



The Florida Courts E-Filing Authority Minutes

Florida Courts E-Filing Authority Board of Directors met on July 18, 2013, at 10:00 a.m. at the Renaissance Airport Hotel, Orlando, Florida. The following members were present: Tim Smith, Putnam County Clerk, Chair; Tara Green, Clay County Clerk, Secretary/Treasurer; Tom Hall, Clerk, Supreme Court; Bob Inzer, Leon County Clerk; Sharon Bock, Esq., Palm Beach County Clerk; Alex Alford, Walton County Clerk, and Karen Rushing, Sarasota County Clerk, by WebEx; and Lynn Hoshihara, Esq., Authority General Counsel. Joseph E. Smith, St. Lucie County Clerk, Vice Chair, was not able to attend.

- I. Mr. Tim Smith, Chair, opened the meeting at 10:02 a.m. He welcomed those on the WebEx and those in the room. He recognized new members Tara Green and Alex Alford. He also recognized as a special guest John Tomasino, who will be taking Hon. Tom Hall's place as Clerk of the Supreme Court in November. A roll call showed a quorum was present.
- II. Mr. Smith asked for a motion to adopt the agenda. Mr. Bob Inzer moved adoption of the agenda. Ms. Sharon Bock, Esq., seconded the motion. All voted to accept the agenda as presented.
- III. Mr. Smith recognized Ms. Green to present the June 2013 minutes. Mr. Bob Inzer moved adoption of the minutes. Ms. Bock seconded the motion. A discussion ensued as to what was adopted in regard to the best practice document. Mr. Randy Long, Florida Clerks and Comptrollers staff was asked to clarify the issue. Ms. Bock asked that the month of the pro se implementation be changed to October. All voted favorably to accept the minutes.
- IV. Mr. Smith recognized Ms. Green to present the June 2013 financial reports. She noted that the financial statements showed a year-to-date profit of \$450,393. She explained that the reports showed that banking and chargeback fees, legal expenses and audit fees had all increased after April 1 and that was to be expected as business increased.

Ms. Green made a motion that the board approve the payment of legal fees, and banking and chargeback expenses and modify the 2012-2013 budget accordingly to reflect the

increase for the year. Mr. Don Barbee seconded the motion. There was no discussion and all voted favorably on the motion.

General Counsel's Report

Ms. Lynn Hoshihara reviewed her discussions on expanding the service desk, and other portal and Authority business needs with Mr. Baggett and the Supreme Court to work on legal uses of the fee revenue. She suggested that more time was needed to finalize the discussions. Mr. Tim Smith suggested Monday, July 29, 2013, to reconvene the board on this issue.

V. Progress Reports

Monthly status: Mr. Smith recognized Ms. Jennifer Fishback, FCCC Portal Project Manager, to review the monthly status report. Ms. Fishback reported that there had been 770,271 filings for the month of June, and there were over 48,000 registered users. She showed a graph noting that filings come in every day, at all hours of the day or night. The calls to the Service Desk had dropped in the month of June to about 450 calls a day, 8,083 for the month. She reported anticipating a spike with each unique user type that began using the portal.

For criminal e-filing, she reported that 47 counties had mapped the codes and presented a county-by-county status. She spoke to the steps and timeframes needed to go live in criminal in a reasonable manner, and be on time for October 1.

Mr. Smith asked if it was known already if any counties would not make the October 1 deadline and be coming to the board or to the Supreme Court to ask for a waiver. Ms. Fishback suggested Hillsborough County was undergoing a case maintenance system conversion and has said they may have a hard time meeting the date.

Ms. Karen Rushing asked if Orange County had adopted the best practices as adopted by the Authority? Ms. Fishback confirmed that Orange County had done so. Mr. Inzer asked if any county had agreed not to use the standard criminal docket descriptions? Ms. Fishback told the board that Miami-Dade and Manatee counties have declined to use them, and she had not heard from Sarasota County. She told the board that the portal can take the standard docket descriptions and the county can map them to where they need to—they can map all to one place if the county still wants to do local review. Mr. Laird Lile was recognized. He asked if he would see a different set of drop-downs in Miami-Dade. The answer was yes. He noted that this seemed to be counter to the direction of the Authority—statewide standardization. A discussion about the issues and complexity found in Miami-Dade ensued. Mr. Tom Hall agreed that the Chief Justice wants consistency. Mr. Tim Smith commended both Dade and Orange counties for the work they have done to adopting e-filing. He recognized that all counties had differences and that would play into the discussion the board would have on simple versus full e-filing.

