



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

**Tiffany Moore Russell**, ESQ.  
ORANGE COUNTY  
VICE-CHAIR

**Laura E. Roth**, ESQ.  
VOLUSIA COUNTY  
SECRETARY/TREASURER

NIKKI ALVAREZ-SOWLES, ESQ.  
PASCO COUNTY  
SENATE APPOINTEE

KEN BURKE, CPA  
PINELLAS COUNTY  
HOUSE APPOINTEE

RON FICARROTTA  
13TH JUDICIAL CIRCUIT JUDGE  
SUPREME COURT APPOINTEE

JD PEACOCK, II  
OKALOOSA COUNTY

HARVEY RUVIN, ESQ.  
MIAMI-DADE COUNTY

JOHN DEW  
EXECUTIVE DIRECTOR

TODD NEWTON  
GILCHRIST COUNTY

JOHN CRAWFORD  
NASSAU COUNTY  
STACY BUTTERFIELD, CPA  
POLK COUNTY

FIRM OF BOYD AND DURANT  
GENERAL COUNSEL

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

## Minutes of August 31, 2022, PIE Committee Meeting

Approved by the PIE Committee at their meeting on December 2, 2022.

The PIE Committee of the Clerk of Courts Operation Corporation (CCOC) held a meeting via WebEx on August 31, 2022. An agenda and materials were distributed before 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 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**.

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

Clerk Laura Roth, PIE Committee Chair, called the meeting to order. Marleni Bruner, CCOC Performance, Policy, and Education Director, conducted the roll call.

Present for meeting via Webex: Clerk Laura Roth, Clerk Tara Green, Clerk Kinzel, Clerk Matt Reynolds, Clerk Tiffany Moore Russell, Clerk Clayton Rooks.

Absent from the meeting: Clerk Gary J. Cooney, Clerk Roger Eaton, and Clerk Brenda Forman, Clerk Victoria L. Rogers, Clerk Angela Vick

Clerk Roth informed the committee of membership changes. Clerk Kinzel joined the PIE Committee and Clerk Timmann left the committee.

**A motion to approve the agenda was made by Clerk Green and seconded by Clerk Rooks. The motion was adopted without objection.**

### 2. Agenda Item 2 – Approve Minutes from 2/28/2022 Meeting

**A motion to approve the agenda was made by Clerk Rooks and seconded by Clerk Russell. The minutes were adopted without objection.**

### 3. Agenda Item 3 – CFY 2021-2022 Quarter 3 Performance Measures and Action Plans Report

Clerk Roth requested Marleni Bruner, CCOC Performance, Policy, and Education Director to give the highlights from the CFY 2021-22 Quarter 3 Performance Measures and Action Plans Report. Ms. Bruner explained that a few counties had missing information then the revised versions did not appear in the email on the CCOC side but showed sent on the county side.

There were 49 clerk offices that required an action plan related to collections, seven clerk offices required an action plan for not filing cases timely, and six clerk offices required an action plan for not docketing cases timely. Five counties did not issue jury summons, and 64 counties issued payments. Of the counties that issued jury summons, five counties required an action plan for not paying jurors on time. The report is posted on the CCOC website: <https://flccoc.org/ccoc-reports/#pr>.

Jason Welty, CCOC Deputy Executive Director, was asked to provide the Performance Measure Spotlight. Mr. Welty explained that this is something staff did last time for the committee, and we plan to do with each quarterly meeting for informational purposes. Mr. Welty further explained that while this is informational only, it also provides some good data as it relates to the trends of where clerks are regarding collections performance.

The chart in the meeting packet shows six years of data. The first three quarters from each of those fiscal years is then compared to show each county's collections performance over the last six years. Overall, from October 1, 2020, through June 30, 2021, was \$515 million of assessed in criminal and civil traffic court divisions. Civil was left out on purpose because most of the collection rate for civil is 99.9% because the filing fee is collected up front. The focus of this chart was on the criminal court divisions because that's the one area that compliance and collections programs should be targeting. From that period of time, we have collected 54.49%. And that collection rate is in line with the first three quarters of the last couple of fiscal years, but it is slightly down from the collection rate we saw through the first two quarters of this fiscal year, which was 57%. The revenue collected in July of 2022 was \$35.1 million which is one of the lowest months this year (possibly the fourth lowest this year). It is also the lowest July in the last five years except for the pandemic related July of 2020.

As civil cases continued a downward trend statewide, clerks can offset that civil revenue decline with increased collections on the criminal and civil traffic funds owed. This report spotlights the importance of compliance efforts.

