



The Florida Courts E-Filing Authority Minutes

Florida Courts E-Filing Authority Board of Directors met on September 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; P. Dewitt Cason, Columbia County Clerk; Tom Hall, Clerk, Supreme Court; 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.

Bill Kinsaul, Bay 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. P. Dewitt Cason moved the adoption. Mr. Joe Smith seconded the motion. All were in favor.
- III. Mr. Smith recognized Mr. Cason to review the August minutes. Mr. Cason moved adoption of the minutes. Mr. Smith seconded the motion. All voted favorably for the minutes.
- IV. Mr. Smith recognized Mr. Cason to review the July financial reports. Mr. Cason reviewed them with the board. There were no questions.
- V. Mr. Smith recognized Mr. Levi Owens, e-portal project manager, to review the monthly status. Mr. Owens informed the board that 52 counties were connected, and while this represented no major change from the prior meeting, he did expect that by the end of September, that a number of the remaining counties would be connected. That would allow the October report to show more progress. Mr. Owens also provided an update of the counties that had connected to the portal for the receipt of criminal cases. Currently there are four counties receiving criminal cases, Lake, Santa Rosa, Miami-Dade and Collier. He reported that the batch process was ready for testing with the State Attorney and Public Defenders and that he was looking for 12 volunteer counties to work on the pilot for criminal e-filing. Several counties volunteered while on the WebEx call. Tom Morris, 8th Circuit State Attorney's office and e-filing liaison, told the board he was most worried about the Clerks being able to receive criminal data. He explained that the longer the Clerks take in connecting to the portal for criminal e-filing, the less time there will be

for testing on their end. He also mentioned concern with the criminal code table. Mr. Owens said he wanted to pursue standardization of the criminal code table.

Ms. Karen Rushing commented that she had spoken with Hon. Marcia Johnson, Franklin County Clerk and Best Practices chair, and said she thought the standardization of the portal will be well-received. She suggested that criminal e-filing would not be a problem as the committee moves forward on the best practices.

Mr. John Tomasino, Second Circuit Public Defender Office and e-filing liaison, remarked that he appreciated the work on the batch filing and thought they would be ready by October 1, 2013. He mentioned the issue he and Mr. Morris sent to Mr. Cason, User Forum chair, regarding support staff needing their own log-in and password as they file for many attorneys in a Public Defender Office or State Attorney's Office. Mr. Smith agreed and Mr. Cason reminded everyone of the board motion made on this issue. Mr. Smith emphasized that the focus was in getting attorneys to use the portal. Mr. Cason noted that maybe later on the portal can be opened up to other users.

Ms. Christina Blakeslee mentioned that at the FCTC meeting in October, she thought the FCTC was going to ask for a timeline on opening the portal to users other than attorneys.

Mr. Tom Hall said he felt that there was no question that the roles should be expanded to allow those other than attorneys to file documents in cases, but the idea that a person who works for an attorney having access with the attorney's credentials was a Bar issue, not an Authority or portal issue. He told the board that The Bar was going to do an ethics opinion on this issue, but had dropped it because the board had taken a position. Mr. Morris argued that it was a workflow issue, not a Bar issue. Mr. Hall responded that the signature is a Bar issue. Ms. Sharon Bock, Esq., concurred with Mr. Hall.

Mr. Laird Lile was recognized to speak. He explained that the issue of allowing support staff, or non-lawyer assistants, to use a lawyer's portal credentials was before The Florida Bar Board of Governors. It has been submitted a few months ago, but had been deferred. It was slated to be discussed by the Professional Ethics Committee the next week at The Bar's mid-year meeting.

Mr. Tomasino commented that he would reach out to The Bar. He reminded the board that it is the State Attorneys and Public Defenders who are responsible for criminal cases. He wants to make sure the issue doesn't get far enough that it cannot be revisited later on.

Mr. Cason noted that they would accommodate whatever decision is made by The Bar. Mr. Hall said he appreciated the comments and would wait for The Bar decision. He noted he had clerks in his office, too.

Mr. Smith asked Mr. Cason to chair the meeting as his internet connection and phone had ceased working.

VI. Subcommittee Reports

Website Subcommittee: Mr. Smith recognized Mr. Hall to update the board on the subcommittee's work. Mr. Hall told the board that the subcommittee, as authorized by the board, had advertised for an RFP and received five proposals. The subcommittee will be meeting to review the proposals and plan the next steps. He anticipated bringing more information to the next meeting.

VII. Old Business

Waiver Process/Status letter

Mr. Cason asked everyone to look at the letter Mr. Smith proposed to send to the Chief Justice with the monthly readiness report. As discussed at previous meetings, he noted that it was a way to let the Chief Justice know of the progress being made at the county level and their connectivity and use of the portal. He asked if there were any comments.

Mr. Hall said, on a peripheral note, that the Clerks of Court did not have to do e-service on September 1. Further, he remarked that he thought the court would be issuing something before October 1 extending the dates by which the appellate courts would be mandated to accept filings through the portal. He felt there was concern about the status of e-filing and concern that the courts would be able to make the dates.

VIII. A. FCTC Issues:

Mr. Cason asked Ms. Blakeslee to share any updates from the Florida Courts Technology Commission. She mentioned that the FCTC meeting would be held October 10-11, 2012m, in Tampa, and would be addressing the waiver process.

B. Discussion on Enhancements, Funding and Direction:

Mr. Cason recognized Mr. Kenneth A. Kent, Association Executive Director, to speak to portal enhancements, funding, and direction. Mr. Kent provided the board a status report on funding the e-portal. He reported that the association's Board has asked that Civitek consider development of subscription services to provide a funding source for the ePortal. He committed to keep the board informed on Civitek decisions and informed on developments regarding this matter.

Mr. Cason recognized Mr. Bob Inzer who told the board that he met earlier in the week with the Florida Press Association. They had discussed using the e-filing portal for sending their notices, maybe in a batch process. He told the board that Mr. Steve Ridley would be in touch.

Mr. Inzer spoke to standardization and the work of the Association's Best Practices Committee.

IX. Other Business

A number of Clerks on the WebEx volunteered their counties to be part of the Criminal E-filing Pilot program—Columbia, St. Lucie, Bradford, Jackson and Manatee.

There was no public comment.

- X. Mr. Cason adjourned the meeting at 10:47 a.m.