

AGENDA

11:30am Meeting Convenes

Item I. Opening Remarks and Introductions

The Honorable Paul Alessandroni, Chair

- A. Welcome new and returning members
- B. Brief history of CSWC

Item II. Housekeeping

- A. Minutes of 03/02/2012 meeting
- B. Committee Charge (AOSC12-25)
- C. Committee Procedures

Item III. TIMS Project Update

- A. Project Summary and Review
- B. Current Status
- C. What's Next

Item IV. Projects for the Current Term

- A. Statutory Changes to Parental Notice of Abortion Reporting
- B. Statutory and Rule Changes to Stalking Violence Reporting
- C. Case Weight Review
- D. Reopen/Reopen Closure Definitions
- E. Performance Measures Required by Judicial Management Council (AOSC11-1347)

Item V. Next Meeting

- A. In-person meeting in January or February of 2013

01:00pm Meeting Adjourns

Call in is available for interested parties:

Dial-in Number: 888-808-6959

Conference Code: 2936384285

**COMMISSION ON TRIAL COURT
PERFORMANCE & ACCOUNTABILITY**
Court Statistics and Workload Committee

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PERFORMANCE & ACCOUNTABILITY**
Court Statistics and Workload Committee

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Item I. Opening Remarks and Introductions

I.A. Opening Remarks

The Honorable Paul Alessandroni, Chair

I.B. Brief History of Court Statistics and Workload Committee

The Court Statistics and Workload Committee (CSWC) was originally established by the Florida Supreme Court in 1984 and was reconstituted regularly through June of 2002. The charges of the committee included monitoring the Summary Reporting System and pending case reporting, reviewing judicial certification data, assessing the needs for trial court activity data, judicial workload information, other data collection needs, and conducting other research or studies requested by the Chief Justice. In 2002, a commission/committee reorganization strategy was adopted by the supreme court and the CSWC was not retained.

In late 2004, the Judicial Resource Study (JRS) Workgroup was established to conduct an evaluation of the case weights central to the judicial certification process and to review the concept of the Delphi case weighted workload model. Work on that project demonstrated a clear need for a dedicated body of judicial officers and managers to oversee and manage the data collection efforts of the trial courts. In its final report, the JRS Workgroup made, a recommendation to reconstitute the Court Statistics and Workload Committee to fill this need.

In June 2007, the Commission on Trial Court Performance and Accountability approved the (JRS) Workgroup recommendations. On August 29, 2007, the Supreme Court followed suit. The Court Statistics and Workload Committee was created with Supreme Court Administrative Order AOSC08-32. IN RE: COMMISSION ON TRIAL COURT PERFORMANCE AND ACCOUNTABILITY. The committee was comprised of most of the original members of the JRS Workgroup as a logical consequence of their work on that project with Judge Ellen Masters of the Tenth Judicial Circuit as chair and Mike Bridenback, Trial Court Administrator of the Thirteenth Judicial Circuit, as vice-chair.

The CSWC's first term was marked with several significant challenges. Not the least of which was a tight budget climate that prevented the committee from meeting face-to-face. Despite this hindrance the committee conducted its business via emails and telephone conferences. The CSWC made several significant contributions to trial court data collection including several refinements to the Weighted Workload Model, oversight of the implementation of data requirements mandated by the Supreme Court Order on Complex Litigation and the development of the Case Management Framework document, which serves as a precursor to the current Trial Court Integrated Management Solution project (TIMS).

**Commission on Trial Court
Performance & Accountability
Court Statistics & Workload Committee
Phone Conference
October 19, 2012**

In July 2010, the CSWC kicked off its second full term. This term was largely dominated by the Trial Court Integrated Management Solution (TIMS) project. The project's primary purpose is to identify information that is necessary to efficiently and effectively move a case through the judicial system, define meaningful caseload measures and adopt a common, consistent set of elements and definitions designed to improve case processing for judges. Also, the CSWC participated in several workgroups to develop a data management framework that would enable the court to collect and use the information identified. During this term, the CSWC worked on other projects including the development of the data collection model for the proposed "Resolving Civil Disputes" project and the development of uniform definitions and standards for reopen and reopen closure events. The latter project included enhanced definitions for case closure, which provide clear guidelines for interpreting the status of open cases.

Item II. Committee Housekeeping

II.A. Minutes from 03/02/2012 Meeting:

Minutes of 03/02/2012 Meeting

The Honorable Ellen S. Masters, Chair

Mr. Michael Bridenback, Vice-Chair

9:03am Meeting convened

1. 7 of 16 members were present.
The Honorable G. Keith Cary, The Honorable James H. Earp, The Honorable Ilona M. Holmes, The Honorable Shelley J. Kravitz, The Honorable William L. Wright, The Honorable Don W. Howard, The Honorable Sharon Robertson, Mr. Michael Bridenback, and Ms. Barbara Dawicke not attending.

