



The Florida Courts E-Filing Authority

Florida Courts E-Filing Authority Board of Directors met on April 24, 2012, at 12:30 a.m. The meeting was located Century Conference Room, Gainesville Hilton Hotel, Gainesville, FL. The following members were present: Lydia Gardner, Orange County Clerk, Chair; Karen Nicolai, CPA, Hernando County Clerk, Secretary/Treasurer; Tom Hall, Clerk, Supreme Court, Vice Chair; Bob Inzer, Leon County Clerk; Joseph E. Smith, St. Lucie County Clerk; Tim Smith, Putnam County Clerk; Karen Rushing, Sarasota County Clerk; and Sharon Bock, Esq., Palm Beach County Clerk and Lynn Hoshihara, Authority General Counsel. Bill Kinsaul, Bay County Clerk, was absent.

The meeting was called to order at 12:43 a.m. by Hon. Lydia Gardner, Chair.

- I. Ms. Gardner welcomed all those present and on the WebEx.
- II. She asked for a motion to adopt the agenda. Hon. Karen Nicolai moved the adoption of the agenda. Hon. Bob Inzer seconded the motion and the motion carried.
- III. Ms. Gardner asked for approval of the February and March minutes. Ms. Nicolai moved the adoption of the agenda; Mr. Inzer seconded the motion and the motion carried.
- IV. A. Ms. Nicolai, Secretary/Treasurer reviewed the monthly finance report and noted there had been little activity. Hon. Tom Hall moved the adoption of the Finance report. Hon. Sharon Bock, Esq., seconded the motion and the motion carried.

B. Ms. Nicolai noted the board needed to renew the Director's and Officer's Insurance policy. She asked staff to shop the rates again next year. She made a motion to direct the staff to renew the Authority's D & O insurance. Ms. Rushing seconded the motion. All were in favor.

C. Ms. Gardner recognized Ms. Nicolai to talk about funding. Ms. Nicolai expressed concern that there was not much support for on-going authority activity. Mr. Hall informed the board that the Florida Bar, if the chair asked, would be in a position to offer the board another \$20,000 this year.

Ms. Rushing told the group that the association Executive Board made a motion earlier that day to direct staff to bring to them a timeline, including end dates, and the cost to complete civil and criminal and to let them know that after that there would be no more money.

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Mr. Inzer said that there definitely needed to be funding in order to continue. Ms. Bock moved that the chair form a subcommittee to research funding solutions. Ms. Nicolai seconded the motion. All voted favorably. The members named were: Sharon Bock, Joe Smith, Karen Nicolai. Ms. Nicolai commented that once she was off the board in June, that whomever took the place of Treasurer with the board should be on the subcommittee. Mr. Inzer asked for someone from the courts to help staff the subcommittee. Mr. Hall agreed to be on the subcommittee and to ask OSCA and the association to help with the staffing.

V. Progress Reports

Gardner recognized Levi Owens, ePortal project manager, to provide the board with the monthly status report, the compendium of each county's readiness for portal connectivity and local e-filing implementation. The board asked about notations, such as, "did not provide an updated report." Ms. Nicolai asked if the board should send those counties a request to provide their status. Mr. Hall noted that the Supreme Court was getting ready to file the rule. He suggested that the board make a formal report to the court regarding the status of counties, especially those that may not make the July 1 date, so that it could be filed along with the supplemental comment that was submitted by Judge Kreeger.

Hon. Sharon Bock, Esq., spoke to the concept of having a dual system is almost impossible in larger counties. Mr. Hall suggested that the issue should be brought before the court. Ms. Bock made a motion that the Authority Board file a comment to the rulemaking body of the court suggesting that the all new case filings be in electronic form, and not to provide the option of having both electronic and paper. Mr. Hall seconded the motion. Hon. Karen Rushing commented that it could potentially put the courts in a bind as they are not able to accept electronically filed documents yet. Ms. Nicolai was concerned with the differentiation between old and new cases.

Ms. Bock asked if there were any counties that could not scan documents. Mr. Owens felt that all counties had the ability to scan. Mr. Hall asked for the readiness chart to be updated to include the Appellate Courts and their ability to scan, redact and accept electronic filings. He also suggested that they be included in the chart from here on out. Hon. Chips Shore, Clerk of Manatee County, asked for clarification as to those counties that were already e-filing through local systems. Hall noted that those counties are noted as not going through the statewide portal because they are not connected.

Ms. Gardner called for a vote on the motion. The vote was tied, 4-4 and the motion failed.

Ms. Gardner asked Mr. Owens to include in the May readiness report, due at the June meeting, each county's ability to scan and redact, as well as the readiness of the appellate courts.

Hon. Pat Frank was recognized from the floor. She commented on her concern with case maintenance systems and their status. She felt the problem was the portal. Her technology officer, Ramin Kouzehkanani, was recognized. He spoke favorably to the level of communication with the FACC staff and felt they were making progress locally and would be able to report their readiness soon.

Mr. Owens told the board that he was asked by association leadership to tell the board that they had a desire to bring uniformity and standardization to the portal. He mentioned that this issue was being

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addressed by the Best Practices Committee. Ms. Rushing echoed the same sentiment – she wants the same look and feel to each county’s portal page. She said the association leadership wants the unified approach to the portal look and feel.

Mr. Hall made a motion that the board file a supplemental report to the Supreme Court as a part of the revision of the rules, showing the county and court readiness.

