



# CCOC

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## Minutes of December 3, 2021, PIE Committee Meeting

Approved by the PIE Committee on February 28, 2022.

The PIE Committee of the Clerk of Courts Operation Corporation (CCOC) held a meeting via WebEx on 12/03/2021. 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 a complete 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**.

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

The PIE Committee meeting was called to order by Clerk Laura Roth at 10:00 AM. Marleni Bruner, CCOC Senior Budget Manager, called the roll.

Present for meeting via Web-Ex: Clerk Laura Roth, Clerk Gary J. Cooney, Clerk Tiffany Moore Russell (joined the call after roll call), Clerk Victoria L. Rogers, Clerk Clayton O. Rooks III, Clerk Donald Spencer, Clerk Carolyn Timmann, Clerk Brenda D. Forman, and Clerk Angela Vick.

Absent from the meeting: Clerk Linda Doggett, Clerk Tara S. Green, Clerk Roger D. Eaton, Clerk Matt Reynolds

**A motion to approve the agenda was made by Clerk Vick and seconded by Clerk Rogers. The agenda as presented was approved by consent.**

### Agenda Item 2 – Approve Minutes from 9/24/21 Meeting

Ms. Bruner reported that there was one correction to the minutes to add the attendance of Clerk Vick, who joined the call after the roll call had taken place.

**A motion was made to approve the Minutes from 9/24/21 with the stated amendment by Clerk Rogers and seconded by Clerk Rooks. The minutes were adopted as amended by consent.**

### Agenda Item 3 – Indigent Forms

Jason Welty, CCOC Deputy Executive Director, thanked the Chair, Committee Members, and the FCCC Best Practices Committee for helping to develop the Indigency Forms. The forms were officially received on October 19, 2021, along with the letter from FCCC President Clerk Colonnese (page 12 of meeting packet). Mr. Welty reported that he received a call from the Department of Children's and Families (DCF). He explained that DCF wanted to use information from the form for cases in the foster care system. The requested changes would allow the draw-down of additional federal dollars for the foster care system in Florida. The changes are even more critical because Florida had a waiver that expired on October 1, 2021. Mr. Welty worked with the Deputy Secretary and Deputy Director of Children's Legal Services at DCF and Clerk Cooney to tweak the version from FCCC.

Mr. Welty further explained the revisions: adding frequency for each income type, adding a line for gross income, and adding a line for "Other" under assets. In addition, a line for social security income was added on the Dependency and Termination of Parental Rights cases form. Also, changes were made in how a person's liabilities and debt is requested. One version is to lump all liabilities on one line; the other is a more detailed version. Clerk Vick suggested making the form one page long.

**A motion was made by Clerk Vick to adopt the consolidated version of liabilities and debts (as seen on page 13 of the packet), which was seconded by Clerk Cooney.**

Clerk Kinzel explained the necessity for the breakdown. She explained having the detail was better than a single line item.

**After debate and discussion, Clerk Vick withdrew her original motion with agreement from Clerk Cooney.**

**Clerk Cooney motioned to adopt the revised form with the expanded language on debt and liabilities and adjust the form to fit on one page, as Mr. Welty presented. Clerk Vick seconded the new motion.**

Clerk Roth asked committee members for further comments, discussion, or debate on the motion. Clerk Timmann stated that her office was recently sued over whether the form was clear on the asset and liability of a motor vehicle. Different divisions were interpreting it differently. Clerk Timmann stated it is on how you look at the asset and liability component of the motor vehicle. Clerk Timmann's staff denied one, and the individual sued; however, the individual had a hearing, and the Judge granted it, but the individual still sued in Federal Court, and that litigation is ongoing. The point of the question is how you determine the outstanding liability of a motor vehicle and if the clerk's office has to do the math to determine if there is an asset in that motor vehicle.

Clerk Cooney mentioned that they had a case that went all the way to the Florida Supreme Court where an individual claimed that the clerk's office took all of his liabilities and netted it against all of his assets. The Supreme Court ruled that is not what they do. On the vehicle issue, it is an exclusion. The individual can have a car

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excluded from being considered an asset provided the car does not exceed \$5,000 in value. He believes these forms cover all the issues.

Clerk Roth asked what the relevance of the various incomes was in relation to the rest of the form. Clerk Cooney responded that it is statutorily required to be on the form, but it is not used in determining assets or liabilities. He also stated that “deductions by law” was vague statutory language that should be cleaned up.

Clerk Roth also pointed out that for the lines related to loan balances (vehicle, boat, etc.), there should be a total column added for the net value of the asset when compared to the loan balance.

No further discussion, comments, or concerns. **The motion was amended to add a totals column next to Assets for all forms. The motion was unanimously adopted.**

Clerk Roth asked Mr. Welty whether the petitions included with the Indigent Forms required discussion. Mr. Welty stated that they did need discussion from the Committee. This issue came up between when the FCCC sent the forms to the CCOC and when the review began.

