



PIE COMMITTEE MEETING

March 3, 2023



Jeffrey R. Smith, CPA, CGMA
INDIAN RIVER COUNTY
EXECUTIVE COUNCIL CHAIR

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PERFORMANCE IMPROVEMENT AND EFFICIENCIES COMMITTEE MEETING

March 3, 2023

Meeting: 10:00 AM – 12:00 PM, Eastern

WebEx Link: <https://flclerks.webex.com/flclerks/j.php?MTID=m2734ef873c3b784065f66c6397dcfc7d>

Meeting Number: 2300 375 0462; **Password:** CCOC

Conference Call: 1-866-469-3239; **Access Code:** 2300 375 0462

- 1) Call to Order and Approve Agenda.....Hon. Laura Roth
- 2) Approve Minutes from 12/02/22 Meeting.....Marleni Bruner
- 3) CFY 2022-23 Quarter 1 PMAP Report.....Marleni Bruner
- 4) Cases/Subcases Update.....Jason L. Welty
- 5) CCOC & FCCC Compliance SummitMarleni Bruner
- 6) Other Business.....Hon. Laura Roth

Committee Members: Laura E. Roth (Volusia), Chair, Gary J. Cooney (Lake), Roger D. Eaton (Charlotte), Brenda D. Forman (Broward), Tara S. Green (Clay), Crystal K. Kinzel (Collier), Matt Reynolds (Putnam), Tiffany Moore Russell (Orange), Victoria L. Rogers (Hardee), Clayton O. Rooks (Jackson), Angela Vick (Citrus)

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Minutes of December 2, 2022 PIE Committee 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 12/2/23. 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 Chair Roth. Marleni Bruner, CCOC Performance, Policy, & Education Director called the roll.

Present for meeting [WebEx]: Chair Laura Roth, Clerk Gary J. Cooney, Clerk Roger D. Eaton, Clerk Brenda D. Forman, Clerk Tara S. Green, Clerk Crystal K. Kinzel (after roll call), Clerk Matt Reynolds, Clerk Tiffany Moore Russell, Clerk Angela Vick

Absent from meeting: Clerk Victoria L. Rogers, Clerk Clayton O. Rooks

A motion was made to approve the agenda by Clerk Green and seconded by Clerk Cooney. The motion was adopted by consent.

2. Agenda Item 2 – Approve minutes from 8/31/22 Meeting

The minutes from the 8/31/22 PIE Committee meeting were presented. No questions, comments, or edits.

A motion to approve the minutes as presented was made by Clerk Cooney and seconded by Clerk Reynolds. The motion was adopted by consent.

3. Agenda Item 3 – CFY 2021-22 Quarter 4 PMAP Report

Ms. Bruner presented the CFY 2021-22 Quarter 4 Performance Measures and Action Plans report, which has been posted to the CCOC website (<https://flccoc.org/ccoc-reports/#pr>) and sent to the legislature as statutorily required. There were 50 counties that required at least one action plan for Collections, 12 for Timeliness – Filing, eight for Timeliness – Docketing, and 5 for juror payments. The majority of the reasons for untimely juror payments were one-off situations.

Jason Welty, CCOC Deputy Executive Director continued the report with an explanation of the Performance Measure spotlight. He explained this review has been highlighted each quarter at the last several PIE Committee meetings. Mr. Welty presented a 6-year history on Collections performance going back to CFY 2016-17 through CFY 2021-22 using only the criminal court divisions. Civil was omitted because those fees are typically paid up front.

From October 1, 2020, to September 30, 2021, there was \$716.4 million assessed in criminal and traffic court divisions. In CFY 2021-22, clerks collected 53.4 percent of those assessments. This collection rate is the second lowest rate in the last seven years, with the pandemic year of CFY 2019-20 being the only year lower. In October, 36 million was collected, but Hurricanes Ian and Nicole will probably have a temporary impact on the case filings and usually it's a temporary impact on civil traffic citations. Expect to see October and November revenue below its historical norms. County civil cases are declining, and we rely on the civil cases to bolster the criminal side. It is important to be mindful of the importance of compliance on the criminal traffic and civil cases. There is a special session planned in the legislature and there could be legislation that would reduce the amount of litigation in the insurance arena. If that happens, it would be another big hit to filing fees that clerks collect, making traffic collections all that much more important.

