

RESOLUTION NO. 2011-__

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE FLORIDA COURTS E-FILING AUTHORITY AMENDING THE INTERLOCAL AGREEMENT IN CERTAIN RESPECTS; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE FLORIDA COURTS E-FILING AUTHORITY AS FOLLOWS:

SECTION 1. FINDINGS. It is hereby found and determined that:

(A) The Interlocal Agreement, dated as of September 3, 2010 (as amended and supplemented, the "Interlocal Agreement"), establishes the Florida Courts E-Filing Authority (the "Authority") for the principal purpose of designing, developing, implementing, operating, upgrading, supporting and maintaining a state-wide system for electronic filing of court documents. All capitalized terms not otherwise defined herein shall have the meaning ascribed to them within the Interlocal Agreement.

(B) Under Section 2.1 of the Interlocal Agreement, the Authority is subject to all applicable laws and county ordinances relating to procurements by the clerks of the circuit court in their capacity as clerk of court.

(C) The Board of Directors (the "Board") has determined that the requirement to follow all county ordinances relating to procurements (i) creates an undue burden for the process of procurement by the Authority and (ii) sets a standard that is ripe for violation due to its overly broad nature.

(D) The Board finds that Section 2.1 of the Interlocal Agreement should be amended to provide for a procurement standard that meets the basic tenants of public procurement and is not dependent on following all county ordinances relating to procurement.

(E) Further, the Board finds that, as a governmental body, it should adopt a policy that provides for fair and open competition, which reduces the appearance and opportunity for favoritism and inspires public confidence in the process by which the commodities and contractual services of the Authority are procured.

(F) The Board hereby determines that it is the best interest of the Authority to amend Section 2.1 of the Interlocal Agreement as provided herein.

(G) Under Section 3.6 of the Interlocal Agreement, the authorization to sign documents approved by the Board is reserved to the Chair and the Vice-Chair.

(H) There may be instances where, even though a document has been approved by the Board, the Chair or Vice-Chair is unavailable to sign such documents in a timely manner.

(l) The Board finds that it is the best interest of the Authority to amend Section 3.6 of the Interlocal Agreement to provide that Chair and Vice-Chair may designate another person to sign on their behalf as provided herein.

SECTION 2. AMENDMENT TO SECTION 2.1. CREATION. Section 2.1 of the Interlocal Agreement is hereby amended as follows:

SECTION 2.1. CREATION. The Clerks hereby create and establish the Florida E-Filing Authority ("Authority"), a legal entity and public body subject to all applicable Florida ~~Statutes~~, Supreme Court rules and Administrative Orders of the Chief Justice of the Florida Supreme Court that govern the individual clerks of circuit court, clerks of the District Courts of Appeal and clerk of the Supreme Court in the performance of their record-keeping functions, as well as all Rules of Court relating to public records maintained and ~~all applicable laws and county ordinances relating to procurements~~ by the clerks of the circuit court in their capacity as clerk of court. Records of the Authority that are not Court Records are subject to the provisions of Chapter 119, Florida Statutes. All meetings of the Authority shall be open to the public except for any meetings specifically made exempt under Chapter ~~119~~ 286, Florida Statutes. The Authority may adopt a purchasing policy appropriate for a governmental body entrusted with public funds to govern its procurement activities. At any such time that such policy is not in place, the Florida Statutes shall govern the procurement activities of the Authority.

SECTION 3. AMENDMENT TO SECTION 3.6. AUTHORITY OF OFFICERS. Section 3.6 of the Interlocal Agreement is hereby amended as follows:

SECTION 3.6. AUTHORITY OF OFFICERS. The Chairman and the Vice-Chairman shall take such actions, have all such powers and sign all documents (or designate another person to sign such documents on his or her behalf) on behalf of the Authority and in furtherance of the purposes of this Interlocal Agreement as may be approved by resolution of the Board adopted at a duly called meeting.

SECTION 4. AMENDMENT. In the event Resolution No. 2011-1 does not pass, the Association, in consultation with the Chair of the Authority, may work to obtain the consent necessary for this Resolution to be adopted. Further, in the event the required consent is not obtained for this Resolution No. 2011-__ as required under the Interlocal Agreement, then such Resolution shall not become effective and the amendment shall not be made.

SECTION 5. EFFECTIVE DATE. This Resolution shall become effective immediately upon its adoption or as otherwise provided herein.

PASSED AND ADOPTED by the Board of Directors of the Authority this ____ day of _____, 201_.

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| Lydia Gardner, Chair | Yea Vote __ Nay Vote __ |
| Tom Hall, Vice Chair | Yea Vote __ Nay Vote __ |
| Karen Nicolai, Secretary/Treasurer | Yea Vote __ Nay Vote __ |
| Bill Kinsaul, Director | Yea Vote __ Nay Vote __ |
| Bob Inzer, Director | Yea Vote __ Nay Vote __ |
| James B. Jett, Director | Yea Vote __ Nay Vote __ |
| Joe Smith, Director | Yea Vote __ Nay Vote __ |
| Karen Rushing, Director | Yea Vote __ Nay Vote __ |
| Sharon Bock, Director | Yea Vote __ Nay Vote __ |

FLORIDA COURTS E-FILING AUTHORITY

By: _____
Chairman, Board of Directors

ATTEST:

Secretary, Board of Directors