

2012-2013
Florida Courts E-Filing
Authority Annual Report

December 2013

Florida Courts



E-Filing Authority

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Florida Courts E-Filing Authority

2012-2013 Annual Report

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Executive Summary

Executive Summary

Florida can say that it is truly a national leader in the electronic filing of court documents. Attributable to an active Florida Courts E-Filing Authority, an independent governmental body which oversees the statewide filing portal, and Chief Justice Ricky Polston, head of the Florida Supreme Court and Florida's Court System, Florida made great strides in developing the Florida Courts E-Filing Portal over the 2012-2013 fiscal year.

By April 1, 2013, the Florida Courts E-Filing Portal saw active e-filing in all 67 counties for all five civil court divisions, Circuit Civil, County Civil, Probate, Small Claims and Family Law. The number of filings per month over the year went from 11,263 in July 2012 to over 770,271 in June 2013. The number of registered Florida Bar member users jumped from 10,248 to 48,000.

[Florida Supreme Court Administrative Order 11-399 \(10/18/12\)](#), designating dates for the mandatory use of the Portal, directly drove the upswing in filings in the trial courts and numbers of registered users over that time. (Highlights from this order are hyperlinked [here](#).) Between April 1, 2013 and June 30, 2013, 2,347,648 submissions were sent through the Portal, equaling 4,049,342 documents for that three-month period.

In that order, all attorneys were mandated to file electronically in the trial courts' civil divisions by April 1, 2013. The order set October 1 of that year as the mandatory date for all attorneys to file on criminal cases through the portal.

Electronically filing in the trial courts was not the only focus of Florida's e-filing efforts. During this year, work was concurrently on-going with the state's Supreme and Appellate Courts to establish connectivity through the Portal. AOSC 11-399 required that in the Florida Supreme Court and in the District Courts of Appeal, e-filing would become mandatory on October 1, 2012. That date was later changed with revised [AOSC 11-399 \(11/28/12\)](#), to require the Supreme Court e-filing to become mandatory on February 27, 2013, on a voluntary basis and mandatory on April 1.

For the five Florida Appellate Courts, a phased-in schedule was adopted in that order and subsequently revised to move the mandate to accept e-filed documents in the appellate courts to later in 2013 and early 2014.

During this program year, the Authority developed a new website, <http://myflcourtagency.com>, and homepage linking both the Authority sites and the e-filing sites in one place, enabling filers to locate information about using the portal more readily available.

Additionally, a workgroup was formed to develop an e-service module for the portal. Court rules require e-filed documents to be e-mailed to opposing counsel, so the workgroup chose to look at a way to e-serve through the portal, at the same time the documents were being e-filed. E-service was expected to be “live” on the portal by late September 2013.

Hon. Tim Smith, chair, Florida Courts E-Filing Authority Board of Directors, told the membership at the 2013 Annual Meeting that April 1, 2013, was met with great success. He urged all clerks of the trial courts to begin preparing for the October 1 criminal deadline immediately to make it as successful. He attributed the success not only to Chief Justice Polston for his vision and support, but included The Florida Bar, the Florida Courts Technology Commission, the Florida Clerks & Comptrollers and technical staff in his praise. “Now,” he said, “we can begin to refine the process. This is not a sprint; it is a marathon. We know there are other filers who want to access the portal, but we are going about this in a methodical process to be able to make it work. We felt that the proper approach was to start with Bar members. Then we will be able to allow other groups as quickly as we can.”

Ending his speech, Authority Chair Tim Smith reminded everyone of Chief Justice Ricky Polston’s wishes for the portal services as set forth earlier that day: 1) the need for increased Help Desk services; 2) Filers should be able to see the documents in a case; 3) the portal should be a two-way street; and, 4) there should be standard drop-down menus for filers.

Smith closed by saying, “Chief Justice Polston set the tone for what will be the focus of the next program year. We have our work cut out for us, but we should be proud of where we are and

where we have come. I look forward to another year where we make progress, adding criminal e-filing and e-service, and making Chief Justice Polston's wishes a reality.”

Background

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 civil 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 established the focus for the Authority for the upcoming six months: to develop the portal to include the next five court divisions.

Governance Structure

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. (TAB 1) Eight of those Clerks, along with Supreme Court Clerk Thomas D. Hall, form a Board of Directors that heads up the agency. This public agency, through the board, is charged with managing the design, development, implementation, operation, upgrade, support and maintenance of a portal for the receipt and transmission of electronically filed court records.

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

A Chair of the Authority -- the chair of the Florida Court Clerks & Comptrollers (FCCC) 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 FCCC 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 and appellate courts.

The Florida Courts E-Filing Authority Board members for 2012-2013 are:

- Hon. Tim Smith, Putnam County Clerk, Chair
- Hon. Joe Smith, St. Lucie County Clerk, Vice-Chair
- Hon. Tara Green, Clay County Clerk, Secretary/Treasurer
- Hon. Tom Hall, Clerk of the Supreme Court
- Hon. Bob Inzer, Leon County Clerk
- Hon. P. Dewitt Cason, Columbia County Clerk
- Hon. Don Barbee, Hernando County Clerk*
- Hon. Karen Rushing, Sarasota County Clerk
- Hon. Sharon Bock, Esq., Palm Beach County Clerk

* In January 2013, Mr. Barbee replaced Hon. Gloria Hayward, Desoto County Clerk, who resigned her Authority Board term mid-year.

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.

All elected Clerks of the Court in Florida have signed the joinder agreements and are members of the interlocal agency. (TAB 2)

Over the 2012-2013 year, the Board of Directors met eleven times to discuss issues of pertinence to the portal development. The most important aspect of these meetings has been to determine how many counties have connected to the portal for the acceptance of civil court filings and the uniformity of the drop-down menu choices that a filer would see when using the portal. The meetings are advertised on the Authority website and the meeting documentation is posted there as well. The meeting agendas and meeting minutes are included in this report. (TAB 3)

Current year budget for the Authority and the portal is comprised of funds donated from Florida Association of Court Clerks Services Group, LLC, listed both as an in-kind contribution and partner support. (TAB 4) 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 the required auditing. (TAB 5)

The Florida Courts E-Filing Portal

The Florida Courts E-Filing Authority has contracted with the Florida Court Clerks & 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. According to the Scope of Work, 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.

The portal opened January 2011, as required in the Interlocal Agreement. During the first months of operation 229 documents were electronically filed through the portal and the numbers have grown since that time. As reported in the June 2013 Readiness Report, for the first few months of mandatory civil case filing, 2,347,648 filings were submitted through the portal. Over 48,000 attorneys were shown as registered with the portal. (TAB 6)

By mid-2012, 51 counties were connected to the portal for the acceptance of civil case documents in various civil divisions. By April 1, 2013, all 67 Clerk's Offices were connected for the acceptance and processing of civil cases in all five civil divisions, Circuit Civil, County Civil, Probate, Small Claims and Family Law. During this program year, eleven Clerks' offices

worked on a pilot project to accept and process batch filing documents on existing criminal cases, while all counties were working on general criminal readiness.

Work continued with the Supreme Court and the District Courts of Appeal to connect to the portal. The Florida Supreme Court came on-line on February 27, 2013, with filings limited to certain cases for the first couple of months as part of a live test of the system. Seeing no serious issues, the Supreme Court began accepting live filings on April 1, 2013, of this year. Work progressed toward bringing the appellate courts onto the portal from late 2013 to mid-2014.

During the year, work began on developing Clerk-to-Clerk functionality for the Portal. This process will allow clerks to transmit documents, other than the electronic record on appeal, through the portal from one clerk's office to another clerk's office. Although the main use will be for the trial courts to transfer the appeal initiation documents to the appellate courts, it will also allow the transfers of cases electronically from one county to another, or to and from the appellate courts and the trial courts.

A new standard for electronic records on appeal (eRecord) was approved by the Florida Court Technology Commission to take effect no later July 1, 2014. The order approving the standard also provided that if the appellate court can accept the record in the new standard before that date and the trial court can produce it, it can be used earlier. The eRecord will not be transmitted through the Portal. Special FTP sites will be established for that process.

The Authority's website, <http://myflcourtagency.com>, was extensively updated during the year. A request for proposals to develop a new look and additional functionality was issued in September 2012. Five different vendors responded. A vendor was selected and a contract was approved in May 2013. The new version was to be in place by September 2013.

An on-going discussion during the year was to develop a standard schema for the drop-down menus in civil court areas. There has been no resolution to this issue yet, but it did spark the Authority to ensure that standardized drop-down menus were in place for Criminal e-filing as it was being developed.

The portal experienced large volumes once the April 1 mandatory date was established. A technical report to the board noted that, at times, there were volumes of more than 100 filings per minute during the first week of April. Peak filing times were at 11:00 a.m. to Noon and again around 3:00 p.m. to 4:00 p.m. in the afternoon. This was important information when needing to judge staffing and monitoring of portal operations—both at the central site and in the Clerks' Offices.

Technical staff noted that if annualized projections using the current portal filings were accurate, there would be up to 6.7 million filings, or 10.8 million documents, filed just in civil cases within the calendar year. It is worthwhile to point out that the original Scope of Work document required the portal to handle 5 million filings per year.

TAB 1

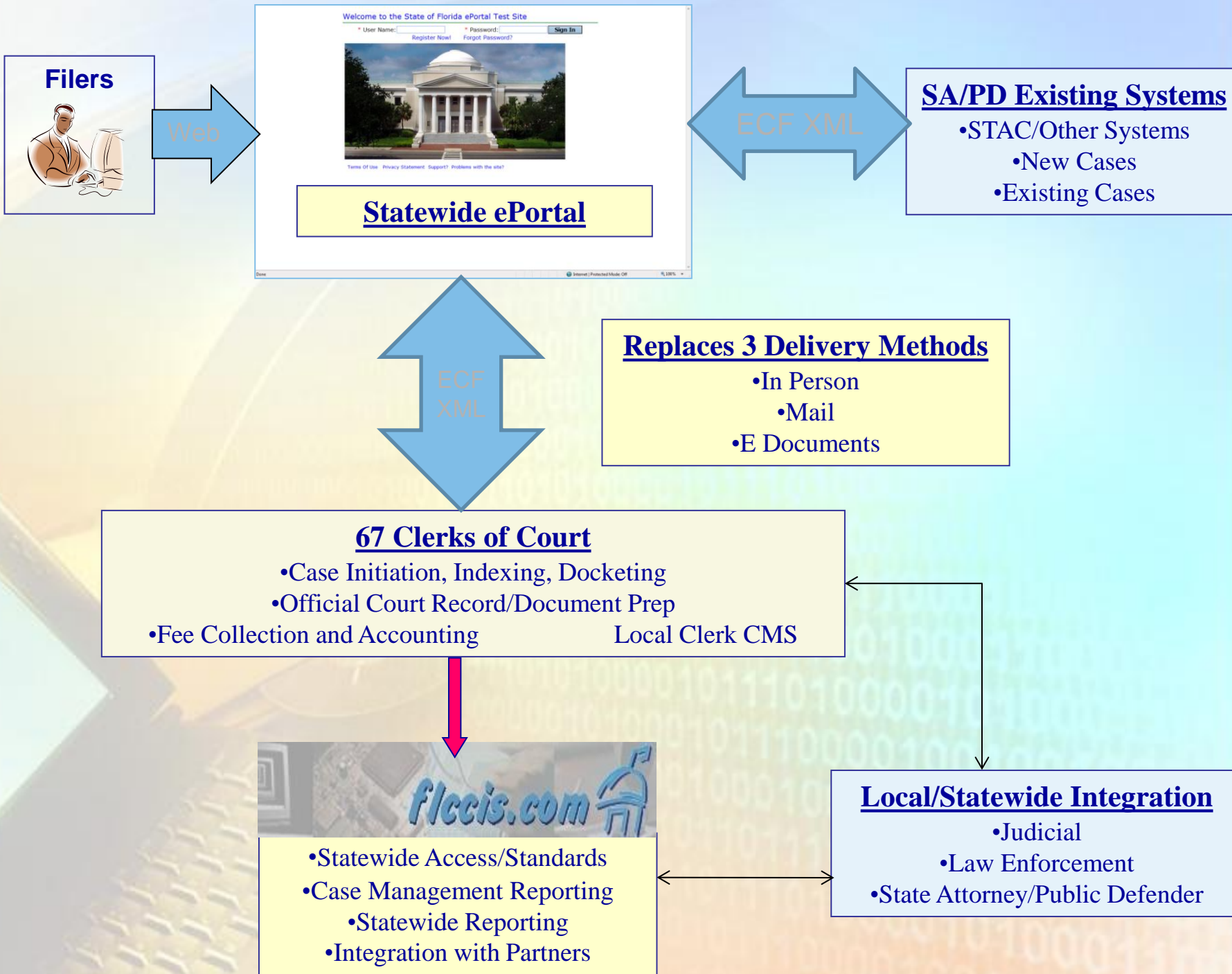
July 2012 - June 2013
Portal Overview

Florida Courts E-Filing Authority and Florida's Statewide E-Filing Portal

June 2013



Statewide Integrated Court System



Florida eFiling Authority

- The statewide eFiling Portal is owned by the “Florida Courts E-Filing Authority.”
- The Florida Courts E-Filing Authority is a local government, established as a public entity by Interlocal Agreement under ch. 163, Florida Statutes.
- The Florida Courts E-Filing Authority contracts with the Fcourt Clerks & Comptrollers for the development, implementation, operation and maintenance of the e-filing portal.

eFiling Portal Functionality

- The eFiling Portal consists of:
 - E-filing capability
 - Single statewide login for all users
 - Single web access used to submit documents
 - Automated interfaces with other submitter systems
 - Provide for transmissions to/from the local case systems
 - Provide electronic notifications

The Florida Courts ePortal History & Accomplishments

- Development of the Portal began in 2010
- Civil e-filing capability established in January 2011
- All 67 counties established e-filing capability in all 5 Civil divisions and were connected by April 1, 2013
- Appellate functionality has been established with all Appellate Courts scheduled to be connected in a phased-in approach from July – December 2013
- Criminal functionality has been established and will be implemented by October 1, 2013.
- 3,081,788 filings, comprised of 5,125,532 documents, have been electronically filed through the Portal since inception

Simple Process Overview

- Create case files on your computer, saving as Word or PDF files
- Log onto the statewide e-Portal
- Complete the required information and attach your document(s)
- Pay, if required, and submit
- Receive filing confirmation from the Clerk's Office
- Track your filings in "My Trial Court Filings"

ePortal Frequently Asked Questions

▾ Timestamps

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

- ▾ All dates and times, including when the filing is received at the e-portal and accepted by the clerk, are stored in the e-portal database to ensure the accuracy and consistency of when the event took place.

AO 09-30 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.

ePortal Frequently Asked Questions

▾ Fees

Filer Costs: Describe any charges above and beyond the statutory fees. (subscriptions, convenience fees, additional services).

Authorized filers may access the ePortal at no charge. If a filing requires payment, the filer can pay statutory filing fees using a credit card or ACH transaction. The filer 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. Accepted credit cards are Master Card, Discover and American Express.

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

Credit Cards	3% of Filing Fee
ACH	\$3

ePortal Frequently Asked Questions

▣ Access to Filings and Case Information

- Once the filing is accepted and filed in the local case maintenance system, 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 is provided through existing methods – local web sites and CCIS links.

ePortal Frequently Asked Questions

▣ Document Types Supported?

- Portal will accept filings in Word, WordPerfect, or PDF.
- Documents can be provided in PDF formats to local system.
- Portal can also convert to tiff upon request if the local DMS cannot.

ePortal Frequently Asked Questions

☑ Notifications Supported by the Portal?

- 1) Receipt of subscriber application
- 2) Acceptance/activation of subscriber account
- 3) Change of subscriber profile including login credentials
- 4) Receipt of filing including filing id number
- 5) Acceptance of filing including filing id number and case identification data
- 6) Rejection of filing including filing id number, case identification data and rejection reason

ePortal Frequently Asked Questions

- ▣ Administration of User Accounts/Authentications
- ▣ 3 Options
 - Users can authenticate their own accounts
 - Law Firms can administer their users
 - County can review and administer accounts

ePortal Frequently Asked Questions

- ▾ How are electronic signatures handled?
 - ePortal supports electronic signatures as outlined in AO 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.

ePortal Process

3.1.11. Local Document Receiving Process

- When information has been submitted electronically to the Clerk of Court's Office, via the Florida Courts E-Portal, the Clerk of Court will review the filed document and determine whether it contains the required information for placement into the clerk's case maintenance system. If, during the local document receiving process a determination is made that the filed document conflicts with any court rules or standards, then the clerk shall place the filed document into a pending queue. A filing may be placed in a pending queue for any reason that prevents the filing from being accepted into the clerk's case maintenance system, e.g. documents that cannot be associated with a pending case; a corrupt file or an incorrect filing fee.
- Once placed in a pending queue, the clerk shall attempt to contact the filer and correct the identified issue(s). The filing will remain in a pending queue for no more than 5 (five) business days, after which time the filing will be docketed, as filed, and processed for judicial review.

ePortal Process

▣ Compliance with Rule 2.420

3.1.16. Documents Exempt from Public Access

If a filer who electronically files a document containing information identified as exempt from public access pursuant to Rule 2.420, Florida Rules of Judicial Administration, the filer shall indicate that the document contains confidential information and, as required by Rule 2.420 in the comments section of submission to the E-Portal. Documents that are exempt or claimed to be exempt from public access shall be processed pursuant to Rule 2.420

Documentation Available

- ePortal User Documentation
- ePortal Reviewer Documentation
- ePortal Law Firm Administrator Documentation
- ePortal County Administrator Documentation
- ePortal Integration Kit
- FCTC Standards (AO 09-30)

TAB 2

Interlocal Agreement

**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 FACCSG; 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 FACCSG 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 FACCSG, an indemnification from FACCSG 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 FACCSG 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
Bay County
By: [Signature]
Name: Bill Kinsaul

Clerk of the Circuit Court in and for
Hernando County
By: [Signature]
Name: Karen Nicolai

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: [Signature]
Name: THOMAS D. HALL

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
Bay County
By: [Signature]
Name: Bill Kusaul

Clerk of the Circuit Court in and for
Hernando County
By: [Signature]
Name: Karen Nicolai

Clerk of the Circuit Court in and for
Columbia County
By: [Signature]
Name: P. DeWitt Cason

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: _____

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
Bay County
By: [Signature]
Name: Bill Kusaul

Clerk of the Circuit Court in and for
Hernando County
By: [Signature]
Name: Karen Nicolai

Clerk of the Circuit Court in and for
Palm Beach County
By: [Signature]
Name: Sharon R. Beck

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: _____

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
Bay County
By: [Signature]
Name: Bill Kusaw

Clerk of the Circuit Court in and for
Hernando County
By: [Signature]
Name: Karen Nicolai

Clerk of the Circuit Court in and for
Leon County
By: [Signature]
Name: Bob Turner

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: _____

IN WITNESS WHEREOF, this Interlocal Agreement Establishing The Florida E-filing Authority has been executed this 3 day of September, 2010.

Clerk of the Circuit Court in and for
Sarasota County
By: [Signature]
Name: KAREN E. Rushing

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: _____

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
Bay County
By: [Signature]
Name: Bill Kinsaul

Clerk of the Circuit Court in and for
Hernando County
By: [Signature]
Name: Karen Nicodai

Clerk of the Circuit Court in and for
CLAY County
By: [Signature]
Name: JAMES B. JETT

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**

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
Orange County
By: [Signature]
Name: Lydia Gardner

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: _____

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 E-Filing Authority (“Authority”) and the Florida Association of Court Clerks, Inc. (“Association”).

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 Authority and the Association hereby agree as follows:

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” shall mean those administrative orders issued by the Florida Supreme Court or the chief justice of the Florida Supreme Court.

c. "Authorized Users" shall mean those attorneys who are attorneys of record and pro-se parties who have made an appearance in a case filed in a Court, the clerks of the Courts, and Court personnel.

d. "Courts" or "courts" shall mean all county, circuit, and appellate courts in the State of Florida.

e. "Court Records" shall have the same meaning as provided in rule 2.420, Florida Rules of Judicial Administration, and shall include appellate court briefs, motions, petitions and other appellate court papers in each Florida appellate court.

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

g. "E-Filing Court Records Portal" or "Portal" means a statewide access point for electronic access and 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.

h. "FACCSG" shall mean the FACC Services Group, LLC, a wholly owned subsidiary of the Association.

i. Florida Courts Technology Commission ("FCTC") shall mean the commission established by pending rule 2.236, Florida Rules of Judicial Administration, and described in AOSC07-59 and AOSC09-23, or their successors.

j. "Pre-Owned Software" shall mean all software and designs owned in fee simple or by license by the Association and/or FACCSG as of the date hereof and used in the E-Filing Court Records Portal.

k. "Rules of Court" means those rules of practice and procedure adopted by the Florida Supreme Court.

l. "Supreme Court" shall mean the Florida Supreme Court through its designated representative or committee.

Whenever any words are used in this Development 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 Development 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.

2. SERVICES TO BE PROVIDED BY THE ASSOCIATION

a. The Association shall develop, implement, operate, support and maintain the E-Filing Court Records Portal in accordance with the terms and conditions as set forth herein. In doing so, the Association shall:

(1) provide all software and consulting personnel to perform the required professional services in the manner and under the terms and conditions described in exhibits attached hereto.

(2) use its best efforts to develop each deliverable ("Deliverable") as defined in the Statement of Work attached hereto as Attachment A and made a part hereof ("SOW").

b. The E-Filing Court Records Portal will allow electronic filing of Court Records and electronic access to electronic Court Records by Authorized Users. 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, including, but not limited to:

- (1) single statewide login protocol, including authentication of users
- (2) single web access to Court Records by Authorized Users
- (3) electronic transmission of data in accordance with specified standards
- (4) electronic payments and transaction logs
- (5) electronic notices and service on parties
- (6) local validation of electronic transmissions by the Clerk
- (7) electronic certificate of service
- (8) emergency filing protocol
- (9) integration with existing statewide systems
- (10) development and use of schemas
- (11) electronic signature protocol
- (12) technical failure protocol
- (13) network/communication requirements
- (14) software and application requirements

- (15) support requirements
- (16) access to technical assistance
- (17) maintenance procedures and schedules
- (18) software maintenance
- (19) software version control

c. Any deficiencies in the implementation, operation, support or maintenance of the E-Filing Court Records Portal shall be addressed by the corrective action plan described in Paragraph 10 of this Agreement.

d. Development, implementation and operation of the E-Filing Court Records Portal, including implementation of data elements approved by the Supreme Court and delivered by the Authority to the Association prior to or as of the date hereof 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 data elements, which time is not to exceed 90 days from the date of receipt of the new data elements, unless a longer period of time is reasonably required and agreed to by the Florida Supreme Court and the Authority.

e. Any changes to the work to be performed hereunder shall be by a written Change Order agreed upon by the Authority and the Association. The Authority will not enter into a Change Order except after consultation with the FCTC. Change Orders will be required if the Supreme Court promulgates rules for additional data elements. The process for Change Orders is as follows:

- (1) Either party may request a change to the Portal by submitting to the other party a written notice (change request) setting forth the requested change and the reason for such request.
- (2) Within five (5) business days (or such other period of time as agreed by the parties) after the receipt of the Change Request, the parties shall discuss the necessity, desirability and /or acceptability of the Change Request.
- (3) When and if both parties have agreed in writing upon the changes, the change shall be made within an agreed upon period of time.

Any such changes shall be implemented at no cost to the Court or the Authority.

f. All work hereunder will be performed by the Association or by its wholly owned subsidiary, FACCSG.

g. Except as expressly provided in this Agreement or in a later writing signed by the Authority, the Association shall bear all expenses arising from the performance of its obligations under this Agreement.

3. FILING FEES AND SERVICE CHARGES FOR USE OF THE E-FILING COURT RECORDS PORTAL

The E-Filing Court Records Portal shall provide for the payment of filing fees and service charges. Such provisions shall include payment of fees and charges by electronic transfer of funds, by credit card and by debit card.

a. The Authority shall advise the Association as to the amount(s) of the fees and costs which are to be charged for each type of electronic filing contemplated hereby. Only those fees, service charges, and check, debit and credit card transaction fees that the individual clerks of court, in performance of their record-keeping functions, are permitted to impose through express statutory authorization may be charged by the Association, with approval of the Authority, under this Agreement,

b. Any revenue generated by a fee or service charge imposed by the Authority with the approval of the Legislature must be disclosed to the Florida State Courts Administrator and must be distributed in accordance with legislative directive.

c. The Association shall transfer fees, service charges and check, debit, and credit card transaction fees received from electronic filings through the E-Filing Court Records Portal as follows:

(1) All statutory fees and other statutorily prescribed revenues collected pursuant to this agreement by the Association on behalf of the individual, applicable clerks of the Courts will be transmitted to the such clerk in full by electronic funds transfer via Automated Clearing House ("ACH") transfer within one (1) business day of the availability of funds to the Association.

(2) Prior to implementation of electronic fund transfers from the Association to the applicable individual clerk the clerk must provide to the Association the bank account and other information required as set forth in Attachment B hereto to allow the electronic transfer of the funds. The clerk's bank account must support ACH transfer deposits. Any changes to the banking information provided by the clerk to the Association must be provided in the form as attached as Attachment B and shall be enforceable against the Association five (5) business days after receipt by the Association of the written changes from the applicable clerk.

(3) The individual clerk must provide contact information (name, address, telephone, e-mail, and facsimile) for the individual who shall serve as the single-point of contact for financial questions relevant to the clerk's account. Any changes to the contact information provided by the clerk to the Association shall be enforceable against the Association five (5) business days after receipt by the Association of the written changes.

(4) Service charges, convenience fees and/or other fees, each as permitted to be charged by statute and which are charged by the Association for the use of the E-Portal will be retained by the Association.

(5) The individual clerks of the Courts may notify the Association of financial irregularities regarding a specific transaction or batch of transactions upon discovery of such irregularities; however, pursuant to Bank Card Rules, the period to provide notice of irregularities shall not exceed eighteen (18) months from the time of a transaction or batch processing. After this time period transactions and funds transfers are considered settled.

(6) The Association agrees to comply with any recommendations made in any independent audit of the transmission of the fees to the individual clerks which are commercially practicable unless the Association and the Authority otherwise mutually agree.

(7) To the extent an audit report discloses any discrepancies in charges, billings, or financial records, and following a period for review and verification by the Association of the amount, the Association will adjust and either pay any overcharge, or bill for any under charge as soon as reasonably possible, but not to exceed thirty (30) days. The Association shall cooperate to assure that verification is completed in a timely manner.

(8) The accounting system shall be in accordance with industry acceptable accounting standards and include a numbered chart of accounts, books of original entry of all transactions, appropriate subsidiary ledgers, a general ledger, which includes to-date postings and an audit trail through financial statements. Such books may either be maintained on paper or on computer with appropriate backup.

4. COMPENSATION

a. The Association agrees to provide the services hereunder to the Authority at no additional cost or charge to the Authority or the Court.

b. Should the Authority request services outside the scope of this Agreement, such as software maintenance or enhancements not covered in the SOW or this Agreement, such services and costs therefore shall be provided under terms and conditions agreed upon at the time of requesting such services and shall be documented in a separate agreement or an amendment to this Agreement.

5. INDEPENDENT CONTRACTOR

The relationship of the Association to the Authority shall be that of an independent contractor, and no principal-agent or employer-employee relationship is created by this Agreement. Any subcontract with FACCSG shall provide that FACCSG is an independent contractor of FACC.

6. SUBCONTRACTS

The Association reserves the right to subcontract work, as necessary, in the performance of its responsibilities under this Agreement to the FACCSG. The Association agrees to be responsible for the accuracy and timeliness of all work submitted in the fulfillment of its responsibilities

under this Agreement.

7. OWNERSHIP OF THE PORTAL AND PORTAL DATA

The Authority is the owner of the E-Filing Court Records Portal. Data in the E-Filing Court Records Portal shall not be owned by the Association. The data transmitted and filed through the E-Filing Court Records Portal is maintained by the Clerks of the Circuit Court, the Clerks of the District Courts of Appeal, and the Clerk of the Florida Supreme Court in their respective offices as clerks of the applicable court, pursuant to applicable statutes, Rules of Court, and administrative orders.

8. OWNERSHIP OF SOFTWARE AND DESIGNS

The Association hereby transfers to the Authority, for use in the State of Florida, all right, title and interest in the E-Filing Court Records Portal, reserving to itself an unlimited license to use all software and designs thereof as it deems desirable. Any software and designs subsequently developed by or on behalf of the Association or FACCSG for the development, implementation, operation, support and maintenance of the E-Filing Court Records Portal shall be owned by the Authority with the Association having an unlimited license to use all of such software and designs as it deems desirable.

9. WARRANTIES

The Association does hereby represent and warrant to the Authority as follows:

a. **Ability To Perform.** The Association represents and warrants to the Authority that it, either through its own officers and employees or through FACCSG, has the technical expertise and financial stability to perform the services hereunder. The Association warrants that the Portal now complies with all requirements, standards, and specifications imposed under this Agreement, and that the Portal will be implemented, operated and maintained in the future in accordance with the requirements, standards and specifications imposed under this Agreement.

b. **Ownership Of Pre-Owned Software.** The Association hereby represents and warrants to the Authority that the Association has full rights to the Pre-Owned Software used by it in the development, implementation, operation, support and maintenance of the E-Filing Court Records Portal and that it has full right, power and authority to grant to the Authority the license contemplated hereby. The Association shall and does hereby agree to indemnify and hold the Authority harmless for any claim made by any third party contesting the Association's rights of the Pre-Owned Software or the ability of the Association to grant the License to the Authority.

c. **Disclaimer.** The Association shall have no liability to the Authority under this Agreement except the correction or avoidance of deficiencies and defects identified by the Authority in consultation with the Florida Court Technology Commission and the Supreme Court. The warranties set forth in this section are in lieu of all other representations and warranties relating to the software, expressed or implied.

d. Indemnification. The Association does hereby indemnify and hold the Authority harmless for any loss or damage, including payment of attorney's fees, resulting from a violation of this section on Warranties or resulting from the Association's failure to perform as required hereunder. In any subcontract with FACCSG, FACCSG shall indemnify and hold the Association and the Authority harmless for any loss or damage resulting from a violation of this section on Warranties or resulting from its failure to perform under any subcontract with the Association.

10. CORRECTIVE ACTION PLAN

If the Authority identifies any deficiency based upon requirements, standards or specifications required under this Agreement that the Authority, in consultation with the FCTC and the Supreme Court, deems to be of sufficient magnitude, the Authority will notify the Association in writing of the deficiency, and of the need to submit a corrective action plan ("CAP"). The written notice of the deficiency shall be in such detail necessary to adequately identify the specific items alleged to be deficient. The Association shall have five (5) business days to object in writing to the Authority to any of the allegations of deficiency.

If the Association does not timely object to all of the allegations of deficiency, the Association will submit to the representative for the Authority a formal written CAP within ten (10) day business days of receipt of the written notice from the Authority. The CAP will contain the steps the Association agrees to take to remedy the deficiencies and a proposed timeline in which to commence and complete the steps necessary to remedy the deficiencies.

The Authority will notify the Association in writing of its acceptance or rejection of the CAP within ten (10) business days of receipt of the CAP. Failure of the Authority to respond to the submitted CAP within ten (10) business days shall be deemed to be approval of the submitted CAP. If the CAP is unacceptable in any way, the Authority will provide a written statement to the Association identifying the items of the CAP which are unacceptable and the reasons therefore. The Association will have ten (10) business days from receipt of the rejection letter to submit a revised CAP.

Upon acceptance of the CAP, the Association shall begin implementation and performance of the CAP as set forth in the CAP and will continue such implementation and performance until completion of the CAP or upon amendment to the CAP agreed to by the Authority. Acceptance of the CAP by the Authority does not guarantee that implementation of the CAP will result in elimination of future deficiencies.

The CAP will remain in effect until all deficiencies are corrected. Updates on the status of the CAP will be required as determined by the Authority.

The Association's failure to respond to a request for a CAP or failure to meet the terms of the CAP may result in termination of the Agreement under the termination provisions set forth in this Agreement. The Authority may exercise other remedies as permitted by law.

Should the Authority and the Association fail to agree (1) that a deficiency requiring a CAP exists, or (2) the CAP as proposed by the Association is sufficient to adequately cure the deficiencies, the applicable contract administrators of the Association and the Authority, with

consultation with the FCTC, will meet to reach an amicable solution.

