



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

New Business - Miscellaneous

J.2.

8/25/2020

Subject:

Provide \$500,000 funding to Clerk of the Circuit Court to maintain staffing during the remainder of fiscal year ending September 30, 2020.

Fiscal Impact:

FY 2019 - 2020: \$500,000 impact to the General Fund.

The Governor's Office at the State of Florida a few weeks ago implied the Governor would make good \$30 million of the \$60 million revenue shortfall for the statewide Clerks of Court. This would bring \$750,000 to the Brevard Clerk of Courts. If the money is appropriated after the Board appropriation, the Clerk of Courts will fully reimburse the Board.

Additionally, future Federal legislation may allow the Board of County Commissioners and/or the State of Florida to use Federal CARES Act funds towards revenue shortfalls. If so, the CARES Act funds could replace the \$500,000 from the General Fund.

All Clerk of Courts offices are funded by the statewide collection of court revenues. With the Courts virtually shut down since mid-March, 2020, revenue has fallen dramatically.

Dept/Office:

Clerk of the Circuit Court

Requested Action:

It is requested that the Board of County Commissioners authorize the County Manager to approve necessary budget change requests to provide \$500,000 to the Clerk's Office for the remainder of FY 2020 and to substitute CARES Act funding if such funding is determined to be an eligible expenditure of CARES Act funds.

Summary Explanation and Background:

The 67 Florida County Clerks court support activities are funded from fines, court service charges and other revenues statutorily set by the Florida Legislature and Article V of the Florida Constitution. The only recurring annual funding provided by the Board to the Clerk's Office is \$1.9 million for County Financial operations, Minutes/Records and facilities.

Brevard County Clerk's Office annually collects \$9 million of local court revenue and was also budgeted to receive \$2.4 million shared by other Florida Clerks to fund operations for fiscal year 2020. The Coronavirus

pandemic cancelled trials and court activity, substantially reduced driving and traffic ticket revenues and reduced individual's ability to pay past fines imposed by the courts.

This has generated a \$60 million revenue shortfall among all Florida Clerk's. Brevard's share of the reduction is \$1.5 million. Other actions by the Brevard Clerk accommodated \$750,000 of the shortfall. Since the furloughs and reduced hours are now underway the \$500,000 would enable us to recall the employees after the Board meeting.

This shortfall occurred during the final quarter of the fiscal year. The Brevard Clerk's Office currently has 60 employees furloughed, 20 FTE employees were laid off, and the remaining 180 employees have reduced hours or pay reductions through September 30.

Contact:

Scott Ellis, 321-637-2017

Rachel Sadoff, 321-637-6509

Laurie Rice 321-637-6520

Clerk to the Board Instructions:

None



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Kimberly.Powell@brevardclerk.us

August 26, 2020

MEMORANDUM

TO: Scott Ellis, Clerk of the Circuit Court

RE: Item J.2. Provide Funding to the Clerk of the Circuit Court to Maintain Staffing During the Remainder of Fiscal Year Ending September 30, 2020

The Board of County Commissioners, in regular session on August 25, 2020, authorized the County Manager to approve necessary Budget Change Requests to provide \$500,000 to the Clerk's Office for the remainder of the FY 2020 and to substitute CARES Act funding if such funding is determined to be an eligible expenditure of CARES Act funds.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Kimberly Powell
Kimberly Powell, Clerk to the Board

/cld

cc: County Manager
Budget
Finance

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME LOBER, Bryan Andrew		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Brevard County Board of County Commissioners	
MAILING ADDRESS 2575 N Courtenay Blvd, Ste 200		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Merritt Island	COUNTY Brevard	<input type="checkbox"/> CITY <input checked="" type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED August 25, 2020		NAME OF POLITICAL SUBDIVISION: Brevard County Board of County Commissioners	
		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Bryan Andrew Lober, hereby disclose that on August 25, 20 20 :

(a) A measure came or will come before my agency which (check one or more)

☐ inured to my special private gain or loss;

☐ inured to the special gain or loss of my business associate, _____;

☒ inured to the special gain or loss of my relative, Rebecca Lober (my wife);

☐ inured to the special gain or loss of _____, by
whom I am retained; or

☐ inured to the special gain or loss of _____, which
is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Item J2: Provide \$500,000 funding to Clerk of the Circuit Court to maintain staffing during the remainder of fiscal year ending September 30, 2020.

My wife serves as staff counsel and supervisor of the legal department for the Clerk of the Circuit Court. She is a salaried employee of that office and the requested action would inure to her special private gain or loss.

As the requested action addresses both those employees who have been furloughed without pay, which my wife has not been, as well as those remaining employees who have had temporary salary reductions, my wife would gain a direct and specific benefit in having her salary restored depending upon the outcome of this vote. Were the requested action limited to those who have been furloughed or, alternatively, if it excluded my wife from the class standing to benefit, I likely would not have a conflict in voting but that is not what has been requested. If the request were bifurcated between those furloughed and those remaining, I could have voted on those furloughed, abstaining only from voting on the portion pertaining to those employees who remain and face reduced salaries.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

August 25, 2020

Date Filed


Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.