



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)

2019 Update

“In an effort to ensure the stability and sustain the longevity of the Florida Courts E-Filing Portal, a diversification of funding sources must be reviewed and adopted.”

Clerk Tara Green, Chair, Funding Work Group

During the 2018-2019 program year, The Florida Courts E-Filing Authority Funding Work Group continued their quest in reviewing the need for the need for long-term funding stability for the E-Filing Portal. The work group defined five core tasks.

The first two tasks are immediate and are actively under development.

- 1) Revisions to the Interlocal Agreement: update the agreement by cooperatively working with the partners involved.
- 2) Florida Bar Focus Group: work with The Florida Bar to establish a focus group of attorneys from the various practice sections to identify services important to their practice of law. Currently, the list of suggested value-added services are:
 - Providing access to dockets
 - Providing access to images
 - Case Subscriptions for case monitoring--Providing notice of documents filed in a case
 - Auto-fill for certain types of filings
 - Search function to locate similar cases
 - Direct download of court filings
 - Easier access to official e-service address for agencies
 - Incorporating Artificial Intelligence at various points in the Portal

- Search function for My Cases so a case name can be entered and the court information is populated.
- Process to import the service list for a case into a word processing document

The next three tasks to be considered are:

- 3) Funding of Value-Added Services: examine the ability to contract and potential for funding value-added services.
- 4) Funding Model: perform a business review of the value-added services and develop costing and revenue projections as well as budget policies.
- 5) Foundation: consider the concepts for establishing a foundation and develop the potential uses of any excess funds.

As discussions about the possible revisions to the Interlocal Agreement are underway and the Bar Focus group is in its infancy, the Work Group intends to continue their work in order to develop a full-fledged list of services and funding structure to ensure the stability and sustained longevity for the Florida Courts E-Filing Portal through its Authority and Board of Directors.

Background

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 many times over the course of several 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:

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- 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 E-Filing Funding Work Group has worked with the belief 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 implemented 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 services for users.

The following funding options were 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 and revenue needed for the ongoing success of e-filing portal.