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## Minutes of September 1, 2023, PIE Committee Meeting

### Approved by the PIE Committee on 12/1/23.

The Performance Improvement and Efficiencies Committee of the Clerk of Courts Operation Corporation (CCOC) held a meeting via WebEx on 9/1/23. 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 Laura Roth. Marleni Bruner, CCOC Performance, Policy, & Education Director, called the roll.

Present for meeting [WebEx]: Chair Roth, Clerk Doug Chorvat, Jr., Clerk Brenda D. Forman, Clerk Tara S. Green, Clerk Crystal K. Kinzel (joined late), Clerk Michelle Miller, Clerk Matt Reynolds, Clerk Clayton O. Rooks, III, Clerk Angela Vick

Absent from the meeting: Clerk Butterfield, Clerk Gary J. Cooney, Clerk Victoria L. Rogers

#### 2. Agenda Item 2 – Approve Minutes from 6/9/23 Meeting

The minutes from the 6/9/23 PIE Committee meeting were presented. Clerk Roth mentioned that from the last meeting, there was a request to bring forward a recommendation on the peer group but as Clerk Cooney was unavailable for this meeting it will be moved to the meeting on December 1, 2023. There were no questions, comments, or edits.

**A motion to approve the minutes as presented was made by Clerk Vick and seconded by Clerk Forman. The motion was adopted by consent.**

#### 3. Agenda Item 3 – CFY 2022-23 Quarter 3 PMAP Report

Ms. Bruner presented the CFY 2022-23 Quarter 3 Performance Measures and Actions Plans report to the Committee. She highlighted that Quarter 3 was only off by one or two from

Quarter 2 with some categories being higher and some lower. There were 11 counties that did not require any action plans. A slight increase in action plans for Collections while Filing Timeliness remained the same and Docketing and Juror Timeliness saw a slight decrease in action plans.

Clerk Roth asked about the flood of cases that came in and Ms. Bruner pointed out that those came in during Quarter 2. The data showed that the court division where the new case type occurred showed an increase, while other categories decreased so you can see clerks putting their staff time into the new case type. Clerk Roth also pointed out that in Volusia County they are all caught up and finally timely.

Clerk Green stated that we should periodically take a look at what we are measuring and wanted to know if the committee planned to bring that up again. Clerk Roth stated that yes, the committee meant to look at it and some things went off the rails, but that it will be discussed this year. Jason Welty, CCOC Deputy Executive Director, stated that the CCOC hired Nicole Taylor knowing that after the Guardianship project was done, she could work on performance measures as she had done that with the Department of Corrections; however, the CCOC lost her to the e-filing portal. The CCOC will need to restructure some projects to have staff available for this project.

**A motion to approve the CFY 2022-23 Quarter 3 PMAP Report was made by Clerk Chorvat and seconded by Clerk Miller. The motion passed unanimously.**

#### 4. Agenda Item 4 – Case/Subcases Update

My. Welty presented the cases and subcases update. He indicated that the total number of cases was 1% less from June of 2022. The year-over-year decrease is primarily driven by a drop in civil and civil traffic cases. Civil traffic cases fluctuate greatly due to external reasons which lead to this decrease, as well as the 24% drop in circuit civil cases, and the 9% decrease in probate cases.

Looking at the year-to-date data, there was a 13% increase from the same period last year, in part due to the tsunami of cases we saw in March of this year. Criminal, civil, and civil traffic cases increased between 5 and 27%; however criminal and civil traffic is still below historical levels (CFY 2018-19).

Civil traffic lags behind historical levels by 4% but is up 7% over last year. Civil skyrocketed but had a weak return. There was the huge increase in March but since then has been weaker than average. Before March, there was an average of 12,300 Circuit Civil cases. After March, that average dropped to 11,300 cases. Notable decreases include:

- Auto Negligence Pre-March: 2,764 per month
  - Auto Negligence Post-March: 1,183 per month
  - Other Negligence Pre-March: 1,494 per month
  - Other Negligence Post-March: 783 per month
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Criminal cases are up 5 percent year-over-year but down 13 percent from CFY 2018-19. Mr. Welty also mentioned that the Outputs Report has been modified as of July, so everyone needs to use the most recent form to assist with the updated background programming.

Clerk Roth directed everyone to look at the CFY 2022-23 YTD Cases and trends. She noted that this is the classic story of the clerks. There was a 13% increase in some broad categories, but you are handling the workload with the same staff or less. Some categories increased by 5% to 27%, while the easiest case type that brings in the most money, civil traffic, is down. Therein lies the trap and the difficulty of the clerk funding model.

