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Dear Senator Passidomo and Representatives Rommel, Melo and Botana:

First, I want to thank you for the opportunity to address the delegation regarding the critical issues of concern to Clerks of Court and Comptrollers in Florida. Clerks represent the entire population of Florida and serve as Clerk and Comptroller in each county. Thank you for your support of our requests during last year's legislative session. SB 838 by Senator Boyd in 2021, HB 397 by Speaker Clemons in 2022 and last year through HB 977 by Representative Botana have helped us. There were several successes resulting in additional funding, and these successes were due to your support, so again THANK YOU!

Unfortunately, the successes of prior years and last year did not accomplish all that we needed to fill the statewide funding gap. There is a gap of just over \$53 Million between the current REC-determined revenue and the Clerks' budget request for 2023-2024. There is more work to be done.

Statewide Clerks plan to seek additional funding this year.

The 2024 Legislative Priorities

The 2024 Legislative Priorities include a "continuation plan" to:

- Fix a glitch from last session's bill in Chapter 34, Florida Statutes, related to Issuance of Summons, to ensure it applies to both the circuit and county courts. (Last year only circuit was approved through a reference error.)
- Continue to diversify Clerk funding through statutory redirects of certain revenues for court-related services. This allows Clerks to retain more of the funds collected for services we provide to our shared constituency.
- Continue the state reimbursement process for certain public services and approved civil indigency cases where fees are currently waived.

Safety and Security for Clerk Staff, Systems and the public

The statewide initiative also plans to seek a change to Chapter 119 to allow for certain personal identifying information to be made confidential and exempt so that we may provide a necessary layer of safety and protection for Deputy Clerks who serve in the courtroom and on the front line of services, including domestic violence injunctions, direct customer service and criminal in-court proceedings. These exemptions are similar to those exemptions that have been previously passed by the Legislature for Tax Collectors and Judicial Assistants. The security of personal information is also critical to protecting our information systems from potential attacks. And to protect from disclosure, citizen emails relating to fraud risk alert systems.

The Florida Clerk of Courts and Comptroller Association Government Relations team is currently working on finalizing the legislation that will enact these changes and I will follow up with you once our bills are filed to review them in detail and answer any questions you or your staff may have.

Separate Funding Bill for Jury

I am asking that the Clerk of Courts Operations Corporation (CCOC) request a separate juror funding bill to ensure that we have sufficient funding to support the court's required jurors. Clerks are responsible for the systems that randomly select jurors, preparing and issuing juror summons, facilitating jurors once they appear and regular reporting. A reimbursement process is codified in statute and is expected to be provided in the annual General Appropriations Act. The CCOC will meet as a Legislative Committee sometime in September and expects to adopt a legislative agenda that will include a formal request by the Legislative Committee for consideration/inclusion in the Clerks' 2024 Legislative Priorities.

Collier County Local Clerk Relief Bill

As I have made you aware in prior years, funding for the Collier Clerks Office is falling further and further behind. In 2023, I had to request a County general fund subsidy of over \$400,000 to fund Court costs that, by statute, should be covered by state funding. In 2024, my required subsidy request has grown to \$1.2 Million to cover court operations costs.

In Collier, our 2024 Clerk's Court related budget request of \$8,150,401 remains less than our 2008-2009 budget authority of \$10.3 Million. The CCOC allocation to Collier for 2024 is \$6,853,175. This is over \$3,539,548 less than our budget in 2008-2009 and almost \$1.3 Million less than our requested budget!

Considering the growth of our county, increases in expected services and general increases in the cost of living, salaries and mandated benefits, the CCOC allocation is an unworkable level of funding. Our office cannot provide the critical court services required or expected by our citizens, at proposed funding levels. We cannot continue to meet expected performance standards nor continue to provide the ever-increasing number of required reports and ever-changing projects placed upon us by changes in courts, legislation and state or federal agencies.

Unlike many government entities, our offices operate on a cash basis. We depend on fines, fees and court costs to fund public services. Clerks are not funded in the General Appropriations Act and local Clerks are not authorized to carry reserves to help with emergencies such as the incredible impact of Covid-19, cost of living to retain staff or hurricane recovery processing. In fact, while we in Collier County continue to see our funding cut, we did not close our operations and continue to be a donor County based upon redistribution of the funds we earn here in Collier. We are not able to retain the dollars we earn for services. Instead, we are required to remit funds to be used by other counties who routinely do not meet established performance standards.

