



The Florida Courts E-Filing Authority Minutes

Florida Courts E-Filing Authority Board of Directors held a regular meeting on May 5, 2014, at 1:00 p.m., EDT, at the Plantation on Crystal River, Crystal River, Florida, and by WebEx. The following members were present: Tim Smith, Putnam County Clerk, Chair; Joseph E. Smith, St. Lucie County Clerk, Vice Chair; Tara Green, Clay County Clerk, Secretary/Treasurer; John Tomasino, Clerk, Supreme Court; Alex Alford, Walton County Clerk; Don Barbee, Esq., Hernando County; Bob Inzer, Leon County Clerk; Karen Rushing, Sarasota County Clerk; Sharon Bock, Esq., Palm Beach County Clerk; and Lynn Hoshihara, Esq., Authority General Counsel. All members were present.

- I. Mr. Tim Smith, Chair, opened the meeting at 1:00 p.m. with a roll call. He welcomed all on the WebEx and reminded all those on the WebEx to mute their phones and keep extraneous noise to a minimum.

Mr. Bob Inzer moved adoption of the agenda. Mr. Don Barbee seconded the motion. All voted favorably.

- II. Minutes

Ms. Tara Green asked if there were any corrections to the April minutes. Seeing none, Ms. Green made a motion to adopt the minutes as presented. Mr. Barbee seconded the motion. All voted favorably.

- III. Financial Reports

Ms. Green reviewed the financial reports. She reviewed the budget amendment, moving \$15,300 from other categories to cover increases in legal fees and the insurance.

Ms. Green moved approval of the budget amendment. Mr. Bob Inzer seconded the motion. All voted favorably. Ms. Green also explained that the directors and officers insurance had increased to \$761 and was due at the end of May. Mr. Barbee moved to approve renewing the contract for the Directors and Officers Insurance policy for the upcoming year. Mr. Inzer seconded the motion. All voted favorably. Ms. Green also moved for approval of the Lanigan & Associates contract coming up at the end of the month. She explained that Lanigan is the firm that performs the annual financial and technical audits as required by the Interlocal Agreement and noted that the cost of the

audits had decreased for the upcoming year. Mr. Inzer seconded the motion. All voted favorably.

IV. Progress Report

Mr. Smith recognized Ms. Jennifer Fishback to present April Progress Report. Ms. Fishback reported that there were 1.15 million filings, which equaled over 1.8 million documents for the month. She noted that new case initiation remained low, at about 4.7%. The number of users had increased from 59,673 to 60,636. She displayed a chart showing the times when filings were more prevalent than others, “peak times,” and noted that it had really not changed from the previous months, but were beginning to stretch slightly longer. Pending queue was levelling off so staff was looking at why filings may still be going to the pending queue. For criminal filings, she reported that 55% were using the batch process and 45% were still using single session filing.

Ms. Fishback informed the board that Release 2014.02 would be implemented on June 20 of this year. Release 2014.03 was scheduled for October 24, 2014, and Release 2015.01 was scheduled for April 20 4, 2015. She explained that spreading out the upgrades was to allow counties more time to implement. Additionally, she explained, that there was beginning to be less need for upgrades, so they could be more spaced out. She reviewed the highlights of the release. Of importance, she noted that Release 2014.02 would provide a filing role for pro se filers and judge filers. Judges would be able to use the portal to securely transmit documents to the Clerk.

Mr. Smith asked if the judge files through the portal, how will e-service work? Ms. Fishback responded that judges could serve a document but would be unable to be served. There was also a question of whether Ms. Fishback was looking into a batch filing option for larger civil firms. She said that they were, but it was very complex. Mr. Smith recognized that it was not an easy task, but felt certain the staff could figure it out. He felt, though, that the focus was still on those that were the simplest to bring on.

Service Desk Report

Mr. Melvin Cox reported that the Service Desk call volume went up slightly in April but contacts are static with 73% coming through email and 27 by phone. The calls for technical assistance decreased over the month. Mr. Cox felt they would continue to decrease. Ms. Green asked that the numbers be broken down between criminal and civil for a better understanding of where the issues are.

