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Minutes of February 07, 2025, 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 Zoom on 02/07/24 at 1:00pm. 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.

Agenda Item 1 – Call to Order and Approve Agenda

The meeting was called to order by Chair Laura Roth. Johnny Petit, CCOC Actuarial Performance Analyst, called the roll.

Present for meeting [Zoom]: Laura E. Roth, Esq. (Volusia), Chair, Gary J. Cooney, Esq. (Lake), Tara S. Green (Clay), Crystal K. Kinzel (Collier), Michelle R. Miller (St. Lucie), Matt Reynolds (Putnam), Victoria L. Rogers (Hardee), Clayton O. Rooks (Jackson), Doug Chorvat, Jr. (Hernando).

Absent from the meeting: Stacy Butterfield, CPA (Polk), Brenda D. Forman (Broward), Clerk Traci Perri (Citrus).

A motion to approve the agenda was made by Clerk Green and seconded by Clerk Miller. The motion was approved with no objection.

Agenda Item 2 – Welcome Hon. Traci Perry

Although she was unable to make the meeting, Chair Roth informed the committee that Clerk Traci Perry would be joining the PIE committee, and they would be welcoming her in the next meeting. She was the new Clerk of Citrus County, replacing Angela Vick, after working for the Citrus County Clerk's office for 23 years with her most recent position being Chief of Staff. She was a 5th generation Floridian, raised in Citrus County, where she attended Citrus High School. Upon graduating she got her BS in Business Administration and Management from the College of Central Florida. She's a certified Public Manager at Florida State University and graduated with Leadership Citrus class of 2016. She's happily married and dedicated her time to family, friends, and the community. Chair Roth welcomed her onto the PIE Committee.

Agenda Item 3 – Approve Minutes from 11/04/24 Meeting

The minutes from the 11/04/24 PIE Committee meeting were presented.

Clerk Kinzel mentioned she loved the notes, which were very detailed. Chair Roth thanked CCOC for the job well done.

A motion to approve the minutes was made by Clerk Kinzel and seconded by Clerk Rooks. The motion was approved with no objection.

Agenda Item 4 – Cases and Subcases Update

Chair Roth called on Mr. Petit to present the Q1 cases and subcases update.

Mr. Petit stated that from Q1 of last year to Q1 of this year, all 3 categories were down, but they should not be alarmed since they were still above the baseline from CFY18-19 (0.79% increase). The biggest change in the subcases was that they had a 90% increase in auto negligence. He presented the graph from agenda item 4 in the packet to show the trend that was happening.

Clerk Kinzel expressed her concern over the reliability of the data, since several counties did not make a submission and there were significant percentage reductions in certain counties that seemed difficult to overcome. Mr. Petit reassured her that each blank in the graph was a lack of submission from that county. Regarding the reductions, Mr. Petit mentioned that in smaller counties there would be a bigger impact from one quarter to the next due to the lower case-counts, while for larger counties it would require deeper analysis to find out what happened, which was the process they were at now.

Chair Roth had a comment regarding the verbiage of attachment 1, where she thought it was not clear that it only showed Q1 cases, and she assumed it was showing the total number of cases. Mr. Welty replied that they could change the verbiage from “CFY 2018-19” to “Q1 2018-19” for each column corresponding to that quarter and fiscal year. Clerk Green wondered if they should disclose that it was partial reporting on behalf of some counties, without calling out those counties. Mr. Welty suggested they could reinstitute the disclaimer at the bottom of the memo for the current agenda item which stated that it was preliminary data that may change over the course of the year.

Clerk Green asked if the counties who missed a quarter or multiple quarters of reporting were expected to catch back up. Mr. Petit replied that most of them did, except for those that had big issues, but they did get the reports afterwards. Clerk Green mentioned that several counties were blank in attachment 1 and she wanted to ensure that they would not carry on. Mr. Welty replied that he hoped that in the following year, Jefferson’s numbers would populate, and they would be accurate. Clerk Green considered Jefferson an outlier and wanted to ensure all other counties had accurately reported cases without any misreporting for CFY23-24 and backward. Mr. Welty agreed.

Chair Roth mentioned that besides Jefferson, there were a few that looked wonky, but maybe Clerk Cooney could have more information on the case counts and he may know what the issue was. Wherever she saw giant jumps, she assumed they got hit by PIP, but when they had steep reductions, it was tough to figure out, unless they went from being a PIP county to a non-PIP county. Clerk Green mentioned it could be a business rule change and Clerk Kinzel mentioned it could be hurricane impact. Chair Roth suggested they have a notation if reporting above a certain percentage of change, because it came across as if there were errors.

Clerk Kinzel mentioned that if the formulas for the budgets were contingent upon those case numbers, then it needed to be accurate data reported by everyone, and those anomalies needed to be examined by the corporation. Chair Roth replied she did not think those numbers were used for budgeting, and if Clerk Kinzel could recall a time when case counts were used for applying case weighting to the base budget. Clerk Kinzel replied that it was about 6 years prior when percentages were cut based on weighted cases, and that it was the problem she had with the budget process. Chair Roth was unaware that they ever applied case weights to statewide budget. Clerk Kinzel replied that's how she was told the original budgets had been set, but it hadn't been reviewed or set due to the stipends they would get, which just got distributed proportionally and that was the problem. Her understanding was that when the formula was adopted, it was based on the case counts and then the weighing by case type, which was how they established the large cut in some budgets or not; but since then, they just distributed it on a percentage. She believed that would perpetuate a miscount problem from the beginning, which she thought was very important to vet out those numbers from the corporation's perspective.

