



## The Florida Courts E-Filing Authority Minutes

Florida Courts E-Filing Authority Board of Directors held a regular meeting on February 3, 2015, at 10:00 a.m., EST, at the Hilton Oceanfront Resort, Cocoa Beach, Florida, and by WebEx. The following members were present: Tim Smith, Putnam County Clerk, Chair; Don Barbee, Esq., Hernando County, Vice Chair; Tara Green, Clay County Clerk, Secretary/Treasurer; John Tomasino, Clerk, Supreme Court; Alex Alford, Walton County Clerk; Bob Inzer, Leon County Clerk; Karen Rushing, Sarasota County Clerk; Sharon Bock, Esq., Palm Beach County Clerk; and Lynn Hoshihara, Esq., Authority General Counsel, were present. Gail Wadsworth, Flagler County Clerk, was unable to attend.

- I. Mr. Tim Smith, Chair, opened the meeting at 10:00 a.m. with a roll call. He welcomed all in the room and on the WebEx. He reminded all those on the WebEx to mute their phones and keep extraneous noise to a minimum.
- II. Mr. Don Barbee moved adoption of the agenda. Ms. Tara Green seconded the motion. All voted favorably.
- III. Reading and Approval of Minutes  
Mr. Tim Smith recognized Ms. Green to present the December 2014 minutes. Hearing no suggested corrections or changes, Mr. Barbee moved adoption of the minutes. Mr. Bob Inzer seconded the motion and all voted in favor.
- IV. Financial Report  
Mr. Smith recognized Ms. Green to present the Treasurer's Report. She reviewed the December month-end statement. There were no questions.
- V. Progress Reports  
E-Filing Authority Progress Report  
Mr. Smith recognized Ms. Carolyn Weber, the new Portal Program Manager. She provided a review of the monthly status report for January. Ms. Weber reported that January showed about 1.1 million filings, representing 1.6 million documents. She reported that during one day in the reporting period there were 8,020 filings in one hour. The peak filing hours are still at 10:00 a.m. and at 3:00 p.m. She also reported that the number of filings going into the pending queue was steady at about 2 percent, but noted

what a low number that represented. Ms. Green asked what the usual reason was that a filing would be placed in pending. Ms. Weber suggested it was generally wrong case type or wrong fee. She reported that the number of registered users had slightly increased, to 77,832. She noted that the number of judicial filings was increasing. There was a brief discussion of why some counties may have more judicial filings than others. Most notably, Brevard and Orange numbers were very high in comparison to most counties. It was noted that in Orange County, the Clerks spent time training the judges and judicial assistants. Ms. Laurie Rice, Brevard County, echoed that they had spent a lot of time with their judges and judicial assistants and, as a result, over half of the judges were filing. She explained, all judges are filing in paper. The judges sign their documents, then the documents are scanned. While it is recognized that is not the most efficient way to go, the judges do like the e-service component. As a result, there are fewer phone calls because the documents are docketed and available much quicker.

Ms. Sharon Bock, Esq., asked if the Authority would want to take a position on this, that Clerks begin encouraging chief judges to e-file due to efficiencies gained for both Clerks and the judiciary?

Mr. Smith suggested that this topic be put on the agenda for the March meeting and ask Clerks to report on their success stories. Ms. Green asked if she should share this with the chief judges in her circuit? Mr. Tom Hall suggested sharing it with the Supreme Court. Ms. Karen Rushing suggested that the information be shared with the division judges, such as the head judge of the Probate Division. Mr. Bob Inzer commented that his judges used an internal system to file, so his numbers would not show up on the portal reports. He asked if the Chief Justice would want to make a leadership comment on this? Mr. Smith asked Mr. Tomasino to look into this.

#### Portal Change Process Committee

Mr. Smith first thanked Mr. Alex Alford for beginning this committee, then recognized Dr. Carole Pettijohn, Director of IT for the Manatee County Clerk's Office and chair of the newly formed Portal Change Advisory Board (PCAB). Dr. Pettijohn reported that the PCAB had been newly formed of IT staff from about 15 counties. The group had met several times and had worked through the HEAT tickets which were requests for changes to the portal from filers or other users. She briefly reviewed the priority list shown in the report with the board. She explained that the first several items were included in the April release, numbered 2015.01.

Mr. Barbee asked how the public interfaced with the PCAB. Dr. Pettijohn explained that the Service Desk handled the issues by detailing them in the HEAT system and sending those asking for system change to the PCAB for review and discussion.

Ms. Rushing asked if Dr. Pettijohn's group felt that the timestamp electronically placed on e-filed documents was compliant with the new administrative order? Ms. Weber responded that it was and explained the placement and font size.

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Dr. Pettijohn asked for the board's approval of the release dates and the priorities as shown in the PCAB report presented to the board at this meeting. Mr. Inzer commented that he appreciated all the detail and moved to accept the dates and priorities. Ms. Rushing seconded the motion. Mr. Inzer asked for a list of the members who serve on the PCAB Committee. Mr. Smith called the question. All voted favorably.

#### Service Desk Report

Ms. Brenda Standish reviewed the service desk report for December. She reported that overall the calls had dropped, more than likely due to the holidays. Of just under 3,000 calls for December, 149 calls were from pro se filers. There were no calls from judges. Ms. Green asked if the calls were about the same from month to month. Ms. Standish confirmed that there were. Ms. Green also asked, relative to the number of new filers coming on, should we expect the calls to increase. Ms. Standish noted they were keeping track of calls by filer type and observe that calls initially go up, then taper off. Mr. Smith shared an email he received from a filer expressing appreciation for Ms. Gia Howell's assistance.

