



The Florida Courts E-Filing Authority Minutes

Florida Courts E-Filing Authority Board of Directors met on June 26, 2018, at 10:25 a.m., EDT, at the Sheraton Bay Point Resort, Panama City Beach, Florida. The following members were present: 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, Clerk, Supreme Court, 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 Sharon R. Bock, Esq., Palm Beach County Clerk; and Lynn Hoshihara, Esq., Authority General Counsel, were in attendance. The Honorable Karen E. Rushing, Sarasota County Clerk, was unable to attend. A quorum was present.

- I. The Honorable Tim Smith, Chair, opened the Annual meeting at 10:25 a.m. He welcomed those on the WebEx and those in the room.

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. Clerk Jeff Smith moved adoption of the agenda as presented. Clerk Tara Green seconded the motion. All voted to adopt the agenda.

Annual Authority Meeting

Review of Annual Authority Activities

- III. Chairman Tim Smith opened the Annual meeting of the Authority and provided an overview of the year's activities. (Chairman Tim Smith's remarks are attached at the end of these minutes.)

- IV. Election of the Vice Chair and Secretary/Treasurer

Chairman Tim Smith welcomed The Honorable Billy Washington, Madison County Clerk, who will take the place of The Honorable Kathy Brown, Liberty County Clerk, representative of District II, beginning July 1, 2018.

Chairman Tim Smith recognized several members of the board who had served since the Authority began in 2010 and thanked them for their service to the Board of Directors.

Chairman Tim Smith moved into the election of the Vice Chair and Secretary/Treasurer.

Chairman Tim Smith asked Clerk Jeff Smith if he wanted to continue to serve as Vice Chair for the next fiscal year. As no one else was nominated, Clerk Peacock moved to close the nominations and all voted favorably to do so. Clerk Jeff Smith retained his position for the next year.

Chairman Tim Smith asked Clerk Tara Green if she wanted to continue to serve as Secretary/Treasurer for the next fiscal year. As no one else was nominated, Clerk Peacock moved to close the nominations and all voted favorably to do so. Clerk Green retained her position for the next year.

Chairman Tim Smith then concluded the Annual Meeting and opened the Annual Meeting of the Board of Directors.

Annual Meeting of the Board

V. Reading and Approval of the Minutes

Chairman Tim Smith recognized Clerk Green to present the April 2018 minutes. Hearing no corrections or additions, Clerk Peacock moved adoption of the minutes as posted on the website. Clerk Bock seconded the motion. All voted favorably.

VI. Treasurer's Report

Review of the Monthly Financial Report

Chairman Tim Smith recognized Clerk Green to present the April 2018 financial statements. She presented that assets at the end of April stood at \$3M, comprised of \$2.4 M in cash and \$0.6 M accounts receivable and \$6,000 in prepaid expenses. Liabilities stand at \$0.5 M. This figure is comprised of \$0.5 M in accounts payable and \$3,000 in accrued annual audit fees. Equity stands at \$2.5 M.

Through the month of April 2018, total revenues are \$5.3 M and total expenses are \$4.4 M. The change in net assets year to date is \$0.9 M.

Funding Report

Chairman Tim Smith recognized Clerk Green to provide a Funding Report. She reported that she, along with FCCC staff and General Counsel Lynn Hoshihara have met over the

past months, looking at projections, incoming revenue and allocations and considering recommendations for future stability.

She reported to the Board:

“We compared our activities with other states to see how those centralized portals were developed and we found the following:

- Florida’s statewide courts e-filing system was able to be built rapidly because Florida already had a statewide portal platform
- The 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 such that integrating with local case maintenance systems was not insurmountable.

Also unlike other states that may be funded by state appropriations or user fees, the Florida system was established as follows:

- The Florida Supreme Court requested that the system be made available for use without more than a 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, such as e-service, was set forth in the Authority’s governing documents to be provided to the user as a feature of the initial system.

Those discussions began in 2009 and the workgroup recognizes that the documents put together then provided a solid basis for the development framework for the Portal. Currently, now almost ten years later, the Authority has moved far past that stage.

