

*Florida Courts*



*E-Filing Authority*

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**FLORIDA COURTS  
E-FILING AUTHORITY  
ANNUAL REPORT**

**June 15, 2011**

Tampa Marriott Waterside  
700 S. Florida Avenue  
Tampa, FL 33607

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# **FLORIDA COURTS E-FILING AUTHORITY**

## **ANNUAL REPORT**

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## EXECUTIVE SUMMARY

In accordance with direction by the Florida Legislature and the Florida Supreme Court, the need for the development and implementation of a system for statewide electronic filing of Florida's county, circuit and appellate court records required was recognized by the 2009 passage of this law:

28.22205 Electronic filing process.—Each clerk of court shall implement an electronic filing process. The purpose of the electronic filing process is to reduce judicial costs in the office of the clerk and the judiciary, increase timeliness in the processing of cases, and provide the judiciary with case-related information to allow for improved judicial case management. The Legislature requests that, no later than July 1, 2009, the Supreme Court set statewide standards for electronic filing to be used by the clerks of court to implement electronic filing. The standards should specify the required information for the duties of the clerks of court and the judiciary for case management. The clerks of court shall begin implementation no later than October 1, 2009. The Florida Clerks of Court Operations Corporation shall report to the President of the Senate and the Speaker of the House of Representatives by March 1, 2010, on the status of implementing electronic filing. The report shall include the detailed status of each clerk office's implementation of an electronic filing process, and for those clerks who have not fully implemented electronic filing by March 1, 2010, a description of the additional steps needed and a projected timeline for full implementation. Revenues provided to counties and the clerk of court under s. 28.24(12)(e) for information technology may also be used to implement electronic filing processes. History.—s. 16, ch. 2009-61.

In 2010, the Legislative Appropriations proviso language in HB 5401 stated:

*“...the state courts system will accelerate the implementation of the electronic filing requirements of section 16 of chapter 2009-61, Laws of Florida, by implementing five of the ten trial court divisions by January 1, 2011....”*

The bill identified the 10 court divisions as: Circuit Criminal; County Criminal; Juvenile Delinquency; Criminal Traffic; Circuit Civil; County Civil; Civil Traffic; Probate; Family; and Juvenile Dependency. In conjunction with direction from the Florida Courts Technology Commission, the Authority opted to focus on the following five court divisions to begin work: Circuit Civil; County Civil; Probate; Family; and Juvenile Dependency.

In the 2011 Appropriations bill, SB 2000, language again mentioned the 10 court divisions and required that by January 1, 2012, that Clerks would have to implement the electronic filing requirements for all ten trial court divisions, pursuant to section 28.36(3), Florida Statutes. This mandate sets forth the focus for the Authority for the upcoming six months to develop the portal to include the next five court divisions.

In the summer of 2010, Florida's Clerks of the Circuit and County Courts responded to this mandate with the creation of a public entity to manage the design, development, implementation, operation, upgrade, support and maintenance of a portal for the receipt of electronically filed court records.

In conjunction with the Chief Justice and the Supreme Court, the Florida Courts E-Filing Authority was established in June 2010 by an Interlocal Agreement creating a public agency pursuant to chapter 163, Florida Statutes, comprised of the Clerks of the Circuit Court who join the Authority and the Clerk of the Supreme Court, as designee of the Chief Justice of the Supreme Court on behalf of all the state courts. (see Tab 1) It is recognized by the agreement that the Clerks of the Circuit Court are the official custodians of the records of the Circuit and County Courts in each Clerk's respective county and, likewise, the Clerk of the Supreme Court is the official custodian of the records of the Florida Supreme Court.

Each Clerk is subject to the Florida Statutes, the Administrative Orders of the Chief Justice of the Florida Supreme Court applicable to the respective Clerk, and each Clerk has the power and responsibility to develop, acquire, construct, own, operate, manage and maintain database systems for court filings and related records. Clerks of the Circuit Court are members of the Authority through the execution of a joinder agreement. The district courts of appeal are members through the Clerk of the Supreme Court.

The Authority is governed by a 9-member Board of Directors consisting of:

- A Chair of the Authority – the chair of the Florida Association of Court Clerks' (FACC) Technology Committee, as selected by the Association President each year, holds this seat.
- Seven Clerks of the Circuit Court – in addition to the chair, each of the seven FACC districts nominates a Clerk from the district to serve on this board.
- The Clerk of the Supreme Court – the Clerk of the Supreme Court serves as the Chief Justice's designee on behalf of the state courts.

The Florida Courts E-Filing Authority Board members for 2010-2011 are:

- Hon. Dewitt Cason, Columbia County, Chair
- Hon. Tom Hall, Clerk of the Supreme Court, Vice-Chair
- Hon. Sharon Bock, Palm Beach County
- Hon. Lydia Gardner, Orange County

- Hon. Bob Inzer, Leon County
- Hon. James Jett, Clay County
- Hon. Bill Kinsaul, Bay County
- Hon. Karen Nicolai, Hernando County
- Hon. Karen Rushing, Sarasota County

The Florida Courts E-Filing Authority has contracted with the Florida Association of Court Clerks and Comptrollers to design, develop, implement, operate, upgrade, support and maintain an electronic portal for the filing of court records. The portal is to serve as a statewide access point for the electronic access and transmission of court records to and from the courts. The portal includes the following features:

- A single statewide log-in
- A single Internet access to court records by authorized users
- Transmissions to and from the appropriate courts
- The ability to provide electronic service of notification receipt of an electronic filing and confirmation of filing in the appropriate court file
- Open standards-based integration ability with existing statewide information systems and county eFiling applications
- Compliance with the Electronic Court Filing Standard 4.0, the Global Justice Extensible Markup Language and Oasis Legal Markup Language

The Florida Courts E-Filing Authority works in close coordination with the Florida Courts Technology Commission to ensure that the statewide portal is developed in accordance court system standards and rules. Current year budget is comprised of funds donated by the Florida Supreme Court (\$20,000), The Florida Bar (\$20,000) and Florida Association of Court Clerks Services Group, LLC. (\$20,000) The funds are being used for the activities required of the Authority, such as for the board attorney, Director's and Officer's Insurance and auditing. (see Tab 2)

The portal opened January 2011, as required in the Interlocal Agreement. During the first month of operation 229 documents were eFiled and the numbers have grown since that time. As of the date of this report, all 67 counties have an approved eFiling plan.

As of June 2011, the counties currently filing through the statewide portal are:

- Bay, Broward, Collier, Columbia, Duval, Gulf, Franklin, Holmes, Jackson, Lake, Lee, Marion, Miami-Dade, Palm Beach, Putnam, Walton

The counties slated to "go-live over" the third quarter of 2011 are:

- Polk, Wakulla

Other counties in progress include:

- Alachua, Bradford, Brevard, Charlotte, Hillsborough, Leon, Liberty, Martin, Monroe, Nassau, Okaloosa, Okeechobee, Osceola, Pasco, Pinellas, Sarasota, Seminole, St. Lucie

All 67 counties are actively working to connect to the portal. In order for a county to be ready to accept electronically filed court documents, the following steps have been identified. A county must:

- Have an approved eFiling plan;
- Build an interface with ePortal;
- Provide codes for ePortal;
- Have successful end-to-end testing; and
- Identify pilot attorneys.

Over the course of the year, the Florida Courts E-Filing Authority has met a number of times to discuss the various aspects of the statewide portal to make sure that when it opened in January 2011, and for its operation in the ensuing months, that it would meet the above-listed requirements, as well as serve the Courts, the Clerks of Court and the various filers across the state. (see Tab 3) Since inception there have been 6,225 documents filed, most of which have represented documents filed to existing cases. (see TAB 4) Generally, a document filed to an existing case does not require payment.

One of the major decisions made by the Authority this past year was to establish the fees for use of the statewide portal. After review of other states, and the limitation by the Authority's creating document, that limited the fees to that "only those fees, service charges, and check, debit and credit card transaction fees that the individual Clerks of Court are permitted to impose through express statutory authorization." Florida law allows Clerks of the Court to charge convenience fees at a level that covers the cost of the credit card transaction. As such, the Authority debated the issues over the course of several meetings and chose to accept Mastercard, Discover and American Express credit cards and charge a convenience fee of 3% for the acceptance and processing of transactions using those cards. The filer may also use an ACH transaction for a \$3.00 fee. As such, there has been \$18,063.83 in filing fees as paid by credit card and \$540.87 in credit card processing fees paid through the portal since inception. The ACH transactions have totaled \$5,483.00 in paid filing fees along with \$54.00 in ACH processing fees. (see TAB 5)

Since the portal was opened in January 2011, the Association staff has travelled around the state of Florida working with the local members of The Florida Bar, and the Clerks of Court, educating the filers and assisting Clerks in continuing development of the electronic acceptance of court documents into local case maintenance systems.

Additionally, the Authority continues its work with Hon. Tom Hall, Clerk of the Supreme Court; the District Courts of Appeal Clerks of Court; the Office of the State Courts Administrator – Information Systems Services; and the Florida Association of Court Clerks to create the Florida Appellate Courts Electronic Filing module within the statewide eFiling Portal. It is anticipated that the submission of Supreme Court appellate filings via the statewide eFiling Portal will begin in late 2011 with the district courts to follow.

# Addendum

Over the course of the first two quarters of this year, the following issues have arisen a number of times to create the following list of Frequently Asked Questions and answers:

## **TIMESTAMPS**

**Q:** How will this system address the filing time, and time stamping of documents when it is received?

**A:** All dates and times, including when the filing is received at the ePortal and accepted by the clerk, are stored in the ePortal database to ensure the accuracy and consistency of when the event took place.

### **Supreme Court Administrative Order 09-30**

Standard 3.1.12 An electronic filing may be submitted to the portal at any time of the day or night, twenty four (24) hours a day seven days a week; the portal shall place a time/date stamp. However, the filing will not be official information of record until it has been stored on the clerk's case maintenance system.

## **FEES**

**Q:** What are the filer costs above and beyond the statutory fees. For instance, are there subscriptions, convenience fees, or fees for additional services?

**A:** Authorized filers may access the ePortal and file documents to be placed in existing cases at no charge. If a filer chooses to pay statutory filing fees using a credit card or ACH transaction, they will be charged an additional credit card transaction fee which will be used to cover the associated banking and merchant fees as allowed by Florida Statutes.

### **The Florida Courts E-Filing Authority has set the following fees:**

Mastercard, American Express, Discover .....	3% of filing fee
ACH.....	\$3 fee per filing

## **ACCESS TO CASE INFORMATION AND DOCUMENTS FILED ON A CASE**

**Q:** How can a filer access filings and case information?

**A:** The ePortal provides access to filings "in progress" only. Once the filing is accepted and filed in the local CMS/DMS, this becomes the official court record just like the current paper process. Original filings are retained at the portal for a brief period and then removed. Permanent access to these documents are provided through existing methods – local web sites and CCIS links.

## DOCUMENT TYPES

Q: What document types can be sent through the portal?

A: The portal will accept filings in Word, WordPerfect, or PDF. Documents can be provided in PDF formats to local system. The portal can also convert to TIFF upon request in the local DMS cannot.

## ADMINISTRATION OF USER ACCOUNTS/AUTHENTIFICATIONS

Q: How can users administer their accounts?

A: There are three options.

- 1) Users can authenticate their own accounts
- 2) Law Firms can administer their users
- 3) The local Clerk's Office can review and administer accounts

## ELECTRONIC SIGNATURES

Q: How are electronic signatures handled?

A: The ePortal supports electronic signatures as outlined in AOSC 09-30:

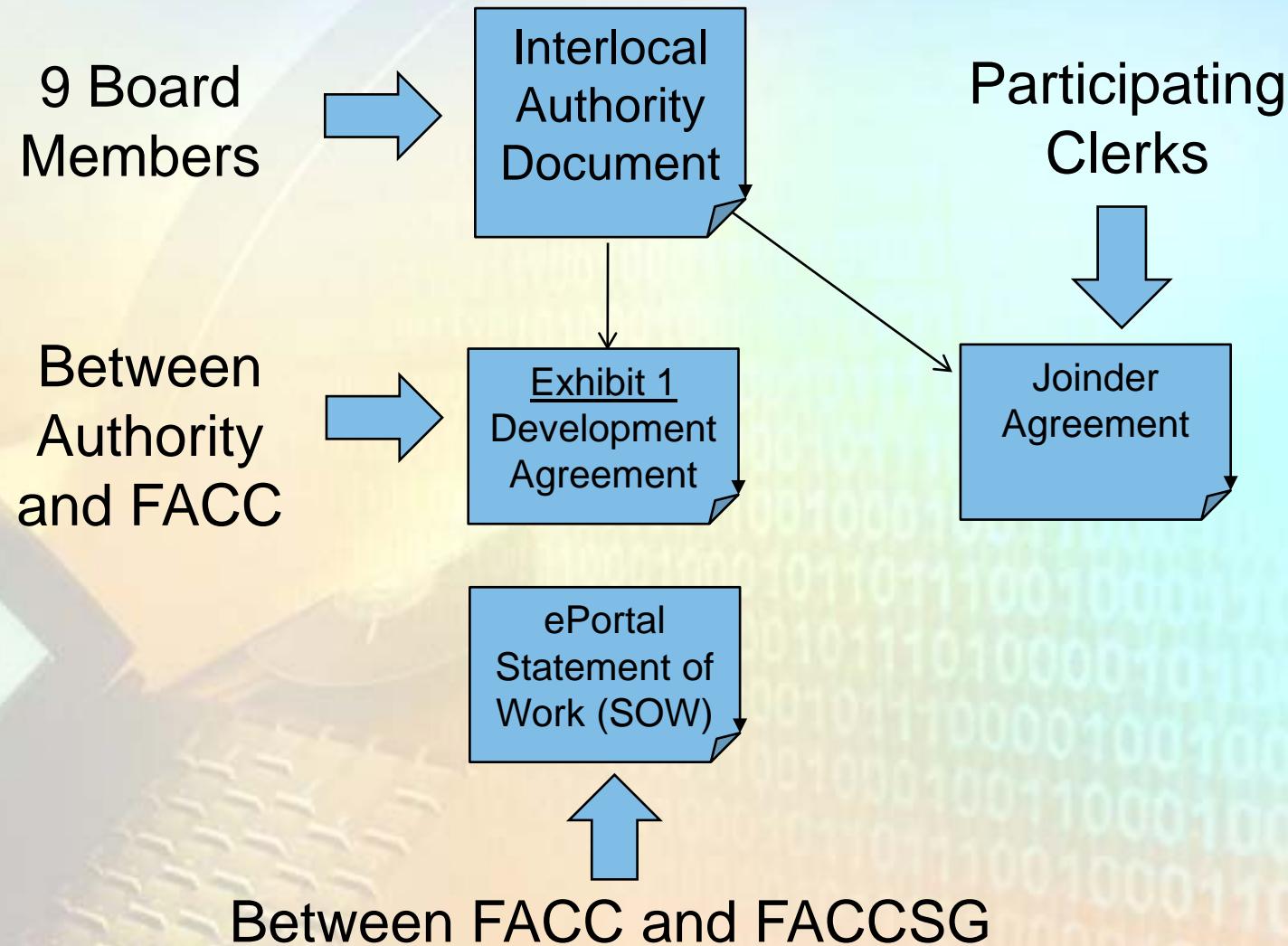
A pleading or other document is not required to bear the electronic image of the handwritten signature or an encrypted signature of the filer, but may be signed in the following manner when electronically filed through a registered user's login and password.

- s/ John Doe
- John Doe (e-mail address)
- Bar Number 12345
- Attorney for (Plaintiff/Defendant)
- XYZ Company
- ABC Law Firm
- 123 South Street Orlando, FL 32800
- Telephone: (407) 123-4567

Original documents (Death Certificates, etc.) or those that contain original signatures such as affidavits, deeds, mortgages and wills must be filed manually until the court has determined the digital format by which these issues are addressed.

**TAB 1**

# Florida eFiling Authority Organizational Makeup



# Florida eFiling Authority 2010-2011

## Board of Directors Consists of:

- 8 Clerks of the Circuit Court
- Clerk of the Supreme Court

## Board Members

- Dewitt Cason, Columbia County, Chair
- Tom Hall, Clerk of the Supreme Court, Vice-Chair
- Bill Kinsaul, Bay County
- Bob Inzer, Leon County
- James Jett, Clay County
- Karen Nicolai, Hernando County
- Lydia Gardner, Orange County
- Karen Rushing, Sarasota County
- Sharon Bock, Palm Beach County

# Statewide Integrated Court System – Current Capability



## Replaces 3 Delivery Methods

- In Person
- Mail
- E Documents

## 67 Clerks of Court

- Case Initiation, Indexing, Docketing
- Official Court Record/Document Prep
- Fee Collection and Accounting

Local Clerk CMS



- Statewide Access/Standards
- Case Management Reporting
- Statewide Reporting
- Integration with Partners

## Local/Statewide Integration

- Judicial
- Law Enforcement
- State Attorney/Public Defender

**INTERLOCAL AGREEMENT ESTABLISHING THE  
FLORIDA E-FILING AUTHORITY**

**By**

**And**

**Between**

**Various Clerks of Circuit Courts of the State of Florida**

**and**

**The Clerk of the Florida Supreme Court, as the designee of the**

**Chief Justice of the Florida Supreme Court**

**Interlocal Agreement**  
**Establishing The**  
**Florida E-Filing Authority**

This Interlocal Agreement Establishing The Florida E-Filing Authority, dated as of \_\_\_\_\_, 2010 (the “Interlocal Agreement”), entered into by and between those certain clerks of the circuit court executing this Interlocal Agreement and those clerks of the circuit court joining in this Interlocal Agreement hereto, and the clerk of the Florida Supreme Court, as the designee of the Chief Justice of the Florida Supreme Court on behalf of the state courts, each one constituting a “public agency” under Part I of Chapter 163, Florida Statutes, (collectively, the “Clerks”);

WHEREAS, the Clerks of the Circuit Court are the official custodians of the records of the Circuit and County Courts in each such clerk’s respective county, and the Clerk of the Florida Supreme Court is the official custodian of the records of the Florida Supreme Court, each subject to all statutes, Florida Supreme Court rules and Administrative Orders of the Chief Justice of the Florida Supreme Court applicable to the respective clerk in the performance of that function; and

WHEREAS, each of the Clerks has the power and responsibility to develop, acquire, construct, own, improve, operate, manage and maintain database systems for court filings and related records; and

WHEREAS, in accordance with the Legislative directive and recognition by the Florida Supreme Court of a need to develop and implement a system for statewide electronic filing of Florida county, circuit and appellate court records, the Clerks desire to create a public entity pursuant to Chapter 163, Florida Statutes for the design, development, implementation, operation, upgrading, support and maintenance of a portal for the receipt by electronic filing of such court records; and

WHEREAS, the Florida Association of Court Clerks, Inc., the members of which are the duly elected Clerks of the Circuit Courts and County Comptrollers, through its wholly owned subsidiary FACC Services Group, LLC, has developed a statewide electronic portal which provides the capability for a common entry point for all court electronic filings in the County Court, Circuit Court, District Courts of Appeal and Supreme Court in the State of Florida; and

WHEREAS, Part I of Chapter 163, Florida Statutes permits the Clerks, as public agencies under the Florida Interlocal Cooperation Act, to enter into interlocal agreements with each other to jointly exercise any power, privilege or authority which such Clerks share in common and which each might exercise separately, permitting the Clerks to make the most efficient use of their powers by enabling them to cooperate on a basis of mutual benefit and thereby provide services and facilities in a manner and pursuant to forms of governmental organization that will best serve geographic, economic, population and other factors influencing the needs of such Clerks; and

WHEREAS, the Clerks have determined that it is in the best interest of the Clerks, the judiciary and the public, and it is a valid public purpose, for the Clerks to create a separate legal entity to provide for the design, development, implementation, operation, upgrading, support and maintenance of a state-wide system for electronic filings of court records and to contract through that entity with the Florida Association of Court Clerks, Inc., a Florida corporation, to design, develop, implement, operate, upgrade, support and maintain a state-wide portal for the electronic filing of court documents.