Clerk Green asked Mr. Welty if the CCOC was looking at the counties who had big drops in their collections making them aware and wanted to know if the CCOC was trying to find out why the drop occurred. Mr. Welty explained that yes, the CCOC is looking at the information trying to figure out is it related to a large drug trafficking case which for the smaller peer groups, a single case can throw your numbers off. Ms. Bruner pointed out that one county let them know they lost their key staff member that handled collections so they are trying to figure out how to restructure their office to make up for the reduced staffing.

Clerk Green also wanted to know if we were reaching out to every county to make sure they were sending civil traffic to collections. Ms. Bruner responded that we collect the annual Collection Agent report each year and only one county does not use any collection agents. Reports are due in December so in January the CCOC will put together a summary report. Clerk Roth asked if it would be by agency and was told, yes, there will be a detail in the report by court division and collection agent.

Clerk Roth brought up that the PIE Committee is responsible for the performance measures and standards so it is possible that we could be redefining the business rules to account for those drug trafficking cases. Mr. Welty answered that yes, a few years ago, former Deputy Executive Director, Doug Isabelle, started pulling out the drug trafficking cases and that's why our form has that extra tab to pull those cases out of the numbers. It is an area that we hope to make a recommendation. Clerk Roth pointed out that all clerks struggle to collect on those types of cases.

Clerk Green reiterated that we could look at it both ways. What are we yielding with drug trafficking included and with every effort being made, what is the reality of collecting in that court division.

John Dew, CCOC Executive Director, mentioned that Compliance Improvement Services (CIS), a contract vendor for CCOC, is looking into the responses when they go out and do individual office evaluations, trying to get more information. He also mentioned the unique case in Leon County and how CCOC has had discussions regarding adding a comment field to the report instead of changing the measure.

Clerk Roth stated that if we are the ones creating these measures then we are the ones that can clean it up. Clerk Green agreed that they have needed an overhaul and a further philosophical discussion.

4. Agenda Item 4 – Case/Subcases Update

Mr. Welty began by stating that this is the cases and subcases update that is done for every PIE Committee meeting. It takes a look at the amounts now and compared to this time in the prior fiscal year. The chart shows the criminal, civil, and civil traffic, by the month of September over the last four years as well as by, the entire fiscal year for the last four fiscal years. Mr. Welty considers CFY 2018-19 as the anchor year, the last full normal year for these types of cases. We are down 15% in criminal cases compared to CFY 2018-19. These numbers are still fluid as clerks close out their year; however, this is good to show the trends. This is something that we will continue to look at. CFY 2020-21 was a weird year for civil with a huge spike in April through July of 2021 which was the beginning of the PIP cases which started increasing drastically. We are a little down over CFY 2021-22 but still over baseline year of CFY 2018-19. He stated that the civil cases with payment upfront would be the key trend for the CCOC to watch. Mr. Welty further explained that the CCOC is close to being able to send the CFY 2021-22 outputs report to the Case Counting Workgroup, chaired by Clerk Cooney, for their review and justification of any outliers. The goal of the CCOC is to get that done early this year so it can be sent to the Budget Committee to be incorporated into the budget development process.

Clerk Reynolds brought up the subject of increased tickets due to suspended license or expired registration as was mentioned to him by his county tax collector. It was due to the sheriff's office using camera footage from one side of the bridge, and if there

was a hit on the license plate, the person has a warrant, expired registration, expired driver's license, suspended driver's license, etc., they were pulling the vehicle over as they got off on the other side of the bridge. Those individuals then go to the tax collector's office to take care of the ticket. Clerk Reynolds has not gone into detail with his Sheriff with the new process, but he wanted to put it on everyone's radar. Clerk Roth asked why they were going to the tax collector and Clerk Reynolds explained it was because the majority of the citations were for expired registration. He was also unsure if these were tickets or just warnings, so he planned to get with his staff to see if there was an increase in workload.

Clerk Roth mentioned the technology was similar to red light cameras which were thrown out in Volusia County. Clerk Green mentioned that they are a lot of work.