Ms. Fishback reviewed the state attorney and public defender progress on the batch interface project for criminal e-filing. Mr. Tim Smith stated that all counties should be preparing for criminal e-filing.

Standardization was again discussed. Mr. Hall noted the national effort to develop standard codes for criminal appeals, to allow for the national comparison of cases. He also noted that it is recognized that the trial courts are not standardized from state to state. While it may not impact anything now, it may be necessary to adopt national standardization at a later point. Mr. Inzer agreed and expressed that the Authority should be a leader on the issue. Mr. Tim Smith confirmed that standardized reporting codes is the term to which Mr. Inzer referred. He commented that this term is important. He noted that everyone agrees to this, but that the standardization of reporting codes is what is important to the courts.

Ms. Fishback said that the appellate e-filing was going well and on track. She spoke to the successful portal upgrade over the weekend. She informed the board that the aspect of having users clear their caches would be addressed the next time an upgrade was implemented.

Mr. Hall reported that the appellate courts on the eDCA would like to wait so they don't lose functionality. He expects some to request a delayed implementation date.

As for the Supreme Court e-Filing, Mr. Hall reported that their call volumes were down. He said they were still dealing with documents sent when the filer did not know the case number, but that was being worked out. He felt it was going well overall.

E-Service: Ms. Carolyn Weber reported that they were about 80% complete. The project was not in the q/a environment yet, due to the 2nd DCA coming first. However, she noted that the project was on track and was still looking at a late summer roll-out.

VI. Subcommittee reports:

Website Subcommittee: Mr. Hall reported that there was continued work to merge the two sites—the Authority site and the portal site. The committee had reviewed the new site to make sure it was user-friendly and it was still on track for an August implementation date.

VII. Florida Courts Technology Commission

Ms. Christina Blakeslee reported that a criminal readiness survey was in process for assessing the court's readiness and judge viewers. The courts have some seed money in the mortgage foreclosure funding that may be able help with overall court technology. She hoped to provide more detail at the FCTC meeting in Tampa, August 2.

VIII. New Business

a. Clerk and Court readiness

Mr. Tim Smith addressed the letter from Mr. Ken Burke, Pinellas County Clerk. Mr. Tom Hall shared a document, Report on Foreclosures, that showed where each circuit was in regard to judge viewer system implementation. He noted the differences between the systems and wherein some the viewer can make notes and the like on the

electronic document, similar to paper, then others wherein the viewer can only view the document.

Mr. Inzer remarked that it will be hard to do away with paper and spoke to the cost of printing. He asked if there was a structured process to do away with paper files? Ms. Blakeslee responded that in the survey they will be looking at each circuit's plan for what they are doing. Ms. Sharon Bock asked if, in the readiness survey, was the Court asking about the judicial viewer and if each court was ready to go paperless? Ms. Blakeslee offered to check. She explained the survey would be sent to the Court Technology Officers and the Trial Court Administrators in each circuit to review each county in the circuit

Ms. Bock asked if the court had looked into using the local \$2 money for any court funding for criminal? Ms. Blakeslee responded that it is a county decision, but the TCBC is looking into suggesting legislative change to that language to see if the courts can be helped more. Mr. Smith offered assistance for the E-Filing Authority if needed.

A discussion took place on when to print paper and if there was any consistency.

b. Appellate Fee Collection

Mr. Hall reviewed his memo about the collection of appellate fees and the issues surrounding the transferring the money from the trial court to the appellate courts.

Mr. Melvin Cox mentioned that the association technical staff was aware of the issue and was working with Mr. Hall. He offered to look into the issue further and report back to the board at the next meeting.

IX. Other Business
Standardization

Mr. Smith provided a recap of the issue and remarked that he felt the Best Practice document approved by the board in May spoke to this issue. He noted that the documents were adopted but not mandated. He remarked that Clerks have to make a decision that is best for their county. He also commented that many Clerks were at the June Annual meeting and spoke against "full" e-filing. He recognized Ms. Rushing to share her view.

Ms. Rushing said she supported the standardized position and believed that the Chief Justice does, too. She felt that Clerks have tried to embrace the single portal/single state court system approach. She spoke to two options: 1) standard docket descriptions and 2) simple e-file. She questioned whether the second option was really a standard. She felt the biggest challenge was what were the docket descriptions that should be adopted. She agreed that the best practice documents were adopted but not mandated.

A discussion took place with board members expressing their opinions as whether the standard drop-down choices were more helpful or if "simple" e-filing, or "simple e-filing with fees" worked better for their county. Mr. Hall shared with the board that the Chief Justice had expressed the desire to standardization, but he had not been asked if he

opposed the “simple” e-file approach. He shared that the appellate courts did adopt a standard set of drop-downs.