NOW, THEREFORE, in consideration of the foregoing and the covenants herein, it is mutually agreed and understood by and among the Clerks that the Authority be created as a legal entity and public body and a unit of government with all of the privileges, benefits, powers and terms of this Interlocal Agreement and is hereby created for the purposes described herein, as follows:

## ARTICLE 1 DEFINITIONS.

**1.1. Definitions.** Terms not otherwise defined in this Agreement shall be defined as follows:

- a. "Act" or "Interlocal Act" shall mean Part I, Chapter 163, Florida Statutes.
- b. "Administrative Orders" means those administrative orders adopted by the Chief Justice of the Florida Supreme Court or by the Florida Supreme Court.
- c. "Association" shall refer to the Florida Association of Court Clerks, Inc., a Florida not for profit entity the members of which are the duly elected Clerks of the Circuit Courts and Comptrollers of the state of Florida.
- d. "Board" shall mean the Board of Directors of the Authority as further set forth herein.
- e. "Courts" or "courts" shall mean all county, circuit, and appeals courts in the State of Florida.
- f. "Court Records" shall have the same meaning as provided in Rule 2.420(b)(1)(A), Florida Rules of Judicial Administration, and shall include all court related documents filed in the County Courts, Circuit Courts, District Courts of Appeal and Supreme Court of Florida, and includes, but is not limited to, pleadings, discovery requests and responses, orders, judgments, appellate court briefs, motions, petitions and other appellate court papers in each Florida appellate court.
- g. "Rules of Court" means those rules of procedure adopted by the Florida Supreme Court.
- h. "E-Filing" or "ECF" shall mean filing Court Records to a case through electronic systems and processes in compliance with rule 2.525, Florida Rules of Judicial Administration. E-Filing includes filing a Court Record with accompanying data elements necessary to establish an index of records for new cases, associate the record

with an existing case, and/or allow the judiciary to process and manage their cases from filing to timely final disposition, in the case management system. E-Filing may also be referred to as ECF (Electronic Court Filing as established by The National Center for State Courts).

i. “E-Filing Court Records Portal” or “Portal” shall mean a statewide access point for electronic access to Court Records and the transmission of Court Records to and from the Courts. The Portal will be capable of accepting electronic filings from multiple sources, using common data elements passing to and from each local case system. The Portal shall include the following features:

- Single statewide login
- Single Web access to Court Records by authorized users
- Transmissions to/from appropriate Courts
- Providing Electronic Service of notification of receipt of an electronic filing and confirmation of filing in the appropriate Court file
- Open standards-based integration ability with existing statewide information systems and county E-Filing applications
- Automated interface with E-Recording systems
- Compliance with the Electronic Court Filing 4.0 standard, the Global Justice Extensible Markup Language and Oasis Legal Extensible Markup Language standard developed by the National Center for State Courts.

j. “FACCSG” shall mean the FACC Services Group, LLC, a wholly owned subsidiary of the Association.

k. “Florida Courts Technology Commission” shall mean the commission described in Rule 2.236, Florida Rules of Judicial Administration, and AOSC07-59 and AOSC09-23, or their successor.

l. “Member” shall mean a member of the Authority as set forth herein.

m. “Office of the State Courts Administrator” shall mean the office of the State Courts Administrator as described in rule 2.205(e), Florida Rules of Judicial Administration.

n. “Public Agencies” is as defined in the Interlocal Act.

o. “Supreme Court” shall mean the Florida Supreme Court through its designated representative or committee.

Whenever any words are used in this Interlocal Agreement in the masculine gender, they shall be construed as though they were also used in the feminine or neuter gender in all situations where they would so apply, and whenever any words are used in this Interlocal Agreement in the singular form, they shall be construed as though they were also used in the plural form in all situations where they would so apply.

## ARTICLE 2

### THE AUTHORITY

**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 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.

**2.2. PURPOSES.** The purpose of this Interlocal Agreement shall be for the establishment of the Authority in order to: (i) design, develop, implement, operate, upgrade, support, and maintain the E-Filing Court Records Portal through contract with the Association and/or its wholly owned subsidiary FACCSC; and (ii) provide the most economic and efficient method for e-filing Court Records.

In creating and organizing the Authority, the Clerks acknowledge and agree that the Supreme Court has supervisory authority over the Authority to the same extent that it has over each individual clerk of circuit court, clerk of the District Courts of Appeal and clerk of the Supreme Court in the performance of their record-keeping functions.

The creation and organization of the Authority and the fulfillment of its objectives serve a public purpose, and is in all respects for the benefit of the people of this State, affected Public Agencies and their constituents, and the persons or entities served by the E-Filing Court Records Portal. The Authority is performing an essential public service. All property of the Authority is and shall in all respects be considered to be public property, and the title to such property shall be held by the Authority for the benefit of the public. The use of such property shall be considered to serve a public purpose, until disposed of upon such terms as the Authority may deem appropriate. Insofar as provided for by law, all obligations and interest or income thereon and all the property, facilities, services, activities and revenues of the Authority are declared to be nontaxable for any and all purposes by the State or federal government or any unit of the State or federal government to the same extent as if owned or issued by or on behalf of the Clerks or a Public Agency.

**2.3. AUTHORITY MEMBERS.** The Members shall consist of those Clerks who are parties to this Interlocal Agreement and those Clerks who have executed a Joinder to this Interlocal Agreement. The district courts of appeal are represented in this Interlocal Agreement through the Clerk of the Supreme Court.

**2.4. APPELLATE COURTS.** The appellate courts, including the Florida Supreme Court, as a group may withdraw from participation in the E-Filing Court Records Portal with the approval of the chief justice and with 30 days written notice to the Authority. Withdrawal of the appellate courts from participation in the Portal will not cause any additional or changed responsibilities

by the parties under the Interlocal Agreement and the Agreement with the Florida Association of Court Clerks, Inc.

**2.5. DURATION OF AUTHORITY.** The Authority shall exist so long as the E-Filing Court Records Portal, as developed and/or modified in the future, is operated through the Agreement with the Florida Association of Court Clerks, Inc. attached hereto as Exhibit 1 and incorporated herein, or is operated by the Association's assignee approved in accordance with Section 3.4.a. Termination of the Agreement with the Florida Association of Court Clerks, Inc., or its assignee will dissolve the Authority. Notwithstanding, the Authority shall not dissolve unless and until written notice of dissolution is provided to the Florida State Courts Administrator no less than ninety (90) days prior to dissolution, or, for such reasonably longer period as the Florida State Courts Administrator, under direction from the Chief Justice of the Florida Supreme Court, determines is necessary to avoid disruption in the availability of an E-Filing Court Records Portal. Upon dissolution of the Authority all right, title and interest in and to the Portal any other property owned by the Authority shall be transferred to the Office of the State Courts Administrator.

## **ARTICLE 3 GOVERNANCE**

### **3.1. BOARD OF DIRECTORS.**

a. The Authority shall be governed by a Board of Directors. The Board shall consist of the following:

1. A Chair of the Authority, who shall be the chair of the Technology Committee of the Association, as selected by the Association's President.
2. Seven Clerks of the Circuit Court, in addition to the Chair of the Authority, selected annually by the membership of Association, through the Association's seven annual district caucus meetings, or their replacement should a Director resign, is no longer a clerk of the circuit court, or is removed in accordance with the terms of the Association's caucus rules; and
3. The Clerk of the Supreme Court as the designee of the Chief Justice of the Florida Supreme Court.

b. Any Director other than the Clerk of the Supreme Court who is absent for three (3) consecutive meetings of the Board unless otherwise excused by the Chair shall be deemed to have resigned.

c. Any Director other than the Clerk of the Supreme Court may resign from all duties or responsibilities hereunder by giving at least thirty (30) calendar days prior written notice sent by registered mail to the Board. Such notice shall state the date said resignation shall take effect and such resignation shall take effect on that date. Any Director who resigns shall be replaced in the same manner as the resigning Director was selected.

d. Any resigning Director who is an officer of the Authority shall immediately turn over and deliver to the Authority any and all records, books, documents or other property in his possession or under his control which belong to the Authority.

### **3.2. MEETINGS.**

a. Prior to the beginning of its fiscal year, on a date, place and time as determined by the Board, the Members shall have an annual meeting of the Authority. At the annual meeting the annual statements as required hereunder shall be presented, and such other matter as may come before the Members shall be addressed. In addition to the Annual Meeting, the affairs, actions and duties of the Authority shall be undertaken at a duly called meeting as provided herein. Immediately after the annual meeting of the Members, the Board shall have an annual meeting of the Board.

b. The Board shall convene at a meeting duly called by either a majority of the Directors or the Chairman. The Directors may establish regular meeting times and places. Meetings shall be conducted at such locations as may be determined by the majority of the Directors or the Chairman. Notice of a meeting, unless otherwise waived, shall be furnished to each Director not less than seven (7) calendar days prior to the date of such meeting; provided the Chairman or, in his or her absence or unavailability, the Vice-Chairman, may call a meeting upon twenty-four (24) hours written notice, if such officer determines an emergency exists. All meetings shall be noticed in accordance with applicable law and in accordance with the Florida Government in the Sunshine law. The Board may participate in a regular or special meeting by, or conduct the meeting through, the use of, any means of communication by which all Directors participating, and all members of the public present, may simultaneously hear each other during the meeting. A Director participating by this means is deemed to be present in person at the meeting.

c. Within thirty (30) calendar days of the creation of the Authority, the duly appointed Directors shall hold an organizational meeting to elect officers and perform such other duties as are provided for under this Interlocal Agreement.

d. At any meeting of the Authority at which any official action is to be taken, a majority of all Directors shall constitute a quorum. A majority vote of a quorum of the Directors present at a duly called meeting shall constitute an act of the Authority, except as hereinafter provided in Subsection 3.4.

e. A certificate, resolution or instrument signed by the Chairman, Vice-Chairman or such other person of the Authority as may be hereafter designated and authorized by the Board shall be evidence of the action of the Authority and any such certificate, resolution or other instrument so signed shall conclusively be presumed to be authentic. Likewise, all facts and matters stated therein shall conclusively be presumed to be accurate and true.

f. All meetings of the Members and of the Board shall be conducted in accordance with Roberts Rules of Order.

### **3.3. POWERS AND DUTIES OF THE BOARD.** The Board shall act as the governing board of the Authority and shall have, in addition to all other powers and duties described herein, the following powers and duties:

- a. To fix the time and place or places at which its regular meetings shall be held, and to call and hold special meetings.
- b. To make and pass rules, regulations, resolutions and orders not inconsistent with the Constitution of the United States or of the State, or the provisions of the Interlocal Act or this Interlocal Agreement, necessary for the governance and management of the affairs of the Authority, for the execution of the powers, obligations and responsibilities vested in the Authority, and for carrying into effect the provisions of this Interlocal Agreement.
- c. To fix the location of the principal place of business of the Authority and the location of all offices maintained thereunder.
- d. To create any and all necessary offices in addition to Chairman, Vice-Chairman and Secretary-Treasurer; to establish the powers, duties and compensation of all employees; and to require and fix the amount of all official bonds necessary for the protection of the funds and property of the Authority.
- e. To select and employ such employees and executive officers the Board deems necessary or desirable, and set their compensation and duties.
- f. To employ or hire such attorneys or firm(s) of attorneys, as it deems appropriate to provide legal advice and/or other legal services to the Authority, and to employ and hire such other consultants as it deems appropriate.

**3.4. AFFIRMATIVE VOTE OF CLERK OF SUPREME COURT REQUIRED.** The Clerk of the Supreme Court is the designee of the Chief Justice on behalf of the state courts. In order for any of the following actions of the Authority to be valid and become effective, the Clerk of the Supreme Court must vote in the affirmative. The failure of the Clerk of the Supreme Court to vote on any matter described below shall be deemed a negative vote.

- a. Approval of any assignment of the contract or agreement between the Authority and the Florida Association of Court Clerks, Inc., and/or FACC Service Group, LLC, to design, develop, implement, operate, upgrade, support-and maintain the E-Filing Court Records Portal,
- b. Whenever the performance of the Court-related functions of the Portal may be materially and adversely impacted by a project, action or matter within the authority of the Authority, the affirmative vote of the Clerk of the Supreme Court is required.
- c. Approval of any vote to terminate the Agreement with the Florida Association of Court Clerk, Inc. or its assignee.
- d. Approval of any vote by the Board to dissolve the Authority.

The purpose of requiring the affirmative vote of the Clerk of the Supreme Court on the matters set forth above is to provide protection to the Court-related functions of the Portal. As to matters for which the Portal is utilized by the Clerks of the Circuit Courts for non-Court related functions authorized by law, nothing herein shall be construed to require an affirmative vote of the Clerk

of the Supreme Court so long as the performance of the Court-related functions of the Portal are not materially and adversely impacted.

**3.5. ELECTION OF OFFICERS.** At the annual meeting of the Board, and at such other time as may be necessary to fill a vacancy, at a duly called meeting of the Board called for the purpose thereof, the Authority through its Directors shall elect a Vice-Chairman and Secretary-Treasurer and such other officer(s) as the Board may deem appropriate, to conduct the meetings of the Authority and to perform such other functions as herein provided. At the discretion of the Board, the Secretary-Treasurer may be an employee or vendor of the Authority. Said Chairman, Vice-Chairman and Secretary-Treasurer shall serve one (1) year terms unless they resign from the Authority or such officer is replaced by the Board.

**3.6. AUTHORITY OF OFFICERS.**

a. The Chairman and the Vice-Chairman shall take such actions, have all such powers and sign all documents 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.

b. The Secretary-Treasurer, or his or her designee, shall keep minutes of all meetings, proceedings and acts of the Board. Copies of all minutes of the meetings of the Authority shall be sent by the Secretary-Treasurer or his or her designee to all Directors of the Authority. The Secretary-Treasurer may also attest to the execution of documents. The Secretary-Treasurer shall have such other powers as may be approved by resolution of the Board adopted at a duly called meeting.

**3.7. EXPENSES.** Members of the Authority shall participate at the expense of the office they represent in accordance with Florida law applicable to public employees. Incidental expenses of the Authority such as meeting notices, recording requirements, and advertising or posting solicitations shall be paid by the Florida Association of Court Clerks, Inc. Staff support shall be provided, as necessary and available, by the Office of the State Courts Administrator. If the Office of the State Courts Administrator is unable or unwilling to provide the required staff support it shall provide written notice of such to the Authority and to FACC. Upon receipt of such written notice FACC shall provide the staff support as necessary.

**3.8. LIABILITY.** No Director, agent, officer, official or employee of the Authority shall be liable for any action taken pursuant to this Interlocal Agreement in good faith or for any omission, except gross negligence, or for any act of omission or commission by any other Director, agent, officer, official or employee of the Authority.

**ARTICLE 4**  
**POWERS AND DUTIES**

**4.1. POWERS.**

a. The Authority, acting through its Board, shall have only the powers necessary to carry out the purposes of this Interlocal Agreement, including the following powers:

- i. To contract with the Association and/or its wholly owned subsidiary FACCSCG to develop, implement, operate, maintain and upgrade the E-Filing Court Records Portal all in accordance with a Statement of Work developed by FACC and approved by the Authority and the Florida Supreme Court. The Authority shall hold all right, title and interest to the E-Filing Court Records Portal until dissolution of the Authority, at which time ownership shall transfer to the office of the Florida State Courts Administrator.
- ii. To contract or otherwise procure the services of accountants, attorneys and other experts or consultants, and such other agents and employees as the Board may require or deem appropriate from time to time.
- iii. To acquire such personal property and rights and interests therein as the Authority may deem necessary and appropriate in connection with the development, acquisition, ownership, expansion, improvement, operation, support and maintenance of the E-Filing Court Records Portal and to hold and dispose of all personal property under its control.
- iv. To exercise exclusive jurisdiction, control and supervision over the E-Filing Court Records Portal and to make and enforce such rules and regulations for the maintenance, management, upgrade and operation of the E-Filing Court Records Portal as may be, in the judgment of the Board, necessary or desirable for the efficient operation of the E-Filing Court Records Portal in accomplishing the purposes of this Interlocal Agreement.
- v. To develop, acquire, construct, own, operate, manage, upgrade, maintain, and expand the E-Filing Court Records Portal, and to have the exclusive control and jurisdiction thereof.
- vi. To appoint advisory boards and committees to assist the Board in the exercise and performance of the powers and duties provided in this Interlocal Agreement.
- vii. To sue and be sued in the name of the Authority.
- viii. To adopt and use a seal and authorize the use of a facsimile thereof.
- ix. To make and execute contracts or other instruments necessary or convenient to the exercise of its powers.
- x. To maintain an office or offices at such place or places as the Board may designate from time to time.
- xi. To lease, as lessor or lessee, or license, as licensor or licensee, to or from any person, firm, corporation, association or body, public or private, facilities or property of any nature to carry out any of the purposes authorized by this Interlocal Agreement.

- xii. To purchase such insurance as it deems appropriate.
- xiii. To apply for and accept grants, loans and subsidies from any governmental or non-governmental entity for the design, development, implementation, operation, upgrading, support and maintenance of the E-Filing Court Records Portal and to comply with all requirements and conditions imposed in connection therewith.
- xiv. To do all acts and to exercise all of the powers necessary, convenient, incidental, implied or proper in connection with any of the powers, duties or purposes authorized by this Interlocal Agreement.

b. In exercising the powers conferred by this Interlocal Agreement the Board shall act by resolution or motion made and adopted at duly noticed meetings.

#### **4.2. ANNUAL BUDGET, REPORTS AND AUDIT.**

a. Prior to the beginning of the Authority's fiscal year the Board will adopt an annual budget for the Authority. Such budget shall be prepared in the manner and within the time periods required for the adoption of a tentative and final budget for state governmental agencies under general law. The annual budget shall contain an estimate of receipts by source and an itemized estimation of expenditures anticipated to be incurred to meet the financial needs and obligations of the Authority.

b. The adopted budget shall be the operating and fiscal guide for the Authority for the ensuing Fiscal Year. The Board may from time to time amend the budget at any duly called regular or special meeting.

c. The Authority shall provide financial reports in such form and in such manner as prescribed pursuant to this Interlocal Agreement and Chapter 218, Florida Statutes.

d. The Board shall cause to be made at least once a year, within one hundred eighty (180) days of the end of the Fiscal Year, a report of the E-Filing Court Records Portal, including all matters relating to expansions, acquisitions, rates, revenues, expenses, and the status of all funds and accounts. The report shall be known as the "Annual Authority E-Filing Court Records Portal Report". The Annual Authority E-Filing Court Records Portal Report may be included as a part of any other report or reports required by law or may be issued separately. Copies of such report shall be filed with the Secretary-Treasurer and shall be open to public inspection. The Secretary-Treasurer shall provide a copy of the Annual Authority E-Filing Court Records Portal Report to each Member, member of the Board, the Legislature, the Court, and Florida State Courts Administrator.

e. The Authority shall be subject to or cause to be conducted independent (i) budget audit, (ii) financial and/or performance audit that is performed in accordance with the Statement on Audit Standards 70 audit guidelines promulgated by the American Institute of CPAs; the audit will focus on the existence of controls that are suitably designed to provide reasonable assurance that the specific control objectives are achieved and that the controls are operating as designed, and (iii) security review audit of the Association's

technology infrastructure, which security review will be divided into 7 areas: policies, physical security, root or administrative user security, normal user security, file security, overall security procedures, and periodic testing.. The audit(s) shall be performed annually and as may be requested by the auditor general, any Member, or as may be requested by the Supreme Court.

#### **4.3. ADOPTION OF RATES, FEES OR OTHER CHARGES.**

- a. The Authority may impose only those fees, service charges, and check, debit and credit card transaction fees that the individual clerks of court are permitted to impose through express statutory authorization .
- b. Any revenue generated by a statutorily authorized fee or service charge imposed by the Authority must be disclosed to the Florida State Courts Administrator and the Legislature, and must be distributed in accordance with legislative directive.

#### **4.4. DESIGN, DEVELOPMENT, IMPLEMENTATION, OPERATION, UPGRADING, SUPPORT AND MAINTENANCE OF E-FILING COURT RECORDS PORTAL.**

- a. Prior to the implementation and operation of the E-Filing Court Records Portal, and prior to any enhancements to or extensions of, or development, implementation or operation of any project related thereto, the Authority shall consult with the Florida Court Technology Commission, or any other person or entity designated by the Supreme Court.
- b. Any changes to the E-Filing Court Records Portal shall be made only in accordance with (i) Information Technology Infrastructure Library, a widely accepted approach to information technology service management adopted by the Association and which includes a formal process for change management and quality assurance and (ii) prior to implementing any changes to the E-Filing Court Records Portal, the Authority shall consult with the Florida Court Technology Commission.
- c. The initial agreement and all modifications or amendments to the agreement with the Association attached hereto as Exhibit 1 and incorporated herein with respect to significant and material changes to the design, development, implementation, operation, upgrading, support and maintenance of the E-Filing Court Records Portal that adversely impact the court related functions of the portal must be agreed to by the Clerk of the Supreme Court and shall include but not necessarily be limited to the following terms:
  - i. that no assignment of the agreement shall be permitted without prior notice to and consent by the Supreme Court.
  - ii. that all records relating to the design, development, implementation, operation, upgrading, support and maintenance of the E-Filing Court Records Portal be subject to public disclosure under applicable Florida public records law.
  - iii. that the development and implementation of the E-Filing Court Records Portal shall be complete on or before January 1, 2011. Any standard data elements approved by the Supreme Court after the implementation of the E-filing

Court Records Portal shall be implemented within a reasonable, agreed upon time after receipt of such new standard data elements by FACC from the Authority in writing in sufficient detail to allow FACC to fully design, develop and implement such new standard data elements, which time is not to exceed 90 days from the date of receipt of said new data elements unless a longer period of time is reasonably required and agreed to by the Supreme Court and the Authority.

iv. that the E-Filing Court Records Portal shall include the ability for the E-Filing of all Court Records.

v. that the use of any court's name in advertising or marketing is prohibited without the prior written consent of the Supreme Court.

vi. that the E-Filing Court Records Portal shall comply with standards adopted by the Supreme Court in In Re: Statewide Standards for Electronic Access to Courts, AOSC09-30 (July 1, 2009), including amendments to those standards, as well as any other standards or requirements relating to electronic access to the courts that the Supreme Court may approve.

vii. that deficiencies in the design, development, implementation, operation, upgrading, support or maintenance of the Portal will be addressed by a corrective action plan approved by the Supreme Court and the Authority, which approval shall not be unreasonably delayed or withheld, and shall provide that a failure to object to a submitted corrective action plan within ten (10) business days shall be deemed to be approval of the submitted corrective action plan.

viii. that a failure by the Authority to require compliance or enforcement of a contractual requirement does not constitute a waiver of any other contractual requirement.

ix. that includes a process to address changes in material terms of the agreement as a result of changes in Rules of Court, Administrative Orders or statutes.

x. that includes a mechanism to collect and remit filing fees which includes procedures for use of debit and credit cards and for collection of fees and service charges.

xi. that includes a warranty of ability to perform.

xii. that provides for termination for cause, with notice to the Supreme Court.

xiii. that provides for termination without cause by either party, with notice to the Supreme Court.

xiv. that provides for termination by the Authority, with notice to the Supreme Court.

