



PIE COMMITTEE MEETING

August 20, 2020

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VICE-CHAIR

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PERFORMANCE IMPROVEMENT AND EFFICIENCIES COMMITTEE MEETING

August 20, 2020

Meeting: 2:00 PM – 3:00 PM, Eastern

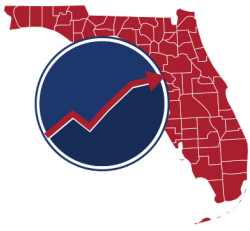
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Meeting Number: 160 256 6574; Password: CCOC

Conference Call: 1-415-655-0001; Access Code: 160 256 6574

- 1) Call to Order and Approve AgendaHon. Laura Roth
- 2) Approve Minutes from 2/5/20 Meeting.....CCOC Staff
- 3) Review Proposed Case Weight ChangeDouglas Isabelle
- 4) Quarter 3 Performance Measures and Action Plans Report.....Douglas Isabelle
- 5) Other BusinessHon. Laura Roth

Committee Members: Laura Roth, Chair; Gary J. Cooney, Esq.; Linda Doggett; Roger Eaton; Tara S. Green; Tiffany Moore Russell, Esq.; Victoria L. Rogers; Clayton O. Rooks, III; Donald Spencer; Carolyn Timmann; and Angela Vick



Minutes of February 5th CCOC PIE Meeting

Committee Action: Review and approve with amendments as necessary.

The Performance Improvement and Efficiencies Committee of the Clerk of Courts Operation Corporation (CCOC) held a meeting via WebEx on February 5th, 2020. An agenda and materials were distributed in advance of the meeting and posted on the CCOC website. Provided below is a summary of staff notes from the meeting. These staff notes are designed to document committee action, not to be a full record of committee discussions. All motions adopted by the committee are in **bold** text. All action items based on committee direction are in **red** and **bold text**.

1. Agenda Item 1 – Call to Order and Approve Agenda

The workshop was called to order by Clerk Tara Greene, Chair of the PIE Committee. Douglas Isabelle, Deputy Executive Director called the roll.

Present for meeting conference call: Clerk Green, Clerk Cooney, Clerk Doggett, Clerk Eaton, Clerk Russell, Clerk Rogers, Clerk Rooks, Clerk Vick, and Clerk Spencer

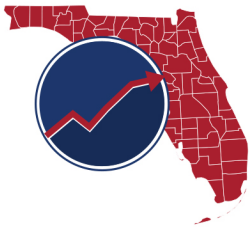
Absent from conference call: and Clerk Timmann

A motion was made to approve the agenda by Clerk Vick and seconded by Clerk Eaton. The motion was approved with no objection.

2. Agenda Item 2 – Review Compliance Education & Training Contract

The meeting was momentarily delayed due to technical difficulties with the call.

Clerk Green identified the next agenda item as the review of an education and training contract. This contract is the result of the successful Compliance Summit identifying the need for additional resources. The PIE Committee put the contract out to bid and the contract was awarded to Compliance Improvement Services (CIS) to assist CCOC staff with revenue compliance training and education. Clerk Green identified that the CCOC needed the additional assistance and manpower to help clerk offices start a compliance program or get up to speed on best practices because there has been a legislative push for uniformity of compliance efforts from clerks.



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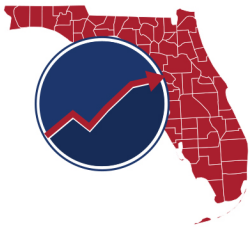
The contract requires the approval of an extension due to the increased involvement of the contractor in the Compliance Summit as well as an increased number of site visits. The contract was signed for 12 months with the option to extend for 2 additional 12-month periods. The CCOC certified that the funds were available to cover the contract extension. The increase of \$21,875 will cover additional expected expenses from March to June of this year.

Five site visits were made before the summit and 5 since the summit. The planned visits for after this meeting included 5 more counties. Education materials were developed for the Compliance Corner page on the CCOC website. The assistance will be long-term as the goal is uniform compliance efforts. There were 14 counties that were awarded special funding for compliance efforts and it would be in the best interest of the PIE Committee to assist counties in putting those dollars to work effectively.

Doug Isabelle thanked the committee for their help and assistance. He also provided more information about the work the contractor has completed, what he has planned, and the interaction between the contractor and CCOC. He also noted the contractor's assistance with the Summit, response to CCOC requests and research in finding out what other states are doing as requested by the Legislative team.

