

**2013-2014**  
**Florida Courts E-Filing**  
**Authority Annual Report**

December 2014

*Florida Courts*



*E-Filing Authority*

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# **Florida Courts E-Filing Authority**

## **2013-2014 Annual Report**

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# **Executive Summary and Overview**

## 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 Florida's Court System, Florida made great strides in developing the Florida Courts E-Filing Portal over the 2013-2014 fiscal year.

At the June 2013 Annual Clerks' Conference, Chief Justice Ricky Polston stated his four areas of focus for e-filing in Florida's Courts:

- 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) Standard drop-down menus for filers.

These four areas became the focus for the Florida Courts E-Filing Authority over the 2013-2014 program year and were integrated into the development of one of the country's first complete e-filing systems.

By April 1, 2013, all 67 Clerks of the Circuit Court were accepting civil court documents in all five divisions of the trial courts: Circuit Civil, County Civil, Probate, Small Claims and Family Law. By February 3, 2014, the portal was able to accept all five criminal case types: county criminal, circuit criminal, traffic, juvenile dependency and juvenile delinquency. By mid-2014, all 67 Florida counties had phased in and were able to accept criminal cases in the trial court areas. The portal technical team worked to build a batch process for the State Attorneys' and

Public Defenders' offices, a process that allows those offices to file from their case management systems directly through the portal, machine to machine.

In mid-2013, there were almost 45,000 filings a month. By mid-2014, there were over 1.1 Million filings a month, an average of 53,000 per weekday, representing well over 1.7 Million documents monthly. There were just over 46,000 registered users in mid-2013. Today, with about 90,000 Florida Bar members, over 60,000 attorneys are registered users.

The volume of filings that the Florida Courts E-Filing Portal experiences is far beyond that seen in other states.

As the system was fully implemented over the last year, lawyers and their assistants were learning the new system. One or two portal team members were able to provide minimal customer service, sometimes resulting in days to return the large volume of calls received. In recognition that this need would continue to grow, the Florida Courts E-Filing Authority agreed to a Supplemental Agreement, an amendment to the Development Agreement, to establish help desk services. The help desk was fully staffed by early 2014. Now a robust Service Center, the help desk staff handles both technical calls for Clerk's office support and customer service calls from filers. At around 3,000 to 4,000 customer service calls a month, resolution time for most calls now is less than half a day.

The Supplemental Agreement also requires the portal technical staff to provide education and outreach to the various users. During the spring of 2014, training was held for thousands of attorneys, paralegals, law office staff, Clerks, and Clerks' staff. The sessions informed them of the requirements and benefits of electronic filing.

Local county Clerks' offices have gotten more used to the new workflow needed to process electronic documents. They have upgraded local case maintenance systems and made performance improvements. In 2013, the time it took to docket a filing sent to the Clerk's Office electronically was 4.35 days. By mid-2014, that time had decreased to 1 day.

Over the year, upgrades were made to the portal to make filing easier for the users. Two major features were added—an automatically generated civil cover sheet and the ability to serve parties electronically through the portal, called e-service.

Adding an automatically generated cover sheet means one less document to attach when submitting a filing to initiate a civil case.

Since last fall, over 4.5 Million filings have used e-service—amounting to many more millions of emails, saving law offices a great deal of expense in runner services, postage and office supplies.

Later in 2014, it is planned that the portal will allow pro se filers, as well as other filer types, to use the portal and will provide a secure log-in for judges so that they may send orders to the Clerks. Communication between Clerks and Judges is an integral aspect of trial court operations.

While the focus of the 2013-2014 program year was to complete programming and connectivity with the counties for the acceptance of the civil and criminal case types, the Authority began a long-term study of standardization of the drop-down menus for civil case types. It is worthwhile to note, that standardized criminal docket descriptions were adopted as the criminal court areas were implemented. This task will be on-going for some time.

## Overview

### 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 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.

The Supreme Court issued opinions approving recommendations to require e-filing and e-service by attorneys, through a phased in implementation. The main document, AOSC11-399 revised opinion, as amended October 18, 2012, stated that the new rules and amendments to existing rules in the case would require attorneys to file documents with the trial and appellate courts by electronic transmission and made mandatory e-mail service requirements for pleadings and documents. The court encouraged attorneys and clerks throughout Florida to take notice of the new electronic filing requirements and to begin the process of updating their current practices to conform to these requirements. (TAB 1)

#### 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. (TAB 2) The agency is 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. Eight of those Clerks, along with the Clerk of the Supreme Court, form a Board of Directors that heads up the agency. This public agency, through its 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. (TAB 3)

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 annually selected by the Association President, 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 2013-2014 were:

- Honorable Tim Smith, Putnam County Clerk, Chair
- Honorable Joseph E. Smith, St. Lucie County Clerk, Vice-Chair (District V)
- Honorable Tara Green, Clay County Clerk, Secretary/Treasurer (District III)
- Honorable John Tomasino, Clerk of the Supreme Court
- Honorable Alex Alford, Walton County Clerk (District I)
- Honorable Bob Inzer, Leon County Clerk (District II)
- Honorable Don Barbee, Esq., Hernando County Clerk (District IV)
- Honorable Karen Rushing, Sarasota County Clerk (District VI)
- Honorable Sharon Bock, Esq., Palm Beach County Clerk (District VII)

It is recognized in the Interlocal 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 4)

Over the 2013-2014 year, the Board of Directors met 15 times to discuss issues of pertinence to the portal development. The most primary focus of these meetings has been to determine how to best begin accepting criminal case filings, monitoring the process for civil case filings and reviewing the uniformity of the drop-down menu choices that a filer sees when using the portal. The meetings are advertised on the Authority website, [www.myflcourtaccess.com](http://www.myflcourtaccess.com). The public notice and all meeting documentation is posted there as well. The meeting agendas and meeting minutes from the past program year are included in this report. (TAB 5)

#### Budget and Auditing

The current year budget for the Authority and the portal is comprised of funds donated by Florida Association of Court Clerks Services Group, LLC, as an in-kind contribution, and all revenue collected from the convenience fees charged for the use of credit, debit, charge cards and ACH transactions. (TAB 6) The funding supports the activities required of the Authority, such as contracting with a general counsel for the board, paying for a Director's and Officer's Insurance policy, and funding the audits required for the agency. The Authority is required to be audited annually. Lanigan & Associates, the Authority auditors, do an annual audit of the Authority financial statements and an SSAE 16 operational audit on our operations and technical systems. Once again, the Authority received an unqualified, or "clean," audit. (TAB 7)

#### The Florida Courts E-Filing Portal

The Florida Courts E-Filing Authority is 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. In the single month of May 2014, there were 1.13 million submissions, representing 1.8 million documents, submitted through the portal to Florida's Courts. Attorneys registered to use the portal topped 61,400. Peak filing times are at 11:00 a.m. to Noon and again around 3:00 p.m. to 4:00 p.m. in the afternoon. This has remained static throughout the year. It is important information when needing to assign staffing and monitoring of portal operations—both at the central site and in the Clerks' Offices. (TAB 8)

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, 2013-2014, Clerks' offices worked on accepting batch-filed 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, 2103. Work progressed toward bringing the appellate courts onto the portal from late 2013 to mid-2014. Work on connecting Florida's Appellate Courts continues as they also develop their internal case maintenance systems.

#### Authority Website

The Authority's website, <http://myflcourtagency.com>, was developed and in place by fall of 2103. The website serves as the main site for access the Florida Courts E-Filing Portal where a filer can file documents in Florida's courts. The website also provides access to all the documents of the portal and the Authority Board of Directors, such as training videos and manuals, meeting materials and archives for Authority materials, policies and documents. The site has links to The Florida Bar and the Florida Supreme Court, as well as pertinent e-filing rules and standards.

