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Minutes of June 9, 2023, PIE Committee Meeting

Approved by the PIE Committee on September 1, 2023.

The Performance Improvement and Efficiencies Committee of the Clerk of Courts Operation Corporation (CCOC) held a meeting via WebEx on 6/9/23. 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 Clerk Tara Green filling in for Chair Laura Roth. Jason L. Welty, CCOC Deputy Executive Director, called the roll.

Present for meeting [WebEx]: Clerk Gary J. Cooney, Clerk Roger D. Eaton, Clerk Tara S. Green, Clerk Crystal K. Kinzel, Clerk Matt Reynolds, Clerk Clayton O. Rooks, Clerk Angela Vick

Absent from the meeting: Chair Laura Roth, Clerk Brenda D. Forman, Clerk Tiffany Moore Russell, Clerk Victoria L. Rogers,

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

2. Agenda Item 2 – Approve Minutes from 12/02/22 Meeting

The minutes from the 12/02/22 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 – Case Counting Workgroup

Clerk Green turned it over to Clerk Cooney for a report from the Case Counting Workgroup. Clerk Cooney indicated that Denise Bell, Lake County, and her team members are working hard to have data available in time for the Budget Committee meeting. He asked Mrs. Bell to continue with the report.

Mrs. Bell indicated that the workgroup is working with CFY 2021-22 Outputs data and is making great progress. They still have a ways to go. They've had 43 counties with 88 subcase types that need review. There are another 46 subcase types that were more than 3 standard deviations high and those were previously verified as correct in prior review periods, so the workgroup is not looking at them again. Of the 43 counties under review, approximately 40% are completely finished. Another 40% are in the final stages and they have the remaining 20% to review. The very large counties with a higher case volume are taking some time to complete their review. When the review is over, the workgroup hopes to have some statistics on the percentage of cases that were looked at compared to total cases statewide. Another interesting statistic would be how many were resolved on the subcase type. Forty-five percent were resolved and 33% of those were verified as having been correctly reported.

Mrs. Bell asked the review team to tell her if they found the potential reason for why there may have been an outlier. Mrs. Bell had an example of why it is very telling that just because a county is high doesn't mean anything is wrong. There is a fairly small county with a high count in products liability. It was only twelve cases, but still when the formulas ran, they were statistically an outlier. They have a company in their county that manufactures pressure cookers, and eleven of those twelve cases were suing that manufacturer. Another county was high in other real property and the reviewer noted that they had several quiet title cases, all about taxi sales.

The point of these example from Mrs. Bell, was to ensure counties that the workgroup is not trying to catch counties doing something wrong. Their purpose is to ensure that everyone is reporting consistently and accurately so that the weighted cases are distributed accordingly. Which brings us to the Unable to Be Categorized category. Mrs. Bell indicated that a long time ago the PIE Committee decided to change this category to a weight of zero. Counties are also required to explain those cases, which Mrs. Bell personally reviews.

This year there were two, if not three counties, that the cases reported in Unable to Be Categorized were valid case types, a couple of them were related to the new tier that was created in County Civil and the counties failed to map it into their report, so they will have the opportunity to submit an amended report and receive the full credit for those case types.

In one county when the review team asked for the audit details, they found their own mistake and instead of audit details, they sent an amended report that cured everything. This was a situation where they had zero probate cases and a boatload of probate trust cases. If you're familiar with the probate world, you know that's just not possible and sure enough that was what was wrong. They had simply keyed the cases on the wrong line.

Mrs. Bell wanted to express her belief that the review team will have the project completed on time as promised. She also pointed out that the numbers are getting cleaner each year. The first year of full reviews was for CFY 2017-18 and the reviews started with counties that were 3 standard deviations. There were 63 counties and 199 subcase types to review. In the second year, CFY 2019-20, they reviewed those that were 2 standard deviations. There were 62 counties and 173 subcase types to review. This year there was 43 counties with only 88 subcase types to review.

There were a lot of errors seen in Department of Revenue Child Support enforcement cases which worried Mrs. Bell that the SRS numbers may have issues but that was OSCA's problem to resolve. Down the road the CCOC can decide if they want to look into the issue any further from the SRS side or leave it in OSCA's hands. As for the case counting rules, Mrs. Bells feels like we have a good handle on it. The Case Counting Workgroup will work with the New Case Counting Business Rules Workgroup to see if there are any further enhancements to make or perhaps provide an educational opportunity to focus on problem areas.