Item I. Opening Remarks and Introductions

1. No quorum present.

Item II. Approval of Previous Meeting Minutes

- A. Minutes of 10/20/2011 phone conference were voted on by members present.
 1. Staff emailed absent members to take a full committee vote.
Final vote: Minutes of 10/20/2011 phone conference were adopted unanimously.
(11 Yeas)
- B. Minutes of 1/19/2012 phone conference were voted on by members present.
 1. Staff emailed absent members to take a full committee vote.
Final vote: Minutes of 10/20/2011 phone conference were adopted unanimously.
(11 Yeas)

Item III. Projects Update

- A. Reopen/Reopen Close Definition
 1. Staff updated members on the status of the reopen/reopen close definitions and outlined the next steps that need to be taken.
 2. Members suggested a timeline for the steps to be completed.

Resolving Civil Disputes

1. Staff updated members on the status of the project and provided the link to the final report by the Commission on Trial Court Performance & Accountability.

B. New Foreclosure Backlog Reduction Initiative

1. Staff discussed a Foreclosure Backlog Reduction Initiative currently being proposed to the Legislature. If funded by the Legislature, the committee anticipates having a role in approving the data collection plan, as they did with the previous Foreclosure initiative.
2. Staff will monitor the initiative during the remaining days of the 2012 Legislative Session.

C. End of FY 2010-12 Term

1. In anticipation of the end of the FY 2010-12 term for CSWC, staff alerted the committee to a few housekeeping actions.
2. Staff will begin working on the End of Term Summary Report and email a draft to the committee members for review.
3. Members were asked to contact staff if they do not wish to continue serving on the committee for the FY 2012-14 term. Members discussed ideas for new membership and a new Chair for the CSWC in FY 2012-14.
4. Members were asked to submit ideas for projects or issues that may be taken up in the FY 2012-14 term. Staff will circulate a list of the project ideas to all members for approval.
5. Members discussed some potential ideas, including ideas on how to begin a review of the case weights used in the most recent Judicial Resource Study.

Item III. TIMS Update

A. TIMS Phase I & II

1. Staff updated members on the progress of the various phases of the TIMS project.

B. TIMS Phase II Workgroup

1. Staff briefed the members who are not part of the Phase II Workgroup on the events of the first workgroup meeting. Materials from the meeting were provided to the members.

C. Data Model/TIMS Framework

1. Staff presented the TIMS Framework to the members.
2. Staff and members discussed ideas and concerns for Phase II and III of the TIMS project. The CSWC members on the Phase II workgroup will take these ideas to the next Phase II workgroup meeting.
3. Staff will pass on some ideas regarding implementation (which is in Phase IV) to the Florida Courts Technology Commission.

Item V. Next Meeting

1. The final meeting of the FY 2010-12 term was scheduled for May 2012. Staff requested members to email their availability.

2:41pm Meeting adjourned

Committee Action Needed:

1. Vote to approve meeting minutes of the March 2, 2012 meeting.

II.B. Committee Charges:

Charges one and two of the Supreme Court Administrative Order, AOSC10-48, IN RE: COMMISSION ON TRIAL COURT PERFORMANCE AND ACCOUNTABILITY, (Attachment A) directs the Court Statistics and Workload Committee to

“1. Consistent with Goals 2.1, 2.2, 2.3, and 5.1 of the Long-Range Strategic Plan of the Florida Judicial Branch 2009-2015, ... The Court Statistics and Workload Committee of the Commission on Trial Court Performance and Accountability shall establish uniform data definitions, guidelines, and standards for data collection and reporting necessary to produce consistent, automated trial court case management statewide, in accordance with the recommendations of the Commission.

2. Through the Court Statistics and Workload Committee, continue to address policy issues as necessary to maintain the integrity of the Summary Reporting System, the Weighted Caseload Model, the Uniform Data Reporting System, and other data collection efforts related to trial court activity. The Committee shall provide direction for addressing special data collection needs requested by the Florida Legislature or other government bodies and guidance in the development of standardized reporting systems for the trial courts. The Committee shall continue to provide policy guidance related to data collection and analysis pertaining to trial court activity, workload, supplemental resources, and performance measures.”

Discussion:

Charge One:

The implications of charge one are discussed more fully in agenda Item III Trial Court Management Solution (TIMS). Charge one can be viewed as a logical extension of charge three given in AOSC08-32. IN RE: COMMISSION ON TRIAL COURT PERFORMANCE AND ACCOUNTABILITY, originally directing the CSWC to “... develop long term plans for technology to address trial court information needs.”

Charge Two:

Charge two directs the CSWC to continue its work on maintaining and refining the various data collection systems currently in use. This is an expansion of this committees precursor work as the Judicial Resource Study Workgroup and of charge two in AOSC08-32. This charge recognizes the need for oversight of and guidance for existing trial court data collection efforts. Charge two also provides for committee oversight of new data collection efforts that may be required as well as directing the committee to provide guidance in the development of standardized reporting systems in general.