5. Agenda Item 5 – Uniform Payment Plan

Clerk Roth called on Mr. Welty to explain the work done to develop this more streamlined and simplified payment plan form. Mr. Welty explained that the original document was 4 pages, and this is a 1-page version. He used Clerk Maloy's version in Seminole County as the basis for this form. He included the box in the middle for Financial Information to start the conversation with individuals who may not be fiscally responsible or understand budget concepts. It asks three questions: What is your monthly household income? What are your monthly household expenses? And how much do you think you can pay on this payment plan? This is an important part of the form because sometimes people may say their monthly household income is \$1,000 and their expenses are \$950 but they think they can pay \$100 a month on this payment plan. The math doesn't work out in that example so this gives your counter clerks the ability to show them the expenses subtracted from the income doesn't leave enough left over to pay that amount.

The form in the packet shows some areas that are highlighted which would be areas each clerk would personalize with their information. In reviewing the packet material, Mr. Welty recognized that an addition is needed to include information regarding a civil lien if the person fails the payment plan, before this item is taken to the Executive Council from this committee. Clerk Roth also mentioned adding the statutory information regarding the new statute that allows the clerk to charge a minimum down payment. She also mentioned having a reference to the legal language. Mr. Welty suggested a second page that could be the backside of this form is copied front and back with the legal language so the main form could still be on one page, because the statutory references were one of the things taken out of the original form to make this one.

Clerk Green agreed with the edits already mentioned and stated that having a second or separate page of the statutory references would be handy for the very few people who would challenge the clerk's authority. She also asked for a bit more room

in the area for name and citation number. Mr. Welty explained that the CCOC can create a fillable PDF of the form for any county that needs it.

Clerk Roth asked what the next steps would be after this was adopted by the committee and Mr. Welty explained that it would be sent to the Executive Council meeting on December 14 if adopted at this meeting.

A motion was made by Clerk Vick to adopt the simplified form with the three changes requested be made by Mr. Welty (add language for civil lien, add language regarding minimum down payment, and add space to information lines) and was seconded by Clerk Green. The motioned passed unanimously.

6. Agenda Item 6 – Other Business

Staff recommends setting future PIE Committee meetings for 2023. Meetings would be from 10 AM – 12 PM on March 3, June 2, September 1, and December 1 to align with the submission of the quarterly PMAP report. Clerk Vick asked if the Summer Conference would conflict and the dates for that is June 6-8, 2023. Ms. Bruner informed the committee that the only potential conflict is the March 3 date when the virtual Winter Conference will be held; however, curriculum information or times for sessions have not been released.

Clerk Green requested a conversation on the Clerk Court Services Framework and how it has not been updated since 2018. She would like it to be reviewed and updated annually based on any legislative action or other changes. She mentions this because more and more clerks' offices are looking to implement standard operating procedures to help with data quality. She believes the CCOC should have a vested interest in this because once we get our data quality looking really good, we can leverage CCIS a lot better and provide a lot more for business analytics that all ties together. Ms. Bruner stated that it is on the workplan for the PIE Committee for this year and that Clerk Cooney was working on the updates and had hoped to have it before Doug Isabelle retired but it is close to being done. There is already a workgroup formed to assist Clerk Cooney.

Clerk Roth requested that CCOC staff have this as an agenda item for March with at least an introductory meeting by then.

Clerk Reynolds suggested the group use a shareable document that they could work on collectively and with the establishment of moderators, people could suggest a change that would then have to be approved. This would allow the workgroup to work on the document and make changes to bring forward. This would make it the living, breathing document Clerk Green suggested, as things change day-to-day with new AO's from the Supreme Court or whatever it may be.

Clerk Green mentioned that Clerk Timmann, FCCC President, is looking at creating user groups by vendor so SOPs could be created and worked on, then shared out to all the counties in that group. It allows counties to evaluate why a county would do something in a certain way with the same system. Clerk Green believes that those user groups and the Clerk Court Services Framework workgroup could leverage their time because they will be looking at some of the same processes. The Framework down to the task level would be a huge resource to the user groups to make sure they capture what clerks are required to do while also capturing how we do it. Clerk Roth mentioned that if everything gets up to speed, we may be able to cross reference between the two groups. She also encouraged future versions of the framework be more electronically viewable.

Mr. Dew chatted into the comments that the Framework is on the CCOC website as a shortened pdf and the full Excel file.