- xv. that provides for indemnification by the Association to the Authority and, in any subcontract with FACCSC, an indemnification from FACCSC to the Association and the Authority
- xvi. that provides for appropriate insurance.
- xvii. that complies with Section 508 of the Rehabilitation Act of 1973, the American with Disabilities Act of 1990, and Part III of chapter 282, Florida Statutes, giving disabled employees and members of the public access to information that is comparable to the access available to others.
- xviii. that ensures confidentiality of Court Records and information in accordance with Florida and federal laws, and court rules.
- xix. that provides that FACCSC shall be an independent contractor.
- xx. that provides for compliance with federal and Florida anti-discrimination laws.
- xxi. that provides that change orders for the Portal must be implemented without any cost to the Court.

By execution of this Interlocal Agreement all parties hereto agree that the initial Agreement For the Design, Development, Implementation, Operation, Upgrading, Support And Maintenance Of the Statewide E-Filing Court Records Portal between the Authority and the Association for the design, development, implementation, operation, upgrading, support and maintenance of the E-Filing Court Records Portal, a copy of which is attached hereto as Exhibit 1, shall be executed by the Authority.

## **ARTICLE 5** **MISCELLANEOUS**

**5.1. DELEGATION OF DUTY.** Nothing contained herein shall be nor be deemed to authorize the delegation of any of the constitutional or statutory duties of the State or the Clerks or Members or any officers thereof.

**5.2. FILING.** A copy of this Interlocal Agreement shall be filed for record with the Clerk of the Circuit Court in each county wherein a Member is located.

**5.3. IMMUNITY.**

- a. All of the privileges and immunities from liability and exemptions from laws, ordinances and rules which apply to the activity of officials, officers, agents or employees of the Clerks and Members shall apply to the officials, officers, agents or employees of the Authority when performing their respective functions and duties under the provisions of this Interlocal Agreement.

b. The Clerks and the Members intend to utilize Sections 768.28 and 163.01(9)(c), Florida Statutes, other Florida Statutes and the common law governing sovereign immunity to the fullest extent possible. Pursuant to Section 163.01(5)(o), Florida Statutes, Members may not be held individually or jointly liable for the torts of the officers or employees of the Authority, or any other tort attributable to the Authority, and that the Authority alone shall be liable for any torts attributable to it or for torts of its officers, employees or agents, and then only to the extent of the waiver of sovereign immunity or limitation of liability as specified in Section 768.28, Florida Statutes. The Clerks intend that the Authority shall have all of the privileges and immunities from liability and exemptions from laws, ordinances, rules and common law which apply to the public agencies of the State. Nothing in this Interlocal Agreement is intended to inure to the benefit of any third-party for the purpose of allowing any claim which would otherwise be barred under the doctrine of sovereign immunity or by operation of law.

**5.4. FISCAL YEAR.** The fiscal year of the Authority shall be the same fiscal year as that of the State of Florida.

**5.5. LIMITED LIABILITY.** No Clerk nor Authority Member shall in any manner be obligated to pay any debts, obligations or liabilities arising as a result of any actions of the Authority, the Directors or any other agents, employees, officers or officials of the Authority, except to the extent otherwise mutually agreed upon, and the Authority, the Directors or any other agents, employees, officers or officials of the Authority shall not have any authority or power to otherwise obligate any individual Clerk or Authority Member in any manner.

**5.6. AMENDMENTS.** This Interlocal Agreement, including Exhibit 1, may be amended in writing at any time by the concurrence of all of the Members.

**5.7. SEVERABILITY.** In the event that any provision of this Interlocal Agreement shall, for any reason, be determined invalid, illegal or unenforceable in any respect by a court of competent jurisdiction, the other provisions of this Interlocal Agreement shall remain in full force and effect.

**5.8. CONTROLLING LAW.** This Interlocal Agreement shall be construed and governed by Florida law.

**5.9. EFFECTIVE DATE.** This Interlocal Agreement shall become effective on the later of (A) the dated date hereof or (B) the date the last initial Member executes this Interlocal Agreement, and the filing requirements of Section 5.2 hereof are satisfied.

**5.10. COUNTERPARTS.** This Interlocal Agreement may be executed in several counterparts, each of which shall be deemed an original, but all constituting only one agreement.

[Remainder Of Page Is Blank]

IN WITNESS WHEREOF, this Interlocal Agreement Establishing The Florida E-filing Authority has been executed this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

**Clerk of the Circuit Court in and for**  
\_\_\_\_\_**County**

By: \_\_\_\_\_

Name: \_\_\_\_\_

**Clerk of the Circuit Court in and for**  
\_\_\_\_\_**County**

By: \_\_\_\_\_

Name: \_\_\_\_\_

**Clerk of the Circuit Court in and for**  
\_\_\_\_\_**County**

By: \_\_\_\_\_

Name: \_\_\_\_\_

**Clerk of the Circuit Court in and for**  
\_\_\_\_\_**County**

By: \_\_\_\_\_

Name: \_\_\_\_\_

**Clerk of the Circuit Court in and for**  
\_\_\_\_\_**County**

By: \_\_\_\_\_

Name: \_\_\_\_\_

**Clerk of the Circuit Court in and for**  
\_\_\_\_\_**County**

By: \_\_\_\_\_

Name: \_\_\_\_\_

**Clerk of the Circuit Court in and for**  
\_\_\_\_\_**County**

By: \_\_\_\_\_

Name: \_\_\_\_\_

**Clerk of the Circuit Court in and for**  
\_\_\_\_\_**County**

By: \_\_\_\_\_

Name: \_\_\_\_\_

**Clerk of the Florida Supreme Court**

By: \_\_\_\_\_

Name: \_\_\_\_\_

EXHIBIT 1

Agreement For the Design, Development, Implementation, Operation, Upgrading,  
Support And Maintenance Of Statewide E-Filing Court Records Portal

September 8, 2010

AGREEMENT FOR THE  
DESIGN, DEVELOPMENT, IMPLEMENTATION, OPERATION, UPGRADING,  
SUPPORT AND MAINTENANCE OF  
STATEWIDE E-FILING COURT RECORDS PORTAL

This Agreement For The Design, Development, Implementation, Operation, Upgrading, Support And Maintenance Of A Statewide E-Filing Court Records Portal ("Agreement") is entered into this \_\_\_\_ day of \_\_\_\_\_, 2010, by and between the Florida Association of Court Clerks, Inc. ("Association") and the FACC Services Group, LLC.

WITNESSETH

WHEREAS, the Florida Legislature and the Florida Supreme Court recognized the need for the development, implementation, operation, support and maintenance of a statewide electronic filing system allowing the electronic filing of trial and appellate court records; and

WHEREAS, the Clerks of the Circuit and County Court are the official custodians of court records in each such clerk's respective county, and the Clerk of the Florida Supreme Court is the custodian of the records of the Florida Supreme Court, each subject to applicable statutes, court rules and Florida Supreme Court rules and administrative orders of the chief justice of the Florida Supreme Court in the performance of that function; and

WHEREAS, various Clerks of the Circuit Court and the Clerk of the Florida Supreme Court created the Authority pursuant to an Interlocal Agreement as permitted by Chapter 163, Florida Statutes, to contract for the design, development, implementation, operation, upgrading, support and maintenance of an electronic portal for the electronic filing of court records; and

WHEREAS, the Association, by itself and/or through its wholly owned subsidiary FACC Services Group, LLC has the management and technical ability to develop, implement, operate and maintain the E-Filing Court Records Portal for the electronic filing of court records; and

WHEREAS, the Authority feels it is in the best interest of the Authority, the Clerks of the Circuit Court, the Clerks of the District Courts of Appeal, the Clerk of the Florida Supreme Court, the state courts and the Florida public to enter into this Agreement with the Association for the design, development, implementation, operation, upgrading, support and maintenance of the electronic portal for the electronic filing of court records.

NOW THEREFORE, in accordance with the terms and conditions as set forth herein, and for mutual consideration, given by each to the other, the Association and the Service Group hereby agree that the Service Group will deliver services as follows:

This Statement of Work ("SOW") is the Agreement For The Development,

September 8, 2010

Implementation, Operation And Maintenance Of A Statewide E-Filing Court Records Portal entered into on \_\_\_\_\_, 2010 (the “Agreement”) by and between the FACC Services Group, LLC (“SG”) and the Florida Association of Court Clerks, Inc. (“FACC”) for the development, implementation, operation and maintenance of an electronic portal to provide for electronic filing of court records in the state trial and appellate courts.

This Agreement shall be construed under the laws of the State of Florida. If any portion of this Agreement is deemed invalid and the remainder can be performed according to the intent and the tenor thereof, then the remainder shall remain in full force and effect.

This Agreement can be terminated by either party with 30 days written notice.

Effective the date set forth above.

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Florida Association of Court Clerks, Inc.

Florida Association of Court Clerks  
Service Corporation

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Tim Smith, President

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Ray Norman, President

September 8, 2010

Statewide E-Filing Court Records Portal  
Statement of Work

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September 8, 2010

This Statement of Work (“SOW”) is the Agreement For The Development, Implementation, Operation And Maintenance Of A Statewide E-Filing Court Records Portal entered into on \_\_\_\_\_, 2010 (the “Agreement”) by and between the FACC Services Group, LLC (“SG”) and the Florida Association of Court Clerks, Inc. (“FACC”) for the development, implementation, operation and maintenance of an electronic portal to provide for electronic filing of court records in the state trial and appellate courts.

## *1 Overview*

The Authority is contracting with FACC to develop, implement, operate and maintain a uniform statewide electronic filing portal (the “E-Filing Court Records Portal” or “Portal”) allowing electronic filing of court documents in the county and circuit courts for all 67 counties, the 5 district courts of appeal and the Florida Supreme Court.

The Portal will provide attorneys and pro se litigants with a common entry point for transmitting, filing electronically Court Records and for such persons and other authorized persons the ability to electronically view electronic Court Records. The Portal will also provide internal notifications to applicable persons and allow for electronic service of documents on attorneys of record or pro se parties in pending Court actions. Additionally the Portal will:

- Deliver to the applicable clerk of court (“Clerks”) of the county and circuit courts, the district courts of appeal and the Supreme Court (“Courts”) electronic filings and statutory mandated fees in a form that the Clerks can immediately receive, review, accept, docket, file and maintain.
- Provide the Clerks and the Court with immediate data elements that can be used to automatically populate their respective local databases.

It is expected that the development of the E-Filing Court Records Portal will be complete on or before January 1, 2011 and that implementation will occur in stages beginning with probate and dependency case filings. The Portal will be expanded in stages to allow the electronic filing and viewing of electronic Court Records in all court divisions as determined by the Florida Supreme Court.

## **2 Definitions and Acronyms**

Terms used herein are as defined in the Agreement. Additionally, the following terms used in this document are defined as follows:

**Change:** refers to a change in the scope of the project.

**Filer:** refers to attorneys of record or pro se parties to a case filing a Court Record in a case.

**Requirements:** Conditions or capabilities to which a system or service must conform.

**Scope:** Describes at a high level what will and will not be included as part of the project.

Standards: Documents that stipulate minimum levels of performance and quality for goods and services, and optimal conditions and procedures for operation.

Specifications: Concise statements of requirements for materials, products or services.

Task: A cohesive, individual unit of work that is part of the total work needed to accomplish a project.

### 3 Scope of Work

#### 3.1 Requirements

The Portal must meet or exceed the requirements, standards and specifications stated in:

1. In Re: Statewide Standards for Electronic Access to the Courts, AOSC09-30 (July 1, 2009) as may be subsequently modified or amended.
2. Integration and Interoperability Document<sup>1</sup>.
3. Oasis Electronic Court Filing (ECF) 4.0 specification<sup>2</sup>.

The Portal will interface with local Clerk records systems and therefore must adhere to standard interface specifications for this purpose. The Portal will store information needed to support the business functions of the Portal. These may include transaction logs, user information, and county setup information. Temporary electronic files and electronic notifications will be stored at the Portal for a minimum of 30 days as a backup to ensure successful transfers have been accomplished with the Clerk.

Court data, including data collected and maintained at the Portal to support the business functions of the Portal, will not be owned by the FACC. Original court data must reside within the State of Florida, and only redundant copies for disaster recovery purposes may be stored outside the state in accordance with Florida State Court guidelines. Access controls and authentication methods must meet or exceed Florida Supreme Court requirements.

##### 3.1.1 Business Requirements

Portal Specific Requirements, in addition to the standards already stated, include the following:

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1 The Integration and Interoperability Document is a living document, last updated March 2008. A copy of the document can be found on the Florida Supreme Court Web Site using the following URL, <http://www.floridasupremecourt.org/clerk/adminorders/2003/forms/IntegrationDocument.pdf>

2 The Oasis Electronic Court Filing (ECF) 4.0 specification can be found in its entirety at the National Center for State Courts Web Site using the following URL, [http://www.ncsconline.org/D\\_Tech/Standards/Documents/ecf-v4.0-spec-cd01.zip](http://www.ncsconline.org/D_Tech/Standards/Documents/ecf-v4.0-spec-cd01.zip)

### **3.1.1.1 Single Statewide Login**

The Portal must have a method to register individual Florida Bar members in order for them to receive authentication credentials, such as login ID and password, upon validation of their online registration. The system will have a method to populate a database of Bar numbers of members of the Florida Bar received from OSCA. The statewide authentication process must be designed and implemented to utilize role-based security profiles as needed by the Courts, Clerks and users of the system. The authentication process for non-attorneys may require a different process from that of attorneys.

### **3.1.1.2 Single Web Access**

The Portal must provide an electronic filing web interface to be designed and implemented for all Filers in Florida. The Filer must be able to select the proper court of jurisdiction for the electronic filing of a pleading or paper. The Filer should be able to access all the required forms, fill them out, and attach any additional files that need to be included. There will be standardized electronic XML based data envelopes, defined by the Supreme Court to be completed by the Filer. These data envelopes must allow for automatic data retrieval once they are received by the Clerk or received by a system designated by the Supreme Court. The data envelope must be designed to accept documents as attachments in a wide variety of formats. At a minimum, the Portal must accept Microsoft Word documents and searchable PDFs.

The Portal must be able to perform a validation of the documents filed to ensure that any discrepancies (such as incomplete data or viruses) are detected prior to the filing being submitted. The Portal must notify the user immediately if the Portal detects errors in the filing process.

The Portal must maintain a detailed transaction log by user ID.

### **3.1.1.3 Electronic Transmissions of Data**

The Portal will generate standard pre-packaged transactions in accordance with ECF 4.0 XML standards and the National Information Exchange Model (NIEM). This will allow for interfaces with record keeping systems. The Portal should be designed to interface with individual local case systems through the use of Secured Web Services. These interfaces must also be designed in accordance with court technology standards.

### **3.1.1.4 Electronic Payments and Transaction Logs**

The Portal must include an electronic payment system. If there is a statutory fee associated with the filing, the fee must be processed through an e-commerce provider in accordance with the appropriate Florida statutes, rules and procedures. These fees must be deposited electronically in the appropriate bank account. The Portal payment system must comply with all Florida Statutes regarding e-

commerce, and must have the ability to provide detailed financial transaction logs.

#### **3.1.1.5 Notifications and Service**

The Portal must provide internal electronic notifications and service. Alerts may be sent to a Filer's personal email, but this is a secondary method of notification. The primary electronic notification section must be within the Portal in order to assist in providing a more manageable electronic notification process with the ability to have logs of notifications. Individual email accounts that are provided from a myriad of ISPs are not stable enough for purposes of electronic service and notification. The Portal must contain a secure messaging component, based on the e-commerce model, to provide parties with notice of service.

#### **3.1.1.6 Local Validation**

When information has been filed electronically through the Portal, there should be an initial confirmation that the Portal has received the filing. It will then be transmitted from the Portal to the Clerk. The Clerk will perform a local validation to determine that it complies with e-filing requirements. Once the Portal receives confirmation from the Clerk that the filing has been accepted, the Portal must provide the Filer with a confirmation that the Clerk has accepted the filing, which includes the date and time of acceptance.

#### **3.1.1.7 Electronic Service**

The Portal must provide electronic service in accordance with established laws, rules, and procedures. Electronic service must enable parties of record to receive confidential information logging on and using the internal notification section. The public internet e-mail system may be used as a secondary notice mechanism that provides a unique and encrypted URL that can direct the Filer to the notification section using a hyperlink reference using an industry standard based web browser and SSL.

#### **3.1.1.8 Emergency Filing**

The Portal must allow a document considered to be an emergency to be brought to the attention of the Clerk's office when filed by having some means of identification.

#### **3.1.1.9 Certificate of Service**

The Portal must provide for a certificate of service to be included with each document filed electronically indicating how service was accomplished on each party.

### 3.1.1.10 Integration with Existing State-wide Systems

The Portal must support open standards and the ability to interface with a variety of systems such as the Florida Bar Registration Database. The Portal must also support current Florida appellate court data exchanges. The Portal must have the capability to send and receive standard pre-packaged transactions in accordance with current XML standards known as the Electronic Court Filing (ECF) Version 4.0. This standard utilizes other existing XML standards such as Global Justice XML and Oasis Legal XML and NIEM<sup>3</sup>. This standard will allow for interfaces with providers and large law firms with the capability of ECF 4.0 XML compliant output.

### 3.1.1.11 Schemas

FACC, on behalf of the Authority, will create the schemas used to populate local record keeping systems.

### 3.1.1.12 Electronic Signatures

The Portal may offer a preset signature block. The following is an example of an electronic signature that may be used when electronically filed through an attorney's login in and password.

s/ John Doe  
John Doe (e-mail address)  
Bar Number 12345  
Attorney for (Plaintiff/Defendant) XYZ Company  
ABC Law Firm  
123 South Street  
Orlando, FL 32800  
Telephone: (407) 123-4567

When a stipulation or other document such as a joint motion requires\_signatures of two or more attorneys of record, the filing attorney shall initially confirm that the content of the document is acceptable to all attorneys required to sign the document and shall obtain the signatures of all attorneys on the document. The filing attorney then shall file the document electronically, indicating the signatories, (e.g., "s/ Jane Doe," "s/ John Smith," etc.) for each attorney's signature.

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3 NIEM (<http://www.niem.gov/library.php>)

### 3.1.1.13 Handwritten Signatures

When a handwritten signature is required, the Portal must accept an imaged document that bears the handwritten signature. If a statute or court rule requires a pleading or paper that is not an exhibit to bear the signature of a party, or an authorized representative of a state agency must be authenticated in accordance with a statute or court rule, then the Filer must be able to scan the document and file it electronically. This procedure includes any pleading or paper notarized or signed under penalty of perjury.

## 3.1.2 Technical Requirements

### 3.1.2.1 Architecture

The Portal shall:

- Use principles of Software as a Service (SaaS) and should support principles of Configurable Multi-tenant.
- Use principles of Service Oriented Architecture (SOA).
- Separate the User Interface Layer from the Services and Data Access Layers.
- Implement electronic interfaces as web services.
- Must use XML messages for data exchange and must comply with following web service interoperability specifications
  - WS-I Basic Profile Version 1.1
  - W3C Simple Object Access Protocol (SOAP) 1.1.
  - WS -I Simple SOAP Binding Profile Version 1.0.
  - W3C Web WSDL 1.1.
  - W3C XML Schema 1.0.
  - W3C Namespaces in XML.
  - W3C Soap 1.1 Binding for MTOM 1.0
- Use http for communication between distributed components
- Not make any specific assumptions regarding network connectivity and should leverage existing communication infrastructure (assuming that bandwidth requirements are satisfied).
- Support Microsoft Server platforms.

- Support Current Windows Server platforms (Windows Server 2008) and application/web servers (IIS 7.0 or above).
- Use Microsoft SQL Server 2008 for application data storage.
- Use Microsoft .NET development platform for application development.
- Use C# as language for application development.
- Use design patterns in application development and should support testability.
- Support vertical scaling via additional processors for all the layers of application.
- Support horizontal scaling via load-balanced clusters of replicated servers for web and application servers.
- Allow for fault tolerance via load-balanced clusters of replicated servers for web and application servers.
- Be designed to support 2,000 concurrent users upon full implementation. Upon Full implementation the system shall support 100 filings per minute on average.
- Follow established change/production management procedures.
- Follow established change control procedures.
- Allow for technology related changes to be reviewed and approved before they can be adapted.

### 3.1.2.2 Application

The Portal shall:

- Provide capability for a common entry point for all court E-filings in the Courts.
- Include major design elements defined in Oasis Electronic Court Filing Version 4.0 specification.
- Be in compliance with E-Filing operational policies as established by Florida Courts Technology Commission.
- Provide a single access point for a Filer to register and maintain the Filer's filing profile.
- Support branding of filing creation, submission pages with judiciary specific information.

- Support branding of non-county specific pages with a common look and feel.
- Authenticate users before allowing access.
- Support Single statewide login and use uniform authentication method.
- Allow access to attorneys of record, non-attorney parties and self-represented users.
- Support authorized users to create and submit filings by providing filing data (Example: Case Type, Plaintiffs, Defendants, Service Information) and attaching one or more documents in supported formats.
- Limit size of an individual filing as per operational policies.
- Support the capture of all case type specific information as defined in Oasis Electronic Court Filing Version 4.0 specification.
- Support collection of filing fees and distribution of fees to individual judiciaries using "MyFlorida County Open Pay Interface".
- Generate ECF 4.0 messages with data from the information provided by the Filer.
- Submit generated ECF messages to the ECF 4.0 compliant electronic interfaces.
- Implement electronic interfaces as web services using the Oasis Electronic Court Filing Version 4.0 specification for data exchange.
- Electronic interfaces to be implemented as Web Services and use XML message for data exchange. Web services must comply with following web service interoperability specifications and architectural requirements defined in section 3.1.2.1.
- Allow third Party applications to interface with the electronic interfaces for submission of filings.
- Notify third party applications asynchronously upon acceptance or rejection of filing as defined in the ECF specification.
- Allow clerks of court to review and accept/reject the filing.
- Support submission of reviewed documents to official register of actions for docketing.
- Allow Filers to review the status of their filings.