For example, while Collier's 2023 budget was cut by \$836,828 from our needs-based request, in 2022 we provided approximately \$1.3 Million to fund other counties. In 2023, we project our funding for other counties will reach over \$1.5 Million while we must ask local taxpayers to contribute over \$400,000 for our operations. Since 2005, we have provided approximately \$30 Million in funds to be redistributed. For 2023, we requested \$7.316 Million budget and will earn over \$8 Million in revenues but are only able to retain the "revenue limited statewide CCOC allocation of \$6.6 Million. We continue to be a "donor" Clerk that generates funds that are distributed to other counties! We are the largest land size county for services with over 2,000 square miles with customer service centers 42 and 34 miles from the Naples courthouse. We are one of the highest cost-of-living areas in the state at 113% of the state's average cost of living. Many of our costs are controlled by the state (Florida Retirement) or County (Health Benefits) and Local Judiciary practices, yet these nuances are not considered in the current funding model as administered by the CCOC.

This is a great disservice to our Collier County constituents. If we cannot fix the problems with this funding model, our service locations may have to close as we had to in 2008. Planned future innovations in records access and updates are in jeopardy if funding is not available. When the system that funds our services was created, it was assumed those who accessed the justice system would pay for the costs of those services. There are currently many services and activities that have no fees or revenue associated to cover costs. For example, critical domestic violence injunctions and indigency cases do not provide fees to cover the costs of these services. Some of the fees associated have not changed for over 10 years yet our costs to provide those services have increased by double digits. As non-funded services continue to grow, and more services are being required without regard to funding, Clerks do not have operating funds to continue to meet the required levels of service.

For years traffic tickets were expected to subsidize funding for many of these services including criminal cases that rarely see return of costs. These revenues have been insufficient for years but 2020 made it even clearer that this model does not work. Under Covid-19, when shutdowns began and traffic tickets fell as much as 90% in April 2020, it became critically evident that Clerks could not fund operations. Many Clerk's offices closed, and staff had to be furloughed due to the loss of revenue.

Additionally, 47% of collected funds have been routinely distributed elsewhere including 12% to a multitude of state trust funds.

The Justice system cannot be reliant upon unstable and unsustainable monthly cash funding. The Justice system must be able to operate under all conditions, Clerks and the Courts are essential services.

With revenue sources that cannot support the services required by the Justice system, unfunded additional duties that are continually added by numerous agencies, increases in court activity and no ability to carry local reserves for even minor fluctuations, Clerks have been on a budget rollercoaster that is off the rails.

I do want to be clear that these funding issues are not just due to Covid-19 or hurricanes; we understand that the entire state has suffered with these impacts. Our current crisis is part of the larger, ongoing struggle we have had with the CCOC allocation of funds based upon the Revenue Estimating Committee's low projections of revenue.

Clerks are committed to a commonsense, united approach to support our services for the future. This problem did not just occur, I have been here each year warning of where we were heading. The problems have not developed overnight, and they have not been solved in the last few years. While we recognize that many are suffering, particularly this year with hurricanes Ian and Idalia, workload and staffing issues only increase our concerns for sustainable funding. The reality is the Clerks have held together operations for years, we do what we must do however we can, to make it work. Thankfully, most of us have incredible staff members and a supportive Board of County Commissioners that are willing to provide critical funding. Our staffs work regardless of the strains; they worked during Covid-19; they worked during the hurricanes, and they find solutions to do exponentially more with less funding. They have kept us going. But even they have worn thin. We are seeing more turnover in court staff that can earn more working somewhere else including Starbucks, frankly with less responsibility and stress. We have reached a critical point in the statewide ability to provide services, had the Board of County Commissioners not been willing to provide funds for court staff, we would not be able to service court proceedings. The court system was to be funded by the state through our fees collected. In Collier, if I could retain our local revenues we would be funded. The CCOC allocation of Collier revenues does not allow us to maintain services.

I am consequently requesting an appropriate amount from state revenues to replace the locally earned funds allocated to other counties. Please see the proposed request of the \$1.3 Million needed to service local courts.

Thank you for your continued support of statewide Clerks. I plan to meet with the CCOC legal counsel prior to the delegation meeting on September 11. I hope that they will provide relief so that additional state funding would not be required. I will update you during the meeting.

Again, Thank you for your support of my office and Clerks statewide.



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