Clerk Green thanked Mrs. Bell for her presentation and Clerk Cooney for leading the charge on this issue as it is important work. Clerk Green was glad to hear that the information would be available for the Budget Committee's consideration. Clerk Green opened the floor for questions or comments.

Clerk Vick asked if there was physical documentation to support the verbal report given. Mrs. Bell indicated that it was only the verbal report that the project is ongoing and would be done in time for the final budget decision. Clerk Vick's second question was whether there was confidence in the work being completed that, should it be used in the budget process that any changes wouldn't skew the numbers or create a drastic impact. Clerk Cooney stated that provided counties made corrections as indicated by the workgroup there would be confidence in the numbers. Last year, Clerk Cooney indicated that the review team had not looked at the numbers and because of that did not have confidence in the numbers. The workgroup believe that at the end of this project they will have corrected any errors related to those counties that were 2 standard deviations out so that would leave those at 1 standard deviation. Clerk Cooney stated that internally, he would look at the impacts and see if there are any material difference just to feel good about the project, but that he thinks at the end there will be confidence in the numbers to use them as the budget process if the Committee so chooses.

Clerk Green also reminded everyone that using weighted cases would not be the sole factor in determining budgets, but one of many criteria the Budget Committee can consider. Clerk Kinzel stated that her concern with these numbers being used in the budget development process is that the base budget has not been addressed and it is the same budget to build on and doesn't take into account discrepancies from the past. Clerk Green asked Mr. Welty if he wanted to address the statements from Clerk Kinzel and he stated that he was unable to as he does not know if the Budget Committee would consider making adjustments to the base budget. Clerk Green recommended Clerk Kinzel to bring those concerns to the Budget

Committee. Clerk Kinzel stated that she didn't expect an answer from the PIE Committee but wanted to bring it up for others to consider the potential compounding impacts of those difference.

Clerk Cooney commented that the Base Budget was developed way before the case counting project and that those Base Budget have been cobbled together over the years and it may not have anything to do with case counts. He was unsure if the case counts were built into the base budgets. The rebasing that was done many years ago was the start and everything else was built from there. He feels that is a different discussion for the Budget Committee.

John Dew, CCOC Executive Director, pointed out that in the very beginning, prior year expenditures were reviewed, then the number of counties who received a 5% increase instead of 3%, then if you look at rebasing it was all over the board, with foreclosures taken into consideration, and that case counting was only a small part of the process. Mr. Dew stated that the review would be a lot of work, but it could be done.

4. Agenda Item 4 – CFY 2022-23 Quarter 1 & 2 PMAP Reports

Clerk Green asked Mr. Welty to report on the CFY 2022-23 Quarter 1 and Quarter 2 Performance Measures and Action Plans report. Mr. Welty apologized for the late start to the meeting and thanked all the legislative partners that were on the call. Mr. Welty reviewed the two reports that needed to be adopted.

Mr. Welty pointed out that in some cases, there was a slight increase in action plans for collections and timeliness with a slight decrease in docketing and a decrease in the juror payment performance measure. More detail on the number of action plans can be found in the report on the CCOC website.

Clerk Green asked Mr. Welty to explain the total action plans compared to possible action plans. Mr. Welty explained that a county can have an action plan for multiple court divisions in a single area, such as collections. There were no further questions.

5. Agenda Item 5 – Case/Subcases Update

Clerk Green asked Mr. Welty to present the next agenda item. Mr. Welty explained that since the last meeting did not have a quorum, the data was left, and the new quarter's information was added. Mr. Welty explained that through January there was a 13 percent increase in total cases year over year. Much of this is driven by the increase in civil traffic which is up 14 percent from last year. Criminal cases are also up 11 percent year over year.

In March, there was quite a bit of an increase as the civil cases were up 153 percent year over year, which is driving much of case increase. The next quarter criminal cases were up only 6 percent and civil traffic cases were up 6 percent. Mr. Welty stated that it was important that the civil traffic number continues to climb because when he goes to the

Revenue Estimating Conference (REC), CCOC brings trends of where we are compared to CFY 2018-19 as we are getting back to almost 100 percent of those numbers. This is part of the reason why revenues are growing and hopefully, that revenue is more stable than it was during the pandemic. Year-to-date, cases are up 16 percent year-over-year, so we are seeing increases in different categories with the large influx of cases in March being a big factor. When the CCOC goes to the REC, they will look at whether or not those cases were pre-booked or if we'll see a decline in April. So far, the April filings are on target from last year, which led Mr. Welty to believe that there will not be a big drop off in civil cases. Some attorneys filed the cases even if they were going nowhere because they wanted to preserve their client's rights under the old law and didn't want to be negligent in their duty so some cases may drop off going forward.

