



## The Florida Courts E-Filing Authority Minutes

Florida Courts E-Filing Authority Board of Directors met on May 23, 2013, at 10:00 a.m. at the Renaissance Orlando Airport Hotel. The following members were present: Tim Smith, Putnam County Clerk, Chair; Joseph E. Smith, St. Lucie County Clerk, Vice Chair; Bill Kinsaul, Bay County Clerk, Secretary/Treasurer; Tom Hall, Clerk, Supreme Court; Bob Inzer, Leon County Clerk; Sharon Bock, Esq., Palm Beach County Clerk; P. Dewitt Cason, Columbia County Clerk, and Karen Rushing, Sarasota County Clerk, by WebEx; and Lynn Hoshihara, Esq., Authority General Counsel. All members were in attendance.

- I. Mr. Tim Smith, Chair, opened the meeting at 10:10 a.m. with a roll call. He welcomed those on the WebEx and those in the room. He recognized Hon. Judge Lisa Taylor Munyon, Florida Courts Technology Commission chair as a special guest. He also recognized Ms. Colleen Reilly, Orange County Clerk ad Interim, in attendance.
- II. Mr. Smith asked for a motion to adopt the agenda. Mr. Joe Smith moved adoption of the agenda. Mr. Bill Kinsaul seconded the motion. All voted to accept the agenda as presented.
- III. Mr. Smith recognized Mr. Kinsaul to present the April 2013 minutes. Hearing no suggested changes, Mr. Bob Inzer moved adoption of the minutes. Mr. Kinsaul seconded the motion. All voted favorably to accept the minutes.
- IV. Mr. Smith recognized Mr. Kinsaul to present the April 2013 financial reports. He noted that the financial statements showed a year-to-date profit of \$231,708. A discussion took place regarding how the funds could be used and the need for increasing help desk services. Mr. Tom Hall commented that the statutory required use of a credit card is anticipated to be a break-even fee. Thus, is there an obligation to lower the fees? He felt that FCCC as a vendor agreed to fund the development of the portal, the cost of running the board and associated costs. As such, there should be an amendment to the services agreement to delineate who is doing what. Then, when the agreement was entered, the court was against charging a fee for use of the portal. He noted that Chief Justice Polston appreciated Mr. Tim Smith keeping him informed of this issue and he would like to continue to be kept informed as the issue develops. Mr. Inzer emphasized the need for customer service, even more so when criminal comes on, and pro se filers and other filer

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types are authorized to use the portal. Mr. Inzer made the motion asking for the board to coordinate with the courts, ask legal counsel for a written legal opinion, as well as a budget amendment and a contract amendment. Ms. Sharon Bock, Esq., seconded the motion. Judge Munyon agreed to the approach and expressed the impact that the lack of customer service has on the trial courts and the judiciary's ability to move cases. She commented that as the portal matures over time, there may be other enhancements that could be developed using these funds. She expressed her commitment to the relationship and agreed with Mr. Hall's approach in looking at the issue further. Mr. Hall noted that the fee may be able to be called a "service fee" and agreed with exploring ways to fund a help desk. Mr. Don Barbee observed that the \$3 and 3% was more of a blended fee. The board directed Ms. Lynn Hoshihara, Authority general counsel, to work with Mr. Fred Baggett, Association general counsel, to provide a legal opinion on the issue and draft an addendum to the services agreement between the Authority and the Association to expand help desk services and fund Authority Operations. Mr. Tim Smith asked that the amount of the net excess be sent out. Mr. Melvin Cox asked the board's permission to allow for two full months of portal processing to provide a more accurate picture that can be used to project the revenues out as an annualized figure.

Mr. Tim Smith called the question. All voted favorably on the motion.

#### 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 an increase in the number of filings and calls to the support desk since April 1. In April, there were 733,191 filings, creating an annual estimate of almost 9 million filings. Registered users are at 39,698. Proportionately, the number of filings in May already appeared to be higher. An all-time high number of filings was seen in early May, at over 42,000 filings.