II.C. Committee Procedures:

Traditionally, the CSWC has been confronted with two types of tasks and has evolved three strategies for dealing with them.

1. Long-term oversight or development tasks intended to refine or expand trial court data collection activities.

Discussion: These tasks are not time sensitive in nature and may take considerable time to bring to fruition requiring work over several meetings. Projects of these types are more conducive to the traditional committee process of quarterly or biannual meetings (although they may have some short term, time sensitive subparts). Examples of these projects would include modifications to the Weighted Workload Model, modifications to SRS, or the Senior Judge Data collection project.

Strategy: As these projects lend themselves to a more considered approach, resolution of these tasks generally occur within the context of regular committee meetings. Staff prepares an agenda item containing proposed actions, decisions needed and supporting information which is presented to members as part of a meeting package. Decisions are made, changes incorporated and other actions directed by the committee. Follow up is then provided at the next scheduled committee meeting.

2. Short-term, time sensitive tasks intended to address rapidly evolving data collection issues.

Discussion: These tasks may be short term in nature and are usually time sensitive. Consequently, they do not lend themselves to resolution through the standard committee process. In the past, these projects have involved one-time requests for trial court activity data such as the Legislature's Divisional Case County Report project currently underway or responses to system changes that are necessary to maintain the integrity of existing data collection efforts such as the committee's recent response to the Supreme Court's order on Complex Civil Litigation.

Strategy: Staff prepares an item description (similar to this agenda item) containing proposed activities, decisions needed and other supporting information and promulgates the information to members by email. Discussion of the item will occur through email. An optional conference call will be scheduled to allow members to consider the issue as a group and to promote free and open exchange among members. Amendments and changes to the task item resulting from this discussion will be sent to all members via email and a final email vote on all decisions required will be taken. Results will then be posted back to all committee members.

3. Status Reports intended to provide flexibility in committee work scheduling

Discussion: The CSWC typically meets quarterly either by phone or video conference or in person. When the committee is working on long-term or development tasks, these projects may not have advanced sufficiently to justify a quarterly meeting. Staff may only need to brief members on the progress of CSWC projects with no substantive decisions required.

Strategy: In these circumstances, the CSWC has opted to receive a status report via email in lieu of a phone conference as determined by the Chair. This provides the members with some flexibility in their schedules and workloads. Additional discussion of the status report occurs through email and staff is always available to discuss the state of these projects with individual members.

Decision Needed:

1. Adopt the proposed strategies for addressing committee tasks.

Item III. TIMS Project Update

A. Project Summary and Review

In August 2010, In re: Commission on Trial Court Performance and Accountability, No. AOSC10-48, Chief Justice Charles T. Canady directed the Commission on Trial Court Performance and Accountability (TCP&A) to identify essential information necessary to move cases through the adjudicatory process including key case and work load measures essential for performance monitoring. Additionally, the CSWC was charged with establishing uniform data definitions and standards for this information. Although simple to state, the achievements of these three charges represent a profound and subtle consideration of court activity data. A meaningful answer to these three charges effectively defines a foundation for a uniform trial court data management system.

The CSWC has been closely involved with the Trial Court Integrated Management Solutions (TIMS) project since its inception. The challenge of identifying the significant case activity data and establishing uniform data definitions is a daunting one. In April 2011, after consideration of the alternatives, the CSWC adopted a court data model approach as the most efficient and cost effective way to satisfy the charges of the supreme court and approved a basic model for use. A data model is designed around the elements that are most natural to the court system. The court is concerned with *cases* that are made up of a sequence of *issues* and *events* involving *people* that evolve over time. A data model emphasizes the relationships between data elements and provides a natural way of collecting and grouping information about *events* and *processes* most important to the court.

As the stakeholder committees noted in the planning stages of the project, the identification of critical data is of limited benefit unless the automation infrastructure to collect, store and use it is also available. In order to identify the basic system components that are necessary to take advantage of the data identified under these charges, Phase Two of the TIMS project convened a targeted workgroup to consider practical development issues and strategies for moving an overall solution forward. This phase of the project developed a detailed trial court data management framework design. Phase Three of the TIMS project was to consider a workable plan for implementation of the data management system.

A draft of the progress report may be found at http://www.flcourts.org/gen_public/court-services/bin/TIMSProgressReport7-1-12.pdf.

B. Current Status

Six main subject area workgroups comprising all case types were established to address case processing and performance needs, including: criminal, civil, family, probate, civil traffic, and problem solving courts. These workgroups evaluated the significant activity in each case type and identified the essential information needed to move these cases through to completion. Additionally, they considered a number of performance measures for their usefulness in case management. The results of these workgroups are being incorporated into the final court data model structure. Three of the workgroups have completed their work. The remaining three workgroups should be finished by the end of October. A completed court data model will be provided to members after these workgroups are finished.