Mr. Inzer made a motion that Mr. Owens update the readiness report for May 1 to include the Supreme Court and Appellate Court status and to include updated information from those counties that did not respond for the April report. He also asked that they be made aware that the report was being given to the Supreme Court Joe Smith seconded the motion and asked Ms. Gardner to contact the counties that had not responded. Ms. Gardner asked Levi to make the first contact, then if needed, she would contact them. Mr. Hall asked if he could work with the board attorney to file the supplemental comment. The motion passed unanimously.

VI. A. Website Subcommittee

Mr. Hall, Website Subcommittee chair, reported that the subcommittee had drafted a shorter RFP, one requiring fewer services, to be issued May 1 and returned May 29. He reported that the subcommittee would be able to report at the June meeting of a vendor selection. Vendors would be actively contacted by staff. The RFP and subcommittee actions were approved by the board.

B. Forum for Users

Hon. Tim Smith reported that the board’s process for funneling issues through a user forum worked well. He presented a user forum policy to the board and asked the board to adopt the policy. He also asked how frequently the board wanted updated on the issues. So far, the updates had been provided quarterly. Mr. Smith moved that the board adopt the policy. Mr. Hall seconded the motion. All were in favor.

VII. A. Amendment to the Interlocal Agreement- status of consent agreements

Ms. Gardner reminded that board that this was the second time the amendments to the Interlocal Agreement had been sent out to the membership. This time, 66 of the 68 members had signed; the board was short two signatures to passage, Lee and Hillsborough counties. Ms. Gardner recognized Hon, Pat Frank, Hillsborough Clerk, from the audience to speak to the board regarding her issues with the amendments to the Interlocal Agreement. Her points were as follows: 1) a quorum of the board should always be required to pass any action of the board.; 2) the language as amended would allow the board to adopt a procurement policy. The statutes ought to be followed for procurement; 3) 3.6 changes she disagreed with; it provides that another person can sign off on the behalf of Chair or Vice Chair. She said a board member should always be involved in that type action; it should stay with the board; 4) 4.1 the administrative functions should be defined if the board is to allow staff to perform those functions. She explained to the board that she generally felt apprehensive toward authorities. Ms. Hoshihara clarified that the first issue was not in this draft and that the consent of all members is retained in this draft. As for the purchasing policy, that it was no meant to circumvent the statutes. The clarification was to remove all the references to the individual county ordinances. She noted that the board directed her to bring back a purchasing policy to address this issue. It is on the agenda next. She offered to define the administrative functions that the board could delegate to staff, if that would be sufficient.

Ms. Gardner offered to address her concerns and make the needed changes.

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B. Purchasing Policy Lynn Hoshihara, attorney to the board, reported that, as there was not adoption of the amendments to the Interlocal Agreement at this meeting, no purchasing policy could be adopted.

VIII. New Business

A. www.myflcourtaccess.com Demonstration/B. ePortal standardization

Ms. Gardner recognized Melvin Cox, FACC Director of IT, to demonstrate the portal for the board. He began by showing the board the portal. He spoke to standardization. He showed that while the screens looked the same, in an overall sense, that the drop-down menus on the portal varied from county to county. Ms. Rushing moved to ask the Authority Board to direct the look and the feel of the portal through adoption of a standard. Mr. Inzer seconded the motion. He commented that the board should figure out what they want their portal to look like.

Mr. Cox asked the board how to best retro-fit those counties that had already connected with the flexible option.

Ms. Nicolai commented that she liked tying to SRS and fees, but that it should be simple so as not to slow any county down in connecting.

C. Best Practice Update

After general discussion that the board had already directed this effort to the association Best Practices Committee, of which Mr. Inzer was a part, Mr. Inzer amended the motion to the following: the Best Practices Committee should continue to develop the best practice, bring it back to the board, and allow all counties to migrate to the Best Practice as soon as they can. Mr. Hall seconded the motion. In explanation, Mr. Inzer said that the Best Practices Committee would develop a common template for the drop-down menus. All approved the motion.

Ms. Rushing made a motion that the standards adopted by the court should be used to set the portal template and to require all new cases to use these new data elements. The standards already set by the court could be used. Mr. Inzer seconded the motion. Mr. Tim Smith asked for clarification about using all the layers. Mr. Hall noted that as phrased, the motion on the floor limits the portal to the current data collected. He wanted to amend the motion to allow for future flexibility in what data to collect. Ms. Rushing amended the motion to that it is either based upon an already required element or another element needed for further accountability. Mr. Inzer agreed, as second, to the amended motion. All approved this amended motion

In another motion, KR moved that the board take, with respect with the document type, that the Best Practices come back as soon as possible to let the board know whether the board should take a more simplified approach or if the board can move into a more robust approach to include the document descriptions. The chair directed Mr. Inzer to handle this through his Best Practices Committee task. .

D. Legislation

Due to the shortness of time, Ms. Gardner asked Ms. Hoshihara to send the board a report on the two bills that passed that may be of interest to the Authority.

Mr. Inzer made a motion that all Clerk's staff use the Forum for Users, rather than go to the Florida Courts Technology Conference. Mr. Joe Smith seconded the motion. Mr. Hall asked how to get the word out. Mr.

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Inzer asked that people come to the authority. All were in favor. The board asked that a notation be posted on the website.

IX. Schedule Next Meeting

Ms. Gardner asked staff to coordinate a meeting by WebEx for May in order to keep up with county readiness. The next full meeting would be held in Panama City in June, 2012.

The meeting was adjourned at 2:20 p.m.

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