



The Florida Courts E-Filing Authority Minutes

Florida Courts E-Filing Authority Board of Directors met in a regular meeting on February 25, 2020, at 9:00 a.m., EST, at the Wyndham Lake Buena Vista and by WebEx. The following board members were present:

- ✓ The Honorable Tim Smith, Putnam County Clerk, Chair
- ✓ The Honorable Jeff Smith, Indian River County Clerk, Vice Chair
- ✓ The Honorable Tara Green, Clay County Clerk, Secretary/Treasurer
- ✓ The Honorable John Tomasino, Clerk, Supreme Court (by WebEx)
- ✓ The Honorable JD Peacock, Okaloosa County Clerk
- ✓ The Honorable Steve Land, Lafayette County Clerk
- X The Honorable Todd Newton, Gilchrist County Clerk
- ✓ The Honorable Karen E. Rushing, Sarasota County Clerk
- ✓ The Honorable Sharon R. Bock, Esq., Palm Beach County Clerk

Ms. Lynn Hoshihara, Esq., Authority General Counsel, was also in attendance.

I. Introduction and Roll Call

The Honorable Tim Smith, Chair, opened the meeting at 9:00 a.m., EST. He welcomed those in the room and participating by WebEx.

Chairman Smith asked for a roll call. A quorum was present.

II. Adoption of the Agenda

Chairman Tim Smith asked for a motion to adopt the agenda.

The Honorable Karen Rushing moved adoption of the agenda. The Honorable Todd Newton seconded the motion. All voted to accept the agenda as presented.

III. Reading and Approval of the Minutes

Chairman Smith recognized the Honorable Tara Green, Secretary/Treasurer, to present the December 12, 2019, and January 27, 2020, minutes as posted on the website. There were no questions or corrections to the minutes.

The Honorable Tara Green made a motion to approve the December and February minutes as presented. The Honorable John Tomasino seconded the motion. All voted in favor.

IV. Treasurer's Report

Monthly Financial Report

Chairman Smith recognized the Honorable Tara Green, Secretary/Treasurer to present the monthly financial report. The Honorable Tara Green presented the December 2019 financial report. There were no questions.

Audit Report

The Honorable Tara Green, Secretary/Treasurer, introduced auditor Michael Sandstrum, Purvis & Gray, for present the SOC 1 Type 2 Audit Report, an operational audit. Mr. Sandstrum reviewed the audit report, explaining to the board that there were no exceptions noted, or, the report showed an "unmodified" opinion.

The Honorable Tara Green made a motion to accept the SOC 1 audit report as presented. The Honorable Karen Rushing seconded the motion. All voted in favor of the motion.

V. Progress Reports

E-Portal Progress Report

Chairman Smith recognized Ms. Carolyn Weber, FCCC Portal Program Manager, to review the January 2020 Progress Report. She reviewed the document noting that there had been 1.6 million submissions during the month of January, representing 2.3 million documents. She commented that all five District Courts of Appeal were receiving documents through the portal and that the number of registered users was still growing, at 279,577 portal accounts. She also noted that the days to docket a filing was still under one day and reminded the Board of the website the Portal Team created that allows one to check the DHSMV driving school completion certificates. She commented that Turbocourt, an approved third party vendor, had recently added the DR filing path for both new and existing cases. She said the Portal Team was currently working with 31 third party vendors.

The Honorable Tara Green asked Ms. Weber if she could add a slide to the presentation showing the self-represented filings by county.

Portal Change Advisory Board Report

Ms. Carolyn Weber reviewed the suggestions for portal change as ranked by the Portal Change Advisory Board.

The Honorable Karen Rushing made a motion to approve the report as shown and allow Ms. Weber to move forward with any of the items deemed feasible and include them in

a release if they will fit. The Honorable Tara Green seconded the motion. All voted favorably.

Chairman Smith asked the Board of Directors to authorize Ms. Carolyn Weber and Ms. Gia Howell to incur the cost of travel to the Florida Bar Annual meeting along with the E-Filing Portal booth expense.

The Honorable John Tomasino made a motion to approve the travel and booth expenses. The Honorable JD Peacock seconded the motion. All voted in favor of the motion.

Service Desk Report

Chairman Smith recognized Ms. Gia Howell, Portal Service Desk Supervisor, to review the monthly Service Desk Report. She told the Board that incoming calls across the board were up, but resolution times were still within acceptable parameters. Chairman Smith asked Ms. Howell about the new call tracking application. She responded that it had gone “live” in April 2019, and they were still adding modules and hoped to have the “chat” feature in soon.