Mr. Welty mentioned the corporation would be taking on a bigger role in the case counting and one of the things they would be doing was looking at those anomalies. The reason they put this information out there was so that PIE Committee members could have a look at what was going on. He asked the PIE Committee members about small claims and auto negligence. He mentioned his discussion with the REC Analyst where they asked questions such as: what was going on with those counties, were they truly growing, was that a new normal, was it a blip, were the issues critical defaults, was auto negligence going up because it was reverting to its original mean? He asked for any additional information that committee members could provide for him so that he could appropriately advocate on their behalf that following week at the Revenue and Estimating Committee (REC).

Clerk Kinzel thought the numbers needed to be significantly correct by county because her understanding was that case count was the primary thing they were using to allocate the budget. Regardless of what they did/didn't use in the past, there needed to be more attention at each county level to ensure the counties were properly funded, whether that be for an increase or a decrease.

Mr. Petit stated that he would make a change in the next report to include the quarter in each column, and if there was a substantial change over 40-50%, he would have a disclaimer and an option to explain what happened.

Agenda Item 5 – PMAP Update

Chair Roth called on Mr. Petit to present the Q1 PMAP report.

Mr. Petit stated that the PMAP was almost ready. He mentioned the numbers did not really change from the previous ones, except that 12 counties did not have any action plans. He saw a slight improvement in the numbers, but one of the issues was that the actions to improve that were provided were not things that they could work with. He mentioned that later in the agenda they would look at how to fix that. He informed the committee that the report would be uploaded by Tuesday on the CCOC website.

Clerk Kinzel asked Mr. Petit if the details that backed up those numbers were available on the CCOC website. Mr. Petit replied that it would be available on Tuesday. He mentioned he would do his best to

submit before the 15th and have the full details, but since some counties submitted late, they have just been trying to move forward. Clerk Kinzel asked what was being done to get the counties to be timely, because for them to properly evaluate the numbers, they needed to be on time. Mr. Petit explained CCOC's email reminder process and mentioned that they usually have between 15-22 that don't finish fixing all the mistakes and don't submit their final submission until the 5th of the month. Clerk Kinzel mentioned she thought that was a problem, and they needed to offer some assistance with automating how they could do that as support, so they could get the information timely. If they couldn't meet the timeliness, she would be willing to help them figure out how they, through systems, could assist in getting the information.

Mr. Petit mentioned he would post the more detailed report on the CCOC website, and he would email the committee a link.

A motion to approve the Q1 PMAP report was made by Clerk Kinzel and seconded by Clerk Chorvat. The motion was approved with no objection.

Clerk Kinzel clarified that they were just accepting the report as is and not that it was ok. She mentioned it was not okay that there were mistakes in action plans and that some counties were not submitting the information in time, because it was difficult for them to make budgetary decisions and this was an opportunity for them to change that. Chair Roth agreed that they were just approving the report, and she assumed the report would include who did not submit or where there were missing action plans. Mr. Petit agreed.

Agenda Item 6 – SMART Action Plans

Chair Roth called on Mr. Petit and reminded the committee that while they had the Future Performance Workgroup working on the measures themselves, Mr. Petit wanted to pitch a new way to do SMART action plans.

Mr. Petit mentioned that they had a future performance measures workgroup who were working on creating new and improved measures, but in the meantime, he wanted to ensure that the action plans they received from counties were something they could use, because in many cases they had responses that they could not quantify. The main idea was that they were not changing the form nor the way they report, they just wanted to change what was put in the form. When referring to SMART action plans, they wanted them to be specific and to show exactly what the problem was, so they could identify what resources/tools were needed. They wanted to be able to measure exactly what was wrong, so whatever they mentioned they would improve, needed to be measurable and achievable. Lastly, he mentioned when they were working on something, it would be helpful to provide CCOC with a timeframe update; for example, would it be done in 1 quarter or 2. This way they could have documentation that a specific county had been working on a specific issue, if their plan didn't work; however if the plan did work, they could use that as best practices for other counties.

Mr. Petit stated that SMART Action Plans were important because they gave them a clear roadmap of what the Clerks were doing or improving on. It made each county more accountable since they were taking ownership of their actions by stating what they were doing to ensure that they achieve that percentage. It also gave them a better way to monitor performance. He did not want to speak

about the budget itself, but they could also give recommendations for the budget, if needed, since they had that data. He displayed the 2 examples shown under agenda item 6, of what a SMART action plan looked like. His goal was to schedule some sessions to train people that work on those reports, with what they were looking for, since a reason reports were sent back was if the action plans submitted were not SMART.

Clerk Green asked if they were introducing that now as a concept of shifting how they account for performance plans related to the new measures, or was it going to be applied to the current measures? She was wondering, if this was launched at the same time as the new measures, it might be a good fresh start. Chair Roth agreed. Mr. Petit replied that they were still working on getting those new measures, but they wanted to make sure that with the reports that they currently had, they could actually use the data that was provided. He mentioned when it came to keeping counties accountable for not meeting benchmarks, they didn't have anything besides calling and talking to them. If they applied this now while they waited for the new measures, the counties would be used to reporting the new way and the data would be more useful. They could then start keeping counties accountable until the new measures came in.

Mr. Welty mentioned that the idea behind introducing the new smart measures was to give some time to counties that didn't meet the measure, so they could start figuring out what a SMART measure was and what a SMART goal was. When the new performance measures are introduced, they would have already had some experience with what was expected from CCOC, rather than introducing the new measures and introducing the new action plan at the same time, which could be overwhelming. This gave a trial run on using SMART measures on their current performance, and then, as they introduced the new performance, they would be able to just keep those smart plans in place.