#### Service Desk and Supplemental Agreement

In late 2013, the Florida Courts E-Filing Authority agreed to a Supplemental Agreement as an amendment to the Development Agreement to establish Help Desk services, a service that had been outboard of the original scope of services contracted for. The Authority adopted the policies and procedures November 1, 2013 and the Association implemented and began fully operating the Help Desk 90 days thereafter as required. The help desk was fully staffed by early 2014. Now a robust Service Center, the staff handles both technical calls for Clerk's Office support and customer service calls from filers. At around 3,000 to 4,000 customer service calls a month, resolution time for most calls now is less than half a day. (TAB 9)

The Supplemental Agreement also required the provision of education and outreach to the various users, services that were in great demand as the number of users increased.

During the spring of 2014, training was held for thousands of lawyers, law office staff, Clerks and their staff to inform them of the requirements and benefits of electronic filing. One session was attended by over 2,000 people.

#### On-going Activity

While the focus of the 2013-2014 program year was to complete programming and connectivity with the counties for the acceptance of the civil and criminal case types, the Authority began a long-term study of standardization of the drop-down menus for civil case types: a review of what the filer sees when using the portal. It is worthwhile to note, that standardized criminal docket descriptions were adopted as the criminal court areas were implemented. However, implementing the type uniformity is much more extensive in civil cases.

Over early to mid-2014, different technical alternatives have been examined in order to create more standardized log-in and landing screens. A map feature has been adopted to create a more uniform method allowing filers to see and select the county to which they are filing. This task will be on-going for some time.

**TAB 1**

**AOSC11-399,  
Revised October 18, 2012**

# Supreme Court of Florida

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No. SC11-399

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**IN RE: AMENDMENTS TO THE FLORIDA RULES OF CIVIL  
PROCEDURE, THE FLORIDA RULES OF JUDICIAL  
ADMINISTRATION, THE FLORIDA RULES OF CRIMINAL  
PROCEDURE, THE FLORIDA PROBATE RULES, THE FLORIDA  
SMALL CLAIMS RULES, THE FLORIDA RULES OF JUVENILE  
PROCEDURE, THE FLORIDA RULES OF APPELLATE PROCEDURE,  
AND THE FLORIDA FAMILY LAW RULES OF PROCEDURE—  
ELECTRONIC FILING.**

[October 18, 2012]

**REVISED OPINION**

PARIENTE, J.

Consistent with the orders entered in this case on August 14, 2012, and October 9, 2012, the opinion dated June 21, 2012, is withdrawn and this revised opinion is substituted in its place.

In this case, the Court adopts proposed amendments to the Florida rules of court to implement mandatory electronic filing procedures for all documents filed in Florida's courts.<sup>1</sup> The proposed amendments represent a significant and

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1. We have jurisdiction. See art. V, § 2(a), Fla. Const.

important step toward our goal of a fully electronic court system by transitioning from permissive to mandatory electronic filing (e-filing). Also in furtherance of this goal, in a separate, related case we adopt amendments to the rules of court to require e-mail service of pleadings and documents between parties, and we have coordinated the dates on which those rules will become effective so that e-mail service will serve as a first step in preparing practitioners to function in an electronic environment. See In re Amends. to Fla. Rules of Jud. Admin., Fla. Rules of Civ. Pro., Fla. Rules of Crim. Pro., Fla. Probate Rules, Fla. Rules of Traffic Court, Fla. Small Claims Rules, Fla. Rules of Juv. Pro., Fla. Rules of App. Pro., and Fla. Family Law Rules of Pro.—E-mail Service Rule, No. SC10-2101 (Fla. Jun. 21, 2012) (In re E-mail Service Rule).<sup>2</sup> Mandatory electronic filing is also another of the necessary steps in our ongoing efforts to provide the public with electronic access to nonconfidential court records.<sup>3</sup>

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2. E-mail service will be mandatory for attorneys practicing in the civil, probate, small claims, and family law divisions of the trial courts, as well as in all appellate cases, before electronic filing is mandatory. E-mail service will be mandatory for attorneys practicing in the criminal, traffic, and juvenile divisions of the trial courts on the same date that electronic filing also becomes mandatory for this group. See id. slip op. at 9.

3. As a necessary prerequisite to providing the public with electronic access to court records, we recently adopted rule amendments that reduce the amount of extraneous personal information in court records. See In re Implementation of Comm. on Privacy & Court Records Recommendations—Amends. to Fla. Rules of Civ. Pro.; Fla. Rules of Jud. Admin.; Fla. Rules of Crim. Pro.; Fla. Probate Rules; Fla. Small Claims Rules; Fla. Rules of App. Pro.; Fla. Family Law Rules of Pro.,

The new rules and amendments to the existing rules at issue in this case will require attorneys to file documents with the trial and appellate courts by electronic transmission and will operate in tandem with the new mandatory e-mail service requirements for pleadings and documents. The proposed amendments will also require the clerks' offices to maintain electronic court records, to convert paper documents to electronic documents, and to electronically transmit the record on appeal.

Because we recognize that the mandatory electronic filing requirements the Court adopts require that each clerk have the capacity to accept and maintain the documents electronically and will change the way that attorneys file documents, the Court has adopted an implementation schedule to phase in these requirements in each division of the trial courts and in the appellate courts based on input from all affected groups.<sup>4</sup> The Court also recognizes that while those attorneys

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78 So. 3d 1045 (Fla. 2011). We also adopted procedures that allow the clerks of court to more easily identify and screen from the public confidential information filed with the court and procedures for sealing and unsealing court records. See In re Amends. to Fla. Rule of Jud. Admin. 2.420 & Fla. Rules of App. Pro., 31 So. 3d 756 (Fla. 2010).

4. The implementation schedule is based on recommendations and input from the Florida Courts Technology Commission and the Florida Courts E-Filing Authority. This schedule may change after the Court considers the report from the E-Filing Authority addressing the status of the statewide e-portal, and the response from the Florida Courts Technology Commission, requested on September 19, 2012. In re Amends. to Fla. Rules of Civ. Pro., Fla. Rules of Jud. Admin., Fla. Rules of Crim. Pro., Fla. Probate Rules, Fla. Small Claims Rules, Fla. Rules of Juv.

practicing in the civil divisions of the trial courts and in the appellate courts would like implementation to begin immediately, those attorneys who work for the public defenders, state attorneys, and regional counsel are operating under decreasing budgets so that while e-filing and e-mail service will increase efficiency in the long run, resources to upgrade technology and train personnel are largely unavailable.

We take this opportunity, however, to encourage attorneys and clerks throughout Florida to take notice of the new electronic filing requirements that we adopt here and to begin the process of updating their current practices to conform to these requirements. In this regard, The Florida Bar, in coordination with the Florida Association of Court Clerks and Comptrollers (FACC), should undertake comprehensive educational outreach so that litigants and clerks are fully informed of the requirements and the substantial benefits of mandatory e-filing. As the Legislature has indicated, implementation of an electronic filing process should reduce costs, increase timeliness in the processing of cases, and provide the judiciary with case-related information to allow for improved case management. See § 28.22205, Fla. Stat. (2011).

Also, as explained in this opinion, in adopting the mandatory e-filing rules, the Court has exempted self-represented parties and self-represented nonparties,

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Pro., Fla. Rules of App. Pro., & Fla. Family Law Rules of Pro.—Electronic Filing, No. SC11-399 (Fla. order entered Sept. 19, 2012).

including nonparty governmental or public agencies. However, we strongly encourage these individuals and entities to take advantage of the e-filing procedures, which should produce cost savings and efficiency for all those involved with the justice system by eliminating mailing and copying costs.

## **BACKGROUND**

### **History of Electronic Transmission of Court Records in Florida Courts**

The judicial branch of Florida has long embraced the use of technology to increase the effectiveness, efficiency, and accessibility of the courts.<sup>5</sup> We first adopted rules authorizing an early form of electronic transmission for documents filed with the courts more than three decades ago, in 1979. See In re Fla. Rules of Jud. Admin., 372 So. 2d 449, 463 (Fla. 1979) (adopting Florida Rule of Judicial Administration 2.090 (Electronic Filing of Matters in all Proceedings Within the State Courts System), providing that any document may be filed with the court by an “electronic copying device”) (later renumbered Florida Rule of Judicial Administration 2.525).<sup>6</sup> Since that time, we have continued to amend and revise

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5. See generally In re Statewide Standards for Electronic Access to the Courts, Fla. Admin. Order No. AOSC09-30, at 1 (July 1, 2009); Amends. to Rules of Jud. Admin.—Rule 2.090—Electronic Transmission & Filing of Documents, 681 So. 2d 698 (Fla. 1996).

