



## The Florida Courts E-Filing Authority Minutes

Florida Courts E-Filing Authority Board of Directors met on August 4, 2015, at 10:00 a.m. by WebEx. The following members were present: Hon. Tim Smith, Putnam County Clerk, Chair,; Vice Chair; Hon. Tara Green, Secretary/Treasurer and Clay County Clerk; Hon. Sharon R. Bock, Esq., Palm Beach County Clerk; Hon. Karen E. Rushing, Sarasota County Clerk; Hon. John Tomasino, Clerk, Supreme Court, and Lynn Hoshihara, Esq., Authority General Counsel, were in attendance by WebEx. Hon. Bob Inzer, Leon County Clerk; Hon. JD Peacock, Okaloosa County Clerk; Hon. Don Barbee, Esq., Hernando County Clerk; Hon. Jeff Smith, Indian River Clerk; were unable to attend. A quorum was present.

### **I. Welcome**

Mr. Tim Smith, Chair, opened the Annual meeting at 10:00 a.m. He welcomed those on the WebEx and those in the room. He took a moment to recognize the passing of the Hon. R.B. "Chips" Shore, Clerk of Manatee County. He expressed sympathy to the office.

### **II. Adoption of the Agenda**

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

### **III. Reading and Approval of the Minutes**

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

Mr. Smith asked that several items be taken out of order.

### **IV. Old Business**

#### **Approval of A2J Forms**

Mr. Smith recognized Mr. Tomasino to give a status of the approval process for the A2J forms. His provided the following information on the issue:

- OSCA has received feedback from some of the Bar committees and is awaiting additional feedback from others. Some of the committees requested additional time in August to provide adequate responses/feedback.
- OSCA has provided the Bar committee feedback received to date to a select group of judges that are also reviewing the information.
- Within the last week the FCCC provided a demo to assist the judges with walking through the A2J/DIY Florida interviews, and also provided a WORD document with the interview questions and possible answers for the small claims and landlord tenant interviews.
- Both the Bar committees and the judges are diligently reviewing the interviews and will provide feedback to OSCA as they have it.
- OSCA staff, along with the family law forms committee, are working on interviews for family law and have already developed the decision logic for a few.
- OSCA and various folks are hard at work, and when we can begin discussing roll out dates, OSCA will start that conversation with the portal folks. But as of now, no implementation dates have been discussed/proposed.

Melvin Cox responded that staff has done demonstrations of the project or provided more information to those who are reviewing the issue.

Mr. Smith asked what is a reasonable timeframe in which to have the forms completed? September? Mr. Tomasino said he did not know when the forms would be ready.

### **Civil Batch Process**

Mr. Cox briefed the board on a concept of how to implement a civil batch filing process. He asked the board to assist in setting or approving the standards that a vendor would have to meet. He felt there would be no limit to the number of providers that could connect to the portal and provide the service to those who wished to use it. He explained that the staff had experience with this process, as it was already being done with criminal filings, although it did not include new case initiation or accepting filing fees. With civil filing, there was a little more to it. For one, there would have to be a way to accept payments from the batch processors and support new case initiation. He also felt there would need to be a way to deal with the lack of standardization of civil docket codes. He noted there would need to be a revenue stream to support this new development effort absorbed by the private vendors. He noted that the private vendors would be required to meet a standard and enter into an MOU. This is similar to that required of e-Recording vendors. The vendors would be able to market their batch service.

Mr. Smith asked if staff should look at implementing new case initiation for criminal filings? Mr. Cox said that he would like to look at that in the future. He explained it has been difficult in the past because it was dependent on having the same data elements in all the many state attorney, public defender and law enforcement offices. He reminded everyone that there was no common table for the data elements in criminal.

Mr. Smith noted that civil batch was not a mandatory process.

---

Mr. Smith recognized Ms. Laurie Rice, Brevard County Clerk's Office. She asked if Sheriffs and the Florida Department of Revenue were going to begin filing. Ms. Carolyn Weber commented that the portal team was pursuing adding the sheriff's office to use batch at no cost. She noted that if the board approved adding state agency filers will also pursue batch with them at no cost.

Mr. Tomasino remarked that the FCTC was clear on certain issues. The board may need to include some of the issues in an MOU. Mr. Cox agreed. He felt he standards in the MOU should come before the Board for approval.