V. Florida Courts Technology Commission –Pro Se Filing Demonstration

Ms. Fishback presented a powerpoint demonstrating how a pro se filer would register to use the portal. It was, she showed, much like an attorney signed up for an account. The main difference is that there is no Bar number to link to the filer.

Ms. Bock commented that in the issue of filer roles that a phased-in approach would be best. But that pro se would have the same access as any other filer. In the Access Committee meeting, there was a recommendation that the pro se filer file through the portal without having any remote viewing. She felt that the issue of filer roles and what

type education, if any is needed, will be considered at the Consolidated Pro Se Committee.

Mr. Tim Smith, Chair, clarified that this presentation is not anything but using the portal; not reviewing documents or using the A2J tool. He commented that viewing documents will be governed by AOSC 14 – 19. He noted that the authority has to decide when do we want pro se filers to begin filing?

Mr. Cox commented that Judge Hilliard’s Access Committee felt it was appropriate for pro se to begin filing. He thought pro se filers could be added in the June release.

Ms. Sharon Bock moved the E-Filing Authority Board accept the ability for pro se filers to file through the portal in the next release, June 20, 2014. Mr. Bob Inzer seconded the motion Mr. Smith opened the floor for discussion. There were no questions. All voted favorably

Mr. Smith also remarked that he wanted to add other filer groups as soon as possible. A comment was made that once pro se was able to file through the portal, any group could file. He commended Sharon Bock for all her months and months of working with pro se litigants and congratulated her for the Authority being where it is in regard to allowing pro se filers on the portal.

AOSC 14-19 Status Report

Mr. Tom Hall remarked to the board that the order establishes what access filers can have, as far as viewing documents. He felt that there were a number of ambiguities and that there was on-going discussion with the Access Committee to clarify them. He also reviewed the approval process that there needed to be some direction on that. Mr. Smith asked how long it might take? Mr. Hall said there still needed to be parameters, but reviewed the process set out in the order. Ms. Christina Blakeslee said the court had the letter from Mr. Baggett and Dr. O’Neil regarding existing Clerk systems and would be responding to that soon.

VI. Committee Reports Rules Committee

Mr. Barbee reported that the meeting with the liaisons went well, that they would hold quarterly briefing meetings and would report back to the Authority any issues of note. He noted the next meeting with the liaisons would be prior to the Annual Bar meeting in late June.

VII. New Business

Secured Transaction of Department of Corrections Documents

Ms. Rushing briefed the board that she has been speaking with the Department of Corrections (DOC) and that they were in favor of establishing a process, much like that of the appellate courts, wherein the portal would be used for sending documents to DOC. Mr. Smith clarified that the record would go through the portal not CCIS. Mr. Cox commented that this would be a way to use an existing system to send orders to DOC in a

secure manner, much like Clerks send a notice of appeal to the DCA. Mr. Tom Hall noted that if the image was available on the portal, we would have to make sure it was complaint with AOSC 14-19. Mr. Cox clarified that this was transmission only. Ms. Rushing asked the board to approve staff moving forward with this proposal, allowing staff to determine the details. Ms. Sue Murray asked if the Clerk would be required to follow up with an electronic or paper copy? Ms. Rushing responded that it was her understanding that it would not be required at this point. Mr. Smith said he would like something like this to be written in whatever formalized agreement we have with DOC. Ms. Rushing moved the issue of approving staff moving forward with this proposal, allowing staff to determine the details. Mr. Barbee seconded the motion. All voted favorably.

VIII. Other Business

Mr. Smith recognized Lynn Hoshihara, Authority General Counsel. She reported that as the use of the portal had grown, that here have been more public records requests. She suggested that the board should adopt a public records policy. Mr. Inzer moved that counsel draft a public records policy for board review at the next meeting. Mr. Joe Smith seconded the motion. All voted favorably.

Public Comment

There were no other comments.

IX. Adjourn

The meeting was adjourned at 2:33 pm.