



## **The Florida Courts E-Filing Authority Minutes**

Florida Courts E-Filing Authority Board of Directors met on December 13, 2012, at 10:00 a.m., by WebEx. The following members were present: Tim Smith, Putnam County Clerk, Chair; Gloria Hayward, Sumter County Clerk; Tom Hall, Clerk, Supreme Court; Bill Kinsaul, Bay County Clerk; Sharon Bock, Esq., Palm Beach County Clerk; Joseph E. Smith, St. Lucie County Clerk; Karen Rushing, Sarasota County Clerk; Bob Inzer, Leon County Clerk and Lynn Hoshihara, Authority General Counsel.

P. Dewitt Cason, Columbia County Clerk was not present.

- I. Mr. Tim Smith, Chair, opened the meeting at 10:00 a.m. with a roll call.
- II. Mr. Smith asked for a motion to adopt the agenda. Mr. Bill Kinsaul moved the adoption. Mr. Tom Hall seconded the motion. All were in favor.

III. Mr. Smith recognized Mr. Kinsaul to present the October minutes. Ms. Karen Rushing moved adoption of the minutes. Mr. Hall seconded the motion. All voted favorably for the minutes.

IV. Mr. Smith recognized Mr. Kinsaul to review the October and November financial reports. Mr. Kinsaul reviewed them with the board. There were no questions.

Mr. Smith then recognized Mr. Jonathan Keillor, Lanigan and Associates, to review the Authority's Financial and SSAE 16 Technical audits. Ms. Rushing suggested that the board share the audits with the Chief Justice, the Florida Courts Technology Commission (FCTC) and The Florida Bar. Mr. Smith agreed to work on it. Mr. Hall asked when the board approved the controls that were used in the audits. Mr. Smith offered to look into the issue and report back to the board. Mr. Hall further asked, going forward, how the board is going to monitor the portal operational issues? Mr. Smith offered to discuss this issue at the January meeting. Mr. Hall reiterated that he had no problem with the technical audit, he just wanted to know, procedurally, how the controls were approved. There was little discussion about the Financial Audit.

Mr. Smith asked for a motion to accept both audits. Mr. Joe Smith moved acceptance of the audits. Ms. Sharon Bock seconded the motion. All voted favorably to accept the audits.

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V. Mr. Smith recognized Mr. Levi Owens, e-portal project manager, to review the monthly status report. Mr. Owens reported that, year to date, there were over 298,500 filings. He said there were 19,375 registered users, about 2,000 users each month. He reported that the volume of filings had leveled out, November and December being the typical months that filings slowed down due to the holidays. Mr. Owens informed the board that 55 counties were connected, and while this represented only three more from the prior meeting, he explained that he was in active contact with the remaining 12 counties. He felt both Citrus and Polk would be connected by the January meeting.

Mr. Owens reported that there would be more information coming on the criminal pilot counties and their progress at the January meeting. He reported that the criminal docket codes had been given to the participating counties and that the pilot counties would begin testing in January with their local State Attorney and Public Defender Offices.

In regard to the survey that the board requested on electronic records and each county's capability to handle them, Mr. Owens reported that forty-three responses had been returned thusfar. Mr. Smith urged Mr. Owens to continue to complete the survey so he can see the statewide results before the FCTC meeting in January.

Mr. Smith recognized Mr. Hall to give an update on the connectivity of the appellate courts. Mr. Hall reported that there had been a few minor issues. However, there was progress being made and they were working day to day on testing. He noted that the Supreme Court had adopted a slightly updated phase-in schedule for the appellate courts.

Mr. Smith noted that he would like to give a status report to the Chief Justice on the progress being made on the appellate e-filing readiness. He asked Mr. Owens to give him that report.

