



## The Florida Courts E-Filing Authority Minutes

Florida Courts E-Filing Authority Board of Directors met on July 26, 2012, at 10:00 a.m., by WebEx. The following members were present: Tim Smith, Putnam County Clerk, Chair; Joseph E. Smith, St. Lucie County Clerk, Vice Chair; Tom Hall, Clerk, Supreme Court; Gloria Hayward, Sumter County Clerk; P. Dewitt Cason, Columbia County Clerk; Karen Rushing, Sarasota County Clerk; and Sharon Bock, Esq., Palm Beach County Clerk and Lynn Hoshihara, Authority General Counsel. Bill Kinsaul, Bay County Clerk, Secretary/Treasurer; and Bob Inzer, Leon County Clerk were not present.

- I. Hon. Tim Smith, Chair, opened the meeting with a roll call. Mr. Smith welcomed new members Gloria Hayward and P. Dewitt Cason. There was a quorum present.
- II. Mr. Smith recognized Hon. Joe Smith who moved the approval of the minutes. Hon. P. Dewitt Cason seconded the motion. All voted favorably.
- III. Mr. Smith again recognized Mr. Smith to review the financial reports. Mr. Smith moved approval of the financial reports. Mr. Cason seconded the motion. All voted favorably.
- IV. Mr. Smith recognized Mr. Levi Owens to review the county readiness report. He reported that 51 counties had civil capability. For the sixteen of those have not established all civil divisions, most of those are going through a system conversion which made meeting the July 1 date difficult. He reported that he has established a regular call with those counties to assist them in their progress.
- V. Mr. Smith talked with the board about developing a letter for discussion and approval at The next board meeting. The purpose of the letter would be to communicate to the Supreme Court the Clerk's progress in connecting to the e-portal, providing accurate and timely information on the Clerk's progress in connecting and accepting filings. Hon. Karen Rushing noted that the Legislature has been focused on "starting e-filing" while the Court has been focused on "e-file in a uniform manner." She expressed a desire to include each aspect in the letter. Hon. Tom Hall asked for the appellate court status to be included in the letter as well. He continued by stating that he felt the Court had recognized issues and that they may alter the schedule if required to do so.
- VI. Website Subcommittee: Mr. Hall, subcommittee chair, informed the board that they would re-advertise the RFP with an attachment of simple powerpoint showing example web pages. Additionally, there would be a live pre-bid conference held on August 22, 2012, for questions. The RFP will be advertised from August 1-31.

- VII. Forum For Users: Mr. Smith asked Hon. P. Dewitt Cason to take over this subcommittee. Mr. Melvin Cox told the board that he had been approached by a few counties asking to have the roles expanded to include government agencies as filers who would file with the Clerk. Currently the filer has to be an attorney to file documents in the case. Opening or adding new roles is a policy decision for the board. Mr. Smith suggested we contact Mr. Laird Lile as chair of the subcommittee that reviewed non-attorney filers and as a Bar member to see if he had any concerns if those roles were added.

Mr. Hall commented that he might be in favor of this addition to the portal if it did not pull staff away from the focus of bringing on counties and the appellate courts. Mr. Levi Owens noted that it would not take a significant effort to add these roles and it would not take away from his regular duties. Ms. Rushing said she wanted staff to stay focused until the primary purpose was met. She recognized that it was not the same as pro se, but did not want to get distracted. Mr. Hall said he would also like to anticipate other users who will need access, such as the executive branch.

- VIII. Mr. Smith recognized Ms. Jenna Simms, Office of State Court Administrator, to provide The board a review of the SC 11-399 and SC 10-2101. She note that she could not interpret the orders, but noted that the dates in the orders are all marked with a caveat. She felt sure that the Court was willing to give exceptions if needed to the required dates. She said the following dates are the mandatory dates noted in the rules: April 1, 2013 for Civil filings; October 1, 2013 for Criminal filings. On e-service, SC 10-2101, the Rules of Judicial Administration gave a deadline of July 31, 2012, to send in requests to clarify certain aspects of the rule. The rules for e-service require it to be used by September 1, 2012, for Civil and Appellate cases, October 1, 2013 for Criminal cases.