Clerk Russell addressed some concerns about a 70% increase for shorter amount of time and if the commit was provided written reports on post site-visits. Clerk Russell believes 70% is too high for what is being asked. Doug responded to Clerk Russell by explain that the contractor provides fields notes from each site visit, maintains a spreadsheet for continuing visits, and a checklist for best practices. The additional costs are from the increased assistance provided during the summit for presentations and as moderator and preparing for legislative session.

Clerk Russell wanted to know if we had any information from sites that were visited and if they implemented the recommendations and seen any improvement. Doug indicated that it may be too early to tell the impact of the visits. Clerk Russell still had concerns for the increased costs for 6 months compared to the original costs for an entire year. Clerk Green asked for clarification of the increased cost and Doug informed her that his rate did not increase but the additional costs were from additional work but does not include travel costs. Travel costs was a separate amount of the contract and less than half the amount has been expended.



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Clerk Russell expressed her concern that the contractor did not manage his costs correctly or that he just didn't scope the work and costs correctly. Clerk Green asked if he was taking more time or if CCOC asked for more out of him, to which Doug replied that the CCOC was asking for more work. The contractor was scheduled to be at the New Clerk Academy and the Winter Conference. Clerk Russell was concerned because the original RFP was so low but with the extension we are adding so much to the contract. John Dew stated that when Doug came to him about the increased cost, he approved the additional use of the contractor and the additional site visits.

Clerk Vick stated that it feels like the contract had been expanded because the Compliance Summit was never brought up originally. She did not have an issue providing the additional funding because of all the success that have been seen. She did ask that in the future, contract adjustments need to be brought back to committees.

Clerk Timmann noted a similar concern that an RFP is being expanded and whether that would bring up concern from other bidders. Clerk Timmann asked for an estimate of the additional travel costs. Doug Isabelle stated that the contract has a maximum of \$6,000 for travel expenses (hotels and mileage). It is projected that the contractor will spend approximately 60% of travel side at the end of the contract.

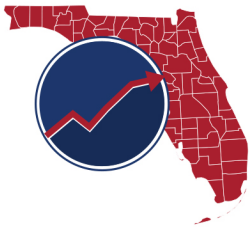
A motion to approve the increase to contract for March through June 2020 for a total increase of \$20,875 was made by Clerk Vick and seconded by Clerk Doggett.

Clerk Doggett asked if it would be an appropriate task for CIS to look into what we already do and what other states do and develop a recommendation for standardized payment plans under this contract. Clerk Green responded that she not sure at that moment. She mentioned that coming out of the most recent legislative session that clerks could be asked to put together a pilot compliance program and that could be done by CCOC staff, piloted counties, or vendors. Doug noted that the contractor helped collect that information and drafted a sample one that is used in Saint Lucie County.

With one nay from Clerk Russell, the motion was adopted.

3. Agenda Item 3 – Review Performance Measures & Standards

Clerk Green reviewed a brief history of the performance measures from a conceptual aspect and noted that not many changes have been made since they were first



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implemented. Clerk Green wanted the Committee to review the current performance measures to decide if they were meaningful or relevant. She noted that there are currently no performance measures related to compliance.

Clerk Doggett agreed that the percentages were easy to meet and should be changed. She also requested that the committee discuss #1: payment plans. She mentioned that the civil traffic measure was hard to meet and should maybe be dropped and a measure added for payment plans. Clerk Timmann agreed with Clerk Doggett and also stated that timely access to records is one of the clerk's biggest vulnerabilities, it is also one of the biggest opportunities for improvement.

A motion to approve option 4, a combination of keeping, amending, or adding measures and standards over the next year was made by Clerk Cooney and seconded by Clerk Timmann.

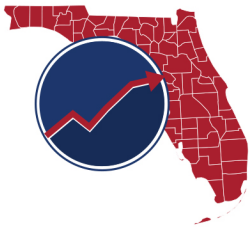
Clerk Russell asked if this committee would come back and determine what would be kept, what would be amended, and what would be added. Clerk Green indicated that after the motion was voted upon the next steps would need to be determined, for example, if the work group would bring a recommendation to the Committee then the Committee would approve before sending to the Executive Council for final approval. Clerk Russell said that she felt the public cares about the timeliness and access to records.