Phase Two of the TIMS project is largely complete. The Court Data Management Framework developed in Phase Two provides a standard set of tools and capabilities that can be used in every jurisdiction to provide for the collection and use of the essential case and court activity data specified in the court data model. In July and August 2012, TIMS project staff had several consultations with the Office of the State Courts Administrator (OSCA) and the National Center for State Courts (NCSC) concerning the practicality of implementing the full Court Data Management Framework given the current organizational and fiscal climate. It was felt that implementing both the Court Data Model and the Court Data Management Framework was too large an undertaking at this time. Consequently, remaining work on Phase Two and work on Phase Three was postponed.

However, these discussions did determine that a smaller scale project, focused on just one aspect of the Court Data Management Framework, would be valuable. The Integrated Trial Court Adjudication System (ITCAS) was formulated as a replacement. The ITCAS implements a variation of the Adjudicatory Subsystem as defined in the Court Data Management Framework. Additionally, ITCAS incorporates a state level Judicial Management Services (JDMS) component that will implement the TIMS Core Subsystem insofar as possible. While the “core” functionality will not be available in every circuit as originally proposed, the JDMS will provide some of that functionality to the circuits.

The specific details of the ITCAS project are still being formulated and will be provided to members as they become available.

C. What's Next

The court will continue to work on the Integrated Trial Court Adjudicatory System (ITCAS). While the Florida Courts Technology Commission (FCTC) will assume the lead role in developing this system for use by the judiciary, the Court Statistics and Workload Committee will be primarily responsible for the development of the Judicial Data Management Services (JDMS) component.

Decision Needed:

1. None, for information purposes only

Item IV. Projects for the Current Term

IV. A. Statutory Changes to Parental Notice of Abortion Reporting

Introduction:

The 2011 Florida Legislature expanded the reporting requirements for Parental Notice of Abortion (PNA) Act pursuant to ch. 2011-227, Laws of Florida (LOF). The modified requirements took effect October 1, 2011. In response to ch. 2011-227 LOF, the Supreme Court issued opinion SC11-1567 {Amendments to the Florida Rules of Juvenile Procedure}. This opinion provided for revised forms (Form 8.987, Form 8.990, Form 8.991, and Form 8.992) for Judicial Waiver of Parental Notice of Abortion with the Juvenile Florida Rules of Procedure.

Ch. 2011-227, LOF, revised section 390.0114(4) of the Florida Statutes to provide three specific reasons for granting waivers of Parental Notice of Abortion. Subsection (6) of this chapter further requires that the Office of the State Courts Administrator (OSCA) report to the Office of the Governor, the President of the Senate and the Speaker for the House of Representatives "For each petition resulting in a waiver of notice, the reason for the waiver shall be included in the report." (ch 390.0114F.S.) The reporting form has been expanded to include these statutory reasons.

This legislation also added subsection (4)(b)(2) to provide the option to petition the Chief Judge of the Circuit should the court not rule on the original petition within the specified time frames. The reporting form has been expanded to capture this aspect of PNA petitions as well.

In August 2012 the OSCA contacted counties that had reported PNA filings and disposition data from October 2011 to July 2012. Those counties were asked to amend their past PNA reports to capture the new expanded PNA disposition categories. In addition, the OSCA provided the clerks of court with the attached proposed PNA reporting form in September 2012.

The revised PNA Form may be found as attachment 1 and the original PNA form is provided as attachment 2.

Action Needed:

1. Approve revised PNA reporting form. (Attachment 1)

Item IV.A. Statutory Changes to Parental Notice of Abortion Reporting

Attachment One

**Parental Notice of Abortion Act Form
Revision September 2012**

Supreme Court of Florida

Summary for the Month of _____, 20____

_____ Circuit _____ County

DO NOT REPORT THESE CASES UNDER SRS AT THIS TIME

PARENTAL NOTICE OF ABORTION (PNA) ACT	
A. Number of Petitions Filed during reporting period. (Section 390.01114(4), F.S.)	
B. Dispositions of Petitions during reporting period. (Section 390.01114(4), F.S.)	
1. Total Granted Petitions (Section 390.01114(4), F.S.)	
a. Court finds by clear and convincing evidence that the minor is sufficiently mature to decide whether to terminate her pregnancy. (Section 390.01114(4)(c), F.S.)	
b. Court finds by a preponderance of evidence that the petitioner is the victim of child abuse or sexual abuse inflicted by one or both of her parents or her guardian. (Section 390.01114(4)(d), F.S.)	
c. Court finds by clear and convincing evidence that notification of a parent or guardian is not in the best interest of the petitioner. (Section 390.01114(4)(d), F.S.)	
2. Total Granted Petitions after the minor petitioned the Chief Judge for a hearing after the expiration of the three (3) day period. (Section 390.01114(4)(b), F.S.)	
a. Court finds by clear and convincing evidence that the minor is sufficiently mature to decide whether to terminate her pregnancy. (Section 390.01114(4)(c), F.S.)	
b. Court finds by a preponderance of evidence that the petitioner is the victim of child abuse or sexual abuse inflicted by one or both of her parents or her guardian. (Section 390.01114(4)(d), F.S.)	
c. Court finds by clear and convincing evidence that notification of a parent or guardian is not in the best interest of the petitioner. (Section 390.01114(4)(d), F.S.)	
3. Total Dismissed Petitions (Section 390.01114(4), F.S.)	
a. Dismissed	
b. Dismissed after the minor petitioned the Chief Judge for a hearing after the expiration of the three (3) day period. (Section 390.01114(4)(b), F.S.)	
C. Total Number of Petitions Disposed is the sum of Granted and Dismissed = total disposed (B1 + B2 + B3)	