6. See In re Amends. to Fla. Rules of Jud. Admin.—Reorganization of the Rules, 939 So. 2d 966 (Fla. 2006) (renaming and renumbering rule 2.090 (Electronic Filing of Matters in all Proceedings Within the State Courts System) as rule 2.525 (Electronic Filing)).

these rules to accommodate new technology. See, e.g., Amends. to Rules of Jud. Admin.—Rule 2.090—Electronic Transmission & Filing of Documents, 681 So. 2d 698 (Fla. 1996); Amends. to Rules of Jud. Admin.—Rule 2.090—Electronic Transmission & Filing of Documents; and Rule 2.060—Attorneys, 701 So. 2d 1164 (Fla. 1997). In our 1996 opinion amending the electronic filing rule, we observed that the judicial branch was rapidly moving into the information age, and that amendments to the rules of court were necessary to establish “a proper and efficient process for the filing and maintenance of court records” in this new age. Amends. to Rules of Jud. Admin.—Rule 2.090—Electronic Transmission & Filing of Documents, 681 So. 2d at 699. We noted there:

As the head of the judicial branch, this Court has the exclusive responsibility for determining how records in the court system are filed and maintained. In carrying out that responsibility, we must ensure that the processes for the filing and maintenance of judicial records by electronic means are compatible, accessible, and cost efficient.

Id. (citations omitted).

Currently, Florida Rule of Judicial Administration 2.525 (Electronic Filing) is permissive and provides that all documents that are court records may be filed with the clerk by electronic transmission provided that the clerk has the ability to accept and retain electronic documents, the clerk or the chief judge of the circuit has requested permission to accept documents filed by electronic transmission, and this Court has entered an order allowing the clerk to accept documents

electronically.<sup>7</sup> See Fla. R. Jud. Admin. 2.525(c)(1). Under these procedures, a number of trial courts have adopted plans for electronic filing in some or all divisions, and this Court has approved such plans. See, e.g., In re Electronic Transmission and Filing of Documents Under Florida Rule of Judicial Administration 2.090 for Manatee County, Fla. Admin. Order No. AOSC01-4 (Jan. 26, 2001); In re Electronic Transmission and Filing of Documents Under Florida Rule of Judicial Administration 2.090 for Orange County, Fla. Admin. Order No. AOSC05-2 (Feb. 2, 2005); In re Electronic Transmission & Filing of Documents Under Florida Rule of Judicial Administration 2.525 for Broward County, Fla. Admin. Order No. AOSC07-19 (Apr. 23, 2007); In re Electronic Transmission and Filing of Documents Under Florida Rule of Judicial Administration 2.525 for Calhoun, Gulf, Holmes, Jackson, and Washington Counties, in the Fourteenth Judicial Circuit, Fla. Admin. Order No. AOSC10-20 (May 5, 2010).<sup>8</sup> As a result,

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7. In In re Amendments to Florida Rules of Judicial Administration—Rule 2.236, 41 So. 3d 128 (Fla. 2010), we adopted new Rule of Judicial Administration 2.236 (Florida Courts Technology Commission), which authorized the Florida Courts Technology Commission to review and approve applications for new court technology systems and modifications to existing systems to ensure compliance with standards adopted by the Court.

8. The Florida Courts Technology Commission, in its Supplemental Comment in this case, indicated that all 67 counties in Florida have received approval of their plans for electronic filing in some or all divisions of their trial courts. At the time the comment was filed, the clerk's offices in 16 counties had begun to receive documents filed through the statewide e-portal. See infra p. 11, note 9 (discussing statewide e-portal).

many trial courts are already accepting documents filed by electronic transmission. The First District Court of Appeal is also accepting documents filed electronically. See Letter of Approval from Judge Judith L. Kreeger, Chair of the Florida Courts Technology Commission, to Judge Robert T. Benton, Chief Judge of the First District Court of Appeal (Feb. 11, 2011).

Our efforts to transition to a fully electronic court system have been supported by the Florida Legislature. In section 28.22205, Florida Statutes (2011), the Legislature has directed:

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.

In response to this request to the Court, we promptly adopted the Florida Supreme Court Statewide Standards for Electronic Access to the Courts, to provide uniform standards for the electronic transmission of documents and court records. See In re Statewide Standards for Electronic Access to the Courts, Fla. Admin. Order No. AOSC09-30 (July 1, 2009). In adopting those standards, we noted, “[T]he transition of Florida’s courts from paper-based information management to systems that rely primarily on digital records represents a fundamental change in the internal operations of the courts. Accordingly, care must be taken to ensure

that this transformation is accomplished in a deliberate and responsible manner.”  
Id. at 1. The new rules and amendments to existing rules we adopt represent an important step in this ongoing effort to change the ways that the judicial system operates from a paper world to an electronic world. In that effort, the Court keeps at the forefront that our court system must be accessible, fair, and effective.

### **This Case**

The proposals at issue in this case were submitted in response to a request from this Court asking the ten Florida Bar rules committees to propose amendments to the rules of court necessary to implement the recommendations of the Appellate Court Technology Committee (ACTC), approved by the Court in In re Interim Policy on Electronic Appellate Court Records, Fla. Admin. Order AOSC10-32 (June 29, 2010). See Letter from Thomas D. Hall, Clerk of the Florida Supreme Court, to the Chairs of the Florida Bar Rules Committees (Aug. 4, 2010) (on file with the Court in Case No. SC11-399). In the administrative order approving the recommendations, the Court adopted an interim policy that any court records of proceedings in a lower tribunal made or maintained in electronic form should be accepted by appellate courts as part of the record on appeal. See In re Interim Policy on Electronic Appellate Court Records, Fla. Admin. Order AOSC10-32, at 2. The interim policy also directed attorneys to file documents in this Court and in the district courts of appeal in a digital format, as well as on

paper; however, when feasible, the policy stated that the Chief Justice of this Court or the chief judge of any district court may dispense with the requirement to file paper copies. Id. at 3. Although the ACTC's recommendations and the interim policy adopted by the Court pertained specifically to appellate proceedings, we requested that the committees consider them in a broader context and recommend amendments to accommodate electronic court records and procedures for electronic filing of those records in all types of cases. See Letter from Thomas D. Hall, Clerk of the Florida Supreme Court, to the Chairs of the Florida Bar Rules Committees at 3.

In response to our request, the committees filed a joint report in February 2011, with recommendations to amend the Florida rules of court to provide mandatory electronic filing procedures. See Fla. R. Jud. Admin. 2.140(f). The Executive Committee of The Florida Bar Board of Governors unanimously approved the proposed rule amendments.

The Court published the proposals in The Florida Bar News for comment. Several organizations and members of the Bar filed comments. The committees filed a joint response to the comments and the Criminal Procedure Rules Committee (CPR Committee) filed a separate response to the specific comments that addressed its proposal to amend Florida Rule of Criminal Procedure 3.030 (Service of Pleadings and Papers). Additionally, at the Court's direction the

Florida Courts Technology Commission (FCTC), in consultation with the Florida Courts E-Filing Authority (E-Filing Authority) and the FACC, submitted a supplemental comment proposing a plan to phase in mandatory electronic filing under the new rules. Several groups filed comments on the proposed plan. The E-Filing Authority filed a supplemental comment to update the Court as to the status of each trial and appellate court clerk's technological readiness to receive documents electronically filed through the statewide e-portal.<sup>9</sup>

In considering these proposals, the Court determined that the timing for the implementation of mandatory e-filing should be coordinated with the timing for mandatory e-mail service. After the oral argument in In re E-mail Service Rule and this case, the Court determined that certain aspects of these cases warranted