Clerk Green noted that the system is now mature and robust with volumes higher than ever expected. She explained that she would like to continue meeting with the Funding Work group and look at a more sustainable structure. She suggested the group would look at the governing documents, review the operational requirements, and look at expenses and revenue in order to develop stability for now and into the future.

Chairman Tim Smith agreed that Clerk Green should continue work with the Funding Work Group.

Approval of the 2018-2109 Budget

Chairman Tim Smith recognized Clerk Green to present the budget, noting that the Authority was required to pass an annual budget at this meeting.

Clerk Green recognized Ms. Peggy Ball and Ms. Michelle Seitzmeir to make a presentation to the Board on the proposed 2018-2019 budget. They showed a presentation that detailed how the budget was built and what it included.

Ms. Ball told the Board they had recently been made aware by the auditors for Association/Civitek that there was an issue of repaying the initial seed money that the

Association/Civitek loaned the E-Filing churning account, the bank account that handles the filing fee payments paid through the E-Filing Portal. Clerk Jeff Smith clarified that Civitek was not asking for repayment. The board discussed various ways to handle the request, but did not take action. The board asked that the issue be brought back for discussion in October.

Clerk Green committed to provide the Board a full report of revenue versus expenditures this fall after the Authority's financial audit is completed.

Clerk Green moved adoption of the 2018-2019 budget as presented. Clerk Peacock seconded the motion.

In recap, Chairman Tim Smith noted that the presentation showed the Board that revenues were up and expenditures were down, and that PDF/A Portal functionality is included in the 2018-19 budget. Clerk Peacock suggested the Board consider implementing a reserve policy.

All voted favorably to adopt the 2018-2019 budget.

Approval to Expend Funds for the Annual Audit

Clerk Green presented the RFP for Audit Services. Clerk Green made a motion to approve the RFP as presented and direct staff to work with Ms. Hoshihara for advertising and evaluation.

She commented that the Board previously designated an Audit Selection and Evaluation Committee comprised of her, Clerk Jeff Smith and Clerk Peacock who will meet to review RFP responses received and present to the Board the recommendation for final approval of audit firms.

Clerk Jeff Smith seconded the motion. All voted favorably.

VII. Progress Reports

E-Portal Progress Report

Chairman Tim Smith recognized Ms. Carolyn Weber, Portal Project Manager, to review the May 2018 status report. Ms. Weber noted that this month showed the highest number of submissions reported to date, at 1,444,215, representing 1.2 million documents and 11 million pages. The highest volume day for case initiation also occurred this month, over 85,000 new cases filed.

She noted that the preponderance of the documents being sent through the Portal are still scanned documents, which take up a lot more space than if a WORD document were sent through. In light of the requirements of PDF/A coming, she recommended that documents be created in a word processing software, then saved as a PDF, not scanned before sending through the Portal.

FCCC Change Advisory Board Report:

Ms. Weber was recognized to present the Change Advisory Board Report to the Board. She explained that the issues on the report presented to the board were enhancements to portal functionality as suggested by users, then compiled and reviewed by the Change Advisory Board for potential inclusion in future upgrade releases.

There was a discussion of the issues presented in the document.

There was a motion by Clerk Green to adopt the report and move it forward. Clerk Newton seconded the motion. All voted favorably.

2018.02 Release

Ms. Weber noted that the upgrade would take place in the fall of 2018. She noted that the ability for the Portal to accept PDF/A was included in this release.

A motion was made by Clerk Peacock to approve the list of programming changes to the portal. Clerk Newton seconded the motion. All voted favorably on the motion.

Service Desk Report:

Ms. Weber presented the service desk report. She reported to the board that the customer service calls increased slightly the past month but took less time to resolve. Technical calls increased as well but resolution time was also lower. She reported that most of the questions from month to month appeared to be consistent, centering on account set-up, e-service, payment information and other general case questions. There were no questions.

Chairman Tim Smith raised the issue of wanting to develop an on-line chat feature for the Service Desk and expressed a desire to bring that issue to the Board at a later date.