Clerk Spencer wanted to know how changing the standards would benefit Clerks and asked if it would be used in the budget process. Clerk Green responded that she didn't see this as an immediate impact, but an evaluation of the standards to determine if they are appropriate performance measures that clerks should reach. Clerk Spencer also asked if the legislature asked about these measures and the answer is yes. Clerk Timmann agreed stating that the legislature focused on our performance measures and specifically on timeliness.

Clerk Russell asked if Clerk Cooney would be amenable to adding that the first item the committee would look at is the timeliness standard that Clerk Timmann mentioned. Clerk Cooney didn't want to get into that detail and suggested that Clerk Green provide direction when she establishes the workgroup.

With no nay votes, the motion was adopted.

4. Agenda Item 4 – Update on Performance Measure Action Plan Report



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Clerk Green asked Doug Isabelle to explain the new policy and an explanation for the recommended change to the Performance Measures and Action Plan report. Doug explained that the CCOC has to provide this report to the legislature withing 45 days from the end of the quarter, as required by statutes. The Executive Council approved the PIE Chair to work with CCOC staff to compile the action plans and transmit the report to the Legislature. They also approved the CCOC to amend their report to only include the action plans and when reports are not received to notify the District Caucus chairs if needed and footnote the missing counties on the reports.

As of January 24, 2020, the CCOC had received 60 county reports for Timeliness, 57 county reports for Collections, and 58 county reports for Jury Payment. The CCOC is requesting that when counties cannot provide date (for example, due to CMS conversions) to have counties submit a report with zeros and state in their action plan that they will fix it next quarter.

Clerk Green also clarified that a summary of the action performance measures and plans should be provided before the appendices, because a sample was not provided in the packet.

A motion was made by Clerk Cooney to allow counties that have an unforeseen major technical issue reporting to CCOC be allowed to report a zero and correct on a future report. The motion was seconded by Clerk Doggett.

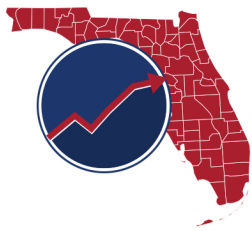
Clerk Russell asked if the policy only applied when a county had a system conversion and not from an outage or any other technical reason. Clerk Green felt all major technical issues, for example panhandle counties that were limited due to the hurricane, be allowed to report zeros. Clerk Cooney suggests if any technical reasons or system issues come up and counties cannot submit reports, enter zero.

The motion was adopted with no nay votes.

5. Agenda Item 5 – Failure to Comply Reporting

Clerk Green provided information regarding the Driver's License Reinstatement Reports which clerks are statutorily required to answer for cases that fail. A workgroup was assembled to determine what parameters should be in place to help clerks know how to report this item.





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Doug review the results of Operation Green Light and reported to recommendation of the workgroup for reporting cases that fail to comply for annual driver license reinstatement events. The report will be sent to the Executive Council for final approval before distributing to all clerks. Clerk Green asked for questions with no one responding.

A motion was made to approve the guidelines for reporting cases that fail to comply for annual driver license reinstatement events by Clerk Russell and seconded by Clerk Cooney. With no nay votes, the motion was adopted unanimously.

6. Agenda Item 6 - Review CFY 2018-19 Annual Collection Agent Report

Doug provided an overview of the report (page 38 of the packet) before Clerk Green asked for committee approval. Clerk Green asked if anyone had questions or comments. No one had questions or comments. Upon Committee approval, the report will be sent to the Executive Council for final approval and published to the CCOC website.

A motion was made to approve the report by Clerk Cooney and seconded by Clerk Russell. With no nay votes, the motion was unanimously adopted.

7. Agenda Item 7 – Output Form Amended for Small Claims

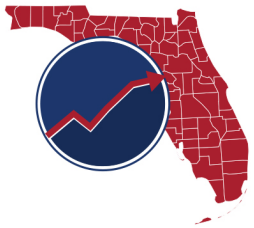
Clerk Green asked CCOC staff member Marleni Bruner for a summary of the revised form due to a recent law change. Marleni stated it was section A6 on the Outputs form that was changed. The revised form is ready to go out after the meeting. She also pointed out that the form will not need to go before the Executive Council.

8. Agenda Item 8 – CFY 2018-19 Workload Year-In-Review

Clerk Green identified this agenda item is for informational purposes. Doug provided an overview of the Year-In-Review report. There were no questions or comments.

