



**The Florida Courts E-Filing Authority  
Minutes**

Florida Courts E-Filing Authority Board of Directors met on June 1, 2015, at 10:20 a.m. at the Marriott Sawgrass Golf Resort and Spa, Ponte Vedra Beach Florida. The following members were present: Hon. Tim Smith, Putnam County Clerk, Chair; Hon. Don Barbee, Esq., Hernando County Clerk, Vice Chair; Hon. Alex Alford, Walton County Clerk; Hon. Gail Wadsworth, Flagler County Clerk, Hon. Sharon R. Bock, Esq., Palm Beach County Clerk; Hon. Karen E. Rushing, Sarasota County Clerk; and Lynn Hoshihara, Esq., Authority General Counsel. Hon. Tara Green, Clay County Clerk, Secretary/Treasurer, and Hon. John Tomasino, Clerk, Supreme Court, were in attendance by WebEx. Hon. Bob Inzer, Leon County Clerk, was unable to attend. A quorum was present.

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

**Annual Meeting**

II. Mr. Tim Smith opened the Annual meeting of the Authority and provided an overview of the year's activities. Mr. Tim Smith's remarks are attached at the end of these minutes.

III. Mr. Smith moved into the election of the Vice Chair and Secretary/Treasurer. Mr. Tim Smith thanked Mr. Don Barbee, Esq., for his service as Vice Chair the past year. Ms. Sharon R. Bock, Esq., nominated Mr. Barbee as Vice Chair for the next year. Ms. Gail Wadsworth seconded the nomination and all voted favorably.

Mr. Smith thanked Ms. Tara Green for her service the past year as Secretary/Treasurer and asked for nominations from the floor for that position. Ms. Bock nominated Ms. Green to serve again as the Secretary/Treasurer. Ms. Rushing seconded the motion and all voted favorably.

Ms. Wadsworth moved to approve the minutes from the 2014 Annual meeting. Ms. Rushing seconded the motion and all voted favorably.

Mr. Smith then concluded the Annual Meeting at 10:42 a.m. and opened the Annual Meeting of the Board at 10:43 a.m.

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## **Annual Meeting of the Board**

### **IV. Adoption of the Agenda**

Mr. Smith asked for a motion to adopt the agenda. Ms. Bock moved adoption of the agenda. Ms. Rushing seconded the motion. All voted to accept the agenda as presented.

### **V. Adoption of the Minutes**

Mr. Smith recognized Ms. Green to present the May 2015 minutes. Hearing no suggested changes, Ms. Wadsworth moved adoption of the minutes. Ms. Rushing seconded the motion. All voted favorably to accept the minutes.

### **VI. Treasurer's Report**

#### **a. Review of the Monthly Financial Statements**

Mr. Smith recognized Ms. Green to present the April financial statements.

#### **b. Approval to Expend Funds for the Annual Audit**

Ms. Green presented the audit letters for approval. A brief discussion ensued regarding the cost. Ms. Bock moved to approve the expense. Ms. Wadsworth seconded the motion. All voted favorably.

#### **c. Approval of the 2015-2106 Budget**

Ms. Green reviewed the proposed 2015-2016 Authority budget, an estimate of receipts by source and an itemized estimation of anticipated expenditures. Ms. Rushing moved the adoption of the budget. Ms. Bock seconded the motion.

There was a general discussion about bad debt. The board asked staff to present a more detailed report on the bad debt at the next board meeting.

All approved the proposed budget.

### **VII. Progress Reports**

#### **Monthly Report**

Mr. Smith recognized Ms. Carolyn Weber, FCCC Portal Program Manager, to review the April status report. Ms. Weber reported that the number of filings have been stable throughout the year, at about 1.8 million documents per month, representing about 1.2 million filings. The number of registered filers is still increasing slightly by several thousand a month, up to 84,806 by the end of April. Throughout the year, it has been the same—taking slightly less than one day to docket a filing; about 2.2% of the filings gong to the pending queue. She noted that since self-represented filers were added, the number of registered users increased from an initial 6,000 to 15,000 users at this point.

Work on criminal batch filing continues to get the last few state attorneys' and public defenders' office connected.

The next release will be in September 2015, with a minor maintenance release in November 2015.