Clerk Roth thanked Mr. Welty, and noted that foreshadowing of where the case and revenue trends are, and that the next agenda item would focus on the case and sub case update to show the case filing trends as well.

---

---

## MINUTES OF AUGUST 31, 2022 PIE COMMITTEE MEETING

---

Clerk Green asked if the report provides explanation from counties that did not meet their measures because she noticed several counties that are well below the average on the collections, for example under 40%, while there are several counties who are way above the average, in the high 70%. She wondered if there were demographics that go into play. Are their residents lower or higher income? Do we know what their collection efforts are within those counties?

Mr. Welty explained that the CCOC has not been reaching out to individual clerks, but it is one of the things that he would like to start seeing having the CCOC do. He noted that this is the second time it has been presented to the PIE Committee and the purpose was to get clerks asking questions as Clerk Green has done. It is meant to generate dialogue. He also pointed out that because this includes drug trafficking, collection rates and dip significantly. This can be seen in a small county or if you have multiple mandatory minimum fines in drug trafficking. Mr. Welty also noted that we look for explanations on the action plans and stated there is room for improvement on those explanations. He agreed that CCOC can start reaching out to get more information, as well as getting initial information from county submissions.

Clerk Roth pointed out that at the last Executive Council meeting they asked the PIE Committee to gather more information on details about collection methods. Clerk Green agreed that some of it is a data point and some of it is more of a conversation. She stated that it is one thing to implement Best Practices for collections and to check the box, but it is another to provide explanation about other external factors that could control how high or how low a county could collect. Clerk Green was pleased with Mr. Welty's chart and the ability to see outliers, those outside the norm. She stated that if a county needs to boost their compliance efforts, then the discussion can be about how to get them resources but if they've done all that and they're still at their collection rate, then it is more of a demographic issue, and that can be understood.

Ms. Bruner pointed out that the CCOC is making that effort with the CIS contract and has provided regional compliance training to small counties. The next training will be in Alachua County. She pointed out that the CCOC can use the compliance improvement contract to have them get out in the weeds with counties on behalf of CCOC.

Mr. Welty stated that the CCOC is putting the information out, but hopes that other clerks see this information and then then do their own assessments of what can they do better or reach out to other counties to find out what they are doing. He noted that he hopes to continue these conversations. Mr. Welty stated for example, Clerk Reynolds is on the is on the PIE Committee, he has met with CIS and he's working to increase his performance in collections.

---

---

## MINUTES OF AUGUST 31, 2022 PIE COMMITTEE MEETING

---

Clerk Green had two suggestions for this report to encourage those conversations Mr. Welty referred to. One, would be produced this report by peer group, because that's one level of how clerks are similar. Another way would be to maybe have it sorted by district. That way, at a district caucus meeting, the district director can bring this into the conversation and say, "I know we may be in the same district or same regional area, but potentially our communities are very different. Let's talk about why maybe we have a vast difference in our in our collection rates when it comes to criminal and civil."

Mr. Welty stated that as long as Clerk Roth is okay with it, he could easily add peer groups and he can work with FCCC to get the district information.

Clerk Kinzel wanted to know if information relating to using collection agencies could be added with the percent of payment plans versus the collection rate, because a payment plan outside the length of the collection report could hinder maximum collections.

Mr. Welty responded that all counties complete the Collection Agent report yearly and that currently everyone in the state is using at least one collection agent. He noted that he may not be able to address the second part of Clerk Kinzel's question because the CCOC does not collect information on payment plans. That is something that the future performance measure workgroup is working on. In the next few months, he's hoping to have a recommendation from the workgroup to start looking at payment plans, because he agrees that a payment plan that stretches 18 months, looks like a failure on this report. Mr. Welty believe that is one of the limitations of this performance measure. If you do something that helps a constituent because they can only afford to pay \$25 a month on a \$2,000 fine, it will look like you failed to collect for this report.

Clerk Reynolds wanted to chime in that it was shocking for him to see Putnam as the lowest county on the list. He stated that he was definitely committed to improvement as Mr. Welty mentioned earlier. Putnam has already met with CIS, but he's committed to revamping their compliance program making sure they are doing everything they possibly can. He further stated that if there are different things that clerks think of throughout the state or the PIE Committee as a whole, or the Best Practices committee as a whole want to try he is willing to be a test county.

Clerk Patty wanted to know that if a county was able to meet the performance measure, if there was a way to calculate the additional revenue that was generated.