Clerk Green mentioned she thought that the individuals who were involved in responding to those plans, given the amount of information they were looking for and almost a strategy, may either change in who answered and wrote out the plans, and/or who had input into it. She mentioned training and understanding what their expectations were, was going to be critical from clerk down, because in some counties, it may be the clerk. Given some of the information on what their strategy was and trying to address the issues that they were experiencing as to why they were not meeting a performance measure, assuming it was internal or external that could influence, it was going to be more narrative, and it was going to involve more than just the one person that completed the report.

Chair Roth asked what the plan was in terms of how that would be communicated and/or if they would be given material. She wondered whether that was going to be the training, or if they had any ideas on how they'd want to move forward. Mr. Petit replied that if it was, his plan was that he would send more material about what an action plan was, and they would be writing rules on how they should be submitted. CCOC would basically give the committee a document where they could test if the action plan they submitted was SMART. He was also planning on doing two or three zoom sessions to help people that had questions.

Clerk Green asked if it was thought that as they completed those action plans that went back to CCOC, there was a review, and if it was not getting to what CCOC was looking for, was there going to

be a mechanism in which it went back to the office for more discussion, or was it just whatever was submitted is submitted. Petit replied that just how they were currently doing, if a county missed certain things that were required, they would send an email to tell them exactly what was wrong. In this case, since this was newer, they would send the county an example of what they could say if they gave them more information, and then they were to send it back to CCOC.

Clerk Roth mentioned that the two examples that were displayed under Agenda Item 6 were pretty good examples, there were two very different approaches to the same problem.

Mr. Carper provided some background information. He mentioned Clerk Green had a background in organizational development, so he thought this was something that they really needed to do, because overall, when they start getting the information, they'd be able to share it with other clerks' offices. They would be able to see different things that other clerks' offices were doing, and it was going to help in the long run.

Clerk Roth asked what the overall proposal was.

Clerk Green made a suggestion. She mentioned she was a big proponent of this, but maybe, since they were eager to get some positive shift into a new environment and get some more information about what was happening in their offices, she asked what they thought about having each committee member take their current action plans and apply it to this. They might be able to get constructive feedback, or even see if there were any challenges, before they rolled it out to all clerks. Chair Roth mentioned she thought it was a good idea. Mr. Welty agreed.

A motion to approve that the material would be provided to each committee member Clerks by Wednesday, and they were to complete it within their county and provide feedback by June, was made by Clerk Green and seconded by Clerk Kinzel.

Chair Roth wanted to clarify what would be provided to committee members: would it just be what was provided on the agenda, or was there additional information? Mr. Petit mentioned he had two PDF documents that explained how to see if their action plan was SMART. After they each wrote their action plans, they could use that document as a guide to see if it passed that SMART benchmark. He stated that the other part was for the committee to reach out if anybody had a question for him to answer, and he added that most people at CCOC's office could do the same.

Chair Roth mentioned that if they were going to do that as an experimental trial on how it was for the committee, what Mr. Petit and Mr. Welty should send the committee members as this trial period should include whatever they were planning to send to all clerks. So, if there was more than just the two pages attached to agenda item 6, such as other material or other examples. Clerk Green replied that if they were going to recommend a change like that to all clerks, they should step into it first and know what they were asking. Mr. Petit mentioned he would send everything he would be sending to all clerks to the committee by Wednesday.

Chair Roth suggested a deadline for the feedback to be by the next meeting. Mr. Petit mentioned he would leave that up to the committee, but he'd love to have it before the next meeting so that he could have time to discuss the feedback with Mr. Welty and have time to give a report on it.

Clerk Kinzel asked by when they would need it back. Mr. Welty mentioned they would have a new quarterly performance due in a month, and their next meeting was in three months, so maybe it was best that they didn't talk about it at the next quarter meeting, but in the third quarter. He thought they should look at it during the August meeting, so they would need them back by June, and then they would talk about it not at the next committee meeting, but at the second committee meeting. He asked if that sounded like a good plan.

Chair Roth agreed as long as Mr. Welty was okay with it taking that long. She asked if they would be doing it with the most recent submission. If that was the case, she thought they might need to be given back the report of what all the action plans and reason codes were given by each county.

Clerk Kinzel mentioned she thought they needed to do this sooner rather than later. Budgets were due June 1st for the next year, and she thought, to clean up some of those measurements, issues, concerns, or performance measures, they had to do it sooner rather than later, like May. If it was going to be of any use for the current budget cycle, they couldn't wait until August. Mr. Welty replied that he wasn't thinking it would be used for the current budget cycle, because it was going to be kind of a pilot program with just the committee members.

Clerk Roth chimed in to say it was also performance measures, which she did not see the connection to the budget process. Clerk Kinzel mentioned that it was supposed to be connected since that was what the statute said. They hadn't done that previously, and each year they kicked it down to a different year because they didn't have those kinds of backup, measurables, and things to discuss, so they always ended up percenting it across everybody again when they did the budgets. Chair Roth mentioned they usually kicked down the weighted workload because they couldn't trust their own data or case numbers; therefore, there was no way to divide any of the money equitably. Clerk Kinzel asked what year they were going to fix it then. Chair Roth replied she was not understanding the connection between performance measures and budget. It was used in weighted workload, and this was not part of weighted workload.

Clerk Kinzel added that it should be. She asked why the allocation would be the same for someone that met none of the goals and measurements, none of the performance measures, and failed to take corrective action. Why would they get the same allocation as those people that did it all and met the workloads and all the measurements? Why would anybody keep doing this if they were not going to use it, it would make it a useless exercise. Chair Roth replied that it was required by statute to have performance measures. Clerk Kinzel thought the establishment of performance measures was so they could get a better handle on all clerks' performance, but if they didn't use it in any budget, or in any notification of lack of performance, then it was no good for any of them to keep doing it.