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9. The statewide e-portal is intended to be a statewide access point for electronic access and transmission of court records to and from the Florida courts. As conceived, all filers of court records, lawyers and nonlawyers, would use the e-portal for secure electronic access to the court, including electronic filing. The e-portal will be capable of accepting electronic filings from multiple sources, using common data elements passing to and from each local case system. See Florida Supreme Court Standards for Electronic Access to the Courts, Sec. 2.0 (adopted in In re Statewide Standards for Electronic Access to the Courts, Fla. Admin. Order No. AOSC09-30) (Version 7.0 Adopted modifications, Feb. 2012, found on this court's website at: [http://www.flcourts.org/gen\\_public/technology/e-filing\\_infostatus.shtml](http://www.flcourts.org/gen_public/technology/e-filing_infostatus.shtml)). In the implementation plan originally proposed by the FCTC, FACC, and the E-Filing Authority, it was anticipated that all trial court clerks would be prepared to accept documents filed electronically through the statewide e-portal in the civil divisions on July 1, 2012. The E-Filing Authority now reports that there are several counties that will not be able to accept electronic filings on that date, primarily due to a lack of resources and the requirements for system conversions, which vary from county to county.

further examination. Accordingly, we directed the Rules of Judicial Administration Committee (RJA Committee) and the FCTC to convene a workgroup<sup>10</sup> to address and file a joint supplemental report addressing three specific areas of concern:

1. The Court has determined that the list of proposed exemptions from electronic filing in criminal cases is too broad. The workgroup should develop a revised proposal narrowing that list. In light of the fact that any document required by a Florida Statute to be filed in paper format will be exempted under proposed Rule of Judicial Administration 2.525(d), the workgroup also should address whether specific exemptions in criminal cases are, in fact, necessary.
2. The workgroup should address whether non-parties, especially “institutional” non-parties such as the Florida Department of Law Enforcement and the Florida Department of Corrections, should be required to file documents electronically. If it is determined that electronic filing by certain non-parties should be required at this time, the workgroup should propose appropriate rule amendments.
3. The workgroup should address how the phase-in schedule for electronic filing suggested by FCTC in case no. SC11-399, will impact the implementation of the mandatory electronic service rules proposed in case no. SC10-2101. In particular, the workgroup should consider whether the deadlines set out in the proposed phase-in schedule for mandatory electronic filing also should apply in implementing mandatory electronic service.

The RJA Committee and the FCTC filed a supplemental report that addressed the Court’s concerns and suggested revisions to its original rule

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10. The Court’s order indicated that the workgroup should include, but not be limited to, representatives from the Criminal Procedure Rules Committee, the Florida Prosecuting Attorneys Association, the Florida Public Defender Association, and the FACC.

proposals. With regard to the issue of “institutional” nonparties, the workgroup indicated that it spoke with a number of institutional nonparty groups (including the Department of Corrections, the Florida Department of Law Enforcement, Guardian ad Litem programs, the Department of Children and Families, and the Department of Juvenile Justice) and learned that these groups were generally in favor of electronic filing, whenever possible. However, the workgroup concluded that these nonparties should not be required to file documents electronically at this time. There were no comments addressed to the supplemental report.

After considering the original joint report, the comments filed, the issues discussed at oral argument, and the revised rule proposals in the supplemental report, we adopt the proposed amendments with some minor modifications. We also adopt amendments to Florida Rule of Judicial Administration 2.516, which were not proposed by the committees. We discuss some of the more significant amendments below. We also provide an implementation schedule, based on recommendations and input from the FCTC and the E-Filing Authority.

## **AMENDMENTS**

### **Rules of Judicial Administration 2.520 (Documents) and 2.525 (Electronic Filing)**

Central to the new mandatory electronic filing procedures are Florida Rules of Judicial Administration 2.520 (Documents) and 2.525 (Electronic Filing). Both rules govern the filing of any document that is a “court record,” as defined by

Florida Rule of Judicial Administration 2.430(a)(1).<sup>11</sup> Rule 2.520 provides in general terms that all documents filed in any court shall be filed by electronic transmission in accordance with rule 2.525. In turn, rule 2.525 provides the specific procedures for electronic filing.

First, subdivision (a) (Definition) of rule 2.525 provides an updated definition for the term “electronic transmission of documents” to include the sending of information by electronic signals to, by, or from a court or clerk, which when received can be transformed and stored or transmitted on paper, microfilm, magnetic storage device, optical imaging system, CD-ROM, flash drive, other electronic data storage system, server, case maintenance system, electronic court filing system, statewide or local electronic portal (e-portal), or other electronic record-keeping system authorized by this Court. The rule as amended recognizes the clerk’s role in converting documents filed in paper form into an electronic format. Subdivision (a) also provides that the electronic transmission of

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11. Florida Rule of Judicial Administration 2.430(a)(1) defines the term “court records” as:

[T]he contents of the court file, including the progress docket and other similar records generated to document activity in a case, transcripts filed with the clerk, documentary exhibits in the custody of the clerk, and electronic records, videotapes, or stenographic tapes of depositions or other proceedings filed with the clerk, and electronic records, videotapes or stenographic tapes of court proceedings.

documents includes filing documents by e-mail or any internet-based transmission procedure.

Next, subdivision (b) (Application) provides that all procedures, programs, and standards for electronic filing must comply with current e-filing standards promulgated by this Court in In re Statewide Standards for Electronic Access to the Court, Fla. Admin. Order No. AOSC09-30, or any subsequent administrative order.

Subdivisions (c) (Documents Affected) and (d) (Exceptions) set forth the specific processes for electronic filing. Subdivision (c) requires all documents that are court records to be filed with the court by electronic transmission. Indeed, the official court file will now consist of a set of electronic documents stored in a computer system maintained by the clerk, together with any supplemental nonelectronic documents or materials otherwise authorized under the rule.<sup>12</sup> Subdivision (d) allows only limited exceptions to the mandatory electronic filing requirement: (1) when the clerk does not have the ability to accept and retain documents by electronic filing; (2) when the filer of the document is a self-represented party or a self-represented nonparty, including a nonparty governmental or public agency (or an agency, partnership, corporation, or business

---

12. Under amended rule 2.525(c)(3), the documents contained in the official court file are deemed “original” documents for all purposes.

entity acting on behalf of any governmental or public agency);<sup>13</sup> (3) when the filer is an attorney excused from e-mail service, pursuant to Florida Rule of Judicial Administration 2.516;<sup>14</sup> (4) when submitting evidentiary exhibits or filing nondocumentary materials; (5) when the filing involves documents in excess of 25 megabytes in size (in which case the documents may be transmitted to the court using an electronic storage medium); (6) when the document is filed in open court; (7) when paper filing is permitted by any approved state or local electronic filing procedure; or (8) when a court determines that justice so requires.

Significantly, whenever a filer submits a paper document to the clerk under one of the exceptions listed above, subdivision (c)(4) of the amended rule requires the clerk's office to immediately convert the document to an electronic document.

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13. Amended rule 2.525(d)(2) provides that any self-represented nonparty that is a governmental or public agency (or any other agency, partnership, corporation, or business entity acting on behalf of any governmental or public agency) may, but is not required to, file documents by electronic transmission. We direct the RJA Committee, with input from the FCTC, to monitor the progress of electronic filing by nonparty governmental or public agencies and file a report with the Court by July 1, 2013, advising whether this exemption is still necessary. If the RJA Committee determines that the exemption is not necessary it should propose appropriate rule amendments.

14. In In re E-mail Service Rule, we adopt new Florida Rule of Judicial Administration 2.516 (Service of Pleadings and Documents), which requires attorneys to serve documents by e-mail. Pursuant to subdivision (b)(1)(B) of the new rule, attorneys may file a motion to be excused from mandatory e-mail service, demonstrating that the attorney has no e-mail account and lacks access to the Internet at his or her office. See id., No. SC10-2101, slip op. at 5.

In this way, rule 2.525 ensures that nearly all documents filed in a case, even those submitted in a paper format, will be included in the electronic record. Filers may provide a self-addressed, postage-paid envelope so that the clerk's office may return paper documents after they have been converted to an electronic form. Except in cases where a paper document is required to be maintained, the clerk may recycle any paper document that is not returned to the filer.