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#### Service Desk Report:

Ms. Gia Howell was recognized to present the service desk report. She reported to the board that the customer service calls were about the same over the past few months, although slightly higher in March and April, taking slightly longer to resolve. Technical calls were increased as well but resolution time was about the same. She reported that most of the questions from month to month were about account set-up and other general case questions.

Ms. Green asked about the difference between the number of filings versus number of documents. She felt that the Interlocal Agreement denoted “filings,” not “documents.” She expressed concern that the cost structure is based on filings, not documents which could be significantly higher. She asked if Ms. Hoshihara could look at this. When looking at cost structure for operating the portal, it is based on filings, she thought it would be very different if the number of documents was used. Mr. Cox responded that the terminology was taken from the Statement of Work and what the portal is required to have capacity for. Ms. Hoshihara also reiterated the same; the portal was set up to handle a certain number of “filings.” Mr. Smith asked that the staff look into this a little further to see if there is any clarification to be had.

There was a discussion about the case maintenance interface at the local level, how to manage a filing as it comes in to link it with other existing cases or persons.

#### Portal Change Advisory Board Report:

Dr. Carole Pettijohn was recognized to present the work of the Portal Change Advisory Board to the board of directors. She reported that the group was staying current on all the requests to date. She acknowledged that there were 10 issues to be fit into the next two releases, September and then in 2016. Ms. Rushing clarified that by the board approving in the issue, they would then be scheduled for inclusion on the releases noted. Mr. Smith asked Alex Alford moved approval of the nine issues offered. Mr. Don Barbee seconded the motion. All voted favorably.

#### VIII. Florida Courts Technology Issues:

Mr. Smith noted that there were several issues that were presented to the last Florida Courts Technology Commission (FCTC) at the last meeting,. They voted to approve them as recommendations.

##### Removal of Docket Page Dropdowns/Metadata Notation

He recognized Ms. Carolyn Weber to present the issue of removing the drop downs on the “add/edit document” page. She explained that the search box on the page was used, but not typically the drop down boxes, thereby freeing up real estate for another purpose. She also noted that removing the boxes also took away some of the perceived differences between counties Ms. Weber asked for approval to remove the drop down boxes for document group and document type. Ms. Rushing moved removing the noted drop down boxes. Ms. Bock seconded the motion. All voted favorably.

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Ms. Weber continued to explain that there is also a concern about metadata. The FCTC asked that a notation about the filer needing to remove metadata be added in the area that was freed up by removing the drop downs. Ms. Weber asked that the board approve adding the language that was approved at the FCTC regarding metadata. Ms. Rushing moved the issue. Ms. Bock seconded the motion. All voted favorably.

September 2015 Release/ Status of Proposed Order Functionality - Change Order \$ 90,000

Ms. Weber went on to discuss the September 2015 release that was presented to the FCTC. She explained that a few items have been removed, such as the proposed order functionality for that release. In further discussion, it was decided to table that functionality so that the FCTC committee could survey judges to determine if they would actually use the feature prior to spending the money to build this. Clerk John Tomasino asked for creating the e-service only file path to be removed from the release because portal staff has come up with an alternate method to accomplish the same action.

Status of A2J Implementation- Change Order \$60,000

As for the status of the A2J version 5, it is included into the release for September. It will allow self-represented litigants to begin a document, save it, then return to continue their work. This change will cost \$60,000. Mr. Cox explained that the interview forms for landlord/tenant and small claims are being reviewed by courts through the Judicial Management Council and various Bar committees. Once the forms are reviewed and approved, they can be put on the portal. As other forms are approved, they can be added, too. Ms. Rushing clarified that the forms being added are approved by the Supreme Court and in the rules books. Mr. Cox agreed that the process should go rather smoothly.

Ms. Bock updated the board about the listening session that the FCCC Self-Help/Pro Se Committee participated in Orlando in May regarding a statewide technical portal. Mr. Cox confirmed that the effort is to document what exists in each circuit can offer the self-represented litigant, an online library. He told the board that he showed the group the Florida Courts E-Filing Portal and the proposed A2J process. Ms. Bock re-emphasized the need to work closely with the Commission on Access to Civil Justice to educate them about the e-filing portal. There was a discussion on how the existing systems used by self-represented litigants would be impacted with the implementation of A2J.