Item IV.A. Statutory Changes to Parental Notice of Abortion Reporting

Attachment Two

**Parental Notice of Abortion Act Form
Revision September 2005**

Supreme Court of Florida

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Summary for the Month of _____, 20____ Circuit _____ County

DO NOT REPORT THESE CASES UNDER SRS AT THIS TIME

	Parental Notice of Abortion Act
A. Number of Petitions Filed Pursuant to Section 390.01114 (4), Florida Statutes	
B. Disposition of Petitions	
1. Granted	
2. Dismissed	
3. Granted without Judicial Order (48 hours expired without order being entered by the court)	
C. Total Number of Petitions Disposed (The sum of B.1 + B.2 + B.3)	

Submit this form on the 15th of each month via post to the Office of the State Courts Administrator, Attention: Kim Curry Court Services, Supreme Court Building 500 South Duval Street, Tallahassee, Florida 32399-1900, or via e-mail at curryk@flcourts.org or fax at (850) 414-1342.

Questions may be directed to Kim Curry at (850) 488-2406, or via e-mail at curryk@flcourts.org

Item IV. Projects for the Current Term

IV. B. Statutory and Rule Changes to Stalking Violence Reporting Issue

Introduction:

The 2012 Stalking Injunction legislation pursuant to ch. 2012-153, section 3, Laws of Florida (LOF), created section 784.0485(1), Florida Statutes. This new section 784.0485(1) created “a cause of action for an injunction for protection against stalking or cyber-stalking.” This legislation went into effect October 1, 2012. Specifically, the petitions for injunction for protection against stalking went into effect, not the data collection or reporting of these petitions for judicial workload.

On July 12, 2012 the Supreme Court issued opinion SC12-1205 {Amendments to the Florida Family Law Rules of Procedure} in reponse to LOF 2012-153. The court’s opinion SC12-1205 amends references throughout the Family Law Rules of Procedure from “*injunctions for domestic, repeat, dating and sexual violence*” to now read “*injunctions for protection against domestic, repeat, dating, sexual violence and stalking*.” The Supreme Court opinion SC12-1205 does not include a requirement for reporting these injunctions.

However, the OSCA’s Office of Court Improvement (OCI) in consultation with the Family Law Rules Committee indicates that the intent of both the legislation and the rule change was to initiate the collection of data on these petitions. The fact that neither the statute nor the rule contained a reporting requirement was considered an oversight on their part. The Family Law Rules Committee (FLRC) that met in September 2012 proposed a supplemental petition to SC12-1205 which may further amend the Family Law Rules of Procedure to include the category of stalking as an element of the Family Law Cover Sheet, Form 12.928, by adding stalking as a category as follows.

(G) Stalking – all matters relating to injunctions for protection against stalking pursuant to section 784.0485, Florida Statutes.

The FLRC anticipates the supplemental petition request and amendment to the Form 12.928 will go to the supreme court during the month of October 2012. The Court would then have one to four months to review, question and approved. However, if this is fast tracked then implementation could be set for the first full week of November 2012.

In the past, the CSWC has interpreted the case types identified on the cover sheets to direct the courts to collect specific case information. Thus, if the Supreme Court adopts the recommended rule change to Form 12.828, Family Law Cover Sheet, it will be necessary to amend the Family SRS data collection form accordingly. As directed by Fl. R. Jud. Adm. 2.245, the OSCA will propose revised forms and possible interim reporting measures for this data. The OSCA would also inform the Clerks of Court via e-mail and technical memorandum.

Decision Needed:

1. None: For information only.

Item IV. Projects for the Current Term

IV.C. Case Weight Review

Background:

The Supreme Court is constitutionally required to certify judicial need to the Florida Legislature each year. Judicial need is initially determined by a statistical model that equates the estimated number of cases within a given case type expected in a coming year against an average of how much judicial time a given case type will require to adequately dispose. Multiplied together, these two factors provide an estimate of the amount of total work that will be required to dispose of the expected cases. This estimated workload is then adjusted by various factors, such as number of jury trials, to arrive at the expected need for a particular circuit for the coming year.

The average number of judicial minutes to adequately dispose of a case is referred to as a “case weight”. The total package of case weights, estimates of the number of cases and the adjustments we make are collectively known as the Judicial Weighted Caseload Model. As discussed in Item II, the CSWC is charged with model oversight and its use in the annual certification of judicial need.