- Implement electronic service features as defined in the operational policies as established by Florida Courts Technology Commission.
- Shall not require modifications to existing components/interfaces to support interfaces to an information system used by judiciary.

### 3.1.2.3 Platform

The Portal implementation must:

- Support architectural requirements defined in section 3.1.2.1.
- Support scalability requirements defined in section 3.1.5.
- Use Microsoft Server platforms.
- Support Current Windows Server platforms (Windows Server 2008)
- Support IIS 7.0 or above.
- Use Microsoft SQL Server 2008 for application data storage.
- Allow user Interface components to be browser based
- Allow user Interface Components for Filers to be tested for compatibility in the following browsers
  - Internet Explorer 7.0 or above
  - Firefox 3.0 or above
  - Safari 3.1.2 or above
- Allow user Interface Components for Filing Reviewers to be tested for compatibility in the following browsers
  - Internet Explorer 7.0 or above
  - Firefox 3.0 or above
- Allow user Interface Components for Administration to be tested for compatibility in the following browsers
  - Internet Explorer 7.0 or above
  - Firefox 3.0 or above
- Allow for component development to support application development requirements defined in section 3.1.2.2.

- Ensure that any third party controls/toolkits used in system component development are commercially available.

#### **3.1.2.4 Database Design**

- Portal implementation must use Microsoft SQL Server 2008 for application data storage.
- Application database design must follow established naming standards for all database objects, scripts and development tool objects. See <http://msdn.microsoft.com/en-us/library/dd283095.aspx> for SQL Server Best Practices – Implementation of Database Object Schemas
- Application database physical design must calculate storage requirements to handle 5,000,000 Case Filings per year for 5 years.
- Portal implementation should include database backup and recovery procedures.

#### **3.1.2.5 Interfaces**

- Electronic interfaces must comply with architectural requirements defined in section 3.1.2.1.
- Shall allow third party applications to interface with the electronic interfaces for submission of filings.
- Shall notify third party applications asynchronously upon acceptance, rejection of filing as defined in the ECF specification.

#### **3.1.2.6 Data Conversion**

- The Portal shall implement a process to load Filer information from existing electronic filing applications to single statewide repository of Filers.

### **3.1.3 Security Requirements**

The Portal shall:

- Authenticate users before allowing access.
- Support Filers to register online and receive authentication credentials upon validation of registration.
- Use role based security model to control access to supported functions.
- Audit all changes to Filer information.
- Support association of a user account with an organization/group.

- Implement electronic interfaces as Soap Based web services compliant with WS-Interoperability Basic Security Profile Version 1.0 (WS-I BSP 1.0).
- Use digital signatures for message integrity and confidentiality.
- Support signing of Soap message Body and all MIME Parts using digital signatures.
- Support digital signatures conformant with Section 8 of the [WS-I BSP 1.0] specification which references the [XMLSIG] specification.
- Require HTTP credentials for authentication to access the operations.

#### 3.1.3.1 Disaster Recovery and Backup Policies and Procedures

FACC will provide a Disaster Recovery Plan and Backup Policies and Procedures as an attachment to this SOW. (Attachment A) The Disaster Recovery Plan and Backup Policies and Procedures must meet or exceed the specifications contained In Re: Statewide Standards for Electronic Access to the Courts, AOSC09-30 and the Integration and Interoperability Document.

#### 3.1.4 System Reporting/Statistics

The Portal shall be able to report the following:

- Number of times system was accessed (logged into regardless of activity)
- Number of filings
  - By county
  - By division
  - Average filing times (determine how many are after working hours)
- Statutory fees collected
- Service fees collected (credit processing fees)
- Number of rejections
- Analysis on resources usage: bandwidth, storage requirements, licensing costs, programming fees, security costs (if we are considering user fees we will need to be able to determine cost of operations)
- Number of unforeseen outages and time periods
  - Portal outages

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- Portal to Clerk outages (outage may be on Clerk end)
  - Number of scheduled maintenance outages and time periods
  - Number of support requests
    - From Filers
    - From Clerks

### 3.1.5 System Performance

The Portal must meet the following performance standards:

- System availability – The Portal must provide uninterrupted service so an electronic filing may be submitted to the Portal at any time of the day or night, twenty four (24) hours a day seven days a week, except during times of routine maintenance
- System reliability – overall availability greater than 99 percent excluding scheduled maintenance.
- Response time per transaction: to be determined by the Authority and FACC
- System users:
  - must be able to support 2000 users concurrently
- Scalability to meet future requirements –
  - must be able to support the increase of new users as additional courts begin to use the portal.
  - must be modifiable to support new or changing business requirements

## 3.2 Standards and Specifications

All deliverables by the FACC must be provided in accordance with the standards and specifications listed below.

<p><b>PMO Standards and Guidelines for Project Management</b></p>	<p>Standards, procedures and tools should be developed based on TenStep and PMBOK project management processes. References include:</p> <ul style="list-style-type: none"> <li>• Project Procedures <ul style="list-style-type: none"> <li>○ Risk and Issue management procedures</li> <li>○ Quality management procedures</li> <li>○ Scope Change management procedures</li> </ul> </li> <li>• Project Deliverables Matrix</li> <li>• Project planning and tracking tools (MS Project Professional and Project Web Access)</li> <li>• PMO Library with templates, instructions and supporting materials</li> </ul>
<p><b>Section 508 Compliance</b></p>	<p>The vendor must provide electronic and information technology resources in compliance with Section 508 of the Rehabilitation Act of 1973, and part III of Chapter 282, Florida Statutes. Those statutes establish a minimum level of accessibility to those who have disabilities.</p>
<p><u><b>The Integration and Interoperability Document</b></u></p>	<p><a href="http://www.floridasupremecourt.org/clerk/adminorders/2003/forms/IntegrationDocument.pdf">http://www.floridasupremecourt.org/clerk/adminorders/2003/forms/IntegrationDocument.pdf</a></p>
<p><u><b>Florida Supreme Court Standards for Electronic Access to the Courts</b></u></p>	<p><a href="http://www.flcourts.org/gen_public/technology/bin/Standards-ElectronicAccess.pdf">http://www.flcourts.org/gen_public/technology/bin/Standards-ElectronicAccess.pdf</a></p>
<p><u><b>The Oasis Electronic Court Filing (ECF) 4.0 specification</b></u></p>	<p><a href="http://www.ncsconline.org/d_tech/standards/Documents/ecf-v4.0-spec-cd01.zip">http://www.ncsconline.org/d_tech/standards/Documents/ecf-v4.0-spec-cd01.zip</a></p>

## 4 Deliverables

### 4.1 Deliverables

FACC will deliver to the Authority:

1. A fully functional Statewide E-Filing Court Records Portal that meets the requirements, standards and specifications stated in this SOW.
2. A complete copy of technical documentation for the Portal, including but not limited to:
  - a) System Architecture
  - b) Disaster Recovery
  - c) Change Management
  - d) Change Control Procedure

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**ATTACHMENT A**

**DISASTER RECOVERY PLAN AND  
BACKUP POLICIES AND PROCEDURES**

**TAB 2**

# Florida E-Filing Operating Budget

January-June 2011

Estimated January - June Budget		Projected
<b>Revenues</b>		
	Statutory Convenience Fees	\$ 315,278
	Cash Contributions	\$ 60,000
		\$ 375,278
<b>Expenses</b>		
	Contractual Services	\$ -
	Audit	\$ 22,500
	Legal	\$ 25,000
	Insurance	\$ 20,000
	Convenience Fee Charges	
	Credit Card Fees	\$ 235,260
	ACH Fees	\$ 4,886
	Bank Fees	\$ 17,110
	Payment Controls, PCI Compliance	\$ 31,653
	Banking and Chargeback Review	\$ 22,500
		\$ 378,909
<b>Balance</b>		\$ (3,631)

Florida E-Filing Authority  
Annualized Budget Projections

Estimated Annual 2010-2011 Budget			
			Projected
<b>Revenues</b>			
	Statutory Convenience Fees		\$ 630,555
	Other Fees		\$ 60,000
	In Kind FACC Contribution		\$ 997,040
			<b>\$ 1,687,595</b>
<b>Expenses</b>			
	Salaries and Wages		\$ -
	Other Personal Services		\$ -
	Contractual Services		\$ -
	FACC		\$ 997,040
	Audit		\$ 22,500
	Legal		\$ 25,000
	Insurance		\$ 20,000
	Convenience Fee Charges		
	Credit Card Fees		\$ 470,520
	ACH Fees		\$ 9,772
	Bank Fees		\$ 34,220
	Payment Controls, PCI Compliance		\$ 63,306
	Banking and Chargeback Review		\$ 45,000
			<b>\$ 1,687,357</b>
<b>Balance</b>			<b>\$ 238</b>

Revenues for the statutory convenience fee based upon amount of fee and number of transactions.

**TAB 3**



**P. DEWITT CASON,**  
**CHAIR**  
Clerk,  
Columbia County

**TOM HALL,**  
**VICE CHAIR**  
Clerk of the Court,  
Florida Supreme Court

**KAREN NICOLAI,**  
**SECRETARY/TREASURER**  
Clerk,  
Hernando County  
District IV

**BILL KINSAUL**  
Clerk,  
Bay County  
District I

**BOB INZER**  
Clerk,  
Leon County  
District II

**JAMES B. JETT**  
Clerk,  
Clay County  
District III

**LYDIA GARDNER**  
Clerk,  
Orange County  
District V

**KAREN RUSHING**  
Clerk,  
Sarasota County  
District VI

**SHARON BOCK**  
Clerk,  
Palm Beach County  
District VII

# AGENDA

## Florida Courts E-Filing Authority

Florida Supreme Court  
500 S. Duval St.  
Tallahassee, FL 32399  
April 14, 2011  
11:00 a.m.

Public comments are welcome at the end of the meeting.

- I. Introduction and Roll Call
- II. Approval of the February minutes (**TAB 1**)
- III. Discussion Items
  - a. Discussion of e-portal implementation
  - b. Status of joinder agreements
  - c. Status report on Authority public website for posting materials
- IV. Action Items
  - a. Request to add Memo Field on Payment Screen
  - b. Policy on Administration of Law Firm Setup
  - c. Policy on defining Non-Attorney Roles
- V. Florida Courts Technology Commission
  - a. Portal Standard 3.1.16. Documents Exempt from Public Access
  - b. March 29 Subcommittee meeting report—proposed revision to Portal Standard 3.1.11 Local Review Process (**TAB 2**)
- VI. Other Business
  - a. Treasurer's Report (**TAB 3**)
  - b. Marketing Video
  - c. June 15, 2011 Annual Meeting
- IV. Public Comment

**The Florida Courts E-Filing Authority**

Florida Supreme Court

500 S. Duval St.

Tallahassee, FL 32399

April 14, 2011

11:00 a.m.

**Members Present:**

P. Dewitt Cason, Columbia County Clerk, Chair

Tom Hall, Clerk, Supreme Court, Vice Chair

Karen Nicolai, Hernando County Clerk, Secretary/Treasurer (by phone)

Sharon Bock, Palm Beach County Clerk

Bob Inzer, Leon County Clerk

Jim Jett, Clay County Clerk

Bill Kinsaul, Bay County Clerk

Karen Rushing, Sarasota County Clerk

**Members Absent:**

Lydia Gardner, Orange County Clerk

The meeting was called to order at 11:10 p.m. by P. Dewitt Cason, Chair.

**I. Introduction and roll call**

P. Dewitt Cason, chair, welcomed everyone to the meeting. He introduced Laird Lile, attorney from Naples and representative from The Florida Bar and Gary Blankenship, reporter from The Florida Bar News. He asked Ken Kent to call the roll. Mr. Kent announced that a quorum was present.

**II. Approval of February Minutes**

Mr. Cason offered clarification to the February minutes. He explained that, while he felt Mr. Cox spoke correctly last month, it was pointed out to him that the Florida Courts Technology Commission had revisited the issue during their meeting and decided to leave the six optional elements as “optional,” contingent upon it not costing the Services Group to make the change. He directed staff to amend the February minutes to reflect his detail. Sharon Bock moved that the minutes be accepted as amended. Jimmy Jett seconded the motion. All present voted favorably. Karen Nicolai was present by phone and did not vote.

**III. Discussion Items**

**a. Discussion of portal implementation**

Mr. Cason recognized Melvin Cox, FACC Director of Technology, to review activities of the past months of portal operation. Mr. Cox presented a powerpoint presentation showing that in January, there were just under 200 documents sent through the e-portal. By March, there were 1100 or so documents filed that month. He reported that the numbers are growing as counties were able to accept the electronically filed documents. Of the state’s 67 counties, 57 are approved for accepting electronic filings in all court divisions. Nine counties are approved to accept Probate documents electronically. One county of the 67 has not yet had a plan approved. Karen Rushing asked if any of those Clerks were accepting electronic filings in juvenile cases. She asked if there were any protections in place at the portal? Mr. Cox responded that there is no access to the document while it is in process, passing through the portal. The protections would have to be in place at the Clerk’s

Office, using their system protection. Ms. Rushing re-iterated that the security component is at a level below the portal. She asked if the Clerk's office was using CCIS as the storage mechanism, did it have security in place? Mr. Cox answered that it did.

Mr. Cox went on to report that since the last meeting that Bay, Collier, Putnam and Walton had been added. Additionally, Palm Beach County, Broward and Polk were in the last stages of getting ready before they would be ready to accept electronic filings. He also shared the names of the counties in progress. He showed the board the slide with the steps that were need by a county to be ready to accept electronic filings:

Each County must:

- Have an approved eFiling plan
- Build an interface with the portal
- Provide codes for the ePortal
- Have successful end-to-end testing
- Identify Pilot Attorneys
- Plan production roll-out

Mr. Cox went on to tell the board members that he had been working with the Supreme Court and Appellate Court to begin processes for filing at those levels. At this point it is only a test site, but that they are moving through the process with an appointed workgroup. Tom Hall added that the workgroup is made up of appellate judges and appellate attorneys. They are working on a demo and will test the site at the Supreme Court and the 2<sup>nd</sup> DCA on April 26, 2011. The site will be previewed to the group and get their feedback.

Mr. Cox then briefly discussed meeting with representatives of the State Attorneys offices. He said they had held two WebEx demonstrations of the ePortal for that group and they were both well-received.

Sharon Bock asked Mr. Cox, if during portal demonstrations was he hearing the same questions or issues? If so, would he be able to develop a question and answer styled document that Clerks could post on their websites and perhaps better assist the pilot attorneys? Mr. Cox noted that the Services Desk and Jim Reynolds had gotten many of the same questions. He also said that some of the questions they were getting were training issues and others are suggestions for portal development. Ms. Bock asked if the issues could be translated into a Q&A document? Mr. Cox suggested that local Clerks were doing that and posting the questions unique to their attorney users on their websites, for instance a good document to review is on the Miami-Dade Clerk's site. Jim Reynolds noted that Clerks were developing documentation such as this locally to address the county-specific issues.

b. Status of joinder agreements

Peggy Ball reported that 57 joinder agreements had been received thusfar. She noted that some of the remaining 10 were on the Authority board and not had signed the individual joinder. She was, however, working on getting the final counties signed. Mr. Hall asked if joinder agreements had to be signed by the appellate courts? Teresa Prince noted that in the interlocal agreement, the appellate courts were represented by Mr. Hall, as Clerk of the Supreme Court. She shared that the way it is set up, that it would be in the best interest if Mr. Hall signed a joinder agreement, thus covering all the District Courts of Appeal.

c. Status report on Authority public website for posting materials

Mr. Cason recognized Mr. Hall to present to the board the mockups of a proposed website that would link the Authority, and the sites for the various levels of the court for eFiling (circuit and county, DCA and Supreme). He reminded the board that they had suggested that for ease of use, there only be one website that encompassed the Authority and access to the portal. He explained that their web designers had taken into account ADA compliance, colors, enabling the site for mobile access, compliance with a variety of browsers, and using both public and secured content. He mentioned that the logos had not been added as they still needed trademarked. He said the one unanswered question was how the content would be managed over time, who would manage the content and keeping it updated. He reviewed each page of the demonstration and explained that it was just a draft, but that it featured a number of advanced services that could be used by persons wishing to use the site. Ms. Rushing asked how any confidential information would be handled. Mr. Hall said there would be steps taken to make sure it was protected. He also noted that as the use of the ePortal grows, the more important this site will become. Mr. Cason noted that this was a great start. Ms. Rushing noted that it would be a great place to post meeting materials and other notices. Bob Inzer suggested it was a good place to drive users to the local Clerks' Offices or to the Supreme Court or the DCAs. Karen Nicolai said that she and Ms. Bock felt this would be a good site in which to place the self-help information, such as the A to J for pro se filers.

IV. Action Items

a. Request to add Memo Field on Payment Screen

Mr. Cason recognized Mr. Cox. He reported to the group that as they were working with Bay County the week prior to the meeting, the pilot attorney asked if there could be a memo field designated along with a payment so they could more easily identify a payment when it came in on their statements. Ms. Rushing felt that this was a reasonable request. Mr. Inzer asked if it could be done another way. Mr. Cox explained that a free text field was the easiest way to accommodate any user's need. Mr. Inzer moved that the portal adopt the use of a memo field. Ms. Rushing seconded the motion. All were in favor. Ms. Nicolai did not vote.

b. Policy on Administration of Law Firm Set-up/c. Policy on Defining Non-Attorney Roles

Mr. Cason recognized Mr. Cox to address this issue. Mr. Cox suggested that this and the next agenda items could be handled together, Law-Firm Set up and defining Non-Attorney roles within a law firm. He asked the board hypothetically, "How does a law firm administrator get designated? Should it be set up by the law firm online?" He suggested there should be an extra layer of security set up for those persons as they have the ability to add or delete attorney users. Ms. Rushing felt that while they were generally trusted employees within a law firm, they do not have the right to view the documents. Mr. Cox pointed out that they are only managing users, that the only persons who can see the documents are those who either type them or who file them. Ms. Bock asked if paralegal filed the document, would they be able to view it? With ensuing discussion of this issue, Ms. Bock suggested that a subcommittee be formed to review the issue of "How does the role of the non-attorney use get established in the firm." Mr. Cason asked Ms. Bock and Mr. Jett to sit on the subcommittee. Laird Lile offered to get several

members of The Florida Bar. Mr. Cason directed them to meet and report back to the Authority at the next meeting. He suggested they get three paralegals and three attorneys to serve with Ms. Bock and Mr. Jett. Mr. Kinsaul seconded the motion and all voted favorably. Ms. Nicolai did not vote. Ms. Prince explained that with the subcommittee, they would not have a quorum requirement but would have to advertise the meetings. Beth Allman noted that it would take 2-3 weeks lead time to file the appropriate advertisement in the Florida Administrative Weekly.

V. Florida Courts Technology Commission

a. Portal Standard 3.1.16 Documents Exempt from Public Access

Chair Cason recognized Mr. Cox to discuss this item. Mr. Cox noted that currently the ePortal does not comply with this standard. In order to become compliant, a comment box will need to be added—a check box to denote that the filing is an emergency filing. He continued that an alternative would be to provide another check box that states: “this document contains confidential information,” or similar language. He explained to the board that the decision made by the authority board on this item would need to be taken back to the FCTC. Mr. Inzer moved that the portal be modified to include a field as required by this standard. Mr. Hall seconded the motion for purposes of discussion. When asked what the check box should say, Mr. Cox suggested that the language mirror what is in the standard. Ms. Blakeslee suggested that she work with Paul Regensdorf on the language. Upon calling the question, Cason, Hall Bock, Inzer, Jett and Kinsaul voted in the affirmative. Ms. Rushing voted against the motion and Ms. Nicolai did not vote.

b. March 29 Subcommittee meeting report—proposed revision to Portal Standard 3.1.11 Local Review Process

Mr. Cason recognized Jimmy Jett to review the subcommittee meeting. Mr. Jett explained the changes to the standard as suggested by the subcommittee and the further revisions offered by Mr. Chips Shore. Ms. Rushing made a motion to accept the subcommittee work product as amended by Mr. Shore’s suggestions. Mr. Inzer seconded the motion and all voted favorably. Ms. Nicolai did not vote. Mr. Shore thanked the board for their consideration.

VI. Other Business

a. Treasurer’s Report

Chair Cason recognized Ms. Nicolai to give a Treasurer’s report. She asked Peggy Ball to explain the documents in the packets to the board. Ms. Ball reviewed the internal controls documents and noted that the CPA firm retained will review the monthly bank reconciliations during the annual audit. Ms. Nicolai also noted that there was a proposal for the authority board to purchase and Director’s and Officer’s Insurance, a sort of gap insurance, to cover the gap between what the state’s sovereign immunity limits. Ms. Prince explained that the state’s limits will increase from \$100,000 to \$200,000 on October 1, 2011. Ms. Nicolai felt it should be purchased and made a motion that the board purchase the D&O insurance and increase the limit in October of this year. Ms. Rushing seconded the motion. All voted favorably. Ms. Nicolai did not vote. Mr. Kent asked if there was a way the board could designate staff to execute documents, as the interlocal agreement only

provides that the chair or vice chair can sign contracts and other agreements. Mr. Cason asked to delay the issue until later in the meeting.

b. Marketing Video

FACC staff showed the board the marketing video that was recently done for use by the FACC marketing team to show at attorney meetings or other groups where they are making a presentation on the portal. Ms. Bock told the group that some attorneys wanted to bypass the 90-day rule and she asked that the video not be used to widely and cause a flood of attorneys wanting to e-file. Mr. Hall noted that the chief judge of a circuit can allow you to cease the paper follow-up after you have met your 90-day period in one court area. Ms. Bock noted that she just didn't want to move quite that fast overall. Laird Lile mentioned that he would like to see the video posted on The Florida Bar website. Mr. Inzer told the group that judges can require the Clerks to print paper and put it in a file. Ms. Ball said that the marketing team will not be widely distributing the video, but using in the meetings they have with local Florida Bar chapters and their Clerks. Mr. Hall suggested that he might be able to use this video when he goes to speaking engagements, such as the Miami meeting he has set up for May. Mr. Cason suggested it was going to be used in a measured way, as a tool for introducing the e-filing portal. Ms. Rushing observed that one might have to explain when using the video that it was not about the appellate or Supreme Court filing process, that it was only for the how to use the e-portal for county or circuit level filings.