Chair Roth mentioned that Clerk Kinzel was also presuming that everyone would agree by that coming budget committee year, by that summer, that they were then going to translate performance measures into taking away money and punishing clerks that didn't meet them. She didn't think that would be agreed to by anyone. Clerk Kinzel clarified that she did not say to take money away from anyone who did not meet them, but she certainly thought that they didn't create a measure that had no ramification whatsoever. She thought it should be on the table for

discussion of exactly what they did, and that might include going to help the counties that couldn't do it. It also could mean they needed to get more involved and help in any way they could, so that when they went to the legislature, they all met everything.

Clerk Green mentioned she heard what Clerk Kinzel was saying, but she thought they were just at a crossroads right now where they recognized that their performance measures were dated, and they needed to be brushed off and readdressed. She thought once they identified what those meaningful performance measures were, what they didn't know was what the application of them was going to be outside of just strictly being a performance measure. Would it be an input in the budget? She didn't know. Would it be an indicator of where they had a lack of qualified people in seats, and that became a legislated effort? She thought there was a lot going on in the CCOC with some shifting and moving. They were at a crossroads where, once they addressed and agreed, what the key performance measures that really talk about their offices and what we did were, then they could decide from there how they were applied, if anywhere at that point. She heard what Clerk Kinzel was saying and she also wanted the performance measures to mean something. She clarified she wasn't saying they didn't, but she thought they could do a better job at identifying some that were more directly related to things that matter, and could tell a story, whether it was an internal issue they dealing with, or an external factor, either at a circuit level or at a statewide level, that was impacting most of the clerk's office, not clerk's office across the state. So, she just thought they were at a crossroads when it came to the performance measures and what they meant.

Clerk Kinzel added that they needed to be doing both of those at the same time, otherwise they'd be another year down the road. They'd had those conversations since they started that methodology and information, so if one was reliant on the other, and they needed both to make some sort of decisions or determinations, they needed to make sure that all the committees were getting their stuff together at the same time so it could be used constructively.

Clerk Green mentioned that she thought that was already happening. A priority of the PIE committee was the performance measures that year, and Clerk Kinzel was really talking about a handful of people who were part of those committees who were available to address things that were not small tasks. She was hopeful that in that year there would be a lot of movement in that workgroup, as well as several other ones that got them back in a good position as CCOC and the committees that they serve on, that the information that they collected was meaningful to what we did and what they reported on.

Chair Roth clarified that she didn't think there was any suggestion because Mr. Petit was pitching that they had better action plans, that meant they were just going to stop the committee's work on the performance measures themselves. She also mentioned that they hadn't gotten to the committee reports, so maybe they needed to move that to the top of the agenda next time, so that there was some clarity that those things were progressing. She asked Mr. Petit and Mr. Welty if either of them suggested that they would stop performance measure work based on the changing of the actual performance measures because of the smart action goals. She thought those were concurrently going on. She also stated if anyone wanted a shorter time frame, they were welcome to motion for it.

Denise Bell wanted to point out that with the consultants that worked with them back when they first developed performance measures, it was a twofold process. It was key that if someone was struggling to meet performance measures, it was not a reward basis for those who were meeting them and a punishment for those who weren't, but if they were not able to meet them because of lack of staffing or because they had to shift funds to do other things, it was intended to represent to the clerks and legislature as a whole that they were struggling to meet those performance measures because they didn't have the resources. She thought it might be helpful to put that old perspective back onto the table.

Chair Roth mentioned that was how she understood it as well, which was why she didn't see it as much of a direct impact on how dollars were distributed, she saw it as whether there were sufficient resources to perform the duties. She mentioned she was fine with a shorter turnaround if that was what Clerk Kinzel wanted to propose.

Clerk Kinzel stated that at least for the first one they could have it through March, by April, which would at least get them before the June 1st budget. She mentioned that she understood they were not going to take away money, which she thought was getting perpetuated again. She understood Ms. Bell, since she was also there when all those performance measures went out, but they hadn't used them for anything. They lowered one in the past because they couldn't make it, which was adverse in her opinion, because she thought they shouldn't lower the standard because people couldn't make it, they should try to get them up to be able to make it. She mentioned they had done neither of those seemingly along the way, because they seemed to have a lot of people that either weren't submitting it, weren't doing what they needed to do, or the committees weren't doing what they needed to do to help them.

Chair Roth thought they were still ways away from being applied to the coming budget cycle, but if they married it with when the next one was due from everyone, then it would make more sense, because they were talking about the pilot taking the last quarter's report and then writing up those smart goals differently. If they were to dovetail it when the next one was due, then they could all be submitting it with the new smart action plans. She asked if that was in April and if that made more sense, since they had another one that everybody would be submitting data for.

Clerk Green mentioned, when she suggested it, she was thinking more of why not take what they had already done and submitted and used the new methodology to resubmit that (which would not take as much time) and use it as a mechanism to provide feedback, not to use it brand new as a report. She stated that since they had the information from the previous report plan that was going to be posted the following week, why didn't they just take that and then apply the new methodology. That way they could provide feedback on it, and give that information to the CCOC, so that they can use that in their implementation plan for getting it out by maybe the next quarter. She didn't want to put that on CCOC, because they needed to decide that, but from a committee looking at it, that's what she was thinking.

Mr. Welty apologized because he thought she was referring to the next quarter. Chair Roth clarified that they would be using the current data that was already submitted.