#### 5. Agenda Item 5 – Modification of Application for Civil Indigent Status

Mr. Welty presented this agenda item. The CCOC is statutorily tasked with creating and amending the Application for Determination of Civil Indigent Status which is then sent to the Supreme Court for their approval and publication. The court in the 19th Circuit asked CCOC to review the form and potentially revise it due to an issue they are facing with appointing a Civil Regional Counsel (CRC) attorney in certain guardianship cases.

Clerk Butler (Indian River), Clerk Miller (Saint Lucie), and Clerk Timmann (Martin) all discussed the reasons for requesting the change such as the payments to attorneys from the Justice Administration Commission (JAC) who were appointed to a ward through the Regional Conflict Council. This also helps if the ward's indigence status changes during the process.

**A motion to approve the Civil Indigent Status application with a box added before “on behalf of the petitioner” and the change to the third box “Other – Ward is non-indigent” was made by Clerk Green and seconded by Clerk Miller. Clerk Timmann wanted a note added to not complete the financial information if the ward is non-indigent. The motion passed unanimously.**

Clerk Roth requested that FCCC Best Practices review to see if any adjustments would be needed to correspond with the change. Cheri Wright, FCCC Best Practices Coordinator, said she would look into it and schedule a meeting if needed.

#### 6. Agenda Item 6 – Driver's License Reinstatement Event Reporting

Ms. Bruner presented on this issue. Clerks are required to hold at least one driver's license reinstatement event each year. Cases are to be tracked for 12 months following the event. CCOC staff is having a hard time getting counties to submit the follow-up form. Counties have reported that they have a hard time tracking cases for that length of time. CCOC staff is recommending that the tracking period be reduced to 3 months.

Clerk Chorvat said he was in favor of the minimum timeframe for tracking. He stated that driver's license reinstatement events take a lot of work. In his county, judges put pressure to recall cases from collections. Clerk Kinzel wanted to show that driver's license reinstatement events are cumbersome and cost more than they generate. She also stated that individuals fail multiple times and get put back on payment plans repeatedly.

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Clerk Green agreed but stated that this is a different issue than what is being presented. These events are required by statute. She agreed with the reduction of tracking time to 3 months and wants to look at a different method for tracking the effectiveness of these events. She also agreed that it is problematic to have repeated failures; however, she is a proponent of payment plans as the number one goal is to assist people. She recognized that some people are playing the system, and some are just struggling.

Clerk Miller said she did not want to deviate from allowing clerks to determine how many times to allow someone back on a payment plan. Clerk Chorvat said everyone needed to look at the efficiencies of their office. Clerk Green stated that clerks need to consider what is good policy versus workload.

**A motion to amend the time for a follow-up report from 12 months after an event to 3 months was made by Clerk Chorvat and seconded by Clerk Miller. The motion passed with one nay vote from Clerk Kinzel.**

**A motion was made by Clerk Chorvat and seconded by Clerk Miller that the change will be effective October 1, 2022, and applicable to events held in CFY 2022-23. The motion passed with one nay vote from Clerk Kinzel.**

7. Agenda Item 7 – FCCC/CCOC Joint Compliance Summit Update

Ms. Bruner explained that the FCCC/CCOC Joint Compliance Summit will be on October 4<sup>th</sup> and 5<sup>th</sup> and is a free event with less than 30 spots left. Clerk Roth recommended that clerks attend or send staff.

8. Agenda Item 8 – Payment Plan Workgroup Update

Payment Plan Workgroup has held 4 meetings so far. The workgroup has developed a form to track the monthly number of cases put on a payment plan and the number of payment plans. In one county, when the IT staff went to pull the figures, they realized that one of their policies was not being followed consistently. The workgroup is currently tracking all court divisions; however, much discussion revealed that if this form were to be implemented statewide, there are categories that would likely be eliminated. The workgroup is small and would like to have more counties participating, especially small ones.

Clerk Vick wanted to encourage counties to participate because this data is very interesting. Clerk Roth wondered how to capture the cyclical nature of the failures and successes. Clerk Green stated that this workgroup is just a starting point to figure out how we can track payment plans in a uniform way. There is a lot more we can get out of this data. The group has discussed using CCIS data, which is close but not there yet. Right now the form is tracking performance of payment plans, the default and success rate.

Doug Isabelle stated this is Phase 1 to count things first and to define what is default. Clerk Chorvat stated that the legislature is going to ask for more information. Clerk Roth encouraged others to join the workgroup. Clerk Kinzel stated that there is another element

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missing which is the cost of this compliance. To look at the benefit of tracking or the cost to track the turnover to collections. Clerk Chorvat stated there needed to be uniformity and that the mapping to become standard. Clerk Green said it is possible and is a matter of what is put into the workload. Clerk Roth said Business Rules could work from a statewide perspective.

### 9. Agenda Item 9 - Other Business

PIE Committee will meet via WebEx from 10 AM – 12 PM on the following dates:

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

Clerk Roth adjourned the meeting at 11:23 AM.

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