Mr. Melvin Cox, FCCC IT Director, spoke to the board about the May 7 CenturyLink outage. He said it brought about several issues: 1) the need for Internet redundancy for the portal. Plans were already underway to work with another provider for backup Internet services. That service is expected to be in place by September 1, 2013, and that would meet the specifications for the disaster recovery preparedness. He explained that there was already a UPS (Uninterrupted Power Supply) to take care of possible power outages. He also mentioned the hot site in Alpharetta, Georgia, available in the events of power outages or other natural disasters. There was discussion by authority members of the need for a COOP plan for the portal. Mr. Tim Smith asked Mr. Cox to develop a COOP plan and bring it back to the Board.

Mr. Inzer suggested that there may be times when the Clerks themselves could be down and not be able to receive filings. There was a brief discussion about the electronic access standards and the idea that FCTC may need to update them. There was brief discussion about using either the Supreme Court or The Florida Bar to email information to all attorneys when there was information about e-filing, or other disaster information to communicate.

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Ms. Fishback resumed her report, telling the board that the amount of new cases being filed was still at about 6 percent and there were over 17,400 calls to the support desk in April, about 3,000 calls logged in one week. Currently, there is about a 3-day turnaround for returning calls. She noted that often a call did require escalating it to the technical team which could take longer to resolve. Ms. Sharon Bock asked what the proposed call center should look like. Ms. Colleen Reilly, Orange County Clerk ad interim, asked if outsourcing the support function was an option. Mr. Hall noted that other states were doing this already; e.g., Washington State had a 24x7 help desk model. It was commented that currently the calls are from frequent users of the courts. When pro se filers come on, there will be another spike that will require a higher level of training for the support function.

Criminal Pilot: Ms. Fishback reported that there are two components in this pilot-- 1) the portal—it is ready today in a small number of counties; and 2) loading docket codes—all the clerks in the pilot will be testing by next Friday, May 31. Her goal was to reach out to the rest of the counties and to get coding loaded.

Supreme Court e-filing: Mr. Hall provided a status report of Supreme Court filings, that all was going well. He did note that they had received some corrupt documents, that it happens in portal conversion. He reported that the processing was getting quicker in his office and that the pdf document format should be mandatory for sending documents through the portal. He was not sure what entity should make that requirement.

Mr. Inzer asked if clerk's office were noticing whether attorneys were working the filings put in the pending queue, or not? And, if not, how do we solve the issue, is it a statewide problem? Mr. Kinsaul remarked that in his experience, attorneys were not working filings in the pending queue, nor were they able to get it out of the pending queue.

E-Service: Ms. Carolyn Weber reported that the technical specifications for the e-service initiative had been sent to the vendor. The workgroup on e-service, as lead by Judge Stephens, had developed a communication plan for this portal enhancement and would incorporate it in the various training that she was already doing for the various Bar associations. She also mentioned that the workgroup would develop a WebEx training video for e-service to help filers. E-Service is anticipated to be operational on the portal by September 1, 2013.

Mr. Hall suggested that there be an update on e-service through the portal to the FCTC at their meeting in August.

VI. Subcommittee reports:

Website Subcommittee: Mr. Hall explained that the subcommittee was working to get the site ready for roll-out in mid-summer. He said that the developer had made some tweaks as requested by the board and is hoping to have a final product ready to approve at the June meeting. He raised the issue of wanting to look into a better url that would be more descriptive of the site.

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Mr. Hall made a motion to use Twitter, in an outgoing manner only, as a communication tool to be able to better communicate to filers. Mr. Joe Smith seconded the motion and all voted favorably.

Portal Process Subcommittee: Mr. Inzer explained that the subcommittee had met and considered how the clerk could communicate to filers about how certain things are handled at the local level. He felt that most Clerks were not aware of the Newsfeed section that they could customize, as such, the subcommittee had developed a guidance document to provide to Clerks so that they could begin to use the newsfeed aspect. Mr. Cox provided a brief demonstration to show the board how the newsfeed section worked. Ms. Bock moved to adopt the newsfeed guidance documentation. Mr. Hall seconded the motion. All voted favorably.

Mr. Inzer noted that there was still an issue of local administrative orders impacting the portal and e-filing. Mr. Smith noted that he had raised the issue at the last FCTC meeting. Judge Munyon commented that she appointed a committee to look into the orders and come back to the FCTC in August with a report and opportunities for improvement. Mr. Inzer asked if his subcommittee was a standing committee. Mr. Tim Smith replied that for now it was.

