



The Florida Courts E-Filing Authority Minutes

Florida Courts E-Filing Authority Board of Directors met on September 22, 2016, at 9:00 a.m. by WebEx. The following members were present: Hon. Tim Smith, Putnam County Clerk, Chair; Hon. Jeff Smith, Indian River County Clerk, Vice Chair; Hon. Tara Green, Clay County Clerk, Secretary/Treasurer; Hon. John Tomasino, Clerk, Supreme Court; Hon. JD Peacock, Okaloosa County Clerk; Hon. Kathy Brown, Liberty County Clerk; Hon. Todd Newton, Gilchrist County Clerk; and Lynn Hoshihara, Esq., Authority General Counsel. The Hon. Sharon R. Bock, Esq., Palm Beach County Clerk; and Hon. Karen E. Rushing, Sarasota County Clerk; were not able to attend. A quorum was present.

- I. The Hon. Tim Smith, Chair, opened the meeting at 9:00 a.m. He welcomed those on the WebEx and those in the room.

The Hon. Tim Smith asked for a roll call. A quorum was present.

- II. Adoption of the Agenda

The Hon. Tim Smith asked for a motion to adopt the agenda. The Hon. Jeff Smith moved adoption of the agenda. The Hon. Todd Newton seconded the motion. All voted to accept the agenda as presented.

- III. Adoption of the Minutes

Mr. Tim Smith recognized Ms. Tara Green to present the June 2016, minutes. Hearing no suggested changes, Mr. Jeff Smith moved adoption of the minutes. Mr. Newton seconded the motion. All voted favorably to accept the minutes.

- IV. Treasurer's Report

Mr. Tim Smith recognized Ms. Green to present the June financial summary. The year-end summary, prior to audit, showed that total assets stood at \$1.1 M, comprised of \$0.7M in cash and \$0.4M in accounts receivable and \$5K in prepaid expenses. Liabilities stood at \$0.7M, comprised of \$0.7 in accounts payable, Equity stood at \$0.4M. Through the month of June 2016, total revenues were \$4.3M and total expenses were \$4.5M. The change in net assets year to date were (\$0.2 M).

Ms. Peggy Ball, FCCC director of Management Services, reported on the effectiveness of the bad debt policy approved at a prior meeting and the use of a collections agency.

V. Progress Reports

E-Filing Portal Progress Report

Mr. Smith recognized Ms. Carolyn Weber, FCCC Portal Program Manager, to review the August 2016 Progress Report. Ms. Weber reported that the number of filings had risen to 1.3 million. Throughout the year, it has been the same—taking slightly less than one day to docket a filing and the number of filings going to the pending queue is now just under 1.9%. In August there were just over 300 judicial orders sent through the portal. Work continues on criminal batch filing, DIY, Release 2016.02, connecting the DCAs and working with Third Party Batch filers connecting through the portal.

It was noted that the number of filings sent by pro se filers going to the pending queue had decreased slightly.

Service Desk Report:

Ms. Gia Howell, FCCC Portal Program Service Desk Manager, was recognized to present the August 2016 Service Desk Report. General support calls were slightly higher in August, but resolution time was still within limits. The number of technical calls was about the same. Calls from pro se filers stayed right around 500 calls a month and support calls from judges decreased immensely, from 37 to 5 calls in August. She reported that most of the questions from month to month were about account set-up and other general case questions.

Ms. Green asked staff to see if it could be determined where in the state pro se filers were demographically, were there pockets where they were more commonly located than others? She also inquired as to what time of day pro se filers generally filed so as to better know when to staff the service desk.

VI. Florida Court Technology Commission

There was no report from the August Florida Courts Technology Commission (FCTC) meeting. It was noted that the next FCTC meeting would be held November 18 in Howey-in-the-Hills, with committee meetings held the day before.

VII. New Business

Florida Commission on Access to Justice

Mr. Francisco-Javier Digon-Greer, Esq., Florida Bar staff to the Commission on Access to Civil Justice, was present to tell the board about the work of the commission. He noted that the Commission had done their work between November 2014 and June 2016, and was expected to be made permanent through a Supreme Court order coming in the next month. He spoke about the Clay County Triage project that should be up and running by November.

Mr. Digon-Greer told the board about a survey that the commission has developed.