Mar. Cason recognized Ms. Prince, who assured the group she would not talk about Sunshine issues. She said she had been reviewing issues concerning the Interlocal Agreement since the last meeting and that under section 3.6 of the agreement it is clear that only the Chair and Vice Chair can sign contracts or other binding documents. She asked the board if they would be willing to make a motion to allow Mr. Kent to sign, for example, the D&O Insurance as the board just approved at this meeting. Mr. Inzer explained that he wanted to designate staff, but felt that the whole issue should be dealt with by way of a process. Ms. Prince suggested that she draft a resolution as a separate document to be adopted by the board. Mr. Inzer made a motion that the Authority attorney be directed to draft a resolution as a separate document authorizing staff to sign administrative documents. Mr. Hall seconded the motion for discussion and all were in favor with the exception of Ms. Nicolai who did not vote. Ms. Prince also shared that in section 2.1 of the Interlocal Agreement addresses purchasing policies. She noted that in purchasing, the agreement requires that the Authority's procurement policies must comply with all of the members' county ordinances. Mr. Inzer said that could be addressed in the same document. Ms. Prince said her last concern was section 5.6 that for amendments all members must concur. She suggested that it may be possible to revise it to make the document approved by the board, as elected by the members, than the members as a whole. Mr. Inzer said that she should amend the interlocal agreement to accommodate all the changes. Ms. Rushing seconded the motion. All were in favor with Ms. Nicolai abstaining.

Ms. Rushing asked the chair if they could continue discussion of Other Business. With his assent she raised the issue of the rule revision proposed to rule 3.030, Florida Rules of Criminal Procedure, exempting nearly all of the State Attorney

and Public Defender documents from having to be electronically filed. She asked the group if they were aware of this rule revision and should the group file a formal comment. Mr. Jett suggested it was an FCTC issue as well. Christina Blakeslee said they would add it to the FCTC agenda for the upcoming meeting in June. Ms. Bock said that, in new case filings, attorneys in her area were asking how to handle summonses, rule 1.070. Mr. Jett noted that in Clay County they had gotten an order from the Chief Judge and handle summonses electronically. Ms. Bock said that there should be uniformity in these types of efforts. Ms. Rushing noted that in Sarasota it is done like in Clay County. Ms. Bock asked how it should be handled. Ms. Blakeslee suggested that they would add it to the FCTC agenda as well. Mr. Lile spoke to the group and said it would be a powerful gesture if this group took a stand on the rule revision and enacted a resolution or made other formal comment on the rule. Mr. Hall agreed. He felt that to include the judges was a separate motion. Mr. Cason asked for the original motion. Mr. Inzer made the motion to say that he felt that criminal filings should be sent electronically through the portal, that a rule comment should be filed at the appropriate time by the chair. Mr. Jett seconded the motion. There was clarification that this rule revision exempted from e-filing most State Attorney documents and that the Public Defenders did not want to have to print everything out for their clients. Ms. Bock mentioned that this was the same issue they have dealt with in the discussion about pro se filers. Perhaps, she felt, it could be discussed at the subcommittee level. There was call of the question. All in the room voted in the affirmative. Ms. Nicolai did not vote.

Mr. Jett made a motion to ask the judges to become part of e-filing by addressing the Florida Courts Technology Commission. Mr. Inzer felt that this was premature. Ms. Rushing suggested the board wait until all counties were able to accept electronic filings and then let the courts begin to move into the electronic environment. Ms. Blakeslee informed the group that Judge Kreeger had just sent out her yearly report and she included the mandate for e-filing. Ms. Bock suggested that the subject be revisited again at the annual meeting in June. Mr. Jett withdrew his motion.

Mr. Inzer asked for a review of the bank accounts. The Chair recognized Mr. Kent who explained that the one-time contributions from the Florida Bar, the Supreme Court and the FACC Services Group, totaling \$60,000, was deposited into the operating account for the Authority. There is a bank account to handle the portal transactions, but it has not seen much activity, as most documents are being filed in cases that are already existing. He explained that the operational costs of the portal are currently being footed by the FACC Services Group. Mr. Inzer felt that we should be cognizant of the funding and the board should consider if the portal is including the data elements that we, as Clerks, want. Mr. Hall told that board that this would be crucial in the criminal area, that the National Center for State Courts is looking at standardizing elements for criminal cases. Mr. Cox told the board that currently the portal is programmed to meet the FCTC standards, some of which are required, some of which are optional. Mr. Inzer said he wanted to look at data elements that Clerks wanted.

c. June 15, 2011 Annual Meeting

There was a general discussion of what time at the FACC Summer Conference the annual meeting should be held.

VII. Public Comment

Mr. Cason asked if there was any one in the audience wishing to speak. Seeing none, he adjourned the meeting at 1:20 p.m.

# Florida Courts E-Filing Authority

**P. DEWITT CASON,**  
**CHAIR**  
Clerk,  
Columbia County

**TOM HALL,**  
**VICE CHAIR**  
Clerk of the Court,  
Florida Supreme Court

**KAREN NICOLAI,**  
**SECRETARY/TREASURER**  
Clerk,  
Hernando County

**BILL KINSAUL**  
Clerk,  
Bay County  
District I

**BOB INZER**  
Clerk,  
Leon County  
District II

**JAMES B. JETT**  
Clerk,  
Clay County  
District III

**LYDIA GARDNER**  
Clerk,  
Orange County  
District V

**KAREN RUSHING**  
Clerk,  
Sarasota County  
District VI

**SHARON BOCK**  
Clerk,  
Palm Beach County  
District VII

# AGENDA

## Florida Courts E-Filing Authority

Tallahassee Convention and Visitors Bureau

106 E. Jefferson St.

Tallahassee, FL 32301

February 15, 2011

3:00 p.m. - 5:00 p.m.

Public comments are welcome at the end of the meeting.

- I. Introduction and Roll Call
- II. Approval of the January minutes
- III. Discussion Items
  - a. Discussion of e-portal implementation
  - b. Status of joinder agreements
  - c. Pending rule changes and limitations on collection of information (Tab 1)
- IV. Action Items
  - a. Engagement of Auditors
  - b. Logo approval (Tab 2)
  - c. Authority public website for posting materials (Tab 3)
- V. Florida Courts Technology Commission
  - Review of six optional data elements for the XML Data Envelope for Five Case Types – Circuit Civil, County Civil, Probate, Family, and Juvenile Dependency
  - Clerk's Operational Procedures (Tab 4)
  - Filing Time Stamps Business Rules
  - Clerk Review Process
- VI. Other Business
  - a. Update on funding status
  - b. Update on Government in the Sunshine requirements
  - c. Set meeting for March
- IV. Public Comment

**The Florida E-Filing Authority**  
Tallahassee Convention and Visitors Bureau  
106 E. Jefferson St.  
Tallahassee, FL 32301  
February 15, 2011  
3:00 p.m.

Members Present:

P. Dewitt Cason, Columbia County Clerk, Chair  
Tom Hall, Clerk, Supreme Court, Vice Chair  
Karen Nicolai, Hernando County Clerk, Secretary/Treasurer  
Sharon Bock, Palm Beach County Clerk  
Lydia Gardner, Orange County Clerk  
Bob Inzer, Leon County Clerk  
Jim Jett, Clay County Clerk  
Bill Kinsaul, Bay County Clerk (by phone)  
Karen Rushing, Sarasota County Clerk

Members Absent:

none

The meeting was called to order at 3:00 p.m. by P. Dewitt Cason, Chair.

I. Introduction and roll call

P. Dewitt Cason, chair, welcomed everyone to the meeting. He introduced Ed Dion, Nabors Giblin and Nickerson of Tampa, Laird Lile, attorney from Naples and representative from The Florida Bar, and Gary Blankenship, reporter from The Florida Bar News. He asked Ken Kent to call the roll. All were noted as being present and duly constituting a quorum.

II. Approval of January Minutes

James Jett made a motion that the board approve the minutes from the January meeting. Bob Inzer seconded the motion. All were in favor.

III. Discussion Items

a. Discussion of portal implementation

Mr. Cason recognized Melvin Cox, FACC Director of Technology, to review activities of the past six weeks of portal operation. Mr. Cox told the board that, to date, there had been 551 documents filed through the portal, 219 of which were filed the week of February 7, 2011. He said that the staff was using the same process for each county coming onto the portal—testing and assessing readiness, using a local attorney for the first filings. He informed the board that 47 of the 67 counties were approved by the Supreme Court to accept electronic filings for all case types, 17 counties are approved for Probate filings, and the remaining three have not turned in any e-filing plan. He explained that he had been in touch with the three counties and that the e-filing plans are in progress. He told the board he is working with the second phase counties and that they should all be up in the next month or so. Tom Hall mentioned that the project including the two appellate courts and the Supreme Court would come on-line soon. Bob Inzer asked if the statewide site had seen any problems. Mr. Cox answered, that other than attorney still trying to work through the test site, that the live site had experienced no problems. It comes down to training, he

explained, getting the word out to the filers and making sure they understood the registration process.

b. Status of joinder agreements

Mr. Kent told the group that 29 joinder agreements had been received thusfar. If one were to include the members of the Authority board, it would make 36-37 total.

c. Pending rule changes and limitations on collection of information

Mr. Cason recognized Mr. Hall to review the document in the packets. Mr. Hall mentioned that at the last meeting there was discussion as to what elements would need to be included in the data envelope. Due to the numerous pending rules changes, he wanted to let the Authority know about other rule revisions going on that could impact the data envelope. He noted that they were working internally to make sure there was proper discussion for these items.

#### IV. Action Items

a. Engagement of Auditors

Chair Cason recognized Mr. Kent to discuss the status of contracting with the auditors. He reminded the group that at the January meeting, a board member asked him to contact the Auditor General's Office to see if they would be willing to undertake an audit of the Authority. He reported to the group that staff had contacted the office and that they had respectfully declined. As such, he proposed that the board contract with Lanigan and Associates as suggested at the previous meeting. That firm, he reminded the board, had proposed amounts of \$15,000 for the portal audit and \$7,500 for the general financial audit. Mr. Inzer made a motion to accept staff recommendation to contract with Lanigan and Associates for the required audits. Karen Rushing seconded the motion. All were in favor.

b. Logo approval

Chair Cason recognized Beth Allman, FACC Director of Communications, to explain the agenda item. She explained to the board that this had been an on-going issue—what should the logo look like—and at the last meeting, the board had directed staff to go back to the drawing board to develop a design that was more sophisticated. In the packets, she explained, there is a page of example logos for the portal and a page for the Authority itself. After lengthy discussion, it was decided on #4 for the Authority logo (lower righthand side of the page) and #5 for the portal—with the column seen in the Authority logo being used in place of the laptop image. Lydia Gardner made the motion to approve the logos; James Jett seconded the motion and all approved.

c. Website designs

Mr. Cason recognized Mr. Hall to make a subcommittee report and review the two pages in the packets. He reminded the board that at a previous meeting they had requested that there be one website—to access the portal and the authority business. The first page in the packet was the “cover” page, so to speak, the page one would come to first. From that page the searcher would either click on the Authority logo and continue to the Authority page, or click on the righthand side on the eFiling portal logo and continue on to the eFiling portal. He remarked that while the pages still needed to undergo ADA review, that they were examples of color choices and layout. He told the board he would be back at the next meeting with more to show them. He thanked staff for their diligence in the project. Mr. Inzer moved to accept Mr. Hall's report. Mr. Jett seconded the motion and all were in favor. Karen Nicolai asked about the space denoting a video—what

would we put there? Mr. Hall suggested we use the space to put anything we wished to show, currently we have an introductory video that could go there. But it could be used for training or announcing new improvements to the site.

V. Florida Courts Technology Commission

- a. Review of six optional data elements for the XML data envelopes for the five case types

Mr. Cason recognized Mr. Cox. Mr. Cox first told the board that the 6 optional data elements that were discussed at the last meeting were no longer being considered by the FCTC.

- b. Clerks Operational Procedures

Mr. Cox moved the issues of the time stamp and the Clerk review process. He then explained the issue of the time stamp found on page four of the document and rule 3.1.12—he said the time stamp would say “electronically filed,” not “electronically received.” He noted the language referring to the Clerks that may need to be removed. It refers, he explained to the Clerks’ systems being able to put a time stamp on the documents, in addition to the portal stamp. He suggested that if the language were removed, that Clerks could still put a stamp on the document denoting the time received into the Clerk systems. Karen Rushing said that whatever the Clerk does, needs to be done uniformly across the state. There began a general discussion about time stamp and reasons for rejection. Bob Inzer stated that his system could not put a stamp on the document, but that his docketing system would show when the Clerk entered the document into this case maintenance system. He questioned the value of such a stamp by the Clerk. Ms. Rushing note that the judge or other party may need that information at some point, it could be helpful. Ms. Gardner said in Orange County, she had been e-filing since 2008. Her system received over 5700 filings a year. Her system rejected filings for any number of reasons. She mentioned that she documented the practice to the Office of the State Courts Administrator each month. Mr. Hall mentioned that in his office, he has seen all versions of the time stamps. Mr. Cason felt that the portal time stamp was the governing stamp. The chair recognized Laird Lile, Naples attorney. He felt that only having one stamp would be a powerful thing. Mr. Jett moved that the board propose to the FCTC that the second sentence in the proposed rule, requiring the Clerk to put a second stamp on the document, be deleted from the document. Mr. Inzer seconded the motion. All were in favor.

Mr. Kinsaul asked if they should program to put the Clerk stamp on the document. Mr. Cason responded that only one stamp mattered.

Chips Shore, Clerk of Manatee County, was recognized from the audience. He asked if he should call the attorney if the document is not filed in the right county. How does the portal stamp figure into that scenario? Ms. Gardner agreed that in that case it would be bad to let an improperly filed case languish. Mr. Lile was again recognized from the audience to clarify for the group that if a lawyer filed incorrectly, that it was the lawyer’s dilemma, not the Clerks’. However, he said he surely felt that lawyers would accept the courtesy of the contact.

On rule 3.1.11 Local Examination

Ms. Rushing asked how to best address specious filings or subsequent filings on a wrongfully filed case. Mr. Hall agreed with the board that there should be a rule that allows the Clerk to reject filings. Perhaps, he mused, there should be a court order. He agrees that there should be a way to reject through the portal with a defined list of reasons. Mr. Cox felt that a uniform process needs to be documented. Secondly, if the filing doesn't comply with uniform standards, how will the resolution be coordinated with the filer?

Mr. Cox suggested that the board come up with some suggestions to send back to the FCTC. Mr. Hall agreed with needing to have some guidance as an authority, the portal needs a business rules for what to reject. Mr. Inzer felt that the portal was like a mailbox, that the court did not have jurisdiction over the mail box. He felt that the board had the opportunity to gain efficiencies through uniformity. Mr. Jett felt that the intent of 3.1.11 is not the Clerk accepting, but to be complaint with the FCTC. Ms. Rushing asked if the document was corrupt, Clerks should be active in returning it. Mr. Kinsaul said that a local attorney had already come to him, concerned about the portal rejecting a document and starting his time all over again. Hall suggested forming a subcommittee from a group of board members and a few FCTC members, three from each group, and come back to advise the board and the FCTC. Christina Blakeslee said she would work with the Judge Kreeger, FCTC Chair, for the appointment of the FCTC members. Mr. Inzer moved the suggestion; Ms. Nicolai seconded the motion. All were in favor. Mr. Cason appointed Mr. Inzer, Mr. Jett and Ms. Rushing.

## VI. Other Business

### a. Update of Funding Status

Mr. Cason recognized Mr. Kent who told the board that the check from The Florida Bar for \$20,000 had been received. The same amount for the Services Group is in the process. Mr. Hall reported that the Chief Justice has approved providing \$20,000 to the Authority but would require a Memorandum of Agreement with the Authority asking for accountability on how the money is to be spent. He felt it would be done next week.

### b. Update on Government in the Sunshine Requirements

Mr. Cason turned the floor over to Teresa Prince and Ed Dion of Nabors, Giblin & Nickerson of Tampa, to discuss how the Sunshine requirements applied to this group. Ms. Prince explained that the members can attend by phone, but to have the five members needed for a quorum, they must be present. They both emphasized that even though almost all the members of the board were constitutional officers, as a public body, they are to adhere to the requirements. Mr. Dion mentioned that there has been a discussion within the firm of this issue and they feel a very conservative approach is the best one—stay in the Sunshine. Ms. Gardner noted that requiring the board to be in person to make a quorum does not stay within our modern times, and does not help us when we are stretched budgetarily and cannot always travel. Mr. Cason encouraged the group to make sure that at least five members were always present.

On other business, Mr. Cason noted that he had been getting calls from the public defenders and state attorneys asking about the Bennett bill, SB 170. That is the bill that requires those groups to do some e-filing. He noted that it was easily the

portal was not authorized to accept criminal filings as of yet, but he wanted to authorize staff to go ahead and talk to those system stakeholders about the portal, answer questions, etc. He directed staff to do just that if needed—have conversations with the State Attorneys, Public Defenders, Guardians ad Litem, Conflict Counsels and the like.

c. Set Meeting for March

There was a general discussion of when the next meeting was to be held. It was generally decided that the appointed subcommittee should go ahead and meet over the month of March, and that full board could meet in April. Members discussed meeting in Tallahassee at the Supreme Court building, April 14, 2011, at or around 11:00 a.m. Members were to check flights.

VII. Public Comment

Mr. Cason asked if there was any one in the audience wishing to speak. Seeing none, he adjourned the meeting at 4:35 p.m.

# Florida E-Filing Authority

**P. DEWITT CASON,**  
**CHAIR**  
Clerk,  
Columbia County

**TOM HALL,**  
**VICE CHAIR**  
Clerk of the Court,  
Florida Supreme Court

**KAREN NICOLAI,**  
**SECRETARY/TREASURER**  
Clerk,  
Hernando County

**BILL KINSAUL**  
Clerk,  
Bay County  
District I

**BOB INZER**  
Clerk,  
Leon County  
District II

**JAMES B. JETT**  
Clerk,  
Clay County  
District III

**LYDIA GARDNER**  
Clerk,  
Orange County  
District V

**KAREN RUSHING**  
Clerk,  
Sarasota County  
District VI

**SHARON BOCK**  
Clerk,  
Palm Beach County  
District VII

# AGENDA

**Florida E-Filing Authority**  
Hyatt Regency Orlando International Airport  
9300 Airport Boulevard  
Orlando, FL 32827  
January 11, 2011  
10:00 a.m. – 1:00 p.m.

Public comments are welcome at the end of the meeting.

- I. Introduction and Roll Call
- II. Approval of the December minutes (Tab 1)
- III. Discussion Items
  - a. Discussion of first week of e-portal implementation
  - b. Discussion of plan for connecting Clerks with e-portal
  - c. Demonstration of the e-filing portal
  - d. Demonstration of the Access to Justice pro se forms
- IV. Action Items
  - a. XML Data Envelope for Five Case Types – Circuit Civil, County Civil, Probate, Family, and Juvenile Dependency (Tab 2)
  - b. Logo approval (Tab 3)
- V. Recommendations from the Florida Courts Technology Commission
- VI. Other Business
  - a. Update on miscellaneous items such as the dba status, bank account, post office box
  - b. Set meeting for February
- IV. Public Comment

**The Florida E-Filing Authority**  
Hyatt Regency Orlando International Airport  
9300 Airport Boulevard  
Orlando, FL 32827  
January 11, 2011

Members Present:

P. Dewitt Cason, Columbia County Clerk, Chair  
Tom Hall, Clerk, Supreme Court, Vice Chair  
Karen Nicolai, Hernando County Clerk, Secretary/Treasurer (by phone)  
Sharon Bock, Palm Beach County Clerk (by phone)  
Lydia Gardner, Orange County Clerk  
Bob Inzer, Leon County Clerk  
Jim Jett, Clay County Clerk  
Bill Kinsaul, Bay County Clerk (by phone)

Members Absent:

Karen Rushing, Sarasota County Clerk

The meeting was called to order at 10:05 a.m. by P. Dewitt Cason, Chair.

**I. Introduction and roll call**

P. Dewitt Cason, chair, asked Ken Kent to call the roll. Teresa Prince advised the group to wait on any items requiring action until another member was physically in the room so they would have a quorum present. Cason moved to discussion items.