VI. Florida Courts Technology Commission

Chairman Smith commented that the next Florida Courts Technology Commission (FCTC) meeting would be held in Jacksonville on March 5-6.

The Honorable Karen Rushing, FCTC member, told the Board that she anticipated there to be a presentation about the request to put the document information number on an e-filed document and the cost.

Tom Hall commented that he had recently attended a meeting where the FCTC and Department of Corrections (DOC) were looking at allowing inmates with the department to have access to the e-filing portal through J-Pay, the department’s online system, and file to a court case. The Honorable Karen Rushing commented that the initiative, sending documents back to the Clerks, could change workflow for Clerk’s Offices.

VII. New Business

The Honorable Karen Rushing asked if the E-Filing Authority Board would consider deploying docket descriptions to the Clerks, rather than the Clerks to the Portal. She suggested that “how” this is done and the cost could be a priority of the E-Filing Authority Board. The Honorable Tara Green agreed, noting it would help with performance measures.

Chairman Smith commented that it would be agreeable to the Board and that Summer Conference, June, would be a good time to set the directions and timeframes. He thanked The Honorable Karen Rushing for her efforts.

VIII. Old Business

There was no old business reported.

IX. **General Counsel Report**

Chairman Smith recognized Ms. Lynn Hoshihara, Esq., Board General Counsel, to provide a report on any legal issues of importance to the Board. She had several issue to report.

Ms. Hoshihara reported that had met with Tom Hall to discuss the various revisions to the Rules of Judicial Administration, one set in particular addresses the Portal. She recommended that the Board submit comments about codifying portal aspects, even if they were positive. She would bring back the comment at the next meeting.

Mr. Tom Hall told the Board that there were changes being made to several parts of the Rules of Judicial Administration that the Authority may wish to comment on, even if commenting in support. He said he would look into it and provide a response to the Board to let them know the timeframes for responding, in the event a special meeting or a request for extension would be needed.

On the civil cover sheet, Ms. Hoshihara reminded the Board of Mr. Wayne Hogan's comments at the last E-Filing Board meeting, about certain rules or laws not requiring a specific dollar amount to be provided. She commented that currently, the Portal does not allow a complaint to be submitted without a cover sheet. She noted that the Rules of Civil Procedure requires the Clerk accept a complaint without a cover sheet, but requires the filing to be abated until a cover sheet is submitted.

She recommended the Board direct the Portal staff to explore making the necessary changes to the Portal to allow complaints to be e-filed without a civil cover sheet, with a notice to the filer that the case will be abated if a cover sheet is not submitted. She also asked that the Portal team work with the Office of the State Courts Administrator (OSCA) to see if we could use three categories regarding the filing amounts for the jurisdictional thresholds and bring back a recommendation to the Board. She suggested staff look in this before the oral argument time, possibly 60 days from now, or May of June timeframe, but that staff explore this and bring back a recommendation.

Mr. Tom Hall commented that he was aware that the Legislature does want a specific dollar amount in order to determine if the change in county filing fees will be appropriate, but attorneys don't want to provide a specific amount on the cover sheet. Working with OSCA will be helpful.

Chairman Smith commented that the Portal team programmed what was requested by the Legislature and by rule. Mr. Hall noted that was accurate except in the case of a mandatory civil cover sheet. Chairman Smith agreed and asked that the information be brought back to the board.

On another issue, Ms. Hoshihara told the Board she had recently attended the FCTC/DOC joint workgroup to review the process by which the commitment packages were getting to the reception and medical centers, as this is outside the scope of the Interlocal Agreement. She discussed the need to memorialize the process of sending paperwork from the court, through local law enforcement to the department. She felt that each Sheriff's Office would need to sign the joinder.

Ms. Hoshihara told the Board she would bring a draft agreement back for consideration.

Mr. Tom Hall spoke to the potentially allowing the Public Service Commission (PSC) and the Department of Administrative Hearings (DOAH) to use the portal. There was some discussion that the work of those two agencies did flow through the court system, and, as such, would not be allowed under the Interlocal Agreement.

Chairman Smith commented that it would be helpful to establish a policy to add the others agencies, looking at process and costing to establish the future policy for use of the Portal, much like we did the third party vendors. He expressed that allowing the PSC and DOAH agencies to use the Portal for their filings would add value to the Portal. He asked staff to look into developing a policy.

He also asked Mr. Hall to help monitor the civil cover sheet issue and report back to the Board.

Public Comment

There were no comments.

X. Adjourn

Chairman Smith thanked everyone for attending the meeting and reminded those in the room and on the WebEx that the next meeting was scheduled as a WebEx meeting for April 16, 2020.

The meeting was adjourned at 10:04 a.m., EST.