9. Agenda Item 9 – Other Business

Clerk Green asked if anyone had anything to add about the meeting. With no comments or questions, Clerk Green adjourned the meeting.



AGENDA ITEM 3

DATE: August 20, 2020
SUBJECT: Review Civil Traffic Case Weight
COMMITTEE ACTION: Approve Revised Civil Traffic Case Weight

OVERVIEW:

The PIE Committee and clerk staff have been working on counting cases consistently and accurately across all 67 counties for many years. In 2016, the Budget Committee directed the PIE Committee to develop case weights for all the court case types filed in a Clerks office that more accurately reflected the work involved across the various sub-case types which would assist the Budget Committee in comparing Clerk's budgets as required by Florida Statutes.

Chaired by Clerk Barbee, a clerk staff workgroup representing 10 counties and over a span of 7 months developed subcase weights for 91 subcase types including cases unable to categorize (**Attachment 1**).

In 2016 the Budget Committee, at the direction of Clerk Burke, asked that case counting data be revisited. Chaired by Clerk Cooney, a clerk staff workgroup from several counties worked to audit case counting records. The workgroup brought forward a recommendation to revise the Case Counting Business Rules, which was adopted at the PIE Committee meeting on February 5, 2020.

After auditing the case counts for CFY 2017-18, the Case Counting Workgroup recommended changes to a several case types; however, today, we are **ONLY** addressing the Civil Traffic. The workgroup determined that a more suitable weight for Civil Traffic would be a **1.5 instead of the current 3**.

In examining the case weights for civil traffic cases, Clerk Cooney relied on a survey of clerks that found that approximately 80% of civil traffic cases are resolved by payment of the citation. In comparison, the remaining 20% involve additional work, including hearings. Based upon this work, Clerk Cooney concluded a formula where 80% of the civil traffic cases are weighted as 1's, and 20% of the cases are weighted as 2's might be the way to weight traffic.

Assuming 100 civil traffic cases, the weight would look like this: $(80 \times 1) + (20 \times 2) = 140$

Reducing this to a weight to be applied to all traffic cases would, therefore, be $140/100 = 1.4$. In other words, 100 cases multiplied by a 1.4 weight would equal a 140 weighted case count for budget purposes. Not wanting to split case weights into tenths, Clerk Cooney rounded this weight to 1.5 for use in his calculations for the work he was conducting on the peer groups.

For the Budget Committee to endorse the recommendations by Clerk Cooney on the peer group recommendations, the PIE Committee must endorse/approve a weighting of Civil Traffic cases at 1.5.

COMMITTEE ACTION: Approve revised Civil Traffic case weight of 1.5.

LEAD STAFF: Douglas Isabelle, Deputy Executive Director

ATTACHMENTS:

- 1) Proposed Subcase Weights

CFY 2018-2019 Subcases by Court Division

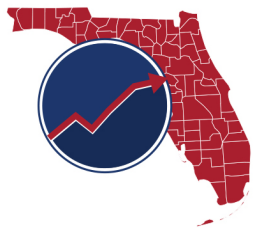
Court Division/Subcases		Cases Filed	Current Case Weights	Proposed Case Weights	
Circuit Criminal					
1	Capital Murders	454	10		Sub-type eliminated; to be included with All Other Felonies.
2	Non-Capital Murders	1,286	9		Sub-type eliminated; to be included with All Other Felonies.
3	Sexual Offenses	3,737	9		Sub-type eliminated; to be included with All Other Felonies.
4	All Other Felonies (SRS)	240,321	8	?	Is 8 still valid when 3 above are included?
5	*Appeals (AP cases) from County to Circuit (SRS)	985	4		
6	*Out of State Fugitive Warrants (Non-SRS)	3,631	3		
7	*Search Warrants (Non-SRS)	13,789	2	0	Sub-type eliminated in newly approved business rules.
8	Cases unable to be categorized	1,054	1	0	*
	Total Circuit Criminal =	265,257			
County Criminal					
9	Misdemeanors/Worthless Checks (SRS)	243,666	7		
10	County/Municipal Ordinances (SRS)	60,461	5		
11	Non-Criminal Infractions (SRS)	46,314	3		
12	*Out of State Fugitive Warrants (Non-SRS)	524	3		
13	*Search Warrants (Non-SRS)	358	2	0	Sub-type eliminated in newly approved business rules.
14	Cases unable to be categorized	352	1	0	*
	Total County Criminal =	351,675			
Juvenile Delinquency					
15	Delinquency Complaints, Incl Xfers for Disposition (SRS)	46,152	7		
16	*Non-criminal (1st offense) juvenile sexting cases	295	3		
17	Transfers for Jurisdiction/Supervision Only (Non-SRS)	1,003	4		
18	Cases unable to be categorized	375	1	0	*
	Total Juvenile Delinquency =	47,825			
Criminal Traffic (UTC)					
19	DUI (SRS)	44,958	7		
20	Other Criminal Traffic (SRS)	318,135	6		
21	Cases unable to be categorized	113	1	0	*
	Total Criminal Traffic - UTCs =	363,206			
Circuit Civil					
22	Professional Malpractice (SRS)	1,521	7		
23	Products Liability (SRS)	852	7		
24	Auto Negligence (SRS)	35,153	7		
25	Condominium (SRS)	1,270	6	6	**
26	Contract and Indebtedness (SRS)	63,150	6	6	**
27	Eminent Domain Parcels (SRS)	409	7		
28	Other Negligence (SRS)	15,869	6		
29	Commercial Foreclosure (SRS)	881	7		
30	Homestead Residential Foreclosure (SRS)	24,318	9		
31	Non-Homestead Residential Foreclosure (SRS)	13,961	8		
32	Other Real Property Actions (SRS)	8,245	7	6	**
33	Other Civil (SRS)	41,401	5	6	**
34	*Involuntary Civil Commitment of Sexually Violent Predators (SRS)	29	8		
35	*Appeals (AP cases) from County to Circuit Court (SRS)	1,642	4		
36	Writs of Certiorari (SRS)	290	2		
37	Medical Extensions (Petitions to Extend) (Non-SRS)	3,514	1		
38	Transfers of Lien to Security (Non-SRS)	311	3		
39	Civil Contempt for FTA for Jury Duty (Non-SRS)	345	3		
40	Confirmation of Arbitration (Non-SRS)	43	2		
41	Out of State Commission for Foreign Subpoena (Non-SRS)	537	2		
42	Foreign Judgments (Non-SRS)	1,193	3		
43	Cases unable to be categorized	118	1	0	*
	Total Circuit Civil =	215,052			
County Civil					
44	Small Claims (up to \$5,000) (SRS)	380,535	6		
45	Civil (\$5,001 - \$15,000) (SRS)	113,693	5		
46	Replevins (SRS)	1,314	4		
47	Evictions (SRS)	129,228	6		
48	Other County Civil (Non-Monetary) (SRS)	5,987	4		
49	Registry Deposits without an Underlying Case (Non-SRS)	355	3		
50	Foreign Judgments (Non-SRS)	548	3		
51	Applications for Voluntary Binding Arbitration (Non-SRS)	65	2		
52	Cases unable to be categorized	196	1	0	*
	Total County Civil =	631,921			