Clerk Roth expressed her concerns with employee loss of high level staff and the inability to properly train new staff as they leave shortly after being hired. Clerk Reynolds stated that they are having the same struggle with new hires that they are overwhelmed and feel insufficiently trained. Clerk Roth stated it was a cycle of needing new people but not having enough people to train the new hires.

Clerk Roth adjourned the meeting at 10:48 AM.

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AGENDA ITEM 3

DATE: March 3, 2023
SUBJECT: CFY 2022-23 Quarter 1 PMAP Report
COMMITTEE ACTION: Information Only

OVERVIEW:

The CCOC has completed the CFY 2022-23 Quarter 1 Performance Measures and Action Plans (PMAP) report, posted it to the CCOC website (<https://flccoc.org/ccoc-reports/#pr>), and submitted it to the Legislature.

Report Highlights

The Performance Measures and Action Plans report identifies the counties not meeting workload performance standards for specific measures.

Performance Standards	Counties Requiring an Action Plan	Potential Action Plans	Total Action Plans
Collections	50	603	105
Filing – Timeliness	17	670	28
Docketing – Timeliness	14	670	25
Timely Juror Payments	6	67	6

- There were 12 counties that did not require any action plans.
- Columbia County did not submit a Collections report at the time this report was produced.

COMMITTEE ACTION: Information Only

LEAD STAFF: Jason Welty, CCOC Deputy Executive Director
Marleni Bruner, CCOC Performance, Policy, and Education Director

ATTACHMENTS: None

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.

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AGENDA ITEM 4

DATE: March 3, 2023
SUBJECT: Cases/Subcases Update
COMMITTEE ACTION: Information Only

OVERVIEW:

Cases and Subcases Update¹

Case Type	Jan-19	Jan-21	Jan-22	Jan-23
Criminal	89,718	65,513	67,676	75,457
Civil	124,743	114,146	108,516	123,044
Civil Traffic	229,492	174,054	187,776	213,711
Grand Total	443,953	353,713	363,968	412,212
Cases from Oct-Jan				
Case Type	CFY 2018-19	CFY 2020-21	CFY 2021-22	CFY 2022-23
Criminal	334,809	261,914	269,103	285,572
Civil	427,440	471,205	436,522	487,808
Civil Traffic	820,631	676,528	727,207	786,163
Grand Total	1,582,880	1,409,647	1,432,832	1,559,543

- **January 2023 Cases**
 - The total cases reported were 412,212.
 - This amount is 13 percent above year over year.
 - The year-over-year increase is primarily driven by an increase in civil traffic cases, up 14 percent from last year.
 - Criminal cases were up 11 percent.
 - Civil cases were up 13 percent.
- **CFY 2022-23 YTD Cases and Trends**
 - The total cases reported were 1,559,543.

¹ CFY 2022-23 and Jan 2022 numbers are under review and may change in future updates. This analysis holds CFY 2018-19 as a comparison for the last full year before the effects of the pandemic. CFY 2019-20 is intentionally removed.

- A 9 percent increase over the same period last year.
- **Civil Traffic continues to lag historical levels but is up over last year.**
 - There was an 8 percent increase over last year, but a 4 percent gap between the current year and the baseline year of CFY 2018-19
- **Civil is growing.**
 - There were 51,286 more county civil cases, up 12 percent in CFY 2021-22.
 - The impacts of Hurricanes Ian and Nicole are beginning to manifest. There were 15 percent more civil cases in January 2023 compared to January 2022 and 26 percent more cases compared to January 2019.
- **Criminal is up year over year but down from historical levels.**
 - Felony is up 7 percent, misdemeanor is up 2 percent, criminal traffic is up 8 percent, and delinquency is up 15 percent.
 - The criminal divisions in CFY 2022-23 are 15 percent below the baseline year of CFY 2018-19.