## VI. Subcommittee Reports

A. User Forum Subcommittee: as Mr. Cason was not at the meeting, the report was deferred until the January meeting.

Mr. Smith did ask Beth Allman, association staff, to tell the board about a unique situation staff had recently been contacted about. She explained that an assistant U.S. Attorney had contacted staff and explained that, although they were certified in other states, that they currently filed in the Florida trial courts but could not use the portal as it was limited to those having a Florida Bar certification. They did not profess to filing as pro hac vice thus presenting a unique situation to portal use by attorneys. Mr. Hall agreed that these users should be recognized. Mr. Smith agreed that the issue should be looked into a little further and a solution found.

B. Funding Subcommittee: Mr. Smith recognized Ms. Bock, subcommittee chair, to give her report. Ms. Bock told the board that the Funding Subcommittee had met earlier

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that week and that they discussed the fact that the Authority does not have a steady funding stream. She told the board that they discussed funding the board operations, as well as support desk and educational services. She said that the subcommittee wanted to go to the Legislature with funding proposals.

Mr. Smith remarked that the FCTC Funding Subcommittee and the E-Filing Authority should be involved in these issues. He said that he felt there was consensus on these issues and would like to see the proposals soon, by mid-January at the latest.

- C. Mr. Smith recognized Mr. Hall to report on the Website Subcommittee. Mr. Hall reported that he, staff and Lynn Hoshihara, Authority attorney, met with top-ranked vendor ArnAmy to begin negotiations.

## VII. New Business

Mr. Smith introduced Ms. Carolyn Weber, who has joined the portal development team to handle e-service implementation. Mr. Owens reported that a workgroup on e-service had been established and would hold their first meeting in Tampa the next week. The workgroup is scheduled to meet weekly to define business requirements. He also noted that a project schedule and budget would be developed after the requirements gathering was completed, and then presented to both the Authority Board and the Civitek Board. Mr. Smith urged Mr. Owens and MS, Weber to establish an end-date for product delivery.

## VIII. Other Business

Mr. Smith urged everyone to attend the January face-to-face meeting to be held in Orlando and stressed the value of meeting in person. He also spoke to establishing a workshop period to review the approval of controls and the Authority's position on simple e-file and "full" e-file. He suggested the meeting begin with a workshop then move into the regular meeting. Ms. Rushing thought the board had already voted to have standard method of input using the best practice. Mr. Owens clarified that at the April meeting in Gainesville, the board voted to promote standardization of the portal through the use of recommended best practices for the drop down menus, i.e., docket codes. He further explained that the Best Practices Committee has been working on docket codes for criminal e-filing, the criminal pilot counties were using the suggested drop-down menus and docket descriptions. He further clarified that this was a different issue than what Mr. Smith suggested be workshopped in January. Mr. Hall remarked that he thought the board did not wish to allow the simple e-file solution. Ms. Rushing said she thought it had been

decided already. Mr. Owens responded that the portal was flexible enough to do whatever the board decides. Mr. Smith asked for a review of the position that was taken, by way the minutes, and see what the Best Practices Committee is working on. He explained that his main concern is that the April 1, 2013, deadline is met. Mr. Hall asked that the January workshop be advertised more broadly than usual.

Mr. Smith again asked board members to commit to being at the January meeting.

Public Comment:

Mr. Harvey Ruvlin, Miami-Dade County Clerk, told the board that he and association portal staff were working on a solution that would work for his county. He said that mandating docket codes would not be helpful in Miami-Dade because of how their workflow was setup—they needed to have a way to route incoming filings to the proper divisions and their various locations at satellite offices. He wanted to make the board aware of his unique situation.

Ms. Lori Reeves, Miami-Dade IT, asked if the board had adopted the criminal docket codes. Mr. Owens explained that the issue had not been brought before the board, that the issue was still being worked through by the Best Practices workgroup. He pointed out that while the best practice was discretionary, but cautioned that if a county added to the docket codes it could create a situation where the State Attorney/Public Defender batch process would be impacted negatively.

XI. The meeting was adjourned at 11:47 a.m.