



Summary Report From the Florida Courts E-Filing Authority Funding Work Group

“One of the greatest differentiations is between initial funding for implementation and long-term funding to maintain the program.” (E-Court Transition in New Hampshire)

In December 2017, the Honorable Tim Smith, Florida Courts E-Filing Authority chairman, directed the formation of a funding work group to be led by the Honorable Tara Green, E-Filing Authority Secretary/Treasurer. The group met over the course of the past months and offers the following findings as a status report of their efforts.

Unlike other states, Florida’s statewide courts e-filing system was able to be built rapidly because Florida had already had a statewide portal platform for e-recording owned by a member-based association representing the 67 Florida Clerks of the Court. That same association already had a payment engine handling high volume payment traffic; and the association had developed a statewide access system for court cases held by the Clerks that included images.

Also unlike the other states, Florida was constrained by two aspects:

- The Florida Supreme Court requested that the system be made available for use without more than a statutorily allowable convenience fee for credit and debit card processing; and,
- The rapidity of the system development was such that functionality other states may offer for a fee, was set forth in the Authority’s governing documents to be provided to the user as a feature of the initial system.

In light of the change of the Florida Courts E-Filing Portal from an initial stage of development to a fully functioning, operational stage, and with the ever-growing volume of filings being handled by the Florida Courts E-Filing Portal, the expenses of operating the system have

continued to increase correspondingly. Florida's Portal revenues are currently based upon a convenience fee levied based on the amount of the statutorily required filing fee for the specific action or case type and type of payment used to process the filing fees.

In review, the work group believes that the current revenue model needs to be updated to correlate with actual work process costs, rather than payments. A review of costs and potential fees also requires an in-depth review of the Florida Courts E-Filing Authority's governing documents and an evaluation for potential revision.

In a review of other states with centralized e-filing portal, it appears that several implement user-based fees in order to allow funding to grow in concert with the user-base. Some states add a legislative appropriation to supplement their system. While Legislative funding through appropriation or case initiation fees could be sought, Florida has the volume to support minimal additional fees based on value-added user activities.

The following funding options are provided by the work group:

State Funding:

- Legislative action creating lump sum funding based on audited, reported costs.
- Legislative funding providing fees for specific actions; filing by case, filing by document, service, summons, etc.
- Fees per Filing:
 - Supreme Court order establishing additional fee on civil cases
 - Legislative action establishing additional fee on civil cases and criminal cases

User Funding:

- Fee for value added services
- Fees for limited access to images by non-parties

Conclusion

With ever-increasing volumes of throughput, requiring increased technical management and help desk services, along with requests for portal use and functionality from state agencies and other entities who regularly use the court system, the Funding Work Group is committed to reviewing the operational requirements, expenses and funding in order to establish a stable source of support needed encourage portal operations, currently and into the future.