11. AUDIT

For work performed under this Agreement, the Association 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 Authority, the Florida Auditor General, or as may be requested by the Supreme Court.

12. LIMITATION OF LIABILITY

In no event shall the association be liable to the authority or any third party for loss of business or profits or any other economic loss or for any incidental, indirect, special, or consequential damages.

13. INSURANCE AND WORKERS' COMPENSATION

The Association shall carry public liability and Workers' Compensation insurance and shall hold the Authority and its officers harmless from all claims, demands, payments, suits, actions, recoveries, and judgments, including attorney's fees, of every kind and description brought or recovered against it by reason of any act or omission of the Association, its agents, or employees of the work described.

14. EMPLOYMENT LAWS

a. The Association agrees that it will not violate state or Federal laws prohibiting discrimination on the basis of race, creed, color, national origin, physical handicap or disability which may require a reasonable accommodation therefor, sex, age, political affiliation or beliefs, religious beliefs.

b. The Association shall comply with Section 112.0455, Fla. Stat., "Drug-Free Workplace Act. The Association and its employees shall refrain from the use of drugs and from being under the influence of drugs while in the workplace.

c. The Association shall prohibit sexual harassment in the workplace and take all reasonable steps to ensure that each employee be allowed to work in an environment free from any form of improper discrimination and from retaliation against those who oppose or report sexual harassment.

d. The Association shall comply with Section 508 of the American with Disabilities Act (28 USC §794(d)), giving disabled employees and members of the public access to information that is comparable to the access available to others.

e. The Association assures that it will not employ any unauthorized aliens in violation of the Immigration and Naturalization Act.

f. The Association agrees that compliance with these assurances constitutes a condition of continued receipt of or benefit from the Agreement, and that it is binding upon the Association and employees for the period during which services are provided. The Association further assures that all subcontractors with which it subcontracts and its employees are not discriminating against those participants or employees in violation of the above statutes, regulations, and assurances, and the Association will take all reasonable steps necessary to prohibit any violation of the above statutes, regulations and assurances.

g. Failure to comply with any part of these assurances may constitute a breach of this Agreement and shall be grounds for termination of this Agreement.

15. OFFICE SPACE, FACILITIES, AND RECORDS

The Authority shall not provide office space, office equipment and machines, computers, and other equipment or records as may be needed in the performance of this Agreement.

16. CONFIDENTIALITY OF BUSINESS RECORDS/DATA SOFTWARE

Each party hereto acknowledges that in the performance of their duties hereunder they may receive from time to time certain confidential information of or from the other party. The parties desire to establish the terms under which they may disclose confidential and proprietary information.

a. As used herein Confidential Information shall mean:

(1) any data or information that is competitively sensitive material, and not generally known to the public, including, but not limited to, products planning information, marketing strategies, plans, finance, financial information, operations, customer relationships, customer profiles, sales estimates, business plans, and internal performance results relating to the past, present or future business activities of either party, its subsidiaries and affiliated companies and the customers, clients and suppliers of any of the foregoing;

(2) any scientific or technical information, design, process, procedure, formula, or improvement that is commercially valuable and secret in the sense that its confidentiality affords a party a competitive advantage over its competitors; and

(3) all confidential or proprietary concepts, documentation, reports, data, specifications, computer software, source code, object code, flow charts,

databases, inventions, information, know-how, show-how and trade secrets, whether or not patentable or copyrightable.

Confidential Information shall not include any information which by law is subject to disclosure pursuant to the Florida Public Records laws. Notwithstanding the foregoing, all software and design of the Association not transferred to the Authority hereby is deemed confidential pursuant to section 119.071(1)(f), Florida Statutes.

Confidential Information of a disclosing party, includes without limitation, all documents, inventions, substances, engineering and laboratory notebooks, drawings, diagrams, specifications, bills of material, equipment, prototypes and models, and any other tangible manifestation of the foregoing which now exist or come into the control or possession of the other party. If the Confidential Information is provided in a tangible form, the disclosing party shall clearly mark it "Proprietary" or "Confidential." If the Confidential Information is provided orally, the disclosing party shall clearly identify it as being proprietary or confidential. In the event the disclosing party inadvertently fails to clearly identify any tangible or oral information it provides to the recipient party, as confidential or proprietary, in the manner or fashion as set forth herein, such information shall still be treated by the recipient party as confidential or proprietary information, if such information would otherwise be reasonably construed as Confidential Information hereunder.

b. Except as expressly authorized by the prior written consent of the disclosing party, the other party shall:

- (1) limit access to any Confidential Information received by it to its employees, agents, consultants or representatives ("Representatives") who have a need-to-know in connection with the evaluation of the potential business transaction, and only for use in connection therewith; and
- (2) advise its employees, agents, consultants and Representatives having access to the Confidential Information of the proprietary nature thereof and of the obligations set forth in this Confidentiality Agreement; and
- (3) take appropriate action by instruction or agreement with its employees, agents, consultants and Representatives having access to the Confidential Information to fulfill its obligations under this Confidentiality Agreement; and
- (4) safeguard all Confidential Information received by it using a reasonable degree of care, but not less than that degree of care it uses in safeguarding its own similar information or material; and
- (5) use all Confidential Information received by it solely for purposes of performing the services contemplated hereby and for no other purpose whatsoever; and
- (6) except as may otherwise be provided above, not disclose any Confidential Information received by it to third parties; and

(7) except as may otherwise be provided above, not disclose the existence of the discussions to any third party.

Upon the request of the disclosing party, the other party shall destroy or surrender to the disclosing party all memoranda, notes, records, drawings, manuals, records, and other documents or materials (and all copies of same) pertaining to or including the Confidential Information. Upon the destruction or return of such materials the other party agrees to certify, in writing, that all of the foregoing materials have either been destroyed or surrendered to the disclosing party.

c. The obligations of confidentiality and restriction on use above shall not apply to any Confidential Information that the non-disclosing party proves:

(1) Was in the public domain prior to the date of this Agreement or subsequently came into the public domain through no fault of the non-disclosing party; or

(2) Was lawfully received by the non-disclosing party from a third party free of any obligation of confidence to such third party; or

(3) Was already in the possession of the non-disclosing party prior to receipt thereof, directly or indirectly, from the disclosing party; or

(4) Is required to be disclosed in a judicial or administrative proceeding after all reasonable legal remedies for maintaining such information in confidence have been exhausted including, but not limited to, giving the disclosing party as much advance notice of the possibility of such disclosure as practical so that the disclosing party may attempt to stop such disclosure or obtain a protective order concerning such disclosure; or

(5) Is subsequently and independently developed by employees, consultants or agents of the non-disclosing party without reference to the Confidential Information disclosed under this Agreement.

d. Except as specifically provided for herein, this Agreement does not confer any right, license, interest or title in, to or under the Confidential Information to the non-disclosing party. Except as specifically provided for herein, no license is hereby granted to the non-disclosing party, by estoppel or otherwise under any patent, trademark, copyright, trade secret or other proprietary rights of the disclosing party. Title to the Confidential Information shall remain solely in the disclosing party.

e. Both parties agree that all their obligations undertaken herein with respect to the Confidential Information received pursuant to this Agreement shall survive and continue after any expiration or termination of this Agreement.

f. The parties agree that money damages would not be a sufficient remedy for breach of the confidentiality and other obligations of this Agreement. Accordingly, in addition to all other remedies that each party may have, each party, as applicable, shall be entitled to specific performance and injunctive or other equitable relief as a remedy for

any breach of the confidentiality and other obligations of this Agreement. Each party agrees to waive any requirement for a bond in connection with any such injunctive or other equitable relief.

17. DISCLOSURE OF CONFIDENTIAL COURT RECORDS

The Association acknowledges that in performing its services hereunder it may have access to confidential information in Court Records ("Confidential Court Information"). To that end, the Association agrees that

- a. The Association, its employees, agents and subcontractors shall be bound by the same requirements of confidentiality as the clerks of the Courts with regard to Confidential Court Information. The Association shall comply with all state and federal laws, regulations, Court rules, Court Administrative Orders, and judicial orders concerning maintaining the confidentiality of Confidential Court Information.
- b. All employees, agents and subcontractors of the Association performing work under this Agreement shall sign a non-disclosure agreement in substantially the form as in Attachment C hereto prior to commencing work under this or any related contract. All signed non-disclosure agreements shall be returned to the Authority.
- c. The Association shall assume responsibility for the safety and security of Confidential Court Information in its control or the control of FACCSG. All Confidential Court Information in its control or the control of FACCSG shall be securely stored in a manner to prevent access by unauthorized persons. The Association shall provide to the Authority its written protocols for ensuring that confidentiality of the Confidential Court Information is maintained.

18. IMPOSSIBILITY OF PERFORMANCE

The Association shall diligently and professionally perform the services required hereunder. However, should there be a case of force majeure the Association shall take all reasonable steps necessary to resume performance hereunder as quickly as possible. In addition, the Association agrees:

- a. The Association shall have provisions for an alternative site and plans in case of problems or disaster at the primary site, which will ensure the continued and uninterrupted ability for Authorized Users to electronically file and access Court Records.
- b. A system to provide for the collection and processing of payments of fees and service charges and check debit and credit card transaction fees in case of problems or disaster.
- c. The preparation of a disaster plan, with written procedures, designated responsible individuals, test results and a periodic test schedule to address issues arising from disasters.

The Association shall inform the Authority immediately and in writing (within 4 hours of the

situation) of any situation which can reasonably be expected to adversely affect or interrupt the electronic filing of court records or electronic access to court records.

19. ASSIGNMENT OF AGREEMENT

The Association shall not assign, transfer, convey, or otherwise dispose of this Agreement or its rights, title, or interest in this Agreement without previous consent and written approval of the Authority. This prohibition shall not impair the Association's right to subcontract the duties hereunder to the FACCSG.

20. CHANGES IN AGREEMENT

This Agreement may be changed only upon the written agreement of the Authority and the Association. Changes to the scope of the development, implementation, operation, support and maintenance of the E-Filing Court Records Portal will be governed by the process stated in Paragraph 2.e.

21. TERMINATION

- a. Either party may terminate this Agreement without cause, on thirty (90) days prior written notice to the other.
- b. Either party shall have the right to terminate this Agreement for cause, unless such cause is timely cured as provided below, by providing written notice of termination to the non-compliant party. Such notice shall specify the time, the specific provision of this Agreement or the "for cause" reason that gives rise to the termination. Upon receipt of a notice of termination for cause, except as specifically provided otherwise herein the non-compliant party shall have a period of thirty (30) days to remedy or cure such grounds for termination. If the Association is in default it shall propose a corrective action plan within this 30 day period, as provided under Paragraph 10, and diligently cure the default pursuant to the corrective action plan. Any uncured event or cause shall be an *Event of Default*.

For purposes of this Agreement, the phrase "for cause" shall mean but not be limited to:

- (1) Modifications or enhancements to the E-Filing Court Records Portal by the Association without the express written consent of the Authority.
- (2) Any material breach or evasion by one party of the terms or conditions of this Agreement and its amendments, if any, including a material breach of Warranties contained herein.
- (3) Fraud, misappropriation, embezzlement, malfeasance, significant misfeasance or illegal conduct by one party, its officers or directors.
- (4) Intentional disclosure by one party, or by its officers, employees or agents, of any information known by that party to be Confidential Information of the other party.

(5) One party (i) files, or consents by answer or otherwise to the filing against it, of a petition for relief or reorganization or arrangement or any other petition in bankruptcy or for liquidation or to take advantage of any bankruptcy, insolvency or other debtors' relief law of any jurisdiction, (ii) makes an assignment for the benefit of its creditors, (iii) consents to the appointment of a custodian, receiver, trustee or other officer with similar powers of a party or of any substantial part of a party's property, or (iv) takes action for the purpose of any of the foregoing.

(6) A court or government authority enters an order (i) appointing a custodian, receiver, trustee or other officer with similar powers with respect to one party or with respect to any substantial part of one party's property, (ii) constituting an order for relief or approving a petition for relief or reorganization or arrangement or any other petition in bankruptcy or for liquidation or to take advantage of any bankruptcy, insolvency or other debtors' relief law of any jurisdiction, or (iii) ordering the dissolution, winding-up or liquidation of one party.

c. On and after any Event of Default, the non-defaulting party shall have the right to exercise its legal and equitable remedies, including, without limitation, the right to terminate this Agreement in accordance with its terms or to seek specific performance of all or any part of this Agreement; provided, however, any licenses granted hereunder shall not terminate.

d. All remedies provided for in this Agreement may be exercised individually or in combination with any other remedy available hereunder or under applicable laws, rules and regulations. The exercise of any remedy shall not preclude or in any way be deemed to waive any other remedy.

e. If this Agreement is terminated by either party, either for cause or not for cause, written notice of such termination shall be delivered to the other party with a copy being delivered simultaneously to the Florida State Courts Administrator.

22. COSTS OF ENFORCEMENT

In any action to enforce the terms of this Agreement each party shall bear its own costs and expenses incurred in enforcing its rights hereunder, which costs and expenses shall include reasonable attorneys fees (which fees includes reasonable paralegal fees), whether incurred prior to or during litigation or any appeals therefrom.

23. NOTICES AND CONTACT

Any notices given hereunder shall be deemed given if (i) delivered by hand delivery, (ii) sent by special courier, such as FedEx or UPS, or (iii) sent by registered mail, return receipt requested, in which instance delivery shall be deemed to have occurred five (5) business days after depositing such notice in the mail, postage pre-paid. Unless and until another contact person or address is provided in writing by one party to the other, notices shall be delivered to:

As to the Association:

As to the Authority

24. MISCELLANEOUS

a. Subject to exemptions under Chapter 119, Florida Statutes, and confidentiality provisions as contained herein, all records relating to this Agreement and the performance hereunder by the Association shall be subject to public disclosure under Florida public records law.

b. The Association will maintain documentation relating to this Agreement for 4 years following the conclusion of the Agreement.

c. Neither the Association nor FACCSG may use the name of the Supreme Court in any advertising or marketing materials or presentations without the prior written consent of the Supreme Court.

d. The failure by the Authority to require compliance or enforcement of a provision in this Agreement shall not constitute a waiver of compliance with any other provision nor a waiver of future non-compliance of any provision of this Agreement.

25. SEVERABILITY

If any provision of this Agreement shall be declared invalid or unenforceable, such invalidity or unenforceability shall not affect the balance of this Agreement, but the balance of this Agreement shall be construed as if not containing the provision, and the rights and obligations of the parties shall be construed and enforced accordingly provided that same is not of a material nature and does not substantially affect the work or the associated cost.

26. GOVERNING LAW

This Agreement shall be governed by the laws of the State of Florida. Any action undertaken to enforce any provision hereof shall be commenced and maintained in the applicable state or federal courts in Tallahassee, Leon County, Florida.

27. ENTIRE AGREEMENT

This Agreement, together with the attachments hereto and the SOW, constitutes the entire agreement between the parties hereto and no prior written or oral agreements concerning the subject hereof between the Authority and the Association survive execution hereof.

This Agreement, together with the SOW, may not be altered or amended except in writing,

making specific references to this Agreement and executed by a duly authorized official of the Authority and by a duly authorized officer of the Association.

IN WITNESS WHEREOF, the parties have set their hands hereof the day and the day and year first written above.

Florida E-Filing Authority

Florida Association of Court Clerks, Inc.

By: _____

By _____

Name: _____

Name: _____

Title: _____

Title: _____

ATTACHMENT B

Clerk Electronic Funds Transfer Account Information

ADMIN/USER INFORMATION:

- 1. Clerk of Court for _____
(County/DCA/Supreme Court)
- 2. Contact Name/Administrator: _____
- 3. Office Address: _____

- 4. Phone Number: _____
- 5. Fax Number: _____

BANKING INFORMATION:

- 6. Name of Bank: _____
- 7. Bank Account No: _____
- 8. Bank Routing No: _____
- 9. Bank Phone Number: _____
- 10. Bank Fax Number: _____
- 11. Bank Email Address: _____
- 12. Bank Mailing Address: _____

TECHNICAL CONTACT INFORMATION:

- Name: _____
- Phone Number: _____ Fax _____
- E-mail Address: _____

ATTACHMENT C

AGREEMENT TO MAINTAIN

THE SECURITY OF CONFIDENTIAL INFORMATION

Court records may contain information the access to which the public is not allowed due to applicable statute, rules of Judicial Administration, Administrative Order or court order ("Confidential Court Information"). By signing this agreement you are acknowledging that you understand the policy as described herein and that you agree to abide by it.

The clerks of the courts of Florida have an obligation to the parties to protect the confidentiality of certain information. These citizens expect the clerks to take the necessary measures to protect their right to privacy. Therefore, each person given access to confidential information must ensure the confidentiality of confidential information entrusted to the clerks and prevent its unauthorized disclosure.

Disclosure of any Confidential Court Information obtained by you in the performance of your services with the Florida Association of Court Clerks, Inc., or with FACC Services Group, LLC, no matter how it was obtained by the you, is prohibited. Disclosure includes making known to any person in any manner whatever, the contents of the court records deemed confidential.

Confidential Court Information made available to you may be used only for purposes that are directly related to the discharge of the Association's duties in its development, installation, operation, support and maintenance of the -Filing Court Records System.

IF THERE IS ANY DOUBTS OR UNCERTAINTY CONCERNING DISCLOSURE OF INFORMATION THE INFORMATION SHOULD NOT BE DISCLOSED.

By signing this agreement, you are agreeing to abide by the policy described above and that you will not release any Confidential Court Information which you might obtain.

CONFIDENTIAL INFORMATION CERTIFICATE

I have reviewed the foregoing and my signature below indicates I understand the legislative policy and accept responsibility for complying with it.

Signature

Date

Print Name:

TAB 3

Authority Meetings



TIM SMITH
CHAIR

Clerk, Putnam County

JOSEPH E. SMITH
VICE CHAIR

Clerk, St. Lucie County
District V

BILL KINSAUL
SECRETARY/TREASURER

Clerk, Bay County
District I

THOMAS D. HALL

Clerk of the Court
Florida Supreme Court

BOB INZER

Clerk, Leon County
District II

P. DEWITT CASON

Clerk, Columbia County
District III

DON BARBEE

Clerk, Hernando County
District IV

KAREN RUSHING

Clerk, Sarasota County
District VI

SHARON BOCK, ESQ.

Clerk,
Palm Beach County
District VII

Florida Courts
E-Filing Authority

P.O. Box 180519
Tallahassee, FL 32318
850-921-0808

http://www.flclerks.com/eFiling_authority.html

AGENDA

Florida Courts E-Filing Authority

Annual Meeting

Saddle Brook Resort
5700 Saddlebrook Way
Wesley Chapel, FL 33543

June 10, 2013

10:30 a.m. – 12:00 p.m.

Public comments are welcome at the end of the meeting.

- I. Introduction and Roll Call Tim Smith, Chair
- II. Adoption of the Agenda Tim Smith
- Open the Annual Authority Meeting**
- III. Review of annual authority activities Tim Smith
- IV. Election of the Vice Chair and Secretary/Treasurer
- Close Annual Authority Meeting**
- Open Annual Meeting of Board**
- V. Reading and approval of the May minutes Bill Kinsaul, Secretary/Treasurer
- VI. Legal Counsel Report Lynn Hoshihara, General Counsel
- VII. Treasurer's Report Bill Kinsaul
 - a. Approval of 2013-2014 Budget
 - b. Approval to expend funds for annual audit
- VIII. Progress Reports
 - Civil
 - Criminal
 - Appellate
 - e-Service
- IX. Subcommittee Reports Tom Hall
 - Report from the Website Subcommittee
- X. Other Business
 - a. FCCC Pro Se/Self Help Committee
 - b. Standardization
- XI. New Business Set next meeting
- Public Comment**
- XII. Adjourn



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

Florida Courts E-Filing Authority Board of Directors met on June 10, 2013, at 10:30 a.m. at Saddlebrook, Wesley Chapel, Florida. The following members were present: Tim Smith, Putnam County Clerk, Chair; Joseph E. Smith, St. Lucie County Clerk, Vice Chair; Bill Kinsaul, Bay County Clerk, Secretary/Treasurer; Tom Hall, Clerk, Supreme Court; Bob Inzer, Leon County Clerk; Sharon Bock, Esq., Palm Beach County Clerk; Karen Rushing, Sarasota County Clerk; and Lynn Hoshihara, Esq., Authority General Counsel. P. Dewitt Cason, Columbia County Clerk, was in attendance by WebEx. All members were in attendance.

- I. Mr. Tim Smith, Chair, opened the Annual meeting at 10:35 a.m. with a roll call. He welcomed those on the WebEx and those in the room.
- II. Mr. Tim Smith asked for a motion to adopt the agenda. Mr. P. Dewitt Cason moved adoption of the agenda. Mr. Bill Kinsaul seconded the motion. All voted to accept the agenda as presented.

Annual Meeting

- III. Mr. Tim Smith opened the Annual meeting of the Authority and provided an overview of the year's activities. He thanked all those involved in the making the portal a success: the Clerks and their offices, the Courts and The Bar committee; the association staff and attorneys Lynn Hoshihara and Fred Baggett. He commented that April 1 went well and October 1 was on its way with its unique issues. He urged all Clerks to begin preparing for October 1 immediately to make it as successful. He thanked the Chief Justice for his support of the portal, the Authority and e-filing, and his comments made at the conference opening session that morning.

He welcomed the new members of the board in attendance, Hon. Tara Green, Clerk of Clay County, and Hon. Alex Alford, Clerk of Walton County. He thanked Hon. Don Barbee, Clerk of Hernando County, for stepping in early to take the place of retiring Clerk Hon. Karen Nicolai. He recognized Hon. Tom Hall for his representation of the courts and commonsense approach to issues.

-
- IV. Mr. Tim Smith moved into the election of the Vice Chair and Secretary/Treasurer. First, Mr. Tim Smith thanked Mr. Joe Smith for his service as Vice Chair the past year. Mr. Bob Inzer nominated Mr. Joe Smith to be Vice Chair for the next year. Mr. Barbee seconded the nomination and all voted favorably.

Mr. Tim Smith then thanked Mr. Kinsaul for his service the past year as Secretary/Treasurer and asked for nominations from the floor for that position. Mr. Inzer nominated Hon. Tara Green for Secretary/Treasurer. Mr. Barbee seconded the motion and all were in favor.

With the elections over, Mr. Tim Smith concluded the Annual Meeting and opened the Annual Meeting of the Board.

Annual Meeting of the Board

- V. Mr. Tim Smith recognized Mr. Kinsaul to present the May 2013 minutes. Hearing no suggested changes, Mr. Bob Inzer moved adoption of the minutes. Mr. Kinsaul seconded the motion. All voted favorably to accept the minutes.
- VI. Mr. Smith recognized Mr. Kinsaul to present the Treasurer's Report. Mr. Kinsaul noted that the financial statements showed a year-to-date profit of \$429,959.

Mr. Kinsaul reviewed the proposed 2013-2014 Authority budget. There was comment that while it showed \$20,000 in partner support, there was no commitment as of yet for those funds. As the funding had been provided the past years, it was shown as a placeholder. Mr. Barbee moved the adoption of the budget. Mr. Kinsaul seconded the motion. All approved the proposed budget.

Mr. Kinsaul reviewed the Lanigan & Associates letters for the annual audits as required by the Interlocal Agreement. Mr. Inzer moved to approve the expenses for the annual audit. Mr. Joe Smith seconded the motion. All voted favorably.

- VII. Legal Counsel Report
Mr. Tim Smith recognized Lynn Hoshihara, Authority counsel. Ms. Hoshihara asked to move her report to the July meeting to provide more time to review the issue. Mr. Inzer made the motion to allow Ms. Hoshihara to bring back the issue at the July meeting. Ms. Sharon Bock seconded the motion. All voted favorably.

- VIII. Progress Reports
Monthly status: Mr. Smith recognized Ms. Jennifer Fishback, FCCC Portal Project Manager, to review the monthly status report. Ms. Fishback reported that the volume of filings and calls to the support desk were still high. In May, there were almost 45,000 filings a day. Registered users were over 45,690. She reported that the service desk was receiving a large call volume and running a few weeks behind in begin able to answer calls. The majority of the calls, she said were filers, not clerk's offices. She said the

technical staff expected the call volume to increase as the number of filers using the portal increased.

Mr. Hall reported that he was working with the Second DCA and they were working in their case maintenance system. Ms. Rushing suggested that there was some discrepancy as to the final requirements. Mr. Hall suggested that at least one DCA may request an extension of time that will be addressed by Supreme Court order.

Mr. Hall then spoke to the standards and getting records, potentially, in three different formats. Mr. Inzer asked for a meeting between the vendors and the courts which Mr. Hall offered to organize.

Criminal Pilot: Ms. Fishback reported that the criminal pilot was complete for the test counties. She was working with the various circuits on getting their codes in and having bi-weekly calls with the different State Attorney and Public Defender offices.

E-Service: Ms. Carolyn Weber reported that e-service was being deployed in a q/a environment. The project was still on track for implementation late summer.

IX. Subcommittee reports:

Website Subcommittee: Mr. Hall explained that the subcommittee was working to get the site ready for roll-out in this summer. He reported that the subcommittee had met and was working to make one url, making the homepage he had shown as the main sign-in page. He noted that he would need to work with Amcad to get this done and noted that authority staff would keep the site maintained. He moved to accept the subcommittee report. Ms. Bock seconded the motion. Mr. Tim Smith spoke positively to the efforts of the subcommittee.

X. Other Business

a. FCCC Pro Se/Self Help Committee:

Ms. Bock reported that her association committee met and looked at when it might be possible to allow pro se filers to use the portal. According to Mr. Melvin Cox, it would be cautious to say about October 1, 2014. She said they would be working toward that date and discussing how to do it best. She noted that there was an issue of forms and would be forming a forms workgroup to look at how to manage the forms and what forms to use online. She spoke to wanting to allow pro se filers to use the system in a TurboCourt styled method, where they walk through a series of questions to generate the correct documents. She noted that there should be different ways to enter the portal, rather than just through a Bar number. She expressed desire to keep the Authority updated on her committee progress. Mr. Hall cautioned that the forms committee should stay in touch with the courts as they reviewed the forms as well as the UPL section of The Florida Bar. Ms. Bock said that her committee had documented the main areas that pro se filers were filing in. Mr. Tim Smith remarked that the FCTC had a committee to look at other filer types and were looking at what order those filers should be brought onto the portal. He said he would like to move as quickly as the portal could handle the volume. He recognized that a hold-back was the help desk services and would also like to move that issue as quickly as possible.

b. Standardization:

Mr. Tim Smith reminded everyone of the Chief Justice's wishes as set forth at the morning's general session: 1) the need for increased Help Desk services; 2) Filers should be able to see the documents in a case; 3) the Portal should be a two-way street; and, 4) there should be standard drop-down menus for filers.

He recognized Ms. Karen Rushing. Ms. Rushing spoke to trying to come up with a matrix, an "inventory of docket descriptions." She wanted to come up with that for criminal. She referenced the need to adopt standard drop-downs and cross-walk what is needed in the office and the standard drop-downs. Mr. Inzer referenced the Best Practices presentation at the last meeting and the document of standard drop-down menus that the board adopted at the May meeting. The board discussed three issues: 1) should the board continue to support simple and full e-filing; 2) how to roll out the Best Practice; and, 3) docket descriptions, the largest issue being how to roll out and make sure everyone adopts the Best Practice document. Ms. Rushing asked if the board should just set a date a make everyone comply?

Mr. Shore, Manatee Clerk, was recognized. He asked how do we set uniformity among the judges? He spoke to keeping his system the way it is, that he doesn't want to change. Mr. Inzer noted that Mr. Ken Burke, Pinellas Clerk, has some administrative orders that tell that circuit how the portal must be used. Mr. Shore and Ms. Rushing debated the issue, Shore saying that it took more time to correct the choices made by attorneys as they reviewed the documents; Ms. Rushing noting that there is not consistency as to how Clerks treat a document.

Mr. Joe Smith said technology will get easier down the road, but they needed to begin.

Ms. Sharon Bock told the board that she was hearing from attorneys that the choices should be narrowed down. Mr. Kinsaul said that anything that changes the fee amount that would allow the list to be shortened could bridge the gap between simple and full e-filing. Mr. Inzer suggested that the Best Practices adopted last month were more useful. Ms. Rushing said the choices should reflect the SRS categories and help formulate the SRS report. Mr. Inzer noted that the information collected should eventually allow for the creation of a civil cover sheet. Mr. Hall commented that, in the long run, standardization of codes will also help with the record on appeal.

Mr. Inzer said the authority sets standards and should address this. He made a motion: the Board has adopted the Best practices for standardized drop-downs as guidance, feels the board adopt it and require all clerks be consistent with the best practice adopted, but not sure of a timeframe of when to adopt. Ms. Rushing seconded the motion. Ms. Rushing asked for clarification, "what are we voting on?" The case types? Mr. Inzer wanted to add docket codes in the case types as a separate motion. Mr. Inzer replied, "case types and sub-types and what is the third category?" Ms. Rushing asked if it followed the SRS

categories? Mr. Inzer said it did. He added, it had been worked over the course of 17 months with clerk staff helping put it together. Mr. Shore asked if the Best Practices had been sent out? Seeing that they had not been sent out, Mr. Inzer asked for the motion to be postponed to the next meeting and withdrew his motion. He asked for the Best Practices to be sent out. He noted that it went down to document descriptions. Ms. Laura Roth, Volusia Clerk's Office, asked if there was a user group so it could be seen how the filers liked the proposed standard drop-down menus as Volusia only uses SRS case types and prefers the simpler approach.

Mr. Tim Smith asked to reschedule the topic for the July meeting and asked for the Best Practices to be sent out by email.

XI. New Business

The next meeting was set for July 18, 2013, location to be noticed.

Public Comment

Mr. Ken Burke, Clerk of Pinellas County, spoke to local administrative orders dictating local practice, such as requiring that exhibits be filed as separate documents, rather than filed as one document. He pointed out that even in his two-county circuit, a different set of documents was required in each of the two counties in the circuit for the same type of cases. He addressed the inefficiencies had by not having the judicial viewers ready and suggested some counties needed to file a waiver for accepting criminal cases electronically by October 1. He asked that the board ask OSCA to do a readiness survey of the courts in regard to criminal e-filing. He asked that this be on the July agenda..

Mr. Buddy Irby, Clerk of Alachua County, thanked the association staff for all their assistance in getting the e-filing portal operational.

Mr. P. Dewitt Cason, Clerk of Columbia County and Authority Board member, thanked everyone for a second year on the board.

Mr. Tim Smith thanked Mr. Cason and Mr. Kinsaul for their service on the board and noted Mr. Cason's and Ms. Lydia Gardner's leadership as chairs of the Authority and in this project.

Mr. Hall informed the board that court staff let him know that the FCTC had already formed a special committee to look into local administrative orders and how they may impact e-filing and that the courts had already done a survey of judicial readiness and offered to review the findings at the July meeting.

VIII. Adjourn

The meeting was adjourned at 12:05 p.m.



TIM SMITH
CHAIR

Clerk, Putnam County

JOSEPH E. SMITH
VICE CHAIR

Clerk, St. Lucie County
District V

BILL KINSAUL
SECRETARY/TREASURER

Clerk, Bay County
District I

THOMAS D. HALL

Clerk of the Court
Florida Supreme Court

BOB INZER

Clerk, Leon County
District II

P. DEWITT CASON

Clerk, Columbia County
District III

DON BARBEE

Clerk, Hernando County
District IV

KAREN RUSHING

Clerk, Sarasota County
District VI

SHARON BOCK, ESQ.

Clerk,
Palm Beach County
District VII

Florida Courts
E-Filing Authority

P.O. Box 180519
Tallahassee, FL 32318
850-921-0808

http://www.flclerks.com/eFiling_authority.html

AGENDA

Florida Courts E-Filing Authority

May 23, 2013 10:00 a.m. – 2:00 p.m.
Renaissance Orlando Airport Hotel

5445 Forbes Place
Orlando, FL 32812

Public comments are welcome at the end of the meeting.

