



---

## PIE COMMITTEE MEETING

September 24, 2021

---

**JD Peacock, II**  
OKALOOSA COUNTY  
EXECUTIVE COUNCIL CHAIR

**Jeffrey R. Smith, CPA, CGMA**  
INDIAN RIVER COUNTY  
VICE-CHAIR

**Tiffany Moore Russell, Esq.**  
ORANGE COUNTY  
SECRETARY/TREASURER



**STACY BUTTERFIELD, CPA**  
POLK COUNTY

**JOHN CRAWFORD**  
NASSAU COUNTY

**TODD NEWTON**  
GILCHRIST COUNTY

**LAURA E. ROTH**  
VOLUSIA COUNTY

**HARVEY RUVIN, ESQ.**  
MIAMI-DADE COUNTY

**RON FICARROTTA**  
13TH JUDICIAL CIRCUIT JUDGE  
SUPREME COURT APPOINTEE

**ANGELINA "ANGEL"**  
COLONNESO, ESQ.  
MANATEE COUNTY  
SENATE APPOINTEE

**KEN BURKE, CPA**  
PINELLAS COUNTY  
HOUSE APPOINTEE

**JOHN DEW**  
EXECUTIVE DIRECTOR

**FIRM OF BOYD AND DURANT**  
GENERAL COUNSEL

2560-102 BARRINGTON CIRCLE | TALLAHASSEE, FLORIDA 32308 | PHONE 850.386.2223 | FAX 850.386.2224 | WWW.FLCCOC.ORG

## PERFORMANCE IMPROVEMENT AND EFFICIENCIES COMMITTEE MEETING

**September 24, 2021**

**Meeting: 1:00 PM – 3:00 PM, Eastern**

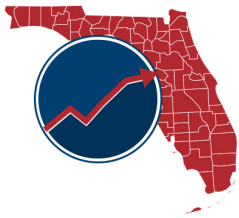
**WebEx Link:** <https://flclerks.webex.com/flclerks/j.php?MTID=mebe985b90dad2f0eb08d28c5cefeb01>

**Meeting Number: 2312 640 8968; Password: CCOC**

**Conference Call: 1-866-469-3239; Access Code: 2312 640 8968**

- 1) Call to Order and Approve Agenda .....Hon. Laura Roth
- 2) Approve Minutes from 1/19/21 Meeting .....Marleni Bruner
- 3) Payment Plan Form - DRAFT .....Jason L. Welty
- 4) Other Business .....Hon. Laura Roth

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



# CCOC

## FLORIDA CLERKS OF COURT OPERATIONS CORPORATION

JD Peacock, II  
OKALOOSA COUNTY  
EXECUTIVE COUNCIL CHAIR

Jeffrey R. Smith, CPA, CGMA  
INDIAN RIVER COUNTY  
VICE-CHAIR

Tiffany Moore Russell, Esq.  
ORANGE COUNTY  
SECRETARY/TREASURER

STACY BUTTERFIELD, CPA  
POLK COUNTY

JOHN CRAWFORD  
NASSAU COUNTY

TODD NEWTON  
GILCHRIST COUNTY

LAURA E. ROTH  
VOLUSIA COUNTY

HARVEY RUVIN, ESQ.  
MIAMI-DADE COUNTY

RON FICARROTTA  
13TH JUDICIAL CIRCUIT JUDGE  
SUPREME COURT APPOINTEE

NIKKI ALVAREZ-SOWLES, ESQ.  
PASCO COUNTY  
SENATE APPOINTEE

KEN BURKE, CPA  
PINELLAS COUNTY  
HOUSE APPOINTEE

JOHN DEW  
EXECUTIVE DIRECTOR

FIRM OF BOYD AND DURANT  
GENERAL COUNSEL

2560-102 BARRINGTON CIRCLE | TALLAHASSEE, FLORIDA 32308 | PHONE 850.386.2223 | FAX 850.386.2224 | WWW.FLCCOC.ORG

## Minutes of January 19, 2021 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 January 19, 2021. 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 meeting was called to order by Clerk Laura Roth, Chair of the PIE Committee. Douglas Isabelle, Deputy Executive Director called the roll.

