



## The Florida Courts E-Filing Authority Minutes

Florida Courts E-Filing Authority Rules Subcommittee met on August 30, 2013, at 3:00 p.m. by WebEx. The following members were present: Don Barbee, Hernando County Clerk, Chair; Tom Hall, Clerk of the Florida Supreme Court; Tara Green, Clay County Clerk; Tom Hall, Clerk, Supreme Court; Tim Smith, Putnam County Clerk; Angel Colonnese, Esq., Manatee County Clerks' General Counsel; Laura Roth, Esq., Volusia County Clerk's General Counsel; and Lynn Hoshihara, Esq., Authority General Counsel. Sharon R. Bock, Esq., Palm Beach County Clerk, was unable to join the meeting.

- I. Mr. Don Barbee, Chair, opened the meeting at 3:07 p.m. with a roll call. He explained that it was going to be an organizational meeting.
- II. Committee membership: There was a brief discussion of whether members should be attorneys or not. Mr. Barbee felt that if he could represent that the majority of the members were attorneys he was comfortable with non-attorneys on the committee. Mr. Tom Hall said, too, that if the members were clerks, at least they would have practical experience.
- III. Committee Mission:  
There was discussion that the committee may want to be an ad hoc committee rather than a standing committee and only meet when an issue is passed to them.
- IV. Initial Rules Review:  
Mr. Barbee suggested they look at court rules revisions, statute revisions, but perhaps not the administrative orders. Ms. Laura Roth agreed, the committee could comment on the revisions to the court rules and pass comments to the Rules of Judicial Administration. Mr. Barbee suggested that at the next meeting they should discuss specific rules that needed revision. Mr. Hall suggested that the committee find out how to track what rules revisions the Bar Rules Committees were already considering, that deal with changes to e-filing. Mr. Hall offered to provide the contact information for the chairs and suggested Tim Smith write a letter asking for the revisions.

Prioritization of portal users: who comes next. Mr. Barbee asked if it should be the focus of the committee Mr. Smith reminded the committee of Judge Bidwill's FCTC committee

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and their work along the same lines and impending report to the FCTC in October. Mr. Hall suggested it was not the purview of this committee. Mr. Barbee asked to get the list Judge Bidwill's committee was working from and bring it to the Authority meeting.

What should be filed through the portal? This was discussed as being an issue of discussion with the FCTC. Ms. Karen Rushing noted that many more items were filed in local systems than are currently contemplated by the portal at this point. Mr. Hall noted that the court would be willing to consider what should NOT go through the portal for reasons of efficiencies. He also commented that the court wanted filers to be able to see images, but that would not take into account that which would not go through the portal.

As a note for the first meeting: the group agreed to discuss what groups file and should they use the portal. Ms. Akilya Drake, Palm Beach Clerk's Office, asked if judges should file their papers through the portal? There was a discussion that the judge viewers would alleviate the need for judges to use the portal. Mr. Barbee asked if the Chief Justice had an opinion as to whether judges used the portal or other local system, does he care how orders get to the local case maintenance system (CMS) as long as it is efficient? Ms. Roth said she thought the FCTC thought of the portal as a statewide CMS. Mr. Hall suggested that it didn't matter how the orders got to the file as long as they were viewable. Attorneys complain that they cannot see their documents without going to another website.

Ms. Green asked if it included the filing of original documents? Mr. Barbee suggested they check with the Rules Committee and if they were not considering that, to report back to the E-Filing Authority. Mr. Smith suggested that once a document was submitted through the portal, that the electronic version become the original that can be requested and certified, much like the deed to a house

- V. Supreme Court Request: Initiation of criminal cases through the portal
- Mr. Cox was recognized to recount the history of why the portal is not designed to take initiating documents for criminal cases. He noted that in 2011 there was a workgroup comprised of law enforcement, state attorneys, public defenders, FDLE, the courts, and the like, that reviewed the data elements needed to initiate a criminal case. This included data needed from the differing jail systems and many law enforcement agency's systems. The issue was discussed by FCTC at that time and the decision was made to get started sooner rather than later by filling on existing criminal cases. He reminded the group that to resolve the issue, it would take all the same entities to agree on a single code table, revising their systems to reflect those codes. Those codes would then serve as the foundation for portal filings that initiate criminal cases. It is a large undertaking, he noted.

VI. Conclude:

Mr. Barbee discussed scheduling for the next meeting and asked Beth to send out dates.

The meeting adjourned at 3:49 p.m.