



The Florida Courts E-Filing Authority Minutes

Florida Courts E-Filing Authority Board of Directors met on February 27, 2018, at 1:00 p.m., EST, at the Sanibel Harbour Marriot Resort and Spa in conjunction with the Florida Courts Clerks & Comptrollers' Winter Conference and by WebEx. The Honorable Tim Smith, Putnam County Clerk, Chair; The Honorable Jeff Smith, Indian River County Clerk, Vice Chair; The Honorable Tara Green, Clay County Clerk, Secretary/Treasurer; The Honorable John Tomasino, Supreme Court Clerk (by Webex); The Honorable JD Peacock, Okaloosa County Clerk; The Honorable Kathy Brown, Liberty County Clerk; The Honorable Todd Newton, Gilchrist County Clerk; The Honorable Karen E. Rushing, Sarasota County Clerk; and The Honorable Sharon R. Bock, Esq., Palm Beach County Clerk; were present. Ms. Lynn Hoshihara, Esq., Authority General Counsel, was also in attendance. A quorum was present.

I. Introduction and Roll Call

The Honorable Tim Smith, Chair, opened the meeting at 1:00 p.m. He welcomed everyone in the room and attending by WebEx.

Chairman Tim Smith asked for a roll call. All members were present.

II. Adoption of the Agenda

Chairman Tim Smith asked for a motion to adopt the agenda.

MOTION: The Honorable Sharon R. Bock moved adoption of the agenda. The Honorable Todd Newton seconded the motion. All voted to accept the agenda as presented.

III. Reading and Approval of the Minutes

Chairman Tim Smith recognized The Honorable Tara Green to present the December 2017 and January 2018 minutes.

MOTION: Clerk Green moved adoption of the minutes as posted on the website. The Honorable Karen E. Rushing seconded the motion. All voted favorably.

IV. Financial Report

Chairman Tim Smith recognized Clerk Green to present the December financial statements. She presented that assets at the end of August stood at \$2.6M, \$2.1M in cash and \$ 0.5M in accounts receivable and \$6K in prepaid expenses. Liabilities stood at \$ 0.5M. This figure represented \$ 05M in accounts payable and \$3K in accrued annual audit fees. Equity stood at \$2.1M.

There were no questions or comments about the report.

Clerk Green reminded the board that for the current year, it is projected that there will be about \$502,000 in carry-forward funding, but in the 2018-2019 year, the budget projections showed a potential deficit. She expressed a desire to discuss this as a board. Chairman Tim Smith directed Clerk Green and Ms. Peggy Ball and staff to get together prior to the annual meeting in June to develop ways to fund the budget.

V. **Progress Reports**

E-Filing Portal Progress Report

Chairman Tim Smith recognized Ms. Carolyn Weber, Portal Project Manager, to review the January 2018 status report. Ms. Weber reported that there were 1.3 million submissions in January, representing 1.97 million documents for the month, and 8.9 million pages. A comparison of filing volumes in January for the past five year showed that the 2018 volumes were some 200,000 filings above the volume of 2017. She reported that overall, it was still taking just over a day to docket a filing, at 1.3 days to docket. The top filer role at 77,841 registered users, is still the attorney filer at 87.1% of the filings. While there are 91,529 registered self-represented litigants, the activity associated with those accounts only constitutes less than one percent.

Service Desk Report

Ms. Gia Howell, Portal Service Desk Supervisor, was recognized to present the service desk report. She reported to the board that calls for January were back to a more normal level, increasing after the holidays. She reported that both attorney and pro se calls had increased, but that there were only 11 calls from judges. She offered to do site visits for any Clerks who would like assistance working the portal queues.

VI. Florida Courts Technology Commission

Chairman Tim Smith recognized Mr. Melvin Cox, Director of IT, to lead discussion on the issue of receiving documents in PDF/A format. He explained the issue to the board members noting that the Portal would have to be changed, programmatically, before the documents in that format could be sent to the Clerk. He commented that the Change Order presented to the Board at this meeting contains the technical process for the changes needed. The issue was brought before this board in January and vetted in the form of a change order at the Portal Subcommittee meeting and at the Florida Courts Technology Commission (FCTC) meeting earlier in the month. He noted that the change order was sent to Granicus for costing and that price would be known more specifically as we moved forward. He explained that it would require programming for the Portal to

“sense” that the document was not in DPF/A format, and ultimately convert it and send it on to those Clerks who could take PDF/A.

He spoke of two distinct components of the changes required: 1) Education—this phase would require the Portal to be programmed so it can determine if the document is already in PDF/A or not. There would also be a message provided to the filer telling them their document was not in PDF/A and perhaps include a hyperlink with instructions for converting the document; 2) Programming -- the Portal would be programmed to convert the incoming document to PDF/A for those Clerks who could accept it in that format.