Mr. Welty explained that while the final numbers shown were rolled up, that yes, he can calculate the additional revenue collected if clerks improve their collection

---

efforts. He explained that it is looking at the total assessment not just clerk revenue, For example, in civil traffic, of the total assessment clerk's collect about 35%. If it was increased by 1%, that would generate an extra \$3 million of which the clerk would collect \$1 million dollars. Clerk Patty asked Mr. Welty to provide that information for Saint Johns County.

#### 4. Agenda Item 4 – Update on PIE Workgroups

Ms. Bruner provided an update on the Collections and Timeliness Workgroup Meeting since the last PIE Committee meeting. The workgroup selected several counties to participate as pilot counties to gather and track data. They will meet on September 13, at 2 PM via WebEx to review the information. Call-in information will be posted on the CCOC website. The workgroup will review the data and then see if any recommendations will be made, if they will add more counties, or if they want to continue the pilot longer.

Mr. Welty's workgroup, the Future and Wholistic workgroup, do not have anything to report and neither does the Case Weights and Framework workgroup. However, the workgroup received direction from the last Executive Council meeting when Clerk Alvarez-Sowles wanted more information on looking at case weights and how they were determined. Mr. Welty has a document that Doug Isabelle (retired CCOC Executive Director) had drafted when the case weights were originally created. CCOC staff is going to look at that document and look at all the actions that have taken place since that time and put together a more comprehensive report, hopefully, in the coming months, be on the lookout for more there.

One of the items on the PIE Committee's workplan for the upcoming fiscal year is to get that case weights workgroup activated again, to review all of the weights. Clerk Roth pointed out that Mr. Welty's Future and Wholistic workgroup is looking at more of our what do we measure and why do we measure it, how does it play into the big picture. Mr. Welty apologized for not engaging his workgroup this past quarter.

Clerk Green requested to know the Clerks chairing the workgroups. Ms. Bruner stated that she is the lead for the Collections and Timeliness Workgroup, Mr. Welty is the lead for the Future and Wholistic workgroup, and Case Weights and Framework is led by Clerk Cooney, who was traveling and unable to be able to call today. Ms. Bruner clarified that it was all clerk staff members on the Collections and Timeliness workgroup because it's looking at the actual operations and running numbers in their offices. The other workgroups are mostly staff as well to generate good ideas to bring to the clerks on the PIE Committee. She also asked if more staff members were needed, and Mr. Welty replied that all newcomers were welcomed.

Clerk Roth pointed out that the Future and Wholistic Workgroup is where the heart of performances measures will be worked on but is not as big as case weights, since

---

that has been used to apply to real dollars in the budget process. Case weights has more of a focus at the moment than performance measures, but she still has really high hopes to one day roll out some different ideas on what to measure and how to measure.

Clerk Russell asked Mr. Welty if the cases and case weights would be done for the next budget cycle. It was not used in the current budget cycle. She felt it looked bad to get to the budget process, and clerks start to question the data. She specifically wanted to know the timeline of the review, and if it can be moved up earlier. It was used previously then not used the next year and she felt that when it comes to budgeting, we should be consistent with what models we're using and what data points.

Clerk Roth agreed with Clerk Russell's observations and committee to whatever work needed to be done, she would make it a priority for the PIE Committee to get the data review done.

#### 5. Agenda Item 5 – Cases/Subcases Update

Mr. Welty provided the review of cases and subcases data for this quarter. For June, we have a total number of 430,000 cases which is 3% below last June, for July, we had 337,000 which was 27,000 above last July. The two months averaged out. Cases are at a plateau in terms of the total number of cases. July is usually one of the lowest number of cases in a fiscal year, so year-to-date, the total number of cases is 3.8 million, which is 17%, below 2021. 2021 saw a pretty significant anomaly in April to July time period where there was a ton of PIP cases, a ton of small claims cases that came through completely unexpected. Comparing 2022 to 2021 is not necessarily fair. Cases are trending downward, which can be seen in a few other sub-case types. A reduction of 17% is a big number, but it's not something that was unexpected, as we knew that PIP cases and auto glass cases weren't sustainable. At the same time, cases drive our revenue, especially in the civil arena. As it relates to some of the trends, civil traffic continues to lag behind its historical levels, but is up over last year. There's a 6% increase over last year, but we are still 10% down between our current year, and what we use as our baseline year of 2018-19, because that was the last year pre-pandemic.