There may not be a big dip in the number of cases filed in civil that might be expected to have a big March. It is something the CCOC will keep an eye on going forward because it may have a ripple effect in the REC and that is very important to our budgets moving forward. Lastly, Mr. Welty mentioned that while criminal was up year-over-year by 6 percent, cases are still down 13 percent historically from CFY 2018-19.

Mr. Dew stated that he and Mr. Welty discussed the influx of cases that was anticipated to take place in March, and he thought it would impact the performance measures report but when he looked at Quarter 1 and Quarter 2 it doesn't really show. Mr. Dew thought it could potentially show in Quarter 3 because we know a lot of work goes into meeting the standards. Mr. Welty said he did not believe it would because Quarter 2 is January through March. Clerk Green stated that she knew of offices that utilized overtime to meet the standards and process the increases workload. Mr. Dew stated that using overtime to meet the workload probably costs offices more and Clerk Green replied that the issue would likely come before the Budget Committee at some point.

Marleni Bruner, CCOC Performance, Policy, and Education Director, commented that while we might not have seen a decrease in meeting the performance measure for the category, other court divisions did see a decrease so that focus could be moved to the area of need, and we can see this tie to the revenue numbers.

Clerk Kinzel mentioned that the current discussion was on new cases but wanted to bring up that there are older cases that still have a workload. She wanted to know if there was a measurement being worked on or if it had been brought up lately. Clerk Green stated that we do have continuing cases that we track. She asked Mr. Welty to add more to the response to Clerk Kinzel. Mr. Welty stated that the CCOC does track continuing cases although he did not know if the Budget Committee has used in in their processes recently. He does know that the longevity of a case was taken into consideration when the case weighting was developed as part of the weighted workload measure. Clerk Kinzel stated that she agrees that this is something the Budget Committee needs to discuss because she wants to look at the details behind the weights. Clerk Kinzel wanted to know if there is a statewide report online and if she could get this information.

Mrs. Bruner responded that the detail of how the weighting was determined is in some older files and not online. She will have to review the files and pull that information for Clerk Kinzel as well as pull the continuing cases information and put that online. Clerk Kinzel thanked her in advance for the information.

Clerk Vick followed-up on Clerk Kinzel's comments recalling that the longevity of a case was definitely taken into consideration when the case weights were developed and that there was a recognition that there are variances across the state on how cases are handled. In some counties the judiciary were handling cases more expeditiously than others. Some clerks have to invest significantly more time and energy into the life of a case than others. Over the last several years, a lot has changed, and an ongoing effort has been felt on a statewide basis to reduce variances on how cases are handled.

Clerk Green asked Mr. Welty how the CCOC addresses reopens. He stated that his report only included new cases but that while we track reopens in the outputs report, no one has asked him for those figures, and he does not typically report those numbers. Clerk Green stated maybe the Budget Committee could discuss the value of reopened cases on workload, particularly on the civil side.

Clerk Kinzel asked when the last time was that the case weights were reviewed and what was the criteria. Mrs. Bruner replied that it was reviewed recently for new subcase types that were added to the outputs report which were the result of statutory changes. She stated that anytime the Outputs report is updated a corresponding case weight has to be included. She also stated that a Case Counting Workshop was held last year to address the changes in the New Case Counting Business Rules. People in attendance asked that the case weights be reviewed for some specific areas. CCOC staff has not had time to meet on this issue with the Case Weighting Workgroup, but it is on the workplan to review. Also, they have only been focused on the one operations staff feels are more or less work now than they used to be and not all the subcase types. A date has not yet been set but hope to do it within this county fiscal year or the next.

Mr. Dew commented that these were good questions, and the answer is yes, we looked at reopens in the past when we had some dollar and we went through a period of maybe 10 years when we had hardly any increases or decreases and those things were not used, then we had to decrease across the board. Clerk Butterfield has asked Mr. Dew to pull together some old reports so there is a lot of stuff out there from many years ago when we looked at this issue so it might be something the Budget Committee could have a workgroup review and not need to recreate the wheel. He clarified that using this data for budget implications would have to come before the Budget Committee.

Clerk Green agreed and pointed out that Debbie from Hernando County chatted that the UCR flows may impact case weighting so that should be something Clerk Cooney, Denise Bell from Lake, and the members of the Case Weighting Workgroup could look at.

