



The Florida Courts E-Filing Authority

Florida Courts E-Filing Authority Board of Directors met on February 1, 2012, at 10:00 a.m. The meeting was located in the Gene Medina Conference Room, 23rd Floor of the Orange County Courthouse, Orlando, Florida. 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; Bill Kinsaul, Bay County Clerk; Joseph E. Smith, St. Lucie County Clerk; and Teresa Prince, Authority General Counsel. Karen Rushing, Sarasota County Clerk, and Sharon Bock, Esq., Palm Beach County Clerk were present by telephone, and James B. Jett, Clay County Clerk, was absent.

The meeting was called to order at 10:03 a.m. by Hon. Lydia Gardner, Chair.

- I. As the first order of business, Ms. Gardner told the Board that Mr. Jett had resigned, effective Monday, January 30, 2012. She asked for a motion to accept his resignation and to waive the 30-day notice requirement. Hon. Sharon Bock, Esq., made the motion and Hon. Bob Inzer seconded the motion. The motion carried.
Ms. Gardner noted that Hon. Tim Smith was elected at the district caucus meeting the week prior to take Mr. Jett's place on the board. She welcomed Mr. Smith.
Ms. Gardner recognized Ms. Teresa Prince, board attorney, who introduced Ms. Lynn Hoshihara. Ms. Hoshihara, also with Nabors, Giblin, will be taking over legal advisement for the board after this meeting. Ms. Gardner welcomed Ms. Hoshihara.
- II. Ms. Gardner moved to adopt the agenda. Joe Smith seconded the motion and the motion carried. Hon. Bill Kinsaul moved the adoption of the November minutes. Hon. Bob Inzer seconded the motion and the motion carried.
- III. Hon. Karen Nicolai, Secretary/Treasurer moved the adoption of the Finance report. Mr. Inzer seconded the report and the motion carried.
- IV. Ms. Gardner recognized Melvin Cox to report to the board on portal development and local e-filing implementation. Mr. Cox reported that the State Attorney group and their liaison have been very active in meeting and learning what it will take to begin e-filing. They are working on "bulk" or "batch" filing for State Attorneys and Public Defenders Offices to assist them in maintaining their workflow process. He reported that the Supreme Court and Appellate court meetings were going well. They were on target for mid-year.

In briefing the committee on the status of Clerks' Offices connecting to the portal, currently 41 offices were connected and accepting at least one civil case type, five offices already have local e-filing systems and 21 offices are working to connect.

Mr. Kenneth Kent, FACC Executive Director, was recognized to introduce Levi Owens, P.M.P., the new project manager who will be the Authority liaison with the Clerks' offices. Ms. Gardner welcomed Mr. Owens who presented his plan to begin working with the counties. First, he explained, the 21 counties needed contacting and assistance. Then he would focus on the five local systems to assess what it would take to get them connected to the portal so as not to disrupt the local processes. He committed to providing a status report to the E-Filing Authority Board of Directors at each meeting. Mr. Inzer asked how many counties were accepting all five civil case types and was he going to help counties get completely connected or partially. It was noted that the county status for each county was reported in November, but that now that Mr. Owens was on board, he would be able to begin changing the status and reporting. There was discussion to make the county status report more prominent on the website.

V. A. Hon. Tom Hall, website subcommittee chair, reported on the progress of the subcommittee. He told the board that the subcommittee has approved an RFP and was ready to make it publicly available.

B. Mr. Cox presented a report on the Forum for Users. He explained that as a result of the input of many users, there had been an upgrade to the portal released at the end of January. The new release addressed 50 deficiencies and 20 issues. Ms. Gardner appointed Mr. Smith to lead this subcommittee.

VI. Ms. Bock presented the re-drafted amendment to the Interlocal Agreement to the board for approval. Ms. Bock explained this was the amendment that was discussed at the last meeting to make a few minor changes to the Interlocal Agreement governing Authority business. She explained that the resolution amends section 3.6 to allow the chair and vice chair to designate administrative functions to staff; amends section 2.1 to remove the words "procurement and ordinances" to allow the board to contract for needed services more effectively; and, amends section 4.1 to allow the Authority clearly to adopt policies or procedures for contracting or procuring services needed for the effective administration of the body.

She pointed out that these amendments are drafted to allow all members to retain their voting rights. It was vetted since the last meeting and seems to have been drafted to meet everyone's approval at this point.

Ms. Prince noted that if the board members voted positively today, they would not need to sign the consent document. Once all 68 members agree to the changes to the Interlocal Agreement, it will become effective. It will also need to be recorded in each member's county. Ms. Rushing moved to approve the revisions to the Interlocal Agreement. Mr. Inzer seconded the motion. There was a roll call vote and all voted favorably.

VII. A. Mr. Hall updated the board of directors on the activities on criminal paper and e-filing. The court has not yet spoken as to whether the most recent extension will be granted; as a result, he was not sure how the July 1/December dates would be impacted.

Ms. Gardner asked Ms. Rushing to take Mr. Jett's place as the FCTC liaison for the E-Filing Authority.

B. Mr. Hall shared the new ADA requirements with the board. SC 11-2.526 was effective January 1, 2012, and requires all documents filed with the courts to be ADA compliant. It also applies to all administrative records of the courts. He said CLE training and a manual was being developed. At the Supreme Court, they would begin enforcing it after the training was underway. Mr. Hall explained that there is an ADA coordinator at the Supreme Court and that the Supreme Court could do some training in the near future. He noted that if the software used to create a document is dated 2006 or newer, that it was more than likely compliant, but emails are not required to be ADA compliant. However, he noted that not all aspects are clear yet. He directed members to the information posted on the Supreme Courts' website on the issue. Ms. Gardner suggested that the next Clerks' conference have training on ADA compliance. Mr. Kent suggested having a session on ADA at the FACC Summer Conference with the Supreme Court trainers.

C. Ms. Prince explained that she has drafted a purchasing policy as suggested by the board. She suggested that they all review the document in the packets and prepare to come back at the next meeting to discuss and vote at the next meeting. She noted that she found a few items that she felt needed to be tweaked in the policy, that she would do so and resend to the group. Ms. Gardner asked her to send a memo with the revised document noting the changes from the document presented at the meeting.

D. Ms. Gardner opened a discussion on a waiver policy by asking the board if they should be the body that established the waiver criteria. Her example was that in some cases extenuating circumstances, such as existing software, might not allow the Clerks to be compliant by the deadlines. There was general discussion as to what body should accept a waiver or explanation of extenuating circumstances. Ms. Gardener noted that she thought the E-Filing Authority board should know about those Clerks' offices that may not meet the deadlines and why. The group suggested the reports be called, "exceptions reports."

VIII. There was general discussion of the next meeting. It was decided to meet in March 2012 by teleconference or WebEx, noting that no action can be taken. Ms. Prince suggested that the meeting be called a "workshop." The next formal meeting would be held at the Gainesville Hilton in conjunction with the FACC Conference, April 24, 8:30-10:00 a.m.