## IX. New Business

### Third Party Vendors/Batch Filing

Mr. Cox explained that the concept came from a request from the large, high volume law firms who wish to batch file. He explained a concept of how this might work. He felt the vendor, FCCC, could provide a set of technical specifications and allow third party vendors to work with the law forms. The portal team would only interact with the third party vendors to keep the workload easier. It would be open to any vendor; there would be an MOU between the portal and each vendor to provide the connectivity. The third-party vendors would market their services. Several vendors have expressed interest in this already. He feels they would be ready to go as soon as the board would approve the concept. He expressed concern that having too many firms connecting could cause a

workload issue. These vendors would work with the law firms to process batch filings. With the board approval, he committed to bring back the details to the board. Ms. Bock asked if the third-party vendor would collect and transmit any required fees. Mr. Cox affirmed that they would and it would be set out in the agreement.

Ms. Lynn Hoshihara confirmed with Mr. Cox that there would not be a cap on the number of third-party vendors who would connect. Mr. Cox said there would not be. Mr. Tom Hall confirmed with Mr. Cox that a law firm that had the technical capability, or their own third-party vendor, to connect could do so. Mr. Cox confirmed that was the case.

Mr. Smith confirmed with the board that they were in agreement with moving forward on the issue. He asked Mr. Cox to bring back the concept in more detail at the next board meeting for approval.

Mr. Joel Rosenthal, JLL Process, asked how who to contact for more information on the third-party batch process.

#### Public Comment

Mr. John Shelley asked when or if Miami-Dade was going to issue e-summonses. He was referred to Miami-Dade staff. He asked who could e-file returns of service? Ms. Weber also felt the issue should be referred to the local Clerk.

Mr. Shelley asked if there was an updated list of e-filing requirements around the state. He felt there were still a number of differences. Ms. Weber referred him to the News and Information feed on the e-filing website.

Mr. Shelley asked if they could get an amended return of service. Ms. Weber referred him to the county. Ms. Laurie Reaves, Miami, provided her assistance to Mr. Shelley.

#### X. Adjourn

Mr. Smith once again thanked Ms. Gail Wadsworth and Mr. Alford and thanked the two new members for joining the board at the table.

The meeting was adjourned at 11:57 a.m.

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

I have given this annual report for the past several years and this is the first time I believe I can say that I am seeing the top of the mountain.

We are no longer struggling against time to make a deadline or get another court division added to the portal.

We are still adding filers.

We are still adding services and making the portal better.

And, it is working.

To describe this past year, I think it is accurate to say that this has been a year of stability and improvement.

I believe that this is what was envisioned by then-Chief Justice Ricky Polston when he entered the first order, mandating all attorneys electronically file their documents in Florida.

Because of the stability we have achieved, we have been able to accommodate change and review issues with the time and thoughtfulness we have needed in order to make good, sound, and lasting decisions.

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Let me put it in perspective. At this point last year, the portal accepted all case types in all court divisions, in 67 counties. There were about 62,000 registered users. Today we have over 85,000. This number is still growing.

Over the past year we have seen a month-to-month average of 1.1 Million filings a month, an average of 54,000 per weekday, representing well over 1.7 to 1.8 Million documents monthly. One day during this program year, there were over 8,000 filings during one hour.



Think about the magnitude of that— how much different that would be if those documents were still being filed in paper.

Last year, we added an automatically generated civil cover sheet and the ability to serve parties electronically through the portal. In a little more than a year, we can document that almost 15 Million filings have used e-service - amounting to many more millions of emails, saving un-tolled hundreds of thousands of dollars to law offices.

Along with e-service has come a greater need to answer requests by users who want to know “who was served.” We developed and adopted a public records request policy this year so we could handle these requests in a standard manner.

We started with only attorneys using the portal—they were required to do so by Supreme Court order.

Today we have added the functionality to allow judges, self-represented litigants, mediators, mental health providers, court reporters, process servers, and law enforcement agencies to use the system to electronically file their court documents.

Late last June, a secure log-in was developed for judges so that they may file orders using the portal.

We have added a secure communication between the Florida Department of Corrections and Clerk’s Office using the portal to insure that sentence modifications can be sent quickly and securely from your offices to the state agency.

We have a high quality Service Center, handling both technical calls for Clerk’s Office support and customer service calls from filers. At around 3,000 customer service calls a month, resolution time for most calls is a few hours.