Present on the conference call: Clerk Cooney, Clerk Doggett, Clerk Eaton, Clerk Green, Clerk Moore Russell, Clerk Rogers, Clerk Rooks, Clerk Spencer, Clerk Timmann, and Clerk Vick (joined after roll call).

Absent from the conference call: None

**A motion was made to approve the agenda by Clerk Cooney and seconded by Clerk Doggett. The motion was approved with no objection.**

### 2. Agenda Item 1 – Approve Minutes from 8/20/2021 Meeting

**A motion to approve the minutes from the August 20, 2020 meeting was made by Clerk Cooney and seconded by Clerk Timmann. The motion was approved with no objection.**

### 3. Agenda Item 3 – Performance Measures Workgroup

Clerk Roth began by explaining the PIE Committee will begin looking at the current performance measures. The CCOC staff is obligated by statute to create and track performance measures. Doug Isabelle explained that the CCOC staff broke it down into three sections: Collections, Timeliness, and Jury Payment. Clerk Roth opened the floor up to any committee members for questions and/or comments.

***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.***

Regarding Collections, CCOC staff recommended eliminating standards for Circuit Civil, County Civil, Probate, and Family. For Circuit Criminal, reduce the standard to 8%, because a performance standard of 9% is routinely missed. CCOC staff also recommended an increase standard of 50% due to the 40% being routinely met for Criminal Traffic. Lastly, for Civil Traffic, a reduction standard to 85% due to the 90% standard being routinely missed.

Regarding Timeliness, for All Court Divisions (Filing & Docketing), an increase to 90%, retaining the days to meet standard. No changes were recommended regarding Jury Payment. Clerk Green asked for clarification in the Timeliness section, about whether we should meet but can't, meeting 93-99%, is it telling counties we are properly staffed and if we take it away how will we know if we miss it later on? Clerk Roth advised her that they had only gone over the Collections section so far. Mr. Isabelle explained that some counties have not followed business rules correctly.

Clerk Russell stated that the data is valuable as a data point, counties get their work done because you must "pay to play" on the civil side. Clerk Russell also stated that it is nice to have on the story side of the Legislative agenda. Clerk Roth asked if it gives a misimpression of why civil is so successful vs. the criminal.

Clerk Green asked for clarification regarding if circuit criminal included drug trafficking or not. Mr. Isabelle stated it does include drug trafficking, and 16% without according to Jason Welty.

Clerk Roth asked if the committee wanted to raise the standard from 95, down to 90% instead of eliminating. Clerk Green stated she is in favor of raising the standard. Clerk Roth suggested the committee to state each section one at a time for a motion. Clerk Timmann explained that she likes the idea of the full story, and full picture in comparison between civil vs. Criminal.

**A motion to raise the standard for Circuit Criminal from 90% to 95% was made by Clerk Russell and seconded by Clerk Cooney.** Mr. Isabelle pointed out that Family is at 75% and did not make the change when CCOC took out Indigent. **Clerk Russell revised her motion to include raising Family from 75% to 90%, and the revised motion was seconded by Clerk Cooney. The revised motion was approved with no objection.**

Clerk Green asked counties to follow through on action plans for those who are not meeting standards. Mr. Isabelle agreed stating that this includes indigent and not following business rules.

Clerk Roth moves the focus onto section 2: Reducing Circuit Criminal to 8%, which currently is at 9%. Clerk Green expressed that this is a tough one due to the dynamics in each county being different. Mr. Isabelle mentioned Hillsborough won't make it due to an Administrative Order. He states that CCOC staff believes 8% will be able to be met easier than the current 9%. Clerk Green asks if all counties should be at the same percentage? Mr. Isabelle explains that it's like peeling back an onion, you've got judicial probation, myriad of processes, collection agents, etc. Marleni Bruner, CCOC Senior Budget Manager, informed Clerk Green

that CCOC does not have a standard for drug trafficking being removed. Clerk Doggett disagrees with Clerk Green, stating that she believes the committee should come up with a different way to set standards for this category than moving up or down. Clerk Timmann explains how we were trying to find ways to increase numbers but how lowering will disincentive counties to do collections. She believes the committee is missing opportunities to talk about the differences to meet it in different counties. Clerk Timmann would like to see counties be more proactive, finding out if it is training, and if it is, then helping counties get it right. She asked if it could be due to the current economic situation, and if so, to not make a permanent change for a temporary situation.

