



## The Florida Courts E-Filing Authority Minutes

Florida Courts E-Filing Authority Board of Directors held a regular meeting on September 25, 2014, at 10:00 a.m., EDT, at 3544 Maclay Blvd., Tallahassee FL 32312, and by WebEx. The following members were present: Tim Smith, Putnam County Clerk, Chair; Tara Green, Clay County Clerk, Secretary/Treasurer; John Tomasino, Clerk, Supreme Court; Alex Alford, Walton County Clerk; Bob Inzer, Leon County Clerk; and Lynn Hoshihara, Esq., Authority General Counsel, were present in Tallahassee. Gail Wadsworth, Flagler County Clerk; Karen Rushing, Sarasota County Clerk; and Sharon Bock, Esq., Palm Beach County Clerk, were present by WebEx. Don Barbee, Esq., Hernando County, Vice Chair; was not present.

I. Welcome

Mr. Tim Smith, Chair, opened the meeting at 10:02 a.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. He asked staff to call the roll.

II. Adoption of the Agenda

Mr. Bob Inzer moved adoption of the agenda. Mr. Alex Alford seconded the motion. All voted favorably.

III. Reading and Approval of Minutes

Mr. Tim Smith recognized Ms. Green to present the minutes from the August 7th and August 26<sup>th</sup> meetings. Hearing no questions or suggested changes, Mr. Inzer moved adoption of the minutes. Mr. John Tomasino seconded the minutes and all voted favorably.

IV. Financial Report

Mr. Smith recognized Ms. Green to present the Treasurer's Report. She reviewed the August 2014 statement. Mr. Inzer moved to accept the Treasurer's report and Mr. Alford seconded the motion. There were no questions and all voted to accept the report.

Mr. Smith took a moment to ask everyone in the room to identify themselves for the record. The following are those who were present: Beth Allman, Christopher Campbell, Melvin Cox, Jennifer Fishback, Tom Hall, Gia Howell, Sean Hudson, Ken Kent, Brenda

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Standish, Carolyn Weber, and Ron Webster, FCCC; P.K. Jameson, OSCA; Ryan Colbert, Morgan & Morgan; Gary Blankenship, Florida Bar News; Jeff Taylor, Lori Tolksdorf and Angel Coloneso, Manatee County Clerk's Office; Brent Holladay, Lake County Clerk's Office; Gail Hutcherson and Susan Tierney, Pinellas County Clerk's Office.

V. Progress Reports

E-Filing Authority Progress Report

Mr. Smith recognized Ms. Jennifer Fishback, FCCC Portal Project Manager, to review the monthly status report.

Ms. Fishback reported that for the month of August there were 1.1 million filings, representing 1.7 million documents, for an average of 52,000 filings a day through the portal. New case initiation was at 4.8 percent and there were now 66,912 registered users, higher than the 65,000 reported last month. Of those users, 184 of them are judges, 3600 are self-represented litigants, 59,000 attorneys and 3978 "others." The "other" filers, she explained could be Clerks' office employees, law firm administrators and the like.

She noted that the number of filings overall was down in August in comparison with other months.

She noted that all counties were accepting criminal filings and 18 circuits were using the batch process.

She reported that it was still taking about one day to docket a filing.

As for the October 24 software release, Ms. Fishback reported they were in the test phase. There are some Clerk enhancements and some filer enhancements. There will be a webinar on October 16<sup>th</sup> for Clerks to review the new functionality being provided to them. For file enhancements, she reported the following features:

- State attorneys would be added to all service lists on criminal cases.
- The size for appellate filings will be increased to 25 mg, rather than 10mg.
- The documents tab will be reformatted to go to a search feature to better assist filers in finding the document type they are looking for.
- Filers can update their names/service through a new My E-service screen.
- The My Filings screen will show the names of those who were served and not served on a particular filing.

Overall, she reported that the portal team was purging data to provide better speed.

For the planned April 2015 upgrade, Ms. Fishback reported that the portal team was already working on a My Fees screen to better assist filers match filings and payments.