Shannon asked if the SMART plans would be only internal, or would those be submitted to the legislature along with the rest of the performance plans? She explained why she asked that question, going back to her being a member of the PIE Committee since 2005. They had gone back and forth on performance measures, because they could have everyone meet them and they could make a SMART plan that said they didn't meet performance measures, but as soon as they solved the problem, they would lose their own argument to the legislature, because they come to point in time where they couldn't solve it. So, if they were not going to support additional staff to support judges, and they were not going to support funding for no fee cases, then they could not "bleed a stone". She thought it was concerning to show everything that a clerk was doing, when the reality was that it was about funding. She mentioned that if they could not keep staff due to low wages, then they couldn't train them, and they couldn't get it done, then if they were going to give the court more money so they could move faster, then they were not going to be able to keep up because they don't have anybody to support. She mentioned she did not want to be negative, but she was concerned that if they SMART docked it, then she asked that there be a free form text. She said she would go into the extreme detail of turnover rates, lack of ability to keep people once trained, quicker movement of courts, DCM and all of that, because the narrative was counterintuitive to the continued argument they had, which was that their funding was not keeping pace to be able to do the jobs that they were asked to do.

Chair Roth reiterated Clerk Shannon's question to Mr. Welty and Mr. Petit, which was if the intention was to share that information with the legislature, and if they believed the concerns with funding should be identified in the SMART action plans to address those issues. She mentioned she agreed with Clerk Shannon on a lot of her points.

Mr. Welty responded that yes, he thought the narrative that they could do a job without hiring additional people should be part of the plan, and they would be shared with the legislature; it was required by statute that they share the performance action plans with the legislature and with the auditor general's office.

Chair Roth mentioned that she knew that element wasn't already in the acronym SMART, but she thought it might be that they were missing one field there. She mentioned she agreed with Shannon that there was some risk in trying to make people do three jobs instead of one, as they've experienced in the past. If they had a specific thing they could do, that was measurable, achievable, and relevant, maybe under the achievable is where it should be said if it was achievable or not. She also wondered if they should have an additional line after SMART, to make the action plan SMART or to note the obstacles. She asked where was it reflected in a SMART goal, when they've "hit the wall", or when there was just no plan that was going to undo the fact, that they didn't have enough money?

Clerk Green chimed in because this came up when they were looking at the action plans years ago, when she became chair of the PIE Committee. One of the things that her and Doug Isabel incorporated into the current plan that was still up today, was determining an external factor and an internal factor. There were circumstances, whether it be a system conversion, or somebody quit and they were struggling to get somebody back, those were all internal factors that they probably captured that showed why they dipped in a metric. She mentioned she did not disagree with Shannon, nor would she ever advocate that they had to back their way into an internal fix that was

being caused by an external factor, that was why they bifurcated those out, because a lot of it was external, they just didn't have the money for the right people, training, control turnover, etc. She would never advocate that they had to come up with an internal solution for something that had an external component influencing it, which was why she thought it would be good to go through the committee first. She mentioned she was going to pull her own action plan to see if it was an internal one time off, was it a couple quarter impact on that performance measure, or had it been an ongoing measure they had not been able to meet because they didn't have enough people doing the job that affected that measure? If that was established, that's where she believed there were narratives, they could put in there to capture that, and that helped CCOC understand, in the current metrics that they had, that they probably weren't going to get met until the bigger problem was solved. She understood why they were doing it, and thought it was good practice and a good philosophy to introduce. She also thought it would be interesting when the metrics or measures were redefined, how that would affect the action plans. She wasn't sure if in the current one, they should categorize in the plan an example, and she didn't know if it would skew what Mr. Petit and Mr. Carper were trying to accomplish, but she thought they had to identify if it was an external factor or internal factor. It could be something an agency or partner did that disrupted one of their services, and therefore they couldn't read a performance measure.

Chair Roth mentioned that Clerk Greens explanation helped her better understand and reminded her, they were only looking at an internal example. She asked Mr. Petit if smart action plans were going to be expected for external causes. Mr. Petit replied that he was working on those, and he would have examples of what to do. If it was external, it wasn't going to be what was going on in the office, they basically wanted to identify what the specific external issue was, and how that could be tackled. It wouldn't look like the example on page 19, but if called by a partner or a stakeholder, that's what they needed to know, so then they could see how that would be tackled, but that would be spelled out in the rules that he would send by Wednesday.

Chair Roth reiterated to the committee that once Mr. Petit sent out the rules there would be more guidance on what to do for external factors. She also mentioned that it would help Shannon's concern because in external issues where they couldn't bend themselves anymore than they already have, that was when they would use an external code and have whatever proposed plan to fix that external factor.

Clerk Kinzel mentioned she totally agreed with Shannon. She pointed out in Mr. Petit's email, his note said that, as an example, they would leverage the current budget surplus. She asked where that was happening, because it was nowhere that she was aware of. She stated they all ought to not be meeting those and say the entire reason was they've had to cut staff so significantly to just retain the people that can do the bare minimum, and then they'll be inundated with addressing the budget issue. She felt it was a penalty to keep doing those reports. She had cut staff over and over, she had one person going in, and if all the judges had their stuff at the same time, she didn't have enough people to go in there; yet some people had two people in a courtroom, AOs, and all those external factors. If it was going to be that this wasn't really for that purpose, then they were going about it all wrong. She believed that doing those reports had been quite wasteful for the last several years, because they had not been leveraged to get them additional budgets, they were a pain to continue to do for no purpose or use, and they were still cutting people just to try to exist. She really agreed with Shannon also. She thought that was the bottom line, that they all fail and

show them how they failed, because keeping up with it and trying to do those reports that were of no benefit or impact, seemingly, since 2005 seemed to be insanity (doing the same thing and expecting different result when they fill out the same things). They could change it how they could, but they were just perpetuating the same problem. They knew that because of budgets, a lot of people still wouldn't be able to meet, so why were they wasting their time on new measurements? She thought it seemed wasteful. Clerk Roth mentioned she thought the discussion was on SMART Action Plans, not so much on the new measurement. Clerk Kinzel responded that it was all tied together.