Clerk Roth asks if the committee all agrees that Drug trafficking is what throws the numbers off, and if they need a measure without it or create a subgroup to investigate it? Clerk Russell jumped in to piggyback off Clerk Timmann in her concern to reduce standards. She suggested keeping the current standard and possibly having a workgroup to create a rationale for keeping the numbers. Clerk Timmann suggested a cleanup for any county having troubles. Mr. Isabelle pointed out it is in the action plans. Clerk Doggett suggested making a motion to form a workgroup to review. Clerk Roth suggested putting a pin in that motion due to a feeling she has that they will come to the same conclusion regarding the other sections.

The committee moved on to section 3: Increasing criminal traffic to 50%. Clerk Timmann suggested, instead of action plans, pick list of impacts. She believes it is a better way to analyze and compare, as well as an easier, faster way to conclude. Jason Welty jumped in to explain why CCOC has action plans, being that it is statutorily required. The CCOC is required to report to the Legislature. Mr. Isabelle explained that the CCOC could make some improvements regarding action plans.

**A motion to increase Criminal Traffic to 50% in the new fiscal year and to revisit once one quarter data has been gathered was made by Clerk Timmann and seconded by Clerk Doggett. The motion was approved with no objection.**

Clerk Roth moved the focus to section 4: reducing civil traffic to 85%. She suggested putting this into a workgroup. Clerk Russell explained that she believes we should include this in the workgroup and to not reduce just because the standard is not being met. Mr. Isabelle explained that he looked at out of state and it is not always the situation. A study done in Miami-Dade showed they had payment plans that go 2-3 years long. Clerk Timmann agreed with Clerk Russell regarding the workgroup. Clerk Doggett also agreed.

**A motion to move Circuit Criminal and Civil Traffic to a workgroup was made by Clerk Timmann and seconded by Clerk Doggett. The motion was approved with no objection.**

Clerk Roth moved the discussion along to focus on Timeliness. Regarding all court divisions (filing and docketing), CCOC staff recommendation is to increase standard to 90% from the current 80%. Clerk Roth opened the floor up for discussion. Mr. Isabelle pointed out the impact on pages 10-11 of the packet. Clerk Timmann questioned if the issue with docketing is when it will be available for public viewing or access to judiciary for the public. Clerk Roth

suggested raising or leaving it and worrying about it later when the committee reaches part 2 of the agenda item. Mr. Isabelle suggested leaving it alone, focusing on the workgroup working on new measures. No action was taken, Clerk Roth directed this issue to the workgroup for review.

Clerk Roth moved on to the recommendation for Jury, in which Mr. Isabelle explained that no changes needed to be made.

Clerk Roth transitioned the committee to part two of their discussion, additional measures. Mr. Isabelle emphasized the importance additional measures are to each clerk, as well as explaining which to work on first and which to send to workgroups. Clerk Roth stated that the committee needs to figure out what we *should* be measuring and what we *can* measure. Clerk Russell asked that the committee define for the workgroup why we are measuring tasks and for what we use the data. She shared concerns of what that may cost, like payment plans paid, for each new measure. She asked that we include the why and the purpose of each measure.

**A motion was made by Clerk Timmann and seconded by Clerk Rooks to include Timeliness standards for Risk Protection Orders (RPOs) and Injunctions to the Workgroup's review. The motion was approved with no objections.**

**CCOC staff was directed to pick the workgroup members**

#### 4. Agenda item 4 – Fiscal Management Report Form

Clerk Roth began by giving a brief synopsis of the fiscal management report. Ms. Bruner explain that on each county's report, clerks/staff will answer questions 1-3, and questions 4-10 will be prepopulated by CCOC staff based on their actual submission data.