- | | |
|--|---|
| I. Introduction & Roll Call | Tim Smith |
| II. Adoption of the Agenda | Tim Smith |
| III. Reading and Approval of April Minutes | Bill Kinsaul |
| IV. Finance Report
Monthly Finance Report | Bill Kinsaul |
| V. Progress Reports
Update on ePortal Implementation
Civil Update
Criminal Update
Supreme Court E-Filing
E-Service | Melvin Cox

Tom Hall
Judge Steven S. Stephens
Carolyn Weber |
| VI. Subcommittee Reports
Website Subcommittee
Portal Process Subcommittee | Tom Hall
Bob Inzer |
| VII. New Business
Fla.R.Jud.Admin. 2.525 External Drives
Federal E-Filing Document Size Restrictions
Service of Process through the portal | Tim Smith |
| VIII. Other Business
Best Practices -- Demonstration of Standardization of Drop-Down
Menus in the Portal | |
| Public Comment | |
| IX. Adjourn | |



The Florida Courts E-Filing Authority Minutes

Florida Courts E-Filing Authority Board of Directors met on May 23, 2013, at 10:00 a.m. at the Renaissance Orlando Airport Hotel. The following members were present: Tim Smith, Putnam County Clerk, Chair; Joseph E. Smith, St. Lucie County Clerk, Vice Chair; Bill Kinsaul, Bay County Clerk, Secretary/Treasurer; Tom Hall, Clerk, Supreme Court; Bob Inzer, Leon County Clerk; Sharon Bock, Esq., Palm Beach County Clerk; P. Dewitt Cason, Columbia County Clerk, and Karen Rushing, Sarasota County Clerk, by WebEx; and Lynn Hoshihara, Esq., Authority General Counsel. All members were in attendance.

- I. Mr. Tim Smith, Chair, opened the meeting at 10:10 a.m. with a roll call. He welcomed those on the WebEx and those in the room. He recognized Hon. Judge Lisa Taylor Munyon, Florida Courts Technology Commission chair as a special guest. He also recognized Ms. Colleen Reilly, Orange County Clerk ad Interim, in attendance.
- II. Mr. Smith asked for a motion to adopt the agenda. Mr. Joe Smith moved adoption of the agenda. Mr. Bill Kinsaul seconded the motion. All voted to accept the agenda as presented.
- III. Mr. Smith recognized Mr. Kinsaul to present the April 2013 minutes. Hearing no suggested changes, Mr. Bob Inzer moved adoption of the minutes. Mr. Kinsaul seconded the motion. All voted favorably to accept the minutes.
- IV. Mr. Smith recognized Mr. Kinsaul to present the April 2013 financial reports. He noted that the financial statements showed a year-to-date profit of \$231,708. A discussion took place regarding how the funds could be used and the need for increasing help desk services. Mr. Tom Hall commented that the statutory required use of a credit card is anticipated to be a break-even fee. Thus, is there an obligation to lower the fees? He felt that FCCC as a vendor agreed to fund the development of the portal, the cost of running the board and associated costs. As such, there should be an amendment to the services agreement to delineate who is doing what. Then, when the agreement was entered, the court was against charging a fee for use of the portal. He noted that Chief Justice Polston appreciated Mr. Tim Smith keeping him informed of this issue and he would like to continue to be kept informed as the issue develops. Mr. Inzer emphasized the need for customer service, even more so when criminal comes on, and pro se filers and other filer

types are authorized to use the portal. Mr. Inzer made the motion asking for the board to coordinate with the courts, ask legal counsel for a written legal opinion, as well as a budget amendment and a contract amendment. Ms. Sharon Bock, Esq., seconded the motion. Judge Munyon agreed to the approach and expressed the impact that the lack of customer service has on the trial courts and the judiciary's ability to move cases. She commented that as the portal matures over time, there may be other enhancements that could be developed using these funds. She expressed her commitment to the relationship and agreed with Mr. Hall's approach in looking at the issue further. Mr. Hall noted that the fee may be able to be called a "service fee" and agreed with exploring ways to fund a help desk. Mr. Don Barbee observed that the \$3 and 3% was more of a blended fee. The board directed Ms. Lynn Hoshihara, Authority general counsel, to work with Mr. Fred Baggett, Association general counsel, to provide a legal opinion on the issue and draft an addendum to the services agreement between the Authority and the Association to expand help desk services and fund Authority Operations. Mr. Tim Smith asked that the amount of the net excess be sent out. Mr. Melvin Cox asked the board's permission to allow for two full months of portal processing to provide a more accurate picture that can be used to project the revenues out as an annualized figure.

Mr. Tim Smith called the question. All voted favorably on the motion.

V. Progress Reports

Monthly status: Mr. Smith recognized Ms. Jennifer Fishback, FCCC Portal Project Manager, to review the monthly status report. Ms. Fishback reported that there had been an increase in the number of filings and calls to the support desk since April 1. In April, there were 733,191 filings, creating an annual estimate of almost 9 million filings. Registered users are at 39,698. Proportionately, the number of filings in May already appeared to be higher. An all-time high number of filings was seen in early May, at over 42,000 filings.

Mr. Melvin Cox, FCCC IT Director, spoke to the board about the May 7 CenturyLink outage. He said it brought about several issues: 1) the need for Internet redundancy for the portal. Plans were already underway to work with another provider for backup Internet services. That service is expected to be in place by September 1, 2013, and that would meet the specifications for the disaster recovery preparedness. He explained that there was already a UPS (Uninterrupted Power Supply) to take care of possible power outages. He also mentioned the hot site in Alpharetta, Georgia, available in the events of power outages or other natural disasters. There was discussion by authority members of the need for a COOP plan for the portal. Mr. Tim Smith asked Mr. Cox to develop a COOP plan and bring it back to the Board.

Mr. Inzer suggested that there may be times when the Clerks themselves could be down and not be able to receive filings. There was a brief discussion about the electronic access standards and the idea that FCTC may need to update them. There was brief discussion about using either the Supreme Court or The Florida Bar to email information to all attorneys when there was information about e-filing, or other disaster information to communicate.

Ms. Fishback resumed her report, telling the board that the amount of new cases being filed was still at about 6 percent and there were over 17,400 calls to the support desk in April, about 3,000 calls logged in one week. Currently, there is about a 3-day turnaround for returning calls. She noted that often a call did require escalating it to the technical team which could take longer to resolve. Ms. Sharon Bock asked what the proposed call center should look like. Ms. Colleen Reilly, Orange County Clerk ad interim, asked if outsourcing the support function was an option. Mr. Hall noted that other states were doing this already; e.g., Washington State had a 24x7 help desk model. It was commented that currently the calls are from frequent users of the courts. When pro se filers come on, there will be another spike that will require a higher level of training for the support function.

Criminal Pilot: Ms. Fishback reported that there are two components in this pilot-- 1) the portal—it is ready today in a small number of counties; and 2) loading docket codes—all the clerks in the pilot will be testing by next Friday, May 31. Her goal was to reach out to the rest of the counties and to get coding loaded.

Supreme Court e-filing: Mr. Hall provided a status report of Supreme Court filings, that all was going well. He did note that they had received some corrupt documents, that it happens in portal conversion. He reported that the processing was getting quicker in his office and that the pdf document format should be mandatory for sending documents through the portal. He was not sure what entity should make that requirement.

Mr. Inzer asked if clerk's office were noticing whether attorneys were working the filings put in the pending queue, or not? And, if not, how do we solve the issue, is it a statewide problem? Mr. Kinsaul remarked that in his experience, attorneys were not working filings in the pending queue, nor were they able to get it out of the pending queue.

E-Service: Ms. Carolyn Weber reported that the technical specifications for the e-service initiative had been sent to the vendor. The workgroup on e-service, as lead by Judge Stephens, had developed a communication plan for this portal enhancement and would incorporate it in the various training that she was already doing for the various Bar associations. She also mentioned that the workgroup would develop a WebEx training video for e-service to help filers. E-Service is anticipated to be operational on the portal by September 1, 2013.

Mr. Hall suggested that there be an update on e-service through the portal to the FCTC at their meeting in August.

VI. Subcommittee reports:

Website Subcommittee: Mr. Hall explained that the subcommittee was working to get the site ready for roll-out in mid-summer. He said that the developer had made some tweaks as requested by the board and is hoping to have a final product ready to approve at the June meeting. He raised the issue of wanting to look into a better url that would be more descriptive of the site.

Mr. Hall made a motion to use Twitter, in an outgoing manner only, as a communication tool to be able to better communicate to filers. Mr. Joe Smith seconded the motion and all voted favorably.

Portal Process Subcommittee: Mr. Inzer explained that the subcommittee had met and considered how the clerk could communicate to filers about how certain things are handled at the local level. He felt that most Clerks were not aware of the Newsfeed section that they could customize, as such, the subcommittee had developed a guidance document to provide to Clerks so that they could begin to use the newsfeed aspect. Mr. Cox provided a brief demonstration to show the board how the newsfeed section worked. Ms. Bock moved to adopt the newsfeed guidance documentation. Mr. Hall seconded the motion. All voted favorably.

Mr. Inzer noted that there was still an issue of local administrative orders impacting the portal and e-filing. Mr. Smith noted that he had raised the issue at the last FCTC meeting. Judge Munyon commented that she appointed a committee to look into the orders and come back to the FCTC in August with a report and opportunities for improvement. Mr. Inzer asked if his subcommittee was a standing committee. Mr. Tim Smith replied that for now it was.

VII. Florida Courts Technology Commission:

Mr. Tim Smith recognized Judge Munyon. Judge Munyon informed the board that the FCTC had established a user group, part of Judge Stephens committee, to make recommendation to the board as to what other types of user groups should be allowed to use the portal, as well as any technical changes or upgrades that may be necessary.

VIII. New Business

a. Fla.R.Jud.Admin. 2.525 External Drives

Mr. Hall explained that under the rules that there is procedure for referring rule changes to the specific rules committee. The court has sent Mr. Ellspermann's letter to Alexandra Rieman, the chair of the Rules of Judicial Administration, and it will be considered in June. There was a question as to whether the Board could make the rules. Mr. Hall suggested that perhaps a subcommittee could be appointed to make suggestions to the Rules Committee to assist. Mr. Tim Smith remarked that the focus would have to be the impact on the portal. Mr. Hall suggested that the FCCC could urge clerks who are attorneys, or who have attorneys on staff, to apply to participate on the rules committees.

Mr. Tim Smith offered to think about who may be the best to recommend to be on the rules committee and bring his recommendation to the authority in June

b. Federal E-Filing Document Size Restrictions

There was a brief discussion that the federal districts set their own file sizes through the federal system, that it is handled differently in each district.

c. Service of Process through the portal

It was noted that Mr. Tim Smith is working on a subcommittee with Judge Bidwill to allow more filer types to use the portal. Mr. Smith recognized Mark Snyder, Provest. He reported that his company currently filed service of process for law offices. He offered to be a pilot for the authority in automating filings. The issue of the need for standardization was discussed. Mr. Joel Rosenthal, JLL Process, on the WebEx also offered services.

Mr. Hall told the board that the Chief Justice meets with the Chief Judge of each circuit to work toward more uniformity. Mr. Joe Smith remarked that he wanted a good portal before we get to the issues of others, e.g. process servers. After the board handles clerks, courts and attorneys, then we can move on.

IX. Other Business

Mr. Inzer opened a discussion on the best practices and the standardization of drop-down menus. He provided background and examples of different county drop-down menus. Mr. Hall spoke to how these drop-downs impact the record on appeal. Mr. Inzer suggested that these drop-downs could be loaded centrally – all case types, sub-types and fees — then would need to figure out how to let filers know this was done. He felt that this didn't impact the simple e-file counties.

Mr. Inzer made a motion asking for adoption of the three documents – the guidelines and all the attachments—Mr. Don Barbee seconded the motion. Mr. Hall asked if the drop-down menus addressed document type and subtypes needed for appeals from county to circuit. Mr. Randy Long, FCCC staff, said they did not, but wanted to address that in the next phase. Mr. Hall said he would like to work with the FCTC user group on this best practice. All voted favorably.

Ms. Karen Rushing asked if this vote meant the board was endorsing this and simple e-file? Mr. Inzer said the vote addressed the guidelines only. Ms. Rushing asked if, by doing so, was the board addressing two different ways to file? Mr. Tim Smith said that by accepting the report, that the board did not endorse either way of filing. Mr. Inzer suggested that the issue be discussed at the next meeting. Mr. Tim Smith agreed and that if there was not enough time at the June meeting, to move the issue to the July meeting.

Mr. Inzer asked how would be the best way to let Clerks know about the standard drop-down menus, from an education/awareness/training perspective? Mr. Long responded that Clerks would need to be made aware of the best practice and they would need assistance implementing it. Mr. Smith asked the FCCC staff to help send out the information. Mr. Hall asked to be part of that so he could make sure that the impact on the record on appeal was considered.

Public Comment:

Kimberly Hudson, Polk County, asked questions about the pending queue. It was noted that this issue would be discussed at the June 12, 2013, e-filing session at the FCCC Summer conference at Saddlebrook.

Hon. Mitzi McGavic, Clerk of Desoto County, told the board that she wholly supportive of the best practices suggested drop down menus.

X. Adjourn

The meeting was adjourned at 2:01 p.m.

Florida Courts



E-Filing Authority

TIM SMITH
CHAIR

Clerk, Putnam County

JOSEPH E. SMITH
VICE CHAIR

Clerk, St. Lucie County
District V

BILL KINSAUL
SECRETARY/TREASURER

Clerk, Bay County
District I

THOMAS D. HALL

Clerk of the Court
Florida Supreme Court

BOB INZER

Clerk, Leon County
District II

P. DEWITT CASON

Clerk, Columbia County
District III

DON BARBEE

Clerk, Hernando County
District IV

KAREN RUSHING

Clerk, Sarasota County
District VI

SHARON BOCK, ESQ.

Clerk,
Palm Beach County
District VII

Florida Courts
E-Filing Authority

P.O. Box 180519
Tallahassee, FL 32318
850-921-0808

http://www.flclerks.com/eFiling_authority.html

AGENDA

Florida Courts E-Filing Authority

April 11, 2013 10:00 a.m. – 12:00 p.m.

Renaissance Orlando Airport Hotel

Normandy B Room

5445 Forbes Place

Orlando, FL 32812

Public comments are welcome at the end of the meeting.

- | | | |
|--|---------------------------------|---------------|
| I. Introduction & Roll Call | Tim Smith | |
| II. Adoption of the Agenda | Tim Smith | |
| III. Reading and Approval of March Minutes | Bill Kinsaul | |
| IV. Finance Report
Monthly Finance Report | Bill Kinsaul | |
| V. Progress Reports
Update on ePortal Implementation | Melvin Cox | |
| | Civil Update | |
| | Criminal Update | |
| | Supreme Court E-Filing | Tom Hall |
| | E-Service | Carolyn Weber |
| VI. Florida Courts Technology Commission | Judge Lisa Taylor Munyon, Chair | |
| VII. Subcommittee Reports
Website Subcommittee | Tom Hall | |
| Portal Process Subcommittee | Bob Inzer | |
| VIII. New Business
Discussion of any April 1 issues | | |
| IX. Other Business | | |
| Public Comment | | |
| X. Adjourn | | |



The Florida Courts E-Filing Authority Minutes

Florida Courts E-Filing Authority Board of Directors met on April 11, 2013, at 10:00 a.m. at the Renaissance Orlando Airport Hotel. The following members were present: Tim Smith, Putnam County Clerk, Chair; Joseph E. Smith, St. Lucie County Clerk, Vice Chair; Bill Kinsaul, Bay County Clerk, Secretary/Treasurer, by WebEx; Tom Hall, Clerk, Supreme Court; P. Dewitt Cason, Columbia County Clerk; Bob Inzer, Leon County Clerk; Karen Rushing, Sarasota County Clerk, by WebEx; Sharon Bock, Esq., Palm Beach County Clerk; and Lynn Hoshihara, Esq., Authority General Counsel. All members were in attendance.

- I. Mr. Tim Smith, Chair, opened the meeting at 10:02 p.m. with a roll call. He welcomed those on the WebEx and those in the room. He recognized Hon. Judge Lisa Taylor Munyon, Florida Courts Technology Commission chair and Ms. Christina Blakeslee, Office of the Supreme Courts Administrator, as special guests.

Mr. Smith took a point of personal privilege to make some comments in recognition of April 1 and the monumental task that had been undertaken. Mr. Smith first thanked Hon. Dewitt Cason, former chair, for leading the Authority through its first year. He then thanked Hon. Lydia Gardner, former chair, for helping the Authority get to where we are today. He thanked the Chief Justice for his support of the effort and for allowing Hon. Tom Hall to serve on the Board. He acknowledged Mr. Hall's role in providing communication with the courts which has allowed the Authority to have better direction. He went on to thank technical staff and leadership at the Association. He thanked the Florida Courts Technology Commission for their years of involvement in the issue. He thanked the Florida Bar, who have been supporters all along through their membership and financial efforts. He thanked all who have been in the effort. He acknowledged that all were aware that there are improvements to be made. But we had to get through the date first. "Now," he said, "we can begin to refine the process. This is not a sprint; it is a marathon. We know there are other filers who want to access the portal, but we are going about this in a methodical process to be able to make it work. We felt that the proper approach was to start with Bar members. Then we will be able to allow other groups as quickly as we can. The next mandate is October 1, 2013." He concluded his remarks by urging Clerks to reach out to their local Bar members as they each were ready to accept

criminal filings, noting that those Clerks who did this for civil cases have had an easier transition this April 1.

- II. Mr. Smith asked for a motion to adopt the agenda. Mr. Bob Inzer moved adoption of the agenda. Mr. P. Dewitt Cason seconded the motion. All voted to accept the agenda as presented.
- III. Mr. Smith recognized Mr. Kinsaul to present the March 2013 minutes. Hearing no suggested changes, Mr. Kinsaul moved adoption of the minutes. Mr. Joe Smith seconded the motion. All voted favorably to accept the minutes.
- IV. Mr. Smith recognized Mr. Kinsaul to present the March 2013 financial reports. There were no questions.
- V. Progress Reports

Monthly status: Mr. Smith recognized Mr. Melvin Cox, FCCC Director of IT, to review the monthly status report. Mr. Cox reported that there had been an incremental increase in the number of filings and documents. He noted that portal performance was well under volume. At the peak times, the portal was operating at about 21 percent capacity. He also told the board that they had seen volumes of more than 100 filings per minute during the first week. Peak filing times were at 11:00 a.m. to Noon and again around 3:00 p.m. to 4:00 p.m. in the afternoon. This was important information when needing to judge staffing and monitoring of portal operations—both at the central site and in the counties. Ms. Karen Rushing commented that in her county she was still receiving paper documents, but believed it represented less than five percent of all filings. Her office was giving out the flyer to remind filers to file electronically. Mr. Cox noted that if projections using the current portal filings were accurate, there would be up to 6.7 million filings, or 10.8 million documents, filed just in civil cases. The Scope of Work document required the portal to handle 5 million filings per year.

He told the board that the majority of the filings were still on existing cases, that still only about seven percent of the filings represented new cases. The majority of the filings were on Circuit Civil cases, 58.71 percent.

On the issue of capacity, Mr. Cox reported that the SOW require that there was the ability to scale and add resources if reaching a threshold. On April 1 there was a technical tweak, adding resources to be able to get filings up to the counties more quickly. This did not impact filers, as their use of the portal was not delayed, but the timeliness was in getting filings to the local case maintenance systems. He commented that technical staff would continue to address issues as they arose. He also said that he would be anticipating doubling the capacity of the fiber channels to stay ahead over the course of the year.

As for the Service Desk, Mr. Cox reported that call volumes were high. Questions ranged from the simplest of questions to much more complex questions on using the portal. He noted that with the current staffing, technical staff was struggling in the short term. Judge

Munyon asked if Mr. Cox thought there would be any legislative budget relief for the support function? Mr. Tim Smith said he was not sure, but remained hopeful. Judge Munyon also recognized that Clerks' Office were getting a high volume of calls from filers as well. Mr. Tom Hall remarked that his office was also receiving many calls. He also commented that many were trying to help callers, but the project was never funded for the support feature. Mr. Tim Smith felt that the call volume would diminish after some time, spikes coming as more users are added. Mr. Inzer commented that once pro se was allowed to use the portal, those users would take a higher level of assistance, but overall the issue needed to be addressed. Mr. Cox remarked that based on the current call volumes, the volumes may exceed the ten support persons noted as needed in the legislative budget request projections.

Appellate Report: Mr. Hall told the board that they were already meeting with the appellate courts. He shared that there would be some issues as the appellate courts come on. At least when the first appellate court comes on, there will be growing pains, but with each subsequent one those will diminish.

Criminal: Mr. Cox said they were working live e-filing verification with the State Attorney and Public Defender offices. He felt that the big push would come as we near October 1.

Supreme Court e-filing: Mr. Hall said that all filings in his office were going well. As of the day before the meeting, his office had received 325 filings, 421 documents. He knew that was low compared with the usual number of filings his office received. The only major issue he experienced was attorneys filing documents on a case right after they filed the initiating document. His staff had not had time to load the case into the portal yet so the subsequent filings could be put into the case. He allowed those attorneys to email the briefs to his office. The other issue he noted was attorneys calling his office to say they had forgotten their password. He expected that type call to drop off.

Ms. Alexandra Rieman reported having a problem filing county to circuit appeals in Broward.

e-Service: Ms. Carolyn Weber updated the board on the e-service project. Ms. Weber reported that the e-service package was complete and had been sent to Judge Stevens. Judge Stevens will present it to the Florida Courts Technology Commission at their early May meeting then bring it to the Authority Board later that month. She said the e-service functionality should be able to be implemented and live by late summer. Mr. Bob Inzer suggested the need for a communications plan to let filers know of major changes. Mr. Hall felt that the ability to share news with filers was being addressed through a function of the new website.

The Board took a brief break from 10:48 a.m. to 10:55 a.m.

VI. FCTC Report

When the meeting resumed, Mr. Smith recognized Judge Lisa Munyon who thanked the E-Filing Authority for a smooth April 1, moving from paper to electronic. She asked the Authority to think about the security of filings going through the portal and the ability to use the credentials of another. Mr. Hall said they had seen the issue at the Supreme Court level and reported it to FDLE. He believed it was not a portal problem. Mr. Cox noted that once an attorney had an account, there cannot be a second. The portal matches the Bar i.d. with the name registered with the Bar. He said it was a case where if everyone registered, there could not be filings made in their name.

Mr. Harvey Ruvin, Clerk of Miami-Dade County was recognized. He thanked the Authority and asked what to do about attorneys who did not comply with the Supreme Court order. Mr. Tim Smith said the board was still reviewing issues and seeing how April 1 went overall. He felt it was still a local decision as to how to handle the paper, but suggested everyone use common sense in approaching the issue. He suggested that if attorneys continue to file in paper (noncompliance) it will get back to the Chief Justice. He felt the clerks should have the flexibility to handle it locally. Mr. Hall said his office had an order reminding those attorneys who file in paper reminding the filer of the Supreme Court order.

Ms. Sharon Bock asked if there was a method of keeping track of the types of issues so that Clerks would be made aware of the various issues? Both board members Mr. Hall and Mr. Cason asked for the report. Ms. Weber felt it could be done. Ms. Beth Allman said some of the issues were included in the new FAQs being written.

VII. Subcommittee reports

- a. Website Subcommittee report: Mr. Hall showed the draft authority homepage site to the board. He explained that his was just a homepage and would house all the Authority information, then link to the e-filing portal. He showed the areas of the draft site for News and buttons to lead one to the site to file. He spoke to the possible use of Twitter and explained how well the Supreme Court has used it to get information out to filers. He spoke positively to the Authority site using Twitter. Felt Facebook might work, but wasn't sure about the ads. Explained the Court had not used it because of the ads. He suggested the videos may be put into a consistent format. He asked the Board for authorization to move forward and hoped to bring them a final site for approval at the June meeting. Mr. Inzer also noted that certain news specific to counties would be soon coming on the filing page. Mr. Hall spoke to eventually using various courthouse pictures rotating on the homepage. Mr. Joe Smith made a motion for the board to allow the subcommittee to move forward with the concept. Mr. Inzer seconded the motion. All voted favorably.
- b. Portal Process Subcommittee: Mr. Inzer reported that his subcommittee met and identified two issues 1) how does a filer know the local processes of a county? and 2) consistency –how to be as consistent as possible from county to county. Mr. Cox showed the righthand column where news can be placed and noted that each county can utilize this section for the news. Mr. Inzer noted that while there is not a lot of room, links can be put in that area for more information and that staff would be working to making the feature more obvious. Mr. Cox affirmed that making the

column default to open rather than closed when the filer selected a county, and making the button larger, could hopefully be in production in about two weeks. Mr. Inzer noted that the use of this sidebar was the recommendation of the subcommittee. He also asked to make the Clerks more aware of this feature and provide them direction as to how to use it. Ms. Bock noted that the Clerks could use a template so that the same issues were addressed by each county. He asked Ms. Beth Allman to put together a communication to clerks with the template. Mr. Hall asked to use this news feature in the appellate filing pages, too, but wanted all those pages standardized. He suggested informing the user in the news column as to how long it might take to docket a filing. He has seen at his office, that filing electronically seems to create an expectation that the document be filed as rapidly. Noting a timeframe would be helpful. Mr. Tim Smith moved that the recommendation of the subcommittee be the recommendation of the board as well.

Mr. Inzer spoke to the need for internal and external communication, such as communication to clerks as to how to deal with the execution of summonses, a suggested process. Mr. Shore asked if the term “Pending Queue” could be changed, that it causes confusion. He asked who was responsible for making the changes to the portal, such as this? Mr. Smith said that having the association staff hear this conversation made them recognize the need to look into it.

Ms. Bock asked how far can the subcommittee go when a local level administrative order (a.o.) creates limits? Mr. Inzer responded that any a.o. at the local level that would dictate how the portal worked would not be appropriate. He reiterated that the statewide portal should be uniform. He moved that Mr. Tim Smith communicate with the appropriate court authorities, FCTC?, on the issue. Ms. Bock seconded the motion. Judge Munyon suggested that the FCTC look at the issue and make a recommendation to the Supreme Court. All voted favorably.

Ms. Rushing supported discussion on the motion but noted that each head of any branch wants flexibility. She noted it was important to describe how the a.o. was impacting the local processes. Mr. Shore said that Polk Court had just put out an a.o. requiring paper follow-up.

Mr. Tim Smith authorized the subcommittee to send information to Clerk users.

VIII. New Business

Mr. Tim Smith opened a discussion on April 1 issues. There was no comment.

Mr. Tim Smith recognized Mr. Joel Rosenthal, J.L. Process. He shared with the board that they had heard that a competitor had used a lawyer’s name and password and was filing in bulk. Mr. Cox commented that, outside the criminal pilot, the ability to file in bulk does not exist. Ms. Bock invited Mr. Rosenthal to come to her office if he needed to discuss any issues.

IX. Other Business

There was a brief discussion of SC 13-12 and the implication of paragraphs three and four. The first two paragraphs provide a waiver for Sarasota and Clay counties to use their own local e-filing systems until they can connect to the portal, October 1, 2013. The last two paragraphs relate to the discussion of what should and should not go through the portal. It was noted to be positive, allowing local automation to continue. Those aspects do not need to be incorporated into the portal at this time.

Public Comment:

Ms. Alexandra Rieman, Rules of Judicial Administration chair, asked if the board would be wanting any more rule changes.

Mr. Hall mentioned rule 2.520 and removing the authority for paper.

Ms. Rieman suggested that in light of e-service coming to the portal, that 2.516 e-service may need to be revised, but would need detailed language. Mr. Tim Smith suggested looking at the rules and identifying the issues for her.

Mr. Hall thought there may need to be changes to the time stamp standard in order to give enough space at the top of the page. He will work with Ms. Rieman and the FCTC subcommittee dealing with it. Ms. Rushing asked if it included the single document with different titles in it? Mr. Hall thought Ms. Rieman was looking into it.

Mr. Inzer asked if the civil cover sheet is still needed? Mr. Cox told the board that the portal was being programmed so that the data elements needed for a cover sheet would be gathered from the data filled in by the filer. He thought it may be ready by summer. After that point, there would not need to be a cover sheet filed and the requirement for one could be removed.

There was brief discussion of the next meeting being held May 22 or 23, that it would include a demonstration of the portal and a report from the Best Practices Committee on the standardization of the drop-down menus. Mr. Hall and Ms. Bock suggested May 23 was a better date.

XI. The meeting was adjourned at 12:03 p.m.



TIM SMITH
CHAIR

Clerk, Putnam County

JOSEPH E. SMITH
VICE CHAIR

Clerk, St. Lucie County
District V

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AGENDA

Florida Courts E-Filing Authority

March 12, 2013 3:30 p.m. - 5:30 p.m

Aloft Hotel

200 N. Monroe St.

Tallahassee, FL 32301

Public comments are welcome at the end of the meeting.

- | | | |
|--|---|------|
| I. Introduction & Roll Call | Tim Smith | 3:30 |
| II. Adoption of the Agenda | Tim Smith | |
| III. Reading and Approval of February Minutes | Bill Kinsaul | |
| IV. Finance Report
Monthly Finance Report | Bill Kinsaul | |
| V. Progress Reports
Update on ePortal Implementation
Civil Update
Criminal Update
Supreme Court E-Filing
E-Service | Levi Owens

Tom Hall
Carolyn Weber | |
| VI. Subcommittee Reports
User Forum
Website Subcommittee
Contract approval | Dewitt Cason
Tom Hall
Lynn Hoshihara | |
| VII. New Business
Summonses—how to handle | | |
| VIII. Other Business
Other Attorney filers | | |

Public Comment

IV. Adjourn



The Florida Courts E-Filing Authority Minutes

Florida Courts E-Filing Authority Board of Directors met on March 12, 2013, at 3:30 p.m. at the Aloft Hotel in Tallahassee. The following members were present: Tim Smith, Putnam County Clerk, Chair; Joseph E. Smith, St. Lucie County Clerk, Vice Chair; Bill Kinsaul, Bay County Clerk, Secretary/Treasurer; Tom Hall, Clerk, Supreme Court; P. Dewitt Cason, Columbia County Clerk; Bob Inzer, Leon County Clerk; Karen Rushing, Sarasota County Clerk; Sharon Bock, Esq., Palm Beach County Clerk; and Lynn Hoshihara, Esq., Authority General Counsel.

- I. Mr. Tim Smith, Chair, opened the meeting at 3:35 p.m. with a roll call. He welcomed those on the WebEx and those in the room.
- II. Mr. Smith asked for a motion to adopt the agenda. Mr. P. Dewitt Cason moved adoption of the agenda. Mr. Joe Smith seconded the motion. All voted to accept the agenda as presented.
- III. Mr. Smith recognized Mr. Kinsaul to present the February 2013 minutes. Hearing no suggested changes, Mr. Bob Inzer moved adoption of the minutes. Mr. Cason seconded the motion. All voted favorably to accept the minutes.
- IV. Mr. Smith recognized Mr. Kinsaul to present the February 2013 financial reports. There were no questions.
- V. Progress Reports

Monthly status: Mr. Smith recognized Mr. Levi Owens, e-portal project manager, to review the monthly status report. Mr. Owens reported that there had been an uptick in the number of documents filed—from about 76,000 the previous month to over 100,000 in February. He said there were 24,381 registered users. He reported that the percentage of documents initiating new cases still at 7%, and that of the cases filed in general, half the filings were in the circuit civil area. Currently, with Orange County, 59 counties have completed live e-filing in the civil divisions. Of the eight counties that were still in the process of connecting to the portal, some would be working hard up to the April 1 deadline.

Mr. Owens reported that the connectivity with the Supreme Court was going well. There were 60 Supreme Court Cases filed successfully. The number of appellate cases filed was increasing.

Criminal Pilot: Mr. Owens briefed the board on the criminal pilot project. He reported a target date of April 15 for the next milestone for the criminal pilot project. There will be live verification on existing criminal cases. Mr. Owens discussed the difference between the criminal pilot project and the batch interface. He noted that the batch would look the same to the Clerk as those documents file one at a time.

Mr. Tom Hall reviewed a letter to Chief Justice Polston from several counties calling themselves “the Odyssey counties,” after their vendor. In their letter, they referred to the need for a phased-in approach and the portal not being robust enough to handle the potential volume that is expected come April 1. He noted that the Chief Justice had asked him to share the letter and the Chief’s response back to the counties. Mr. Melvin Cox, Association IT Director, was recognized to speak to the issue. Mr. Cox presented a document that detailed the capability and capacity of the portal, showing the portal was robust and ready to handle very large volumes. He commented that the volumes represented in the letter were only those numbers gathered from technical thresholds found in the Scope of Work document, that the portal was built with far greater capacity. Currently, he told the board, the portal was operating at 15 percent capacity range on average and they would be able to add resources if needed. Mr. Smith noted that the Authority has been discussing over the past 6-7 months ramping up and the need to be able to handle the volumes as they occurred. He noted that the technical capacity is there and that staff was standing ready for any technical needs that may arise.

