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SECRETARY/TREASURER



JOHN DEW
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TODD NEWTON
GILCHRIST COUNTY

STACY BUTTERFIELD, CPA
POLK COUNTY

RON FICARROTTA
13TH JUDICIAL CIRCUIT JUDGE
SUPREME COURT APPOINTEE

KEN BURKE, CPA
PINELLAS COUNTY
HOUSE APPOINTEE

NIKKI ALVAREZ-SOWLES, ESQ.
PASCO COUNTY
SENATE APPOINTEE

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Minutes of August 8, 2022, Executive Council Meeting

Approved by the Executive Council at their meeting on November 1, 2022.

The Executive Council of the Clerk of Courts Operation Corporation (CCOC) held a meeting via WebEx on August 8, 2022. An agenda and materials were distributed in advance of the meeting and posted on the CCOC website.

Call to Order, Invocation, and Roll Call

The meeting was called to order by Chair Jeff Smith at 3:01 PM. Clerk John Crawford gave the invocation. CCOC Performance, Policy, and Education Director, Mrs. Marleni Bruner, called roll.

Council members present for meeting (Web-Ex): Chair Jeff Smith, Vice-Chair Tiffany Moore Russell, Secretary/Treasurer Laura Roth, Clerk Stacy Butterfield, Clerk John Crawford, Clerk JD Peacock, Judge Ronald Ficarrotta, Clerk Nikki Alvarez-Sowles, Clerk Ken Burke, and Clerk Todd Newton (joined the call late)

Council members absent from meeting: Clerk Harvey Ruvin

Agenda Item 1 – Approve Agenda

A motion was made to approve the agenda by Clerk Alvarez-Sowles and seconded by Clerk Butterfield. The motion was adopted by consent.

Agenda Item 2 – PIE Committee Update

Clerk Roth, Chair of the PIE Committee, presented a request for the Council to approve four items that were reviewed and approved by the PIE Committee. These items consist of a revision to the indigency business rules, a revision to case weights, and a revision to the CFY 2022-2023 outputs form.

Clerk Roth provided an overview of the action items from the PIE Committee. The committee has four items for the Council's consideration.

First, the PIE Committee revised the indigency business rules which will be effective October 1, 2022. The committee approved a change to incorporate a reference to juvenile dependency data, which clerks currently submit and have been since CFY 2019-20. Additionally, there were changes made to incorporate non substantive formatting and grammatical changes.

Second, the committee recommends revising the case counting business rules with an effective date of October 1, 2022. The following highlights the changes made:

General

- For consistency among the court types, the "Do NOT Include" sections have been moved from General Reporting Rules to Counting Cases.

Circuit Criminal

- The option to report Capital Murder, Non-Capital Murder, and Sexual Offenses subcase categories separately from All Other Felonies has been eliminated. Accordingly, the All-Other Felonies subcase type has been renamed Felony Cases.
- The rules for Appeal (AP) cases have been updated to incorporate the change in the jurisdiction of appeals of county court decisions to the District Court of Appeals rather than circuit courts, pursuant to Ch. 2020-61, L.O.F.

County Criminal

- Clarifies that cases transferred to County Criminal from Circuit Criminal, based on downgraded charges, are not included, if the case was sentenced in Circuit Court and is only being transferred to County Court for supervision.

Circuit and County Criminal

- Clarification added that arrests on Civil or Family pick-up orders should not be counted as a new criminal case.

Circuit Civil

- The rules for Appeal (AP) cases have been updated to incorporate the change in the jurisdiction of appeals of county court decisions to the District Court of Appeals rather than circuit courts, pursuant to Ch. 2020-61, Laws of Fla.
- The Out of State Commission for Foreign Subpoenas subcase type has been removed from reporting.
- The subcase types have been updated to reflect the current jurisdictional ranges, including adding a new subcase type to capture the increase to \$50,000, effective January 1, 2023.
- The Registry Deposits Without an Underlying Case subcase type has been removed from reporting.

Family Law

- The definition of the UIFSA IV-D/UIFSA NON-IV-D subcase type was clarified to make clear that those cases which only count as Reopens for SRS are not to be reported in this section.
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- The descriptions for the non-SRS subcase types, found in section 2.b., were expanded for clarity. Item 2.b.v. was removed. The Appendix was updated accordingly.

The third change recommended by the PIE Committee is creating a new subcase type and an amendment to the associated case weights. The subcase type "Civil \$30,000-\$50,000" is added to the subcase types due to statutory changes and the committee recommends a case weight of five.

Lastly, the committee recommends changes to the outputs form to conform with changes made to the new case counting business rules and the associated case weight change.

Clerk Smith asked the council for questions and discussion.

Clerk Burke asked the PIE Committee to study how diversion cases impact counties' case counts and weights. Additionally, he wanted to know if a county does not intake a domestic violence case, are they counted the same in the case counts and case weights. Jason Welty, CCOC Deputy Executive Director, committed to investigating diversion and injunction-for-protection cases at a future PIE Committee meeting.

Clerk Burke also brought up an issue with the filing fee for counterclaims and counter petitions or third-party complaints. Some counties charge a single filing fee if there is more than one type of petition in a filing. Other counties charge multiple filing fees for multiple petitions within a filing. Clerk Roth responded that the Best Practices Committee at the Association (FCCC) was working on a similar issue and this issue would receive more attention in the future.