**II. Discussion Items**

Discussion of first week of portal implementation and plan for connecting Clerks with the e-portal

Cason recognized Melvin Cox, FACC Director of Technology to provide the board a review of the first week of portal implementation. Cox discussed the roll-out for the first week and recognized the counties that e-filed: Columbia, Lake, Miami-Dade, Walton, Putnam and Duval. He extended thanks to the county staff who assisted in the successful filings. He introduced Jim Reynolds, a new FACC staff person who will be tasked with overseeing the e-portal services. Hall asked staff to send the board a copy of Cox' powerpoint. Bob Inzer asked if all the counties loaded on the portal are open to accepting all five case types. Cox explained that it was dependent on what case types the county was approved for. It was also dependent on what type case the "pilot filer" attorney was filing. Inzer asked that in choosing counties with which to proceed, that they take into account all the case maintenance software vendors in the state. Cox noted that the first week's roll-out was fairly representative of those various vendors. He explained that when a county came forth and says they are ready, they are added to the list. He offered that the board could formalize the process if they chose to do so, but at the December meeting, the board had encouraged staff to select the several counties and move forward. Cox showed the board the list of steps necessary for a county to "be ready." A county must: 1) Have an approved e-filing plan; 2) Build interface with e-portal; 3) Provide codes for e-portal; 4) Have successful end-to-end testing; 5) Identify one or two local "pilot" attorneys; 6) Plan production roll-out. He explained that readiness required a certain level of effort required of the county before they are ready to "go live." He listed possible counties for the second phase are: Broward, Orange, Marion, Collier, Polk,

Franklin, Jackson and Leon. Cason remarked that this was a good range of small, medium and large counties. Inzer repeated that he wanted to make sure all vendors were represented. Tom Hall told the board that he was happy with the way the roll-out was progressing, that this was a good way to insure success. Lydia Gardner suggested that there could more focus on circuits or county groupings, instead of a scattered approach. Cox mentioned that as more attorneys come to the portal, that there was a "How-To" guide on the FACC Intranet site that Clerks can access.

There was a general discussion on how to go accommodate those counties that were already accepting e-filings locally and how to send the filers to the statewide portal. Hall recognized that there is going to be a transition phase until all counties are connected to the portal. He suggested that staff continue to develop information for the portal explaining the status and what counties were taking filings.

#### Demonstration of the e-portal

Cox showed the board a demonstration of the live e-filing portal website, [www.myflcourtaccess.com](http://www.myflcourtaccess.com). He showed the board the updatable transition page, located right after the registration page, that will show the filer what counties are accepting filings through the portal. He explained that some attorneys have been adverse to sending the paper for the 90 day period. As Cox went through the portal, he showed the members how to sign on and how to file a case. He showed the board that there was some question as to what case number to use—the local case number or the uniform case number. Hall stated that the uniform case number is required by court rule and he felt it should be used. Inzer moved to require filers to use the uniform case number. Lydia Gardner seconded the motion. Laird Lyle, probate attorney from Naples, 3033 Riviera Drive, Naples, FL 34103, participating by telephone, encouraged the group to adopt the mandate to use the uniform case number. Christina Blakeslee, Court Administration, also participating by telephone, noted that the Supreme Court mandated the use of the uniform case number in 1998. Bill Kinsaul asked if it would be possible for the county code to populate automatically. Cox said it was possible because the filer would have already selected the county. Kinsaul asked if other portions of the case number could automatically default. Cox responded affirmatively. In calling the question, all approved the motion.

Cox went on to review how to add a new case filing. He showed the payment section of the portal. Cox reminded the board that the portal will save the payment information. He showed the email notification system showing how the filer can keep up with the various steps of the filing. Gaden asked what the system would show if the case was not accepted. Cox explained that a notification email would be sent to the filer with an explanation of why the filing was rejected. Inzer raised the issue of the administrative function of the portal and Cox showed the board the functionality that a law firm administrator would have. The issue of passwords was raised—currently they are to be changed every 90 days.

#### Demonstration of the Access to Justice pro se forms

Cox showed the board the Access to Justice page and mentioned that it is only available on the portal test site. Sharon Bock noted that as the portal gets underway, each of the state's 20 self-help centers will be able to use these forms. Access to Justice is in the development stage. Cox explained that the site is an interactive site that helps the pro se filer fill out the proper forms when filing

certain types of cases. This portion of the site could easily be used in a kiosk format in a Clerk's Office once developed. The screens are like an interview to allow the user to answer questions, which in turn fills out the form for the selected type filing. Inzer asked about the courts getting a grant for developing this very thing. Blakeslee replied that the courts do not have a grant and are looking at using the portal. Bock reminded the group that the Courts Self Help Workgroup has just completed their work. One of the agreements of the group was to develop a website to provide assistance to pro se filers.

**III. Approval of the December minutes**

Cason recommended a minor revision to the minutes. James Jett moved the board accept the December minutes as amended. Inzer seconded the motion and all were in favor of accepting the minutes as amended.

**IV. Action Items**

**a. XML Data Envelope for Five Case Types – Circuit Civil, County Civil, Probate, Family, and Juvenile Dependency**

Cason recognized Cox to explain this agenda item. Cox told that board that in working with the Florida Courts Technology Commission over the past few years that they have recommended the data items to be captured in a filing. This listing in your packet is greatly scaled back than what it once was. The data elements shown in your packet are those that are the basic items needed when filing a case. Most of these times are already required on the civil cover sheet. Thirty Three (33) of the items are already captured by the portal. Fourteen are not yet there. Date of birth, gender and race for both plaintiff and defendant are six optional fields that have been added to the lists for each of the five case types. Cox explained that if the board approved the data elements, these optional elements would not be required to be filled in. Cason asked that the issue of the optional fields be tabled until the next meeting so that Tom Hall could come back and help the board understand why the courts felt they were needed, albeit optional. Cox told that board that once they approved the data elements, the agreement gave staff 90 days to implement. Inzer made a motion to accept all the data elements for civil except the six optional elements for each case type. Hall seconded the motion. All were in favor of the motion. Inzer further moved that the elements in all the remaining case types be approved with the exception of the six optional fields. Jett seconded the motion. All were in favor.

**b. Logo Approval**

After a general discussion, the board directed staff to revisit the Authority logo design and bring back several examples at the next meeting.

**V. Recommendations for the Florida Courts Technology Commission**

Cason explained that the agenda item was one that would be seen on each meeting's agenda from here on out. The FCTC had asked the E-Filing Authority for a structured way to send issues between the two groups and this seemed to be the way to do so. The XML data envelope items were the issues for this meeting and have already been handled.

**VI. Other business**

a. Update on miscellaneous items such as dba status, bank account, post office box Cason recognized Teresa Prince, Nabors, Giblin & Nickerson, who gave the board an update of her involvement. She told the board that her firm has agreed to represent the E-Filing Authority. She explained that the firm has suggested that they continue at the hourly rate not to exceed \$25,000 for the year, but that the billings would be hourly so it could be tracked more readily. Gardner asked about the hourly rates. Prince stated that it was \$200 for an associate, such as herself, \$250 for a partner, and \$275 for a senior partner. She proposed that the firm bill the authority quarterly. Gardner asked about the revenue source to pay for the attorney. Ken Kent explained that the FACC Services Group would pay for the attorney until the requests made to the Florida Bar, the Courts and the Services Group had been answered. Currently only the FACC Services Group had approved their contribution of \$20,000. Hall remarked that there is a strong possibility that the courts are going to contribute but are trying to figure out how. Once that aspect is decided, they will probably want a memorandum of Agreement with the Authority as to how the money will be spent. He expected to know more about the status of the request by the next meeting.

Cason asked Prince to review Government in the Sunshine requirement for the board members again. She explained that the firm has taken a conservative approach to the applicability of the Sunshine law and feels that this board is subject to its requirements. As such, a majority of the members must be present in the room for a quorum to exist. While she recognized that there may need to be extenuating circumstances and the ability to have a quorum with telephonic attendance. She mentioned she would research this aspect and report back to the group. Nonetheless, when someone who is on the phone does speak, it is important that they identify themselves, by name and address, so that all in attendance know who is speaking. Also if there are attendees on the phone, it is important the phone system be such so that those persons can hear the meeting. She also mentioned that there can be no sidebar conversations about agenda items. If there are comments about agenda items, they can be sent to staff, but not to other members. If you all do get an email from another board member sent to all board members, make sure not to reply; especially if the communication is about items that are to come before the authority. If there are participants on the phone, because the law requires all to be able to hear, the questions may be restated so they can be understood.

Cason recognized Kent to report on the DBA status. Kent told the Authority that the paperwork was filed with the Department of State and he had received notification. Two bank accounts had been opened; one for the Authority operating account, one for portal revenue. A post office box has been opened and for a physical location, the Association office will be used. The joinder agreements are to be sent out within the next week or two. As for the CPA contract, Kent explained that the Lanigan and Associates contract would be in two parts, \$15,000 for the SAS 70 audit and \$7,500 for the Authority's financial audit. It was more than he had reported to the board at the previous meeting because the cost for both audits had not been clear. He asked the Authority board if they still wanted to engage the auditors. Jett asked if there had been bids? Kent explained that the firm suggested and presented at the last meeting was one that does this type work that FACC had some familiarity with, although this was not the same group of auditors FACC had worked with—to keep it at an arm's length. Karen Nicolai asked if staff could contact the Auditor General and see if they would do the work

for free. Inzer asked when the end of the fiscal year for the authority ended. Kent explained it was June 30 as the authority documents require the authority to be on the state fiscal year cycle. There was general comment that using the Auditor General would take up a lot of time and resources. Hall asked if the interlocal agreement even allowed use of that agency. Prince suggested that the Authority table the item until the February meeting and allow staff time to report back to the group.

b. Set meeting for February

Cason mentioned that February 16 and 17 are already days that Clerks should be in Tallahassee for the Association Legislative Days. Nicolai suggested that the next meeting be set for the afternoon of February 15. Inzer made a motion that the next meeting be set the afternoon of February 15<sup>th</sup>. Jett seconded the motion and all voted favorably. Staff will find out if the Doubletree had an appropriate room available for that afternoon.

Cason asked Tom Hall to lead a subcommittee of staff, from the Association and the courts, to dress up the portal website. Hall accepted the assignment.

Gardner shared with the group a report she has sent to the courts monthly since she began e-filing in her county in 2008. She shared it as an informational item. She noted that one page two the report showed reasons for filing rejection. Inzer mentioned he would like the Authority board to set reasons why filings should be rejected. Gardner explained that they didn't need reasons—they used the court rules for rejecting filings. Hall noted that there were 67 reasons for rejecting filings now, but he agreed the board should look into it. He also mentioned that the FCTC is also looking into this issue. Cason asked when the FCTC would develop their recommendations. Hall thought they might be discussing the issue at the February 1 meeting. Gardner asked if the board could appoint a subcommittee to look into the issue. Prince advised that it would be subject to the Sunshine if the purpose was to advise you as to steps to take in developing a rule. However, it could be a fact-finding group that would provide you with recommendations. Cason asked staff to send out a survey as to what the reasons for rejections are now.

Chips Shore, Clerk of Manatee County, asked if those counties already accepting e-filings could be added to the list on the portal. Cason agreed that is should be done. A general discussion took place regarding passwords on the portal and the need to reset them every 90 days. Cox told that board that if they wished, he could change the password revision requirement to once year as discussed. Kent noted that this action may cause the auditors to have a finding that recommends that passwords need changed every 90 days. Inzer made a motion to not have a mandatory recycling of passwords, to allow the filer to change the password whenever they so choose. At Gardner's request, Inzer added to the motion to include, that unless and until the board chose to return to a limited password policy, the requirement to change would not be limited. Jett seconded the motion. All were in favor.

Jett moved the board adjourn. Inzer seconded the motion. All voted favorably and the meeting was adjourned at 12: 24p.m.

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# **Florida E-Filing Authority**

**P. DeWitt  
Cason, Chair  
Clerk of Columbia  
County**

**Tom Hall,  
Vice Chair  
Clerk of the Court,  
Florida Supreme  
Court**

**Bill Kinsaul  
Clerk of Bay County  
District I**

**Bob Inzer  
Clerk of Leon County  
District II**

**James B. Jett  
Clerk of Clay County  
District III**

**Karen Nicolai  
Clerk of Hernando  
County District IV**

**Lydia Gardner  
Clerk of Orange  
County District V**

**Karen Rushing  
Clerk of Sarasota  
County  
District VI**

**Sharon Bock  
Clerk of Palm Beach  
County District VII**

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Florida E-Filing Authority  
Sanibel Harbour Resort and Spa  
17260 Harbour Pointe Drive  
Ft. Myers, FL 33908  
December 8, 2010  
10:15 a.m. – 12:00 p.m.

- I. Introduction and Roll Call
- II. Approval of the October minutes
- III. Old Business
  - a. Statutory Convenience Fees—discussion of potential convenience fees for portal usage, including e-check, no Visa option
  - b. Eportal fiscal year 10-11 budget
- IV. New Business
  - a. Selection of a url for the e-filing portal
  - b. Approval of where to post Authority materials, and what to post
  - c. Discussion of authority name
  - d. Approval of joinder agreements
  - e. Discussion of professional services needed—auditor, attorney, insurance
  - f. Establish place of business
  - g. Adopt and seal and logo
  - h. Recordation of interlocal agreement in each board member county
- V. Other Business
  - a. Lee County local order for efiling
  - b. Recommendation of mandatory efiling for attorneys

**The Florida E-Filing Authority**  
Sanibel Harbour Resort and Spa  
17260 Harbour Pointe Drive  
Ft. Myers, FL 33908  
December 8, 2010

Members Present:

P. Dewitt Cason, Columbia County Clerk, Chair  
Tom Hall, Clerk, Supreme Court, Vice Chair  
Karen Nicolai, Hernando County Clerk, Secretary/Treasurer  
Sharon Bock, Palm Beach County Clerk  
Lydia Gardner, Orange County Clerk (on telephone)  
Bob Inzer, Leon County Clerk  
Jim Jett, Clay County Clerk  
Bill Kinsaul, Bay County Clerk  
Karen Rushing, Sarasota County Clerk (on telephone)

Members Absent:

none

The meeting was called to order at 10:20 p.m. by P. Dewitt Cason, Chair.

I. Introduction and roll call

P. Dewitt Cason, chair, asked Ken Kent to call the roll. He then introduced Teresa Prince, Nabors, Giblin & Nickerson, Tampa Office, as interim counsel for the Authority. He noted that board members had asked for an attorney to be present and Prince graciously offered to come to the meeting. He noted that she was well-versed in governmental authorities and Government in the Sunshine laws. Cason asked Prince to address the board's requirements regarding the Sunshine law, proper notice and how to get items on the agenda. Prince explained that the Authority board members could not talk amongst themselves about issues that could come before the board. Jim Jett explained that they could talk generally amongst themselves about general topics, but not topics that they would have to consider at some point. She mentioned to the authority board members that the easiest way to get items on the agenda was to contact staff. Prince suggested a process be adopted for the agenda items. Cason asked everyone to please try to get agenda items in as early as possible. He asked that preliminary agenda be given to all members two weeks ahead of a meeting and a final agenda distributed one week prior to the meeting.

Cason deferred the Lee County issues as he had been informed that the questions they had about e-filing were worked out. Cason recognized Clerk Dwight Brock, Collier County who asked about the outcome. He further explained that he had an antiquated system and cannot accept the civil case filings electronically. Cason recognized Melvin Cox, FACC staff, to explain the Simple E-File solution, a solution that most counties can accept. Cason recognized Laird Lyle, a probate attorney from Naples; he asked how the Simple e-file would happen. Cox responded that the document could be attached and sent through the portal, but there is no provision for accepting the filing fee and it does not capture data from the filing. Both Brock and Lyle were satisfied with that option. Bob Inzer asked if the board needed to take action to approve the Simple e-file option. Cason replied that it did not. Tom Hall told the board that the portal will open for business January 1, but it makes no sense to throw

everything on the portal at the beginning – all 67 counties, all the attorneys and all the appellate courts. He felt that it would make most sense to begin in a phased-in approach. In the interim, if a county was better served by staying off, it should. But he recognized that the simple e-file option would assist.

Inzer made a motion that as he felt the issue was not fully staffed, that the board should bring the issue back at a later date so staff could fully explain the pros and cons of the choice of case types and how to file other case types. The motion died for lack of a second.

II. Approval of the October minutes

Inzer moved the board accept the November minutes. Jett seconded the motion and all were in favor of accepting the minutes as presented.

III. Discussion Items

a. Discussion of professional services needed—auditor, attorney, insurance  
Cason reminded the board that he had asked staff to send out letters to The Florida Bar, the Florida Supreme Court and the Florida Association of Court Clerks' Services Group asking each group to donate \$20,000 to assist in covering the cost of professional services. Cason recognized Kent who noted that Prince, of Nabors, Giblin & Nickerson, was retained for the authority unless the authority was to tell him otherwise. He noted that counsel was being paid for by the Florida Association of Court Clerks' Services Group for the day.

He explained to the board that it was generally felt that a SAS 70 audit was needed as well as a financial audit. He had spoken with Lanigan and Associates of Thomasville, GA., and they were willing to undertake the work of both projects for \$15,000. While it was noted that this was an undermarket rate, the company had asked if they could have a three-year contract. Further, he explained that it was possible that director and officer's insurance was not needed. As an interlocal authority, it was felt that the authority was covered by the state's sovereign immunity cap. Prince noted that the board could consider additional insurance at a later date if they chose to do so. Inzer asked if the authority was bound by ch. 287, F.S., the Consultant Competitive Negotiation Act in selecting the firms. Prince responded that the authority was not required to do so for an auditor. She said she would check and let the authority know.

Karen Nicolai moved to approve the auditors, subject to legal review. Jett seconded the motion. Tom Hall asked how the services were being paid for in lieu of funding. Kent said that FACC was paying at this point until additional funding was secured. Prince noted that for a bid, there did not need to be a complete formal process, but she would work with Ken Kent on what would be needed.

b. Recordation of interlocal agreement in each board member county

Staff explained that the interlocal agreement required that each member's copy be recorded in the county's Official Records. FACC staff was doing so on behalf of each member.

c. Recommendation of mandatory efilng for attorneys

Hall led the discussion and explained that he felt that only court rule could require attorneys to e-file. But as the portal becomes operational, this board could recommend this to the court—either to the Rules Committee or the Florida Courts

Technology Commission (FCTC). He clarified that it should just be a recommendation. He moved that the E-Filing Authority make a recommendation to the FCTC and Rules of Judicial Administration that they recommend to the Florida Supreme Court that e-filing be mandatory for lawyers after a reasonable time. Inzer seconded the motion. Lydia Gardner and Nicolai asked that it not be done right away but be held in abeyance. Hall noted that having worked with the courts and the rulemaking process, that it may take a year or more for this to be taken through the rulemaking process. All were in favor of the motion.

#### IV. Action Items

- a. Statutory Convenience Fees—discussion of potential convenience fees for portal usage, including e-check, no Visa option

Cason recognized Ken to review the credit card fees for the board. He noted that the board was viewing the same transaction estimates and that staff proposed a credit card fee of 3 percent and an ACH fee of \$3.00 fee per transaction. He explained that the credit cards to be taken by the portal typically charged 2-2.75 percent plus \$0.15 per transaction. There are additional costs associated with the credit card service providers. He suggested that staff review the portal activity closely and come back to the board in June to report on the experience and adjust the fees if necessary. Inzer moved the staff recommendation of the proposed fees. Nicolai seconded the motion. Hall asked for clarification on the cards that the portal will take. Kent reported that without VISA, the portal would take Mastercard, Discover and American Express. All approved the motion to accept the fees as presented.

- b. Eportal fiscal year 10-11 budget

Cason explained to the board that there were two budgets in the packet—one that showed an annualized budget showing the in-kind services; the other that showed an operating budget for six months of cash only, no in-kind services shown. Inzer made a motion to adopt a 12-month budget reflecting only six months of costs and income, with the in-kind services shown. Nicolai seconded the motion. Hall noted that if the board was accepting a budget with in-kind services shown, he would like more detail on those services. All voted in favor of the motion.

- c. Discussion of authority name

Cason recognized Hall. Hall told the board that he thought the Authority should have a reference to Courts in its name. Filing a DBA (doing business as) document should suffice to allow the authority to change its name. He suggested a motion that the authority use the name: Florida Courts E-Filing Authority. Inzer seconded the motion. He noted that the portal accepted more than just courts documents; that it also processed e-recordings for Official Records as well. Kent noted that the e-recording function was not governed by the Authority and was not viewable through the e-filing portal. Cason agreed with Hall that the Authority use a different name and suggested that they use a different URL. The motion was temporarily tabled.

- d. Selection of a URL for the e-filing portal

Melvin Cox noted that getting the information out to the potential filers is crucial; time is of the essence. There was a general discussion of potential names for the URL. Sharon Bock moved that the board accept the name myflorida filings.com.

Nicolai seconded the motion. Six voted favorably; three against. Hall asked that the item be deferred and come back with a name that all could accept.

- e. Approval of where to post Authority materials, and what to post  
Cason asked the group where to post the authority materials and what should be posted. Kent noted that staff would like approval for posting and direction as to what to post. Inzer asked if the site was public or not. The answer was that it is a public site. Hall suggested that there be a link to the portal from the Authority site. Nicolai moved that the URL selected could be used for the portal and Authority business. Hall seconded. All approved.
- f. Approval of joinder agreements  
Cason recognized Kent to explain the agreements. He told the board that each clerk would need to sign the agreement in order to participate in the portal. The document was included in each member's meeting materials. Jett moved to approve the agreements. Inzer seconded the motion. All were in favor.
- g. Establish place of business  
Cason suggested that the board direct staff to procure a post office box. Inzer seconded the motion. Prince suggested that the board select a physical address for practical purposes. All approved the motion.
- h. Adopt and seal and logo  
The board discussed the images offered in the meeting packet and felt that the portal logo should show the name of the group, Florida Courts E-Filing Authority and remove the mouse and the file folders with portal logo on it. Possibly use the scales of justice and the state or lady justice with scales and the state in the background. Hall made the motion to have staff develop a logo. Jett seconded the motion. All were in favor.

Hall raised the issue again about the name of the Authority and moved that the board accept doing business as Florida Courts E-Filing Authority. Jett seconded and all approved.