Mr. Hall also mentioned a letter from Ms. Alexandra Reiman, Rules of Judicial Administration chair. She recently sent Mr. Hall a letter noting that the committee had met and felt that no rule amendments were needed to address waiver procedures. He offered to follow up with the RJA committee on behalf of the Authority.

Mr. Hall then gave the board an update on the Supreme Court e-filing. He reported that in February they received 60 lives case filings without an issue. He noted that so far, when the attorneys begin to file electronically, the other attorneys tend to follow suit. He expressed concern, that as much as everyone was doing to get the word out about the Supreme Court order and the April 1 mandate, attorney readiness may still be an issue. Mr. Smith urged all members to be contacting their local attorneys to make sure they were aware of the April 1 requirement and to begin filing as soon as possible.

E-Service: Mr. Owens reported that the e-service workgroup had almost completed the requirements definitions phase of the project, that design specs had been delivered to the development staff. He reported that during the coming week they would be meeting with the State Attorney and Public Defender groups to determine any special needs and how to

best address those. Mr. Owens suggested that e-service functionality was on schedule for mid-year.

VI. Subcommittee Reports:

- a. User Forum: Mr. Cason reported that there were a large number of technical issues that had come before the User Forum. He cautioned everyone to make sure they were focused on the deadline and warned them of the workload that was coming. Mr. Cason asked to submit a more detailed report on the User Forum issues at the next meeting.
- b. Website Subcommittee: Mr. Hall informed the board that the selected vender, ArnAmy, had started design work on the Authority website just to get a template together. He also noted that he brought a signed copy of the contract for the board approval. Mr. Hall moved that the board approve the contract with ArnAmy and direct Mr. Smith to sign the contract. Mr. Cason seconded the motion and all voted favorably.

Mr. Hall told the board that by the next meeting he hoped to have a preview of the draft website to show the board.

VII. New Business

- a. Summonses: Mr. Smith led a discussion about how to handle summonses. The discussion he had locally centered on who should print them out; could the Clerk email them to the Sheriff; how to handle multiple parties; should the filer send copies themselves, pay the Sheriff and send a copy to the Clerk. He suggested that there should be a way to handle that and that Clerks should be having this discussion locally.

Mr. Bob Inzer said it should be handled the same way in each county. He would like to work with staff to come up with a standard way to handle summonses.

Mr. Smith named a subcommittee to discuss the issue and come up with a way to summonses that worked for everyone. He named Bob Inzer, Sharon Bock, Gail Wadsworth and Bill Kinsaul. Mr. Cason noted that as User Forum chair, he would like to be kept informed of this subcommittee and its progress. Mr. Tim Smith noted he would like the subcommittee to take on other issues after summonses, such as e-service. Ms. Bock moved to establish this subcommittee, the name of which to be determined. Mr. Inzer seconded the motion. All voted in favor of the motion.

VIII. Other Business

Mr. Owens informed the board that a solution for the pro hac vice attorneys would be in place by April 1. He explained that the U.S. attorneys were next on the list to be added to the portal.

There was discussion about the next meetings. It was decided that the April meeting would be held in person, in Central Florida, and address any April 1 issues. The May meeting would be a presentation on the best practices regarding standardized docket codes.

Public Comment:

Eric Anthony, a pro se filer, present by WebEx, shared concerns that if one of the parties in a case was able to e-file, that is set them apart and gave them an advantage, that the access was unequal. Mr. Smith responded to Mr. Anthony that, with the concurrence of the courts, that the portal was being built with a staged approach.

Dee Hitchcock, Broward County, asked about the board's letter to the Chief Justice and the outcome. Mr. Smith told her that the Chief Justice asked for suggestions and the board chose to wait until after April to better delineate any issues.

Hon. Diane Matousek, Volusia County Clerk, asked the board to notify all Clerk when the Best Practices would be presented.

Mr. Smith thanked all who attended and participated in the meeting. He asked all those in attendance to please help get out the word to register and use the portal.

XI. The meeting was adjourned at 4:47 p.m.

Florida Courts



E-Filing Authority

TIM SMITH
CHAIR

Clerk, Putnam County

JOSEPH E. SMITH
VICE CHAIR

Clerk, St. Lucie County
District V

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AGENDA

Florida Courts E-Filing Authority

February 14, 2013 10:00 a.m. - 12:00 p.m.

By WEbEx

Public comments are welcome at the end of the meeting.

- | | | | |
|--------------|---|-----------------|-------|
| I. | Introduction & Roll Call | Tim Smith | 10:00 |
| II. | Adoption of the Agenda | Tim Smith | |
| III. | Reading and Approval of January Minutes | Bill Kinsaul | |
| IV. | Finance Report | | |
| | Monthly Finance Report | Bill Kinsaul | 10:15 |
| V. | Progress Reports | | |
| | Update on ePortal Implementation | Levi Owens | 10:20 |
| | Civil Update | | |
| | Criminal Update | | |
| | Supreme Court E-Filing | Tom Hall | |
| | E-Service | Carolyn Weber | |
| | Clerk District Caucus meetings-issues report | Kenneth A. Kent | |
| VI. | Subcommittee Reports | | 11:00 |
| | User Forum | Dewitt Cason | |
| | Website Subcommittee | Tom Hall | |
| | Funding Subcommittee | Sharon Bock | |
| VII. | New Business | | 11:15 |
| | Portal access by disciplined attorneys | Tom Hall | |
| | Portal Terms of Use | Lynn Hoshihara | |
| | Accessibility Notice | | |
| | Privacy Policy | | |
| VIII. | Other Business | | 11:40 |
| | Report on US Attorney access to trial courts | Lynn Hoshihara | |
| | Use of portal by Non-attorneys--update | Tim Smith | |
| | Policy on attorneys who are exempt from payment | Tim Smith | |

Public Comment

IV. Adjourn



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

Florida Courts E-Filing Authority Board of Directors met on February 14, 2013, at 10:00 a.m. by WebEx. The following members were present: Tim Smith, Putnam County Clerk, Chair; Joseph E. Smith, St. Lucie County Clerk, Vice Chair; Bill Kinsaul, Bay County Clerk, Secretary/Treasurer; Tom Hall, Clerk, Supreme Court; Bob Inzer, Leon County Clerk; Karen Rushing, Sarasota County Clerk; Sharon Bock, Esq., Palm Beach County Clerk; and Lynn Hoshihara, Esq., Authority General Counsel. P. Dewitt Cason, Columbia County Clerk, was unable to attend.

- I. Mr. Tim Smith, Chair, opened the meeting at 10:00 a.m. with a roll call. He welcomed those on the WebEx. He also welcomed new board member, Hon. Don Barbee, Hernando County Clerk, the new District IV designee, recently elected at the District IV Caucus meeting.
- II. Mr. Smith asked for a motion to adopt the agenda. Mr. Bill Kinsaul moved adoption of the agenda. Mr. Joe Smith seconded the motion. All voted to accept the agenda as presented.
- III. Mr. Smith recognized Mr. Kinsaul to present the January 2013 minutes. Hearing no suggested changes, Mr. Kinsaul moved adoption of the minutes. Ms. Sharon Bock, Esq., seconded the motion. All voted favorably to accept the minutes.
- IV. Mr. Smith recognized Mr. Kinsaul to present the December 2012 and January 2013 financial reports. There were no questions.
- V. Progress Reports

Monthly status: Mr. Smith recognized Mr. Levi Owens, e-portal project manager, to review the monthly status report. Mr. Owens reported that there had been an uptick in the number of documents filed—from about a month to over 70,000 this past month.. He said there almost 22,000 registered users. He reported that the percentage of documents initiating new cases was slightly up—from 6% to 7%, and that of the cases filed in general, half the filings were in the circuit civil area. Currently, 58 counties have completed live e-filing in the civil divisions. Of the nine counties that were still in the

process of connecting to the portal, some would be working hard up to the April 1 deadline. There was discussion that Pinellas would not be connected until later in April. Mr. Smith asked Mr. Owens to make sure that Pinellas County was aware of the process for requesting a waiver if they ended up needing one.

Mr. Owens reported that the connectivity with the Supreme Court was going well.

Criminal Pilot: Mr. Owens briefed the board on the criminal pilot project. He said that the standardized document descriptions and CMS codes were complete. The pilot team met with the STAC vendor and the State Attorney and Public Defender representatives regarding batch interfaces and now had a target date for testing. Ms. Smith confirmed that batches are currently coming through the portal. Mr. Owens confirmed that they were on existing cases only.

Supreme Court e-filing: Mr. Hall provided an update on Supreme Court e-filing efforts. He reported that testing was on-going and going well. He said that as long as it continued to go well, that he wanted to open up the portal for certain cases on February 20, then make e-filing optional on February 27. As long as it continued to go well, he thought the Court would work toward moving the mandatory date for Supreme Court e-filing to April 1.

E-Service: Ms. Carolyn Weber reported that the e-service workgroup was meeting each Friday and would be finalizing the business requirements and other documents, and approve them, this week. She also reported that they were meeting with the e-service vendor on February 21, 2013 to get estimates for cost and time.

District Caucus Issues Report: Mr. Kent told the board that he heard a number of issues from Clerks as he attended the Clerks' district caucus meetings around the state. He reported that some of the issues were operational, such as having to still print out paper, or dealing with the "dual system" issue: handling pro se in filings on paper but attorney filings in electronic format. He mentioned that many counties spoke to having to deal with what they perceived would be a huge increase in the volume of filings through the portal during a short period of time. He said several Clerks were concerned with color images and larger documents being problematic.

VI. Subcommittee Reports:

- a. **User Forum:** Mr. Owens reported that 2013.01 release was on the website and several items have impact to Clerk vendors. The date of the next release is July 15, 2013.
- b. **Website Subcommittee:** Mr. Hall showed a mock-up of a website homepage that the website vendor had already begun as an example.. He recognized Lynn Hoshihara, Board Attorney to present the proposed contract with the vendor, ArnAmy. She noted it was a standard contract for services at the pricing set in the rfp response, \$8,910.

Mr. Hall suggested the contract be brought back at the next authority meeting for

final approval. There was comment about making sure that the legal name of the portal was put in the document as well as shown on the website. After some discussion, Ms. Karen Rushing moved to call the portal the “Florida Courts E-Filing Portal.” Mr. Hall seconded the motion, noting the capital “E” and capital “F.” There was comment that the name would then be consistent with the Authority name. All were in favor of the name for the portal. There was general discussion of the potential for the website and how it would be used. Mr. Smith asked Mr. Hall to be aware of the need to be able to manage the content after it is designed.

- c. Funding Subcommittee: Ms. Sharon Bock, Esq., briefed the board on the funding proposal for portal services that was discussed at the Florida Courts Technology Commission meeting in late January and their support of it. She also mentioned the National Center For State Courts report that was given at the FCTC meeting does present a funding model for e-filing that the board may want to review at some point.

VII. New Business

- a. Portal Access by Disciplined Attorneys: Mr. Hall led a discussion about how to deal with attorneys who file who have been disbarred or otherwise suspended. There was discussion of needing a technical solution to keep attorneys who shouldn’t be filing from accessing the portal. Mr. Hall mentioned that court would be reviewing rule 2.052 that requires the Clerk take filings on paper.

Mr. Smith mentioned that he had sent a letter to Chief Justice Polston asking for guidance on how to best handle the e-filing mandate in SC 11-399 and rule 2.052, Rules of Judicial Procedure, wherein the clerk cannot refuse a document filed on paper. The Chief Justice responded by asking for a recommendation from the board. Mr. Smith suggested the board track the issue for a while to see what sort of recommendation would work best. Ms. Rushing shared an incident where a disbarred attorney was filing in her office. She said that anything from a technical perspective would help with this issue.

b. Portal Documentation

- i. Terms of Use: Ms. Hoshihara reviewed the terms of use documentation. Mr. Inzer moved adoption of option 2 as revised. Mr. Hall seconded the motion. All voted favorably.

Mr. Hall moved that as a part of the registration process, that attorneys accept and agree to the terms of use. He added that these technical changes would have to be made as soon as technically feasible. Mr. Inzer seconded the motion. All voted favorably.

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- ii. Accessibility Notice: Ms. Hoshihara reviewed the accessibility notice. Mr. Hall moved that the board adopt option 2. Mr. Inzer seconded the motion, All voted favorably.
 - iii. Privacy Policy: Ms. Hoshihara reviewed the privacy policy. Mr. Hall moved the board adopt option 2. Mr. Inzer seconded the motion. All voted favorably.

Ms. Hoshihara noted that all the documentation would be reviewed to make sure that the portal name was correctly listed.

VIII. Other Business

Use of portal by U.S. Attorneys

Mr. Smith asked Ms. Hoshihara to review the issue for the board. She explained that there is little case law, but there is a federal law that authorizes federal attorneys to appear in state and local courts. It is her opinion that the U.S. attorneys, who all have U.S. Bar numbers, should be allowed access to the portal as they would be classed as attorney filers. Mr. Hall agreed noting that revised opinion SC 11-399 mandates that all attorneys must file through the portal.

Mr. Inzer asked if there could be a simple solution found for now and a better solution developed later on. Mr. Hall suggested portal staff include this issue for the next revision. Mr. Smith directed portal staff to report at the next meeting a simple work-around to accommodate those “other” attorney filers.

Use of portal by Non-Attorneys

As for non-attorney filers, Mr. Smith asked for clarification—this had been mentioned at the FCTC meeting late January. Mr. Hall remarked that it was the idea that the portal would not be ready to move to accepting non-attorney filers until after the October 1 deadline to allow attorneys and Clerks to get accustomed to the new process flow. He suggested that would be the time for the non-attorney filers, such as mental health providers, and law enforcement—those other filers pertinent to a case who are not attorneys. This did not encompass or include pro se filers.

Policy on attorneys who are exempt from payment

There was a lengthy discussion on how the portal would be able to determine whether an attorney was accurately portraying that he or she was exempt from paying a filing fee? Mr. Owens said there were two ways to go about this—to allow attorneys to select whether to pay a fee for a filing on a case-by-case basis, or, he suggested the preferred method was to set up a state agency, or other exempted agency, as a law firm and set it up as a “no fee” agency. Mr. Inzer suggested the fee should be assessed based on who you are filing on behalf of, not who the attorney is. He made a motion that the portal continue to use what is in place today and it would up to the filers to designate if they were exempt or not. Mr. Joe Smith seconded the motion. Mr. Owens suggested there would be

something in the July release that would assist with this issue. He said currently agencies or other attorneys who are exempt from the fees use the indigency form and write N/A to file without charge. Some counties, he explained, use a document type that has no fee associated with it for those to choose when filing. There was discussion as to how to make sure Clerks and agencies knew that there was an option. Mr. Tim Smith asked Mr. Kenneth Kent to make sure the issue was included on the FAQs page. All voted favorably on the motion.

Mr. Tim Smith reminded the board members that the next meeting, to be held March 12, 2013, would be held from 3:30-5:30 p.m. at the Aloft Hotel in Tallahassee.

Public Comment:

Joel Rosenthal, JTL Process, a process serving agency, asked about if process servers could be considered as non-attorney filers. Mr. Owens commented that the portal may result in negating the need for process servers. Ms. Weber noted that process servers were not allowed to file through the Orange County Clerk's portal. Ms. Rushing noted that she did allow process servers in her local system. Mr. Smith suggested there may be a need to form a subcommittee to review those non-attorney filers, not including pro se filers.

John Tomasino, Second Circuit Public Defenders' Office, raised the issue of attorney's support staff and paralegals possibly having their own credentials. He noted that Judge George Reynolds' FCTC Committee on E-Filing would be looking into it. He also spoke very favorably as to the efforts being made on the criminal pilot project.

Mark Snyder, ProVest, asked if there would be any batch filing efforts being made for civil cases? Mr. Owens noted that there was currently no direction to do so. Mr. Snyder also asked about summonses. Mr. Owens suggested he contact the Clerk's Office about how they will handle summonses.

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

Florida Courts



E-Filing Authority

TIM SMITH
CHAIR

Clerk, Putnam County

Joseph E. Smith
Vice Chair

Clerk, St. Lucie County
District V

BILL KINSAUL
SECRETARY/TREASURER

Clerk, Bay County
District I

THOMAS D. HALL
Clerk of the Court,
Florida Supreme Court

BOB INZER

Clerk, Leon County
District II

P. DEWITT CASON
Clerk, Columbia County
District III

GLORIA HAYWARD
Clerk, Sumter County
District IV

KAREN RUSHING,
Clerk, Sarasota County
District VI

SHARON BOCK, ESQ.
Clerk,
Palm Beach County
District VII

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E-Filing Authority
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http://www.flclerks.com/eFiling_authority.html

AGENDA

Florida Courts E-Filing Authority

January 10, 2013 10:00 a.m. - 12:00 p.m

Room Vienna A

Renaissance Orlando Airport Hotel

5445 Forbes Place, Orlando, FL 32812

Public comments are welcome at the end of the meeting.

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|---|---|-------|
| I. Introduction & Roll Call | Tim Smith | 10:00 |
| II. Reading and Approval of December Minutes | Bill Kinsaul | |
| III. Finance Report
Monthly Finance Report | Bill Kinsaul | |
| IV. Progress Reports
Update on ePortal Implementation
Civil Update
Criminal Update
Supreme Court E-Filing
E-Service | Levi Owens
Tom Hall
Carolyn Weber | 10:20 |
| V. Subcommittee Reports
User Forum
Funding Subcommittee | Dewitt Cason
Sharon Bock | 10:50 |
| VI. New Business | | 11:05 |
| VII. Other Business

Public Comment | | |
| VIII. Adjourn | | |



The Florida Courts E-Filing Authority Minutes

Florida Courts E-Filing Authority Board of Directors met on January 10, 2013, at 10:00 a.m., at the Renaissance Orlando Airport Hotel, Orlando, Florida. The meeting was also available by WebEx. The following members were present: Tim Smith, Putnam County Clerk, Chair; Joseph E. Smith, St. Lucie County Clerk, Vice Chair; Bill Kinsaul, Bay County Clerk, Secretary/Treasurer (by WebEx); Tom Hall, Clerk, Supreme Court; Bob Inzer, Leon County Clerk; P. Dewitt Cason, Columbia County Clerk; Karen Rushing, Sarasota County Clerk; Sharon Bock, Esq., Palm Beach County Clerk; and Lynn Hoshihara, Authority General Counsel.

- I. Mr. Tim Smith, Chair, opened the meeting at 10:00 a.m. with a roll call. He welcomed those in the room and on the WebEx. He also told the board that Gloria Hayward, District IV designee, had stepped down from the board, that the replacement could be chosen at the District IV Caucus meeting scheduled for February.
- II. Mr. Smith recognized Mr. Bill Kinsaul to present the December minutes. Hearing no suggested changes, Mr. Kinsaul moved adoption of the minutes. Mr. Bob Inzer seconded the motion. All voted favorably on approval of the December 2012 minutes.
- III. Mr. Smith noted that there were no financial reports available yet this month, but they would be sent to the board members as soon as they became available.
- IV. Mr. Smith then recognized Mr. Levi Owens, e-portal project manager, to review the monthly status report. Mr. Owens reported that, year to date, there were over 515,313 filings. He said there were 20,126 registered users, more coming on each day. He reported that 94 percent of the documents filed were on existing cases, the remaining 6 percent were documents filed initiating new cases. He noted that the volume of filings had leveled out, November and December being the typical months that filings slowed down due to the holidays. Mr. Owens informed the board that because the most recent court order moved Juvenile Dependency from the list of civil cases to the criminal, combining it with Juvenile Delinquency, that allowed a few more counties to meet compliance in the civil case types. Currently, 58 counties were connected.

Mr. Inzer asked if there was any awareness to the volume the portal is seeing now versus the actual number of filings normally seen in paper? Mr. Melvin Cox reported that they

were using an SRS number of 4 million filings and expected that the portal was seeing about 10 percent of what would be coming over the next year.

Mr. Owens offered to get the board more information from the remaining nine counties in regard to their implementation status. Ms. Karen Rushing confirmed that the dates on the status report were the expected completion dates for those nine counties. She asked if anyone was in danger of not making the mandatory dates. Mr. Owens felt every county would meet the dates.

Mr. Smith told the board that the Clerks' district caucuses were coming up and asked Ken Kent to mention the dates and discuss readiness at those meetings, then report back any issues to the board at the next meeting. He suggested if there was a need, the board could discuss waivers at the February meeting. Ms. Rushing stated that she and Mr. Smith had made the Chief Justice aware that deadlines and the real status of counties is important. Mr. Smith reiterated that the portal is ready, but the board has a need to be able to report to Chief Justice Polston the accurate status of each county's connectivity and ability to handle in-coming electronic case filings.

Mr. Inzer suggested there were actually three issues: 1) is the portal ready—he remarked that it was; 2) are the Clerks ready; and, 3) are attorneys ready? He felt the third issue was the biggest issue. He went on to say that in his county, Leon, his office had done a great deal of training and outreach, but still only about 10 percent of the attorneys were filing electronically. He expressed concern about “the wave” coming in April.

Mr. Smith noted that the portal could handle any amount of volume, that the discussions to be held at the Clerk's caucus meetings should emphasize that the Clerks should be getting the word out to attorneys. He felt that the April 1 deadline needed to be accepted and worked toward. He expressed that it was realistic to expect that there will be issues as everyone begins to file on April 1. He expected that by the time criminal is mandatory, October 1, 2013, the issues will have been worked through and it will not be as difficult.

A discussion ensued in regard to the April 1 date being mandatory, or could there be a phase-in period starting at that time. It was agreed that the board take assessment of any potential issues beginning at the February meeting.

The board also discussed the appellate process and if it was feasible to get the notice of appeal from the trial courts to the Appellate Courts through the portal, was that expected that the trial court clerk use the portal for that purpose? Melvin Cox, Association staff, noted that the Florida Courts Technology Commission (FCTC) had issued standards for this in October of 2012. The FCTC planned to review those standards again at their meeting in late January 2013. Mr. Hall suggested that due to the lack of response when

the standards were sent out, that there be another notice sent to make sure all are aware of these standards.

Mr. Owens recognized that education and outreach is important for all these issues, for both the appellate and trial courts. He reported that the development team was looking at some digital content to assist filers.

Mr. Inzer noted that some of the larger counties would not be ready to accept electronic filings until the deadline and it will certainly be harder on the attorneys in those counties.

Mr. Smith recognized Mr. Owens to continue his report. Mr. Owens mentioned that the Supreme Court team began acceptance testing with six attorneys this week and it was going well. He then reviewed the criminal pilot project. He reported that all the pilot counties have the criminal docket codes loaded and are ready to begin testing Friday, January 11. The State Attorney and Public defenders would begin testing next week. There was some discussion on the batch process and it was determined that the “batch” would look the same to the receiving clerk and they could handle it the same way they did paper coming from the State Attorneys or Public Defender’s offices. In the pilot counties, the batch will come into the portal and once accepted, will flow into the Clerk’s case maintenance systems.

Mr. Smith recognized Mr. Tom Hall to provide a status report on Supreme Court connectivity. He noted that the testing had been going well, that items were still being tweaked and checked, but next week they would be spending a great deal of time testing with attorneys. He confirmed for Mr. Smith that he expected that the Supreme Court would be on target to meet the February 27 deadline and said that appellate attorneys wanted to do this. Mr. Smith felt that the Supreme Court coming up may give the board a smaller view of what will happen when all documents must be electronically filed. Mr. Hall said it is not an issue of the portal being ready, but the case management systems being installed in the appellate courts, eFacts. Mr. Hall mentioned that the Chief Justice understands that are going to be issues, but as long as everyone is trying, the Chief Justice accepts that.

The was a lengthy discussion of the trial clerks needing strong direction from the highest level in how they were to handle paper filings potentially being submitted after the mandatory date. Ms. Sharon Bock made a motion to ask the Supreme Court for guidance for the Clerks and the Chief Judges of each circuit as to how to handle paper after the mandatory deadlines. Mr. Inzer seconded the motion. Ms. Rushing asked for clarification. Other board members expressed the need for direction on the issue, Mr. Inzer explained that his chief judge required him to take a document filed on paper after the deadline. He felt that defeated the Supreme Court’s mandate. Ms. Rushing amended the motion to state: Authorize the chair to write a letter to Chief Justice Polston asking if it his opinion

that the trial clerks could refuse paper 90 after the April 1 date. Ms. Bock accepted the amendment and Mr. Inzer seconded the amended motion. There was discussion on the amended motion. Mr. Smith said there needed to be a state standard for accepting paper or not. Mr. Smith recognized Mr. Tom Morris, 8th Circuit State Attorney's Office. He told the board that a test period for Clerks and attorneys was crucial prior to the mandates. He also asked the board to wait to find out the magnitude of the issue before asking the court for direction. Mr. Hall offered another amendment to the motion: When April 1 comes, do Clerks have the authority to reject paper filings? And allow Clerks to use common sense in allowing paper if they needed to. Ms. Bock accepted the amendment to the amended motion. Mr. Inzer seconded the motion. There was brief discussion and all voted favorably asking Mr. Smith to write such a letter to Chief Justice Polston.

Mr. Smith moved on to recognize Ms. Carolyn Weber to speak about the e-service workgroup effort. She told the board that the e-service workgroup had an initial meeting and would be meeting weekly to develop documentation on the current business process and workflow, and a vision document. Mr. Owens suggested the workgroup develop a draft schedule and send it to the board next week. He anticipated the work being done by April 1.

The board took a 5-minute recess.

VI. Subcommittee Reports

- A. User Forum Subcommittee: The chair recognized Mr. P. Dewitt Cason to give the User Forum report. Mr. Cason noted that many counties have submitted questions about the new release and made a motion asking the board to direct staff to move forward with suggestions in the next release, 2013.01. Mr. Hall seconded the motion and all voted favorably.
- B. Funding Subcommittee: Mr. Smith recognized Ms. Bock, Funding Subcommittee Chair to report on the work the subcommittee had been doing. Ms. Bock told the board that the Funding Subcommittee has met twice over the past month and developed a document that showed the expenses of the items that were agreed as not being included in the Interlocal Agreement. She explained that those expenses are a service desk function, user training, and board operation expenses, comprised of director's and officer's insurance, legal and financial audits. The total for all aspects was \$1.09 M. Ms. Bock made a motion to approve the number and seeking funding for these aspects, moving the issue to the Association's Legislative Committee. Mr. Cason seconded the motion. Mr. Inzer asked if there was judicial concern about funding the portal. Ms. Bock clarified that the costs included did not cover the portal itself, but were only those that were not covered in the Interlocal Agreement. Ms.

Bock also noted that the Subcommittee also asked Mr. Kent to compile the costs of staffing and meetings of the Board, although those costs were covered in the Interlocal Agreement. She suggested that the board was not willing to amend the Interlocal Agreement for that purpose at this time. Other board members agreed. Mr. Smith, however, asked that the costs of staffing and meetings be tracked anyway. Mr. Hall asked that the accounting for those items be shown in the budget.

All voted favorably on the motion.

VII. New Business

Mr. Smith asked Ms. Lynn Hoshihara, Authority Attorney, to review the issues presented by the U.S. Attorney at the last meeting and bring back to the board a review of the actual requirements for those attorneys in filing in the state courts. Mr. Hall remarked that at the appellate level those attorneys are not required to pay the pro hac vice fees.

Mr. Inzer reported to the Board that the Best Practices Committee was finalizing their product. He then asked what the role of the board was in encouraging consistency for each county's look and feel? He asked if the suggested drop down menus and docket codes were to be discretionary or mandatory. Ms. Rushing, Mr. Hall and Mr. Inzer discussed the need for standardization.

Mr. Smith urged the board to focus on April 1 and connectivity. He asked the board to allow the Best Practices Committee to finish their task then analyze whether there is a problem or not.

Ms. Rushing asked, as Association Legislative chair, can the board agree as to what's on and not on the record regarding standardization? Does the board agree there is only one way to file when coming through the portal? She asked, how do we get to that point, that nobody has the authority to ask for any different functionality?

Mr. Smith responded and noted that that he felt that all should get to April 1, then see if we have a problem, that the best practice should be done by then. He commented that once we are all filing through the portal, then we can begin to refine. Mr. Bill Kinsaul cautioned the board that having one standard set may not work for everyone. He urged the board not to make it too complicated for those using the system. Ms. Rushing countered that if Clerks did it more than one way, there would be an argument against it being a unified system. Mr. Hall commented that if the board allowed some to use simple e-file and others to use regular e-file, then it is not consistent. Mr. Smith again urged the board to focus on April 1.

Hon. Chips Shore, Manatee County Clerks was recognized to speak. He asked why the board would want to make filers go through hoops that they did not have to do so before.

Mr. Smith asked for a motion to extend the meeting to 12:15 p.m. Mr. Cason made the motion and Ms. Bock seconded the motion. All were in favor of the motion.

Mr. Inzer commented that just like the federal system coming, compliance will come along because it is going to be mandatory. He said he felt there was already a standard established and it is working, that the board should find the greatest efficiency that works for the system—that should be the goal.

VIII. Other Business

Mr. Smith reminded the board members that the next meeting, to be held February 14, 2013, would be held by WebEx.

Public Comment: There were no comments by the public.

XI. The meeting was adjourned at 12:15 p.m.

Florida Courts



E-Filing Authority

TIM SMITH
CHAIR

Clerk, Putnam County

Joseph E. Smith
Vice Chair

Clerk, St. Lucie County
District V

BILL KINSAUL
SECRETARY/TREASURER

Clerk, Bay County
District I

THOMAS D. HALL

Clerk of the Court,
Florida Supreme Court

BOB INZER

Clerk, Leon County
District II

P. DEWITT CASON

Clerk, Columbia County
District III

GLORIA HAYWARD

Clerk, Sumter County
District IV

KAREN RUSHING,

Clerk, Sarasota County
District VI

SHARON BOCK, ESQ.

Clerk,
Palm Beach County
District VII

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AGENDA

Florida Courts E-Filing Authority

December 13, 2012 10:00 a.m. - 12:00 p.m.

By WebEx

Public comments are welcome at the end of the meeting.

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|---|------------------------|-------|
| I. Introduction & Roll Call | Tim Smith | 10:00 |
| II. Adoption of Agenda | Tim Smith | |
| III. Reading and Approval of October Minutes | Bill Kinsaul | 10:05 |
| IV. Finance Report | | |
| Monthly Finance Report | Bill Kinsaul | 10:10 |
| Lanigan and Association reports | Lanigan and Associates | 10:15 |
| V. Progress Reports | | |
| Update on ePortal Implementation | Levi Owens | 10:30 |
| Civil Update | | |
| Criminal Update | | |
| Supreme Court E-Filing Module | Tom Hall | |
| VI. Subcommittee Reports | | 11:00 |
| User Forum | Dewitt Cason | |
| Funding Subcommittee | Sharon Bock | |
| Website Subcommittee | Tom Hall | |
| VII. New Business | | |
| e-Service | Tim Smith | 11:20 |
| VIII. Other Business | | |
| Public Comment | | |
| IX. Adjourn | | |



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

Florida Courts E-Filing Authority Board of Directors met on December 13, 2012, at 10:00 a.m., by WebEx. The following members were present: Tim Smith, Putnam County Clerk, Chair; Gloria Hayward, Sumter County Clerk; Tom Hall, Clerk, Supreme Court; Bill Kinsaul, Bay County Clerk; Sharon Bock, Esq., Palm Beach County Clerk; Joseph E. Smith, St. Lucie County Clerk; Karen Rushing, Sarasota County Clerk; Bob Inzer, Leon County Clerk and Lynn Hoshihara, Authority General Counsel.

P. Dewitt Cason, Columbia County Clerk was not present.

- I. Mr. Tim Smith, Chair, opened the meeting at 10:00 a.m. with a roll call.
- II. Mr. Smith asked for a motion to adopt the agenda. Mr. Bill Kinsaul moved the adoption. Mr. Tom Hall seconded the motion. All were in favor.

III. Mr. Smith recognized Mr. Kinsaul to present the October minutes. Ms. Karen Rushing moved adoption of the minutes. Mr. Hall seconded the motion. All voted favorably for the minutes.

IV. Mr. Smith recognized Mr. Kinsaul to review the October and November financial reports. Mr. Kinsaul reviewed them with the board. There were no questions.