**A motion to approve the Fiscal Management form was made by Clerk Timmann and seconded by Clerk Rooks. The motion was approved with no objection.**

#### 5. Agenda Item 5 – Case Weights Workgroup Report

Clerk Roth reviewed the work done by the Case Weights workgroup. The workgroup presented these changes to the committee:

- 1) The new sub-case type of Risk Protection Orders (RPO's) be weighted 6 like Baker Act/Substance abuse cases.
- 2) The new sub-case type of Vulnerable Adult cases be weighted 6 like Baker Act/Substance abuse cases.
- 3) Search Warrants be reduced from 2 to 0.
- 4) Professional Guardian Files be reduced from 2 to 0.
- 5) Other Real Property Actions be reduced from 7 to 6 and Other Civil be increased from a 5 to 6, to be consistent with the weights of Condominium and Contract and Indebtedness sub-cases.



- 6) Cases Unable to be Categorized be reduced from 1 to 0.
- 7) All Other Felonies remains at 8.

Denise Bell from Lake County explained that number 3 and 4 refer to the new Case Counting Business Rules. She explained that the “Cases Unable to Be Categorized” were able to be placed into a category therefore, all cases should be counted. Ms. Bell explained that the reason the business rules were changed is while it sounded good in theory, it did not work in practice as all cases had a category they could be placed in if the Business Rules were followed. Ms. Bell then took questions/comments from committee members.

Clerk Kinzel asked a question in the meeting chat asking are we comparing anything to the standards to get new judges? Clerk Kinzel stated that they focus on time in the courtroom. Clerk Cooney mentioned this is a performance measure and not a case count. He also pointed out that her question would fall under agenda item 3. Clerk Cooney stated that we tell the Legislature to tell the judges to knock it off.

In this project, there were a lot of counties on the workgroup with similar cases in the system. Clerk Roth pointed out that for reporting, counties need to consider the Performance Measures. Mr. Isabelle referred to the continuing cases report, depending on court type, we can see if they are increasing. Clerk Timmann responded to Clerk Kinzel in saying that the circuit is in the same boat, some circuits even have Administrative Orders, so it is not as easy as saying no.

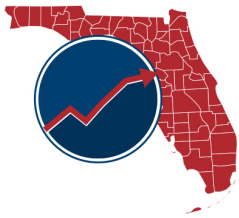
**A motion to approve #1-7 was made by Clerk Cooney and seconded by Clerk Timmann. The motion was approved with no objection.** The motion will not go into effect until it is approved by the CCOC Executive Council.

#### 6. Agenda Item 6 – Best Practice Recognition Program

Clerk Roth explained to the committee that more information will be provided on the FCCC call tomorrow. This program is a vision of Clerk Green. Mr. Isabelle informed the committee that this was born in 2004/2005 and is part of the strategic plan for the FCCC 2025, however, the specifics still need to be laid out. This was originally designed with collections in mind, the compliance checklist will be first on the radar. Clerk Roth explained that the checklist provides good benefits and recognition for the clerks.

Clerk Roth wraps up by thanking everyone for their time and input in this meeting.

The meeting was adjourned at 4:20 PM.



## AGENDA ITEM 3

**DATE:** September 24, 2021  
**SUBJECT:** Payment Plan Form  
**COMMITTEE ACTION:** Approve Payment Plan Form

### OVERVIEW:

During the 2021 Legislative Session, the clerks requested, the Legislature passed, and the Governor approved the clerk's plan to create a uniform statewide payment plan form. The legislation requires the Clerks of the Court Operations Corporation (CCOC) to create the payment plan form by October 1, 2021, and all clerks to begin using it by January 1, 2022.