Status Report on Third Party Batch Filing

Ms. Weber reported on the status of the third party batch filing project. She told the board there were two new vendors and the Portal Team was working with the 4th Circuit, 5th Circuit State Attorney's Office, the Office of the Attorney General and OSCA and several others working on the connectivity process.

She noted that the Department of Corrections was almost ready and would be asking for Clerk volunteers to serve as pilot counties for that process.

VIII. Florida Courts Technology Commission

It was noted that the next Florida Courts Technology Commission (FCTC) meeting was scheduled to be held August 2-3, 2018, in Miami.

Clerk Bock raised the issue of a recent letter from Chief Justice Labarga on a revised process of DIY forms review. There was a brief discussion on DIY forms being made available through the E-Filing Portal. Noting the previous action of the Board to provide for forms as soon as they were approved by the Judicial Management Council (JMC), Chairman Tim Smith appointed a committee of Clerk John Tomasino, Ms. Hoshihara and

Ms. Weber to relay any questions to the JMC/Supreme Court and report back to the Authority Board.

IX. New Business

Appellate E-Filing

Ms. Weber reported that she has recently worked with the 2nd District Court of Appeals (DCA) to re-connect them to the Portal and they were currently in the TEST environment. She commented that the other four DCA's are ready to accept e-filed documents from the Portal. Clerk Tomasino commented that the OSCA IT section was handling the technical side of the project. He was not sure of a definite timeline, but hoped all DCAs would be ready to accept e-filing through the Portal by late December 2018.

X. Old Business

Status report on DIY Forms/Process

Clerk Green asked for clarification on the intent of the committee appointed by the Chair and the process for making the forms available in the Portal. A brief discussion ensued.

XI. General Counsel Report

Ms. Hoshihara, Esq., presented an application form to accompany the External Linking Policy, a policy adopted at the last meeting. , a policy for approving any external party wanting to post a link of any kind on the Authority/Portal website, www.mlfcourtaccess.com.

Clerk Bock moved to approve the application form to accompany the External Linking Policy. Clerk Peacock seconded the motion. All voted favorably.

Ms. Hoshihara updated the Board on the activities of staff in regards to public records requests and having received a subpoena for appearance to testify as to the records of the Portal in a Lee County criminal case. While the appearance had not been scheduled at this time, she would keep the Board apprised of any updates to the issue when additional information was known.

Public Comment

There were no public comments.

XII. Adjourn

Mr. Smith thanked everyone for attending.

The meeting was adjourned at 11:52 a.m.

Annual Report of the Florida Courts E-Filing Authority to the Membership June 2018

Welcome!

I am happy to see the members of the Authority -- Florida's Clerks -- and their staff, and I welcome you all to our annual meeting.

Let me tell you about the Florida Courts E-Filing Portal and your Authority Board of Directors.

It took months of negotiation between the Association and the Supreme Court almost ten years ago. They took that time to set up the framework for the E-Filing Portal, the Authority and its Board of Directors through an Interlocal Agreement.

The Board of Directors began meeting in the fall of 2010. If you look in the archives, you can see how far we have come – from a draft concept on paper: the idea that all court documents could be filed electronically through a single portal.

Filing court documents in an Electronic format? That was a very foreign concept in the paper world.

But now, almost 10 years later, I can assure you that: E-Filing in Florida is a success.

We see volume of over 1.3 million documents -- every month.

Our volume – daily, weekly, monthly, and yearly -- are higher than any other e-filing system in the country.

We have almost 200,000 registered users.

We are recognized as a national leader in court e-filing progress.

No other state has the governance structure we have. It is unique, but shows that a cooperative relationship can, truly, get things done.

We have not stopped working—our volumes continue to grow—both filings and filers.

We continue to make adjustments, improvements for our users.

Our service desk is there for Clerks, Judges, attorneys, for all filers.

Our governance is built on a partnership.

I want to thank everyone who has made this system a success -- all of you here, the association staff, the Courts and the filers.

As we look to the future, we are examining our ability to stand on our own and still uphold the commitment to our customers.

Thank you for the support you provide and untolled hours at the county level.