Mr. Smith then recognized Mr. Jonathan Keillor, Lanigan and Associates, to review the Authority's Financial and SSAE 16 Technical audits. Ms. Rushing suggested that the board share the audits with the Chief Justice, the Florida Courts Technology Commission (FCTC) and The Florida Bar. Mr. Smith agreed to work on it. Mr. Hall asked when the board approved the controls that were used in the audits. Mr. Smith offered to look into the issue and report back to the board. Mr. Hall further asked, going forward, how the board is going to monitor the portal operational issues? Mr. Smith offered to discuss this issue at the January meeting. Mr. Hall reiterated that he had no problem with the technical audit, he just wanted to know, procedurally, how the controls were approved. There was little discussion about the Financial Audit.

Mr. Smith asked for a motion to accept both audits. Mr. Joe Smith moved acceptance of the audits. Ms. Sharon Bock seconded the motion. All voted favorably to accept the audits.

V. Mr. Smith recognized Mr. Levi Owens, e-portal project manager, to review the monthly status report. Mr. Owens reported that, year to date, there were over 298,500 filings. He said there were 19,375 registered users, about 2,000 users each month. He reported that the volume of filings had leveled out, November and December being the typical months that filings slowed down due to the holidays. Mr. Owens informed the board that 55 counties were connected, and while this represented only three more from the prior meeting, he explained that he was in active contact with the remaining 12 counties. He felt both Citrus and Polk would be connected by the January meeting.

Mr. Owens reported that there would be more information coming on the criminal pilot counties and their progress at the January meeting. He reported that the criminal docket codes had been given to the participating counties and that the pilot counties would begin testing in January with their local State Attorney and Public Defender Offices.

In regard to the survey that the board requested on electronic records and each county's capability to handle them, Mr. Owens reported that forty-three responses had been returned thusfar. Mr. Smith urged Mr. Owens to continue to complete the survey so he can see the statewide results before the FCTC meeting in January.

Mr. Smith recognized Mr. Hall to give an update on the connectivity of the appellate courts. Mr. Hall reported that there had been a few minor issues. However, there was progress being made and they were working day to day on testing. He noted that the Supreme Court had adopted a slightly updated phase-in schedule for the appellate courts.

Mr. Smith noted that he would like to give a status report to the Chief Justice on the progress being made on the appellate e-filing readiness. He asked Mr. Owens to give him that report.

VI. Subcommittee Reports

A. User Forum Subcommittee: as Mr. Cason was not at the meeting, the report was deferred until the January meeting.

Mr. Smith did ask Beth Allman, association staff, to tell the board about a unique situation staff had recently been contacted about. She explained that an assistant U.S. Attorney had contacted staff and explained that, although they were certified in other states, that they currently filed in the Florida trial courts but could not use the portal as it was limited to those having a Florida Bar certification. They did not profess to filing as pro hac vice thus presenting a unique situation to portal use by attorneys. Mr. Hall agreed that these users should be recognized. Mr. Smith agreed that the issue should be looked into a little further and a solution found.

B. Funding Subcommittee: Mr. Smith recognized Ms. Bock, subcommittee chair, to give her report. Ms. Bock told the board that the Funding Subcommittee had met earlier

that week and that they discussed the fact that the Authority does not have a steady funding stream. She told the board that they discussed funding the board operations, as well as support desk and educational services. She said that the subcommittee wanted to go to the Legislature with funding proposals.

Mr. Smith remarked that the FCTC Funding Subcommittee and the E-Filing Authority should be involved in these issues. He said that he felt there was consensus on these issues and would like to see the proposals soon, by mid-January at the latest.

- C. Mr. Smith recognized Mr. Hall to report on the Website Subcommittee. Mr. Hall reported that he, staff and Lynn Hoshihara, Authority attorney, met with top-ranked vendor ArnAmy to begin negotiations.

VII. New Business

Mr. Smith introduced Ms. Carolyn Weber, who has joined the portal development team to handle e-service implementation. Mr. Owens reported that a workgroup on e-service had been established and would hold their first meeting in Tampa the next week. The workgroup is scheduled to meet weekly to define business requirements. He also noted that a project schedule and budget would be developed after the requirements gathering was completed, and then presented to both the Authority Board and the Civitek Board. Mr. Smith urged Mr. Owens and MS, Weber to establish an end-date for product delivery.

VIII. Other Business

Mr. Smith urged everyone to attend the January face-to-face meeting to be held in Orlando and stressed the value of meeting in person. He also spoke to establishing a workshop period to review the approval of controls and the Authority's position on simple e-file and "full" e-file. He suggested the meeting begin with a workshop then move into the regular meeting. Ms. Rushing thought the board had already voted to have standard method of input using the best practice. Mr. Owens clarified that at the April meeting in Gainesville, the board voted to promote standardization of the portal through the use of recommended best practices for the drop down menus, i.e., docket codes. He further explained that the Best Practices Committee has been working on docket codes for criminal e-filing, the criminal pilot counties were using the suggested drop-down menus and docket descriptions. He further clarified that this was a different issue than what Mr. Smith suggested be workshopped in January. Mr. Hall remarked that he thought the board did not wish to allow the simple e-file solution. Ms. Rushing said she thought it had been

decided already. Mr. Owens responded that the portal was flexible enough to do whatever the board decides. Mr. Smith asked for a review of the position that was taken, by way the minutes, and see what the Best Practices Committee is working on. He explained that his main concern is that the April 1, 2013, deadline is met. Mr. Hall asked that the January workshop be advertised more broadly than usual.

Mr. Smith again asked board members to commit to being at the January meeting.

Public Comment:

Mr. Harvey Ruvlin, Miami-Dade County Clerk, told the board that he and association portal staff were working on a solution that would work for his county. He said that mandating docket codes would not be helpful in Miami-Dade because of how their workflow was setup—they needed to have a way to route incoming filings to the proper divisions and their various locations at satellite offices. He wanted to make the board aware of his unique situation.

Ms. Lori Reeves, Miami-Dade IT, asked if the board had adopted the criminal docket codes. Mr. Owens explained that the issue had not been brought before the board, that the issue was still being worked through by the Best Practices workgroup. He pointed out that while the best practice was discretionary, but cautioned that if a county added to the docket codes it could create a situation where the State Attorney/Public Defender batch process would be impacted negatively.

XI. The meeting was adjourned at 11:47 a.m.

Florida Courts



E-Filing Authority

TIM SMITH
CHAIR

Clerk, Putnam County

Joseph E. Smith
Vice Chair

Clerk, St. Lucie County
District V

BILL KINSAUL
SECRETARY/TREASURER

Clerk, Bay County
District I

THOMAS D. HALL
Clerk of the Court,
Florida Supreme Court

BOB INZER

Clerk, Leon County
District II

P. DEWITT CASON
Clerk, Columbia County
District III

GLORIA HAYWARD
Clerk, Sumter County
District IV

KAREN RUSHING,
Clerk, Sarasota County
District VI

SHARON BOCK, ESQ.
Clerk,
Palm Beach County
District VII

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AGENDA

Florida Courts E-Filing Authority

October 12, 2012 10:00 a.m. - 12:00 p.m.
By WebEx

Public comments are welcome at the end of the meeting.

- | | | |
|---|----------------|-------|
| I. Introduction & Roll Call | Tim Smith | 10:00 |
| II. Adoption of Agenda | Tim Smith | |
| III. Reading and Approval of September Minutes | Bill Kinsaul | 10:05 |
| IV. Finance Report | | |
| Monthly Finance Report | Bill Kinsaul | 10:10 |
| V. Progress Reports | | |
| Update on ePortal Implementation | Levi Owens | 10:15 |
| Civil Update | | |
| Criminal Update | | |
| VI. Subcommittee Reports | | |
| Website Subcommittee | Thomas D. Hall | 10:30 |
| VII. New Business | | |
| A. Amended Order SC 11-399 E-Filing | Tim Smith | 10:35 |
| a. Waiver process | | |
| b. Readiness Dates for Appellate filings | | |
| c. October 5, 2012, Authority Report to Chief Justice | | |
| B. Report from Florida Courts Technology Commission meeting held October 10-11, 2012, Tampa, FL | Tim Smith | 10:50 |
| VIII. Other Business | | |
| Public Comment | | |
| IX. Adjourn | | |



The Florida Courts E-Filing Authority Minutes

The Florida Courts E-Filing Authority Board of Directors met on October 13, 2012, at 10:00 a.m. by WebEx. The following members were present: Hon. Tim Smith, Chair, Hon. Joe Smith, Vice Chair, Hon. Bill Kinsaul, Secretary Treasurer, Hon. Tom Hall, Hon. Bob Inzer, Hon. P. Dewitt Cason, Hon., Gloria Hayward, Hon. Karen Rushing, and Hon. Sharon Bock and attorney Ms. Lynn Hoshihara. No members were absent.

- I. Mr. Smith opened the meeting at 10:03 a.m. and welcomed all on the WebEx members and guests.
- II. Mr. Smith asked for a motion to adopt the agenda. Mr. Hall asked if he could add an item under New Business. Mr. Inzer moved the revised agenda and Ms. Rushing seconded it. All were in favor.
- III. Mr. Smith recognized Mr. Kinsaul to present the minutes. Seeing no revisions, Mr. Kinsaul asked for a motion to approve the minutes. Mr. Kinsaul moved approval of the September minutes and Mr. Cason seconded the motion. All were in favor.
- IV. Mr. Smith recognized Mr. Kinsaul to present the financial report. There were no questions.
- V. Mr. Smith recognized Mr. Levi Owens, Portal Project Manager, to present the monthly report. Mr. Owens provided the monthly numbers for civil implementation status—through September 30, 52 counties are connected to the portal and can accept all five civil case types. He told the board that the remaining 15 counties show progress. He felt that some would be connected by November, either in part or with all five civil case types. He noted that there are over 15,000 registered users, or attorneys, who were filing through the portal and hoped that more would be registering. He told the board that, based on the growth in the number of filings, he anticipated that by January 2013 there would be more than 100,000 documents filed per month. He also noted that these were documents filed in existing cases. He also felt that there would be some growth in the filing of new cases, but it is much slower.

He showed a graph that also demonstrated that there had been growth in the filing of Family law cases over the past month. Mr. Inzer asked if there was any report on the penetration rate for the portal.

For the appellate status report, Mr. Owens noted that the Supreme Court will begin e-filing in December of this year with a select group of attorneys. The five appellate courts will follow and be phased in throughout 2013.

For the criminal update, Mr. Owens told the board that the portal is fully implemented and currently capable of receiving e-filed documents on criminal cases. There are four counties accepting criminal filings on existing cases, Collier, Lake, Walton and Santa Rosa. The portal development team is still working with the Public Defender and State Attorney vendors on a batch process. He reported that there were twelve counties constituting the pilot criminal counties that will be getting ready to test the batch and single session (single document) criminal e-filing with their local State Attorney and Public Defender offices. He also reported that the association Best Practices workgroup has given the development team criminal docket codes to use as they begin to develop the criminal e-filing processes. The document detailing the docket codes can be found on the authority website.

VI. Mr. Smith recognized Mr. Hall to report on the website subcommittee's progress. He told the group that the Website Subcommittee had met and ranked the five vendors that submitted proposals. He made a motion asking permission from the Authority to begin to negotiate with the top-ranked vendor, or, if that was not successful, to move on to the second ranked vendor. Mr. Cason seconded the motion. There was no discussion. The vote was 8-1, with Mr. Kinsaul voting in the negative.

VII. New Business

- a. Waiver Process: Mr. Smith reported that he is on an FCTC committee that discussed what type of waiver process was needed. He said that because an acceptable process was set forth in the most recently amended order for SC 11-399, that the group felt that they did not need to put forth a process.
- b. Mr. Smith referenced the report recently sent to the Chief Justice noting the readiness of the portal and commented that the portal and the counties would meet the timeline in the most recent order.
- c. Report from FCTC: Ms. Rushing commented that she thought that all would like the portal used to its fullest extent. Ms. Bock suggested it was time to begin discussing portal funding. Mr. Smith reviewed policy statements he provided the FCTC on the association's stance on funding. He mentioned that at the FCTC there was a request for Judge Northcutt's Funding Committee to meet and discuss what they felt the agreement with the Authority entailed in regard to portal services. The Association was charged with making their list, then Judge

Northcutt would hold a meeting wherein the services could be discussed and either agreed to or negotiated. Mr. Smith made suggestion that there would an effort to be more transparent, sharing the portal audits and costs, which are currently posted on the Authority website. Mr. Hall clarified that the contract is between the Authority and the Association as vendor. He expressed the desire to keep any discussion of what is, or is not, in the scope of work between the Authority and the Association, that if there are any discrepancies, the Association should first come to the Authority Board for negotiation. Ms. Bock suggested that as chair of the Authority Funding Subcommittee, she work with Mr. Smith to set up a meeting so the Association could bring their issues to her committee. Then she could present the issues to the full board. Then, the Authority chair would be able to take the same information to the FCTC.

In regard to e-service, Ms. Rushing suggested that they continue to review the issues and discuss how future enhancements can be funded. Mr. Smith mentioned that Judge Northcutt asked for an FCTC Funding Committee to meet and develop a list of what the FCTC committee wants the portal to do. The Authority can have the same discussion with the Association and they could together develop a list of services that the portal should provide, such as e-service, and the costs of the additional services, noting whether they are in the Scope of Work, or not. Mr. Hall agreed it was a good plan. He suggested that list would form the basis of the discussion with the FCTC Funding Committee when they met, and the two groups could work from there. There was discussion that the portal could be built to future standards adopted by the court but there may need to be detail as to what the agreement requires as standards. Mr. Smith suggested that the development team look at the standards regarding functionality.

Mr. Hall spoke to the FCTC approving the technical standards for transmission of the electronic record on appeal, the Appellate package, in relation to the trial courts and noted that these new standards will impact the Clerks. He felt that it was probable that not all 67 Clerks will be able to come online at the same time. But that there may need to be a phase-in period for this aspect and a need to ascertain which Clerks will meet July 1, 2013, deadline and which will not. Mr. Hall suggested this be added to the readiness report. Melvin Cox, Association Director of Information Technology suggested that the appellate record was not an Authority issue as it did not go through the portal. Mr. Smith agreed, but asked staff look at the technical standards adopted by the FCTC and make a recommendation to the Authority in November.

Mr. Smith continued and asked if the Clerks are ready with electronic copies of records in each county and what was the status of the courts in each county to accept and manage the electronic records as they would ultimately use the electronic record. He asked Levi to see how he could capture that data.

Other Business

Mr. Hall spoke to the Authority report requested as a part of SC 11-399—that it occurred before the Authority had a chance to meet. He asked if there should be a procedure for approving or a response needed in a situation like this. Mr. Smith suggested that when a decision needs to be made prior to a regularly scheduled meeting, that the executive officers be allowed to approve a motion. Mr. Hall moved that suggestion. Ms. Bock seconded the motion. All voted favorably. Mr. Hall then moved that the board ratify the report that was submitted. Mr. Kinsaul seconded the motion and all were in favor.

Ms. Lynn Hoshihara, Authority general counsel, noted that she would check the bylaws to see how situations such as this may be handled and bring any clarification or suggested policy to the meeting in November.

Mr. Smith noted that the Lanigan and Associates should be at the next meeting to present the audits.

Mr. Smith asked for public comment. There was none.

He reminded everyone that the next Authority meeting was to be held on November 13, from 11:00 to 12:30 in Orlando in conjunction with the Association Winter Conference.

Florida Courts



E-Filing Authority

TIM SMITH
CHAIR

Clerk, Putnam County

Joseph E. Smith
Vice Chair

Clerk, St. Lucie County
District V

BILL KINSAUL
SECRETARY/TREASURER

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AGENDA

Florida Courts E-Filing Authority

September 13, 2012 10:00 a.m. - 12:00 p.m.
By WebEx

Public comments are welcome at the end of the meeting.

- | | | |
|---|------------------------|----------------|
| I. Introduction & Roll Call | Tim Smith | 10:00 |
| II. Adoption of Agenda | Tim Smith | |
| III. Reading and Approval of July Minutes | Bill Kinsaul | 10:05 |
| IV. Finance Report
Monthly Finance Report | Bill Kinsaul | 10:10 |
| V. Progress Reports
Update on ePortal Implementation
Civil Update
Criminal Update | Levi Owens | 10:15 |
| VI. Subcommittee Reports
Website Subcommittee | Thomas D. Hall | 10:30 |
| VII. Old Business
Waiver Process | Tim Smith | 10:35 |
| VIII. New Business
A. FCTC Issues
B. Discussion on Enhancements, Direction and Funding | Tim Smith
Tim Smith | 10:50
11:05 |

IX. Other Business

Public Comment

IX. Adjourn



The Florida Courts E-Filing Authority Minutes

Florida Courts E-Filing Authority Board of Directors met on September 13, 2012, at 10:00 a.m., by WebEx. The following members were present: Tim Smith, Putnam County Clerk, Chair; Gloria Hayward, Sumter County Clerk; P. Dewitt Cason, Columbia County Clerk; Tom Hall, Clerk, Supreme Court; Sharon Bock, Esq., Palm Beach County Clerk; Joseph E. Smith, St. Lucie County Clerk; Karen Rushing, Sarasota County Clerk; Bob Inzer, Leon County Clerk and Lynn Hoshihara, Authority General Counsel.

Bill Kinsaul, Bay County Clerk, was not present.

- I. Mr. Tim Smith, Chair, opened the meeting at 10:00 a.m. with a roll call.
- II. Mr. Smith asked for a motion to adopt the agenda. Mr. P. Dewitt Cason moved the adoption. Mr. Joe Smith seconded the motion. All were in favor.
- III. Mr. Smith recognized Mr. Cason to review the August minutes. Mr. Cason moved adoption of the minutes. Mr. Smith seconded the motion. All voted favorably for the minutes.
- IV. Mr. Smith recognized Mr. Cason to review the July financial reports. Mr. Cason reviewed them with the board. There were no questions.
- V. Mr. Smith recognized Mr. Levi Owens, e-portal project manager, to review the monthly status. Mr. Owens informed the board that 52 counties were connected, and while this represented no major change from the prior meeting, he did expect that by the end of September, that a number of the remaining counties would be connected. That would allow the October report to show more progress. Mr. Owens also provided an update of the counties that had connected to the portal for the receipt of criminal cases. Currently there are four counties receiving criminal cases, Lake, Santa Rosa, Miami-Dade and Collier. He reported that the batch process was ready for testing with the State Attorney and Public Defenders and that he was looking for 12 volunteer counties to work on the pilot for criminal e-filing. Several counties volunteered while on the WebEx call. Tom Morris, 8th Circuit State Attorney's office and e-filing liaison, told the board he was most worried about the Clerks being able to receive criminal data. He explained that the longer the Clerks take in connecting to the portal for criminal e-filing, the less time there will be

for testing on their end. He also mentioned concern with the criminal code table. Mr. Owens said he wanted to pursue standardization of the criminal code table.

Ms. Karen Rushing commented that she had spoken with Hon. Marcia Johnson, Franklin County Clerk and Best Practices chair, and said she thought the standardization of the portal will be well-received. She suggested that criminal e-filing would not be a problem as the committee moves forward on the best practices.

Mr. John Tomasino, Second Circuit Public Defender Office and e-filing liaison, remarked that he appreciated the work on the batch filing and thought they would be ready by October 1, 2013. He mentioned the issue he and Mr. Morris sent to Mr. Cason, User Forum chair, regarding support staff needing their own log-in and password as they file for many attorneys in a Public Defender Office or State Attorney's Office. Mr. Smith agreed and Mr. Cason reminded everyone of the board motion made on this issue. Mr. Smith emphasized that the focus was in getting attorneys to use the portal. Mr. Cason noted that maybe later on the portal can be opened up to other users.

Ms. Christina Blakeslee mentioned that at the FCTC meeting in October, she thought the FCTC was going to ask for a timeline on opening the portal to users other than attorneys.

Mr. Tom Hall said he felt that there was no question that the roles should be expanded to allow those other than attorneys to file documents in cases, but the idea that a person who works for an attorney having access with the attorney's credentials was a Bar issue, not an Authority or portal issue. He told the board that The Bar was going to do an ethics opinion on this issue, but had dropped it because the board had taken a position. Mr. Morris argued that it was a workflow issue, not a Bar issue. Mr. Hall responded that the signature is a Bar issue. Ms. Sharon Bock, Esq., concurred with Mr. Hall.

Mr. Laird Lile was recognized to speak. He explained that the issue of allowing support staff, or non-lawyer assistants, to use a lawyer's portal credentials was before The Florida Bar Board of Governors. It has been submitted a few months ago, but had been deferred. It was slated to be discussed by the Professional Ethics Committee the next week at The Bar's mid-year meeting.

Mr. Tomasino commented that he would reach out to The Bar. He reminded the board that it is the State Attorneys and Public Defenders who are responsible for criminal cases. He wants to make sure the issue doesn't get far enough that it cannot be revisited later on.

Mr. Cason noted that they would accommodate whatever decision is made by The Bar. Mr. Hall said he appreciated the comments and would wait for The Bar decision. He noted he had clerks in his office, too.

Mr. Smith asked Mr. Cason to chair the meeting as his internet connection and phone had ceased working.

VI. Subcommittee Reports

Website Subcommittee: Mr. Smith recognized Mr. Hall to update the board on the subcommittee's work. Mr. Hall told the board that the subcommittee, as authorized by the board, had advertised for an RFP and received five proposals. The subcommittee will be meeting to review the proposals and plan the next steps. He anticipated bringing more information to the next meeting.

VII. Old Business

Waiver Process/Status letter

Mr. Cason asked everyone to look at the letter Mr. Smith proposed to send to the Chief Justice with the monthly readiness report. As discussed at previous meetings, he noted that it was a way to let the Chief Justice know of the progress being made at the county level and their connectivity and use of the portal. He asked if there were any comments.

Mr. Hall said, on a peripheral note, that the Clerks of Court did not have to do e-service on September 1. Further, he remarked that he thought the court would be issuing something before October 1 extending the dates by which the appellate courts would be mandated to accept filings through the portal. He felt there was concern about the status of e-filing and concern that the courts would be able to make the dates.

VIII. A. FCTC Issues:

Mr. Cason asked Ms. Blakeslee to share any updates from the Florida Courts Technology Commission. She mentioned that the FCTC meeting would be held October 10-11, 2012m, in Tampa, and would be addressing the waiver process.

B. Discussion on Enhancements, Funding and Direction:

Mr. Cason recognized Mr. Kenneth A. Kent, Association Executive Director, to speak to portal enhancements, funding, and direction. Mr. Kent provided the board a status report on funding the e-portal. He reported that the association's Board has asked that Civitek consider development of subscription services to provide a funding source for the ePortal. He committed to keep the board informed on Civitek decisions and informed on developments regarding this matter.

Mr. Cason recognized Mr. Bob Inzer who told the board that he met earlier in the week with the Florida Press Association. They had discussed using the e-filing portal for sending their notices, maybe in a batch process. He told the board that Mr. Steve Ridley would be in touch.

Mr. Inzer spoke to standardization and the work of the Association's Best Practices Committee.

IX. Other Business

A number of Clerks on the WebEx volunteered their counties to be part of the Criminal E-filing Pilot program—Columbia, St. Lucie, Bradford, Jackson and Manatee.

There was no public comment.

- X. Mr. Cason adjourned the meeting at 10:47 a.m.



AGENDA

Florida Courts E-Filing Authority Board of Directors Meeting
August 16, 2012 10:00 a.m. - 12:00 p.m.

WebEx

Public comments are welcome at the end of the meeting.

- | | | |
|---|-----------------|-------|
| I. Introduction & Roll Call | Tim Smith | 10:00 |
| II. Adoption of Agenda | Tim Smith | |
| III. Reading and Approval of July Minutes | Bill Kinsaul | 10:05 |
| IV. Finance Report | | |
| A. Monthly Finance Report | Bill Kinsaul | |
| V. Progress Reports | | |
| A. Update on ePortal Implementation | Levi Owens | 10:10 |
| B. County Status – letter to Supreme Court | Tim Smith | 10:20 |
| VI. Subcommittee Reports | | |
| A. Website Subcommittee | Thomas D. Hall | 10:25 |
| B. Forum for Users -- proposed policy of allowing agency filers | P. Dewitt Cason | 10:30 |
| VII. New Business | | |
| A. FCTC Issues | | |
| Order Updates – if any | | 10:45 |
| B. Presentation on Standardization | Tim Smith | 10:55 |
| VIII. Other Business | Tim Smith | 11:25 |
| A. Portal Time stamp | | |
| B. File Format for Court Images | | |

Public Comment

IX. Adjourn



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

Florida Courts E-Filing Authority Board of Directors met on August 16, 2012, at 10:00 a.m., by WebEx. The following members were present: Tim Smith, Putnam County Clerk, Chair; Bill Kinsaul, Bay County Clerk, Secretary/Treasurer; Gloria Hayward, Sumter County Clerk; P. Dewitt Cason, Columbia County Clerk; Karen Rushing, Sarasota County Clerk; Bob Inzer, Leon County Clerk and Lynn Hoshihara, Authority General Counsel.

Joseph E. Smith, St. Lucie County Clerk, Vice Chair; Tom Hall, Clerk, Supreme Court; and Sharon Bock, Esq., Palm Beach County Clerk; were not present.

I. Tim Smith, Chair, opened the meeting at 10:00 a.m. with a roll call. A quorum was present. Mr. Smith extended sympathy from the Authority to Ms. Sharon Bock for the recent loss of her father.

II. Mr. Smith asked for a motion to adopt the agenda. Hon. P. Dewitt Cason moved the adoption. Bill Kinsaul seconded the motion. All were in favor.

III. Mr. Smith recognized Mr. Kinsaul to review the July minutes. Ms. Karen Rushing moved adoption of the minutes with a minor spelling correction. Mr. Bob Inzer seconded the motion. All voted favorably for the minutes as amended.

IV. Mr. Smith recognized Mr. Kinsaul to review the July financial reports. Mr. Kinsaul reviewed them with the board. There were no questions.

V. Mr. Smith recognized Mr. Levi Owens, e-portal project manager, to review the monthly status. Mr. Owens informed the board that one more county had been connected to the portal in the past three weeks, bringing the count to 53 counties connected. There were no questions.

VI. A. Website Subcommittee: Mr. Smith asked staff to give this subcommittee report. Ms. Beth Allman told the board that the Request for Proposals had been advertised on August 1 and would run until August 31. A bidder's conference would be held by teleconference on August 22 to review any questions provided by that date. She informed the board that the subcommittee's hope was to have a progress report for the board at the next meeting.

B. Forum For Users: Mr. Smith asked Mr. P. Dewitt Cason to provide the subcommittee report. Mr. Cason explained to the board that the User Forum had considered opening up the role section menu to allow four law enforcement type agencies to file in order to better allow for the processing of criminal case data in the several counties that could already criminal cases through the portal. The forum prioritized the agencies as: sheriff's departments, local police departments, Florida Highway Patrol and Fish and Wildlife officers, and felt it would be effective to allow this as a permissive option for those counties that were ready to begin accepting case documents from those agencies on criminal cases. He explained that the revision would take no more programming. He also shared with the board that he had spoken about this concept with Mr. Laird Lile, after suggestions by the board to do so, to see how Mr. Lile might feel about this issue. Mr. Lile had been chair of the Authority Subcommittee for Non-Attorney Use of the Portal. He told the board that Mr. Lile was fine with expanding the roles to law enforcement. After lengthy discussion, the board asked that the roles for users not be expanded at this time.

Mr. Inzer made a motion that the board should put this issue on hold for future enhancements, and keep the focus on the attorneys and courts and to accept this prioritization when more roles are added. Ms. Rushing seconded the motion. She remarked that there seemed to be a lot of unmet needs at the attorney level. She felt the priority should be on uniformity. Mr. Smith asked for clarification as to what adding these law enforcement roles would entail. Mr. Cox responded that these roles were already available, no programming was needed. Ms. Rushing asked if adding the roles would complicate the support aspect needed for portal users. Mr. Cox responded that the more users, the more support is needed. Mr. Inzer remarked that it might be best to slow down and get attorneys up and running. Mr. Smith called the question. All voted favorably to put the issue on hold.

VII. A. Mr. Smith asked Ms. Jenna Simms to share any updates from the Florida Courts Technology Commission. She told the board that there was a group formed to discuss and attempt some clarification to both orders recently published, SC 10-2101 E-Service and SC 11-399 E-Filing. Hon. David Ellsperman, Marion County Clerk, serves as the Clerk representative to the group. She also mentioned that if anyone had any questions about the orders, to send them to Mr. Ellspermann. She said the workgroup would address e-service first.

Mr. Smith recognized Ms. Alexandra Reiman on the WebEx.

B. Mr. Smith recognized Hon. Marcia Johnson, Franklin County Clerk and chair of the association Best Practices Committee. He reminded the board that she had been asked by the Authority Board of Directors and the association Executive Committee to look at standardization of the drop-down menus on the portal. She explained that her committee was using a focus group for this effort made up of ten counties. She said the group was still working, but the project was a priority. Mr. Randy Long, association staff, clarified that the drop-down menus would align with the SRS categories. Mr. Cason asked if, as chair of the User Forum, he could be part of this effort. Ms. Rushing commented that in Sarasota County she had an administrative

order requiring e-filing in foreclosure cases. She noted that it also required mediation to file electronically, too. In those cases, she noted that the local order is out of sync with e-filing. She asked if she could send the order to Mr. Cason for consideration as to those roles. Mr. Inzer spoke again in support of standardization.

VIII. Other Business

A. Portal Time Stamp -- Mr. Kinsaul noted that both of the next issues have developed in Bay County and he would appreciate some discussion of them. Mr. Smith recognized Mr. Cox to explain the portal time stamp and how it was done now. Mr. Cox explained that having a time stamp that reflected the time zone in which a case or document was filed had been discussed early on in the building of the portal. In discussions with the FCTC, they urged that the time stamp remain as eastern time and allow the central time zone areas to handle it individually. Currently, the portal uses the ET notation for eastern time, keeping it the same for the entire state. If the board is asking for this aspect to be programmed to reflect the central time zone, he noted that it would take a considerable amount of programming time. Ms. Rushing commented that attorneys are concerned with timeliness of a document being filed. Mr. Inzer suggested the courts adopt a rule of clarification. Mr. Smith suggested that the Clerk members of the FCTC could ask for clarification.

B. File Format for Court Images -- Mr. Kinsaul told the board that images are currently stored TIFF format in many Clerk's Offices right now. He felt that they would have to be turned into searchable PDF documents. He asked if there had been any discussion of how Clerk's documents were being stored. There was brief discussion of the issue. Mr. Smith suggested that only those older documents would have to be changed if they were needed. Mr. Cox said there has been discussion of this at FCTC. He explained that they have adopted standards, TIMMS or CAPS, and that there was a way to accommodate this without changing the stored document.

Mr. Smith moved to the Public Comment portion of the meeting.

Ms. Rushing asked if she could add another item for Other Business. She asked about e-service and the portal being able to handle it. Mr. Smith commented that e-service does not currently involve the authority, but they could possibly use the concept as a revenue source down the road.

Mr. Inzer agreed the issue should be discussed by the board and it was the first he had heard of the authority looking at enhanced services for revenue generation. He felt the board ought to be more engaged in any revenue generation and enhancements. Mr. Smith suggested the majority of the September meeting should be a discussion of the enhancements, direction, and funding.

Mr. Laird Lile asked how attorneys would be complying with the service requirements. He said there are third parties trying to fill the niche now, that if the portal is not ready for this for a year, the need may already be filled. Ms. Rushing offered to work with staff on how to do this.

Mr. Inzer commented that unbeknownst to the members, changes were made to the portal a few weeks ago that required public agencies, those that would normally file without payment, fill out an indigency form in order to file without charge. He questioned when the change happened and why the board was not made aware. He said staff had suggested a work-around, but that it was not acceptable. Mr. Owens mentioned that there was a way to allow agencies to file without charge if one went into the administrator mode and set them up as an agency to file without pay. He suggested that Mr. Inzer could contact the Service Desk and they could help him. Mr. Inzer said that solution was not acceptable.

Mr. Inzer made a motion that the programming changes be undone and agencies be allowed to file without charge and without having to fill out an indigency form. Ms. Rushing seconded the motion. A discussion followed and Mr. Kenneth Kent asked if staff could have time to review the issues and get back to Mr. Inzer at the next meeting. Ms. Rushing asked for clarification as to whether the action was directed to be done at the staff level or at the policy level. Mr. Shore asked for the names of the agency contacts so staff could meet with them and solve their issues directly.

Mr. Inzer withdrew his motion and offered to sit down with staff.

Mr. Smith asked if anyone in the public had any questions.