My. Welty continued his explanation that county civil also continues to slow, there were 6,200 fewer county civil cases in June and July this year compared to last year. The average county civil cases per month was 75,000 last year versus 64,000 this year. There are some of PIP cases wrapped up in that court division, so we would expect to see that come down. County Civil cases really drive some of our revenues because on a case a \$280 filing fee to the clerk. With every decrease in cases is a loss in revenue to the clerk's budget. Circuit civil continues to climb; however, we will see a big decline next year when the jurisdictional changes happen in circuit civil. Starting January 1, 2023, they'll go to \$50,000 instead of \$30,000. On the outputs report, we have kept the categories the same so that we can do a comparison historically between them.



CCOC will do our best to make sure that we keep accurate apples to apples comparisons. And track then in terms of what we're seeing in trends for those historical sub-case times. On the criminal side, criminal is slightly up in terms of total number of cases this year, felony is down about 7%, criminal traffic is down 3%, and delinquency is up 25%. Looking at it historically, the criminal divisions in 2021 is 17% below what we had in 2018-19. While we are seeing an increase year over year, we still have 17% below what we were in 2018-19 and it is a little bit lower than 2017-18 as well.

Clerk Green asked Mr. Welty if he has any ideas or clues behind these downward trends as part of his discussion with the (Revenue Estimating Conference) REC. Mr. Welty said that the REC projects five years' worth of revenue and when they do a projection in one year, they carry that projection forward to the next year. In 2022-23, the REC projected some pretty significant increases in civil cases, specifically in the foreclosure and eviction arena. While evictions have come back to their historical norms, we have not seen foreclosures come back to their historical norms.

On a monthly average for homestead foreclosures, in the current fiscal year, we're averaging 1,000 homestead foreclosures a month, but in CFY 2019-20 it was 1,049. That was at the beginning of the pandemic. In CFY 2020-21, it dropped all the way down to 473. Mr. Welty stated that he preferred to use CFY 2018-19 data as an anchor because it was pre-pandemic. On a monthly average, we had 2,027 monthly homestead foreclosures. We are at about half of what our average is on homestead residential foreclosures. The REC had originally projected for this year, a bounce back to the 2018-19 levels. During the July REC meeting, they actually brought that bounce back way down and that's what we're seeing. We know we have no more moratoriums, but when the moratorium ended in January, things didn't go hog wild, so the REC adjusted that downward to make it a more gradual and sloping upward trend.

#### 6. Agenda Item 6 – Other Business

Ms. Bruner explained that a county reached out wanting more information on the recent changes that were approved by the Executive Council regarding case counting and other activities of the PIE Committee so staff is in the process of drafting a comprehensive memo that will cover all of the changes over the last fiscal year that are going to be implemented October 1, 2022, so you can have all that in one document. The clean version of the case counting business rules will also be posted online.

Mr. Welty also reviewed some direction provided by the Executive Council regarding the Uniform Payment Plan. Last year, as a result of legislation that required clerks to have a uniform payment plan, this was a push to make things easier for the consumer, your constituents. The new form was implemented in January of this year is when clerks were supposed to start using the uniform payment plan. It was a long form, and we knew it was long. Language was copied from the current indigency report or indigency form. The CCOC keeps hearing that the form too long and it takes too much

---

## MINUTES OF AUGUST 31, 2022 PIE COMMITTEE MEETING

---

time to fill out it. We have been instructed to looking at doing a significant revision to that uniform payment plan. Luckily, because of the way that we structured the legislation, CCOC has total control over the form. At the next PIE Committee meeting staff will bring a new recommendation for the payment plan that is significantly streamlined, that uses plain language, and will hopefully be easier for your constituents to fill out and easier for you to be able to utilize as it relates to creating payment plans.

Clerk Green mentioned that she has had these discussions and that the structure of the current form, as it relates to civil traffic, may be a little too complicated and maybe requesting information that might not be necessary for a three-month or four-month payment plan. Mr. Welty explained that he liked the idea Seminole County brought up as it relates to having an EX version like your taxes; you have your 1040 and your 1040EZ. CCOC staff will explore that idea. Clerk Green agreed that there is definitely an interest in a simplified form.

For the next meeting, we are looking at November 30 or December 1. Ms. Bruner will send out a poll to the committee members. For CFY 2022-23, the PIE Committee is looking at scheduling our meetings for the entire year in advance. CCOC Staff is working with Clerk Roth to schedule quarterly meetings.

With no further comments, the PIE Committee adjourned the meeting at 1:46 PM.

---