#### VI. Florida Courts Technology Commission

Mr. Smith recognized Christina Blakeslee to report on the next Florida Courts Technology Commission (FCTC) meeting. She told the board that the next FCTC meeting will be held February 19th in Orlando. Additionally, there would be committee meetings held on February 18th. She said that the Access Governance Committee would be held on February 17th and would be reviewing all the applications. Based on what she had seen so far, she informed the board that it should be a smooth process. They anticipate making the recommendations to the Board on the 19<sup>th</sup>.

She also told the board that there had been discussion of using the portal for proposed orders. Jennifer Fishback had done a presentation at the last meeting of Judge Bidwill's subcommittee on this topic and it is in the beginning stages. It is recognized there are some policy issues to be discussed, but Judge Bidwill will be making a presentation on the issue at the next FCTC meeting.

Ms. Tara Green, a member of Judge Bidwill's subcommittee on Proposed Orders, explained to the Board that this issue was initiated by The Florida Bar. They were looking for a more consistent way to get information to the judges. She noted that it was going to be discussed more at the upcoming subcommittee meeting to be held on February 18<sup>th</sup>. Mr. Smith confirmed Carolyn Weber was already on top of this issue, as to how to best handle it if it came to the board for discussion. Mr. Inzer asked if using the portal was the best way to deal with proposed orders. He suggested emailing them to the judge, as it was not part of the case file. Ms. Green commented that sending a document through the portal does not have to make it part of the case file. She said they would be working on business rules at the February subcommittee meeting. Ms. Rushing noted that in her circuit the judges like to be able to modify the proposed orders, they prefer them in WORD, rather than a *tiff* file. Ms. Weber explained that this concern came from attorneys who are currently faced with judges wanting the proposed orders delivered differently in each circuit for each judge, each county. She explained that the model being

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discussed was that the proposed orders would be sent through the portal, as a single interface, as WORD documents so judges could handle them in a regular manner. Ms. Rushing felt that the board should be talking to the judiciary on this issue.

Mr. Inzer made a motion that the E-Filing Authority ask the FCTC for guidance as to what methodology they would like used for proposed orders. Chris Blakeslee commented that there are judges who already have a system for the proposed orders that they prefer. Ms. Rushing seconded the motion. Ms. Green clarified that they look at it, as there is currently not a request for any changes to the portal. All voted favorably.

Ms. Green stated that the issue was only presented to the board as information. She explained that the issue had not yet been approved by FCTC, nor had it been sent to the Authority.

## VII. Old Business

### Discussion on Standardization

Mr. Smith recognized Ms. Weber to review her report on standardization. She told the board that they were looking at the federal PACER system as a guide to reduce the number of drop downs, making it easier for the filer. The FCCC Best Practices workgroup has taken the time to reduce the number to 49 descriptions. There was a question as to when this project would be finished. Ms. Weber responded saying the Best Practices workgroup was meeting frequently and would hope the project would be done this year. Ms. Rushing asked if the local treatment of documents is being considered? Ms. Jean Sperbeck, Esq., Alachua County Clerk's Office and member of the Best Practices workgroup, responded that the workgroup was keeping track of those documents that need special treatment or fees. There was a discussion about documents being treated differently in different counties. Ms. Sperbeck explained that the focus was to try to standardize at the highest level, recognizing there would always be local differences. Once that task was accomplished, she continued, then the group could look at variances.

There was discussion about how this may require the Clerk to do work on their end. Ms. Green commented that across all user groups there is some compromise. Mr. Smith agreed, stating that in the end it will require everyone to change and it will take modifications of all of our processes. Ms. Rushing commented that she felt they would have to do it as a board and be together on the effort.

### Response to Hon. John Tomasino

Before recognizing Ms. Hoshihara to speak to the topic, Mr. Smith told the board Ms. Hoshihara had recently been promoted to a shareholder in her firm. He gave her a framed announcement of her promotion. She expressed appreciation for the recognition by the board.

Ms. Hoshihara recapped the letter that was sent to Mr. Tomasino referencing the board's discussion of possible inclusion of a license for the A2J system. In researching the issue, she noted, that the subcontractor holds the license which provides the portal ability to use the software. She felt, out of an abundance of caution, that the board may want to authorize her to explore the possibility of the board owning their own license. Ms. Bock

asked if there was a cost. Ms. Hoshihara explained that it was free to governmental entities. She also explained it would be more like an insurance policy, something held in the event it was ever needed.

Ms. Bock asked that the board instruct legal counsel to explore getting a license for the Authority. Mr. Barbee seconded the motion. There was no discussion; all voted favorably.

Mr. Smith asked Mr. Tom Hall to briefly bring the board up to speed on the revision to the Supreme Court's Administrative order 14-791. He told everyone he was working with Mr. Murray Silverstein, the chair of the Rules of Judicial Administration Committee, Judge Stephens and The Florida Bar to see what could be done to revise the language of the rule to better deal with paper filings and time stamp machines. The extension of time for comments on this part of the order is February 27, 2015. Ms. Rushing asked that they make sure they looked at the current systems in place.

#### Public Comment

There were no other comments.

#### VIII. Adjourn

The meeting was adjourned at 11:25 a.m.