



The Florida Courts E-Filing Authority Minutes

The Florida Courts E-Filing Authority Board of Directors met on October 13, 2012, at 10:00 a.m. by WebEx. The following members were present: Hon. Tim Smith, Chair, Hon. Joe Smith, Vice Chair, Hon. Bill Kinsaul, Secretary Treasurer, Hon. Tom Hall, Hon. Bob Inzer, Hon. P. Dewitt Cason, Hon., Gloria Hayward, Hon. Karen Rushing, and Hon. Sharon Bock and attorney Ms. Lynn Hoshihara. No members were absent.

- I. Mr. Smith opened the meeting at 10:03 a.m. and welcomed all on the WebEx members and guests.
- II. Mr. Smith asked for a motion to adopt the agenda. Mr. Hall asked if he could add an item under New Business. Mr. Inzer moved the revised agenda and Ms. Rushing seconded it. All were in favor.
- III. Mr. Smith recognized Mr. Kinsaul to present the minutes. Seeing no revisions, Mr. Kinsaul asked for a motion to approve the minutes. Mr. Kinsaul moved approval of the September minutes and Mr. Cason seconded the motion. All were in favor.
- IV. Mr. Smith recognized Mr. Kinsaul to present the financial report. There were no questions.
- V. Mr. Smith recognized Mr. Levi Owens, Portal Project Manager, to present the monthly report. Mr. Owens provided the monthly numbers for civil implementation status—through September 30, 52 counties are connected to the portal and can accept all five civil case types. He told the board that the remaining 15 counties show progress. He felt that some would be connected by November, either in part or with all five civil case types. He noted that there are over 15,000 registered users, or attorneys, who were filing through the portal and hoped that more would be registering. He told the board that, based on the growth in the number of filings, he anticipated that by January 2013 there would be more than 100,000 documents filed per month. He also noted that these were documents filed in existing cases. He also felt that there would be some growth in the filing of new cases, but it is much slower.

He showed a graph that also demonstrated that there had been growth in the filing of Family law cases over the past month. Mr. Inzer asked if there was any report on the penetration rate for the portal.

For the appellate status report, Mr. Owens noted that the Supreme Court will begin e-filing in December of this year with a select group of attorneys. The five appellate courts will follow and be phased in throughout 2013.

For the criminal update, Mr. Owens told the board that the portal is fully implemented and currently capable of receiving e-filed documents on criminal cases. There are four counties accepting criminal filings on existing cases, Collier, Lake, Walton and Santa Rosa. The portal development team is still working with the Public Defender and State Attorney vendors on a batch process. He reported that there were twelve counties constituting the pilot criminal counties that will be getting ready to test the batch and single session (single document) criminal e-filing with their local State Attorney and Public Defender offices. He also reported that the association Best Practices workgroup has given the development team criminal docket codes to use as they begin to develop the criminal e-filing processes. The document detailing the docket codes can be found on the authority website.

VI. Mr. Smith recognized Mr. Hall to report on the website subcommittee's progress. He told the group that the Website Subcommittee had met and ranked the five vendors that submitted proposals. He made a motion asking permission from the Authority to begin to negotiate with the top-ranked vendor, or, if that was not successful, to move on to the second ranked vendor. Mr. Cason seconded the motion. There was no discussion. The vote was 8-1, with Mr. Kinsaul voting in the negative.

VII. New Business

- a. Waiver Process: Mr. Smith reported that he is on an FCTC committee that discussed what type of waiver process was needed. He said that because an acceptable process was set forth in the most recently amended order for SC 11-399, that the group felt that they did not need to put forth a process.
- b. Mr. Smith referenced the report recently sent to the Chief Justice noting the readiness of the portal and commented that the portal and the counties would meet the timeline in the most recent order.
- c. Report from FCTC: Ms. Rushing commented that she thought that all would like the portal used to its fullest extent. Ms. Bock suggested it was time to begin discussing portal funding. Mr. Smith reviewed policy statements he provided the FCTC on the association's stance on funding. He mentioned that at the FCTC there was a request for Judge Northcutt's Funding Committee to meet and discuss what they felt the agreement with the Authority entailed in regard to portal services. The Association was charged with making their list, then Judge

Northcutt would hold a meeting wherein the services could be discussed and either agreed to or negotiated. Mr. Smith made suggestion that there would an effort to be more transparent, sharing the portal audits and costs, which are currently posted on the Authority website. Mr. Hall clarified that the contract is between the Authority and the Association as vendor. He expressed the desire to keep any discussion of what is, or is not, in the scope of work between the Authority and the Association, that if there are any discrepancies, the Association should first come to the Authority Board for negotiation. Ms. Bock suggested that as chair of the Authority Funding Subcommittee, she work with Mr. Smith to set up a meeting so the Association could bring their issues to her committee. Then she could present the issues to the full board. Then, the Authority chair would be able to take the same information to the FCTC.

In regard to e-service, Ms. Rushing suggested that they continue to review the issues and discuss how future enhancements can be funded. Mr. Smith mentioned that Judge Northcutt asked for an FCTC Funding Committee to meet and develop a list of what the FCTC committee wants the portal to do. The Authority can have the same discussion with the Association and they could together develop a list of services that the portal should provide, such as e-service, and the costs of the additional services, noting whether they are in the Scope of Work, or not. Mr. Hall agreed it was a good plan. He suggested that list would form the basis of the discussion with the FCTC Funding Committee when they met, and the two groups could work from there. There was discussion that the portal could be built to future standards adopted by the court but there may need to be detail as to what the agreement requires as standards. Mr. Smith suggested that the development team look at the standards regarding functionality.

Mr. Hall spoke to the FCTC approving the technical standards for transmission of the electronic record on appeal, the Appellate package, in relation to the trial courts and noted that these new standards will impact the Clerks. He felt that it was probable that not all 67 Clerks will be able to come online at the same time. But that there may need to be a phase-in period for this aspect and a need to ascertain which Clerks will meet July 1, 2013, deadline and which will not. Mr. Hall suggested this be added to the readiness report. Melvin Cox, Association Director of Information Technology suggested that the appellate record was not an Authority issue as it did not go through the portal. Mr. Smith agreed, but asked staff look at the technical standards adopted by the FCTC and make a recommendation to the Authority in November.

Mr. Smith continued and asked if the Clerks are ready with electronic copies of records in each county and what was the status of the courts in each county to accept and manage the electronic records as they would ultimately use the electronic record. He asked Levi to see how he could capture that data.

Other Business

Mr. Hall spoke to the Authority report requested as a part of SC 11-399—that it occurred before the Authority had a chance to meet. He asked if there should be a procedure for approving or a response needed in a situation like this. Mr. Smith suggested that when a decision needs to be made prior to a regularly scheduled meeting, that the executive officers be allowed to approve a motion. Mr. Hall moved that suggestion. Ms. Bock seconded the motion. All voted favorably. Mr. Hall then moved that the board ratify the report that was submitted. Mr. Kinsaul seconded the motion and all were in favor.

Ms. Lynn Hoshihara, Authority general counsel, noted that she would check the bylaws to see how situations such as this may be handled and bring any clarification or suggested policy to the meeting in November.

Mr. Smith noted that the Lanigan and Associates should be at the next meeting to present the audits.

Mr. Smith asked for public comment. There was none.

He reminded everyone that the next Authority meeting was to be held on November 13, from 11:00 to 12:30 in Orlando in conjunction with the Association Winter Conference.