

Florida Courts



E-Filing Authority

The Florida Courts E-Filing Authority Minutes

Florida Courts E-Filing Authority Board of Directors met on February 27, 2017, at 1:00 p.m. EST at the Embassy Suites by Hilton, Kissimmee, Florida, and by WebEx. The following members were present: Hon. Tim Smith, Putnam County Clerk, Chair; Hon. Jeff Smith, Indian River County Clerk, Vice Chair; Hon. Tara Green, Clay County Clerk, Secretary/Treasurer; Hon. Kathy Brown, Liberty County Clerk; Hon. Todd Newton, Gilchrist County Clerk; Hon. Karen E. Rushing, Sarasota County Clerk; Hon. Sharon R. Bock, Esq., Palm Beach County Clerk; Hon. JD Peacock, Okaloosa County Clerk; and Lynn Hoshihara, Esq., Authority General Counsel. The Hon. John Tomasino, Clerk, Supreme Court, attended by WebEx. All members were present.

The Hon. Tim Smith, Chair, opened the meeting at 1:03 p.m. EST. He welcomed those in the room and on the WebEx.

The Hon. Tim Smith asked for a roll call. All members were present.

Adoption of the Agenda

The Hon. Tim Smith asked for a motion to adopt the agenda. The Hon. Jeff Smith moved adoption of the agenda. The Hon. Sharon Bock seconded the motion. All voted to accept the agenda as presented.

Reading and Approval of Minutes

Mr. Tim Smith recognized the Hon. Tara Green to present the November 2016 minutes as posted on the website. Hearing no suggested changes, the Hon. JD Peacock moved adoption of the minutes. The Hon. Karen Rushing seconded the motion. All voted favorably to accept the minutes.

Financial Report

Mr. Tim Smith recognized Ms. Green to present the December 2016 financial report. There were no questions. Ms. Green moved to accept the financial report as presented. The Mr. Peacock seconded the motion. All voted favorably on the motion.

Ms. Green gave a brief report on the increased transaction fees and told the board that there had been no issues with the increase, but it had shown to increase revenue that, when project, looked like it would cover the FCCC contribution and allow the Authority to be financially independent.

Ms. Green introduced Mr. John Keillor and Mr. David Strange, auditors from Lanigan & Associates, to present the annual audit reports to the board. Mr. Keillor reported that for both the

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In governance of Florida's eFiling portal, the statewide access point for electronic transmission of court records, www.myflcourtagency.com.

financial audit and the SSAE 16 operational audit were clean or “unqualified” audits. Mr. Peacock moved to accept the audits as presented. Mr. Jeff Smith seconded the motion. The motion passed unanimously.

Progress Report

E-Filing Progress Report

Mr. Tim Smith recognized Ms. Carolyn Weber, FCCC Portal Program Manager, to review the January 2017 Progress Report. Ms. Weber reported that the filing numbers were fairly static, at about 1.2 million per month.

The number of registered users continues to grow and is now at 141,493. She commented that the number of proposed orders being submitted through the portal is also growing.

Release 2017.01

Ms. Weber reported that release 2017.01 is still on target for installation on April 28, 2017. One of the aspects of this release, she explained, was to add e-service so the Public Defenders and State Attorneys can use the portal for service. Also, she noted, there will be functionality in this release to allow Clerks to send documents to the Florida Department of Health, Bureau of Vital Statistics.

Service Desk Report:

Ms. Gia Howell, FCCC Portal Program Service Desk Manager, presented the January 2017 Service Desk Report. She noted that the numbers were increased from November and December, but that was normal as filings tend to drop off at the end of each year due to the holidays, then resume in January.

She said the service desk team was still assisting with the pending filing clean-up effort.

Florida Courts Technology Commission

Mr. Tim Smith thanked those Clerks who are members of the Florida Courts Technology Commission (FCTC) and the staff who also attend the meetings.

Mr. Melvin Cox, FCCC Director of Information Technology, reported to the board that the FCTC is working on business rules and processes for when filings are returned and standardizing reasons for document rejection. He noted that the filings left in the pending queue, “filed for judicial review,” are now being called “abandoned filings.” There is a group, led by Doug Bakke, Hillsborough Clerk’s Office, working on standards for how these filings are processed and looking to standardize reasons for rejection.

There was discussion of document rejections, what entity would keep the filed document, even though it was not in a court file, and what retention period would it have.

Mr. Cox also spoke to the FCTC document storage workgroup. He reminded the Clerks that they had been informed of this about a week prior through Advisory. He felt there was not an impact to the portal as of yet, but it is anticipated that there may be. He said it was being monitored closely.

Mr. Cox committed to keep the board apprised of the issues as they moved through these FCTC discussions.