Clerk Newton asked if errors occurred in the conversion. Mr. Cox said none were expected.

The Honorable Jeff Smith asked if there was a time limit as to when Clerks had to be compliant. Mr. Cox responded that the standards are not yet approved by the Supreme Court, but once approved there would be a two-year timeframe. Clerk Jeff Smith asked that Civitek be notified that that some Clerks are not able to afford PDF/A and to see if there is way to make it available.

In discussion, the Honorable John Tomasino suggested that about 60% of the documents already come in PDF/A format.

Chairman Tim Smith recognized Mr. Dario Diaz, E-FileMadeEasy, who urged the board not to begin rejecting scanned documents. Mr. Tom Hall responded to comment that the Rules of Judicial Administration just passed a rule that would be going through the process for adoption about the forms of documents that Clerk could reject. A discussion of what Clerks could reject ensued.

Ms. Lynn Hoshihara asked permission to meet with staff and the Association General Counsel to discuss this issue and the changes to the Portal it would require and develop a proposal to bring to the Board at the April meeting.

MOTION: Clerk Jeff Smith made a motion that Ms. Hoshihara meet with staff to review the issue and bring it back to the Board at the April meeting. Clerk Rushing seconded the motion. Chairman Tim Smith asked Ms. Hoshihara to come back with a plan. He also noted that this would not have to be decided right away as there was time before the October release. All voted favorably.

In asking for any comments from FTCC members, Clerk Tim Smith recognized Ms. Janine Moore, Office of the State Courts Administrator, who informed the Board that the next FCTC meeting was scheduled for May 9-11. There were no other comments from FCTC members.

VII. New Business

Chairman Tim Smith recognized Ms. Weber to explain the agenda item, Internet Explorer 8.0. Ms. Weber explained that Microsoft (MS) was no longer supporting that version of

Internet Explorer and has not since January 2016. She added versions 6.0, 7.0, 8.0, 9.0 and 10.0 to this discussion as versions that she was aware of that have not been supported for some time. She explained that in review of portal usage, it was determined that 86% of the filers are using MS 11.0 Edge and less than 6% were using the older browsers. Mr. Cox explained that with each release or “hot-fix,” staff has to test against each of the iterations of Internet Explorer to make sure nothing everything would work when using those versions.

Chairman Tim Smith asked Ms. Hoshihara to develop a policy to bring back to the board to the point that when an older version of software is no longer supported by the manufacturer, the Portal would discontinue its support within six months.

MOTION: The Honorable JD Peacock moved the issue. Clerk Jeff Smith seconded the motion, asking to make sure that there was sufficient notice to the Clerk. The Honorable Kathy Brown echoed the sentiment. All voted favorably.

As a note, Ms. Weber informed that Board that there was a “hot fix” going in this weekend. She noted that the virus-scanning would be put in place. She explained that if a document was detected to have malware or a virus, the Portal would place the document in the correction queue. If the document is deleted, a new date stamp will be applied when it is re-sent. If the document in the correction queue is “replaced” with a “clean” document, the date stamp will remain the same as when filed. She commented that Silverlight was being removed from the Clerk review side of the operations and they were updating the subject line of the e-service emails to add the style of the case. She did let the board know that she had talked about each of these aspects with FCTC earlier in the month.

VIII. Old Business
None to discuss.

IX. General Counsel Report

For the report, Ms. Hoshihara reviewed an External Linking Policy as requested from the previous meeting. She explained that this policy would allow the Board to have final say on what was posted on the Authority website, effective July 1, 2018, if passed. She noted that she would still need to develop an application and procedures to be brought back to the Board at the June meeting.

Clerk Jeff Smith asked if there were any protections? It was explained that there was a distinction between the Authority homepages and the Portal website. Clerk Bock spoke to the policy only applying to the Authority homepages, protecting the Portal but meeting the needs of those who want to post a link.

Ms. Hoshihara asked the board for approval of the policy so that she could move forward with developing the forms and procedures to bring back at the June meeting.

MOTION: Clerk Peacock made the motion to adopt the policy as presented and for General Counsel to develop the forms and procedures. Clerk Bock seconded the motion. All voted in favor.

X. Public Comment

None noted.

Chairman Tim Smith introduced Mr. Chris Hart, new CEO for the Association of Clerks & Comptrollers, to the Board. Chairman Smith spoke to the great success of the E-Filing Portal and E-Filing efforts. He expressed appreciation for the Courts' dedication to Clerk John Tomasino.

XI. Adjourn

Mr. Smith thanked everyone for attending and reminded the board that the next meeting was scheduled to be held on April 12, 2018, from 10:00 a.m. – 12:00 p.m., DST, by WebEx.

The meeting was adjourned at 2:04 p.m., EST