



## The Florida Courts E-Filing Authority Minutes

Florida Courts E-Filing Authority Board of Directors met on June 12, 2012, at 1:30 p.m. The meeting was located Salons A/B, Wyndham Bay Point hotel in Panama City Beach, FL. The following members were present: Lydia Gardner, Orange County Clerk, Chair; Karen Nicolai, CPA, Hernando County Clerk, Secretary/Treasurer; Tom Hall, Clerk, Supreme Court, Vice Chair; Joseph E. Smith, St. Lucie County Clerk; Tim Smith, Putnam County Clerk; Karen Rushing, Sarasota County Clerk; and Sharon Bock, Esq., Palm Beach County Clerk and Lynn Hoshihara, Authority General Counsel. Bob Inzer, Leon County Clerk was not present.

- I. Hon. Lydia Gardner, Chair, opened the meeting with a roll call. There was a quorum present.
- II. Ms. Gardner asked for adoption of the agenda. Hon. Tim Smith moved adoption of the agenda. Hon. Bill Kinsaul seconded the motion. All voted favorably.

### Annual Meeting

- III. Ms. Gardner opened the Annual Meeting by welcoming Authority members. She then provided them a recap of the Authority activities during the past year. She commended those Clerks and their staff who helped make it happen. She noted that:

- About 9,865 cases are being filed per month
- About 13,523 documents are being filed per month
- There are 8,760 attorneys registered to use the portal.

Ms. Gardner noted that Florida's Clerks and Courts are ahead of many other states and doing so at a fraction of the cost. She also commented that Florida's Clerks, as a whole, are moving more uniformly and more expediently toward full e-filing than is seen in most other states, states that may only have one court, in one county, accepting e-filings through a statewide portal. She shared the sentiment that Florida Courts Technology Commission's outgoing chair, Judge Judith Kreeger stated in one of the filed comments to the new rules, that "the Clerks and the Authority were proceeding 'cautiously and wisely' with e-filing."

Gardner said thanked the Authority and its members for doing what is needed to bring the state into the modern age of using the Internet, using a processing portal and helping the Courts and Clerks' offices to meet the challenge.

- IV. Ms. Gardner moved into the election of the Vice Chair and Secretary/Treasurer.

---

First, Ms. Gardner recognized Hon. Gloria Hayward as being the new District IV appointee. She told the board that Hon. Tim Smith would take over the Authority chairmanship for the 2012-2013 year. She recognized that moving Mr. Smith up to chair would leave an opening for the District III seat and asked staff to poll the district for a new Authority member.

Ms. Gardner thanked Hon. Tom Hall for his service the past year as Vice Chair and asked if there were any nominations from the floor for that position. Hon. Sharon Bock nominated Hon. Joe Smith for Vice Chair. Hon. Karen Rushing seconded the motion. All voted favorably.

Ms. Gardner then thanked Ms. Nicolai for her service the past year as Secretary/Treasurer and asked for nominations from the floor for that position. Mr. Joe Smith nominated Hon. Bill Kinsaul for Secretary/Treasurer. Ms. Bock seconded the motion and all were in favor.

Mr. Tim Smith thanked Ms. Gardner for her diligence and hard work in leading the Authority over the past year. He acknowledged her professionalism, knowledge of the subject and commitment to the board and its issues.

With the elections over, Ms. Gardner concluded the Annual Meeting and opened the Annual Meeting of the Board.

#### **Annual Meeting of the Board**

- V. Ms. Gardner recognized Ms. Nicolai, Secretary/Treasurer, to present the April and May minutes for approval. Ms. Bock moved approval of both sets of minutes; Mr. Hall seconded the motion and all voted favorably.
- IV. a. Ms. Nicolai presented the proposed Authority budget for the 2012-2013 fiscal year. She directed the board members' attention to the \$20,000 in the proposed budget shown as partner support, money that was hoped to come from The Florida Bar. Ms. Gardner recognized Mr. Laird Lile, Esq., member of The Florida Bar Board of Governors. He reported that the request was on the Board of Governor's agenda for the July meeting and expects no problem with approval.

Ms. Rushing moved the acceptance of the Treasurer's Report. Mr. Tim Smith Seconded the motion and all were in favor.

Ms. Nicolai expressed remaining concerns about how the portal would be funded in the future. Ms. Gardner suggested that Ms. Bock's Funding Subcommittee meet 30 minutes prior to the Authority meeting.