Service Desk Report

Ms. Brenda Standish reviewed the monthly statistics. She noted that calls were down in August and fewer calls were open at the end of the month. She noted that the majority of the contacts were made by email.

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Ms. Sharon Back asked if they were tracking the types of calls that pro se filers are asking? Ms. Standish acknowledged that they were, she told the board that most of the calls were questions about password problems, what docket code to choose, general log-in questions. She commented that for any questions that were of a more complex nature, they were coordinating with the projects team.

VI. Florida Courts Technology Commission

Mr. Smith asked if any Technology Commission member, staff or Judge Munyon had any reports to make on the FCTC. There were none. He thanked Judge Munyon for being on the WebEx for the meeting.

VII. Committee Reports

Rules Committee

Mr. Tom Hall spoke on behalf of Mr. Don Barbee. He reminded all liaisons that the next Bar Rules Committee meetings were in Tampa, October 16-17 and we would be having a brief meeting with the liaisons prior to that time. He reported on a Rules of Judicial administration issue regarding coverage attorneys and “attorney of record,” and how to best provide access once the records were online. He also told the board that there was discussion about the electronic record on appeal He noted that the courts may change the standard before the June 30, 2015, deadline.

Mr. Hall said The Bar agreed to appoint some trial and appellate clerks to the ad hoc subcommittee to look at the issues.

Mr. Smith thanked Ms. Sharon Bock for the suggestion that the Board establish the Rules Committee and building the relationships with others committees that deal with rules. He recognized the efforts that help build better communication between the groups.

Portal Change Request Policy

Mr. Alex Alford, chair for the Portal Change Committee, reported that he had worked with the staff and come up with a document to detail a process for making changes to the portal. He asked the board to review the document and provide any comments by the next meeting. He asked Ms. Jennifer Fishback to review the document for the board. Mr. Smith asked how long it would take for a change to get to the Authority or a release? She noted that the process contemplated a monthly report to the board at a regular meeting. He commented that he did not want the process to stretch on. Mr. Inzer asked if the board would know the issues prior to the releases. He felt it was important to have input on those issues ready to move forward.

Mr. Alford asked the board to review the document and provide him any feedback.

Mr. Smith asked that it be scheduled for the next meeting for adoption. In the meantime, has asked that any questions be sent to Ms. Beth Allman and Mr. Alford.

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## VIII. Old Business

### Public Records Request Policy

The Chair recognized Ms. Lynn Hoshihara to review the public records request policy presented to the board at the previous meeting. She noted that she had worked with the John Tomasino, Clerk of the Supreme Court, and made revisions to the policy to encompass Judicial Rules. She feels the Authority has met the requirements of ch.119, Florida Statutes. Ms. Tara Green asked if the public records requests were tracked? Both Ms. Hoshihara and Ms. Allman affirmed that they were. Mr. Inzer moved that the policy be adopted. Ms. Green seconded the motion and all voted favorably.

### Credit Card Policy

Mr. Smith recognized Mr. Alford. Mr. Alford reminded the board that he had asked staff the previous month to look into what it would mean to accept Visa cards through the portal. Mr. Kent explained that it would greatly increase the fees to the filers who use the ACH option. Mr. Alford thanked staff for their work. There was no discussion.

At 11:15 a.m., the Board took a break and resumed at 11:25 a.m.

## IX. New Business

### Portal Demonstration and Discussion on Uniformity

Mr. Smith told the board that this meeting was set up to provide them a forum in which to discuss uniformity and standardization. He commented that it was not an easy fix to make it uniform due to multiple vendors, involved, the various case maintenance systems, and local processes.

Mr. Melvin Cox opened the demonstration telling the Board they would show them how a filer sees the portal.

Ms. Carolyn Weber showed a powerpoint on the aspects of uniformity. She noted that the main differences were due to local choices and case maintenance integration.

Ms. Fishback shared with the board that she was studying the data to find out how many document types and drop downs were not being used. Ms. Karen Rushing said she was glad to hear the hard data, that it helps to see what the solution is. She wondered if there was a way to be more in compliant with what the Supreme Court requires? Can we obtain more uniformity on the filing side versus the docketing side?

