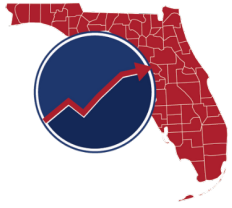


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Minutes of December 2, 2022, PIE Committee Meeting

Approved by the PIE Committee at their meeting on June 9, 2023.

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 and posted on the CCOC website before the meeting. 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

The meeting 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 the meeting: Clerk Victoria L. Rogers, Clerk Clayton O. Rooks

Clerk Green made a motion to approve the agenda, which Clerk Cooney seconded. The motion was adopted by consent.

2. Agenda Item 2 – Approve minutes from the 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

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.

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. 50 counties 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.

CCOC Deputy Executive Director Jason Welty continued the report by explaining the Performance Measure spotlight. He explained that this review had been highlighted each quarter at several PIE Committee meetings. Mr. Welty presented a 6-year history of 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 upfront.

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 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 temporarily impact the case filings. 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 civil cases to bolster the criminal side. Therefore, it is essential to be mindful of compliance in criminal traffic and civil cases. There is a special session planned in the legislature, and legislation could reduce the amount of litigation in the insurance arena. If that happens, it would be another big hit to clerks' filing fees, making traffic collections much more critical.

Clerk Green asked Mr. Welty if the CCOC was looking at the counties with significant 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 to determine if it is related to a large drug trafficking case which, for the smaller peer groups, a solitary case can throw your numbers off. Ms. Bruner pointed out that one county let them know they lost their crucial staff member that managed collections, so they are trying to figure out how to restructure their office to compensate for the reduced staffing.

Clerk Green also wanted to know if we were contacting every county to ensure 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 the CCOC will put together a summary report in January. Clerk Roth asked if it would be by agency and was told there would be a detail in the report by the 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. So it is an area that we hope to make a recommendation. Clerk Roth pointed out that all clerks struggle to collect on those cases.

Clerk Green reiterated that we could look at it both ways. What are we yielding with drug trafficking included? With every effort 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 they 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 looks at the amounts now and compares them to the prior fiscal year. The chart shows the criminal, civil, and civil traffic by September over the last four years and 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 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 considerable 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 the baseline year of CFY 2018-19. He stated that 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 sending 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 a 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 explained the new process to his Sheriff, but he wanted to put it on everyone's radar. Clerk Roth asked why they were going to the tax collector. Clerk Reynolds explained that most 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 increased workload.

Clerk Roth mentioned the technology was similar to red light cameras 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 for Financial Information to start a 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 integral part of the form because sometimes people say their monthly household income is \$1,000 and their expenses are \$950. Still, they think they can pay \$100 monthly on this payment plan. The math doesn't work out in that example, so this allows your counter clerks 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 highlighted areas, which would be areas each clerk would personalize with their information. In reviewing the packet material, Mr. Welty recognized that an addition must 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 few people who would challenge the clerk's authority. She also asked for more room in the area for name and citation numbers. 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 the committee adopted this, and Mr. Welty explained that it would be sent to the Executive Council meeting on December 14 if adopted at this meeting.

Clerk Vick motioned 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 motion 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 date 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 session times 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 wants it reviewed and updated annually based on legislative action or other changes. She mentions this because 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 our data quality looks 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 in the work plan 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 to work on collectively. Then, with the establishment of moderators, people could suggest a change that must be approved. This would allow the workgroup to work on the document and make changes to bring it forward. This would make it the living, breathing document Clerk Green suggested as things change day-to-day with new AOs 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 with 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 those user groups and the Clerk Court Services Framework workgroup could leverage their time because they will look at some of the same processes. The Framework down to the task level would be a considerable resource to the user groups to ensure 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 to be more electronically viewable.

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

Clerk Roth expressed her concerns regarding 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.