28.42 Manual of filing fees, charges, costs, and fines; payment plan form.—

(2) By October 1, 2021, the clerks of court, through the Florida Clerks of Court Operations Corporation, shall develop a uniform payment plan form for use by persons seeking to establish a payment plan in accordance with s. [28.246\(4\)](#). The form must inform the person of the minimum payment due each month, the term of the plan, acceptable payment methods, and the circumstances under which a case may be sent to collections for nonpayment.

(3) By January 1, 2022, each clerk of court shall use the uniform payment plan form developed pursuant to subsection (2) when establishing payment plans.

CCOC staff gathered payment plan forms from several clerks, took each plan's elements, and incorporated them into a single document. The draft payment plan form is available for the PIE Committee's discussion, editing, and approval.

### Highlights

The draft available for the PIE Committee's review highlights the essential elements for a payment plan. As such, the draft does not necessarily look like a form. Also, because some counties have electronic payment systems and some have paper forms, it was more important to provide the essential elements for the form rather than a standardized form. However, CCOC can convert the elements into a standardized paper form upon approval of the committee.

The draft form combines the elements of many payment plans from across the state. However, it provides some optional elements, such as if a clerk charges the one-time \$25 payment plan



set up fee or the \$5 per month processing fee. Additionally, the form provides if a county requires a down payment or has a minimum monthly amount.

The form provides an area for a customer to acknowledge the payment plan terms and the consequences to comply with those terms. It provides a section to fill out the personal information, and it includes a consent to receive notifications by email and text message. The form also provides a person with the ability to fill out their financial information. The form also provides a standard list of plan terms and a listing of possible consequences for failing to comply with the payment plan.

In addition to the sections to be filled out by the constituent, the draft form has a section to be filled out by the clerk's office. This section includes the beginning balance, the plan's terms, whether there is a minimum monthly payment or a down payment required, and the payment plan number. Additionally, the draft form includes the statutory language about the court's ability to review the reasonableness of the payment plan and the presumption of the plan to being reasonable if it does not exceed two percent of the person's annual net income.

**Other items for consideration**

1. For CCOC tracking, an indicator on the form to help each county track if the payment plan will go beyond 15 months (performance measure issue).
2. Start collecting the number of payment plans as a performance measure and the number that failed to comply with the terms.
  - a. Attempt to document the failure reasons? Again, probably impossible, but we need to understand why people fail to fix the problem.
3. Other issues to consider?

**COMMITTEE ACTION:** Discuss, edit, and approve the Payment Plan Form

**LEAD STAFF:** Jason L. Welty, Deputy Executive Director

**ATTACHMENTS:**

1. Payment Plan Form - Draft

## **Section 1 – ACKNOWLEDGEMENT OF TERMS AND FAILURE TO COMPLY CONSEQUENCES (s. 28.246(4), F.S.)**

- Each clerk of the circuit court shall accept partial payments for each case type for court-related fees, service charges, court costs, and fines in accordance with the terms of an established payment plan developed by the clerk.
- An individual seeking to defer payment of fees, service charges, court costs, or fines imposed by law or order of the court under any provision of general law shall apply to the clerk for enrollment in a payment plan.
- The clerk shall establish all terms of a payment plan, and the court may review the reasonableness of the payment plan.
- I attest/confirm/swear that the information provided on this application is true and accurate to the best of my knowledge. I will abide by the terms of the payment plan and understand failure to do so may result in the suspension of my driver's license for failure to pay a financial obligation and potentially my case(s) being referred to a collection agency with an additional penalty.
  - Applicant Signature
  - Applicant Name (Print)
  - Date

## **Section 2 – GENERAL INFORMATION**

- **I WISH TO ENROLL IN A PAYMENT PLAN • Yes – (s. 28.246(4)(b), F.S.)**
- I consent to email notifications • Yes
- I consent to text message notifications • Yes
- First Name
- Middle Name
- Last Name
- Street Address
- Date of Birth
- Driver's License Number or ID Number
- Email Address
- Cell Phone
- Other Contact Information

## **Section 3 – FINANCIAL INFORMATION**

My take-home pay is (Only fill in one)

*(Total "take-home pay" or net pay consists of total salary and wages, minus deductions required by law, including court-ordered support payments.) – (s. 27.52(1), F.S.)*