COMMITTEE ACTION: Information Only

LEAD STAFF: Jason Welty, CCOC Deputy Executive Director
Marleni Bruner, CCOC Performance, Policy, and Education Director

ATTACHMENTS:

1. CFY 2022-23 YTD Cases and Percent Change

Total Cases CFY 2021-22 YTD and CFY 2022-23 YTD			
County	CFY 2021-22	CFY 2022-23	Percent Change
Alachua	17,242	16,148	-6%
Baker	1,462	1,538	5%
Bay	14,756	13,749	-7%
Bradford	3,605	3,966	10%
Brevard	29,752	28,112	-6%
Broward	114,880	133,453	16%
Calhoun	906	1,005	11%
Charlotte	10,080	9,666	-4%
Citrus	8,269	9,318	13%
Clay	12,084	14,346	19%
Collier	21,796	20,214	-7%
Columbia	5,513	4,805	-13%
Desoto	1,932	2,051	6%
Dixie	858	1,324	54%
Duval	77,849	75,254	-3%
Escambia	17,966	16,363	-9%
Flagler	4,870	5,266	8%
Franklin	697	806	16%
Gadsden	3,600	3,338	-7%
Gilchrist	975	972	0%
Glades	1,696	1,452	-14%
Gulf	641	605	-6%
Hamilton	1,030	1,459	42%
Hardee	1,539	2,022	31%
Hendry	2,256	2,496	11%
Hernando	9,873	10,625	8%
Highlands	4,763	4,829	1%
Hillsborough	91,800	104,245	14%
Holmes	1,267	1,091	-14%
Indian River	7,068	8,291	17%
Jackson	2,781	3,271	18%
Jefferson	1,346	1,635	21%
Lafayette	259	397	53%
Lake	18,633	19,837	6%
Lee	34,187	33,466	-2%
Leon	15,080	15,307	2%
Levy	3,439	3,741	9%
Liberty	673	480	-29%

Total Cases CFY 2021-22 YTD and CFY 2022-23 YTD			
County	CFY 2021-22	CFY 2022-23	Percent Change
Madison	2,672	2,970	11%
Manatee	22,454	18,787	-16%
Marion	15,490	16,580	7%
Martin	8,073	10,440	29%
Miami-Dade	281,624	328,120	17%
Monroe	11,693	11,412	-2%
Nassau	3,968	4,740	19%
Okaloosa	10,484	11,036	5%
Okeechobee	2,489	2,445	-2%
Orange	123,931	155,193	25%
Osceola	28,787	31,808	10%
Palm Beach	92,429	94,996	3%
Pasco	24,969	25,067	0%
Pinellas	55,503	54,151	-2%
Polk	42,544	48,753	15%
Putnam	3,665	4,823	32%
Saint Johns	11,613	13,960	20%
Saint Lucie	19,420	20,279	4%
Santa Rosa	10,811	12,955	20%
Sarasota	27,464	26,365	-4%
Seminole	31,507	30,618	-3%
Sumter	6,131	6,181	1%
Suwannee	2,181	2,597	19%
Taylor	1,516	1,517	0%
Union	540	509	-6%
Volusia	35,699	37,948	6%
Wakulla	2,028	1,888	-7%
Walton	3,995	4,934	24%
Washington	1,729	1,528	-12%
Grand Total	1,432,832	1,559,543	9%

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AGENDA ITEM 5

DATE: March 3, 2023
SUBJECT: CCOC & FCCC Compliance Summit
COMMITTEE ACTION: Create the Payment Plan Workgroup

OVERVIEW:

CCOC and FCCC will be hosting a two-day Compliance Summit in the late fall/winter of 2023. Location and date are still in the planning process. The summit will be entitled, "Beyond the Blueprint." Sessions will include topics such as building blocks for compliance improvement, recognizing obstacles and how to overcome them, payment options, creating and tracking payment plans, negotiating debt, and much more.

The curriculum is in the development process and will include input from counties who have been successful in building their compliance programs. CCOC and CIS staff will be reaching out to offices seeking speakers for various sessions. Be on the lookout for a statewide compliance survey to assist in targeting the sessions appropriately.

CCOC staff is requesting the formation of a Payment Plan Workgroup made up of clerk staff from various sized counties to review the process for payment plan enrollment in an effort to achieve greater participation and to discuss options to create day-of-court initiation through revised court processes and technology assistance. This workgroup will present findings at the Compliance Summit.

Suggested counties: Orange, Duval, Seminole, Martin, Clay, Lake, Escambia, Citrus, Santa Rosa, and Nassau.

COMMITTEE ACTION: Create the Payment Plan Workgroup

LEAD STAFF: Marleni Bruner, CCOC Performance, Policy, and Education Director

ATTACHMENTS: None

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