The purpose of the survey is to record information from pro se users on their experience with the Florida Court System. The Commission will use the information from the survey to identify barriers to the court system and identify how to remove them. It is posted on the Florida Bar website and the Florida Courts website.

He told the board that the Commission would like the Authority and the Clerks to post the survey link on their sites in order to collect more data.

Mr. Tim Smith asked staff to look at the technical aspects and report any issues with implementing the request. Then discuss with the authority in November about posting a link on the site. At that point, if favorable, information could be sent to all Clerks with a suggestion they place the link on their sites.

Mr. Jeff Smith moved the proposal. Ms. Kathy Brown seconded the motion. All voted favorably.

Ms. Green commented that the Clay pilot will also be collecting data to see how the pro se litigants have used the system. She offered to bring the data back to the authority.

Ms. PK Jameson, State Courts Administrator, asked the Authority for favorable consideration of the survey. She expressed its usefulness to the courts and the commission.

Mr. Tim Smith commented that he attended a conference in Washington D.C. last year about how technology in the courts helps all those who access the courts, minimizing the gap between those who have access to technology and those who don't, giving all more equal access to the courts.

VIII. Old Business

Third Party Batch Filing Process – Status

Ms. Carolyn Weber told the board that there were currently 12 applicants in the first phase and that all seemed to be moving along.

Mr. Joel Rosenthal, JCL Process, was recognized to speak. He expressed delays to getting answers to their technical questions, needed in order to develop the connectivity for civil batch. He asked Mr. Tim Smith, Chairman, to extend the deadline past November 1. Mr. Tim Smith responded telling Mr. Rosenthal that he would like to talk with staff to get the full picture, but would call a special meeting of the board if necessary.

Mr. Jeff Stanford, Provest, also said he also had some open questions and would like answers. He was in favor of an extension to the deadline.

General Counsel's Report

Ms. Lynn Hoshihara, Esq., spoke to the third party batch process and suggested that the fees for state agency and judicial filings be waived, like that for State Attorney and Public defender filings. There were no comments by Authority members. Mr. Tim Smith

remarked that as there were no comments, he took that to mean all agreed that there should be no fee assessed to the judiciary and state agencies.

Ms. Hoshihara also alerted the board that if anyone was filing in batch, not following the approved process, and had not applied, she would be sending out a cease and desist notification.

Ms. Hoshihara addressed an issue brought by a Mr. Eric Griesdorf, a pro se filer. She explained that he had asked for assistance from the board on s. 57.105, Florida Statutes,-- the provision that requires certain written notification before a filer can file a modified motion,. He wishes to see if the Authority has jurisdiction to enforce that particular requirement. She continued by commenting that it appeared to be outside the authority of the Florida Courts E-Filing Authority as it may require a rule change.

Mr. Tom Hall, Esq., commented that it might be a rule change they could consider in the Rules of Judicial Administration or Civil Rules committees. He suggested that the way to accomplish that would be to write a letter to Mr. Tomasino, then he is required to send it to appropriate committee.

Mr. Tim Smith asked if it was required in the paper world? If not, then it should not be required in the portal. Ms. Hoshihara said it was not a requirement in the paper world and thus it would not be in the electronic world. The appropriate entity would be a rules committee. If the Authority wanted to send a note to Clerk Tomasino, they could. Mr. Tim Smith asked Ms. Hoshihara to send a letter to Mr. Tomasino.

Mr. Jeff Smith agreed with the course of action. He moved to direct Ms. Hoshihara to lay out the issue in a letter to Mr. John Tomasino. Mr. Todd Newton seconded the motion. All voted favorably.

Mr. Griesdorf was recognized to speak. He told the board he thought the provisions were in s. 57.105(4), F.S., and had backup on the issue. He thanked the board for the follow-up and letter.

Public Comment

There were no comments made by the public. Mr. Tim Smith announced the next board meeting was scheduled for November 14 in Sandestin unless another meeting was needed to address third party batch.

As a final note, Ms. Weber told the board that she had recently had a conversation with the Department of Health (DOH) about potentially allowing Clerks to send DOH documents through the portal, much like those documents provided to the Department of Corrections. Mr. Smith remarked it was a beneficial use of the portal.

IX. Adjourn

The meeting was adjourned at 10:00 a.m.