- Weekly / Monthly / Annually

## **Section 4 – ACCEPTABLE PAYMENT METHODS (s. 28.42(2), F.S.)**

- Online at {CLERK WEBSITE HERE}
- By phone at (CLERK PHONE NUMBER HERE)
- By money order or cashier's check. Please include your payment plan number/name and mail to: Clerk of the Circuit Court, (CLERK ADDRESS HERE)
- In person at: (CLERK ADDRESS HERE)
- {Any Other payment methods here}

## Section 5 – PAYMENT PLAN TERMS

- I understand that court-imposed financial obligations and civil penalties are penalties from my sentence or set by applicable law and I am required to pay for all fines, fees, and costs incurred from my case proceeding(s).
- I understand and agree to pay a **{one-time \$25 or \$5 per month}** administrative fee to establish a payment plan – (s. 28.24(27)(b) or s. 28.24(27)(c), F.S.).
  - If I fail to complete my payment plan and the clerk creates a new payment plan for me, I understand the clerk will assess an additional **{\$25 or \$5}** administrative fee each time a new payment agreement is established.
  - I further understand that **{CREDIT CARD VENDOR}** charges a fee of **{INSERT CC SERVICE CHARGE HERE}** per payment when making payments by credit card.
- I understand that it is my responsibility to make timely payments pursuant to the plan, regardless of e-notification reminders.
  - Payment is due no later than 11:59 p.m. on the date given
- I will update timely my address, cell phone number, and email address with the Clerk's Office so that I may receive notifications.
  - Failing to update my contact information may prevent payment plan notifications from being received.
- I will notify the Clerk's office immediately with a request to modify my original payment plan if my financial situation changes.

## Section 6 – FAILURE TO COMPLY

- Willfully failing to pay as agreed will result in the Florida Highway Safety and Motor Vehicles (FLHSMV) issuing an order suspending my driver license and my privilege to drive 20 days after the date the order of suspension is mailed (ss. 318.15 or 322.245, F.S.).
  - FLHSMV will send notification of suspension to the address they have on file.
- If I fail to establish a new payment plan, my license will remain suspended, and after 90 days, my case(s) will be referred to a collection agency (s. 28.246(6), F.S.).
  - The collection agency may add a **{insert your county's percentage}** percent fee to my outstanding balance, and I will need to pay the new balance through the collection agency.

## Section 7 – CLERK OFFICE FILLS OUT THIS SECTION

- Beginning Balance based upon all fees and all anticipated fees, service charges, court costs, and fines.
- Term of the plan (s. 28.42(2), F.S.)
  - Payment Dates (weekly, every other week, monthly)
    - Minimum Monthly Payment (s. 28.42(2), F.S.)– (if applicable)
    - Down Payment (if applicable)
- Payment Plan #
- Reasonableness disclosure: You may petition the court to review the reasonableness of this payment plan. A monthly payment amount is presumed to correspond to the person's ability to pay if the amount does not exceed two percent of the person's annual net income (s. 28.246(4)(b), F.S.).

<b>Payment Calculation</b>	<b>Payment Plan #</b>
Total Fines, Filing Fees, Service Charges, and Court Costs Due	
Partial Payment Setup Fee or monthly fee	\$25.00 or \$5.00 monthly x number of months
<b>Total Amount Due</b>	
<b>Payment Schedule</b>	
Payment Due Date	Amount
Today	\$25.00 or \$5.00 or down payment amount
A one-time \$25 administrative processing charge for setting up a partial payment plan, pursuant to s. 28.24(26)(c), F.S. or a \$5 per month administrative processing charge for receiving and disbursing all partial payments, pursuant to s. 28.24(26)(b), F.S.	
The total amount due is to be paid within__months.	
On the ____ day of each month (or week or every other week, etc.),  beginning _____, 20_____,  until balance paid in full.	\$_____a month (or week or every other week, etc.)  (Monthly pmt. is considered reasonable if it does not exceed two percent of annual net income divided by 12)