Chair Roth asked the committee when they thought the updated reports should be submitted. Clerk Green proposed that they should have the updated reports submitted by the end of the first week in March, following conference (possibly March 7th). She mentioned they were doing it to go through the exercise, look back at what was previously submitted, and see how to submit the reports considering the new guidelines, as well as provide their own feedback. If they did that by March 7th then CCOC could review it and then return to the PIE Committee to talk about what was submitted as well as any pivots they may have had.

A motion to approve that the material would be provided to each committee member Clerks by Wednesday, and they were to complete it using their existing Internal/External Action Plan reports during the current or past quarter within their county and provide feedback to CCOC by March 7th, was made by Clerk Green and seconded by Clerk Kinzel. The motion was approved with no opposition.

Chair Roth reminded Mr. Petit to include examples of external action plans in his guideline material. Mr. Petit replied that he would have examples showing what was said before, and then another example of how that could be made SMART. Chair Roth thought that this would also help Shannon's issue because, once presented to the Legislature, they would have more information on the particular Action plan.

Agenda Item 7 – New Compliance Initiatives

Chair Roth calls on Mr. Welty to present.

Mr. Welty informed the committee that CCOC did not sign a compliance contract with Don and Doug that year, since they both decided to retire, so they were looking at a couple of different things from a statewide perspective on compliance. It was not ready to go, but he just wanted to make sure that he kept the PIE committee informed and up to date on that compliance was still an issue that they were focused on, and it was something that they were going to be working on to bring to the committee and to the council in the coming months.

Chair Roth reiterated that they would get more information on what was going on with compliance initiatives in an email soon after.

Agenda Item 8 – Workgroup Updates

a) PAC Workgroup Update

Chair Roth called on Clerk Green to present her updates.

Clerk Green mentioned that they kicked off with an in person meeting that week in Gainesville, where they revisited a lot of the work, philosophy, methodology around what they did 6-8 years prior. There was a lot of good discussion and creative thinking about a direction, how they took the fundamentals of what they've already done and move it into a direction where it was more of a data driven tool that captured the fundamentals of what they do on the court side, based on statutes and rules, as well as figuring out a mechanism of how they account for external things that contribute to their body of work, and could affect their needs, what their staff focused on, and what staff they needed to do it. So more to come. She mentioned that the format of what they've already collected was going to stay, the changes were in how they would format it for the future, so that there's more usability from a data driven perspective. The next step was going to be updated, which they had coming in, while a side team was working on the formatting piece of it. Then, they were going to come back together, work through the process, and the end goal was to make sure that it was updated and usable in a variety of different ways.

Chair Roth mentioned that a big push of hers was for the various work groups to be hitting their goals and what they were going to produce in a time sequence each year. They could always predict when revenue estimating was, and when they were going to know their final numbers, so it seemed weird that they tended to get to that budget time of year and say that they didn't know. She said it seemed they were on track and were kicking off some of the work that came further down the line, because a prior complaint with weighted workload was not having the PAC up. She thanked them for moving so quickly, because it'd be nice if all the different relevant committees, especially case counting, case counts, case weights, and pack framework were always done consistently each year leading up to that budget time so that it's available.

Chair Roth asked Mr. Petit or Mr. Welty, because she was curious to see what kind of mix they had in each work group, if they could send her the makeup of the various committees, just who was on them. Mr. Petit agreed, and said he would send it to her once the meeting finished.

b) Payment Plan Workgroup Update

Chair Roth called on Mr. Carper to present.

Mr. Carper mentioned that he got in very late on the payment plan program process. One of the big problems he was having was the number of counties that are reporting started out at about 41 counties reporting the first two months, which had gone up to possibly 53 for that month because there were 14 counties that didn't submit. One of the issues that came up most frequently was confusion among the other counties. They were still under the impression that it was a pilot program that they didn't have to participate in. He took responsibility for that, because when he published the report form and the instructions, he took them the way they were and had the word draft and pilot in some of them. He said he would change that and then get it back out there for everybody to see. The other issue was that there had been several counties that stated they didn't have a methodology in place yet to pull the information. From that standpoint, those were the two major things that were preventing the 14 counties that did not have submissions. He gave the example of one county that was going through a complete CMS changeover, and they had not been able to get that information from a lot of their data for even their current reports; so, for them, payment plan information was going to be pretty far down the down the pipeline. He'd written the macro, but he hadn't finished testing it so that he

could aggregate all the data. Once he had done that, then he'd be able to give Mr. Petit a preliminary view of it, and they could share it with everybody on the PIE committee.

Chair Roth mentioned over time, as this developed, people would get on board with their systems, which was not something that's going to happen overnight. Maybe those outliers would just need to be indicated, so they could still use what data there was, even if it ended up that there were only 40 clerks that had the capability to pull the data they were looking for, then they'd just go with those 40. She mentioned to the committee that Mr. Carper provided what the work group would be focusing on, he outlined that there were three key initiatives that they were working on, and she assumed he would make those people meet often enough to those done. She mentioned they would be working on making sure there were clear reporting instructions, since there had been some confusion, which would include the current report form instructions and the business rules. They were going to get those super clear, which was first goal. The second goal would be comprehensive training material being created to help everybody do that. That was needed because they couldn't just assume that people grasp what they were after right away. So, the training efforts would need to be stepped up, and the sessions would be conducted internally. Lastly, the report form itself needed to be revised to improve its usability. She was unsure if the workgroup themselves could solve the tech hurdle goals, which was why that was missing, but as far as just usability, clarity and making them easier to understand what they were after for clerks, it looked like they were very focused on that.

c) Future Performance Workgroup Update

Chair Roth called on Mr. Welty for his update.