## V. Other Business

Jett asked if the board needed to take action on the attorney. Cason asked what staff recommended. Kent felt that Nabors, Giblin & Nickerson had experience with other authorities or the board can go through a selection process. Jett asked what the fee schedule was. Prince answered that as a law firm that they needed to discuss internally whether they could take on the authority on a longer term basis. She clarified that they are happy to take it on for now. The fees being charged are as follows: \$275/hr. for the Senior Partner, \$250/hr. for the Regular Partner and \$200/hr. for her as an Associate. Inzer moved the board use Nabors, Giblin & Nickerson on an interim basis until the staff comes back with an alternative. Nicolai seconded the motion. All approved the motion.

Inzer asked if the Authority should send out a request to all counties to send in their codes so they could be loaded into the portal. Hall mentioned that the request should include the appellate courts. Nicolai seconded the motion and suggested that there

only be a few at first that could be brought on, implemented, then phase in the rest. Hall said that the Supreme Court and Second DCA would be ready to come on first, that they had been working with FACC. Cox explained to the group that for a project of this magnitude, a phased-in approach works better. Cason authorized staff to develop a plan. Inzer amended his motion to allow staff to choose the initial counties and develop a plan so that the January 3 deadline could be met. There was discussion as to whether a filer could send in a filing without payment of the filing fee. Hall noted that case law says you cannot refuse the filing. Inzer argued that this is an optional method of filing and, as such, the portal should be able to refuse the filing. Cox told the group that in using the site a fee is required unless a waiver is requested. He said that staff was working with Judge Reynolds' committee, the E-Filing Workgroup, a subcommittee of the FCTC, to determine these rules, but can change them if needed. Hall said they had rules that for appellate filings if they are sent without a fee, the filer is notified that he or she has 10 days in which to pay or the case would be dismissed. Inzer felt the filer should still pay or be rejected. He stated that the portal ought to stay as designed. There was a general discussion as to how to notice local attorneys. They felt it should be a local decision for Clerks to work out with the local attorneys.

Cox was recognized to review the three-page list of questions about the portal submitted by Inzer a few days before the meeting. He answered several, but asked the chair, in consideration of time, that he answer the questions and submit them to the board. Cason agreed.

Bock informed the group that they had come up with a name for the URL. Jett brought up the previous motion and withdrew it. Inzer seconded it. All were in favor. Bock moved that the board accept [www.myflcourtaccess.com](http://www.myflcourtaccess.com). Inzer seconded the motion. Hall asked that staff acquire all associated URLs, such as misspellings and the .org and .net versions. All were in favor of the motion.

Nicolai told the board that she and Sharon Bock sit on the courts' Pro Se Committee that had recently met and mentioned the portal as a way to help pro se filers. She asked if on the next agenda the board could have a demonstration of the Access to Justice forms. Bock asked if FACC could continue to incorporate pro se access to the portal and the Access to Justice forms. Inzer seconded the motion. All were in favor.

The Authority board briefly discussed meeting dates. Inzer noted that he and Bock were in Orlando on January 14<sup>th</sup> for a Clerk of Courts Operations Corporation Finance Budget meeting that he chaired. The discussion centered around meeting in conjunction with that meeting to reduce travel for some. The group agreed to 10 a.m. at the Orlando Airport Hyatt on January 13 for that reason.

The meeting was adjourned at 12:08p.m.

# Florida E-Filing Authority

**P. DeWitt Cason, Chair**  
Clerk of Columbia County

**Tom Hall**  
Clerk of the Court, Florida Supreme Court

**Bill Kinsaul**  
Clerk of Bay County  
District I

**Bob Inzer**  
Clerk of Leon County  
District II

**James B. Jett**  
Clerk of Clay County  
District III

**Karen Nicolai**  
Clerk of Hernando County  
District IV

**Lydia Gardner**  
Clerk of Orange County  
District V

**Karen Rushing**  
Clerk of Sarasota County  
District VI

**Sharon Bock**  
Clerk of Palm Beach County  
District VII

# AGENDA

Florida E-Filing Authority  
10:00 a.m. October 27, 2010  
Florida Association of Court Clerks  
3544 Maclay Blvd.  
Tallahassee, FL 32312

Call to Order by P. DeWitt Cason, Chair

## Business Agenda

- I. Roll Call
- II. Approval of the minutes (Tab 1)
- III. Overview of the Authority Duties and Responsibilities, P. DeWitt Cason, Chair
  - Elect the Vice Chair
  - Elect the Secretary-Treasurer
- IV. Statutory Convenience Fees (Tab 2)
  - Comparison of Other State's Filing Fees and Efilng Portal fees
  - Discussion of potential convenience fees for Portal Cases
  - Action Item: establish statutory convenience fees
  - Action Item: Permission to securely store payment information
- V. Escrow Accounts as a policy
  - Action Item: escrow offered or not
- VI. E-Portal FY 10-11 Budget (Tab 3)
  - Authority Budget for Operations
  - Contract budget for FACC with budget detail
- VII. Other Business: (Tab 4)
  - Letter from Lee County Clerk
  - Next Meeting: December 16, 2010

**The Florida E-Filing Authority**  
Florida Association of Court Clerks  
3544 Maclay Blvd  
Tallahassee, FL 32312  
October 27, 2010

Members Present:

P. Dewitt Cason, Columbia County Clerk, Chair  
Tom Hall, Clerk, Supreme Court, Vice Chair  
Sharon Bock, Palm Beach County Clerk (by telephone)  
Lydia Gardner, Orange County Clerk (by telephone)  
Bob Inzer, Leon County Clerk  
Jim Jett, Clay County Clerk  
Bill Kinsaul, Bay County Clerk  
Karen Nicolai, Hernando County Clerk (by telephone)  
Karen Rushing, Sarasota County Clerk

Members Absent:

None

P. Dewitt Cason, Chair, called the meeting to order at 10:05 a.m.

He thanked everyone who was present for their attendance and remarked that the Authority was established to undertake the development and management of an efilng portal for the State of Florida, which was very important work. He called the roll and announced that a quorum was present. Cason asked for approval of the minutes from the September meeting. James Jett made the motion to approve the minutes; Karen Nicolai seconded the motion. All voted favorably for the approval of the minutes.

Cason asked the board to undertake a few housekeeping items as set forth in the board's governing agreement, such as electing a Vice Chair and a Secretary/Treasurer. He explained that the board had agreed at the last meeting that Tom Hall should be the Vice Chair, so he asked for a formal motion to that effect. Karen Rushing made the motion and Jett seconded the motion. All were in favor. There was a general discussion of who should be the Secretary/Treasurer. Cason noted that it could be a board member or a vendor, such as FACC staff. Rushing made a motion to nominate Karen Nicolai to the position. Jett seconded the motion. All were in favor.

Cason opened a discussion on the statutory convenience fees that the board is charged with setting. He noted that the agreement limits the Authority from charging anything more than what the statutes allow government to charge. He recognized Ken Kent, FACC staff, to review the document in the packet showing the fees charged in other state for efilng through that state's portal. There was a general discussion of the other state's fees. Bob Inzer asked for a clarification of other state's Visa charges, as he knew that Visa would not allow a percentage rate to be charged. Hall asked if the Authority would have to sign a Visa agreement. Kenneth Kent, FACC Executive Director, explained that the board's obligation was to tell FACC as the portal provider, what the portal should charge, but that Visa has direct relationships with credit card issuers, that the Association was the entity to sign the contract with the processor. Hall asked how the \$11 was derived. Cason

recognized Melvin Cox, FACC Director of Information Technology, to explain. Cox reviewed a spreadsheet that showed all the 2009 cases filed in the five case types selected, circuit and county civil, family, probate and juvenile dependency. The methodology was predicated on only 10 percent of those cases being filed through the portal. Then, he went on to add that if a flat fee was required, such as would be if the board was to require that the portal accept Visa cards, that the break-even point would be around the \$300-\$400 filing fee range. Hall also asked how the ACH option would work. Cox explained that if Visa was offered, that ACH would have to carry the same flat fee as using a credit card. Cason asked if we knew the demographics of the potential users. Kent referred to a recent Forbes Magazine article noting that Visa represented over 57 percent of the world market. Inzer remarked that not taking Visa could likely reduce the potential customer base.

Hall shared his experience with a project where in they chose not to take Visa because of the restrictive rules. Lydia Gardner shared that she had just paid a \$13 convenience fee to order a birth certificate online and wasn't off-put by it. She felt that not taking Visa would not hamper the portal business. She also noted, however, that she felt that whatever fee they chose should be a flat fee. She asked, "If we choose a fee and find we are losing money, what would we do?" Cason answered, "We would adjust the fee." Sharon Bock said they had a similar experience in Palm Beach and they chose not to accept Visa. Inzer commented that while the general public may use Visa, that attorneys normally use American Express. He felt that there could be a decision on the fee amount and adjust it later. Nicolai felt she would prefer to start without Visa and add it back in if necessary. Bock agreed. Gardner commented that locally their experience was that attorneys used American Express on a regular basis. Inzer moved that the Authority go forward without Visa as an option and for staff to comeback with a fee proposal. Gardner seconded the motion. All voted in favor.

The board asked staff to provide the excel chart shown by Cox illustrating the Visa option comparing the fees and the cost to process the cases.

Cox was recognized to ask the board if they would allow the portal to be developed to securely store payment information—in PCI compliance. Rushing asked if the portal currently operated by FACC, MyFloridaCounty.com, was in compliance with the regulations now. Cox replied that it was. Jett made a motion to allow the portal to securely store payment information. Hall seconded the motion.

The board entered in to a discussion of whether to authorize the portal to maintain escrow accounts or not. The chair told the board that they should all be aware of the issues surrounding escrow accounts as most Clerks have them. He recognized Kent. Kent commented that no other state efilings portals appear to be offering escrow accounts. He added that there is a liability to maintaining escrows accounts. Nicolai felt they should not allow them. Inzer said that Clerks were the only government body that allowed escrow accounts. He further said that it was somewhat of an outmoded way of doing business in light of the electronic payment methods available. Hall said the appellate courts have escrow accounts but agrees with not having them. Inzer made a motion not to

allow escrow accounts. Jett seconded the motion. In discussion, Carolyn Weber, Orange County Clerk's Office, told the board that since they had been efiling in Orange County, about four years, they had started with escrow accounts for the efilers, but that they were more trouble than they were worth and they were phasing them out. Rushing remarked that it was a practice to make it easier in a local arena, but that it would not be beneficial on a statewide level. All voted in favor of the motion.

Cason moved on to the Authority's budget. He explained that the interlocal agreement requires the Authority to have budget showing estimated revenues and estimated expenditures. He said that in the packet is a shell budget. He asked the members if they wanted to show the FACC in-kind services, an estimated \$997,000, to be shown or not, i.e., how to show the in-kind services. Kent explained that once the fees were established, that the portal revenues could be shown. Nicolai asked if figures could be put in for the audit, legal activities, and board insurance to show estimated expenses. She also asked if FACC Services Group would be willing to give the Authority \$20,000 as seed money to provide them operating money. She and Cason asked if it could come from the Outreach portion of the FACC in-kind expenses. Inzer said the budget for his office does not show fees and payments. He asked why it would be shown on this budget? Cason said he would take the request to the Services Group. Rushing noted that the portal will need funding to be able to grow and mature once it gets started. Inzer asked Hall if the courts could share in the contribution of operating expenses. Gardner asked under what authority did the Florida E-Filing Authority exist? Kent explained that it was created as an interlocal authority under the provision of s. 163.01, Florida Statutes, and, as such, it is a governmental entity. Gardener further noted that the group was meeting without an attorney. She also asked if the board thought it was unusual to for a governmental entity to seek funding from a private entity, like the Services Group. Kent answered that when the Florida Local Government Investment Trust was formed, that they asked for and received start-up funding from both the Florida Association of Court Clerks and the Florida Association of Counties. Hall noted that the operating budget should cover member expenses as the agreement speaks to the members paying their own travel and expenses and FACC paying for any incidental expenses, such as copying, meeting expenses, and the like. Inzer made a motion that the FACC Services Group and the Florida Supreme Courts be approached and asked to equally provide operating funds. Gardner seconded the motion. The discussion then centered around economic considerations that the courts were under, as are all state governments at this time. Fred Baggett, general counsel for the Association, was recognized. He explained that while drafting the agreement between the Association and the Courts, that there was no discussion of Authority operating expenses. He felt that until there was a track record, that the Authority could not go to the Legislature with such a proposal. In light of that, it seemed that a request for contribution from several sources would be appropriate. Inzer amended his motion to include the Florida Bar as one of the entities to approach for seed money. The amended motion was to approach each of the three entities to provide \$20,000 for start-up costs. All voted in favor of the amended motion.

Cox was recognized to discuss the FACC proposal for in-kind services. There was some discussion of how this budget would be shown in the Authority's budget. Inzer thought it

should be shown as a cost to provide the portal services. Kent remarked that when he has worked with other boards, that they simply show in-kind services as that, an in-kind service. It was clarified that the FACC budget was not put forth for the Authority to accept or modify. It was provided to the Board as an informational document. Inzer felt it should be shown, then, as an in-kind service. Hall remarked that the Authority attorney should advise them of how to handle this issue. Cason reminded the board that until the fees were set and operating, that the budget revenues could not be completely filled in. Inzer made a motion to accept the budget as it is until we get more information.

Rushing asked, now that the board has approved seeking initial operating funding, how would we go about this? Hall suggested getting estimates for the professional service before going to the Courts. Staff was directed to provide information to the Chairman on this issue.

Cason initiated a discussion of the letter from the Lee County Clerk. He commented that as the portal gets running and generates a revenue stream, that the case types could be expanded. Hall and Inzer noted that the letter spoke to local efilng. They noted that the court rule states that once the state portal is ready, then all efilng must go through the statewide portal. Chris Blakeslee, OSCA staff for the Florida Courts Technology Commission (FCTC), and Tom Hall both reiterated this requirement. They noted that it may take some time to get the statewide portal up and running with all ten case types, so until then, local efilng can take place. Rushing spoke to the orderly implementation of the statewide portal and sees how beneficial it will be to move to all ten case types. Jett noted that if Lee County has five of the case types ready to efile locally, that they have met the statutory requirements. Hall asked that the letter be tabled and that Mr. Green be invited to the next meeting. The board suggested that the next meeting be on December 8, 2010, at the Clerks Conference in Sanibel Harbor.

Cason directed FACC staff to look into the potential of changing the Authority name to possibly call it the "Florida Courts E-Filing Authority."

Inzer asked what the Clerks should be doing during the testing period? So, that criteria and measurements are standard statewide, he asked that the Authority provide training and standards. Blakeslee noted that Judge Kreeger and the FCTC have already started a workgroup to look into this aspect. Inzer also noted that the portal would provide a great opportunity for everyone to become more uniform case numbering, docketing and such. Nicolai agreed and suggested it would lend itself to a Best Practice.

The meeting was adjourned at 11:40 a.m.

# **Florida E-Filing Authority**

**P. DeWitt Cason, Chair**  
Clerk of Columbia County

**Tom Hall, Vice Chair**  
Clerk of the Court, Florida  
Supreme Court

**Bill Kinsaul**  
Clerk of Bay County  
District I

**Bob Inzer**  
Clerk of Leon County  
District II

**James B. Jett**  
Clerk of Clay County  
District III

**Karen Nicolai**  
Clerk of Hernando County  
District IV

**Lydia Gardner**  
Clerk of Orange County  
District V

**Karen Rushing**  
Clerk of Sarasota County  
District VI

**Sharon Bock**  
Clerk of Palm Beach County  
District VII

# **AGENDA**

**Florida E-Filing Authority**  
3:30 p.m., September 22, 2010  
The Grand Hyatt Tampa Bay  
Pelican Room  
Tampa, Florida

Call to Order by P. DeWitt Cason, Chair

Introduction of the Authority Members

## **Business Agenda**

- I. Overview of the Authority Duties and Responsibilities
  - P. DeWitt Cason, Chair
- II. Ratification of the FACC agreement with the Authority
  - Presentation of the Agreement by Kenneth A. Kent, FACC Executive Director
- III. E-Portal FY 10-11 Budget
  - Presentation of Budget by Kenneth A. Kent and Melvin Cox, FACC Director of Information Technology
- IV. Statutory Convenience Fees
  - Implement statutory convenience fees for Portal Cases by Kenneth A. Kent and Melvin Cox
- V. Legislative Requirement to Implement Five Case Types
  - Decision by the Authority
- VI. Video for Promo and Education

**Next Meeting: October 27th or 28th, 2010**

## The Florida E-Filing Authority

Grand Hyatt Tampa Bay

2900 Bayport Drive

Tampa, FL 33607

September 22, 2010

### Members Present:

P. Dewitt Cason, Columbia County Clerk, Chair

Tom Hall, Clerk, Supreme Court, Vice Chair

Jim Jett, Clay County Clerk

Karen Nicolai, Hernando County Clerk

Karen Rushing, Sarasota County Clerk

Sharon Bock, Palm Beach County Clerk (on telephone)

### Members Absent:

Bill Kinsaul, Bay County Clerk

Bob Inzer, Leon County Clerk

Lydia Gardner, Orange County Clerk

The meeting was called to order at 3:10 p.m. by P. Dewitt Cason, Chair.

### I. Overview of the Authority Duties and Responsibilities

P. Dewitt Cason, chair, recognized Fred Baggett, Florida Association of Court Clerks (FACC) General Counsel, to review the interlocal agreement creating and establishing the Florida E-Filing Authority, and the general requirements of Florida law.

Baggett reviewed the provisions of law that authorize the Clerks to receive, maintain and file court records. With that authority provided in law, he explained, the Clerks of Court were the natural entities to establish an efilng portal, providing for the filing of court documents through a single portal. Created by an interlocal agreement as provided for in ch. 163, Florida Statutes, the Florida E-Filing Authority is chaired by the chair of the FACC Technology Committee, and one Clerk from each of the seven FACC districts. The Clerk of the Supreme Court, appointed by the Chief Justice, is also a member of the authority and serves as the vice chair. The Clerk of the Supreme Court also represents the appellate courts. The Authority will carry out its duties by contracting with FACC and FACC Services Group. The contract requires that the portal be developed in accordance with the Supreme Court and the Florida Courts Technology Commission.

He further explained that the Authority can employ people in the conduct of their business and can own property in the development of the portal. He advised that the Authority develop protocols for the development of the portal. Baggett told the board that, 180 days prior to the end of the fiscal year, the Authority must provide an Annual E-Filing Courts Records Portal Report detailing activities, acquisitions and funds to each Authority member, each Authority board member, to the Legislature, to the Supreme Court and to the State Courts Administrator.

Of note, Baggett noted that the Clerk of the Supreme Court had overall authority – the agreement states that in order for certain actions of the Authority to be validated and become effective, the Clerk of the Supreme Court must vote in the affirmative for those actions to be considered to be passed favorably. He went on to make the board aware that the Authority could charge any fees allowed by Florida law, such as credit card convenience fees.

He informed the board that all meetings of the board are open to the public as per chapter 119, Florida Statutes and all records of the Authority are public records.

II. Ratification of the FACC Agreement with the Authority

Kenneth Kent, FACC Executive Director, provided an overview of the structure of the Authority, explaining the relationship between the entities. He said that the Authority enters into an agreement with FACC, and FACC enters into a Statement of Work (SOW) with the FACC Services Group to perform technical operations and manage the portal. Clerks will have to do individual joinder agreements to become members of the Authority and participate in the portal.

Cason called for action on the ratification of the agreement. Karen Nicolai moved to approve the agreement. Jim Jett seconded the motion. All those present were in favor.

III. ePortal FY 10-11 Budget

Cason asked for a review the Association's budget. Kent recognized Melvin Cox, FACC Director of Information Technology, to review the Association's costs of developing and operating the portal. Mr. Cox explained that the budget covered July 1, 2010 through June 30, 2011, and showed costing for:

Program Management and Support – includes actual staffing costs and on-going maintenance.

Software maintenance – FACC has an annual software maintenance contract for \$150,000 for the portal.

Disaster Recovery – FACC proposes to use the existing "hot site" in Alpharetta, Georgia, for back-up. The apportioned site rent would be \$20,000 annually.

Central Site, Network and Service Desk – these are allocated amounts based on current FACC activities. FACC will staff and make available a Service Desk for portal users.

Public Outreach – this aspect will help users. FACC showed a promotional video aimed at letting potential users know about the portal. Mention was made that the video would be posted on the E-Filing Authority website ([http://www.flclerks.com/eFiling\\_authority.html](http://www.flclerks.com/eFiling_authority.html)) and shared with others who may want to link to it. Also discussed was the plan to develop a "how to" styled video to help users navigate the portal.

Jett asked where the \$997,000 and employees would be coming from. Baggett explained that the FACC Services Group was responsible for the cost of operating the portal. Kent followed by explaining that these are current FACC employees and the revenue was approved by the FACC Services Group to be taken from reserve.

Jett also asked why there was a requirement for an audit but no funding for one. Cason responded that the audit may not occur until the next fiscal year. Hall asked for backup to the budget materials. Cason noted that this was not an action item of the board, but information related to the services being performed. He suggested that the board be given more information and discuss the budget further at the October meeting. Baggett explained that while the agreement provides for the adoption of a budget, the funding is the obligation of FACC. Nicolai suggested that the board's budget show the \$997,000 as revenue from FACC.

Hall commented that the board may want to consider hiring its own lawyer and asked staff to recommend one, along with board insurance. All agreed to bring the issue of the budget back for further discussion at the October meeting.