Mr. Ken Burke informed the board that the September 13 meeting was the day of an FLCCOC meeting that was scheduled for Miami. He asked that the board coordinate their meetings with the FLCCOC. Mr. Smith told him that Authority staff had done so in late June and also provided them with the Authority's schedule for the year at that time. The Authority schedule has also been posted on the Authority homepage.

XI. The meeting was adjourned at 11:12 a.m.



AGENDA

Florida Courts E-Filing Authority Board of Directors Meeting
July 26, 2012 10:00 a.m. - 12:00 p.m.
WebEx

Public comments are welcome at the end of the meeting.

- | | | |
|--|----------------|-------|
| I. Introduction & Roll Call | Tim Smith | 10:00 |
| II. Adoption of Agenda | Tim Smith | 10:05 |
| III. Reading and Approval of June Minutes | Bill Kinsaul | 10:10 |
| IV. Finance Report | | |
| A. Monthly Finance Report | Bill Kinsaul | 10:15 |
| V. Progress Reports | | |
| A. Update on ePortal Implementation | Levi Owens | 10:20 |
| B. 2012.02 ePortal Release | Levi Owens | 10:35 |
| C. County Status | Tim Smith | 10:40 |
| VI. Subcommittee Reports | | |
| A. Website Subcommittee | Thomas D. Hall | 10:45 |
| B. Forum for Users | Tim Smith | 10:50 |
| VII. New Business | | |
| A. FCTC Issues : | | |
| i. Update on SC11-399 | Jenna Simms | 11:00 |
| ii. Update on SC10-2101 | | |
| iii. Deadlines/eService | Levi Owens | 11:15 |
| iv. FCTC Funding Subcommittee Report | Jenna Simms | 11:35 |
| B. Criminal Initiation Workgroup | Levi Owens | 11:40 |
| C. Court and Judicial Readiness | Thomas D. Hall | 11:45 |
| VIII. Other Business | Tim Smith | 11:55 |
| IX. Adjourn | | |



The Florida Courts E-Filing Authority Minutes

Florida Courts E-Filing Authority Board of Directors met on July 26, 2012, at 10:00 a.m., by WebEx. The following members were present: Tim Smith, Putnam County Clerk, Chair; Joseph E. Smith, St. Lucie County Clerk, Vice Chair; Tom Hall, Clerk, Supreme Court; Gloria Hayward, Sumter County Clerk; P. Dewitt Cason, Columbia County Clerk; Karen Rushing, Sarasota County Clerk; and Sharon Bock, Esq., Palm Beach County Clerk and Lynn Hoshihara, Authority General Counsel. Bill Kinsaul, Bay County Clerk, Secretary/Treasurer; and Bob Inzer, Leon County Clerk were not present.

- I. Hon. Tim Smith, Chair, opened the meeting with a roll call. Mr. Smith welcomed new members Gloria Hayward and P. Dewitt Cason. There was a quorum present.
- II. Mr. Smith recognized Hon. Joe Smith who moved the approval of the minutes. Hon. P. Dewitt Cason seconded the motion. All voted favorably.
- III. Mr. Smith again recognized Mr. Smith to review the financial reports. Mr. Smith moved approval of the financial reports. Mr. Cason seconded the motion. All voted favorably.
- IV. Mr. Smith recognized Mr. Levi Owens to review the county readiness report. He reported that 51 counties had civil capability. For the sixteen of those have not established all civil divisions, most of those are going through a system conversion which made meeting the July 1 date difficult. He reported that he has established a regular call with those counties to assist them in their progress.
- V. Mr. Smith talked with the board about developing a letter for discussion and approval at The next board meeting. The purpose of the letter would be to communicate to the Supreme Court the Clerk's progress in connecting to the e-portal, providing accurate and timely information on the Clerk's progress in connecting and accepting filings. Hon. Karen Rushing noted that the Legislature has been focused on "starting e-filing" while the Court has been focused on "e-file in a uniform manner." She expressed a desire to include each aspect in the letter. Hon. Tom Hall asked for the appellate court status to be included in the letter as well. He continued by stating that he felt the Court had recognized issues and that they may alter the schedule if required to do so.
- VI. Website Subcommittee: Mr. Hall, subcommittee chair, informed the board that they would re-advertise the RFP with an attachment of simple powerpoint showing example web pages. Additionally, there would be a live pre-bid conference held on August 22, 2012, for questions. The RFP will be advertised from August 1-31.

- VII. Forum For Users: Mr. Smith asked Hon. P. Dewitt Cason to take over this subcommittee. Mr. Melvin Cox told the board that he had been approached by a few counties asking to have the roles expanded to include government agencies as filers who would file with the Clerk. Currently the filer has to be an attorney to file documents in the case. Opening or adding new roles is a policy decision for the board. Mr. Smith suggested we contact Mr. Laird Lile as chair of the subcommittee that reviewed non-attorney filers and as a Bar member to see if he had any concerns if those roles were added.

Mr. Hall commented that he might be in favor of this addition to the portal if it did not pull staff away from the focus of bringing on counties and the appellate courts. Mr. Levi Owens noted that it would not take a significant effort to add these roles and it would not take away from his regular duties. Ms. Rushing said she wanted staff to stay focused until the primary purpose was met. She recognized that it was not the same as pro se, but did not want to get distracted. Mr. Hall said he would also like to anticipate other users who will need access, such as the executive branch.

- VIII. Mr. Smith recognized Ms. Jenna Simms, Office of State Court Administrator, to provide The board a review of the SC 11-399 and SC 10-2101. She note that she could not interpret the orders, but noted that the dates in the orders are all marked with a caveat. She felt sure that the Court was willing to give exceptions if needed to the required dates. She said the following dates are the mandatory dates noted in the rules: April 1, 2013 for Civil filings; October 1, 2013 for Criminal filings. On e-service, SC 10-2101, the Rules of Judicial Administration gave a deadline of July 31, 2012, to send in requests to clarify certain aspects of the rule. The rules for e-service require it to be used by September 1, 2012, for Civil and Appellate cases, October 1, 2013 for Criminal cases.

Mr. Hall commented that there was a period for filing comments on SC 11-399, too. Mr. Smith asked that he find out the specifics and let the board know.

Mr. Smith recognized Melvin Cox to talk about footnote #19 regarding the waiver process found in SC 11-399. He told the board the note references those counties that may not be able to comply with the mandatory dates for accepting e-filed documents. He offered to draft a process to bring back t the board as a proposed waiver process. Mr. Smith asked that he do so and would then like to propose the process the board approves to the FCTC at the October 10-11th meeting in Tampa.

Mr. Hall suggested there be a formal liaison from the board to go to the RJA ask how the waiver process might work. Mr. Mark Broderick, Palm Beach Clerk's Office, asked Ms. Simms to clarify what she thought the e-service rule meant when it said, "the Clerk must send out notice by email"? Ms. Simms commented that she could not provide interpretation, but that the Rules of Judicial Administration was submitting clarification to the Supreme Court shortly.

Mr. Smith recognized Levi Owens to discuss the first meeting of the Criminal Initiation Workgroup. This workgroup is comprised of all agencies involved in initiating a criminal case. He noted that Hon. Cheryl Strickland, St. Johns County Clerk; Hon. Chips Shore, Manatee

County Clerk; and Adair Cotton, Chief Deputy, Santa Rosa County Clerk's Office are members of the workgroup.

Ms. Rushing again mentioned the need to stay mission focused. She warned that there seems to be a lot of consecutive activity, but there are important things that are required to get done. She asked if there was a focus on uniformity? Katie Glynn, staff Counsel of the Marion Clerk's Office, told the Board that the Best Practices Committee has met the day before and were addressing what the authority asked them to address in regard to uniformity. Ms. Rushing asked for reaffirmation from the board that his issue was a high priority.

Mr. Hall commented that the standardization committee doesn't cover what he feels the issues are in criminal. There was a brief discussion of whether local systems would go away or not after the portal was complete.

There then ensued a discussion about unified booking information and the need, or not, to have the booking agencies connected to the portal.

Mr. Hall mentioned the need for an appellate court representative to be in the criminal initiation workgroup, as criminal appeals make up the majority of appellate cases. He offered to pursue the issue.

As to uniformity, Mr. Smith expressed the need to stick with the original task and meet the Legislature's and the Court's expectations. Ms. Rushing emphasized that a filer should be able to send the same information or document and have their case processed.

She made a motion that it be a high priority of the portal as guided by the Authority to make the use of the portal uniform. Ms. Bock seconded the motion. Levi Owens requested that whatever the board decides that "uniform" means to make sure to communicate it to him for programming and system development.

Mr. Tom Morris, Florida Prosecuting Attorney's Association, echoed the need for uniformity as being important to the prosecutors, too. He commented that being uniform will make his job easier, but will be more costly for some.

Mr. Smith called the question. All voted favorably.

Mr. Smith asked that there be a presentation on uniformity on the August agenda to make sure all members were up to speed. Mr. Cason asked staff to provide him a review of progress made over the last year.

- IX. Mr. Hall reviewed the survey of the courts' readiness for using the electronic record. He noted that the technology efforts in the 20 circuit were variable. The report would also be given to the FCTC.
- X. Mr. Smith mentioned that the next meeting would be held by WebEx on August 16, 2012. He opened the floor for public comment.

John Tomasino, Second Circuit Public Defender Office, reviewed the discussion at the Criminal Initiation Workgroup, commenting that the paperwork coming from the jails could be electronic. Ms. Rushing said she already receive it electronically from her local booking agencies. Mr. Shore felt it would be good to help jails get systems so they could transmit the booking information electronically at the local level. It was recognized that these types of issues would be on-going as the portal was being developed.

XI. The meeting was adjourned at 11:30 a.m.

TAB 4

**Approved 2012-2013 Authority
Annual Budget**



Florida Courts E-Filing Authority Budget

Estimated Annual 2012-2013 Budget

Other: Carry Forward Estimated from balance sheet	\$ 10,000
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Revenues

Interest	\$ 30
Statutory Convenience Fees	\$ 66,300
In-Kind Association Contribution	\$ 1,297,843
Partner Support	<u>\$ 20,000</u>
	\$ 1,394,173

Expenses

Salaries and Wages	\$ -
Other Personal Services	\$ -
Contractual Services	\$ -
Association	\$ 1,297,843
Audit	\$ 21,500
Legal	\$ 15,000
Insurance	\$ 800
Convenience Fee Charges	
Credit Card fees	\$ 30,000
ACH Fees	\$ 1,000
Bank Fees	\$ 4,800
Payment Controls, PCI Compliance	\$ 12,661
Banking and Chargeback Review	<u>\$ 9,000</u>
	\$ 1,392,604

Balance	\$ 1,569
----------------	----------

TAB 5

2013 Financial and SSAE 16 Audits

LANIGAN & ASSOCIATES, P.C.

CERTIFIED PUBLIC ACCOUNTANTS
BUSINESS ADVISORS
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October 22, 2013

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Board of Directors
Florida Courts E-Filing Authority
3544 Maclay Boulevard
Tallahassee, Florida 32312

RE: Required Communication to Those Charged with Governance

Dear Directors:

We have audited the financial statements of the Florida Courts E-Filing Authority for the year ended June 30, 2013. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards and *Government Auditing Standards*, as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our engagement letter dated May 5, 2013. Professional standards also require that we communicate to you the following information related to our audit.

Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the Florida Courts E-Filing Authority are described in Note 1 to the financial statements. We noted no transactions entered into by the Organization during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The Organization did not have estimates in the financial statements.

The financial statement disclosures are neutral, consistent, and clear.

Difficulties Encountered in Performing the Audit

We encountered no difficulties in dealing with management in performing and completing our audit.

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are trivial, and communicate them to the appropriate level of management. Our audit procedures identified no such misstatements.

Disagreements with Management

For purposes of this letter, professional standards define a disagreement with management as a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

Management Representations

We have requested certain representations from management that are included in the management representation letter dated October 22, 2013.

Other Audit Findings or Issues

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the Organization's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

With respect to the supplementary information accompanying the financial statements, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

This information is intended solely for the use of Board of Directors and management of the Florida Courts E-Filing Authority, and is not intended to be and should not be used by anyone other than these specified parties.

Sincerely,

Lanigan & Associates, P.C.

Lanigan & Associates, P.C.

**Florida Courts E-Filing Authority
Tallahassee, Florida**



**Financial Statements
June 30, 2013 and 2012**

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LANIGAN & ASSOCIATES, P.C.
CERTIFIED PUBLIC ACCOUNTANTS
MANAGEMENT CONSULTANTS
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INDEPENDENT AUDITOR'S REPORT

Board of Directors
Florida Courts E-Filing Authority
Tallahassee, Florida

Report on the Financial Statements

We have audited the accompanying financial statements of the business-type activities of the Florida Courts E-Filing Authority, as of and for the years ended June 30, 2013 and 2012, and the related notes to the financial statements, which collectively comprise the Florida Courts E-Filing Authority basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Florida Courts E-Filing Authority's management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the business-type activities of the Florida Courts E-Filing Authority, as of June 30, 2013 and 2012, and the respective changes in financial position and cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Other-Matters

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis on pages 3 through 6 be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated October 22, 2013 on our consideration of Florida Courts E-Filing Authority's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering Florida Courts E-Filing Authority's internal control over financial reporting and compliance.

Larrigan & Associates, P.C.

Tallahassee, Florida
October 22, 2013

Florida Courts E-Filing Authority

Management's Discussion and Analysis

As management of the Florida Courts E-Filing Authority (the "Authority"), we offer users of the Authority's financial statements this narrative overview and analysis of the financial activities of the Authority for the year ended June 30, 2013.

Overview of the Authority

The Authority is an independent special district created pursuant to an Interlocal Agreement, dated September 3, 2010, between the 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, in accordance with provisions of Chapter 163, Florida Statutes.

The Florida Courts E-Filing Authority contracted with the Florida Association of Court Clerks (the "Association") to design, develop, implement, operate, upgrade, support and maintain a uniform statewide electronic portal for the filing of court records. The portal provides attorneys and pro se litigants with a common entry point for filing and transmitting court records electronically. In addition, the portal provides these same persons, and other authorized persons, the ability to view court records electronically. The features of the portal include the following:

- A single statewide log-in
- A single internet access point to court records by authorized users
- Transmission to and from the appropriate courts
- The ability to provide electronic service of notification receipt of 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
- 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.

Financial Highlights

- As of June 30, 2013, assets of the Authority exceed its liabilities by \$436,228.
- Service fee revenue increased \$986,573 or 11279% when compared to the prior fiscal year. The change can be attributed to the increase of cases filed through the portal.
- Operating expenses increased \$519,075 or 1131% when compared to the prior fiscal year. There was an increase merchant fees associated with the increase in cases filed. In addition, the Florida Court Clerks and Comptrollers began charging the Authority for certain costs associated with running the portal.

Financial Highlights (Continued)

- For the years ended June 30, 2013 and 2012, the Association operated the Portal under its contract with the Authority at an internal cost of \$1,467,764 and \$1,130,187, respectively.

Required Financial Statements

The Authority follows financial reporting requirements for enterprise funds, which use the accrual basis of accounting. This reporting follows accounting methods similar to those used by private-sector companies. The accrual basis of accounting is used whereby revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows.

The *Statement of Net Assets* includes all of the Authority's assets and liabilities, and provides information about the nature and amounts of investments in resources (assets) and the obligations to Authority creditors (liabilities). Additionally, it also provides the basis for assessing the liquidity and the financial flexibility of the Authority.

Over time, significant changes in the Authority's net assets serve as a useful indicator of whether its financial health is improving or deteriorating. To fully assess the financial health of any entity, the user must also consider other non-financial factors such as changes in economic conditions, customer growth, and legislative mandates.

All of the current year's revenues and expenses are accounted for in the *Statement of Revenues, Expenses, and Changes in Net Assets*. This statement measures the success of the Authority's operations over the reporting period and can be used to determine whether the Authority has successfully recovered all its costs through user fees and other charges.

The other required statement is the *Statement of Cash Flows*. The primary purpose of this statement is to provide information about the Authority's cash receipts and cash payments during the reporting period. This statement reports cash receipts, cash payments, and net changes in cash resulting from operations, investing, and financing activities. Answers to questions regarding the sources of cash, the use of cash and changes in cash balances during the reporting period may be found in this report.

The *Notes to the Financial Statements* provide additional information that is essential to a full understanding of the data provided in the financial statements.

Financial Analysis of the Authority as a Whole

The *Statement of Net Assets* and the *Statement of Revenues, Expenses, and Changes in Net Assets* report information about the Authority's activities in a way that will reflect whether the Authority is improving or deteriorating as a result of the year's activities. The two statements report the net assets of the Authority and the changes in them.

Net assets are the difference between assets (what is owned) and liabilities (what is owed).

A comparison of the Authority's assets, liabilities, and net assets is as follows:

Statement of Net Assets			
	<u>2013</u>	<u>2012</u>	<u>Change</u>
Assets:			
Non-Capital Assets	\$ 754,535	\$ 16,127	\$ 738,408
Liabilities:			
Current Liabilities	318,307	30,292	288,015
Net Assets:			
Unrestricted	<u>\$ 436,228</u>	<u>\$ (14,165)</u>	<u>\$ 450,393</u>

As of June 30, 2013, the vast majority of the Authority's assets were comprised of \$414,594 in cash and \$339,580 in accounts receivable. Liabilities represent accrued expenses and accounts payable at year end. The Authority did not have any long-term obligations with creditors.

Changes in Net Assets			
	<u>2013</u>	<u>2012</u>	<u>Change</u>
Revenues:			
Service Fees	\$ 995,320	\$ 8,747	\$ 986,573
Contributions	20,000	-	20,000
Interest	46	32	14
Total Revenue	<u>1,015,366</u>	<u>8,779</u>	<u>1,006,587</u>
Operating Expenses	<u>564,973</u>	<u>45,898</u>	<u>519,075</u>
Changes in Net Assets	<u>450,393</u>	<u>(37,119)</u>	<u>487,512</u>
Net Assets at Beginning of Period	<u>(14,165)</u>	<u>22,954</u>	<u>(37,119)</u>
Net Assets at End of Period	<u>\$ 436,228</u>	<u>\$ (14,165)</u>	<u>\$ 450,393</u>

For the year ended June 30, 2013, the Authority's total revenue exceeded its operating expenses by \$450,393.

Current Economic Factors and Assessment of Growth

Florida Supreme Court Opinion 11-399, amended October 18, 2012, required that attorneys e-file documents in civil cases filed in probate, family, circuit and county civil, by April 1, 2013. This resulted in increased usage of the Florida Courts E-Filing Portal and resulted in an increase in Authority revenues and expenses. SC11-399 also states by October 1, 2013, attorneys must e-file documents in all criminal cases.

Contacting the Authority's Financial Management

This financial report is designed to provide a general overview of the Florida Courts E-Filing Authority's accountability for the money it receives. Questions concerning any of the information provided in the report, or request for additional information, should be addressed to the Florida Courts E-Filing Authority P.O. Box 180519, Tallahassee, Florida 32318.

FLORIDA COURTS E-FILING AUTHORITY
STATEMENTS OF NET ASSETS
AS OF JUNE 30, 2013 AND JUNE 30, 2012

	<u>2013</u>	<u>2012</u>
Assets		
Current Assets:		
Cash	\$ 414,594	\$ 13,718
Accounts Receivable	339,580	1,674
Prepaid Insurance	<u>361</u>	<u>735</u>
Total Assets	<u>754,535</u>	<u>16,127</u>
Liabilities		
Current Liabilities:		
Accounts Payable	<u>318,307</u>	<u>30,292</u>
Net Assets		
Unrestricted Net Assets	<u>\$ 436,228</u>	<u>\$ (14,165)</u>

FLORIDA COURTS E-FILING AUTHORITY
STATEMENTS OF REVENUES, EXPENSES, AND CHANGES IN NET ASSETS
FOR THE YEARS ENDED JUNE 30, 2013 AND 2012

	2013	2012
Operating Revenues		
Service Fees	\$ 995,320	\$ 8,747
 Expenses		
Audit Services	30,000	21,500
Bank Fees	740	1,098
Contract Services	85,373	-
Insurance	807	792
Legal	24,638	17,047
Merchant Fees	423,415	5,461
Total Operating Expenses	564,973	45,898
Total Operating Income (Loss)	430,347	(37,151)
 Nonoperating Revenues		
Interest Income	46	32
Capital Contributions	20,000	-
Total Nonoperating Revenues	20,046	32
Changes in Net Assets	450,393	(37,119)
Net Assets at Beginning of Period	(14,165)	22,954
Net Assets at End of Period	\$ 436,228	\$ (14,165)

See notes to the financial statements.

FLORIDA COURTS E-FILING AUTHORITY
STATEMENTS OF CASH FLOWS
FOR THE YEARS ENDED JUNE 30, 2013 AND 2012

	2013	2012
Cash Flows from Operating Activities		
Cash Received from Service Fees	\$ 657,414	\$ 7,259
Cash Payments to Suppliers for Goods and Services	(276,584)	(38,466)
Net Cash Provided By (Used In) Operating Activities	380,830	(31,207)
Cash Flows from Capital and Related Financing Activities		
Capital Contributions	20,000	-
Cash Flows from Investing Activities		
Interest on Deposits	46	32
Net Increase (Decrease) in Cash	400,876	(31,175)
Cash at Beginning of Period	13,718	44,893
Cash at End of Period	\$ 414,594	\$ 13,718
Reconciliation of Net Income to Net Cash		
(Used in) Operating Activities:		
Operating Income (Loss)	430,347	(37,151)
Adjustments to Reconcile Operating Income to Net Cash		
Net Cash Provided by (Used in) Operating Activities		
Change In Assets and Liabilities:		
Accounts Receivable	(337,906)	(1,488)
Prepaid Expenses	374	(93)
Accounts Payable and Accrued Expenses	288,015	7,525
Net Cash Provided By (Used In) Operating Activities	\$ 380,830	\$ (31,207)

FLORIDA COURTS E-FILING AUTHORITY
NOTES TO THE FINANCIAL STATEMENTS
June 30, 2013 and 2012

NOTE 1: *Organization*

Nature of Activities

The Florida Courts E-Filing Authority (the Authority) is an independent special district created pursuant to an Interlocal Agreement, dated September 3, 2010, between the 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 in accordance with provisions of Chapter 163, Florida Statutes.

The Authority was created for the purpose of developing and implementing a single uniform access point for statewide electronic filing of Florida's county, circuit and appellate courts records in accordance with *Rule 2.525, Florida Rules of Judicial Administration*.

The Authority is subject to all applicable Florida statutes, Supreme Court rules and Administrative Orders that govern the individual clerks of court (county and appellate) 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.

NOTE 2: *Summary of Significant Accounting Policies*

Reporting Entity

The Authority began operations on September 23, 2010 and is governed by a Board of Directors comprised of the Chairperson of the Authority, seven Clerks of the Circuit Courts of Florida and the Clerk of the Florida Supreme Court as the designee of the Chief Justice of the Florida Supreme Court.

The Authority entered into an agreement for the design, development, implementation, operation, upgrading, support and maintenance of a Statewide E-Filing Court Records Portal with the Florida Association of Court Clerks, Inc. (the Association). The Association, through its wholly owned subsidiary the FACC Services Group, LLC, is responsible for running the Authority's day to day operations.

In evaluating how to define the Authority for financial reporting purposes, management has considered the criteria set forth in GASB No. 39 *Determining Whether Certain Organizations Are Component Units*. This Statement amends GASB No. 14, *The Financial Reporting Entity*, and provides additional guidance to determine whether an affiliated organization is considered a component unit of a financial reporting entity.

A Component unit is a legally separate organization for which the elected officials of the primary government are financially accountable. Determining factors of financial accountability includes appointment of a voting majority, imposition of will, financial benefit or burden on a primary government or fiscal dependency.

NOTE 2: *Summary of Significant Accounting Policies (Continued)*

Additionally, component units can be other organizations for which the nature and significance of their relationship with a primary government are such that exclusion would cause the reporting entity's financial statements to be misleading and incomplete.

Based on the Application of these criteria, the Authority has determined that there are no additional governmental departments, agencies, institutions, commissions, public authorities, or other governmental organizations operating within the jurisdiction of the Authority that would be required to be included in the Authority's financial statements. In addition, since the Board of Directors has financial accountability and control over all activities relating to Authority operations, the Authority is not included in any other governmental "reporting entity" as defined by Governmental Accounting Standards Board Statement Number 39.

Accounting Method

The Authority's financial statements are prepared in accordance with accounting principles generally accepted in the United States of America (GAAP). The Authority operates as a special-purpose government entity engaged in business-type activities. Business-type activities are those that are financed in whole or in part by fees charged to external parties for goods and services. Accordingly, these financial statements have been presented using the economic resources measurement focus and the accrual basis of accounting.

The Governmental Accounting Standards Board (GASB) is responsible for establishing GAAP for state and local government through its pronouncements (Statements and Interpretations).

Revenue and Expense Recognition

Operating Revenues and Expenses – Operating revenues and expenses generally result from providing services in connection with ongoing operations. Operating revenues consist of service fees related to the electronic filing of court documents. Operating revenues are recognized as revenue in the period earned. Operating expenses consist of expenses incurred relating to the operation and maintenance of the Authority's system, including administrative expenses.

Nonoperating Revenue and Expenses – Nonoperating revenues consist of interest earned on deposits held with financial institutions and contributions received from other entities. Both are recognized as revenue in the period earned. Nonoperating expenses generally are related to financing, investing, or other ancillary activities.

When an expense is incurred for the purposes for which there are both restricted and unrestricted net assets available, it is the Authority's policy to apply those expenses to restricted net assets to the extent such are available and then to unrestricted net assets.

NOTE 2: <i>Summary of Significant Accounting Policies (Continued)</i>
--

Budget Process

Pursuant to the Interlocal Agreement, the Authority's Board of Directors is required to adopt a budget. The Authority adopted its final budget relating to the year ended June 30, 2013 on June 12, 2012.

Cash and Cash Equivalents

The Authority considers all deposits and financial instruments with a maturity of three months or less to be cash and cash equivalents. All bank accounts of the Authority are placed in banks that qualify as a public depository, as required by the Florida Security for Public Deposits Act, Chapter 280, *Florida Statutes*. Deposits whose values exceed the limits of Federal Depository Insurance are entirely insured or collateralized pursuant to Chapter 280.04, *Florida Statutes*.

Accounts Receivable

Accounts receivable consists of amounts due from the Florida Courts E-Filing Portal for service fees. The Authority considers all accounts to be collectible and, consequently, has not established a provision for uncollectible accounts.

Net Assets

Net assets represent the difference between assets and liabilities. The Authority is required to report information regarding its financial position and activities according to three classes of net assets as follows:

- **Invested in capital assets, net of related debt**—consists of net capital assets reduced by outstanding balances of any related debt obligations attributable to the acquisition, construction, or improvement of those assets. At the present time there are no such restrictions.
- **Restricted net assets**—net assets are considered restricted if their use is constrained to a particular purpose. Restrictions are imposed by external organizations such as federal or state laws. At the present time, there are no such restrictions.
- **Unrestricted net assets**—consists of all other net assets that do not meet the definition of the above two components and are available for general use by the Authority.

NOTE 2: <i>Summary of Significant Accounting Policies (Continued)</i>
--

Use of Estimates

The preparation of financial statements in accordance with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Accordingly, actual results could differ from those estimates.

Subsequent Events

Subsequent events were evaluated through October 22, 2013 which is the date the financial statements were available to be issued. As of this date, no material subsequent events were noted.

NOTE 3: <i>Contributed E-Filing Portal and Services</i>
--

The Florida Courts E-Filing Authority contracted with the Florida Association of Court Clerks and Comptrollers (the Association) for the design, development, implementation, operation, upgrading, support and maintenance of a Statewide E-Filing Court Records Portal (the Portal).

The Association incurred a cost of \$1,477,971 to design, develop, and test the Portal. On September 23, 2010, in accordance with an agreement reached with the Florida Legislature and the Florida Supreme Court, the Association contributed the Portal to the Authority. The Authority will hold all rights, title and interest to the Portal until dissolution of the Authority, at which time ownership would transfer to the office of the Florida State Courts Administrator.

For the years ended June 30, 2013 and 2012, the Association operated the Portal under its contract with the Authority at an internal cost of \$1,467,764 and \$1,130,187, respectively.

These costs figures were an integral part of the audited financial statements taken as a whole.

Supplementary Information

LANIGAN & ASSOCIATES, P.C.
CERTIFIED PUBLIC ACCOUNTANTS
MANAGEMENT CONSULTANTS
www.lanigancpa.com

INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER FINANCIAL
REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON
AN AUDIT OF FINANCIAL STATEMENTS PERFORMED
IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS*

To The Board of Directors
Florida Courts E-Filing Authority

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of Florida Courts E-Filing Authority, which comprise the statement of financial position as of June 30, 2013, and the related statements of activities, and cash flows for the year then ended, and the related notes to the financial statements, and have issued our report thereon dated October 22, 2013.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered Florida Courts E-Filing Authority's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of Florida Courts E-Filing Authority's internal control. Accordingly, we do not express an opinion on the effectiveness of the Florida Courts E-Filing Authority's internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether Florida Courts E-Filing Authority's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the organization's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the organization's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Lomigon & Associates, P.C.

Tallahassee, Florida
October 22, 2013

SERVICE ORGANIZATION CONTROL REPORT
(SSAE No. 16)
FOR

FLORIDA COURTS E-FILING PORTAL

Florida Courts



E-Filing Authority

For the period July 1, 2012 through June 30, 2013

LANIGAN & ASSOCIATES, PC

CERTIFIED PUBLIC ACCOUNTANTS

THOMASVILLE, GA

TALLAHASSEE, FL

ATLANTA, GA

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**SECTION I
INDEPENDENT SERVICE AUDITORS' REPORT**

LANIGAN & ASSOCIATES, P.C.

CERTIFIED PUBLIC ACCOUNTANTS

BUSINESS ADVISORS

www.lanigancpa.com

INDEPENDENT SERVICE AUDITORS' REPORT

Board of Directors
Florida Courts E-Filing Authority

Scope

We have examined the Florida Courts E-Filing Authority's (the "Authority") description of its portal for processing user entities' transactions throughout the period July 1, 2012 to June 30, 2013 and the suitability of the design and operating effectiveness of controls to achieve the related control objectives stated in the description.

Service Organization's Responsibilities

On pages 6-7 of the description, the Authority has provided an assertion about the fairness of the presentation of the description and suitability of the design and operating effectiveness of the controls to achieve the related control objectives stated in the description. The Authority is responsible for preparing the description for the assertion, including the completeness, accuracy, and method of presentation of the description and the assertion, providing the services covered by the description, specifying the control objectives and stating them in the description, identifying the risks that threaten the achievement of the control objectives, selecting the criteria, and designing, implementing, and documenting controls to achieve the related control objectives stated in the description.

Service Auditor's Responsibilities

Our responsibility is to express an opinion on the fairness of the presentation of the description and on the suitability of the design and operating effectiveness of the controls to achieve the related control objectives stated in the description, based on our examination. We conducted our examination in accordance with attestation standards established by the American Institute of Certified Public Accountants. Those standards require that we plan and perform our examination to obtain reasonable assurance about whether, in all material respects, the description is fairly presented and the controls were suitably designed and operating effectively to achieve the related control objectives stated in the description throughout the period July 1, 2012 to June 30, 2013.

An examination of a description of a service organization's system and the suitability of the design and operating effectiveness of the service organization's controls to achieve the related control objectives stated in the description involves performing procedures to obtain evidence about the fairness of the presentation of the description and the suitability of the design and operating effectiveness of those controls to achieve the related control objectives stated in the description.

Our procedures included assessing the risks that the description is not fairly presented and that the controls were not suitably designed or operating effectively to achieve the related control objectives stated in the description.

Our procedures also included testing the operating effectiveness of those controls that we consider necessary to provide reasonable assurance that the related control objectives stated in the description were achieved. An examination engagement of this type also includes evaluating the overall presentation of the description, the suitability of the control objectives stated therein, and the suitability of the criteria specified by the service organization and described in management's assertion on pages 6-7. We believe that the evidence we obtained is sufficient and appropriate to provide a reasonable basis for our opinion.

Inherent Limitations

Because of their nature, controls at a service organization may not prevent, or detect and correct, all errors or omissions in processing or reporting transactions. Also, the projection to the future of any evaluation of the fairness of the presentation of the description, or conclusions about the suitability of the design or operating effectiveness of the controls to achieve the related control objectives is subject to the risk that controls at a service organization may become inadequate or fail.

