



The Florida Courts E-Filing Authority Minutes

Florida Courts E-Filing Authority Board of Directors held a meeting on April 28, 2016, at 2:00 p.m., 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; JD Peacock II, Okaloosa County Clerk; Bob Inzer, Leon County Clerk; Karen Rushing, Sarasota County Clerk; and Sharon Bock, Esq., Palm Beach County Clerk. Jeffrey Smith, CPA, Indian River County Clerk, Vice Chairman, and Todd Newton, Gilchrist County Clerk, were not present. Authority General Counsel Lynn Hoshihara, Esq., was present. A quorum was present.

- I. Mr. Tim Smith, Chair, opened the meeting at 2:01 p.m. with a roll call. He welcomed all on the WebEx.

Mr. Smith asked Ms. Sara Sanders to call the roll. A quorum was present.

- II. Adoption of the Agenda
Before adoption of the agenda, Mr. Bob Inzer made a motion to amend the agenda to include a topic regarding funding. Ms. Sharon Bock, Esq., seconded the motion. All voted favorably. Mr. Tim Smith moved adoption of the agenda as amended. Ms. Bock seconded the motion. All voted favorably.

Mr. Smith recognized Mr. Inzer to speak to his issue.

Mr. Inzer explained that as Florida Court Clerks & Comptrollers' (FCCC) Treasurer, he was recently reviewing the FCCC budget and it looked like they were scheduled to spend about \$900,000 on the E-Filing Authority. With Clerk struggling with budget cuts this year, this restricts the Association's ability to provide services to the Clerks. He suggested that the money should be used to support the FCCC members and that the E-Filing Authority had matured and should pay its own way. He suggested that adjusting the fees by a minor amount should be reviewed. He also remarked that he currently had no data and the concept still had to be shared with the Supreme Court. He noted that the Association had paid more than \$5 M in unreimbursed dollars to build and maintain the portal, but it is not sustainable going forward.

Mr. Inzer proposed a motion in that the Board should adjust the convenience fees sufficient to support the entity in a self-sufficient and staff would come back to us with details, and we would be sharing this with the Supreme Court.

Mr. Smith clarified that Mr. Inzer's motion was a conceptual motion to adjust the filing fees in such a manner to cover the cost of operations and future development, pending discussion with the courts. Ms. Bock seconded the motion.

Ms. Karen Rushing asked for confirmation that the motion in no way changed the process in which we enhance things or collaborate with the court but helps fund the necessary operations and continued improvements that are identified.

Mr. Inzer said she was correct; it did not.

Mr. Tom Hall, on behalf of staff, asked if legal counsel could be directed to ask legal staff to look at various funding models.

Mr. Inzer emphasized that this was to allow the Authority to break even and any extra dollars would be reinvested into the authority.

Mr. Smith asked for the vote on the conceptual motion. All voted favorably.

III. Third Party Batch Filing Process Status

Ms. Weber explained she was still working on the project. From the technological side, they are still working on the specifications. They have yet not been able to test the process end to end. That type testing is necessary to insure that all the required data elements are being received by the portal, passed on to the county CMS (Case maintenance system), and then to insure that the status of those submissions are returned to the filer. Once we have completed the end-to-end test and the legal documentation is available, we should be ready to bring it to the board for review and approval.

Mr. Tom Hall remarked that batch filing required the filer to develop an interface with the portal. This requires a lot of work on the part of the technical staff to insure the data flows back and forth, with each vendor or party wanting to batch file. Staff is proposing to do this in a manner where there may be an open time where a vendor can apply to do civil batch filing, then staff would work with each one. At some point each applicant would become certified. He felt there would be a proposed fee structure to cover the additional work, as it is outside the original scope of work. He proposed that the board authorize legal counsel to look at various funding mechanisms and propose how to best support this project.

Ms. Lynn Hoshihara, Esq., agreed and depending on what type of fee structure is ultimately allowable, she recognized that this may require an amendment to the Interlocal or the Supplemental Agreement. She recognized that they would need to work with the court or any other entity to get it resolved.

Mr. Smith said he encouraged all those who are working on this to work as quickly and as diligently as they can. He acknowledged that this process is really being requested by the filers, as such it is the duty of the Authority to develop this in a way that is fair, equitable, timely and pays for itself. He feels the discussion has gone on for a while and needs to be moving along. He encouraged those who are involved to help get this moving.

Public Comment

Mr. Smith asked for public comment.

Mr. Eric Griesdorf, an expert in law enforcement and integrated systems and a pro se filer, was recognized. He praised the system and the staff. He asked if the Board would consider having the portal could check the dates denoted in s. 57.105(4), F.S. Mr. Smith asked Ms. Hoshihara, to look into the matter. He commented that anyone not following the statutes should be generally or court rules should be handled by the court; this may not be an appropriate action of the portal. He felt that if the portal would not accept the filing, that a lot of judicial time would be freed up. Mr. Smith thanked him for his comments.

Mr. Jeff Stanford, Provest, was recognized. He said that his company has submitted their information to be put on a list to receive information when the batch filing becomes available. Is it? And, is there a date yet when the technical documentation will be made available? He said they would need to do a bit of work on their end ot make sure it would work.

Mr. Smith noted again that he wanted this to be a fair process—everyone should be able to turn this on at the same time, so everyone has the same opportunity.

Ms. Weber said that the information is not yet available. She also reiterated that everyone would get the information at the same time to be able to begin development.

Ms. Gia Howell, Portal Services Desk Supervisor, did confirm that Provest was on the list.

Mr. Joel Rosenthal, JLL Processing, was recognized and expressed his concern with the process being taken for developing the civil batch filing. He asked that his company be on the list. He expressed comments about fairness, but has concern with the technical work was being done with a specific vendor which may put that vendor in a position to be approved and offering services before any others. Ms. Weber said that they had to work with someone to find out what they needed to do. She assured Mr. Rosenthal that these vendors would not be filing before anyone else, that staff envisioned an open period to apply, then test, then all would be opened up for everyone at the same time.

Ms. Weber and Ms. Howell assured Mr. Rosenthal that JLL Process was on the list.

Mr. Hall commented that staff had a request the week before from a court that judges would like to have batch filing, too. He suggested that this was another area that will need to be looked at.

Ms. Yvette Tiamarion, Miami-Dade, asked for clarification as to what “civil” batch filing Mr. Hall noted it was any types of cases that were not “criminal,” as that was handled under a different batch process. He and Ms. Weber commented that it was a generic term, encompassing all non–criminal cases, such as family, traffic, foreclosure, circuit civil, county civil, probate; anything that is not considered a criminal filing.

Mr. Tim Smith thanked everyone for attending and announced that the next scheduled board meeting would be the Annual Meeting, Monday, June 27, 2016, held in conjunction with the FCCC Summer Conference. He encouraged all Clerks to attend that meeting.

IV. Adjourn

The meeting was adjourned at 2:47 p.m.