



## The Florida Courts E-Filing Authority Minutes

Florida Courts E-Filing Authority Board of Directors held a regular meeting on December 11, 2013, at 10:00 a.m., EST, by WebEx. The following members were present: Tim Smith, Putnam County Clerk, Chair; Joseph E. Smith, St. Lucie County Clerk, Vice Chair; Tara Green, Clay County Clerk, Secretary/Treasurer; Jon Tomasino, Clerk, Supreme Court; Don Barbee, Hernando County; Bob Inzer, Leon County Clerk; Sharon Bock, Esq., Palm Beach County Clerk; Karen Rushing, Sarasota County Clerk; and Lynn Hoshihara, Esq., Authority General Counsel. Alex Alford, Walton County Clerk, was not present.

- I. Mr. Tim Smith, Chair, opened the meeting at 10:02 a.m. with a roll call. He welcomed those on the WebEx.

Ms. Karen Rushing moved adoption of the agenda. Ms. Sharon Bock seconded the motion. All voted favorably.

- II. Mr. Tim Smith recognized Ms. Tara Green to present the November minutes. Hearing no suggested changes, Ms. Rushing moved adoption of the minutes. Ms. Green seconded the motion. All voted favorably to accept the minutes.

- III. Mr. Smith recognized Ms. Green to present the October financial report. She read the report and noted that there was \$419,000 net profit year to date. She also commented that there was a report, the P34 job cost report, that showed the expenses incurred for association accounting and banking services as reimbursed by the Authority.

The Lanigan audit reports were delayed until the auditors could get on the WebEx.

- IV. Progress Reports:  
Ms. Fishback reported that for the month of November there were 852,994 filings, equaling about 1.4 million documents. Filings on criminal cases comprised slightly over 74,000 of those filings. She reported that the Service Desk call volume was down, only 254 calls per workday were received, making that over 5,121 new calls in November, as compared with the October volume of 355 per day. She reported that during the month of

November, the portal was only down for a single five-minute period. She told the board about the planned maintenance for Saturday, December 14, 2103, from 9:30 a.m. to 3:30 p.m., when the portal would be intentionally brought down and there would be no access for filing during that time. She reviewed the features of the upgrade going in December 20, 2013, and what that entailed. She noted the details had been in the Clerks in the News and Tweeted, that she had alerted the Clerk IT staff and posted the details on the portal website. Mr. Smith confirmed with Ms. Fishback that the notice for the portal being down was visible on the portal sign-in page or elsewhere where filers would clearly see it.

For criminal e-filing, Ms. Fishback reported that almost all counties were testing the batch process and many were already accepting single session criminal filings.

For projects in progress, Ms. Fishback reported that the Clerk to Clerk function was being tested in the 2<sup>nd</sup> DCA.

Mr. Tim Smith reviewed the calendar for the criminal filings in regard to AOSC 13-48, setting the February 3, 2014 deadline. He reminded any of the counties on the WebEx that if they were part of the group that reported in November and would still not be ready February 3, they would need to write a letter to the Chief Justice asking for an extension. For the other counties, if they were not going to be able to accept criminal documents, they would need to write a letter as well. The letters must be sent between January 1 – 15. He also noted that if the Clerk was ready, but one of the other local offices, such as PD or SA, was not, that that other office was responsible for writing their own letter asking for an extension of time. He suggested the Authority notice the FPAA and the FLPDA of the order requirements.

Ms. Debbie Phillips, SAO 16<sup>th</sup> Circuit, asked if they had not tested batch filing yet, would the Clerk write the letter? Mr. Smith responded that it was the responsibility of that State Attorney's Office to writes their own letter.

Mr. Eric Thomas, SAO 13<sup>th</sup>, asked if the chief judge can submit the letter for the circuit? Mr. Smith responded that the chief judge could write a letter, but that order required each entity to write their own letter to report.

Ms. Fishback discussed a uniform case number issue that she was seeing across the state and reported that the portal team was working on a fix. Ms. Green also noted that the format of the UCN may also create difficulties in pulling older cases.

---

Mr. Smith reverted to the order of the agenda and took up the Annual Financial Audit reports. Mr. Mark Fletcher and Mr. John Keillor, Lanigan & Associates, reviewed the audit of the Authority financial statements and the SSAE 16 operational audit with the board. Both audits were unqualified, or clean. Mr. Smith asked the board for acceptance of the reports. Mr. Joe Smith moved acceptance of the reports and Mr. John Tomasino seconded the motion. All voted favorably.

Ms. Carolyn Weber provided an update on e-service issues. She told the board that the project team had recently found that AOL had blacklisted emails from the portal. The team had contacted AOL and gotten the issue corrected. All those who had been blocked had been re-served. In the last two and a half months, she reported, there had been over 1.7 million emails sent for e-service, saving attorneys \$782,899.92 postage. The workgroup has been reconvened and are looking at enhancements, for instance, the ability to remove addresses from the service list more easily.

Ms. Paula O'Neil, Ph.D., Clerk of Pasco County and Clerk's Association President, thanked Mr. Tim Smith, the board and staff for their diligence.

Mr. Melvin Cox reported on Help Desk staffing and improvements. He said he would provide a more complete report beginning in January. He told the board that the staffing was almost complete and that it was expected the staff to be trained and fully functioning by February 1. He reported that with the new staff that the backlog was already being reduced. He also reminded the board that there was an expectation that when each user group is added, that there will be expected a spike in call volumes. The addition of mandatory criminal at the beginning of February will be the next spike.

V. FCTC Issues:

Mr. Cox updated the board on the confidentiality disclaimer check-box and form that was posted on the portal. In updating the portal to make the filer have to check that the filing has or does not contain confidential information, it has created a hardship on those filers that only file confidential filings. The issue is being revisited by the FCTC Portal Subcommittee and will hopefully be resolved in a week or so.

Mr. Tim Smith commented that the Authority should be against anything that adds layers and detracts from the filers' experience or required in the paper world.

On the issue of adding roles to the portal so as to allow new filers types, Mr. Smith asked staff to take this issue to the association Technology Committee to develop solutions, then bring it back to the board at their January meeting so he can take it to the FCTC in February.

VI. Subcommittee Reports:

Rules Committee: Mr. Barbee said he had assigned the members of the Rules Subcommittee to the Bar Rules Committees and that staff was contacting the Bar to see how to best do this. Mr. Tim Smith noted that rule 2.520 still required paper. He would like the subcommittee to look at this rule and come up with a guidance date for no more paper.

VII. Other Business

Mr. Sean Hudson mentioned that Ms. Weber had been providing WebEx training for attorneys on e-filing and portal functionality. Another training session was going to be held on December 18, 2013. Mr. Smith asked Clerks and anyone else on the WebEx to share the information.

Mr. Harold Samples, Pasco County Clerk's Office, asked the board for guidance and explained the local issue wherein they were having to print paper for the 2<sup>nd</sup> DCA. Mr. Tim Smith asked Ms. Hoshihara to look into the issue and report back.

Public Comment: There were no comments.

Mr. Tim Smith took a moment of personal privilege to remark that it had been an exciting year. He said in January, we probably didn't expect the success and the volume as we have seen this past year. As we move into the next year, he commented, we will see new challenges. He said the portal was successful because of all the people in the room and all those in the building and the next building. He thanked all and encouraged all to work with the Authority. He asked Supreme Court Clerk John Tomasino to express his deep and sincere thanks to the Chief Justice for his support, that we wouldn't be where we are today without that. He wished everyone a Happy Holiday.

VIII. Adjourn

The meeting was adjourned at 11:26 a.m.