



FCCC | 3544 Maclay Blvd | Tallahassee, Florida 32312 | (850) 921-0808

May 26, 2020

Governor Ron DeSantis  
State of Florida  
The Capitol  
400 South Monroe Street  
Tallahassee, Florida 32399-0001

Re: Florida Clerks' response to the COVID-19 crisis and recommendations concerning budgetary impacts

Dear Governor DeSantis:

We hope that you and your family remain safe and healthy during this unprecedented crisis. As fellow elected officials, we sincerely appreciate your leadership and frequent communication with our shared constituents across Florida as we navigate together through this difficult time.

The purpose of this letter is to provide you with additional information to the correspondence sent to you on May 19, 2020, from Chief Justice Charles Canady. In that letter, he expressed concerns about the projected current-year deficit for Florida's Clerks of Court that resulted from the closures and mitigation efforts for COVID-19, and how that would impact the Clerks' ability to support the reopening of the court system properly.

Clerks greatly value our partnership with the Chief Justice and the courts. I am honored to serve on the Chief Justice's Courts Continuity Workgroup, which is working on a plan to safely reopen the court system for our fellow Floridians. I genuinely believe that having a properly functioning court system is an essential element to reopening Florida under your Safe. Smart. Step-by-Step. Plan.

As the Chief Justice's letter stated, the current fee-based funding structure requires revenues from various fines, fees, and costs to be collected locally to fund our court-related services. There is no safety net—such as a reserve fund. When these revenues fail to support the essential services Clerks provide to Floridians, there is no additional funding source or “rainy day” fund. Therefore, while the long-term impact is not yet fully understood, we do know that Clerks are confronting a severe, and short-term revenue loss. This stems from the pandemic's effects on court proceedings, law enforcement activities, payments of fines and fees, and specific statutory revenue streams like civil traffic cases.

Stacy M. Butterfield, CPA  
Polk County  
*President*

Tara S. Green  
Clay County  
*President-Elect*

Angelina “Angel” Colonnese, Esq.  
Manatee County  
*Vice President*

Carolyn Timmann  
Martin County  
*Treasurer*

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Suwannee County  
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Chris Hart IV  
*Chief Executive Officer*

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The Florida Clerks of Court Operations Corporation (CCOC) is charged by Florida Statutes to support Clerks' court-related budget activities. Thus, the CCOC is closely working with Clerks' offices and other partners, such as the Office of the State Courts Administrator (OSCA), to understand the revenue impacts of COVID-19 mitigation efforts on Clerk funding and other state trust funds. As we are facing unprecedented events, the data and deficit projections are very dynamic, and we continue to refine our estimates as more and more information is received. Clerks are committed to continuing to update those numbers for you and your team as we move forward.

Understanding the severity of the revenue losses, the CCOC Executive Council has taken responsible steps and has asked Clerks to take action to reduce current-year expenditures; for example, by not filling vacant positions. However, it is essential to note that actions to reduce costs alone will not be enough to mitigate the immediate losses. And, as the Chief Justice also noted, the vast majority of cases and court proceedings currently delayed due to the COVID-19 crisis will require immediate processing once normal operations resume. Consequently, Clerks will need our highly trained staff and resources in place and ready to support the court system's backlog and our constituents.

On April 30, leadership from the Clerks' association, Florida Court Clerks & Comptrollers, and the CCOC met with your Legislative Director and budget staff to provide a briefing on our budget and projected revenue losses. We have also provided detailed information on our revenues and expenditures to your team, as well as members of the House and Senate and their appropriations staff. We greatly appreciate their willingness to meet with us to hear our concerns.

On May 27, the CCOC Budget Committee will meet to update the projected deficits and discuss what actions the Council needs to take to reduce the current year budget to account for the losses. We have invited your staff to join us so they can hear about this situation directly.

We share your concerns about our state's crisis and understand that it is affecting everyone's financial well-being. Hard choices will have to be made, and everyone will have to tighten our belts. But, part of a healthy recovery is a properly functioning court system and we seek to work with you to find a balance that allows critical services to continue. We cannot seek assistance from our legislative partners at this time, because the Legislature is not able to appropriate any additional funding to the Clerks of the Court Trust Fund while not in session. Therefore, we need your help to maintain our services and solvency.

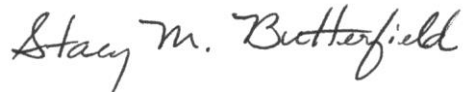
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To ensure the continuation and stabilization of Clerks' essential court-related services, and on behalf of Florida's 67 Clerks of Court, we respectfully request the following actions be taken:

- Through your emergency powers, as provided in Chapter 252, Florida Statutes, have funds transferred out of the Budget Stabilization Fund or unappropriated surplus funds to support Clerk offices that are in deficit due to the COVID-19 crisis.
- Authorize your budget staff to work with the CCOC to develop a methodology to determine the projected deficits by county to maintain court-related operations and the emergency funds that would be needed to backfill these deficits
- Authorize the CCOC to provide a plan to the Executive Office of the Governor and Legislature on how these funds will be drawn down as deficits occur and allocated to the individual counties up to the CFY 19-20 approved budget authority.

On behalf of Florida's Clerks of Court and our teams, thank you for your continued leadership and steady guidance of our state. Clerks stand ready to be your partners as we work to get Florida safe and back to business, better than ever. Please do not hesitate to contact us directly with any questions or for additional information or updates that we may provide in support of our request for emergency funding relief on behalf of the many Floridians we serve.

Most sincerely,



Stacy M. Butterfield, CPA  
Polk County Clerk of Court and Comptroller  
President, Florida Court Clerks & Comptrollers

cc: The Honorable Charles Canady, Chief Justice, Florida Supreme Court  
Shane Strum, Chief of Staff, Executive Office of the Governor  
The Honorable JD Peacock II, Okaloosa Clerk and Comptroller, Chair, Clerk of Court  
Operations Corporation