



The Florida Courts E-Filing Authority

The annual meeting of the Florida Courts E-Filing Authority was held on June 15, 2011 at 10:20 a.m. The meeting was located at Tampa Marriott Waterside and Marina, 700 South Florida Ave., Tampa, FL. The following members were present: P. Dewitt Cason, Columbia County Clerk, Chair; Tom Hall, Clerk, Supreme Court, Vice Chair; Karen Nicolai, Hernando County Clerk, Secretary/Treasurer; Sharon Bock, Palm Beach County Clerk; Lydia Gardner, Orange County Clerk; Bob Inzer, Leon County Clerk; Jim Jett, Clay County Clerk; Bill Kinsaul, Bay County Clerk; Karen Rushing, Sarasota County Clerk.

The meeting was called to order at 10:27 a.m. by P. Dewitt Cason, Chair.

- I. Mr. James Jett moved that the Annual Report be accepted as read. The motion passed.
- II. Mr. Bill Kinsaul moved to elect Mr. Thomas D. Hall as Vice Chair of the Authority. The motion passed.
- III. Ms. Karen Rushing moved to elect Ms. Karen Nicolai as Secretary/Treasurer of the Authority. The motion passed.

Annual Meeting of the E-Filing Authority Board adjourned at 10:30 a.m.

The Florida Courts E-Filing Authority

The regular meeting of the Florida Courts E-Filing Authority was held on June 15, 2011 at 10:30 a.m. The meeting was located at Tampa Marriott Waterside and Marina, 700 South Florida Ave., Tampa, FL. The following members were present: P. Dewitt Cason, Columbia County Clerk, Chair; Tom Hall, Clerk, Supreme Court, Vice Chair; Karen Nicolai, Hernando County Clerk, Secretary/Treasurer; Sharon Bock, Palm Beach County Clerk; Lydia Gardner, Orange County Clerk; Bob Inzer, Leon County Clerk; Jim Jett, Clay County Clerk; Bill Kinsaul, Bay County Clerk; Karen Rushing, Sarasota County Clerk.

The meeting was called to order at 10:30 a.m. by P. Dewitt Cason, Chair.

- I. Mr. Bob Inzer moved to accept the April meeting minutes as corrected. The motion passed.
- II. Report by Mr. Melvin Cox, FACC Director of Technology, regarding status of e-Portal implementation. Mr. Cox also reported that the portal software needs to be updated in order to comply with Rule 2.420. Progress is being made to program the software to comply with Standard 3.1.11, which will assist Clerks in managing pending filings. Mr. Thomas D. Hall noted that he expected substantial changes to the confidentiality forms and a clarification to the list of 19 exceptions from the Florida Bar. Mr. Bob Inzer asked if Mr. Cox was aware of any counties "losing" a filing that was submitted via the portal. Mr. Cox answered that there have not been any lost filings. Mr. Bob Inzer moved for the Board to petition the courts to eliminate the 90-day test period. Mr. Cason spoke in support of the motion. Mr. Thomas D. Hall noted that the Chief Judge already has the capability to stop the paper follow up after one case type meets the 90-day timeframe. Mr. Hall stated that the rule says, "90-day test period," and in a subsequent administrative order it was delegated to the Chief Judges to make local determinations. The motion passed. Mr. Bob Inzer moved to authorize the Authority Chair to notify the courts of the petition to eliminate the 90-day test period. The motion passed.
- III. Report from Ms. Peggy Ball regarding status of joinder agreements. Ms. Ball reported that 8 joinder agreements had not been received.
- IV. Report from Mr. Kenneth Kent regarding 2010-2011 Authority Budget. Mr. Kent reported that the current financial balance was \$59,742. He also reported that a donation of \$60,000 had been made by the Florida Bar, Florida Supreme Court and the FACC Services Group. The Authority's estimated obligations are \$40,016.20, which will cover legal fees (16,346.32), the audit contract (\$22,500), Director's and Officer's Insurance (\$769.88) and bank fees (\$400). Mr. Kent reported that the remaining \$20,108.80 would be carried over to the new fiscal year. Mr. Kent reported on the portal payment engine and showed the filing fee and portal fee amounts.

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- V. Report from Ms. Teresa Prince, Esq. regarding revisions to Section 5.6 of the Interlocal Agreement. Ms. Prince reported that Section 5.6 of the Interlocal makes it very difficult for any changes to be made to the agreement. The revision would require a majority vote of the Board and a positive vote from the Clerk of the Supreme Court to make revisions to the Interlocal Agreement, which would allow for more efficient administration of the Board. Mr. Dewitt Cason asked if a vote of the membership could be done electronically. Ms. Prince stated that she would check. Mr. Hall asked for time to allow the Supreme Court counsel to review the proposed change and bring back any comments to the next meeting. Mr. Cason agreed to place this item on the next meeting agenda.
- VI. Report from Mr. Melvin Cox regarding criminal data elements. Mr. Cox reported that the Florida Courts Technology Commission (FCTC) developed a list of criminal data elements, but they have not been finalized. He stated that FCTC would meet with State Attorney and Public Defender groups to devise a method for filing through the portal. The FCTC approved using TCATS and suggested that the existing process could be left in place.
- VII. Report from Mr. Melvin Cox regarding SB 170. Mr. Cox reported that he anticipated portal staff would work with the State Attorney and Public Defender groups to devise a method to file through the portal. Mr. Bill Kinsaul asked if the element list was as extensive as the probate list. Mr. Cox stated that it was much shorter and that much of the information was already being captured in the local case maintenance systems.
- VIII. Report from Ms. Sharon Bock and Mr. Laird Lile regarding non-lawyer/law firm access to the portal. Ms. Bock reported the subcommittee had met twice since the last Authority Board meeting to review potential recommendations.
- a. Mr. Lile shared the recommendation to allow a non-attorney who works for or under the direction or supervision of an attorney be authorized to use the attorney's credentials. Ms. Karen Rushing asked how to handle a legal assistant leaving a law firm. Ms. Lydia Gardner noted that this has been Orange County's practice for five years and that it has not been problematic. Mr. Lile noted that the lawyer would receive an email notification for any filings made. Mr. Thomas D. Hall asked if an attorney should acknowledge that he or she shared his or her credentials. Mr. Lile felt that was under the Florida Bar rules, which requires attorneys to be responsible if they share credentials. Ms. Sharon Bock moved to allow a non-attorney legal assistant who works for or is under the direction or supervision of an attorney be authorized to use the attorney's credentials. The motion passed.
- b. Mr. Lile reported that an attorney filing pro hac vice must be associated with a Florida attorney. Mr. Lile shared the recommendation that out of state filers be provided their own credentials for accessing the portal rather than using the Florida attorney's credentials. He shared that the subcommittee also recommends that a