Opinion

In our opinion, in all material respects, based on the criteria described in the Authority's assertion on pages 6-7:

- a. The description fairly presents the system that was designed and implemented throughout the period July 1, 2012 to June 30, 2013.
- b. The controls related to the control objectives stated in the description were suitably designed to provide reasonable assurance that the control objectives would be achieved if the controls operated effectively throughout the period July 1, 2012 to June 30, 2013.
- c. The controls tested, which were those necessary to provide reasonable assurance that the control objectives stated in the description were achieved, operated effectively throughout the period July 1, 2012 to June 30, 2013.

Description of Tests of Controls

The specific controls tested and the nature, timing, and results of those tests are listed on pages 22-43.

Restricted Use

This report, including the description of tests of controls and results thereof on pages 22-43, is intended solely for the information and use of the Authority, user entities of the portal system during some or all of the period July 1, 2012 to June 30, 2013, and the independent auditors of such user entities, who have sufficient understanding to consider it, along with other information including information about controls implemented by user entities themselves, when assessing the risks of material misstatements or user entities' financial statements. This report is not intended to be and should not be used by anyone other than these specified parties.

Lanigan + Associates, P.C.

Lanigan and Associates, P.C.
October 27, 2013

SECTION II
GENERAL DESCRIPTION OF THE E-FILING PORTAL CONTROL STRUCTURE AND
OPERATIONS

FLORIDA COURTS E-FILING AUTHORITY'S ASSERTION

We have prepared the description of the Florida Courts E-Filing Portal for user entities of the portal during some or all of the period July 1, 2012 to June 30, 2013, and their user auditors who have a sufficient understanding to consider it, along with other information, including information about controls implemented by user entities of the portal themselves, when assessing the risks of material misstatements of user entities' financial statements. We confirm, to the best of our knowledge and belief, that:

- A. The description fairly presents the E-Filing Portal made available to user entities during the period July 1, 2012 to June 30, 2013, for processing their transactions. The criteria we used in making this assertion were that the description:
1. presents how the system made available to user entities of the system was designed and implemented to process relevant transactions, including, if applicable:
 - the types of services provided including, as appropriate, the classes of transactions processed.
 - the procedures, within both automated and manual systems, by which services are provided, including, as appropriate, procedures by which transactions are initiated, authorized, recorded, processed, corrected as necessary, and transferred to reports and other information prepared for user entities.
 - the related accounting records, supporting information, and specific accounts that are used to initiate, authorize, record, process, and report transactions; this includes the correction of incorrect information and how information is transferred to the reports and other information prepared for user entities.
 - how the system captures significant events and conditions, other than transactions.
 - the process used to prepare reports and other information for user entities.
 - the specified control objectives and controls designed to achieve those objectives, including as applicable, complementary user entity controls contemplated in the design of the service organization's controls.
 - other aspects of our control environment, risk assessment process, information and communication systems (including related business processes), control activities, and monitoring controls that are relevant to processing and reporting transactions of user entities of the system.

2. does not omit or distort information relevant to the scope of the E-Filing portal, while acknowledging that the description is presented to meet the common needs of a broad range of user entities of the systems and their financial statement auditors, and may not, therefore, include every aspect of the portal that each individual user entity of the portal and its auditor may consider important in its own particular environment.
 3. includes relevant details of the changes to the servicing agent system during the period covered by the description.
- B. The controls related to the control objectives stated in the description were suitably designed and operating effectively throughout the period July 1, 2012 to June 30, 2013, to achieve those control objectives. The criteria we used in making this assertion were that
1. the risks that threaten the achievement of the control objectives stated in the description have been identified by management;
 2. the controls identified in the description would, if operating as described, provide reasonable assurance that those risks would not prevent the control objectives stated in the description from being achieved; and
 3. the controls were consistently applied as designed, and manual controls were applied by individuals who have the appropriate competence and authority.



Kenneth Kent, Executive Director, FACC



Ron Webster, Chief Financial Officer, FACC

OVERVIEW OF THE E-FILING PORTAL

The Clerks of the Circuit Court are the official custodians of court records within their respective jurisdictions. The Clerk of the Florida Supreme Court is the official custodian of records for the Florida Supreme Court. In 2009, the Florida Legislature and Florida Supreme Court recognized the need for the development and implementation of a statewide electronic court filing system. As a result, Chapter 28.22205, Florida Statutes, was passed into 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.

The Florida Association of Court Clerks (FACC), in conjunction with the Florida Supreme Court, responded to this mandate by creating the Florida Courts E-Filing Authority. This was accomplished by an Interlocal Agreement creating a public agency pursuant to Chapter 163, Florida Statutes, comprised of Clerks of the Circuit Court who join the Authority and the Clerk of the Supreme Court.

The Florida Courts E-Filing Authority contracted with the FACC to design, develop, implement, operate, upgrade, support and maintain a uniform statewide electronic portal for the filing of court records. The portal will provide attorneys and pro se litigants with a common entry point for filing and transmitting court records electronically. In addition, the portal will provide these same persons and other authorized persons the ability to view court records electronically. The features of the portal include the following:

- a single statewide log-in
- a single internet access to court records by authorized users
- transmission 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 e-filing applications.

- compliance with electronic court filing standard 4.0, the global justice extensible markup language and oasis legal markup language.

The portal was launched in January 2011, as required by the Interlocal Agreement. As of June 2013, a majority of the counties were filing court records through the statewide portal.

Florida Supreme Court Opinion 11-399, amended October 18, 2012, required that attorneys e-file documents in civil cases filed in probate, family, circuit and county civil courts, by April 1, 2013. This resulted in increased usage of the Florida Courts E-Filing Portal and resulted in an increase in Authority revenues and expenses. SC11-399 also states by October 1, 2013, attorneys must e-file documents in all criminal cases.

An electronic filing may be submitted to the portal 24 hours per day and seven days per week. Electronic time/date stamps are attached to the documents as they are filed. However, the filing is not official information of record until it has been stored on the Clerk's case management system. All dates and times, including when the filing is received at the portal and accepted by the Clerk, are stored in the portal database.

GENERAL DESCRIPTION OF THE E-FILING PORTAL CONTROL STRUCTURE

Control Environment:

The Authority's control environment reflects the overall attitude, awareness, and actions of the board of directors/committees, management, and others concerning the importance of controls and their emphasis within the organization. The effectiveness of specific controls is established, enhanced or mitigated by various factors, including:

- Management's philosophy and operating style
- Organizational structure
- Board of Directors/Committees
- Assignment of authority and responsibility
- Commitment to competence
- Written policies and practices
- Various external influences that affect an entity's operations and practices, such as audits/reviews from external entities

Organizational Structure:

The organizational structure defines how authority and responsibility are delegated and monitored. It provides a framework for planning, executing, controlling, and monitoring operations.

The Authority's Board of Directors has ultimate responsibility for overseeing Authority operations. The Board is comprised of 9 members consisting of the following:

- Board Chairman – the chair of the FACC Technology Committee, as selected by the FACC President each year.
- Seven Clerks of the Circuit Court – in addition to the chair, each of the seven FACC districts nominate a Clerk from the district to serve on this board.
- Clerk of 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 contracted with the FACC to develop and maintain a uniform statewide electronic portal for the filing of court records. As a result, the remainder of this section of the report is discussed with respect to the structure and operations of the FACC.

The FACC Technology Committee has closer involvement to the technical aspects of the portal. The function of the Technology Committee is to provide program and policy direction relating to the application of technology within the Clerks' offices. In addition, the Committee provides development and management oversight for FACC sponsored applications (including the E-Filing Portal system, operations, controls, etc.). The Technology Committee is comprised of six Clerks presiding in the State of Florida. This committee meets several times throughout the year.

The FACC is headed by the Executive Director who reports directly to the Executive Committee. Overseeing the day to day operations of the E-Filing Portal is the Information Technology (IT) Director. The FACC Technology Division is comprised of approximately 54 staff members.

The Technical Division performs the following functions:

- Systems Engineering and Operations
- Application Development
- Service Center
- Technical Projects

Supporting the FACC Technology Division is the accounting function which is responsible for recording and reconciling the daily activity processed through the internet portal.

Integrity and Ethical Values:

The FACC believes that maintaining an environment of integrity and ethical values is critical to the establishment and maintenance of its internal control structure. The effectiveness of internal controls is a function of the integrity and ethical values of the individuals who create, administer, and monitor the controls.

Commitment to Competence:

Competence is the knowledge and skills necessary to accomplish the tasks that define an individual's job. The FACC specifies the competence level for a particular job and translates it into the required level of knowledge and skills. As noted below, the FACC has job descriptions for each job associated with the portal.

The FACC believes that it has implemented sound Human Resource practices that help attract and retain competent and trustworthy employees. This is evidenced by the fact that the FACC has very little employee turnover.

Personnel Policies and Procedures:

The FACC effectively assigns authority and responsibilities throughout the organization. There are several documented controls the FACC has in place to support this. First, the FACC has a well specified organizational chart for the Technical Division which indicates the lines of authority and responsibility. Second, the FACC maintains current employee job descriptions that are reviewed periodically to ensure that employee duties are commensurate with management's expectations. Management ensures that all employees have the required skills to manage the portal and responsibility delegated to them.

The FACC has formal hiring practices designed to ensure that new employees are qualified for their job responsibilities. All applicants pass through an interview process that assesses

their qualifications related to the expected responsibility level of the individual. In addition, background checks and criminal history checks are conducted on all external candidates.

The FACC recognizes the need for its employees to receive annual performance evaluations. These reviews are based on goals, responsibilities, and performance factors that are prepared and rated by the employee's supervisor and reviewed with the employee. Completed appraisals are reviewed by senior management and become a permanent part of the employee's personnel file.

The FACC's progressive discipline system provides a framework for letting employees know when there are problems, giving the employees an opportunity to correct the problems, and permitting some type of review process for the final decision to terminate the employee.

Risk Assessment:

The FACC has placed into operation a risk assessment process to identify and manage risks that could affect the organization's ability to provide reliable transaction processing for clients. This process requires management to identify significant risks in their areas of responsibility and to implement appropriate measures to address these risks. The risk management systems implemented by the FACC consist of internal controls derived from its policies, processes, personnel, and systems. Specifically, the primary control activities in place to mitigate these risks are described in the column entitled "Description of Controls" in Section III of this report.

Monitoring:

Management monitors operations, performance, quality and internal controls as a normal part of their activities. Management and staff, engaged in the technical and operational responsibilities, meet on a routine basis to discuss various issues pertaining to the portal. The type of issues discussed include, but are not limited to: problem resolution, system modification and enhancements, processing, transaction volume, and banking issues. The FACC has implemented various key reports (i.e. Budget, Transaction Volume and Financial Activity Reports) that measure the results of the portal.

As mentioned previously, the FACC has established and maintains a comprehensive internal control system. The FACC engages the following external audits/reviews:

1. Independent Financial Statement Audit (Annual):

External CPA firm performs an annual audit in accordance with professional standards. The purpose of the audit is to express an opinion on the FACC's financial statements.

2. Security Review (Annual):

An outside consulting company, under contract with the FACC, performs an annual stringent review of security for systems within which the portal operates. This consultant conducts an annual exit conference, issues an executive summary report, issues a detailed technical report and provides to FACC Senior Management recommendations for improvement.

3. Internet Security Review (Quarterly):

The FACC is required by Visa/Mastercard, who provides credit card services for the portal, to undergo quarterly security reviews. The quarterly reviews focus on internet security and are performed by an outside consulting firm. Upon completion, the FACC is provided a certification for processing transactions

4. SSAE No.16 (Annual):

The FACC, as part of their risk assessment process, requested a Statement on Standards for Attestation Engagements (SSAE) No. 16 engagement. A SSAE No. 16 audit is widely recognized because it represents that a service organization has been through an in-depth audit of their control activities, which generally include controls over information technology and related processes. The FACC plans to have a SSAE No. 16 engagement performed annually.

Information and Communication:

Management has established an organizational structure and has set a tone to help facilitate the communication of important business information. The FACC has implemented various methods of communication to ensure that all employees understand their roles and responsibilities and to ensure that significant events are communicated in a timely manner. As mentioned previously, the FACC has an organizational chart for the Technical Division that clearly depicts the lines of authority. The FACC maintains written job descriptions for all staff. Each description includes the responsibility to communicate significant issues and pertinent information in a timely manner. The FACC has formal meetings on a routine basis to discuss on-going projects associated with the portal. In addition, there are numerous ad-hoc meetings among management and staff for various reasons that may arise.

The FACC has implemented an Information Technology Service Management (ITSM) framework and Information Technology Infrastructure Library (ITIL) best practices for all FACC IT projects, including the portal. ITSM/ITIL is an internationally recognized best practice approach for managing IT projects. Selected staff have been trained and earned the ITSM/ITIL Foundation Certification.

The FACC has implemented various methods of communication to ensure that user organizations (Clerks) understand the FACC's role and responsibilities in processing transactions. These communication channels also ensure that the users understand how to

use and navigate the various systems administered by the FACC. For example, the FACC makes detailed training/procedures manuals available to those users participating in the portal. In addition, the FACC conducts training classes for new Clerk staff. User organizations are encouraged to communicate questions and problems to the FACC liaisons.

The portal website contains clear and concise directions that allow the user to navigate through the system and perform inquiries and complete transactions. FACC staff in the Service Center Function provides ongoing communication with customers. This function maintains records of problems reported by customers and incidents noted during processing. The Service Center Function also communicates information regarding training, changes in processing schedules, system enhancements, and other related information to the user organizations.

DESCRIPTION OF INFORMATION SYSTEMS:

FACC management has established processing procedures for the information system control environment. The systems and processes are defined as follows:

The FACC IT environment currently consists of an operating environment that is located in the Organization's office in Tallahassee, Florida. The office has an onsite server room that supports the company's ethernet-based local area network (LAN) that is used by Organization employees and consists mainly of Microsoft Windows based servers (equipped with Intel processors) that are used for network authentication, file/print services, internet access, email service and database servers for the company applications. Workstations and laptop computers throughout the Organization have network connectivity or are stand-alone.

The FACC IT environment is located inside a network consisting of various layers of industry standard firewalls to ensure that only authorized individuals are permitted access to the IT FACC Network and other IT Systems. FACC has leased high-speed communication lines to connect to the Internet.

System Data Backup Procedures

The ability to restore system data after the interruption of services, corruption of data, or failure of computer services is vital to the ability to continue to provide services to users. To ensure that mission, production data is available for restoration in the event of normal production system failure or disaster. The following schedule of backups and controls are currently being performed:

- Daily
- Monthly
- Annual

Data is backed up on premise via an EMC Networker backup server. The database and network documents are backed up to local Data Domain DD690 Disk Vault and replicated to a Data Domain DD890 Disk Vault that is located in Alpharetta, Georgia. Data is also

periodically backed up to Ultrium LTO4 tapes. The tapes are sent offsite with a secured vendor. The Systems Engineering staff is responsible for verifying that all backup jobs have been completed successfully. In addition, these individuals are responsible for updating all backup information including schedules, rotations, tape inventory, and tape location. The Systems Engineering staff is also responsible for ensuring the tape media is rotated offsite, for purchasing additional media when necessary and maintenance of the backup procedures.

Inventory of backup tapes are available via the vendor's secured online inventory system, as well as, the EMC Networker backup server. Both the online system and backup server are accessible by the Systems Engineering staff.

Physical and Environmental Protection

The FACC facility is located at 3544 Maclay Blvd, Tallahassee, Florida. Controls are in place to provide intrusion, fire detection and environmental protection.

Security and fire systems are utilized to protect against intrusion and fire. The Security System Vendor monitors the system for both fire and intrusion. In addition, the Vendor periodically inspects and maintains the system. The vendor has the ability to provide records of who activates and deactivates the intrusion system.

Access to the facility is limited with only one public entrance located at the front of the building. Access is controlled and monitored by the Organization's receptionist. Clients and visitors must sign-in at the receptionist's desk and are provided with a visitor's badge that must be worn at all times. Clients and visitors must be escorted by an FACC staff member in order to gain access to the second floor. The server room is located on the second floor. The room is secured and access is restricted to a limited list of key employees. Anyone accessing the server room must be accompanied by one of the authorized individuals, log their time, and record their reason for access. The server room features dedicated air conditioning units to protect the room from heat and humidity.

Fire extinguishers are located throughout the building and are maintained on a regular basis by the vendor. An FM-200 Fire Extinguishing System equipped with smoke and heat detectors is installed in the FACC server room.

Uninterrupted power supply units (UPS), with a constant load, are installed to protect the file servers and telecommunications equipment from power surges and loss of data from sudden power outages. The UPS systems are tested and inspected on a periodic basis.

A diesel generator is located on the company grounds to provide an uninterrupted power solution in the event of a longer term power outage. The generator runs weekly self-tests which are monitored by FACC personnel. The generator is also inspected and maintained on a regular basis.

Network Security

FACC maintains network diagrams illustrating the physical and logical connections between interconnecting equipment. The communications equipment and servers are labeled to facilitate cross-referencing to these diagrams.

To protect FACC data and information, a Cisco security appliance is utilized. The security appliance combines dynamic network address translation and packet filtration. Security groups and departments are separated using Virtual Local Area Networks (VLANs) in order to provide an additional layer of security.

Antivirus protection has been implemented at FACC on the server, email gateway and workstation levels to protect company data from infection by malicious code or viruses. The antivirus software actively monitors data and traffic with virus signature definitions that are updated on an active basis.

Logical Security

Logical access controls are utilized to restrict access to the FACC network, systems, applications and remote access. The IT Department has administrative access rights to the network and has responsibility for assigning and maintaining access rights to the network and applications.

The addition and deletion of user accounts is performed based on requests for new hires and terminations. FACC management has the authority to add new employees or modify existing employees' access rights. Requests are initiated by the HR department and communicated to the IT Department for processing.

Management provides notification of terminated employees to the IT Support team. The terminated employee's access credentials are disabled immediately.

Access to the FACC network requires a user to authenticate by entering in their network user ID and a confidential password. User ID composition is based on a combination of the user parameters including their first and last names. Security parameters for the network password include:

- Minimum password length - 8 alphanumeric characters
- Must contain at least one number or special character and one capital letter
- Password expiration – 90 days,
- Password history is maintained for 5 passwords
- Account lockout after 5 invalid attempts

Virtual Private Network (VPN) access to the FACC network is available using a Secured Socket Layer (SSL) VPN solution. Users must install a Cisco client on their device to authenticate and gain encrypted VPN access to the FACC network. Secondary user credentials are also required to create the VPN connection.

As an additional layer, VPN access is restricted in a Windows Active Directory (AD) and security parameters for remote access password management are controlled by the FACC Domain Security Policy.

Internet Data Authenticity

Since on-line security remains a primary concern of many customers, FACC has taken certain steps to ensure that any data transmitted to the application servers is done so in a secure manner. The E-Filing Portal website that is hosted at FACC is: <https://www.myflcourtaccess.com>

To ensure that sensitive data transmitted to the above website is protected against disclosure to third parties, the website uses Hypertext Transfer Protocol with Privacy, which connects with RSA 256 bit secure socket layer (SSL) encryption. FACC uses a trusted authority (Secure Server Certificate Authority) as the certificate authority to reassure online customers that the website they are visiting is an authentic site. Website customers are authenticated against the application server upon logging into their respective application.

Website customers are required to use a user ID and password to gain access to their accounts. To provide additional customer protection, the web application includes a session idle timeout feature that will automatically end an online session if the session remains idle for a specified time period.

DESCRIPTION OF FUNCTIONAL PROCESSING:

Account Setup (Filer):

Prior to utilizing the portal, filers must establish an account. This can be accomplished by accessing the e-portal log-in page at www.myflcourtaccess.com. Filers are prompted to complete all available fields on the screen. For security purposes, the user is required to create a user name and password. In addition, a security question must be selected from the drop down menu.

Filers receive two separate email notifications associated with the account setup process. The first email notification provides the filer with confirmation that the registration process was successful and provides the filer with profile information entered during the registration process. The second email notification provides the filer with an activation link which the filer must click on to complete the registration process. Prior to activation the filer must select the same security question selected during the registration process and the correct answer.

Account Management:

The filer has access to various links to make changes to profile information and to manage their accounts. For example, the “my filings” link allows the filer to view a list of filings entered using the portal. This page shows the status filings for a specified date range.

Case Filings:

The filer can select an existing case from a list of filings and append additional documents. The filer is required to perform a series of steps and complete all required fields. Prior to submission the filer is given the opportunity to review and edit the information and documents.

Users can file new cases through the portal. The first step in the process is to enter the new case information. Filing fees are automatically calculated based on selections made by the filer. At this point, documents can be added to the case. The filer is able to browse and attach the document.

The portal accepts documents in Word, WordPerfect or PDF. All documents are converted to the PDF format by the portal. By default, the portal will provide the PDF format to the local record system. Each county will also have the option to receive the original Word document if available.

An electronic filing may be submitted to the portal 24 hours per day and seven days per week. Electronic time/date stamps are attached to the documents as filed. However, the filing is not official information of record until it has been stored on the Clerk's case management system. All dates and times, including when the filing is received at the portal and accepted by the Clerk, are stored in the portal database.

Payments:

After a case is added, the filer is then directed to the payment screen. A list of filing fees is presented in the "fee information" portion of the screen. The screen also provides an explanation (in red) of how the convenience fee is calculated.

There are three payment options available: credit card, e-check or fee waiver. The user is required to enter payment information. The system prompts the user if required information is missing. The filing cannot be submitted with missing data. Once the filer selects the submit button, the credit card and e-check routing information is verified with the appropriate institution. This authorization process automatically rejects payments made using an invalid credit card number. The following mechanisms are utilized when authorizing transactions:

- Credit Card Verification Value (CVV): This is a 3 to 4 digit security code found on the back of the credit card. The filer must enter this information.
- Address Verification System (AVS): is used to verify the identity of the person claiming to own the credit card. The system will check the billing address of the credit card provided by the user with the address on file at the credit card company.

Filers receive a confirmation upon successful filing.

Confirmation of Filing:

The filer receives three confirmations during the filing process:

1. Screen Confirmation: Immediately upon submitting the filing, the filer will receive a confirmation notice on the portal screen. A filing reference number is provided. This number is needed for communication with the county prior to a case number being assigned.
2. Email Confirmation: The filer receives an email that verifies the case was successfully submitted.
3. Email Confirmation – Clerk Review: Subsequent to the Clerk’s review of the filing, the user receives another email verifying that the filing was processed successfully.

In addition to the confirmations above, the document now appears in the “my filings” section on the portal website with the completion date populated.

Accounting and Reconciliation of Portal Transactions:

All transaction data is captured by the portal database (“payment engine”). This includes the order number, order date, time stamp, transaction history, status, description of service, price and quantity.

Transactions that flow through the portal are sequentially numbered. Orders are given a unique identifier at the point that users initiate transactions.

The FACC utilizes an interface called the “IPAS reconciliation system” (Access Database) between the portal and the general ledger accounting system. This process provides for an efficient and effective reconciliation of deposits (receipts) and disbursement transactions. This system produces activity summary reports that are used for reconciliation purposes. Written procedures are in place that outlines the processes for successful reconciliation.

The FACC Accounting function performs monthly bank reconciliations of the portal bank account. The payment engine provides the financial data and reports for the "book side" of the bank reconciliation. Accordingly, the bank reconciliations provide control over both safeguarding assets and data integrity for the processing of financial data through the portal. Once completed, the bank reconciliations are reviewed by FACC Senior Management.

The Authority Banking Function performs a daily confirmation/verification process on E-Filing Portal ACH Files. The purpose of this process is to verify that the transfer amount according to the bank agrees to the E-Filing Portal Payment Engine/Database. This verification process is documented on the "ACH File Transfer Log". This document includes, but is not limited to, the following items by service: 1) confirmation number, 2) date of the file, 3) dollar amount of the file, and 4) staff initials performing the process.

CONTROL OBJECTIVES AND RELATED CONTROLS:

The Florida Courts E-Filing Portal's control objectives and related controls are included in Section III of this report, *Control Objectives, Related Controls, and Service Auditor's Testing of Controls*. This is to eliminate the redundancy that would result from listing them in this section and repeating them in Section III. Although the control objectives and related controls are included in Section III, they are nevertheless an integral part of the Authority's description of controls.

TYPES OF TESTS PERFORMED

The types of tests performed on the controls specified in Section III are described below:

1. Inspection

Inspected documents and reports indicating performance of the control. This includes, among other things:

- Examined documents or records for evidence of performance such as the existence of initials or signatures.
- Examined output control procedures and resulting documents relative to specific transactions to ensure accurate and timely updates of records were achieved.
- Inspected reconciliations and management reports that age and quantify reconciling items to assess whether balances and reconciling items are properly monitored, controlled and resolved on a timely basis.
- Examined management exception reports to assess whether exception items are properly monitored, controlled and resolved on a timely basis.
- Examined source documentation and authorizations to verify propriety of transactions processed.
- Inspected system documentation, such as operation manuals, flow charts and job descriptions.

2. Reperformance

Reperformed the processing of the control to ensure the accuracy of its operation.

3. Observation

Observed application of specific controls as performed by the Authority personnel as represented.

4. Inquiry

Inquiries seeking relevant information or representation from personnel were performed to obtain, among other things, knowledge and additional information regarding the control.

SECTION III
DESCRIPTION OF CONTROLS, CONTROL OBJECTIVES, RELATED CONTROL
PROCEDURES, AND TESTS OF OPERATING EFFECTIVENESS

SECTION III. ORGANIZATIONAL AND ADMINSTRATIVE CONTROLS		
CONTROL OBJECTIVE 1: The organization maintains a strong control environment that sets the tone of the organization with respect to the control consciousness of its well-being.		
Description of Controls	Test of Controls	Test Results
<p>The FACC maintains a high level of control consciousness and oversight of various systems. Specifically, the FACC has the following audits/reviews:</p> <ul style="list-style-type: none"> A. Annual financial statement audits B. Annual technical security review C. Quarterly technical security review with respect to internet security D. Annual SSAE No. 16 Type II Engagement. 	<ol style="list-style-type: none"> 1. Inspected reports and correspondence from each audit/review. 2. Interviewed FACC management about their policies for maintaining appropriate control consciousness. 	No relevant exceptions noted.
<p>Routine meetings are held to discuss special processing requests, operational performance and the development and maintenance of projects.</p>	<ol style="list-style-type: none"> 1. Interviewed FACC management about routine meetings that occur related to the portal. 2. Inspected documents from meetings (correspondence, agendas, minutes, etc). 	No relevant exceptions noted.
<p>FACC management provides oversight for system security.</p>	<ol style="list-style-type: none"> 1. Inquired to management about system security. 2. Inspected most recent Security Consulting Report. 	No relevant exceptions noted.
<p>Written position descriptions are maintained by the FACC. These are periodically updated.</p>	<ol style="list-style-type: none"> 1. Inspected job descriptions for all employees involved with the portal activities. 2. Interviewed employees to verify accuracy of documents. 	No relevant exceptions noted.

SECTION III. ORGANIZATIONAL AND ADMINSTRATIVE CONTROLS		
CONTROL OBJECTIVE 1: The organization maintains a strong control environment that sets the tone of the organization with respect to the control consciousness of its well-being.		
Description of Controls	Test of Controls	Test Results
<p>The Clerks of Court and the Clerk of the Supreme Court entered into an Interlocal Agreement establishing an internet portal for the electronic filing of court documents.</p> <p>The E-Filing Authority requires a signed Joinder to the Interlocal Agreement (on file) from all Clerks prior to executing transactions.</p>	<ol style="list-style-type: none"> 1. Inquired to management that signed contracts are on file for each Clerk participating in E-Filing Portal services. 2. Inspected the E-Filing Authority Interlocal Agreement. 3. Inspected a sample of E-Filing Portal contracts to verify the contract is complete and signed by the respective Clerks. 	<p>No relevant exceptions noted.</p>
<p>FACC staff involved in the E-Filing Portal functions are competent and possess the necessary professional experience.</p>	<ol style="list-style-type: none"> 1. Interviewed FACC management on policy for hiring practices. 2. Reviewed background and technical experience information in employee's personnel file (i.e. work experience, education, certifications, etc). 3. Interviewed staff to verify their background and technical experience. 	<p>No relevant exceptions noted.</p>

SECTION III. TRANSACTION PROCESSING AND RECONCILIATION		
CONTROL OBJECTIVE 2: Transactions that are processed through the E-Filing Portal system are authorized, processed, and recorded completely, accurately and timely.		
Description of Controls	Test of Controls	Test Results
The FACC is organized into separate functional areas to provide adequate segregation of duties.	1. See page 38 for the testing performed on segregation of duties.	No relevant exceptions noted.
<p>The FACC Accounting function performs monthly bank reconciliations of the portal bank account. The portal payment engine provides the financial data and reports for the "book side" of the bank reconciliation. Accordingly, the bank reconciliations provide control over both safeguarding assets and data integrity for the processing of financial data through the portal.</p> <p>The bank reconciliations are reviewed by FACC Senior Management.</p>	<ol style="list-style-type: none"> 1. Inquired to Management that portal bank reconciliations are performed in a timely manner. 2. Verified reconciling items were properly documented and the FACC provided reasonable explanations as to the nature of the reconciling items. 3. Verified source documents existed and were available for all amounts on the bank reconciliations. 4. Verified the mathematical accuracy of the bank reconciliations selected. 5. Requested the most recent bank reconciliation to verify it was completed timely (within 30 days of month end). 6. Inspected a sample of bank reconciliations to verify the required review and approvals were performed and documented. 	No relevant exceptions noted.