Mr. Smith recognized Mr. Joel Rosenthal, JLL Process, who commented that the batch providers would be very competitive. From a position of fairness, he urged the board to have a period of time to give the vendors time to connect.

Mr. Smith noted that the vendors needed to get certified then there should be another timeframe to market. With limited staff, he acknowledged the need for fairness. Mr. Smith asked for a motion in order to allow the issue to move forward.

Mr. Tomasino moved that the board adopt the concept of civil batch to allow the issue to move forward. Ms. Green seconded the motion. All were in favor. No one expressed opposition.

### **Bad Debt Report**

Mr. Smith recognized Ms. Peggy Ball to report on bad debt to the board. She reported that since the inception of the portal, that they had been watching the failed payments. She said that the rate of failed payments was reasonable according to industry standards; however, it was still something she felt the board may want to be aware of. Efforts include a full-time person calling and writing letters. She noted that failed payments were for a variety of reasons – debit block not being addressed by the filer, bad account number (typo), bad account, closed credit card or account.

Ms. Green suggested that , as Treasurer, she work with Ms. Ball and Ms. Lynn Hoshihara and bring a formal policy for bad debt back to the board for approval. Mr. Smith accepted it in the form of a motion. Mr. Tomasino seconded the motion. All were in favor.

## **V. Progress Reports**

### **Monthly Progress Report**

Mr. Smith recognized Ms. Carolyn Weber, FCCC Portal Program Manager, to review the July 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 for the month. The number of registered filers is still increasing and is up to 92,170 by the end of July. Throughout the year, it has been the same—taking slightly less than one day to docket a filing; about 2.1% of the filings going to the pending queue. She reviewed the numbers of registered filer groups s, noting that self-represented litigants began at about 5,500 registered users and are now over 20,000.

---

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

Ms. Weber noted that there was no report from the Portal Change Advisory Board this month as there had been no HEAT tickets to review.

Ms. Weber spoke to the next full release, scheduled for September 11, 2015. She did note that a maintenance release will be performed November 2015. Ms. Weber asked the Authority permission to add new filer roles in the September upgrade: local government and state agencies, insurance agencies, creditors and the media.

Mr. Smith commented that Judge Munyon had been notified of adding the new filer roles several roles. He asked for a motion to approve the addition of the new filer roles. Ms. Green moved the issue, but asked for discussion. Ms. Bock seconded the motion. Ms. Green confirmed that a person filing to a case becomes a party to the case. Is there any control how the agencies file? Ms. Weber explained how the agency would handle the filings. All approved the option.

### **Service Desk Report**

Ms. Brenda Standish was recognized to present the service desk report for July. She reported to the board that the customer service calls were about the same over the past few months, although slightly higher in July. Technical calls were down. She reported that most of the questions from month to month were about account set-up and other general case questions and were handled in a very rapid manner.

## **VI. Florida Courts Technology Commission Proposed Orders**

Mr. Smith recognized Ms. Weber to inform the board about Judge Bidwill's survey of judges' potential use of the portal for proposed orders. The issue, she explained, was sent to each chief judge. She hoped that information would be back by next week, to report at the FCTC meeting.

## **VII. Old Business Standardization Status Report**

Ms. Weber said she felt the standardization effort was underway for the September 1 deadline. She said she had done WebEx trainings with counties to assist them in standardizing the divisions, case types and sub types. Some counties are done; the remainder are working toward the September 1 deadline. She said afterwards, they would be able to move forward on the document descriptions once they are approved. Gail Hutcherson, Pinellas County, asked if a county has specific case types not conducive to the standards, was that ok to have a little bit of variance? Ms. Weber suggested that not all counties would be identical due to local features, such as systems and local orders, but the goal was to be as standard as possible.

### **Public Comment**

Mr. Smith announced that the next board meeting would be held on October 6 in Orlando, in conjunction with the FCCC Fall Conference.

Mr. Matthew Hitchcock, counsel to Provest LLC, a process server company, spoke to the images being closed that his company once had access to. It was suggested he speak to the Florida Courts Technology Commission, Access Governance Committee, as they had a venue for this issue.

### **VIII. Adjourn**

Mr. Smith thanked everyone for their participation.

The meeting was adjourned at 11:02 a.m.