Subdivision (e) (Service) authorizes a court or clerk to use electronic transmission to serve all orders, pursuant to rule 2.516(h).<sup>15</sup> Additionally, this subdivision requires that any document filed electronically with the court or clerk must also be served on all parties and interested persons in accordance with the applicable rules of court.

Finally, subdivision (f) (Administration) provides guidance to the clerks in administering the electronic filing rules. It requires that the clerks' offices across the state provide electronic access to their equipment, whether through the e-portal or otherwise, during regular business hours; accept electronic transmission of documents up to 25 megabytes in size; and accept documents greater than 25

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15. As adopted in In re E-mail Service Rule, rule 2.516(h) provides that a copy of all orders or judgments must be transmitted by the court or under its direction to all parties at the time of entry of the order or judgment. The court may choose to serve any order or judgment by e-mail to all attorneys who have not been excused from e-mail service and to all parties not represented by an attorney who have designated an e-mail address for service. See In re E-mail Service Rule, No. SC10-2101, slip op. at 7.

megabytes on an electronic storage device, such as a CD-ROM or flash drive.

Also under subdivision (f), the filing date for any document that is electronically transmitted to the clerk will be the date and time that such filing is acknowledged by an electronic stamp, pursuant to an approved electronic filing procedure, or the date that the last page of the filing is received by the clerk.

### **Conforming Amendments to the Rules of Procedure**

We also adopt new rules and amendments to existing rules to conform the rules of procedure to the electronic filing requirements in amended rules 2.520 and 2.525.

The most controversial of the conforming amendments were those proposed to Florida Rule of Criminal Procedure 3.030 (Service and Filing of Pleadings, Papers, and Documents). As originally proposed, the CPR Committee recommended that rule 3.030 be amended to authorize a number of exceptions to the mandatory electronic filing requirement in criminal cases, including charging documents, indictments, informations, petitions, affidavits, plea agreements, documents filed under seal, ex parte documents, and any documents which are required to be sworn or notarized. The Court received several comments addressed to this proposal. The commenters asserted that the CPR Committee's proposed amendments would exempt nearly all documents filed in a criminal case from the

electronic filing requirement and force the clerks of court to maintain two filing systems, one electronic and one paper.

As discussed above, following the oral argument in this case, we directed the RJA Committee and the FCTC to convene a workgroup to address several areas of concern to the Court. One such concern was that the list of proposed exceptions to electronic filing in criminal cases was too broad, and we directed the workgroup to reconsider and revise the list. See Order of Dec. 6, 2011. The workgroup, which included representatives from the CPR Committee, ultimately concluded that current Florida law requires two types of documents be preserved in their paper form. These are verified and sworn documents and original paper judgments and sentences. However, the workgroup also noted that pursuant to amended rule 2.525, these documents will be included in the electronic court file in one of two ways—either when the filer transmits an electronic copy of the paper document to the clerk or, alternatively, when the clerk converts a paper filing into an electronic format. In either case, the original paper document would be deposited with the clerk and maintained for safekeeping.

Consistent with the workgroup's recommendations, amended rule 3.030 provides that all documents in a criminal case must be filed in accordance with Florida Rules of Judicial Administration 2.520 and 2.525. However, any paper document that is a judgment and sentence, or is required by statute or rule to be

sworn to or notarized, shall be filed and then deposited with the clerk immediately thereafter.

Additionally, as suggested by the Probate Rules Committee, we amend the Florida Probate Rules to include new rule 5.043 (Deposit of Wills and Codicils), which provides that any original, executed will or codicil that is deposited with the clerk<sup>16</sup> must be retained by the clerk in its original form for twenty years, regardless of whether the will or codicil was “permanently recorded” under amended Rule of Judicial Administration 2.430.<sup>17</sup>

The Florida Rules of Appellate Procedure are also amended, consistent with the interim policy we adopted in In re Interim Policy on Electronic Appellate Court Records, Fla. Admin. Order No. AOSC10-32, to accommodate electronic notices of appeal; to describe the contents, formatting, and organization of the electronic record on appeal; and to direct the clerks to electronically transmit the record to the appellate court.

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16. Pursuant to Florida law, original wills are “deposited” with the clerk of court having venue over the decedent’s estate, rather than “filed.” See § 732.901(1), Fla. Stat. (2011).

17. Rule 2.430(a)(3) defines the phrase “permanently recorded” to mean that a document has been microfilmed, optically imaged, or recorded onto an electronic record-keeping system in accordance with standards adopted by the Supreme Court of Florida.

Finally, we have revised the proposed amendments to Florida Rule of Civil Procedure 1.080 (Service of Pleadings, Orders, and Documents) to expressly state that all documents shall be filed with the court in accordance with the requirements of Florida Rule of Judicial Administration 2.525. On our own accord, we also amend Florida Rule of Judicial Administration 2.516 (Service of Pleadings and Documents) to provide that the filing of documents with the court must be made by filing them with the clerk pursuant to rule 2.525.<sup>18</sup> The remaining conforming amendments are adopted as proposed by the rules committees.

### **IMPLEMENTATION**

As explained, because of the importance of an orderly process for implementation of the new e-filing requirements, we have adopted an implementation schedule based on the recommendations of the FCTC and the E-Filing Authority and based on input as to the unique challenges facing each division or court. For example, although the FCTC reported that all 67 clerks of court would be prepared to accept e-filings through the statewide e-portal in the civil divisions by July 1, 2012, the subsequent filing by the E-Filing Authority indicated several clerks were experiencing difficulties that would prevent them from accepting electronic filings on that date. The new, mandatory electronic

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18. We have also revised the Juvenile Court Rules Committee's proposed new rule 8.004 (Electronic Filing), subdivision (c), to be consistent with Florida Rule of Judicial Administration 2.525(d).

filing procedures that the Court adopts will be implemented according to this schedule, except as may be otherwise provided by subsequent administrative order.<sup>19</sup>

First, the new electronic filing requirements the Court adopts will become effective in the civil, probate, small claims, and family law divisions of the trial courts, as well as for appeals to the circuit courts in these categories of cases, on April 1, 2013, at 12:01 a.m., except as may be otherwise provided by administrative order. Electronic filing will be mandatory in these divisions pursuant to rule 2.525 on that date. However, until the new rules take effect in these divisions, any clerk who is already accepting documents filed by electronic transmission under the current rules should continue to do so; attorneys in these counties are encouraged to file documents electronically under the current rules.

Next, the new electronic filing requirements the Court adopts will become effective in the criminal, traffic, and juvenile<sup>20</sup> divisions of the trial courts, as well

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19. The FCTC and the E-Filing Authority have urged the Court to adopt a limited waiver process for any attorney or clerk who cannot comply with mandatory electronic filing for good cause. Accordingly, any clerk may submit a request with this Court to delay the effective date of these rules in any division or court. If the request is granted, an Administrative Order will be issued, which will be published on this Court's website and on the requesting court's website. Additionally, we request that the RJA Committee, in consultation with the FCTC and the E-Filing Authority, consider whether any additional waiver procedures are necessary for attorneys or clerks. If the RJA Committee determines that a further waiver process is necessary, it may propose appropriate procedures.

as for appeals to the circuit court in these categories of cases, on October 1, 2013, at 12:01 a.m., except as may be otherwise provided by administrative order.

Electronic filing will be mandatory in these divisions under rule 2.525 on that date.

The new e-filing requirements, as they apply in proceedings brought pursuant to the Florida Mental Health Act (Baker Act), Chapter 394, Part I, Florida Statutes, and the Involuntary Commitment of Sexually Violent Predators Act (Jimmy Ryce), Chapter 394, Part V, Florida Statutes, will also not be mandatory in these cases until October 1, 2013.<sup>21</sup> As stated above, until the new rules take effect in these divisions and proceedings, any clerk who is already accepting electronically filed documents under the current rules should continue to do so; attorneys are again encouraged to utilize existing electronic filing procedures under the current rules.

The new electronic filing procedures adopted in this case will become effective in this Court on December 1, 2012, at 12:01 a.m., except as may be otherwise provided by administrative order. E-filing will be mandatory in this

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20. This includes juvenile delinquency proceedings, dependency and termination of parental rights proceedings, and proceedings for families and children in need of services.