The case weights are real-world statistics identified by studies of actual judicial work in each case type in the field. The first case weight study, commonly referred to as the Delphi Study, occurred in 1999-2000. This study used a combination of time study data involving judge timesheets and expert analysis to derive a set of case weights. The National Center for State Courts (NCSC) assisted in developing these weights. In their final report (Florida Delphi-based Weighted Caseload Project, NCSC et al 2000), the NCSC recommended that “The OSCA should plan to conduct a systematic review of the case weights approximately every five years, depending on the judgment of the Court Statistics and Workload Committee” (p72).

In 2005, the OSCA convened a follow-up study, the Judicial Resource Study (JRS), to conduct such a review. The study was completed in 2007. The JRS combined two studies in one package. The first part of the study consisted of a time study on general magistrates and hearing officers to develop some specific case weights for those resources. The second part of the study surveyed judges about the average time they spend engaged in the activity of disposing of cases.

Considerations:

There are several issues to consider in evaluating the need for case weight refinements. The first consideration is workload. A complete case weight review study is very labor intensive involving up to 10 or 12 staff members over a period of eighteen months or more. Such studies are very expensive as there is travel, training and associated meeting costs. Studies of this type also represent a burden to the judiciary as judges must complete timesheets or complex surveys. As we learned in the JRS, many of the case weights did not need adjusting..

Our experience with the 2007 JRS study also suggests that a more targeted approach is more effective in evaluating the case weights. In our March 2012 meeting, several CSWC members suggested that we begin our review by surveying judges to determine which case types might actually require review. Our experience with the judicial certification process indicates that the County Criminal case weight is a good candidate for review. The CSWC may wish to evaluate only one or two weights this term.

Staff is currently working on several practical options for the case weight review and will present them to the CSWC at our January 2013 meeting.

Decision Needed:

1. None, for information purposes only

Item IV. Projects for the Current Term

IV. D. Reopen/Reopen Closure Definition Issue

Introduction:

During the FY 2010-12 term, the CSWC adopted working definitions of a reopen and reopen closure event and clarified the difference between the status of a case and the type of activity pending in the case. In May of this year, these definitions and guidelines were provided for comments and suggestions to Chief Judges, Trial Court Administrators, and Clerks of Court to ensure the definitions are comprehensive and meaningful to all levels of the court system. These definitions and guidelines will ultimately be incorporated into the Summary Reporting System and other trial court data collection systems as appropriate.

The memo as provided to the Trial Court Administrators and full definitions are provided as Attachment 03.

A great deal of the feedback received was positive, with an air of caution as to whether the intention behind the definitions was to change the SRS reporting requirements and thus require Clerks to begin reporting this additional information. Staff advised that though it is not the intention to do so right now, ultimately the CSWC will likely include these events in the SRS reporting requirements. Staff assured the counties that the CSWC is sensitive to the issue of Clerk system changes, and will work together with all interested parties before implementing a new data collection requirement.

Staff has determined that the definitions and guidelines adopted are compatible with current SRS reporting guidelines with the exception of reporting for juvenile dependency dispositions. The difference is not expected to impact judicial certification or budget formulations, as these uses of SRS depend upon case filings only. The OSCA is still evaluating the potential impact of this change.

Final definitions will be presented for discussion and final adoption at the next CSWC meeting.

Decision Needed:

1. None: For information only.

Item IV.D. Reopen/Reopen Closure Definition Issue

Attachment Three

Memorandum to Chief Judges and Trial Court Administrators

MEMORANDUM

TO: Chief Judges, Trial Court Administrators
FROM: Court Statistics and Workload Committee
DATE: May 14, 2012
SUBJECT: Revised definitions for Reopen/Reopen Closed Cases

In an effort to address several reporting issues regarding when cases are reopened and subsequently closed and the best way to report these events within the trial courts, the Court Statistics and Workload Committee (CSWC) has reviewed the reporting of reopen and reopen closed events within the state. As a result, the CSWC has adopted the following definitions to provide some clarity regarding when a case is closed for court purposes, when a case is determined reopened, and when a reopened case is closed again. These definitions will be incorporated into the Summary Reporting System and other trial court data collection systems.

We invite you to review this information and provide any comments, suggestions or insights that you may have before we finalize these definitions. Please share this memorandum with any member of your staff that you believe may provide useful input. Please return your comments to PJ Stockdale by email at stockdap@flcourts.org no later than June 1, 2012.

Definitions:

Please keep in mind that these definitions and concepts are formulated to provide an unambiguous framework for data collection and reporting in the trial courts that will assist judges in the efficient management of their case load and court administration in the effective management of court operations. They are consistent with uses of these terms in statute, rule and, to the best of our understanding, local practice. The following definitions are provided for comment. Additional discussion follows these definitions.

