materials were published on the CCOC website. The Quarter 4 Performance Measures and Action Plans (PMAP) report was reviewed and approved by the PIE Committee. Johnny Petit, CCOC Actuarial Performance Analyst, presented the Quarter 4 end-of-year cases and

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subcases report at the meeting as well. Lake County Clerk Cooney presented two options for updates to the current peer groups and the PIE committee directed CCOC staff to send the peer group information to all Clerks and their staff for comments. CCOC staff would include a comparison of the current peer groups to the proposed peer groups. Responses will be gathered and presented in the PIE committee meeting on March 15, 2024. Since no votes were taken on the two options, they would have time to review those options as well as collect comments from other Clerks. Should the new peer group be adopted, it would then move to the Executive Council meeting on March 18, 2024. The email regarding the peer group analysis will be sent following the current meeting, with comments/inquiries that are due to CCOC staff by Friday, February 23, 2024. The deadlines for this were strict because they must take action to have the report done in time for the Budget Committee to get going with next year's budget. Clerk Roth also mentioned that standing workgroups are actively working on some improvements with the case counting and case weights.

**Clerk Roth made a motion to approve the CFY 2022-23 Quarter 4 Performance Measures and Action Plans Report. Clerk Peacock seconded the motion. Clerk Kinzel opposed. Motion carried.**

**c) Legislative Committee**

Mr. Kolchakian stated that Mr. Dew asked him to take over staffing the CCOC Legislative Committee since Mr. Welty has left the CCOC to serve as the Jefferson County Clerk. With Legislative session less than a month away, the Clerks had 2 items to discuss regarding their submission to the Justice Administration Commission (JAC). The first is \$2.7 million for the Baker Act and Marchman Act reimbursement and sexually violent predators' reimbursement. The second was the continuation of the recurring \$11.7 million for jury reimbursement funding. CCOC also requested to increase the amount for jury reimbursement. Mr. Kolchakian mentioned they had a virtual CCOC Legislative Committee meeting planned for Monday, December 18, 2023, at 11 am. Lastly, he requested the assistance of Clerks and staff in completing bill analyses as they come in for session since we always need the Clerks' expertise. He stated that any assistance would be appreciated.

**Agenda Item 6 – Update on Guardianship Data Transparency Project**

Mr. Dew presented the report as Clerk Burke was unable to attend the meeting. He stated we are currently making good progress. We initially thought we could go live with the database in November or December. However, our projected date to go live has been moved back to April. This is occurring first, because the Office of Public and Professional Guardians (OPPG) stopped sending us their data in October because they suspended their system while implementing a new one. CCOC hopes to get better data from OPPG on individual guardians by the end of December. The second concern, is that once we start again receiving data from OPPG, it could take potentially two months for our vendor, Cloud Navigator, to make sure that they grabbed the data correctly from the OPPG system and converted it into their database. Mr. Dew stated that while the building of the CCOC Guardianship database is complete, we are still in the process of helping assure that the data within the system will be correct before we go live. He thanked our vendor Cloud Navigator, the Association leadership, and the Clerks for all their help regarding the data retrieval process.

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### **Agenda Item 7 – Report on TCBC**

Judge Soto presented the report on the Trial Court Budget Commission (TCBC). In October 2023 the Commission met to discuss the statewide fiscal impact analysis developed by the Judicial Circuit Assessment Committee's Fiscal and Resource Subcommittee as it related to the potential fiscal impact judicial circuit consolidation would have on Florida's trial courts, clerks, state attorneys, public defenders, local law enforcement resources, and other justice entities. The Fiscal and Resource Subcommittee found that on a statewide basis, consolidation would have no positive long-term fiscal impact as it related to the work of the trial courts and most state agencies of local and state law enforcement, and an overall negative fiscal impact as it related to the work of the state attorney and public defenders. TCBC members noted that consolidation would have an adverse financial impact on conflict councils and may lead to County Judges no longer being elected by their localities. The TCBC's feedback during this discussion would be shared with the full assessment committee before the submission that was sent out on December 1<sup>st</sup>.

The TCBC met again in November of 2023 to approve and revise the fiscal impact for the expansion of court interpreting services to all court proceedings and court-managed activities. This fiscal impact was provided by the TCBC on Trial Court Performance and Accountability for consideration when recommending an operational plan for the expansion of the Supreme Court. At the November 2023 meeting, the TCBC also approved the reallocation of the vacant Child Support Hearing Officer from the 5<sup>th</sup> to the 10<sup>th</sup> circuit and addressed the minimum salaries of administrative positions. It's anticipated that the TCBC will meet again in the first quarter of 2024.

### **Agenda Item 8 – Appointment of Jason Welty as Jefferson County Clerk**

Chair Butterfield announced that Jason Welty, who served as the CCOC Deputy Executive Director, has been appointed by the Governor to be the Jefferson County Clerk of Court. A statement from the Governor noted that "he was banking on a long-time state government finance person to bring stability to the clerk and comptroller's office in Jefferson County." He appointed Jason Welty because he "was a solid choice for the job." Jason Welty is expected to hold the position until another individual is elected Clerk in the November 2024 election and at some point after that return to the CCOC.

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

John Dew wanted to mention they would not be hiring an interim Deputy Executive Director. He believed it would not make sense because it would take a year to train someone new. They were having staff step up and he would like to provide compensation to staff at some point for taking on the additional work which was previously done by the Deputy Executive Director. Clerk Butterfield asked Mr. Dew to work with the Treasurer on some compensation ideas and bring those back to the Council at the next meeting on March 18, 2023.

**Chair Butterfield adjourned the meeting at 3:20 PM.**

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