- b. Ms. Nicolai asked the board to review and approve expenses for the annual financial and SAS 70 audits as performed by Lanigan and Associates. Mr. Hall expressed the need to have the auditors either include the costs of the portal in the financial audits, or to explain to the board why they do not. Ms. Nicolai asked staff to make sure that

---

they communicate this question to the auditors.

Mr. Hall moved that the expenses for the audits be approved. Ms. Bock seconded the motion. All voted favorably.

- VII. Ms. Gardner recognized Mr. Levi Owens, ePortal project manager, to provide the board with the monthly status report, the compendium of each county's readiness for portal connectivity and local e-filing implementation. Mr. Owens told the board that both Columbia and Bay counties had received authority to cease paper follow-up. He reviewed the trial court and Supreme Court status with the board. On appellate functionality, he reported that they were currently testing and on track for the July 1, 2012 deadline. He noted that documents e-filed on existing cases still represented the bulk of all filings. He reported that the Simple E-file option represented about one-quarter of all filings. He reviewed the release dates for the August release.

Ms. Rushing commented that the authority had supported those Clerks who been e-filing for a long time using local systems. She said some were in the process of importing a new case maintenance system, and that might interfere with the timing of their connection to the portal. As such, Sarasota County is using a local e-filing solution and connecting to the portal using the simple e-file method. She asked, "what is the right forum for forcing someone using simple e-file to go backwards?" Ms. Gardner remarked that her county had the same problem. Mr. Owens acknowledged that some counties were using the simple e-file solution to meet the July 1 date. He also commented that the fees paid through the simple e-file solution could now go through the portal. Mr. Hall told the board that the court is satisfied as long as they know that Clerks are working on meeting the deadlines. He also said the same issue was true at the appellate level.

A discussion ensued about the proper venue for reporting compliance and the use of the simple e-file solution. Mr. Tim Smith suggested the Authority write a letter to the Supreme Court recognizing certain issues the counties have that are delaying their ability to accept electronic filed documents and connecting to the portal. The Authority may ask for a letter from those certain counties that are not yet connected, delineating their timelines and plans for compliance. Mr. Hall agreed that this may be helpful for the Authority to do.

Ms. Gardner suggested that meetings be held monthly and that Mr. Owens be ready with a monthly status report.

- VIII. a. Mr. Hall reported that the Website subcommittee had met earlier that day and had chosen to reject all bids. He made a motion asking approval for the subcommittee to re-advertise the RFP for another 30 day period. Ms. Bock seconded the motion. All approved the motion.
- b. Ms. Bock, Funding Subcommittee chair, reported that the subcommittee met prior to the board meeting and that they were looking at project costs. She reported that they would look at funding methodologies in other states to see how they afforded their e-filing efforts, and would work with the Florida Courts Technology Commission's (FCTC) funding committee as well.
- c. Counsel Lynn Hoshihara explained the further revisions that she has made to the Interlocal Agreement as suggested by Hon. Pat Frank at the previous meeting. Once there is final passage of

---

the new version of the Interlocal Agreement, Ms. Hoshihara told the board she would present the purchasing policy to the board. She explained the policy could not be considered until the Interlocal Agreement was revised. Mr. Tim Smith moved that the revisions to the Interlocal Agreement be accepted as presented by Ms. Hoshihara. Mr. Kinsaul seconded the motion. All voted favorably.

Ms. Hoshihara also reminded the board that after July 1, 2012, they could meet by electronic means and the quorum requirements would be met without everyone having to be present in the same room.

- IX. There was discussion of meeting dates. Mr. Tim Smith suggested that a monthly meeting be established, perhaps Thursday mornings.

Ms. Gardner recognized Ms. Bock. Ms. Bock asked the board for direction on having to continue to produce paper documents for the judiciary, after the electronic system is in place. She reported that it would cost her office \$30,000 month to do so. Mr. Hall suggested that Ms. Bock raise the issue at the next FCTC meeting, of which she will be a part. Ms. Gardner suggested she contact the new FCTC chair, Judge Lisa Munyon, in the meantime to make her aware of the issue.

Ms. Gardner recognized John Tomasino, Second Circuit Public Defender's Office. Mr. Tomasino suggested that the filing system would only provide limited access. Mr. Hall remarked that the electronic world was not aimed at limiting access and said the venue for the discussion was the FCTC, not the E-Filing Authority. Ms. Gardner thanked Mr. Tomasino for his comments and suggested he take them up with the FCTC.

- X. The meeting was adjourned at 3:15 p.m.