6. Agenda Item 6 – CCOC & FCCC Compliance Summit

Mrs. Bruner was asked to present regarding the CCOC & FCCC Compliance Summit. At the last meeting we discussed that CCOC and FCCC will be hosting a joint Summit and that in preparation for the event, CCOC wanted to form a workgroup to review payment plans. This is information that is not currently gathered but will be used as material for the Summit. It will be done with the CCOC's compliance vendor, CIS, and includes counties of various sizes: Orange, Duval, Seminole, Martin, Clay, Lake, Escambia, Citrus, Santa Rosa, and Nassau.

The workgroup has held an introductory meeting and counties assigned homework of things to review in their offices to bring back to the next meeting, such as guidelines for setting up payment plans, implementation of payment plans, and then how can we track payment plans. They are also looking at how easily can this information be obtained and if we can leverage analytics that is done by larger counties to help the smaller counties. This information will be presented at the Summit after being presented to the PIE Committee.

The date for the Summit has not been selected with a lot of hotels being booked for the rest of the year. It has been hard to find dates that did not fall around a holiday or a location that can hold 100 participants. Mrs. Bruner will follow up with FCCC on this item. We will announce as soon as possible so offices can decide who in their office will benefit from attending.

Clerk Green stated that being a part of the Summit in the past, there is a wealth of knowledge and sharing of information that happens and clerks and their staff walk away with new ideas and new incentives. Also, as a proponent of compliance and champion of compliance in our offices, she believes we need to dive down into how we collect better data on payment plans and our compliance efforts. There are a lot of resources going that way and it is yielding positive impacts in our offices and communities. She knows that all of the clerks work hard to work with their constituents to keep them in their communities taking care of their families.

Mr. Welty stated that he wanted to echo Clerk Green's statements. He started looking at revenue collected in the criminal arenas. In County Criminal, has increased by almost \$100,000 a month going back to CFY 2018-19, and includes backing out the months that included spikes from restoration of civil rights. He said that was a testament to clerks and their collections efforts, making it a priority to get those dollars, negotiating liens or old debt, and doing all the things that are part of compliance. He thanked Clerk Green for leading the charge years ago. Having 1.2 million extra out of a 488 million budget is not a lot but it is 1.2 million we didn't have before. The funds compound when the more money you have in the budget the more you can send to compliance and the more compliance you have the more people you have getting on payment plans and paying it off rather than making 1 payment and stopping, and that can be seen monthly, and it makes a difference over time. Mr. Welty is excited about the Workgroup and the Summit.

Clerk Green said she is excited to bring back the Summit and that the revenue is a key piece of compliance. It is something clerks must do but the revenue is an added benefit as there

are many in their communities that find themselves in not-so-good situations that want to be able to move on with their lives. Clerks can help them, so it is a win-win.

Motion to approve the Payment Plan Workgroup to move forward with their work and bring information back to the PIE Committee and at the Compliance Summit made by Clerk Vick and seconded by Clerk Kinzel. With no objections, the motion was adopted.

Clerk Green asked if the workgroup needed a chair, and Mrs. Bruner replied that there were no elected clerks on the workgroup, just all operation staff from the counties listed.

7. Agenda Item 7 – Other Business

CCOC staff presented standing dates and times, 10 AM – 12 PM, for PIE Committee meeting for the remainder of 2023 and through 2024:

- 9/1/2023
- 12/1/2023
- 3/15/2024
- 6/14/2024
- 9/13/2024
- 12/6/2024

Mr. Dew asked if meeting invites could be sent to Committee members so the dates and times can be on their calendars. Mrs. Bruner let him know that FCCC creates the meetings and invites, so she will ask them to ensure committee members get a direct invite. Mrs. Bruner will also post the meetings on the CCOC website.

The last item under Other Business is a request to review the Peer Groups again. Clerk Cooney provided the analysis that was used last time changes were adopted in 2020. Statute requires CCOC to create Peer Groups based on county population and number of filings using the standard list of court related functions. Clerk Green said she would be personally interested to see if there are any changes since several counties have been under an economic boom. Clerk Green asked if Clerk Cooney would be ready to present that analysis at the September PIE Committee meeting, and be ready for use by the Budget Committee for CFY 2024-25 budget development. Clerk Cooney replied that CCOC staff had already asked for the analysis to be updated and Clerk Cooney has finished. He said there were not too many shifts. Clerk Green thanked Clerk Cooney and his staff, Denise Bell, for the time and energy they put into running the difficult statistical analysis on behalf of the state.

Clerk Cooney thanked Clerk Green for stepping up today so that we could have this meeting and appreciates how well she runs a meeting.

Clerk Green adjourned the meeting at 11:23 AM.