Mr. Welty mentioned they had their initial organizational meeting on Zoom a couple weeks prior for the Future Performance Workgroup, which was basically a level set meeting. He stated how he had kicked it off a couple of years ago, and Mr. Petit was kind enough to summarize everything that was done before and basically restarted the discussions so that they could start moving forward. They had set meetings for every five to six weeks, with their next meeting being on March 7, and they were going to start analyzing those issues that were in their current performance measures. Mr. Petit had some great ideas on doing a structured discussion around how they got to those questions that they had previously talked about, and then really starting to work toward identifying those clear, identifiable goals of what should be their performance measures moving forward. When he first came in, he didn't think they had very good performance measures, so that's what he thought was going to be a very big push for CCOC that year, and it was one of the things that he was most excited about. Given the current update, the next update would be even bigger, because they would have had a good, probably in-person meeting in Marion County to talk about all things performance measures and really start to put some meat on the bone for what they had and what they should have.

Chair Roth mentioned, as Clerk Kinzel pointed out earlier, that performance measures really weren't used in much of a meaningful way to their knowledge, so that was one of those foundational steps that once they had the current ones, they could start trying to apply them, and it probably wouldn't work very well if they were not relevant enough goals. She thought that was one of the key steps in the performance measure data they'd all been producing for years and feeling like it wasn't going anywhere or doing very much. With Mr. Petit's new smart goals,

that would give more detail that could be used for legislative advocacy or drilling down on what the problems were, once the performance measures were measuring the correct thing maybe then, that could get them closer to being able to tie that somehow to budget. She thought even just any basic data being applied to budget should be the first focus and maybe it could get eventually to where it's even relevant to that, like Clerk Kinzel was suggesting. She was glad they were scheduling regular meetings, because they had trouble with it in the past year.

Mr. Welty mentioned he already engaged **OPAGA?** as a partner, because the statute required them to have legislative input. He was hoping they'd be able to join in some of their meetings and be able to guide them in terms of what the legislature wants their performance measures to be, and what they want to see from performance measures.

Chair Roth replied that hopefully they'd be driving that, not them driving. Generally, unless they were working in a clerk's office, her experience was, most people thought something was relevant when it wasn't, or they were pushing toward some kind of performance that just benefited them but didn't have anything to do with statutory clerk services. She hoped it'd be more of the committee sharing and they would have some feedback, more than them just saying they had decided what the clerks needed to measure on, because that usually ended up being too narrow of a focus or not very useful for anyone. She asked if anyone knew roughly how many people were in the workgroup. Mr. Petit replied 15 and mentioned that they were missing some peer groups, which he would be discussing soon.

She reminded the committee that if everyone felt so strongly that this should be a big priority work group, then they needed to have the right representatives there that had time to dedicate themselves to it, or it still wouldn't get anywhere.

d) Case Counting and Business Rule Workgroup Update

Chair Roth asked for clarification on the workgroup that was going to be talked about. Ms. Bell replied that she was giving the Case Counting and Business Rule Workgroup Update in place of Clerk Cooney. Chair Roth asked if those were two separate workgroups. Ms. Bell replied that they had not been in the past, but they were at the point that she thought they could live together for the time being.

Ms. Bell began by mentioning a picture an information officer had made in the early days where they had the three work groups working together. They had the people counting and reviewing the data submitted, then the work group that was working on the business rules themselves, and then the work group that was assigning weights to the different types of sub case types. All three of those work groups worked together to produce a unit that they could use in the budget process. Initially there were three distinct work groups, but at the moment she thought the case counting and the business rules worked nicely together because, as they have been looking at those cases over the years, they've been able to identify things that led to misunderstandings and confusion in the business rules and things they needed to clarify to prevent some of the reporting errors that had occurred. The case weights, she still saw that as a totally in separate function, but a lot of the same people ended up playing in all those groups.

As far as case counting and business rules, Ms. Bell mentioned they began doing it at the request of the Budget Committee, and the first time they did anything with it was in 2016, when clerk Burke asked Clerk Kelly if Ms. Bell could help with a project. They recruited Clerk Cooney and Jill Lennon and sent out a survey for the entire state about how they were counting certain things. From there, they created new business rules, and the first time they did a review of data was in fiscal year 17/18. At the time, they did that based on three standard deviations, that were based on population and the case counts for each individual sub case type. They couldn't use that data in the early stages to do anything with budgetary factors, because it was very clear very early that they had lots of work to do to get it true. They later got to a point where, after they finished the reviews, they believed they had verified reliable data and then started being able to use them as part of the budget allocations. Clerk Cooney asked her to clarify that to their memory, base budgets themselves were established before they reached the point where they could apply weighted cases to a part of the budget. She mentioned she wanted to check when the first year they used case counts in the budgeting was. They'd done it both to add budgetary dollars, and one year in particular, they did it as a method to allocate the reductions that needed to be made to budgets. However, they believed that base budget was established before weighted cases came about, and those had been historically applied to distributions in addition to the base budget.

