



## Florida Courts E-Filing Board Workshop

### Minutes

The board met by teleconference on May 30, 2012, at 10:00 a.m. Members present: Hon. Lydia Gardner, Chair, Hon. Thomas D. Hall, Vice Chair, Hon. Karen Nicolai, Secretary /Treasurer, Hon. Bill Kinsaul, Hon. Bob Inzer, Hon. Tim Smith, Hon. Karen Rushing, and Hon. Sharon R. Bock. Also present were: Melvin Cox, Kent Kent, Peggy Ball, Randy Long, Beth Allman, Sean Hudson, and Levi Owens Florida Clerks staff; Lynn Hoshihara, Nabors Giblin, E-Filing Authority attorney.

#### I. Introduction and Roll Call

Hon. Lydia Gardner called the meeting to order at 10:05 a.m. and welcomed those on the phone. She asked Beth Allman to call the roll. Ms. Gardner reminded the board that because this was a workshop, no formal action could be taken by the board.

#### II. Finance Report

Ms. Gardner recognized Peggy Ball to give the monthly financial report. Ms. Ball noted that the Authority was in a deficit posture, paying bills from carryover funding.

#### III. Progress Reports

Ms. Gardner recognized Levi Owens, Florida Clerks E-Portal project manager, to provide the monthly status report. Mr. Owens reported that all counties had reported and were making progress toward accepting civil e-filings by July 1, 2012. There were a few questions about the District Court of Appeal (DCA) readiness.

Ms. Gardner asked if the Funding Subcommittee had met yet. Hon, Sharon Bock, subcommittee chair, said she was planning on holding a meeting of the subcommittee in Panama City Beach in conjunction with the broad meeting. Ms. Rushing asked if the topic would for funding in general for the portal or if it was for the Authority. She explained that discussions along these lines had been raised at the recent Florida Courts Technology Commission meeting. She noted that it was important for this subcommittee to know these discussions were also going on elsewhere.

Ms. Gardner shared her recent visit with the Fifth DCA Clerk. She informed the group that the DCA Clerk wanted to issue an order requiring all Clerks in the trial courts to use an electronic format when filing their appeals packages. All the Clerks from the counties in the district were invited to the meeting and collectively shared the concerns that they would not be able to comply with an order of that nature. They asked what the penalty would be for non-compliance. The board asked Mr. Hall for clarification.

Mr. Hall explained that the First and Fifth DCA were using “homegrown” systems, an adaptation of the Department of Administrative Hearings’ system. He said, at the same time the other DCA’s are

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getting ready to go through the portal. Mr. Hall reminded the board of the SC 011-399 Supplemental Comment filed by the FCTC chair, Judge Kreeger, as a result of the workgroup that met during the fall. He felt that there was agreement that all counties could produce the electronic record.

Ms. Gardner expressed concern that the date could not be met for the DCA packages. Mr. Hall said that any Clerks that could not meet the deadline should send a letter to the court or have participated in the oral arguments.

Melvin Cox, Florida Clerks IT Director, clarified that the dates for the DCA appeals packages were not the same as the dates for being able to accept civil and criminal e-filings. The paragraph for the DCA issue was set out separately in the Supplemental Comment. He explained that the dates for the DCA appeals packages was added during an FCTC meeting that fall, that the dates were not part of the e-filing mandates, but a separate requirement.

Ms. Rushing said she and Mr. Ruvin had contacted Clerks during September 2011 and were told that they could meet the date.

Ms. Gardner asked Melvin and Ms. Rushing to contact Clerks to do a survey of Clerks to see how they could meet the dates for the electronic appellate package. She remarked that this information was not well-communicated to the Clerks. Mr. Hall further explained that the appellate packages will not go through the portal; it is just a different way to transfer the record that the trial court already sends. He reminded the board that the First DCA had already passed this same order and that 32 trial courts/counties were already sending the package electronically as required in that district.

Ms. Gardner recognized John Tomasino, Second Circuit Public Defender's Office, who wanted to let the board know that the five Public Defender Appeals Offices were not seeing a way around the order from the DCA. The PD offices had been working with Mr. Hall and the DCA representatives, but not getting much traction.

Ms. Gardner then recognized Mr. Tom Morris, Eight Circuit State Attorney's Office, who had nothing to add on the issue, but spoke positively to the continued relationship with the association portal development staff and the development of the batch filing. He mentioned they had designated a few test circuits for that.

Ms. Gardner recognized Mr. Hall to speak about the website homepage RFP review. He asked that the subcommittee meet in person during the next week if possible to go over the responses.

Ms. Gardner told the board she would get the letter ready to send to The Florida Bar. She suggested the Funding Committee should meet before the June board meeting. She also reminded the board that there would be elections for Vice Chair and Secretary/Treasurer at the Annual meeting, June 12, 2012.

#### **IV. Adjourn**

The workshop adjourned at 10:46 a.m.