Mr. Hall commented that there was a period for filing comments on SC 11-399, too. Mr. Smith asked that he find out the specifics and let the board know.

Mr. Smith recognized Melvin Cox to talk about footnote #19 regarding the waiver process found in SC 11-399. He told the board the note references those counties that may not be able to comply with the mandatory dates for accepting e-filed documents. He offered to draft a process to bring back t the board as a proposed waiver process. Mr. Smith asked that he do so and would then like to propose the process the board approves to the FCTC at the October 10-11<sup>th</sup> meeting in Tampa.

Mr. Hall suggested there be a formal liaison from the board to go to the RJA ask how the waiver process might work. Mr. Mark Broderick, Palm Beach Clerk's Office, asked Ms. Simms to clarify what she thought the e-service rule meant when it said, "the Clerk must send out notice by email"? Ms. Simms commented that she could not provide interpretation, but that the Rules of Judicial Administration was submitting clarification to the Supreme Court shortly.

Mr. Smith recognized Levi Owens to discuss the first meeting of the Criminal Initiation Workgroup. This workgroup is comprised of all agencies involved in initiating a criminal case. He noted that Hon. Cheryl Strickland, St. Johns County Clerk; Hon. Chips Shore, Manatee

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County Clerk; and Adair Cotton, Chief Deputy, Santa Rosa County Clerk's Office are members of the workgroup.

Ms. Rushing again mentioned the need to stay mission focused. She warned that there seems to be a lot of consecutive activity, but there are important things that are required to get done. She asked if there was a focus on uniformity? Katie Glynn, staff Counsel of the Marion Clerk's Office, told the Board that the Best Practices Committee has met the day before and were addressing what the authority asked them to address in regard to uniformity. Ms. Rushing asked for reaffirmation from the board that his issue was a high priority.

Mr. Hall commented that the standardization committee doesn't cover what he feels the issues are in criminal. There was a brief discussion of whether local systems would go away or not after the portal was complete.

There then ensued a discussion about unified booking information and the need, or not, to have the booking agencies connected to the portal.

Mr. Hall mentioned the need for an appellate court representative to be in the criminal initiation workgroup, as criminal appeals make up the majority of appellate cases. He offered to pursue the issue.

As to uniformity, Mr. Smith expressed the need to stick with the original task and meet the Legislature's and the Court's expectations. Ms. Rushing emphasized that a filer should be able to send the same information or document and have their case processed.

She made a motion that it be a high priority of the portal as guided by the Authority to make the use of the portal uniform. Ms. Bock seconded the motion. Levi Owens requested that whatever the board decides that "uniform" means to make sure to communicate it to him for programming and system development.

Mr. Tom Morris, Florida Prosecuting Attorney's Association, echoed the need for uniformity as being important to the prosecutors, too. He commented that being uniform will make his job easier, but will be more costly for some.

Mr. Smith called the question. All voted favorably.

Mr. Smith asked that there be a presentation on uniformity on the August agenda to make sure all members were up to speed. Mr. Cason asked staff to provide him a review of progress made over the last year.

- IX. Mr. Hall reviewed the survey of the courts' readiness for using the electronic record. He noted that the technology efforts in the 20 circuit were variable. The report would also be given to the FCTC.
- X. Mr. Smith mentioned that the next meeting would be held by WebEx on August 16, 2012. He opened the floor for public comment.

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John Tomasino, Second Circuit Public Defender Office, reviewed the discussion at the Criminal Initiation Workgroup, commenting that the paperwork coming from the jails could be electronic. Ms. Rushing said she already receive it electronically from her local booking agencies. Mr. Shore felt it would be good to help jails get systems so they could transmit the booking information electronically at the local level. It was recognized that these types of issues would be on-going as the portal was being developed.

XI. The meeting was adjourned at 11:30 a.m.