According to statute, the applicant can seek the court’s review on the clerk’s determination of the applicant’s indigent status. By process, the applicant would have to petition the court to review. Clerk Cooney put together three separate petition forms for each one of the applications if a person wants to petition the court to overturn the clerk’s ruling on whether they are indigent. Mr. Welty suggested that clerks could make the petition forms available to applicants. The petitions are similar, but the thought is that it would be good to create a standardized petition for use across the state. Mr. Welty suggested that the PIE committee send the Petition Forms to the FCCC Best Practice committee to review the forms.

Clerk Cooney further explained that he was hearing from offices across the state that the applicant would ask what they could do when someone was denied indigent status. The response was you can petition the court. Then the follow-up question asked is how. He is not a proponent of doing work for petitioners or providing a legal opinion. However, this is a basic form in this case, with the only difference being the caption, title, and statute references.

Clerk Roth asked if this was the appropriate venue or forum to approve forms such as this one. Concerning the indigent forms, the CCOC is statutorily required to submit those to the Supreme Court for approval. Mr. Welty responded that we have not in the past, but if this committee sent it to the FCCC’s Best Practice Committee, that might be the better place for review.

**A motion was made by Clerk Cooney, seconded by Clerk Vick, to send the petition forms to the FCCC Best Practice Committee for review and consideration. Hearing no objections, the motion was adopted unanimously.**

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Mr. Welty informed committee members that the next step with the indigent forms will be to present to the Executive Council meeting on December 16, 2021, and have the Executive Council take a look and approve it from the CCOC. From there, the CCOC we work with the Florida Bar, Public Defenders, the State Attorneys to get their input before the CCOC sends them to the Supreme Court for final approval.

#### **Agenda Item 4 – Performance Measures Workgroup**

Mr. Welty stated that it was determined that several issues would be sent to a Workgroup at the last PIE committee meeting. The first workgroup is the Collections standards for Circuit Criminal and Civil Traffic and the timeliness standards for all court divisions, both in filing and docking. The second workgroup will review the current measures and possibly create new performance measures.

On January 19, 2021, the PIE committee changed the various standards. Some committee members felt that a couple of the recommended changes needed to go to a workgroup. This included adjusting the Civil Traffic standard for Collections to 85% from 90%. Also, it included reducing the Circuit Criminal Collections standard from 9% to 8%. The workgroup for these two issues will be kicked off in January 2022 to discuss those issues surrounding the current collections standards. Mr. Welty also asked the Committee members if they had anyone in their office who would be an asset to this workgroup to let Ms. Bruner know in the next couple of weeks to establish workgroup members. The CCOC would like to keep these workgroups as mostly staff so that we can work on these issues and bring back something to the committee to review and decide upon.

The second workgroup will be reviewing all of the current measures again, which was last done in 2020. This workgroup will also look to introduce new measures for consideration. Mr. Welty indicated that the Performance Measures have not changed much since 2004. However, clerks received new duties from the Legislature that should be tracked to show how well clerks are executing those public policy goals that the Legislature set forward. The second workgroup will kick off a little later. If someone in your office would love to get into the data and be an asset to this workgroup, please forward their names to Mr. Welty and Ms. Bruner.

Clerk Roth asked Mr. Welty if people were already in place for these two workgroups or if that was still ongoing. Mr. Welty reported that a few people have volunteered for the workgroups after the last meeting; however, more are welcome. Clerk Roth reiterated the point that Mr. Welty made about finding people interested in the two workgroups discussed instead of assigning people to the workgroups who may not necessarily have time to devote.

**Agenda Item 5 – Other Business**

Clerk Roth wanted to thank Mr. Welty and Ms. Bruner for getting the final form on the uniform payment plan done. She reminded all that the Legislature required the CCOC to adopt a payment plan form by October 1, 2021. The elements of that form were adopted in time to satisfy the statute, but it wasn't put into an actual tweakable usable template yet, and we were due to begin using it by January 1, 2022. Clerk Roth stated that the committee worked over the last few days and got that out statewide late last night. Clerk Roth asked all Committee members to please check their inbox, and make sure to provide it to staff because it is the new payment plan form that should be used statewide come January.

Ms. Bruner stated that the forms are posted on the CCOC website. The link is in the email Mr. Welty sent. It is a word document that is editable so counties can use their seal and include clerk office information. Also, it can be edited for items that apply to each office. Clerk Roth stated that if items don't apply to your office, you can remove them from the form. If a county wants a fillable PDF form, they can send it to Ms. Bruner for help once the county makes its edits. If any other assistance is needed, please call CCOC staff.

Mr. Welty also wanted to recognize Miami-Dade County, which assisted with the Spanish translation for counties that need a form in Spanish. It will be coming soon.

Ms. Bruner requested committee members look at their 2022 calendars for February and let her know of any blackout dates. She will send a doodle poll for potential dates for the next committee meeting.

Clerk Roth adjourned the meeting at 11:14 AM.

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