SECTION III. TRANSACTION PROCESSING AND RECONCILIATION		
CONTROL OBJECTIVE 2: Transactions that are processed through the E-Filing Portal system are authorized, processed, and recorded completely, accurately and timely.		
Description of Controls	Test of Controls	Test Results
<p>Transactions that flow through the portal are sequentially numbered. Orders are given a unique identifier at the point that users initiate transactions.</p>	<ol style="list-style-type: none"> 1. Interviewed management on the methodology in place to uniquely identify portal transactions. Verified transactions are sequentially numbered. 2. Inquired to management to verify order numbers are established at the point a user attempts a transaction. 3. Requested the first and last order numbers processed through the portal. Inspected a sample of transactions to verify orders were accounted for and within the fiscal year. 	<p>No relevant exceptions noted.</p>
<p>The user organizations (Clerks) have online 24/7 access to E-Filing Portal financial data and reports.</p>	<ol style="list-style-type: none"> 1. Interviewed FACC Management and staff to verify Clerks have 24/7 access to E-Filing Portal systems for relevant financial information. 2. Reviewed FACC training guide/procedure manuals to verify that guidance is available to clerks. 3. Requested FACC IT Management demonstrate the online 24/7 access. Confirmed the Clerks have access to the system for relevant financial reports and information. 	<p>No relevant exceptions noted.</p>

SECTION III. TRANSACTION PROCESSING AND RECONCILIATION		
CONTROL OBJECTIVE 2: Transactions that are processed through the E-Filing Portal system are authorized, processed, and recorded completely, accurately and timely.		
Description of Controls	Test of Controls	Test Results
<p>The FACC utilizes an interface called the “IPAS reconciliation system” (Access database) between the portal and the accounting system. This process provides for an efficient and effective reconciliation of deposit (receipts) and disbursement transactions. This system produces activity summary reports that are used for reconciliation purposes.</p> <p>Written procedures are in place for using the IPAS reconciliation system.</p>	<ol style="list-style-type: none"> 1. Interviewed the FACC Management to verify this is performed. 2. Inspected reports generated from the system. Verified the accuracy and completeness of the reports. 3. Traced selected receipt/disbursement transactions from the portal database through to the accounting system and bank statements. 4. Reviewed reconciliation procedures. Verified the consistency with actual procedures observed. 	<p>No relevant exceptions noted.</p>
<p>The FACC Banking function scans physical paper checks for certain transactions received in the mail daily. The scanning process electronically sends a deposit to the portal bank accounts. All other payments made on-line via credit card or e-check in the portal are automatically sent as a deposit to the portal bank accounts through the portal payment engine.</p> <ul style="list-style-type: none"> • All Checks are logged by the mail clerk. • Once checks are scanned and deposited, a report is produced that acts as a deposit slip. This is reconciled with the bank. 	<ol style="list-style-type: none"> 1. Inquired to FACC Banking Administrator to gain understanding and verify this process occurs on a daily basis. 2. Reviewed procedures for scanning of the checks. 3. Inspected sample mail logs and deposit documentation. 	<p>No relevant exceptions noted.</p>

SECTION III. TRANSACTION PROCESSING AND RECONCILIATION		
CONTROL OBJECTIVE 2: Transactions that are processed through the E-Filing Portal system are authorized, processed, and recorded completely, accurately and timely.		
Description of Controls	Test of Controls	Test Results
<p>The Authority Banking Function performs a daily confirmation/verification process on portal ACH Files. The purpose of this process is to verify that the transfer amount according to the bank agrees to the portal Payment Engine/Database. This verification process is documented on the "ACH File Transfer Log". This document includes, but is not limited to, the following items by service: 1) confirmation number 2) date of the file 2) dollar amount of the file 3) staff initials performing the process.</p>	<ol style="list-style-type: none"> 1. Interviewed the Banking Administrator to gain understanding of this process. Verified this process occurs on a daily basis. 2. Observed the Banking Administrator perform the daily ACH file confirmation process for selected dates. 3. Inspected daily logs for a selected month to verify the process had been performed and documented. 4. Requested detailed portal payment engine reports and portal bank statements. Verified that detailed disbursement reports agreed to the transfer amounts listed on the bank statements. 	<p>No relevant exceptions noted.</p>
<p>The portal includes banking controls for credit card transactions. This authorization process automatically rejects payments made using an invalid credit card number. The following mechanisms are utilized when authorizing transactions:</p> <ul style="list-style-type: none"> • Credit Card Verification Value (CVV) • Address Verification System 	<ol style="list-style-type: none"> 1. Inquired to FACC Management and staff on the Cybersource authorization process. 2. Observed FACC staff attempting to make several credit card payments on portal using invalid credit card numbers. 	<p>No relevant exceptions noted.</p>

SECTION III. PHYSICAL SECURITY		
CONTROL OBJECTIVE 3: Controls provide reasonable assurance that physical access to computer equipment, storage media, and program documentation is restricted to properly authorized individuals.		
Description of Controls	Test of Controls	Test Results
Electronic badge devices control access to all entrances to the building. The main entrance remains unlocked during business hours (8:00am-5:00pm) for visitors.	<ol style="list-style-type: none"> 1. Observed that all entrances (with exception of main entrance) remained locked at all times. 2. Observed the presence of electronic key devices at the entrances to the FACC building. 	No relevant exceptions noted.
Electronic badge devices control the access to the FACC server room. Only specified technical staff have access to this secured location.	<ol style="list-style-type: none"> 1. Verified the server room is locked. 2. Observed the presence of an electronic key device at the entrance of the server room. 	No relevant exceptions noted.
Access to the server room is restricted to only members of the FACC Information Technology Department who are responsible for administration and support of the internal network and the technical environment.	<ol style="list-style-type: none"> 1. Inspected a listing of individuals with access to the server room. Verified that only current employees have access. 2. Observed non-authorized staff unsuccessfully attempting access. 	No relevant exceptions noted.
Automated electronic reports are periodically generated for monitoring of traffic in and out of the FACC building and server room.	<ol style="list-style-type: none"> 1. Inspected report generated from the system that lists all traffic in and out of the building and server room. 	No relevant exceptions noted.
All visitors must use the main entrance of the FACC facility. FACC visitors are required to sign a visitor's log upon entering the facility. In addition, all visitors are provided visitor badges.	<ol style="list-style-type: none"> 1. Verified the front entrance is the only un-locked entrance during normal office hours. 2. Observed visitors entering and exiting the building. 3. Observed receptionist providing visitor badges. 	No relevant exceptions noted.

SECTION III. PHYSICAL SECURITY		
CONTROL OBJECTIVE 3: Controls provide reasonable assurance that physical access to computer equipment, storage media, and program documentation is restricted to properly authorized individuals.		
Description of Controls	Test of Controls	Test Results
An escort (FACC staff) is called to greet their visitors in the lobby.	1. Verified through observation that guests are accompanied by a FACC staff employee at all times.	No relevant exceptions noted.
The FACC conducts employment background checks and criminal history checks on external candidates selected to fill vacant positions.	<ol style="list-style-type: none"> 1. Inspected Human Resource procedures to verify that background checks are required for all new employees. 2. Inspected background/criminal history check log for all employees hired in the audit period. 3. For selected employees, inspected background/ criminal history check documentation. 	No relevant exceptions noted.
A security consulting company, under contract with the FACC, performs an annual stringent review of the FACC system's security within which the portal operates. The consulting company conducts an exit conference, issues an executive summary report, issues a detailed technical report and provides recommendations for improvement to FACC Senior Management.	<ol style="list-style-type: none"> 1. Inquired to FACC Management about the Security Consulting engagement and method of addressing recommendations. 2. Inspected the most recent security consulting report. 	No relevant exceptions noted.
FACC has an alarm system in place to monitor and notify the company of any unauthorized access. The alarm system is serviced annually by the vendor to ensure that the system is operating correctly.	<ol style="list-style-type: none"> 1. Inspected contract with vendor to verify the existence of alarm system. 2. Performed a walkthrough of the building to verify the existence of an alarm system. 	No relevant exceptions noted.

SECTION III. PHYSICAL SECURITY		
CONTROL OBJECTIVE 3: Controls provide reasonable assurance that physical access to computer equipment, storage media, and program documentation is restricted to properly authorized individuals.		
Description of Controls	Test of Controls	Test Results
<p>The Authority is required by the credit card companies, who provide credit card services for the portal, to undergo quarterly systems security reviews. The quarterly reviews focus on internet security issues.</p>	<ol style="list-style-type: none"> 1. Inquired to FACC Management about the work performed by this company. 2. Inspected reports to ensure that the FACC passed the security review. 3. Verified that the FACC has posted certification, of successful completion, on the website. 	<p>No relevant exceptions noted.</p>

SECTION III. ENVIRONMENTAL CONTROLS		
CONTROL OBJECTIVE 4: Controls provide reasonable assurance that the physical environmental devices are installed to adequately protect the servers, network equipment, and storage media.		
Description of Controls	Test of Controls	Test Results
Multiple air conditioning units are present in order to regulate the temperature in the FACC server room. Periodic inspections and preventative maintenance procedures are performed on the equipment.	<ol style="list-style-type: none"> 1. Observed the FACC server room and verified that air conditioning systems are present in the server room. 2. Verified that a maintenance agreement exists for the air conditioning systems. 	No relevant exceptions noted.
An FM-200 Fire Extinguishing System, equipped with smoke and heat detectors, is installed in the FACC server room. FM-200 equipment is under a service agreement for semi-annual inspections and receives preventative maintenance as required.	<ol style="list-style-type: none"> 1. Observed the FACC server room and noted the FM-200 release heads were present throughout the server room. 2. Inspected maintenance agreements. 	No relevant exceptions noted.
An uninterruptible power supply system (UPS) has been installed to protect against loss of data during a power failure and is subjected to periodic testing and maintenance.	<ol style="list-style-type: none"> 1. Toured facility and verified the presence and location of UPS systems. 2. Inspected UPS maintenance and test records. 	No relevant exceptions noted.
A diesel generator is installed at the FACC facility to provide backup power in the event of a power failure. Diesel generators are configured to self-exercise periodically and are under maintenance agreement to receive preventative maintenance.	<ol style="list-style-type: none"> 1. Observed the diesel generator at the FACC facility and verified that a diesel generator was in place to provide backup power to the facility. 2. Inspected the maintenance agreement and verified that the generator is inspected on an annual basis. 	No relevant exceptions noted.

SECTION III. NETWORK SECURITY AND INTERNET ACCESS		
CONTROL OBJECTIVE 5: Controls provide reasonable assurance that access to systems (logical) and through the internet is restricted to properly authorized individuals.		
Description of Controls	Test of Controls	Test Results
A network diagram illustrates the physical and logical connections of FACC information systems.	1. Inspected the FACC System/Network Diagram.	No relevant exceptions noted.
Communication equipment and servers are labeled to facilitate cross-reference of these diagrams.	1. Inquired to management about the FACC systems/networks. 2. Observed the server room and compared physical equipment (labeled) to the network diagram.	No relevant exceptions noted.
Firewalls are embedded in the system to prevent unauthorized access. Further, various FACC functions are separated into VLANs that provide access restrictions. The system is capable of generating firewall logs of activity.	1. Verified inclusion of firewalls on system diagram. 2. Observed the FACC produce firewall logs for a specific time frame. 3. Verified this log reflects all attempted access to the systems.	No relevant exceptions noted.
Antivirus protection has been implemented at FACC server, email gateway, and workstation levels to protect company data from infection by malicious code or viruses.	1. Verified antivirus software exists on servers and a selection of workstations. 2. Reviewed written antivirus policies contained in the Security Policies and Procedures Manual. 3. Obtained log of periodic virus scans on servers and workstations.	No relevant exceptions noted.

SECTION III. NETWORK SECURITY AND INTERNET ACCESS		
CONTROL OBJECTIVE 5: Controls provide reasonable assurance that access to systems (logical) and through the internet is restricted to properly authorized individuals.		
Description of Controls	Test of Controls	Test Results
The Florida Courts E-Filing Portal contains a Digital Certificate (SSL - Web Certificate). The Certificate has been issued by a known certificate authority and is accessible on the website.	<ol style="list-style-type: none"> 1. Inspected certificate documentation provided from vendor. Verified that the certificate was current and had not expired. 2. Observed website to verify the digital certificate is accessible and properly displayed. 	No relevant exceptions noted.
Windows and Network password management controls include the following: -Minimum password length -Character complexity components -Password expiration/change frequency -Invalid password attempts/account lock out -Password history	<ol style="list-style-type: none"> 1. Obtained the domain security policy and confirmed the parameters match control details and Security Policies & Procedures document. 2. Observed employee unable to log into system with invalid credentials. 3. Viewed history of password expiration. 	No relevant exceptions noted.
Change requests (moving, adding, changing, etc) are initiated by the Human Resource Function and communicated to the IT Department.	<ol style="list-style-type: none"> 1. Confirmed through corroborative inquiry with Management of IT that the control activity is in place. 	No relevant exceptions noted.
The Human Resource Function notifies the IT Department of all new employees and terminations.	<ol style="list-style-type: none"> 1. Confirmed through corroborative inquiry with Management of IT that the control activity stated is in place. 2. Obtained a list of terminated employees during audit period. Inspected the Windows Active Directory (AD) to verify that all terminated employees were disabled or eliminated. 	No relevant exceptions noted.

SECTION III. NETWORK SECURITY AND INTERNET ACCESS		
CONTROL OBJECTIVE 5: Controls provide reasonable assurance that access to systems (logical) and through the internet is restricted to properly authorized individuals.		
Description of Controls	Test of Controls	Test Results
FACC encrypts the hard drives of laptops to prevent unauthorized access in the event of loss or theft.	<ol style="list-style-type: none"> 1. Observed the managed console of the drive encryption software. 2. Randomly selected laptops to verify that encryption is active and functioning properly. 	No relevant exceptions noted.
FACC engages an outside consulting company to perform an annual stringent review of security for FACC systems. This company conducts an annual exit conference, issues an executive summary report, and issues a detailed technical report that includes recommendations to management.	<ol style="list-style-type: none"> 1. Inspected most recent annual security report. 2. Verified the report did not identify major problems or weaknesses in the system. 3. Verified recommendations were provided to management for improvement. 	No relevant exceptions noted.
The FACC is required by the credit card companies to undergo quarterly security reviews. The quarterly reviews focus on internet security and are provided by an outside vendor.	<ol style="list-style-type: none"> 1. Read quarterly review reports to ensure the FACC passed security review. 2. Verified the FACC has posted certification of successful completion on the website. 	No relevant exceptions noted.
FACC uses Microsoft Window Server Update Services (WSUS) to manage and install Microsoft critical and security patches.	<ol style="list-style-type: none"> 1. Observed FACC gain access to the WSUS software. 2. Inspected reports of managed FACC servers and workstations. 	No relevant exceptions noted.

SECTION III. NETWORK SECURITY AND INTERNET ACCESS		
CONTROL OBJECTIVE 5: Controls provide reasonable assurance that access to systems (logical) and through the internet is restricted to properly authorized individuals.		
Description of Controls	Test of Controls	Test Results
FACC uses third party software to monitor the websites and portals to confirm sites are operating and that connections can be made.	<ol style="list-style-type: none"> 1. Confirmed through corroborative inquiry with IT Management that the control activity stated is in place. 2. Observed access to the monitoring software and confirmed it was active. 3. Inspected periodic email reports sent to FACC IT that reflects monitoring results and any potential issues with the FACC websites. 	No relevant exceptions noted.
FACC uses managed software to enforce security on Personal Digital Assistant (PDA) devices.	<ol style="list-style-type: none"> 1. Reviewed written PDA policy contained in the Security Policies and Procedures document. 2. Verified managed software is present with PIN enforcement settings. 	No relevant exceptions noted.
A Uniform Resource Locator (URL) filter is in place to detect and block potentially malicious links from being accessed.	<ol style="list-style-type: none"> 1. Verified with management the existence of the URL filtering device. 2. Inspected sample logs of blocked potentially malicious URLs. 	No relevant exceptions noted.
FACC has established security roles within the portal website in order to restrict users based on their authorized permissions.	<ol style="list-style-type: none"> 1. Obtained a list of the portal security roles with detailed descriptions showing associated permissions. 2. Obtained screenshot subsequent to logging into the portal to verify security rules had been properly implemented and assigned. 	No relevant exceptions noted.

SECTION III. INFORMATION AND COMMUNICATION		
<p>CONTROL OBJECTIVE 6: Controls provide reasonable assurance that the information and communication component includes the procedures and records established by the FACC to initiate, process, and report the user organizations' (Clerks) transactions and maintain accountability for the transactions.</p>		
Description of Controls	Test of Controls	Test Results
<p>FACC has established and maintains written policies and procedures for various tasks and activities associated with the portal.</p>	<ol style="list-style-type: none"> 1. Inspected written policies and procedures that pertain to portal. 2. Observed certain processes to verify consistency with written procedures. 	<p>No relevant exceptions noted.</p>
<p>The FACC maintains an organizational chart for the Organization and the Technical Division that clearly depicts lines of authority.</p>	<ol style="list-style-type: none"> 1. Inspected FACC organizational chart as it relates to portal. Obtained explanations from the FACC on the various functions presented. 2. During the course of the audit, observed various positions to verify work performed was consistent with organizational chart and job descriptions. 	<p>No relevant exceptions noted.</p>
<p>The FACC has routine meetings to discuss special processing requests, operations, and the development and maintenance of projects.</p>	<ol style="list-style-type: none"> 1. Inquired to management about the existence of routine technical meetings. 2. Inspected documentation from meetings (correspondence, agendas, minutes, etc). 	<p>No relevant exceptions noted.</p>
<p>The FACC has implemented an Information Technology Service Management (ITSM) framework and Information Technology Infrastructure Library (ITIL) best practices for FACC technical projects.</p> <p>Selected staff have been trained and earned the ITSM/ITIL Foundation certification.</p>	<ol style="list-style-type: none"> 1. Inquired to management about the existence of ITSM/ITIL framework and best practices. 2. Inspected ITSM/ITIL related documents. 3. Inspected employee certifications in ITSM/ITIL. 	<p>No relevant exceptions noted.</p>

SECTION III. INFORMATION AND COMMUNICATION		
<p>CONTROL OBJECTIVE 6: Controls provide reasonable assurance that the information and communication component includes the procedures and records established by the FACC to initiate, process, and report the user organizations' (Clerks) transactions and maintain accountability for the transactions.</p>		
Description of Controls	Test of Controls	Test Results
<p>The FACC produces several reports that assist management in the monitoring objective of the portal. These are distributed to key management and staff and are discussed at routine meetings.</p>	<ol style="list-style-type: none"> 1. Confirmed through corroborative inquiry that the control activity stated is in place. 2. Inspected samples of each report and documented its nature and purpose. 	<p>No relevant exceptions noted.</p>
<p>The FACC has a Service Center function that provides on-going support for the existing FACC applications.</p>	<ol style="list-style-type: none"> 1. Inquired to management as to the nature of the FACC Service Center. 2. During the course of the audit, observed the Service Center staff performing their tasks. 3. Inspected tracking logs or other documentation from the database that tracks issues arising from customers. 	<p>No relevant exceptions noted.</p>
<p>The FACC provides necessary training to Clerks engaged in services offered by E-Filing Portal. This is to ensure that the Clerks understand how to use and navigate the various systems administered by the FACC (including E-Filing Portal).</p>	<ol style="list-style-type: none"> 1. Inquired to management as to the type of training/operational procedures in place. 2. Inspected manuals/procedures made available to Clerks for the various components of portal. 	<p>No relevant exceptions noted.</p>
<p>Procedure Guides have been developed for the users of the E-Filing Portal. This is to ensure that the users understand how to navigate the system.</p>	<ol style="list-style-type: none"> 1. Inquired to management as to the type of training/operational procedures in place. 2. Inspected procedure manuals made available to users of the E-Filing Portal. 	<p>No relevant exceptions noted.</p>

SECTION III. SEGREGATION OF FUNCTIONS (INTERNAL)		
CONTROL OBJECTIVE 7: Controls provide reasonable assurance that FACC activities are organized to provide internal segregation of functions.		
Description of Controls	Test of Controls	Test Results
The FACC is organized into separate functional areas to provide adequate separation of duties.	<ol style="list-style-type: none"> 1. Reviewed job descriptions and organizational chart noting the degree of separation within the FACC. 2. Interviewed management and staff to determine adherence to the organizational charts and policies. For example, the accounting department should be separate from system programming and operations. 3. Observed various duties/functions being performed by the FACC staff. 	No relevant exceptions noted.
The FACC maintains an organizational chart for the Technical Division that clearly depicts lines of authority.	<ol style="list-style-type: none"> 1. Inspected FACC organizational chart as it relates to the portal. Obtained explanations from the FACC on the various functions presented. 2. During the course of the audit, observed various positions to verify work is performed consistent with organizational chart and job descriptions. 	No relevant exceptions noted.
FACC operations personnel do not perform programming functions. Programming personnel do not perform operations duties.	<ol style="list-style-type: none"> 1. Reviewed the IT (Information Technology) organization chart noting the degree to which operations and programming functions are segregated. 2. Interviewed computer operations management to determine adherence to policy. 	No relevant exceptions noted.

SECTION III. SEGREGATION OF FUNCTIONS (INTERNAL)		
CONTROL OBJECTIVE 7: Controls provide reasonable assurance that FACC activities are organized to provide internal segregation of functions.		
Description of Controls	Test of Controls	Test Results
Programming personnel do not initiate or authorize transactions.	1. Reviewed the policies and procedures of FACC.	No relevant exceptions noted.
Written job descriptions have been prepared for FACC personnel and are periodically updated.	1. Reviewed employee job descriptions for those employees involved with the portal. 2. Interviewed management and employees to verify accuracy of these documents.	No relevant exceptions noted.

SECTION III. SEGREGATION OF FUNCTIONS (EXTERNAL)		
CONTROL OBJECTIVE 8: The FACC and User Organizations (Clerks) are segregated.		
Description of Controls	Test of Controls	Test Results
FACC is physically separate from the user organizations (Clerks) for which it performs processing.	1. Reviewed policies of the organization and contractual obligations that exist between FACC and user organizations.	No relevant exceptions noted.
The relationship between the FACC and user organizations is contractual in nature.	2. Reviewed policies of FACC and contractual obligations that exist between FACC and user organizations.	No relevant exceptions noted.

SECTION III. SERVICE FEE SCHEDULE		
CONTROL OBJECTIVE 9: Controls provide reasonable assurance that service fees are properly charged in accordance with agreements, contracts, laws and regulations.		
Description of Controls	Test of Controls	Test Results
E-Filing Portal has an approved service fee schedule governing online transactions.	<ol style="list-style-type: none"> 1. Inspected the uniform E-Filing Portal fee schedule. 2. Verified approval of the service fees by the Board. 	No relevant exceptions noted.
The portal has system parameters (source code) for specific transactions in accordance with the service fee schedule.	<ol style="list-style-type: none"> 1. Randomly select transactions occurring during the audit period. 2. Inspected order detail report generated directly from the portal system. 3. Recalculated the service fee(s) for each order to verify that the portal charged the customer correctly. 	No relevant exceptions noted.
Users are informed prior to submitting on-line payment of the service fee charged. In addition, the customer is requested to confirm order (payment information).	<ol style="list-style-type: none"> 1. Inspected website as user attempts to make a payment. Verified that the service fee is presented prior to submitting order. Verified that customer is requested to confirm order. 	No relevant exceptions noted.

**SECTION III.
DATA BACKUP AND RECOVERY**

CONTROL OBJECTIVE 10: Controls provide reasonable assurance that Backup and Recovery procedures are available to preserve the integrity of programs and data files.

Description of Controls	Test of Controls	Test Results
<p>The following schedule of backups and controls are being performed:</p> <ul style="list-style-type: none"> • Daily • Monthly • Annual <p>Backups are performed utilizing a custom script that has been implemented on the server.</p>	<ol style="list-style-type: none"> 1. Inspected automated script utilized by FACC staff in performing the backup. 2. Inquired to management about the system and the backup schedule. 3. Inspected the FACC system diagram/flowchart to understand the various components, servers, databases, etc. 4. Observed a selection of backup logs for various servers identified on the network diagram. 5. Performed a backup of randomly sampled files to tape. 	<p align="center">No relevant exceptions noted.</p>
<p>The backup process is performed in accordance with detailed written procedures.</p>	<ol style="list-style-type: none"> 1. Inquired to management about the backup procedures and associated processes. 2. Reviewed the backup schedule in place for the FACC server and data files. 3. Inspected a selection of backup logs to verify compliance with procedures. 	<p align="center">No relevant exceptions noted.</p>
<p>Tapes are taken off-site by a contracted vendor periodically. This process is conducted in accordance with FACC written procedures. The vendor stores the tapes in a safe and secured environment.</p>	<ol style="list-style-type: none"> 1. Interviewed management about procedures for taking tapes off-site to a safe and secured location. 	<p align="center">No relevant exceptions noted.</p>

**SECTION III.
DATA BACKUP AND RECOVERY**

CONTROL OBJECTIVE 10: Controls provide reasonable assurance that Backup and Recovery procedures are available to preserve the integrity of programs and data files.

Description of Controls	Test of Controls	Test Results
Inventory of backup tapes are available via the Vendor's inventory system that is accessible by the company administrative personnel.	<ol style="list-style-type: none"> 1. Inquired to management about the vendor inventory process. 2. Inspected inventory of backup tapes. 	No relevant exceptions noted.
Recoveries are performed on a periodic basis.	<ol style="list-style-type: none"> 1. Inquired to management about the recovery process procedures. 2. Performed a recovery of randomly sampled files. 	No relevant exceptions noted.

TAB 6

June 2013 County Readiness Report



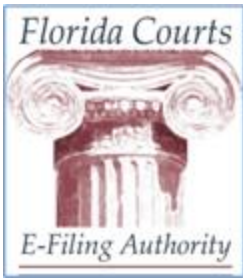
Florida Courts E-Filing Authority Board

June E-Filing Update



E-Filing Portal Usage Statistics

First Two Months



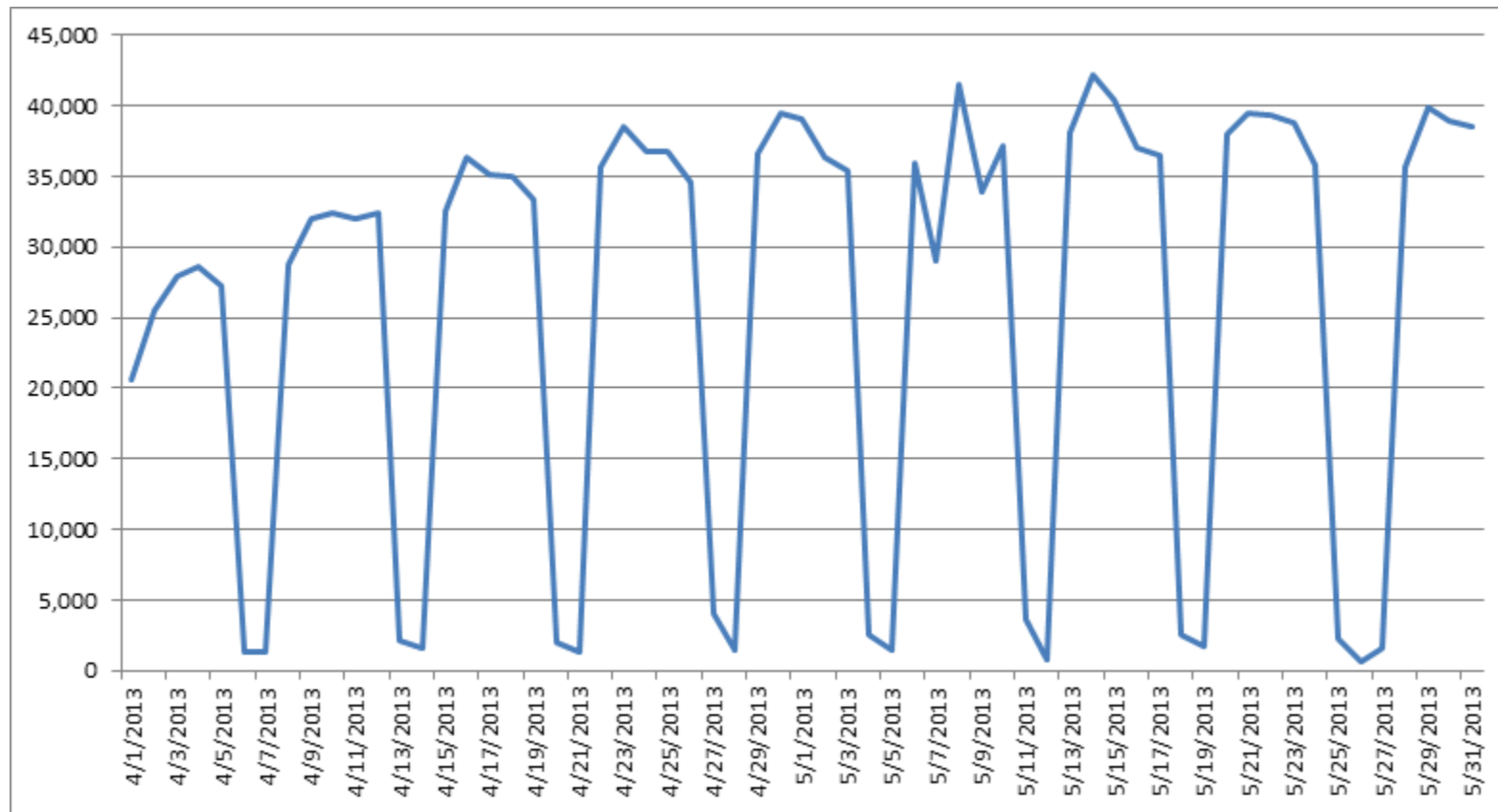
Portal Usage Statistics

E-Filings Submitted	
Period	Total
April	733,210
May	844,167
Total	1,577,377
Updated Annual Est.	9,464,262

E-Filing Portal Users as of 5/31/2013
45,694



E-Filing Volume April and May





New Case vs. Existing Case

E-Filings Submitted		
Time Period	New Case Filings	Existing Case Filings
April 2013	41,011	733,210
May 2013	53,604	844,167
Total	94,615	1,577,377
%	6	94



E-Filing Portal Service Desk Report



Portal Service Desk Statistics

Logged Service Requests

Period	Received	% from Filers & Vendors
April 2013	17,463	90%
May 2013	11,464	85%



Portal Service Desk Status

- **Response Time**
 - Two weeks old
- **Resolution**
 - Technology
 - More staff
- **Forecast**
 - Increased need as filers are added



Appellate Readiness Report



Appellate Readiness Report

Appellate Courts

Court	E-Filing	Scanning	Automated Redaction
Supreme Court	COMPLETE	Yes	No
First District Court of Appeal	December 2013	Yes	No
Second District Court of Appeal	July 2013	Yes	No
Third District Court of Appeal	September 2013	June 2013	No
Fourth District Court of Appeal	October 2013	August 2013	No
Fifth District Court of Appeal	November 2013	Yes	No



Criminal Pilot Update

Completed



Criminal Pilot Program Report

County	Standardized Dockets Loaded	ePortal Codes & Config Verified (Ready for Testing)	Testing with SAO/PD	Live eFiling Verification with SAO/PD
Bradford	COMPLETE	COMPLETE	COMPLETE	COMPLETE
Brevard	COMPLETE	COMPLETE	COMPLETE	COMPLETE
Columbia	COMPLETE	COMPLETE	COMPLETE	COMPLETE
Duval	COMPLETE	COMPLETE	COMPLETE	COMPLETE
Jackson	COMPLETE	COMPLETE	COMPLETE	COMPLETE
Lake	COMPLETE	COMPLETE	COMPLETE	COMPLETE
Lee	COMPLETE	COMPLETE	COMPLETE	COMPLETE
Martin	COMPLETE	COMPLETE	COMPLETE	COMPLETE
Santa Rosa	COMPLETE	COMPLETE	COMPLETE	COMPLETE
St. Lucie	COMPLETE	COMPLETE	COMPLETE	COMPLETE
Walton	COMPLETE	COMPLETE	COMPLETE	COMPLETE



Criminal Batch Interface Update

CBI



CBI State Attorney Report

Office	CMS Type	Development Initiated	Development Complete	Testing Complete	Verification with Clerk
SAO1	STAC	COMPLETE	6/21/2013	TBD	TBD
SAO2	STAC	COMPLETE	6/21/2013	TBD	TBD
SAO3	STAC	COMPLETE	6/21/2013	TBD	TBD
SAO4	STAC	COMPLETE	6/21/2013	TBD	TBD
SAO5	In-House	TBD	TBD	TBD	TBD
SAO6	Tyler	TBD	TBD	TBD	TBD
SAO7	STAC	COMPLETE	6/21/2013	TBD	TBD
SAO8	STAC	COMPLETE	6/21/2013	TBD	TBD
SAO9	In-House	TBD	TBD	TBD	TBD
SAO10	STAC	COMPLETE	6/21/2013	TBD	TBD



CBI State Attorney Report

Office	CMS Type	Development Initiated	Development Complete	Testing Complete	Verification with Clerk
SAO11	In-House	COMPLETE	TBD	TBD	TBD
SAO12	STAC	COMPLETE	6/21/2013	TBD	TBD
SAO13	In-House	COMPLETE	TBD	TBD	TBD
SAO14	STAC	COMPLETE	6/21/2013	TBD	TBD
SAO15	STAC	COMPLETE	6/21/2013	TBD	TBD
SAO16	STAC	COMPLETE	6/21/2013	TBD	TBD
SAO17	In-House	COMPLETE	TBD	TBD	TBD
SAO18	STAC	COMPLETE	6/21/2013	TBD	TBD
SAO19	STAC	COMPLETE	6/21/2013	TBD	TBD
SAO20	In-House	COMPLETE	3/29/2013	TBD	TBD



CBI Public Defender Report

Office	CMS Type	Development Initiated	Development Complete	Testing Complete	Verification with Clerk
PD1	STAC	COMPLETE	6/21/2013	TBD	TBD
PD2	In-House	COMPLETE	COMPLETE	TBD	TBD
PD3	In-House	COMPLETE	COMPLETE	TBD	TBD
PD4	In-House	COMPLETE	COMPLETE	TBD	TBD
PD5	STAC	COMPLETE	6/21/2013	TBD	TBD
PD6	Tyler	TBD	TBD	TBD	TBD
PD7	STAC	COMPLETE	6/21/2013	TBD	TBD
PD8	STAC	COMPLETE	6/21/2013	TBD	TBD
PD9	STAC	COMPLETE	6/21/2013	TBD	TBD
PD10	In-House	TBD	TBD	TBD	TBD



CBI Public Defender Report

Office	CMS Type	Development Initiated	Development Complete	Testing Complete	Verification with Clerk
PD11	In-House	TBD	TBD	TBD	TBD
PD12	STAC	COMPLETE	6/21/2013	TBD	TBD
PD13	STAC	COMPLETE	6/21/2013	TBD	TBD
PD14	STAC	COMPLETE	6/21/2013	TBD	TBD
PD15	STAC	COMPLETE	6/21/2013	TBD	TBD
PD16	In-House	COMPLETE	COMPLETE	TBD	TBD
PD17	STAC	COMPLETE	6/21/2013	TBD	TBD
PD18	In-House	COMPLETE	TBD	TBD	TBD
PD19	STAC	COMPLETE	6/21/2013	TBD	TBD
PD20	In-House	COMPLETE	3/29/2013	TBD	TBD