Clerks' Offices have gotten used to the new workflow. They have worked with us on upgraded systems and performance improvements—all both on their end and on ours. Over the year, we have seen that the amount of time it takes to docket a filing is holding steady at 1 day.

While there are other states that have some e-filing, none is as large, or all-encompassing as our system—remember, we cover all court areas, in all counties, including the five appellate courts and the Florida Supreme Court.

The Florida Supreme Court is serving all orders via the Portal and the portal links filers directly to the online Supreme Court's dockets

Portal staff is continuing to work with the five District Courts of Appeal and the Supreme Court to develop more aspects of e-filing.

While we have experienced stabilization this year, we have also learned to manage change – we implemented a Portal Change Advisory Board. This board is made up of Clerks' professional IT staff. They take the many suggestions made by the users, discuss them, rank them for inclusion in the semi-annual software upgrades, and bring them to the Board of Directors for final review and discussion.

We developed a standard process for communicating those software changes with the Florida Courts Technology Commission. They are charged by the Florida Supreme Court with overseeing all court technology, so we allow them to have, well-ahead of time, the items for the software upgrades so they may have a chance to review. This has worked well this year.

In recognition of the self-represented litigant users, we are working on a software product called A2J to develop the step-by-step questions that will generate some of the more commonly used documents in case types, such as landlord tenant cases or eviction cases.



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The Rules Committee has built a very good working relationship with The Florida Bar. Clerk's attorneys serve as liaisons to each of The Florida Bar Rules Committees. They attend the rules committee meetings during the year and are able to make sure that the rules being revised take into account e-filing. Having a formal relationship with The Florida Bar means a lot to us and we are proud that the liaisons have chosen to take on this role.

Lanigan & Associates, the Authority auditors, do an annual audit of the Authority financial statements and an SSAE 16 operational audit on our operations and technical systems.

Once again, the Authority received an unqualified, or "clean," audit.

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That sounds like we have done a lot this year, doesn't it? But we have more to do.

Two years ago at the Clerks' Annual Conference, Justice Ricky Polston talked to the Clerks about standardization.

We were still in the beginning stages of getting all those court divisions and a single payment method actively working. We were not sure what that word meant, "standardization."

The development of one of the country's first complete e-filing systems has come a long way since we heard those words but it is becoming more clear as to what that word, "standardization," means.

But we took Justice Polston's challenge seriously and we worked on that aspect. We created standardization on the criminal side as it was implemented, to an extent because of how those who file criminal cases are connected.

But to go back to work on standardization on Civil cases..... after all our hard work to get the portal up and running in those early times so we could even accept civil filings....well, it was almost mind-boggling.

The Best Practices Committee worked on it. They brought us lists.... Our filers talked about PACER, the federal system. ....We looked at options. ....We discussed how everyone could make their filing screen options look the same—or could they?..... Would they?

After working through a multi-month process in the 4<sup>th</sup> Circuit and hearing about the success in getting consensus, the board came up with a plan to get to a higher level of standardization.

The Board of Directors met in early May and, after discussing this issue from all the angles, it all came together.

All Clerks recently received a letter from the Authority asking you to look at the drop-down menus for the first three areas that a filer sees when filing a document in the portal: division, case type and case subtype, and make them, across the state, the same.

I have asked that this be done by September 1 of this year. We have offered assistance and I am told that many of you already have quite a bit of this in place. If we can get those three areas standardized by September 1 of this year, I can really say we have reached a milestone.

And while that is a major milestone, the next step will be to examine the document descriptions – that is what the documents are called in our systems. We are aware that this area is the most difficult to deal with as each county has some unique-ness to their operations.

This next task may take us some time to find the best path to take. But we will take the time to get it as right as we can.

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I have to thank every one of you in this room for your contributions to this major effort.

It started some years back with a fledgling system that accepted e-recordings, an idea and an administrative order.

And look where we are today. We have one of the premier systems in the country

Because of each and every one of you.

Without all of you as a collective body, we would not be where we are today.

Without each of your offices helping at every step of the way, we could not continue to improve.

We have put in place the ability to listen to the users of the system—the Clerks, the Courts and the filers. We commit to take those ideas and make great plans for the coming years.

As I conclude this annual report to you, the members of the Florida Courts E-Filing Authority, I can truthfully say that we have a great story of success and I am proud to be giving this report.

I look forward to the next years and what the portal can become.

Thank you.