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- A reopen event is any motion, pleading or other filing on a case that requires additional court action after the final judgment, decision, order or other recordable action on the case has been rendered thereby closing the case. The date of the reopen event is the clerk document stamp date of the filing. Note that a reopen event involves just one filing.
- A reopen event is considered closed for court action on the date the motion, pleading or other filing that initiated the reopen event has been resolved by judicial decision, order or other recordable action thereby completing court proceedings on the issues raised by the motion, pleading or other filing.
- A *case* will be considered to be in reopen status, from the date that the first motion/pleading is filed that reopens a case for court activity until the date of the last judicial decision/order resolving all overlapping court proceedings. Each period in which a case is reported as in reopened status may involve one or more overlapping reopen events.

For example, a motion to reopen a case is filed on June 15. The case is placed in a reopened status. On June 20, a second motion for modification is filed. On June 23, the first motion is disposed of. The case remains in a reopened status because the second motion has not been resolved. On July 3, the second motion is resolved and the case is returned to a closed status. If another motion is filed subsequent to July 3, say on July 15, the case would then be returned to reopen status pending resolution of the filing.

- A case is considered to be closed, or disposed, (that is, in a closed status) for court activity on the date of the judgment, order, or other *recordable* event that provides resolution to the last (or all) of the matters brought before the court as a consequence of the initial filing that initiated the case. The court, then, has no further action to take on the case. Recordable, in this guideline, means those happenings relating to court activity that would appear on a court docket or otherwise require the making of a historical record by the clerk of courts in their official capacity. This would be the date the order is signed or the clerk document date/time stamp as appropriate.

Thus, from the point of closure, subsequent filings will indicate that the case has been reopened. Note that this definition of closure does not mean the clerk of courts has completed all of their required activity with regards to the case, only that the court has rendered judgement on the matters of the case and will take no further action on the case (excluding planned review or scheduled future action).

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With these definitions, the following amplifications are also provided:

- A case is considered in active status when the court is engaged in activity directly related to the resolution of the specific matters and issues associated with the case.
- A case is considered in inactive status when court activity on that case is suspended pending resolution of an issue external to the court or that does not directly involve the court in resolving that issue; for example, awaiting the results of an appeal or the disposition of a related case. A case placed in inactive status is not closed and does not need to be reopened when the case returns to the original court, regardless of the length of time involved.
- A case is considered to be in a reopened active status when one or more reopen events is pending with the court actively engaged in its resolution.
- A case is considered to be in a reopened inactive status if the activity on the reopen event is held in abeyance pending resolution of some issue external to the court or that does not directly involve the court in resolving that issue. In this circumstance, the court is not actively working to resolve the matter.

Additional Discussion:

The CSWC and the Office of the State Courts Administrator (OSCA) recognize that there are no quick fixes to the issue of reopen reporting. The case management and reporting environment in Florida is complex and dynamic and there are legislative and fiscal issues involved that further complicate matters. However, the above definitions represent a significant step forward in resolving the many data collection and reporting issues arising from these case circumstances.

An example of these issues might involve a case that requires periodic reviews. In some jurisdiction, this case remains open, sometimes for years. Another case might require some significant clerk of court activity after the court has rendered a final judgment, such as a short sale on a foreclosure case. In some circumstances, the clerk of court holds this case open on their case maintenance system pending the sale. Consequently, the case continues to show up on a judge's pending reports even though the judge has no further action to take on the case. The definitions clarify an existing ambiguity in reporting reopens for SRS. Some clerks of court will report every event that reopens a case while others report only distinct, non-overlapping reopen events. Neither one is incorrect under current

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guidelines, but the reporting is inconsistent nonetheless. The above definitions will ensure all clerks report reopen events consistently.

There are also many instances where a case requires periodic or future activity by the court such, as a review of Annual Guardianship Reports or when regular follow up is warranted or ordered in juvenile cases. Under the above definitions, the case should be considered closed when the judgment is rendered that directs the repetitive review. Each occurrence of a review would be considered a reopen event with a specific date, duration and closure. Note that there are currently few case maintenance systems in use that have mechanisms to identify or track cases with this character.

These definitions address a fundamental issue with the term “reopen”. Common usage routinely conflates the submission of a request for post-judgment action with the effect of that request on the status of the case. However, in actuality, the request for post-judgment action is a particular event in the life of a case that causes the status of a case to change (from closed to reopened and back again). Recognition of that distinction will go a long way in addressing our reporting issues.

The addition of the concept of the status of a case will also yield long-term benefits to case activity reporting as it provides for the capture of amplifying reasons for a particular state. For example, we could define a status of “closed with future action pending” or “inactive pending bankruptcy” to allow the courts to easily track such cases. Under the above definitions, a case requiring clerk action after final judgment can be reported using the more accurate and meaningful status “closed pending clerk action”. This added granularity in reporting will help the courts improve their management of cases or court administration to allocate its resources more effectively.