Clerk Alvarez-Sowles asked about the new case weight for the new county civil case type (Civil \$30,000-\$50,000) and stated that there could be more complex cases, such as foreclosures or contract indebtedness, and she felt a case weight of five, which the PIE Committee recommends, might be underweighting these cases. Clerk Alvarez-Sowles asked the Council to reconsider accepting the recommendation and perhaps creating a blended rate for this new category. Clerk Roth and Mr. Welty provided additional background to the workgroup and committee's decision to recommend a case weight of five. Due to this change coming as a response to legislative action, it must have a weight before October 1.

Clerk Smith recommended taking each PIE Committee issue individually, given the questions raised.

Clerk Alvarez-Sowles motioned to approve the indigency business rules. Clerk Smith seconded the motion. Item 2(a) passed unanimously.

Clerk Alvarez-Sowles motioned to approve the revisions to the case counting business rules. Clerk Butterfield seconded the motion. Motion 2(b) passed unanimously.

Clerk Alvarez- Sowles motioned to send the recommendation on case weights (agenda item 2(c) back to the PIE committee to allow them to relook at the case count with the information discussed for a blended rate. The motion failed due to a lack of a second.

Clerk Peacock motioned to approve the recommendation from the PIE committee of assigning a weight of five for the cases between \$30,000 and \$50,000. Clerk Butterfield seconded the motion for discussion.

Clerk Smith opened the motion for discussion. Clerk Alvarez-Sowles stated she would like it to be sent back to the PIE Committee. Clerk Cooney explained that the workgroup analyzed the issue and recommended a weight of five.

Marleni Bruner, CCOC Performance, Policy, and Education Director, reiterated the workgroup's work and the discussion at the PIE Committee. She also explained that the workgroup will review it further because it is on the PIE Committee's work plan to review all case weights for the upcoming year.

The motion to approve the recommendation from the PIE Committee for Case Weights, 2(c) passed unanimously.

Clerk Butterfield motioned to approve the changes to the Outputs form (Agenda Item 2(d). Clerk Peacock seconded the motion. The motion passed unanimously.

Agenda Item 3 – Update on Guardianship Database

Chair Smith stated the CCOC will be presenting an update on the Guardianship Database Project and review a recommendation to hire a vendor to help develop the Request for Proposal for a vendor to develop the database. Also, Clerk Smith wants to appoint a Council member to independently lead the Project. He wants everyone to understand how important this project is with a short deadline of July 1, 2023, to provide the database.

CCOC Executive Director, John Dew noted that there were materials in the packet which included a memo providing an update on what staff have been working on since June, a copy of the statutory requirement, and a draft of a contract with the Canopy Group Consultants. Mr. Dew said there were two items for the Council to address today. First, to review and hopefully approve a contract with the Canopy Group, and secondly, to select a Council member to independently be responsible for the project. Mr. Dew provided an historical update on the work done thus far on the project. He thanked Clerk Burke for his help and leadership thus far in the project.

Chair Smith thanked Mr. Dew and CCOC staff for the work they have done. He also complimented the three Clerks that served on the Guardianship Task Force; Ken Burke as Chair, Clerk JD Peacock, and Clerk Crystal Kinzel. They were active in coming up with recommendations to the legislature and because of that, the legislature enacted a law and made the CCOC the entity to get this project done. Chair Smith noted that the CCOC is not used to this kind of project as the CCOC is a budget and a performance entity. He noted that

the CCOC has the project, and it is a situation where things need to happen quickly. Clerk Peacock has done a lot of work with Mr. Dew, who will be the point person from the CCOC on this project. Clerk Peacock worked with him on negotiating a potential contract with a vendor that will oversee the project and provide timelines. They will not be the entity that is creating the database.

Chair Smith asked for a motion to hire Canopy Management to help us find a vendor to develop the Guardianship Database. He asked if anyone had questions or comments they want to make prior to a motion. Clerk Peacock said the proposed vendor does have related expertise in the procurement of a vendor to build the database, as well as experience to potentially help the CCOC with other data management tools in the future. The CCOC has narrowed down the priority to the Guardianship Database in this procurement for our consultant. Canopy is capable of helping the CCOC and provide the expertise to write the procurement. They understand the timelines and the responsibility we have as a Corporation to get that done. Should the contract be approved today; the CCOC has set up a kickoff call with our consultant Canopy for Monday, August 15, 2022, to get a high-level plan to move forward.

Chair Smith thanked Clerk Peacock and asked if there were other questions. Hearing none, a **motion was made by Clerk Peacock for the approval of the contract with Canopy Management Consulting Group. Clerk Newton seconded the motion. The motion carried unanimously.**

Chair Smith stated that in light of the quick turnaround time, decisions have to be made quickly. It would be too cumbersome in his and Mr. Dew's opinion, to have to come back to the Executive Council every time to get approval on each facet of the project. Chair Smith recommended the Council appoint Clerk Burke as the overseer for this project, and have the Council give him the ability to make decisions that are timely, and that may not necessarily equate to getting the Council together to approve. The Council will continue to get updates as regular meetings are scheduled. He suggested Clerk Burke because he was the chair of the Guardianship Task Force, and there is no doubt that he would work personally to ensure this project was done well and timely.

Clerk Newton made a motion to appoint Clerk Burke as the Council member responsible for the Guardianship Database Project and to give him the authority on behalf of the Council to make time-sensitive decisions. Clerk Butterfield seconded the motion. With no questions, the motion passed unanimously.

Chair Smith asked if Judge Ficarrota had anything to add to today's meeting. He responded that there were no issues at this time to report and wanted to state that he was happy to continue to be on the CCOC Executive Council.

In conclusion, Chair Smith said he wanted again to thank Clerk Peacock for the years he led the CCOC as Chair.

The meeting was adjourned at 3:50 PM.