Ms. Green commented that the some counties still wanted the civil cover sheet in paper. She felt that there is inconsistency in that from county to county. She said the rules were not clear. She wondered it was supposed to be sent separately or not. She felt that the filer could not attest what they were filing on the civil cover sheet or what it looked like. Mr. Hall agreed that the rule does require it to be an attested form.

Ms. Rushing commented that there are several kinds of orders issued by the court that are not part of the case, such as trap and trace and a search warrant. In the instance, there was a motion to seal those orders. She didn't want the lawyer not to file through the system,

but had to have a case number in order for the document to be sent through the portal. She noted that Mr. Cox helped her get these documents filed, but would like the staff to be aware of this and look into a solution.

Ms. Fishback told the board staff had gathered data from the system about how filers used document types and docket codes. They tracked the number of times a document type was used, by county, by division, existing cases versus new. She explained that they found a large number of inactive codes and document types that were not used at all. She commented that staff had no idea whether all the codes were needed or not.

Mr. Inzer asked if Ms. Fishback could send the code information to each county so they could look at it and see what is and is not being used? Ms. Fishback said she could, she can send files to the counties with the detailed docket usage.

Ms. Fishback commented that if the lists were shorter, it might help the filer pick the right docket description. She said the Best Practices workgroup was being given the data to see how it compares to the lists they have put together. She said they were looking at solutions that will promote standardization and will give it to the IT Strategic Planning Committee for consideration. At the appellate level, she noted, they are moving to a single set of portal codes, then mapping all their case maintenance codes to that set.

Mr. Smith stated that by the next legislative session he would like to have goals out for how to standardize. He suggested there may need to be legislative action or an order of the Supreme Court. He asked that Clerks begin analyzing how their dockets descriptions are being used and getting back to Jennifer and her team. He commented further that he wanted everyone to move together in standardization and let the board make recommendations.

Ms. Green asked if he was asking that the Clerks look at their activities?

Ms. Fishback responded that because they just don't know what happens on the Clerk end, it would be helpful.

Mr. Inzer mentioned that it would be most helpful if we knew how we compared with the other Clerk's sites.

Ms. Wadsworth told the board that she felt using fewer docket codes was better, but felt it should reflect the full title of the document.

Ms. Rushing thanked staff for the presentation on usage. She remarked that the naming convention is at the heart of the issue. She thought they could look at statute and rule for the naming convention. For those who are studying the issue, she asked if they would consider the idea of free text, for example noting who was served, allow for amendments as a suffix to the document description.

Mr. Smith recognized Ms. Laurie Rice, Clerk Deputy, Brevard Clerk's Office. She told the board that they would not want to be limited to the docket codes they could use. Mr. Smith acknowledged individual needs in some counties.

Ms. Angel Colonnese, Counsel for Manatee Clerk's Office, asked if a county could tailor the codes to match what is in their county? Ms. Fishback said she was not sure at this point.

Mr. John Tomasino asked if there was any to capture what Clerks are changing certain codes to. Mr. Cox responded that was more of a local case maintenance system function, but would look into it.

Mr. Ryan Colbert, Morgana & Morgan, asked if there was any contemplation to allowing a law firm to electronically file/batch file? Ms. Fishback responded by saying that the solution created for government users was not as easily expanded to law firms.

Mr. Smith commented that he would like to get through standardization first in order to be able to get where we need to be before we can go forward on what Mr. Colbert wanted.

Mr. Smith remarked that it looked to him like work still needs to be done by the portal vendor to find out how to be more standard. If doing things differently is just what it is, we need to find more opportunities to be more standard, more efficient. He told the board that this discussion would be continued at the next meeting.

#### Public Comment

There were no comments from anyone in the room or on the WebEx.

Mr. Smith thanked Mr. Gary Blankenship, Florida Bar News, and Ms. P.K. Jameson, The State Court Administrator, for coming. He asked that she extend greetings back to the Courts.

#### X. Adjourn

The meeting was adjourned at 12:45 p.m.