Mr. Tom Hall briefed the board about several issues that are being discussed at the Florida Bar Rules Committees. The Rules of Judicial Administration is reviewing all rules in regard to keeping paper. In regard to privacy, rules 2.420 and 2.425 are being looked at and re-written making it solely the responsibility of the filer to redact prior to filing. As far as FCTC, he said they are working on developing a standard User Agreement for access to court documents.

Mr. Hall also committed to keeping the board apprised on the issues.

New Business

Status Report on District Courts of Appeal

Ms. Lynn Hoshihara, Authority Attorney, explained that staff had been contacted a few weeks earlier, and that Chairman Smith had recently received a letter from Ms. Mary Beth Kuenzel, Clerk of the 2nd DCA, stating that as of March 1 they are having to abandon their case maintenance system, eDCA, and move over to another system eFACTS, and would not be using the portal except for those filings that had a fee attached. Ms. Hoshihara referred to the Interlocal Agreement and said it might be the case that the DCA needed approval from the Chief Justice to leave the portal. At the very least, she felt that the Authority would need to notice all filers, including Clerk users, and that the process for change orders would need to be used. She stated that she did not want the portal to be the cause of any timeliness issues if a filing did not go through. She did not feel that the deadline of March would be able to be met.

Mr. Hall mentioned that there was a 2013 Supreme Court administrative order requiring all attorneys filing to the District Courts of Appeal file through the portal.

Mr. Jeff Smith made a motion to authorize Lynn Hoshihara, Melvin Cox and Carolyn Weber to go through the procedures for a change order as outlined in the Interlocal Agreement and technical staff sit down with the DCA. The Hon. Todd Newton seconded the motion.

There was brief discussion of the issue. The Hon. John Tomasino, Clerk of the Supreme Court, acknowledged that the DCA was aware of the need for an amended Supreme Court order giving permission for the 2nd DCA to use eDCA. He also said, in speaking with the 2nd DCA, that they did not feel any programming changes to the portal were necessary; if needed, the DCA staff could turn off any codes on their end as not to impact the filer. Once done by the Second, the same would be done for all the DCA's, where the filers would have the option to use the portal for fee payment and use the other path for regular, non-paid, filings. Judge Northcutt felt this was a stop-gap measure while all the DCA's work on the issue.

Clerk Mary Beth Kuenzel, Clerk of the 2nd DCA, told the board that they could accommodate filings through both the portal and eDCA and would work to make sure all filings were accepted. She explained that moving to another system allowed them to e-serve and save money as they have had to send service by mail. She committed to switching back to full portal functionality as soon as possible.

Mr. Hall suggested he understood that one of the DCA's issues is being able to put records online. He felt the issue would be solved if all the DCA's were on CCIS.

All voted favorably on the motion.

Old Business

Third Party Batch Filing Process – Status

Ms. Weber provided the board with the status of the vendors that are working to connect for third party batch filing, nine vendors overall and six in Phase I. She reminded everyone that there had been a recent extension to April 14th for all those who would be ready; all paperwork had to be submitted in for board approval before the April 28 release.

Ms. Peggy Ball, FCCC Director of Management Services, presented a new listing of proposed fees for the third party vendors, focusing on a monthly flat fee based on a sliding scale of filings (documents).

Mr. Dario Diaz, eFile Made Easy, thanked the board for listening to him in regard to fees. He felt the newly proposed fees would work.

Mr. Joe Osborne, TSI Legal, asked if the fees were by the month? Or was the annual fee an additional fee?

Ms. Ball clarified that the annualized number was just the monthly amount multiplied by 12; not an additional fee. She noted that the monthly amount could vary depending on how many documents were filed.

Jeff Stanford, Provest, asked if the fee was based on documents attempted or documents completed? Ms. Weber said it was for documents accepted.

Ms. Green made a motion to adopt the fees as proposed. Mr. Jeff Smith seconded the motion. All voted favorably.

Commission on Access to Civil Justice -- Pro Se Survey Status

Ms. Sharon Bock told the board she had been in touch with Mr. Frank Digon-Greer, staff to the Commission on Access to Civil Justice, who agreed that they would not put the current survey on the portal. She said she was drafting a short survey to take back to the FCCC to give to all Clerks to survey the pro litigants coming in their offices. That will allow the information to be expanded into the technology realm.

She expressed congratulations to Clerk Tara Green for participation in the FLAG portal. She mentioned that she and Clerk Doggett. Lee County had attended the self-represented litigant conference in California last week. She reported that it was heartening to hear there that Florida is so far ahead of the rest of the country.

Report from General Counsel

Ms. Hoshihara had no additional issues for the board at this time.

Public Comment

Mr. Henry Wong, Legal Toolset, asked if the Third Party Vendor fees were when filing by law firm or by vendor?

Mr. Cox answered that it was by vendor.

Mr. Tim Smith thanked everyone for attending.

The meeting was adjourned at 2:33 p.m.