21. The RJA Committee should review whether any changes to the rules of procedure are necessary to accommodate e-filing in Baker Act proceedings. Similarly, the Criminal Court Steering Committee, together with the RJA Committee, should review whether any changes to the rules are necessary to accommodate e-filing in Jimmy Ryce proceedings. If these committees determine that rule amendments are necessary, they may file proposed rule amendments with the Court.

Court under rule 2.525 on that date. Additionally, the e-filing rules will become effective and mandatory in the district courts of appeal on April 1, 2013, at 12:01 a.m. However, until the new rules and procedures take effect in the district courts, any clerk who is already accepting documents filed by electronic transmission may continue to do so; attorneys in these districts are encouraged to file documents electronically. Clerks will not be required to electronically transmit the record on appeal until July 1, 2013, at 12:01 a.m. Until July 1, we encourage clerks, whenever possible, to electronically transmit the record under the new rules and requirements.<sup>22</sup>

Finally, we note that, in all types of cases, pursuant to amended rule 2.525(d) self-represented parties and self-represented nonparties, including nonparty governmental or public agencies, and attorneys excused from e-mail service under Florida Rule of Judicial Administration 2.516 will be permitted, but not required, to file documents electronically.

## **CONCLUSION**

We would like to thank each of The Florida Bar rules committees and the Florida Courts Technology Commission, formerly headed by Judge Judith Kreeger, for their thorough and diligent work proposing comprehensive procedures

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22. This is consistent with Court's interim policy on the transmission of electronic records adopted in In re Interim Policy on Electronic Appellate Court Records, Fla. Admin. Order No. AOSC10-32.

for the electronic filing of court documents and a structured plan to phase in the new requirements. We also wish to thank those who submitted comments in this matter, including the E-Filing Authority, for their valuable input. We are especially appreciative of the cooperation from the Clerks of Court, who, in cooperation with the Court, understand the importance of the steps that are undertaken that will prove valuable to litigants and essential to the efficient, effective, and fair administration of justice. These collective efforts have assisted the Court in taking a significant and critical step toward our goal of a fully electronic court system.

Accordingly, we amend the Florida Rules of Civil Procedure, the Florida Rules of Judicial Administration, the Florida Rules of Criminal Procedure, the Florida Probate Rules, the Florida Small Claims Rules, the Florida Rules of Juvenile Procedure, the Florida Rules of Appellate Procedure, and the Florida Family Law Rules of Procedure as set forth in the appendix to this opinion.<sup>23</sup> New language is indicated by underscoring; deletions are indicated by struck-through type. The committee notes are offered for explanation only and are not adopted as an official part of the rules. The amendments shall become effective as provided in this opinion.

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23. The rules as shown in the appendix reflect amendments made in In re Amends. to Fla. Family Law Rules of Pro., 37 Fla. L. Weekly S483 (Fla. July 12, 2012), which become effective October 1, 2012, at 12:01 a.m.

It is so ordered.

POLSTON, C.J., and LEWIS, QUINCE, CANADY, LABARGA, and PERRY, JJ.,  
concur.

THE FILING OF A MOTION FOR REHEARING SHALL NOT ALTER THE  
EFFECTIVE DATE OF THESE AMENDMENTS.

Original Proceedings – The Florida Rules of Civil Procedure, The Florida Rules of  
Judicial Administration, The Florida Rules of Criminal Procedure, The Florida  
Probate Rules, The Florida Small Claims Rules, The Florida Rules of Juvenile  
Procedure, The Florida Rules of Appellate Procedure, and The Florida Family Law  
Rules of Procedure

Kevin D. Johnson, Chair, Civil Procedure Rules Committee, Thompson, Sizemore,  
Gonzalez & Hearing, P.A., Tampa, Florida; John F. Harkness, Jr., Executive  
Director, The Florida Bar, Tallahassee, Florida and Keith H. Park, Chair, Rules of  
Judicial Administration Committee, West Palm Beach, Florida; Donald E.  
Scaglione, Chair, Criminal Procedure Rules Committee, Brooksville, Florida; John  
C. Moran, Co-Chair, Probate Rules Committee, Gunster, Yoakley & Stewart, P.A.,  
West Palm Beach, Florida and Tasha K. Pepper-Dickinson, Co-Chair, Probate  
Rules Committee, Jones, Foster, Johnston & Stubbs, P.A., West Palm Beach,  
Florida; Judson L. Cohen, Chair, Small Claims Rules Committee, Cohen Law  
Offices, Miami, Florida; Joel M. Silvershein, Chair, Juvenile Court Rules  
Committee, Office of State Attorney, Fort Lauderdale, Florida; Jamie B. Moses,  
Chair, Appellate Court Rules Committee, Fisher, Rushmer, et al., Orlando, Florida;  
Ashley McCorvey Myers, Chair, Family Law Rules Committee, McCorvey &  
Myers, Jacksonville, Florida,

for Petitioners

Teresa L. Prince and Edward A. Dion, Nabors, Giblin & Nickerson, P.A.,  
Tallahassee, Florida; Honorable R.B. “Chips” Shore, Clerk of the Circuit Court  
and Comptroller, Manatee County, Bradenton, Florida; Honorable Judith L.  
Kreeger, Chair, Florida Courts Technology Commission, Miami, Florida; Lynn M.  
Hoshihara and Robert Rivas, Sachs, Sax, & Caplan, Tallahassee, Florida; Kenneth  
A. Kent, Executive Director, Florida Association of Court Clerks and  
Comptrollers, Tallahassee, Florida; George J. Meyer, Chair, Real Property Probate  
and Trust Law Section of The Florida Bar, Carlton Fields, P.A., Tampa, Florida;

John A. Tomasino, Administrative Director, Public Defender's Office, Second Judicial Circuit, Tallahassee, Florida; Arthur I. Jacobs, Richard J. Scholz, and Yvonne R. Mizeras of Jabobs, Scholz & Associates, LLC, Fernandina Beach, Florida,

Responding with comments.

## APPENDIX

### FLORIDA RULES OF CIVIL PROCEDURE

#### RULE 1.030. NONVERIFICATION OF PLEADINGS

Except when otherwise specifically provided by these rules or an applicable statute, every ~~written~~-pleading or other ~~paper~~document of a party represented by an attorney need not be verified or accompanied by an affidavit.

#### Committee Notes

[No Change]

#### RULE 1.080. SERVICE AND FILING OF PLEADINGS, ORDERS, AND DOCUMENTS

**(a) Service.** Every pleading subsequent to the initial pleading, all orders, and every other document filed in the action must be served in conformity with the requirements of Florida Rule of Judicial Administration 2.516.

**(b) Filing.** All documents shall be filed in conformity with the requirements of Florida Rule of Judicial Administration 2.525.

**(c) Writing and written defined.** Writing or written means a document containing information, an application, or a stipulation.

### FLORIDA RULES OF JUDICIAL ADMINISTRATION

#### RULE 2.430. RETENTION OF COURT RECORDS

(a) [No Change]

(b) Permanently Recorded Records.

(1) Court records, except exhibits, that have been permanently recorded may be destroyed or otherwise disposed of by the clerk at any time after a judgment has become final.

(2) Any physical media submitted to the clerk for the purpose of filing information contained in the media may be destroyed, retained, or otherwise disposed of by the clerk once the contents of the media have been made a part of the court record.

(c) – (k) [No Change]

**RULE 2.510. FOREIGN ATTORNEYS**

(a) – (b) [No Change]

IN THE \_\_\_\_\_ COURT OF THE \_\_\_\_\_ JUDICIAL CIRCUIT,  
IN AND FOR \_\_\_\_\_, COUNTY, FLORIDA

\_\_\_\_\_  
Plaintiff

vs.

Case No. \_\_\_\_\_

Division \_\_\_\_\_

\_\_\_\_\_  
Defendant

**VERIFIED MOTION FOR ADMISSION TO APPEAR PRO HAC VICE  
PURSUANT TO FLORIDA RULE OF JUDICIAL ADMINISTRATION 2.510**

Comes now \_\_\_\_\_, Movant herein, and respectfully represents the following:

1. [ ] Movant resides in \_\_\_\_\_, \_\_\_\_\_. Movant  
(City) (State)

is not a resident of the State of Florida.