Ms. Laura Roth, Volusia County, noted that it made no sense to reject simple e-file and adopt a complex system. She suggested to perhaps use a shorter, basic list and then allow Clerks to choose more specifics that fit their local needs for their systems and judiciary.

Ms. Angel Colonnese, Esq., Manatee County, expressed concern about the Clerk being the docketer, as required by law, s. 28.211, F.S., if the attorney got to make all the docketing choices. Mr. Inzer disagreed that allowing an attorney to make choice would diminish the role of the Clerk.

Mr. Inzer said that the board ought to agree that a selection made in any county should be the same. In any county, they can provide more granularity, but as it relates to filers, it should be the same. Mr. Inzer stated this as a motion: As an Authority, we believe any filer in any county should see the same choices and selections on the portal, then Clerks can add granularity at the local level.

Mr. Hall seconded the motion. Mr. Barbee asked the purpose of the motion. And what would be used to standardize. Mr. Hall clarified that he was prepared to vote for the motion, but not on what the standard would be. He felt there should be a report on the issue.

Mr. Cox reminded the board that the portal was going to be changing soon. No longer would the filer access the same screen to begin a filing, but would choose the county from a map, thus changing the navigational approach for the filer. He offered to make sure that filers would be made aware of the change by posting a preview website, put it in the Bar News.

Mr. Jeff Stanford, Hillsborough County Clerk’s Office, from the audience, was recognized to speak. He commented that many Clerks used third-party vendors and that requiring the current drop-downs to change, and the resulting mapping, would impose a cost to the Clerk’s offices.

Hon. Kelly Connell, Union County Clerk, asked if the motion was to do away with simple e-file. Mr. Tim Smith answered that it was not, but it was to support standardization.

Hon. Mitzi McGavic sent an email that was read into the record wherein she expressed concerns and, while she supported standardization, she write that she was an advocate for simple e-file for civil. She wrote that she would rather assign the document types and sub-types herself than clean up what was selected by the filer. She asked the board not to take away the option for simple e-file until all the issues are resolved and all the users are using it successfully.

Ms. Lori Tolksdorf, Manatee County Clerk's Office, she expressed that the filers in Manatee liked the simple e-file approach. She asked Mr. Inzer what he meant by standardization? He responded by saying that he felt the board ought to come up with one process, so when the filer was at the site, they saw the same thing—whether it is simple/simple with fees or full with drop-downs.

Mr. Hall commented that simple e-file was virtually email. But he acknowledged that deciding what standardization is would take a long time.

Mr. Harold Samples, Pasco Clerk's Office, spoke to Manatee County having a system that makes it easier to review and clean up submissions.

Mr. Cox clarified that the portal does allow the Clerk reviewer to docket the filings and select what descriptions are needed.

Ms. Green asked if the board had looked at the level of complexity that was needed to use the portal, at each level, filer level and clerk level? Mr. Inzer clarified that the board was only addressing the portal level.

Mr. Tim Smith called the question. He said, "The motion is, in essence, 'do we support standardization at the portal level for the filer.'" He continued by stating that if he supported this motion, he would support less complexity to the filer but recognize there would be some value to having 3-4 drop downs for the filer to get it to the system.

Randy Long asked if the board wanted the best practice workgroup to do further work and address the civil docket descriptions. Mr. Tim Smith said they may be useful for local systems. Mr. Hall said it would be valuable. Mr. Cox asked if this required changes to the portal at this point? The answer was no, it did not.

All were in favor of the motion. The motion carried.

Mr. Cox again recommended a WebEx workshop to show the board what the filer saw when entering the site and making filing selections. Mr. Inzer agreed and asked that be made a motion. Ms. Bock seconded the motion. All were in favor.

Mr. Hall spoke to the electronic record on appeal. He said that 44 of the 67 counties and 6 of the 10 vendors responded to the invitation to the meeting on the issue. The Supreme Court entered an order moving the e-record standard to June 2014. The order should be entered to make the eDCA standard the same across all appellate courts.

Mr. Inzer asked if there was another release for the portal soon, if the board could see what it would entail.

Public Comment:

No public comments were made.

Mr. Tim Smith confirmed that the meeting to discuss the fees was to be held at July 29, 2013 at 2 p.m.

X. Adjourn

The meeting of the board was recessed at 12:38 p.m. to reconvene July 29, 2013, at 2:00 p.m. EST.