CFY 2018-2019 Subcases by Court Division

Court Division/Subcases		Cases Filed	Current Case Weights	Proposed Case Weights	
Probate					
53	Probate (SRS)	60,135	7		
54	Guardianship (SRS)	7,891	10		
55	Probate Trust (SRS)	742	7		
56	Baker Act (SRS)	49,085	6		
57	Substance Abuse Act (SRS)	9,243	6		
58	Other Social (SRS)	6,296	4		
59	*Involuntary Civil Commitment of Sexually Violent Predators (SRS)	11	8		
60	Risk Protection Orders (SRS)	2,338	6	6	New sub-type. Mirrored Baker/Substance Abuse Acts.
61	Wills on Deposit (Non-SRS)	28,094	1		
62	Pre-Need Guardianship (Non-SRS)	5,283	1		
63	Notice of Trust (Non-SRS)	5,283	1		
64	Petition to Open Safe Deposit Box (Non-SRS)	265	2		
65	Caveat (Non-SRS)	2,066	2		
66	Petition to Gain Entry to Apartment of Dwelling (Non-SRS)	85	2		
67	Cert of Person's Imminent Dangerousness (Non-SRS)	4,355	3		
68	Professional Guardian Files (Non-SRS)	393	2	0	Sub-type eliminated in newly approved business rules.
69	Vulnerable Adults (Non-SRS)	193	6	6	New sub-type. Mirrored Baker/Substance Abuse Acts.
70	Cases unable to be categorized	2,242	1	0	*
	Total Probate =	184,000			
Family					
71	Simplified Dissolution (SRS)	11,164	4		
72	Dissolution (SRS)	75,789	9		
73	Injunctions for Protection (SRS)	82,972	6		
74	Support (IV-D and Non IV-D) (SRS)	13,769	8		
75	UIFSA (IV-D and Non IV-D) (SRS)	2,550	6		
76	Other Family Court (SRS)	10,341	5		
77	Adoption Arising out of Chapter 63 (SRS)	4,985	4		
78	Name Change (SRS)	7,084	5		
79	Paternity/Disestablishment of Paternity (SRS)	16,348	7		
80	New Cases (Non-SRS)	29,621	2		
81	Cases unable to be categorized	70	1	0	*
	Total Family =	254,693			
Juvenile Dependency					
82	Dependency Initiating Petitions (SRS)	12,200	9		
83	Petitions to Remove Disabilities of Non-Age Minors (743.015) (SRS)	21	3		
84	CINS/FINS (SRS)	209	4		
85	Parental Notice of Abortion Act (SRS)	158	3		
86	Truancy (Non-SRS)	1,485	4		
87	Transfers for Jurisdiction/Supervision Only (Non-SRS)	73	4		
88	DCF Dependency Petition for Injunction per Chapter 39 (Non-SRS)	334	4		
89	Other New Cases (Non-SRS)	276	2		
90	Cases unable to be categorized	104	1	0	*
	Total Juvenile Dependency =	14,860			
Civil Traffic					
91	Uniform Traffic Citations	2,677,969	3	1.5	
	Total Civil Traffic - UTCs =	2,677,969			

*The Case Count Workgroup found cases reported here either belonged in another category or were cases that should not have been included at all. (The new business rules attempt to identify those cases in the Do Not Include sections.) Therefore, cases should be counted in the correct category or no points awarded.

**The Case Count Workgroup found counties consistently reported similar case filings among these various groups, often due to the filer's choice on the Civil Cover Sheet. Question - is the work consistent enough that they could carry the same weight? If so, this would resolve the variety of ways these are being filed/reported.



AGENDA ITEM 4

DATE: August 20, 2020
SUBJECT: Quarter 3 Performance Measures and Action Plan Report
COMMITTEE ACTION: Information Only

OVERVIEW:

Section 28.35 (2)(d), F.S., requires the CCOC to develop a uniform system of performance measures and applicable standards in consultation with the Legislature. These measures and standards are designed to facilitate an objective determination of the performance of each clerk in fiscal management, operational efficiency, and effective collection of fines, fees, service charges, and court costs. Current performance measures address:

- Collections (one measure each for nine court divisions, reported quarterly)
- Timeliness (two measures for each of ten court divisions, reported quarterly)
- Juror Payment Processing (one measure, reported quarterly)

When the CCOC finds a Clerk's office has not met the performance standards, the CCOC identifies the nature of each deficiency and any corrective action recommended and taken by the affected Clerk of the Court. The CCOC is required to notify the Legislature of any clerk not meeting performance standards and provide a copy of applicable corrective action plans.

The CCOC monitors the performance of the Clerk's offices through quarterly reports provided by the Clerk's offices, due on the 20th of the month following the end of the quarter. The CCOC provides notification of the status of the Clerks' performance standards to the Legislature through these quarterly reports.

The CFY 2019-2020 3rd Quarter report identifies the Clerk's offices not meeting each performance standard. In addition, the report provides a description of factors that may have contributed to the unmet standard. There were 48 clerk offices that required an action plan related to collections, eight clerk offices required an action plan for not filing cases timely, and six clerk offices required an action plan for not docketing cases timely. Due to COVID-19, there were 37 counties that did not issue jury summons. While twenty-nine counties issued summons, only five counties issued payments, all of which were timely.

AGENDA ITEM 4 – QUARTER 3 PERFORMANCE MEASURES AND ACTION PLAN REPORT

Two counties did not submit required performance reports for at least one performance measure; both of those counties requested an extension.

Statutes require the CCOC to provide the quarterly performance measure reports to the Legislature 45 days from the end of each quarter. The Quarter 3 report was due by August 14 and was sent on time. The report can be obtained on the CCOC website: <https://flccoc.org/ccoc-reports/#pr>.

COMMITTEE ACTION: No action required.

LEAD STAFF: Douglas Isabelle, Deputy Executive Director

ATTACHMENTS: None