[ ] Movant is a resident of the State of Florida and has an application pending for admission to The Florida Bar and has not previously been denied admission to The Florida Bar.

2. Movant is an attorney and a member of the law firm of (or practices law under the name of) \_\_\_\_\_, with offices at

\_\_\_\_\_, \_\_\_\_\_,  
(Street Address) (City)

\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.  
(County) (State) (Zip Code) (Telephone)

3. Movant has been retained personally or as a member of the above named law firm on \_\_\_\_\_ by \_\_\_\_\_

(Date Representation Commenced) (Name of Party or Parties)

\_\_\_\_\_

to provide legal representation in connection with the above-styled matter now pending before the above-named court of the State of Florida.

4. Movant is an active member in good standing and currently eligible to practice law in the following jurisdiction(s): Include attorney or bar number(s). (Attach an additional sheet if necessary.)

JURISDICTION ATTORNEY/BAR NUMBER

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. There are no disciplinary proceedings pending against Movant, except as provided below (give jurisdiction of disciplinary action, date of disciplinary action, nature of the violation and the sanction, if any, imposed): (Attach an additional sheet if necessary.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Within the past five (5) years, Movant has not been subject to any disciplinary proceedings, except as provided below (give jurisdiction of disciplinary action, date of disciplinary action, nature of the violation and the sanction, if any, imposed): (Attach an additional sheet if necessary.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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7. Movant has never been subject to any suspension proceedings, except as provided below (give jurisdiction of disciplinary action, date of disciplinary action, nature of the violation and the sanction, if any, imposed):

(Attach an additional sheet if necessary.)

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8. Movant has never been subject to any disbarment proceedings, except as provided below (give jurisdiction of disciplinary action, date of disciplinary action, nature of the violation and the sanction, if any, imposed):

(Attach an additional sheet if necessary.)

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9. Movant, either by resignation, withdrawal, or otherwise, never has terminated or attempted to terminate Movant's office as an attorney in order to avoid administrative, disciplinary, disbarment, or suspension proceedings.

10. Movant is not an inactive member of The Florida Bar.

11. Movant is not now a member of The Florida Bar.

12. Movant is not a suspended member of The Florida Bar.

13. Movant is not a disbarred member of The Florida Bar nor has Movant received a disciplinary resignation from The Florida Bar.

14. Movant has not previously been disciplined or held in contempt by reason of misconduct committed while engaged in representation pursuant to Florida Rule of Judicial Administration 2.510, except as provided below (give date of disciplinary action or contempt, reasons ~~there~~ therefor, and court imposing contempt): (Attach an additional sheet if necessary.)

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15. Movant has filed motion(s) to appear as counsel in Florida state courts during the past five (5) years in the following matters: (~~a~~Attach an additional sheet if necessary.)

Date of Motion	Case Name	Case Number	Court	Date Motion Granted/Denied
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16. Local counsel of record associated with Movant in this matter is

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(Name and Florida Bar Number)  
who is an active member in good standing of The Florida Bar and has offices at

\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.  
(Street Address) (City) (State) (Zip Code) (Telephone with area code)

(If local counsel is not an active member of The Florida Bar in good standing, please provide information as to local counsel's membership status. \_\_\_\_\_)

17. Movant has read the applicable provisions of Florida Rule of Judicial Administration 2.510 and Rule 1-3.10 of the Rules Regulating The Florida Bar and certifies that this verified motion complies with those rules.

18. Movant agrees to comply with the provisions of the Florida Rules of Professional Conduct and consents to the jurisdiction of the courts and the Bar of the State of Florida.

WHEREFORE, Movant respectfully requests permission to appear in this court for this cause only.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Movant

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Telephone Number

---

---

E-mail Address

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, do hereby swear or affirm under penalty of perjury that I am the Movant in the above-styled matter; that I have read the foregoing Motion and know the contents thereof, and the contents are true of my own knowledge and belief.

\_\_\_\_\_  
Movant

I hereby consent to be associated as local counsel of record in this cause pursuant to Florida Rule of Judicial Administration 2.510.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Local Counsel of Record

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Florida Bar Number

\_\_\_\_\_  
E-mail Address

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing motion was ~~furnished by U.S. mail~~ served on (insert the name or names and addresses used for service) by (e-mail) (delivery) (mail) (fax) to PHV Admissions, The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2333 accompanied by payment of the \$250.00 filing fee made payable to The Florida Bar and to

\_\_\_\_\_  
\_\_\_\_\_

Name and Address of All Counsel of Record and of Parties Not Represented by Counsel  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**RULE 2.516 SERVICE OF PLEADINGS AND DOCUMENTS**

**(a) – (d) [No Change]**

**(e) Filing Defined.** The filing of documents with the court as required by these rules must be made by filing them with the clerk in accordance with rule 2.525, except that the judge may permit documents to be filed with the judge, in which event the judge must note the filing date before him or her on the documents and transmit them to the clerk. The date of filing is that shown on the face of the document by the judge’s notation or the clerk’s time stamp, whichever is earlier.

**(f) – (h) [No Change]**

**RULE 2.520. PAPERDOCUMENTS**

**(a) ~~Type and Size~~Electronic Filing Mandatory.** All ~~pleadings, motions, petitions, briefs, notices, orders, judgments, decrees, opinions, and other papers and official documents~~ filed in any court shall be filed by electronic transmission in accordance with rule 2.525. “Documents” means pleadings, motions, petitions, memoranda, briefs, notices, exhibits, declarations, affidavits, orders, judgments, decrees, writs, opinions, and any other paper or writing submitted to a court.

**(b) Type and Size.** Documents subject to the exceptions set forth in rule 2.525(d) shall be filed on recycled paper measuring 8 1/2 by 11 inches. For purposes of this rule, paper is recycled if it contains a minimum content of 50 percent waste paper. Xerographic reduction of legal-size (8 1/2 by 14 inches) documents to letter size (8 1/2 by 11 inches) is prohibited. All other documents filed by electronic transmission shall be filed in a format capable of being printed in a format consistent with the provisions of this rule.

**(bc) Exhibits.** Any exhibit or attachment filed with pleadings or papers may be filed in its original size.

**(ed) Recording Space.** On all papers and documents prepared and filed by the court or by any party to a proceeding which are to be recorded in the public

records of any county, including but not limited to final money judgments and notices of lis pendens, a 3-inch by 3-inch space at the top right-hand corner on the first page and a 1-inch by 3-inch space at the top right-hand corner on each subsequent page shall be left blank and reserved for use by the clerk of court.

**(de) Exceptions to Recording Space.** Any papers or documents created by persons or entities over which the filing party has no control, including but not limited to wills, codicils, trusts, or other testamentary documents; documents prepared or executed by any public officer; documents prepared, executed, acknowledged, or proved outside of the State of Florida; or documents created by State or Federal government agencies, may be filed without the space required by this rule.

**(ef) Noncompliance.** No clerk of court shall refuse for filing any document or paper because of noncompliance with this rule. However, upon request of the clerk of court, noncomplying documents shall be resubmitted in accordance with this rule.

### **Court Commentary**

[No Change]

## **RULE 2.525. ELECTRONIC FILING**

**(a) Definition.** “Electronic transmission of documents” means the ~~transmission~~sending of information by electronic signals; to, by or from a court or clerk of the court, ~~of information~~ which when received can be transformed and stored or ~~reproduced~~transmitted on paper, microfilm, magnetic storage device, optical imaging system, CD-ROM, flash drive, other electronic data storage system, server, case maintenance system (“CM”), electronic court filing (“ECF”) system, statewide or local electronic portal (“e-portal”), or other electronic record keeping system authorized by the ~~S~~supreme C~~court of Florida~~ in a format sufficient to communicate the information on the original document in a readable format. Electronic transmission of documents includes electronic mail (“e-mail”) and any internet-based transmission procedure, and may include procedures allowing for documents to be signed or verified by electronic means.