IV. **Statutory Convenience Fees**

Cason noted that Visa requires payment of a convenience fee. Nicolai asked how the billing would be handled. Kent explained that the fees are programmed in current FACC systems. She asked how the \$11.00 fee was derived. Kent explained that the total number of cases filed over the past year were quantified by filing fee amounts and a 2 percent fee applied to each filing to determine where a break-even point might be. Hall said that if the board could charge a convenience fee to cover the banking charges, it would be a wash. Jett asked if the Services Group covered the cost to develop, operate and maintain the portal the first year, where would the funding come from for the second year? Cason explained that there would be a track record by the end of the first year in order to provide data if further funding was sought. Nicolai also noted that she would expect to see some direct benefit in her office during that first year as well. Jett moved that the board accept the \$11.00 fee. Nicolai seconded the motion. Hall asked if the \$11 fee was the same on all filings. Kent noted that it is proposed that way. He further explained that Visa rules do not allow for a graduated fee structure, so it had to be a flat fee. Karen Rushing asked if the \$11 was a competitive rate. While the answer was yes, the board asked to see more information on the fee regarding the break even points and comparisons with what other states are charging for their eportal services. Hall mentioned that while the City of Tallahassee charged \$15 for an electronic transaction and that FSU charged \$7, he wanted to table the item until October in order to have more information. Jett withdrew his motion. Nicolai seconded the withdrawal.

V. **Legislative Requirement to Implement the Five Case Types**

Cason urged the board to move accept the programming of the portal for the five case types. Nicolai made a motion to accept the five case types— circuit civil, county civil, family, probate and juvenile dependency. Hall seconded the motion. All were in favor.

VI. **Promotional Video**

Cason recognized Kent to introduce the video. Kent explained that the FACC had had this video made to help with the initial outreach – an “it’s coming,” styled approach. After viewing, all felt it was a good concept. Hall noted he may be able to post it on the Supreme Court’s website. He also noted he would take a copy to a meeting with the appellate courts the next day.

VII. **Next Meeting**

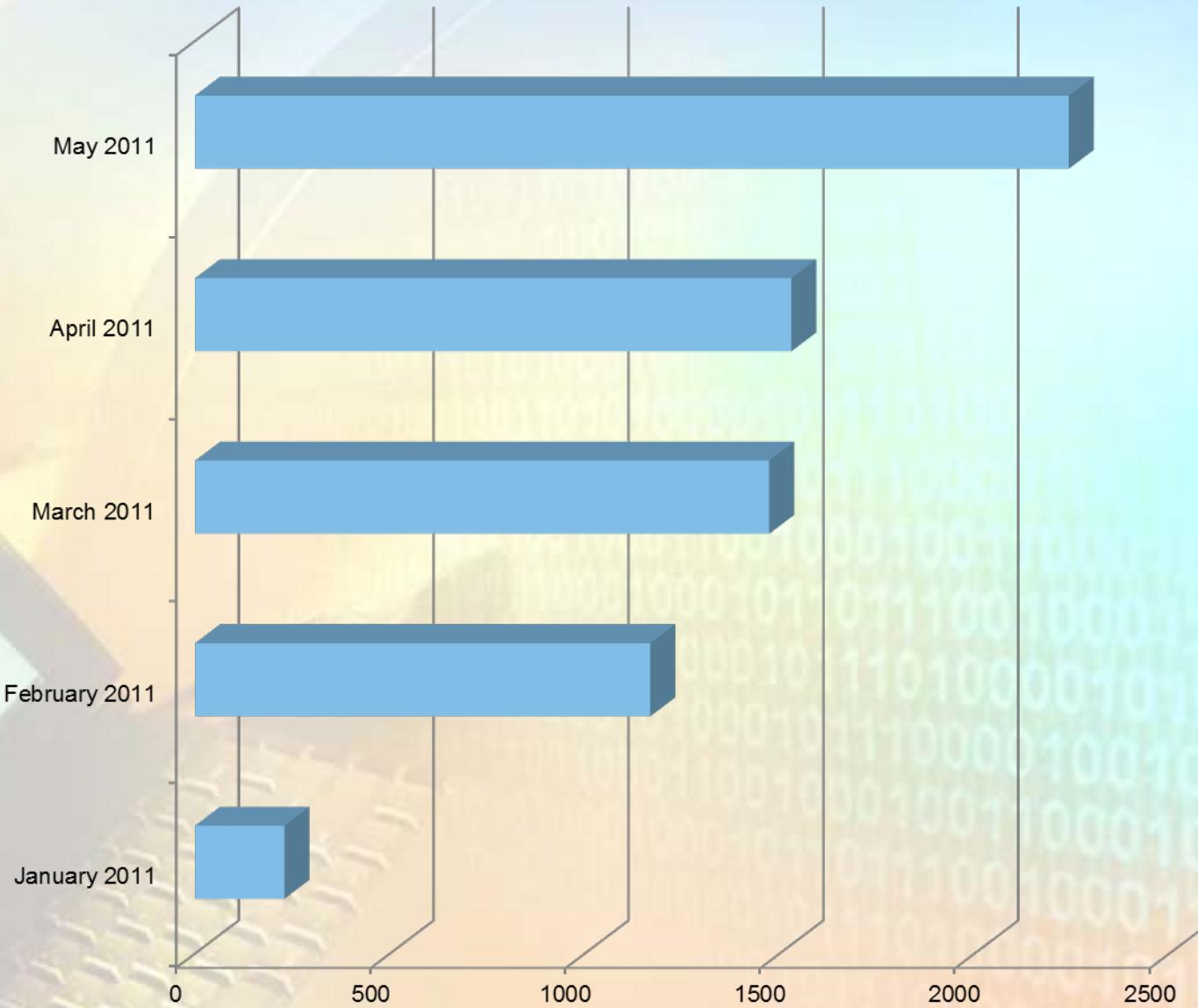
The board decided to hold the next meeting in Tallahassee at the FACC Offices on October 27 at 10 a.m.

The meeting was adjourned at 4 p.m.

**TAB 4**

# ePortal Implementation Status

## Documents eFiled Through the Portal

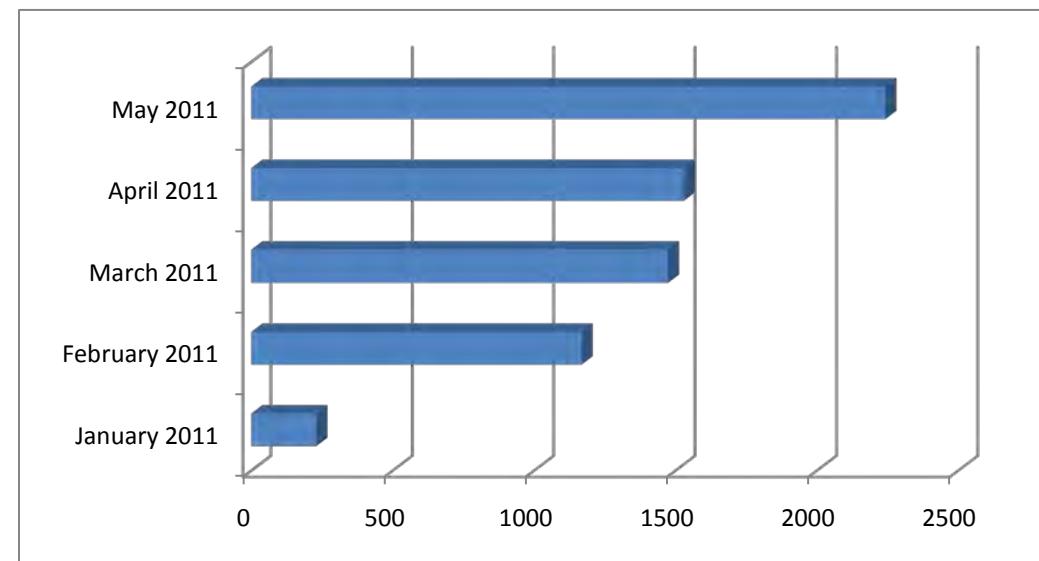


**ePortal Usage Statistics**  
**(through 05/26/2011)**

<b>County Nbr</b>	<b>County</b>	<b>Division</b>	<b>Type</b>	<b># Filings</b>	<b># Documents</b>	<b># Documents Accepted</b>	<b># Documents Rejected</b>
3	Bay	Circuit Civil	Case Filings	2	4	4	0
3	Bay	County Civil	Case Filings	2	4	4	0
6	Broward	Probate	Case Filings	109	180	141	39
11	Collier	Probate	Case Filings	31	51	43	8
12	Columbia	Probate	Case Filings	6	18	17	1
16	Duval	Probate	Case Filings	239	399	316	83
23	Gulf	Probate	Case Filings	3	3	3	0
30	Holmes	Probate	Case Filings	2	3	2	1
35	Lake	Circuit Civil	Case Filings	98	111	103	8
35	Lake	Domestic Relations	Case Filings	5	5	3	2
35	Lake	Probate	Case Filings	101	217	196	21
35	Lake	County Civil	Case Filings	10	11	6	5
36	Lee	Probate	Case Filings	159	315	303	12
42	Marion	Probate	Case Filings	95	181	178	3
13	Miami-Dade	Circuit Civil	Case Filings	1,913	2,334	1,639	686
13	Miami-Dade	Juvenile	Case Filings	12	12	11	1
13	Miami-Dade	Probate	Case Filings	64	92	75	17
13	Miami-Dade	Family Circuit	Case Filings	1,531	1,900	1,725	174
13	Miami-Dade	SAO	Case Filings	1	1	0	1
13	Miami-Dade	Domestic Violence (Central)	Case Filings	13	14	12	2
13	Miami-Dade	Domestic Violence (South Dade)	Case Filings	3	3	3	0
13	Miami-Dade	Dependency	Case Filings	9	9	9	0
13	Miami-Dade	County Civil (Central)	Case Filings	71	86	56	30
13	Miami-Dade	County Civil (Hialeah)	Case Filings	7	7	6	1
13	Miami-Dade	County Civil (North Dade)	Case Filings	63	71	54	17
13	Miami-Dade	County Civil (South Dade)	Case Filings	12	12	6	6
13	Miami-Dade	County Civil (Miami Beach)	Case Filings	6	6	4	2
13	Miami-Dade	County Civil (Coral Gables)	Case Filings	31	34	26	8
50	Palm Beach	Circuit Civil	Case Filings	10	11	9	2
50	Palm Beach	Probate	Case Filings	13	13	12	1
54	Putnam	Circuit Civil	Case Filings	6	8	2	6
66	Walton	Probate	Case Filings	34	110	98	12
<b>Totals</b>				<b>4,661</b>	<b>6,225</b>	<b>5,066</b>	<b>1,149</b>

	<u>Division</u>	<u># Filings</u>	<u># Documents</u>	<u># Documents Accepted</u>	<u># Documents Rejected</u>
Court Divisons as defined by Counties	Circuit Civil	2,029	2,468	1,757	702
	County Civil	202	231	162	69
	Dependency	9	9	9	0
	Domestic Relations	5	5	3	2
	Domestic Violence	16	17	15	2
	Family Circuit	1,531	1,900	1,725	174
	Juvenile	12	12	11	1
	Probate	856	1,582	1,384	198
	SAO	1	1	0	1
	<b>Totals</b>	<b>4,661</b>	<b>6,225</b>	<b>5,066</b>	<b>1,149</b>
Collapsed into 5 ePortal Court Types	Circuit Civil	2,029	2,468	1,757	702
	County Civil	202	231	162	69
	Probate	856	1,582	1,384	198
	Family	1,553	1,923	1,743	179
	Juvenile Dependency	21	21	20	1
	<b>Totals</b>	<b>4,661</b>	<b>6,225</b>	<b>5,066</b>	<b>1,149</b>

Month	Filings	Documents Filed
January 2011	152	229
February 2011	945	1168
March 2011	1112	1473
April 2011	1151	1530
May 2011	1600	2242



**TAB 5**

**FLORIDA E-FILING AUTHORITY, INC.**

**Balance Sheet**

**May 31, 2011**

**ASSETS**

Suntrust Checking Account	\$ 59,742
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<b>TOTAL ASSETS</b>	<u>\$ 59,742</u>
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**LIABILITIES AND EQUITY**

<b>TOTAL LIABILITIES</b>	\$ -
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**EQUITY**

YTD <u>Income</u> (Loss)	\$ 59,742
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<b>TOTAL EQUITY</b>	<u>\$ 59,742</u>
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<b>TOTAL LIABILITIES &amp; EQUITY</b>	<u>\$ 59,742</u>
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NOTE: The accompanying "Statement of Activities" is the first one generated for the Authority, and reports on January 1 to May 31, 2011 activity.

**Expenses expected to be paid by June 30, 2011**

Legal	\$ 16,346.32
Audit	\$ 22,500.00
insurance	\$ 769.88
Bank Anaylis Fees	\$ 400.00
	<hr/>
	\$ 40,016.20

**Treasurer Note:**

The Authority received \$60,000 in revenue from the Courts, FACCSC and the Florida Bar. The Authority has obligated \$40,016.20 which will be paid prior to June 30, 2011. It is anticipated that the remaining \$20,108.80 will be carried forward to the new fiscal year as revenue.

## E-Portal Credit Card Payments

January-May 2011

Order ID	Order Date	Merchant	Service	Orgin	Order Amount	Fee
4800985	1/2/2011 18:46	MYFLC16	EPORTAL	WEB	10.30	\$0.30
4800989	1/2/2011 18:52	MYFLC12	EPORTAL	WEB	5.15	\$0.15
4801062	1/2/2011 19:59	MYFLC12	EPORTAL	WEB	1.03	\$0.03
4801086	1/2/2011 20:16	MYFLC12	EPORTAL	WEB	1.03	\$0.03
4801092	1/2/2011 20:20	MYFLC12	EPORTAL	WEB	1.03	\$0.03
4801104	1/2/2011 20:29	MYFLC16	EPORTAL	WEB	41.20	\$1.20
4801258	1/2/2011 23:06	MYFLC16	EPORTAL	WEB	41.20	\$1.20
4814445	1/5/2011 18:26	MYFLC54	EPORTAL	WEB	8.24	\$0.24
4814929	1/6/2011 8:30	MYFLC54	EPORTAL	WEB	10.30	\$0.30
4814936	1/6/2011 8:32	MYFLC66	EPORTAL	WEB	10.30	\$0.30
4815904	1/6/2011 11:11	MYFLC66	EPORTAL	WEB	412.00	\$12.00
4858192	1/20/2011 12:25	MYFLC66	EPORTAL	WEB	242.05	\$7.05
4948777	2/15/2011 11:57	MYFLC16	EPORTAL	WEB	412.00	\$12.00
5030442	3/9/2011 12:27	MYFLC16	EPORTAL	WEB	400.00	\$12.00
5052034	3/15/2011 18:06	MYFLC16	EPORTAL	WEB	\$400.00	\$12.00
5054853	3/16/2011 14:11	MYFLC16	EPORTAL	WEB	\$401.00	\$12.03
5055943	3/16/2011 16:44	MYFLC16	EPORTAL	WEB	\$400.00	\$12.00
5061767	3/18/2011 11:08	MYFLC16	EPORTAL	WEB	\$400.00	\$12.00
5062766	3/18/2011 13:12	MYFLC16	EPORTAL	WEB	\$400.00	\$12.00
5074563	3/22/2011 15:33	MYFLC66	EPORTAL	WEB	\$400.00	\$12.00
5074943	3/22/2011 16:25	MYFLC66	EPORTAL	WEB	\$235.00	\$7.05
5075042	3/22/2011 16:39	MYFLC66	EPORTAL	WEB	\$235.00	\$7.05
5075192	3/22/2011 17:12	MYFLC66	EPORTAL	WEB	\$345.00	\$10.35
5075226	3/22/2011 17:33	MYFLC66	EPORTAL	WEB	\$400.00	\$12.00
5082766	3/24/2011 17:44	MYFLC03	EPORTAL	WEB	\$55.00	\$1.65
5091450	3/28/2011 13:30	MYFLC16	EPORTAL	WEB	\$400.00	\$12.00
5122628	4/6/11 9:13	MYFLC16	EPORTAL	WEB	\$400.00	\$12.00
5137489	4/11/11 10:06	MYFLC42	EPORTAL	WEB	\$400.00	\$12.00
5138680	4/11/11 12:27	MYFLC66	EPORTAL	WEB	\$400.00	\$12.00
5142761	4/12/11 11:21	MYFLC66	EPORTAL	WEB	\$231.00	\$6.93
5143390	4/12/11 12:52	MYFLC42	EPORTAL	WEB	\$400.00	\$12.00

## E-Portal Credit Card Payments

January-May 2011

5143605	4/12/11 13:27	MYFLC42	EPORTAL	WEB	\$400.00	\$12.00
5146277	4/13/11 10:15	MYFLC16	EPORTAL	WEB	\$400.00	\$12.00
5147680	4/13/11 13:51	MYFLC42	EPORTAL	WEB	\$400.00	\$12.00
5174919	4/21/11 12:54	MYFLC42	EPORTAL	WEB	\$400.00	\$12.00
5192958	4/27/11 13:56	MYFLC16	EPORTAL	WEB	\$400.00	\$12.00
5193829	4/27/11 16:01	MYFLC42	EPORTAL	WEB	\$400.00	\$12.00
5208108	5/2/2011 12:29	MYFLC66	EPORTAL	WEB	\$235.00	\$7.05
5210586	5/2/2011 17:54	MYFLC06	EPORTAL	WEB	\$401.00	\$12.03
5213243	5/3/2011 12:51	MYFLC66	EPORTAL	WEB	\$345.00	\$10.35
5219376	5/4/2011 19:26	MYFLC06	EPORTAL	WEB	\$346.00	\$10.38
5220370	5/5/2011 9:55	MYFLC42	EPORTAL	WEB	\$41.00	\$1.23
5234192	5/9/2011 21:41	MYFLC06	EPORTAL	WEB	\$401.00	\$12.03
5237801	5/10/2011 16:46	MYFLC42	EPORTAL	WEB	\$400.00	\$12.00
5237896	5/10/2011 17:05	MYFLC42	EPORTAL	WEB	\$400.00	\$12.00
5239605	5/11/2011 11:30	MYFLC06	EPORTAL	WEB	\$85.00	\$2.55
5241707	5/11/2011 17:02	MYFLC06	EPORTAL	WEB	\$236.00	\$7.08
5242907	5/12/2011 10:06	MYFLC06	EPORTAL	WEB	\$346.00	\$10.38
5244338	5/12/2011 13:40	MYFLC66	EPORTAL	WEB	\$345.00	\$10.35
5259382	5/17/2011 12:28	MYFLC42	EPORTAL	WEB	\$345.00	\$10.35
5266172	5/19/2011 9:45	MYFLC42	EPORTAL	WEB	\$400.00	\$12.00
5268567	5/19/2011 16:03	MYFLC06	EPORTAL	WEB	\$401.00	\$12.03
5279348	5/24/2011 9:08	MYFLC42	EPORTAL	WEB	\$400.00	\$12.00
5283620	5/25/2011 9:43	MYFLC42	EPORTAL	WEB	\$400.00	\$12.00
5285148	5/25/2011 13:35	MYFLC06	EPORTAL	WEB	\$401.00	\$12.03
5286387	5/25/2011 16:39	MYFLC06	EPORTAL	WEB	\$401.00	\$12.03
5287477	5/26/2011 9:38	MYFLC42	EPORTAL	WEB	\$400.00	\$12.00
5287504	5/26/2011 9:43	MYFLC42	EPORTAL	WEB	\$400.00	\$12.00
5289817	5/26/2011 15:38	MYFLC42	EPORTAL	WEB	\$400.00	\$12.00
5290569	5/26/2011 20:05	MYFLC06	EPORTAL	WEB	\$236.00	\$7.08
5298664	5/31/2011 9:51	MYFLC06	EPORTAL	WEB	\$401.00	\$12.03

\$18,063.83 \$540.87

## E-Portal ACH Payments

Jan-June 2011

**EPORTALACH**

<b>Order ID</b>	<b>Order Date</b>	<b>Merchant</b>	<b>Service</b>	<b>Orgin</b>	<b>Order Amount</b>	<b>Fee</b>
4801097	1/2/2011 20:23	MYFLC12	EPORTALACH	WEB	\$4.00	\$3.00
4801107	1/2/2011 20:32	MYFLC16	EPORTALACH	WEB	\$43.00	\$3.00
4801255	1/2/2011 23:03	MYFLC12	EPORTALACH	WEB	\$4.00	\$3.00
4815832	1/6/2011 10:58	MYFLC54	EPORTALACH	WEB	\$411.00	\$3.00
4932903	2/10/2011 14:51	MYFLC30	EPORTALACH	WEB	\$403.00	\$3.00
4942655	2/14/2011 10:11	MYFLC16	EPORTALACH	WEB	\$348.00	\$3.00
5084304	3/25/2011 10:43	MYFLC03	EPORTALACH	WEB	\$300.00	\$3.00
5084427	3/25/2011 10:59	MYFLC03	EPORTALACH	WEB	\$400.00	\$3.00
5115188	4/4/2011 12:40	MYFLC03	EPORTALACH	WEB	\$400.00	\$3.00
5115298	4/4/2011 12:54	MYFLC03	EPORTALACH	WEB	\$300.00	\$3.00
5118629	4/5/2011 9:53	MYFLC42	EPORTALACH	WEB	\$400.00	\$3.00
5129792	4/7/2011 17:01	MYFLC42	EPORTALACH	WEB	\$345.00	\$3.00
5150137	4/14/2011 10:01	MYFLC42	EPORTALACH	WEB	\$345.00	\$3.00
5165683	4/19/2011 9:07	MYFLC42	EPORTALACH	WEB	\$400.00	\$3.00
5218112	5/4/2011 14:25	MYFLC16	EPORTALACH	WEB	\$400.00	\$3.00
5232860	5/9/2011 14:59	MYFLC16	EPORTALACH	WEB	\$400.00	\$3.00
5256747	5/16/2011 16:15	MYFLC16	EPORTALACH	WEB	\$345.00	\$3.00
5262721	5/18/2011 10:49	MYFLC16	EPORTALACH	WEB	\$235.00	\$3.00
					\$5,483.00	\$54.00