attestation be placed on the website so that the pro hac vice attorney can affirm that he or she is in compliance with Rule 2.520. Ms. Karen Rushing asked if the pro hac vice attorney had to be aware of any confidentiality issues. Mr. Lile stated that anyone filing in Florida was required to be aware of Florida rules. There was general discussion about whether a pro hac vice attorney could register for the portal prior to being admitted pro hac vice. There was also general discussion that the attestation wording would need to be carefully written. Mr. Hall suggested that the portal utilize the Florida Bar database to track the number of times an out of state attorney appears. Mr. Bob Inzer moved to allow out of state attorneys to have their own credentials for portal use and to create a separate check box for the out of state attorney to attest that he or she has complied with the rule 2.520. The motion passed.

- c. Mr. Lile presented the subcommittee recommendation to allow self-represented filers to utilize the portal. Ms. Sharon Bock moved to allow a self-represented filer to use the portal. Debate. Mr. Thomas D. Hall spoke against the motion and stated that the motion was premature. Mr. Lile suggested that the motion could be amended to accept the subcommittee recommendation, but clarify that implementation not be until a later time. Ms. Sharon Bock moved to amend the motion to allow a self-represented filer to use the portal, but not implement access until a later time. The motion passed as amended.
- d. Mr. Lile presented the subcommittee recommendation to allow registration credentials to remain valid and active indefinitely for all types of filers, subject to further review of the Board. Mr. Bob Inzer moved to allow registration and access credentials for all types of filers to remain valid and active indefinitely, subject to further review by the Board. The motion passed.
- IX. Presentation by Mr. Kenneth Kent regarding the 2011-2012 Authority Budget. Mr. Kent reviewed the placeholder budget for the Authority of the next fiscal year. He reminded the Board that the Interlocal Agreement required that a budget be adopted for the next fiscal year. He also reported that the Board had been provided \$60,000 for Authority operation in the current year, but that no new revenue was projected for next fiscal year. Mr. Kent asked staff to present a tightly crafted budget at the next Authority Board meeting. Mr. Bob Inzer commented that Florida law requires government agencies to have a balanced budget. Mr. Teresa Prince, Esq. agreed with Mr. Inzer's statement. Mr. Kent committed that the FACC Services Group would cover the shortfall shown in the draft budget document. Ms. Karen Nicolai stated that she was comfortable passing it with the caveat that the Authority would seek partnership support for the \$26,352 shortfall and that the budget document would show that line item in the black with the notation as "partner support." Mr. Bob Inzer moved to adopt the 2011-2012 Authority Budget as amended. Mr. Thomas Hall voted against the motion. The motion passed.

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- X. Report by Mr. Melvin Cox to review the Florida Courts Technology Commission Portal User Survey. Mr. Dewitt Cason stated that he was not sure that the timing was right for a user survey on the website. There was general discussion that a user survey was premature and that the portal should be in place longer before polling users.
 - XI. Report from Ms. Sharon Bock regarding a request from Community Legal Services of Mid Florida for funding. Mr. Dewitt Cason appointed Ms. Sharon Bock, Ms. Karen Nicolai, and Mr. Thomas D. Hall to the Pro Se Subcommittee.
 - XII. Report from Ms. Teresa Prince, Esq. regarding oral arguments scheduled for October 2011 on the rule revision that the Board directed her to file with the Supreme Court. Ms. Prince asked for direction on whether she should appear on behalf of the Board. She also stated that the State Attorneys had withdrawn their support of the rule revisions due to SB 170. She informed the Board that her legal expenses to appear would be approximately \$10,000. Mr. Thomas D. Hall stated that he did not feel that it was necessary for Ms. Prince to appear as long as someone else would appear and state that the Board is opposed. There was general discussion as to who might appear or if the Board could file a comment that they were opposed and would not appear. Mr. Dewitt Cason asked Ms. Prince to keep the Board informed of the hearing and any comment to be filed.
 - XIII. Next meeting of the E-Filing Authority Board is scheduled for September 28, 2011 at 10:00 a.m. in Orlando.
 - XIV. Report from Ms. Linda Doggett regarding the Board requesting the Florida Courts Technology Commission for clarification on searchable pdfs so that the additional standards would allow for easier implementation at the county level. Mr. Dewitt Cason asked Ms. Doggett to put her comments in writing.
 - XV. Mr. James Jett moved to adjourn the regular meeting of the E-Filing Authority Board. The motion passed.

Regular meeting of the E-Filing Authority Board adjourned at 11:45 a.m.