VII. Florida Courts Technology Commission:

Mr. Tim Smith recognized Judge Munyon. Judge Munyon informed the board that the FCTC had established a user group, part of Judge Stephens committee, to make recommendation to the board as to what other types of user groups should be allowed to use the portal, as well as any technical changes or upgrades that may be necessary.

VIII. New Business

a. Fla.R.Jud.Admin. 2.525 External Drives

Mr. Hall explained that under the rules that there is procedure for referring rule changes to the specific rules committee. The court has sent Mr. Ellspermann's letter to Alexandra Rieman, the chair of the Rules of Judicial Administration, and it will be considered in June. There was a question as to whether the Board could make the rules. Mr. Hall suggested that perhaps a subcommittee could be appointed to make suggestions to the Rules Committee to assist. Mr. Tim Smith remarked that the focus would have to be the impact on the portal. Mr. Hall suggested that the FCCC could urge clerks who are attorneys, or who have attorneys on staff, to apply to participate on the rules committees.

Mr. Tim Smith offered to think about who may be the best to recommend to be on the rules committee and bring his recommendation to the authority in June

b. Federal E-Filing Document Size Restrictions

There was a brief discussion that the federal districts set their own file sizes through the federal system, that it is handled differently in each district.

c. Service of Process through the portal

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It was noted that Mr. Tim Smith is working on a subcommittee with Judge Bidwill to allow more filer types to use the portal. Mr. Smith recognized Mark Snyder, Provest. He reported that his company currently filed service of process for law offices. He offered to be a pilot for the authority in automating filings. The issue of the need for standardization was discussed. Mr. Joel Rosenthal, JLL Process, on the WebEx also offered services.

Mr. Hall told the board that the Chief Justice meets with the Chief Judge of each circuit to work toward more uniformity. Mr. Joe Smith remarked that he wanted a good portal before we get to the issues of others, e.g. process servers. After the board handles clerks, courts and attorneys, then we can move on.

#### IX. Other Business

Mr. Inzer opened a discussion on the best practices and the standardization of drop-down menus. He provided background and examples of different county drop-down menus. Mr. Hall spoke to how these drop-downs impact the record on appeal. Mr. Inzer suggested that these drop-downs could be loaded centrally – all case types, sub-types and fees — then would need to figure out how to let filers know this was done. He felt that this didn't impact the simple e-file counties.

Mr. Inzer made a motion asking for adoption of the three documents – the guidelines and all the attachments—Mr. Don Barbee seconded the motion. Mr. Hall asked if the drop-down menus addressed document type and subtypes needed for appeals from county to circuit. Mr. Randy Long, FCCC staff, said they did not, but wanted to address that in the next phase. Mr. Hall said he would like to work with the FCTC user group on this best practice. All voted favorably.

Ms. Karen Rushing asked if this vote meant the board was endorsing this and simple e-file? Mr. Inzer said the vote addressed the guidelines only. Ms. Rushing asked if, by doing so, was the board addressing two different ways to file? Mr. Tim Smith said that by accepting the report, that the board did not endorse either way of filing. Mr. Inzer suggested that the issue be discussed at the next meeting. Mr. Tim Smith agreed and that if there was not enough time at the June meeting, to move the issue to the July meeting.

Mr. Inzer asked how would be the best way to let Clerks know about the standard drop-down menus, from an education/awareness/training perspective? Mr. Long responded that Clerks would need to be made aware of the best practice and they would need assistance implementing it. Mr. Smith asked the FCCC staff to help send out the information. Mr. Hall asked to be part of that so he could make sure that the impact on the record on appeal was considered.

#### Public Comment:

Kimberly Hudson, Polk County, asked questions about the pending queue. It was noted that this issue would be discussed at the June 12, 2013, e-filing session at the FCCC Summer conference at Saddlebrook.

Hon. Mitzi McGavic, Clerk of Desoto County, told the board that she wholly supportive of the best practices suggested drop down menus.

X. Adjourn

The meeting was adjourned at 2:01 p.m.