She appreciated all the hard work done by her, Clerk Conney, and the workgroup members, many of which were part of the committee's staff, to come to the point that it was currently. They just finished a review in the past year for fiscal year 22/23 where they ran an analysis of the before and after numbers. In the before numbers, before any reviews were done, outliers were highlighted. They were now doing it based on two standard deviations and were finding fewer and fewer that need to be checked. If they always had a high number of county civil cases X number of years in a row, they always proved out to be valid. They did a spot check, but no longer a full-blown review. She gave another example of a high retirement community where people were moving there, the probate cases tended to be higher. So, some of those things they found early on were a matter of demographics. She also mentioned a small county, with an interstate running through, would get a lot of traffic tickets. The goal was never to prove anyone wrong, but it was to find out why they were different, and if they couldn't find out why they were different, then did they report incorrectly? She thought they reached the point of immateriality. The total dollar shifts between counties for the data from fiscal year 22/23 of the dollars that were assigned based on weighted cases, the county that got the biggest windfall got an extra \$498, which was 0.0006 of their budgets. The biggest loser, so to speak, was only \$2,000 because of the data entry error, it wasn't the redistribution of money that made that big impact, but that was only 0.3% of their budget. As far as percentages difference the biggest percentage gain a county got was 0.0369% more money, and that was a grand total of \$227. The biggest person that lost money was 0.0509%. No one was even at a percentage, they were all well under a percentage, and that was a \$330 loss. That's why they felt they had reached the point of immateriality as far as a full-sale review went.

She mentioned her and Clerk Cooney had discussed this with Mr. Petit and Mr. Welty, and they believed they were to the point now, with all of Mr. Petit's skills with statistics and available data, where they could go to a point where they were going to start running different analyzes and look at changes from year to year, incorporating some other tools, and trying to look for

ways to track for data entry errors. Several of the problems were caused because it was either entered on the wrong line of the form, or it had an extra digit put in. Hopefully CCOC would be able to identify other statistics like, for example, someone had a 22% increase by a particular county in a particular sub case type, and the rest of the state didn't share such a large percentage in that sub case type. She mentioned they volunteered to work on some of the exceptions with Mr. Petit and Mr. Welty, as far as how to approach, but she thought they were to the point that they were recommending it be done on an exceptional basis. They were willing to help in the transition, but primarily she thought Mr. Welty was ready to take that on with some work that they can do from CCOC.

Ms. Bell also mentioned they would like to propose that she get the team back together and that they get business rules in place before the start of the next fiscal year to clarify some of those things that they've run across in the last set of reviews.

Chair Roth asked Mr. Welty if he wanted to add anything on the changing role of the CCOC moving forward.

Mr. Welty mentioned Ms. Bell pretty much covered it. The CCOC had both Mr. Petit and Mr. Carper. Mr. Carper was working as reports came in and looking for those "fat finger" updates, for example if someone had 20 cases for the first 11 months of the year, and then they had 200; he was going to be doing those spot checks at the beginning of the process. Then Mr. Petit had some ideas on how he was going to set it up, but he was going to be able to take and start identifying those anomalies. Hopefully they'd be doing it in real time, rather than waiting for the end of the year, because when he was on budget, they would find errors at the end of the year that they probably could have caught throughout the year. They were going to start looking at case counting year-round and being able to fix those things and making sure that as anomalies arise, they deal with them early, rather than later, and having to wait and potentially throw off using the weighted workload measure during the budget process.

Chair Roth mentioned that it sounded like the extra support would really help, and hopefully it would help with the goal she had been emphasizing for the last few meetings, which was having predictably timely products from the work groups to be usable by budget committee crunch time when the final distributions are decided.

e) Workgroup Recruitment

Chair Roth called on Mr. Petit to give his update.

Mr. Petit mentioned that they had a lot of work within PIE and the first thing they would see when he sends the documents was the same names in all the work groups. This was good because these people know what's happening, but they also need others to look at different jobs and different visual things. The next part was that peer groups 1, 2, and 3 were not represented at all. After speaking with Mr. Welty, they understood why, but if any of their counties were in those peer groups that could allow a person to attend a meeting, they wouldn't have to come every time, but to get documents, they would view what the committees do and give their input. This would be good because they want to see everyone's view, so that the documents produced reflect everyone, not just a section of the clerks. He would be sending a

Microsoft link that would say the same thing, that they want more people to join, and it would give a list of committees that they have, and they will then pick which one they want to help with. He mentioned he had learned a lot in the past few weeks that he had joined and had been working with those committees, which looked like a lot of work, but they had a lot of people that knew a lot that would work with them at the same time. He asked them to please consider if they had staff that they knew could help, and to encourage them to join those committees.

Chair Roth mentioned she understood this could be kind of a tangle for those smaller counties, however, since those work groups would be impactful, it should really disturb all of them (especially the smaller counties) that there was no representation from peer groups 1, 2, or 3 in any of the workgroups. She brought back the payment plan example, where Mr. Carper was talking about running up against the fact that some systems couldn't even produce the information. They should want to have a say and hear what's coming and what would be expected for those smaller counties. She hoped they were able to really hear the request, because being unrepresented and having other people come up with a work product that would not work for them is not a fun experience, and that would usually only be addressed if they were participating at the Workgroup level, where they were coming up with these ideas. She asked if they were a part of peer groups 1, 2, or 3, to please consider.

Agenda Item 9 – Other Business

Chair Roth asked if there were any questions, comments, or further business that needed to be addressed. Mr. Petit mentioned that he would continue sending emails to make sure that every workgroup met and that they had updates at those meetings.

Mr. Welty introduced Matt Guse, the newest member at CCOC. He would be helping with PIE and helping Thomas Dunn with some of their internal policies and procedures. Mr. Welty had been working with Clerk Green on the future of CCOC, and one of those things included that compliance. Mr. Guse came with a wealth of knowledge, he had run three or four different nonprofit and government-related organizations, both in Florida and in Texas, so they were looking forward to utilizing his skills and letting him fix everything that they needed to be fixing.

Chair Roth adjourned the meeting at 1:01 PM.