As a final note, there is little statutory guidance on the use and meaning of reopened or reopened closed cases. The most significant passages involve § 28.241(1) and §34.041(2) F.S. This year, the Florida Legislature passed ch. 2012-100 Laws of Florida, which amended these sections to read

Filing fees are due at the time a party files a pleading to initiate a proceeding or files a pleading for relief. Reopen fees are due at the time a party files a pleading to reopen a proceeding if at least 90 days have elapsed since the filing of a final order or final judgment with the clerk.

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While these statutes do not directly relate to the reporting of reopen events as we've discussed them here, they are consistent with the above.

As noted, the proposed definitions will not solve all of the potential issues that arise when tracking and reporting reopen and reopen closure events. Also, it will take some time before the full benefits are realized. However, these definitions will provide a more stable and meaningful framework to interpret reopen events and, as jurisdictions incorporate these definitions into their day to day operations, will lead to improved reporting and case management. The CSWC thanks you for your comments and your consideration.

Item IV. Projects for the Current Term

IV.E. Performance Measures Required by Judicial Management Council (AOSC11-1347)

Background:

In Supreme Court Administrative Order AOSC11-1347 IN RE: IMPLEMENTATION OF JUDICIAL BRANCH GOVERNANCE STUDY GROUP RECOMMENDATIONS — AMENDMENTS TO THE FLORIDA RULES OF JUDICIAL ADMINISTRATION., the Supreme Court revised Fl.R.Jud.Adm. 2.225(a)(2) to direct the Judicial Management Council with

“identifying and evaluating information that would assist in improving the performance and effectiveness of the judicial branch (for example, information including, but not limited to, internal operations for cash flow and budget performance, and statistical information by court and type of cases for (i) number of cases filed, (ii) aged inventory of cases — the number and age of cases pending, (iii) time to disposition — the percentage of cases disposed or otherwise resolved within established time frames, and (iv) clearance rates — the number of outgoing cases as a percentage of the number of incoming cases);”

The measures (i) number of cases and (iv) clearance rate are readily available given the trial court data we currently collect via the Summary Reporting System. Measures (ii) aged inventory of cases and (iii) time to disposition are more problematic. To assist in the discussion, the method to calculate each measure is briefly presented below.

Measures:

(i) Number of cases filed:

This measure is reported to the OSCA by clerks of court for a variety of case types within the six major divisions of court: Circuit Criminal, Family, Circuit Civil, Probate, County Criminal and County Civil. These statistics is currently used for a wide variety of purposes, including the certification of judicial need and resource allocation (budget) calculations.

(ii) Aged inventory of cases – number and age of cases pending:

“For each case type being analyzed, the court should produce a report that calculates the time, in days from filing of the case until the date established for the reporting period being examined...To use this measure accurately, a court must be able to identify and count cases that have been *Placed on Inactive Status*. These are cases that have ceased movement toward a disposition as the result of events beyond the court’s control (e.g. a defendant who absconds, the

initiation of bankruptcy proceedings etc.)” (National Center for State Courts, *Courtools* Measure 4, Age of Active Pending Caseload)

(iii) Time to disposition -- the percentage of cases disposed or otherwise resolved within established time frames:

“This measure ... is a fundamental management tool that assesses the length of time it takes a court to process cases. It compares a court’s performance with local, state or national guidelines for timely case processing. ... the measure takes into account periods of inactivity beyond the court control (e.g. absconded defendants, cases suspended pending decision on an appeal) and provides a framework for meaningful measurement across all cases.” (National Center for State Courts, *Courtools* Measure 3, Time to Disposition)

(iv) Clearance rates — the number of outgoing cases as a percentage of the number of incoming cases:

This measure presents the balance of incoming cases to cases disposed over a given time period. A value below 100 indicates a growing backlog of cases since the number of cases coming into the court system exceeds the cases disposed. Similarly, a value above 100 indicates a reduction in backlog of cases.

Considerations:

Measures (ii), (iii) and (iv) require the reporting of case status (active or inactive) in order to be most useful. Our own experience with pending reports indicates that, they are of limited use if they are cluttered with cases that are inactive but still open.

As an interesting confluence of events, the definitions and guidelines being developed to address the Reopen/Reopen Closure issue have direct bearing on the calculation of measures (ii) and (iii) in that they provide a mechanism for the capturing of case status. That is, whether a case is considered “active” or “inactive” within the courts.

Similarly, all of the measures involve the reporting of reopen events and reopen closure events as part of their calculus. Filing counts and clearance rates can be computed without reopen data, but they are considered more accurate and representative if the statistics include reopens.

The OSCA will evaluate this rule and current reporting practices and develop recommendations on collecting the data necessary to calculate these measures as directed.

Decision Needed:

1. None: For information purposes only

Item V. Next CSWC Meeting

Issue:

Staff would like to propose dates for the first in-person meeting of the CSWC on one of the following dates:

- Friday January 25, 2013
- Friday February 1, 2013

Committee Action Needed:

1. Please email availability to Shelley Linton (lintons@flcourts.org) no later than October 26, 2012.