



The Florida Courts E-Filing Authority Minutes

Florida Courts E-Filing Authority Board of Directors met on November 14, 2016, at 10:00 a.m. CST at the Sandestin Golf and Beach Resort, Miramar Beach, 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; A quorum was present.

- I. The Hon. Tim Smith, Chair, opened the meeting at 10:08 a.m.CST. He welcomed those in the room and on the WebEx.

The Hon. Tim Smith asked for a roll call. A quorum was present.

II. 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. Todd Newton seconded the motion. All voted to accept the agenda as presented.

III. Reading and Approval of Minutes

Mr. Tim Smith recognized The Hon. Tara Green to present the September and October 2016 minutes as posted on the website. Hearing no suggested changes, Ms. Green moved adoption of the minutes. The Hon. Sharon Bock seconded the motion. All voted favorably to accept the minutes.

IV. Financial Report

Mr. Tim Smith recognized Ms. Green to present the September financial report. There were no questions.

V. Progress Report

E-Filing Progress Report

Mr. Tim Smith recognized Ms. Carolyn Weber, FCCC Portal Program Manager, to review the October 2016 Progress Report. Ms. Weber reported that the number of filings was 1.15 million submissions, representing 1.6 million documents and 7.7 million pages. The number of registered users is now at 132,392.

It is taking about 1.7 days to docket a filing and the number of filings going to the pending queue has been the same since May, just under 1.9 percent of all filings.

The number of registered pro se filers continues to increase, now at 50,682, while the number of filings for this category remains between 5,900 – 6300 filings a month.

Ms. Green asked why pro se filers have the highest percentage being returned for correction. Ms. Weber explained that the reasons were not captured. Mr. Hall explained that the rejection standards varied by county and Ms. Weber said that the Florida Courts Technology Commission (FCTC) was looking into creating standards in this area.

Ms. Weber reviewed several slides showing the number of orders filed by judges through the portal. Mr. Jeff Smith asked why some were using the portal and others the judicial viewers. The Hon. Karen Rushing suggested it was easier for some judges to use the viewers. Ms. Weber explained that the ultimate goal was to send the orders through the viewers.

Ms. Weber provided a recap of the various projects being worked on by the portal team. There were no questions.

Portal Change Advisory Board

Ms. Weber reviewed the document detailing the various technical changes having been approved by the Portal Change Advisory Board at their last meeting. She asked approval of the report. Mr. Jeff Smith moved approval of the report. The Hon. JD Peacock seconded the motion. All voted favorably.

Release 2017.01 –Review and Approval

Ms. Weber reported that release 2016.02 was installed the past weekend and was successful. She advised the board that the aspects of the change advisory board report would make up the 2017.01 release or other later releases. She reviewed the items in the 2017.01 release and asked for approval of the 2017.01 release. Ms. Bock moved approval and Ms. Green seconded the motion. All voted favorably.

Service Desk Report:

Ms. Gia Howell, FCCC Portal Program Service Desk Manager, was recognized to present the October 2016 Service Desk Report. She commented that general support calls were slightly lower but judge calls have increased. She noted that pro se calls came down slightly. She commented that the Service Desk does take a little longer with the pro se filers to try to assist them.

Ms. Green asked if the pro se calls were content or technical issues. Ms. Howell responded that they were often situational, not fitting in any specific category. She offered to look at the codes put in when the call is closed to see if that would provide any detail. Mr. Smith suggested that information could potentially be helpful in order to make the portal better for users. Ms. Howell offered to pull the information for all 2015 and 2016 and have it sent to the members.

Ms. Green commented that the long report was very informational allowing for better problem identification.

VI. Florida Courts Technology Commission

Mr. Smith commented that the FCTC was going to be held at Howey-in-the-Hills later this week. Ms. Rushing told that board that there were a number of initiatives begin handled by the commission, such as continuing to standardize in various areas, including looking at the date when something is filed.

VII. New Business

Sending Documents to the Department of Health

Ms. Weber explained the recent conversations that have taken place with the Department of Health to see what documents that Clerks send to this agency that would save time and money to send through the portal. She explained they were in the requirements-gathering phase. This would be similar to how Clerks are sending document to the Department of Corrections.

Portal Security Standards

Mr. Melvin Cox, Director of IT, FCCC, explained that the document provided to the board detailed recommended security enhancements that would be beneficial to adopt for the portal. The security standards are nothing more than are being used in the other technical systems being supported by the association. He said it would prevent bots or other computer program that simulates a user. These changes should not impact any normal portal use as it exists today. He said they would review the security standards with the FCTC. He felt this was part of continuous improvements to the portal. Lynn Hoshihara, Esq., commented that she recommended that all filers have a 90 day notice period before implementation and would also give FCTC the regular 60 day notice. She said that if the board wished to adopt this, that she would recommend that they also adopt giving filers a 90-day notice period, that by date certain the new security measures would be put in place.

Mr. Peacock made the motion to adopt the standards with a 90-day notice period. Mr. Jeff Smith seconded the motion.

Mr. Dario Diaz was recognized to speak. He acknowledged he has been talking to portal staff, Mr. Hall and Ms. Hoshihara. His concern is that if for some reason the security standards damaged his service, eFile Made Easy, the lawyers using his service would not be able to file. During the 90 day period, he would want to make sure things were worked

out. He asked for flexibility to come back to the board if things do not work out with the proposed security standards and ask for more time. He stated that he would disclose what he needed to disclose to make sure he is not violating any rules that there on the security site.

Mr. Tim Smith thanked Mr. Diaz. He said it was not the goal of the Authority to prevent anyone from continuing to do work. He felt the 90 day period was to try to give everyone time to work out any issues there may be. If there was an issue, he asked that the Authority be noticed before the 90 days is up.

All voted favorably on the motion.

VIII. 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. She reported that are 12 vendors working on this effort. Mr. Hall mentioned that a few members of the judiciary have mentioned to him that they would like to have batch filing, too. Mr. Tim Smith asked if the January 17, 2017, date needed any further adjustment. She said no one was in QA right now, but there are still two months to go.

Access to Justice Survey

Mr. Tim Smith reminded the board that Mr. Digon-Greer, Access to Civil Justice Commission staff, had made a presentation before the board at the last meeting and asked if the board would put a link to a survey for pro se filers on our website. Technical staff can program it as a pop-up for pro se filers only He showed the questions on the screen and asked for a motion to adopt placement of the survey on the portal, proposed as a pop-up for pro se filers. Ms. Bock made the motion. Mr. Jeff Smith seconded the motion.

Ms. Bock asked about the length of the survey and if there was any chance to shorten the survey. She asked how would we know if the answers to the survey were accurate? What did the creators of the survey do to make sure we are getting accurate information. She felt that the board needed that answered before the survey placement was approved. She asked who would get the raw data? She expressed interest, that if it was on the E-Filing website, that the board should get the raw data and be able to give it to the framers of the survey. She suggested that the idea of leaving the survey on the Authority website for 6 months was too long, that it should be no more than 90 days, then revisit to change survey if needed. She also expressed interest in approving what the survey and the pop-up screen looks like.

Ms. Bock revised her motion approving the idea, but allow her to meet with the committee that is giving it to the board and make sure that the data received is going to be good and reliable.

Ms. Tim Smith explained that the survey links directly to the Commission that is managing the survey and not sure that the Authority would get the data.

Ms. Bock modified her motion to move to place the link on the Authority site, but not with the limited amount of information being provided at this time. She would like an opportunity to talk with the people who created the survey and see how they are going to be using the information and how we can be more helpful. There may be a better way to do this, she told the board.

She asked, then, that her motion be modified to postpone the decision to give the board an opportunity to get more information. She suggested having a meeting of a Pro Se Committee to be able to vet the survey questions.

Mr. Tim Smith explained that the Florida Access to Civil Justice Commission came to us at the last meeting to ask us to put the link on the Portal.

Ms. Rushing asked perhaps the Commission could provide the board the documentation they use to support the use of this instrument, so the board could just review that.

Mr. Digon-Greer explained that the survey was created by The Florida Bar and OSCA staff. The pro se information they have is national information, not Florida information. The purpose was to get information from pro se filers from each Florida judicial circuit. He offered to set up a meeting with Clerk Bock to discuss the questions further.

Mr. Tim Smith suggested approving the placing of the link and make it a date in the future giving the committees that Clerk Bock is involved in to have a conversation with Mr. Digon-Greer.

He suggested 30-days from today, mid-December, for questions to be asked and the link be placed.

Ms. Bock stated 30 days from today we would put the link on pending the conversation we're going to have has answers that allow us to be able to rely on the data that we're getting.

Mr. Tim Smith restated the motion - approving the placing of the link in 30 days, in mid-December pending no adverse discussion Clerk Bock's committee would have with the Florida Access to Civil Justice Commission.

Mr. Jeff Smith agreed to the amended motion. All voted favorably.

Report from General Counsel

Ms. Hoshihara reported her communications with Mr. Eric Greisdorf in reference to the provision found in section 57.105, Florida Statutes. She determined that it was an issue of rule and forwarded the issue to the Honorable John Tomasino for assignment to the committee on the Rule of Civil Procedure.

Ms. Hoshihara spoke to the meeting with Mr. Diaz. She felt it had been a very productive. As an outcome, she reported staff agreed to revisit the pricing model and work in coordination with Mr. Diaz to figure out the best way to bring him into compliance with what the avenue the Authority has available, single session or third party batch, to the extent something else might need to be created. She hoped to update the board on this issue at the February meeting.

Public Comment

There were no comments.

Mr. Tim Smith reminded everyone that the next authority meeting would be held on February 27, 2017, in conjunction with the FCCC Winter Conference in Kissimmee.

He thanked everyone for attending.

IX. Adjourn

The meeting was adjourned at 11:17 a.m.