**(b) Application.** Any court or clerk ~~of the court~~ may accept the electronic transmission of documents for filing and may send documents by electronic

transmission after the clerk, together with input from the chief judge of the circuit, has obtained approval of the procedures, and programs, and standards for electronic filing ~~for doing so~~ from the Supreme Court of Florida (“ECF Procedures”). All ECF Procedures must comply with the then-current e-filing standards, as promulgated by the supreme court in Administrative Order No. AOSC09-30, or subsequent administrative order.

**(c) Documents Affected.**

(1) All documents that are court records, as defined in rule 2.430(a)(1), may~~must~~ be filed by electronic transmission, provided that:

(A) ~~the clerk of court~~ has the ability to accept and retain such documents;

(B) ~~the clerk of court~~ or the chief judge of the circuit has requested permission to accept documents filed by electronic transmission; and

(C) ~~the Supreme Court of Florida~~ has entered an order granting permission to the ~~clerk of court~~ to accept documents filed by electronic transmission.

~~Any attorney, party, or other person who files a document by electronic transmission shall, immediately thereafter, file the identical document, in paper form, with an original signature of the attorney, party, or other person if a signature is otherwise required by these rules (hereinafter called the follow-up filing).~~

(2) ~~The follow-up filing of any document that has previously been filed by electronic transmission may be discontinued if:~~

~~(A) after a 90-day period of accepting electronically filed documents, the clerk of court or the chief judge of the circuit certifies to the Supreme Court of Florida that the electronic filing system is efficient, reliable, and meets the demands of all parties;~~

~~(B) the clerk of court or the chief judge of the circuit requests permission to discontinue that portion of the rule requiring a follow-up filing of documents in paper form, except as otherwise required by general law, statute, or court rule; and~~

~~(C) the Supreme Court of Florida enters an order directing the clerk of court to discontinue accepting the follow-up filing.~~

~~All documents filed by electronic transmission under this rule satisfy any requirement for the filing of an original, except where the court, law, or rule of procedure otherwise provides for the submittal of an original.~~

The official court file is a set of electronic documents stored in a computer system maintained by the clerk, together with any supplemental non-electronic documents and materials authorized by this rule. It consists of:

(A) documents filed by electronic transmission under this rule;

(B) documents filed in paper form under subdivision (d) that have been converted to electronic form by the clerk;

(C) documents filed in paper form before the effective date of this rule that have been converted to electronic form by the clerk;

(D) documents filed in paper form before the effective date of this rule or under subdivision (d), unless such documents are converted into electronic form by the clerk;

(E) electronic documents filed pursuant to subdivision (d)(5);

and

(F) materials and documents filed pursuant to any rule, statute or court order that either cannot be converted into electronic form or are required to be maintained in paper form.

(3) The documents in the official court file are deemed originals for all purposes except as otherwise provided by statute or rule.

(4) Any document in paper form submitted under subdivision (d) is filed when it is received by the clerk or court and the clerk shall immediately thereafter convert any filed paper document to an electronic document. “Convert to an electronic document” means optically capturing an image of a paper document and using character recognition software to recover as much of the document’s text as practicable and then indexing and storing the document in the official court file.

(5) Any storage medium submitted under subdivision (d)(5) is filed when received by the clerk or court and the clerk shall immediately thereafter transfer the electronic documents from the storage device to the official court file.

(6) If the filer of any paper document authorized under subdivision (d) provides a self-addressed, postage-paid envelope for return of the paper document after it is converted to electronic form by the clerk, the clerk shall place the paper document in the envelope and deposit it in the mail. Except when a paper document is required to be maintained, the clerk may recycle any filed paper document that is not to be returned to the filer.

(7) The clerk may convert any paper document filed before the effective date of this rule to an electronic document. Unless the clerk is required to maintain the paper document, if the paper document has been converted to an electronic document by the clerk, the paper document is no longer part of the official court file and may be removed and recycled.

**(d) Service Exceptions.** Paper documents and other submissions may be manually submitted to the clerk or court:

(1) Electronic transmission may be used by a court for the service of all orders of whatever nature provided the clerk, together with input from the chief judge of the circuit, has obtained approval from the Supreme Court of Florida of the specific procedures and program to be used in transmitting the orders. All other requirements for the service of such an order shall be met when the clerk does not have the ability to accept and retain documents by electronic filing or has not had ECF Procedures approved by the supreme court;

(2) Any document electronically transmitted to a court or clerk of the court shall also be served on all parties and interested persons in accordance with the applicable rules of court for filing by any self-represented party or any self-represented nonparty unless specific ECF Procedures provide a means to file documents electronically. However, any self-represented nonparty that is a governmental or public agency and any other agency, partnership, corporation, or business entity acting on behalf of any governmental or public agency may file documents by electronic transmission if such entity has the capability of filing documents electronically;

(3) for filing by attorneys excused from e-mail service in accordance with rule 2.516(b);

(4) when submitting evidentiary exhibits or filing non-documentary materials;

(5) when the filing involves documents in excess of 25 megabytes (25MB) in size. For such filings, documents may be transmitted using an electronic storage medium that the clerk has the ability to accept, which may include a CD-ROM, flash drive, or similar storage medium;

(6) when filed in open court, as permitted by the court;

(7) when paper filing is permitted by any approved statewide or local ECF procedures; and

(8) if any court determines that justice so requires.

**(e) ~~Transmission Difficulties~~Service.** ~~Any attorney, party, or other person who elects to file any document by electronic transmission shall be responsible for any delay, disruption, interruption of the electronic signals, and readability of the document, and accepts the full risk that the document may not be properly filed with the clerk as a result.~~

(1) Electronic transmission may be used by a court or clerk for the service of all orders of whatever nature, pursuant to rule 2.516(h), and for the service of any documents pursuant to any ECF Procedures, provided the clerk, together with input from the chief judge of the circuit, has obtained approval from the supreme court of ECF Procedures containing the specific procedures and program to be used in transmitting the orders and documents. All other requirements for the service of such orders must be met.

(2) Any document electronically transmitted to a court or clerk must also be served on all parties and interested persons in accordance with the applicable rules of court.

**(f) Administration.**

(1) Any clerk ~~of the court~~ who, after obtaining ~~S~~supreme ~~C~~court of Florida approval, accepts for filing documents that have been electronically transmitted ~~shall~~must:

(A) provide electronic or telephonic access to its equipment, whether through an e-portal or otherwise, during regular business hours, and all other times as practically feasible; and

(B) accept electronic transmission of documents up to 25 megabytes (25MB) in size, or until e-filing has been fully implemented, accept facsimile transmissions of documents up to 10 pages in length; and

(C) accept filings in excess of 25 megabytes (25MB) in size by electronic storage device or system, which may include a CD-ROM, flash drive, or similar storage system.

(2) All attorneys, parties, or other persons using this rule to file documents are required to make arrangements with the court or clerk ~~of the court~~ for the payment of any charges authorized by general law or the ~~S~~supreme ~~C~~court of Florida before filing any document by electronic transmission.

(3) The filing date for an electronically transmitted document ~~shall be~~is the date and time that such filing is acknowledged by an electronic stamp or otherwise, pursuant to any procedure set forth in any ECF Procedures approved by the supreme court, or the date the last page thereof of such filing is received by the court or clerk ~~of the court~~.

(4) Any court or clerk ~~of the court~~ may extend the hours of access or increase the page or size limitations set forth in this subdivision.

**(g) [No Change]**

### **Court Commentary**

**1997 Amendment.** Originally, the rule provided that the follow-up filing had to occur within ten days. In the 1997 amendment to the rule, that requirement was modified to provide that the follow-up filing must occur “immediately” after a document is electronically filed. The “immediately thereafter” language is consistent with language used in the rules of procedure where, in a somewhat analogous situation, the filing of a document may occur after service. See, e.g.,

Florida Rule of Civil Procedure 1.080(d) (“All original papers shall be filed with the court either before service or immediately thereafter.”) (emphasis added). “Immediately thereafter” has been interpreted to mean “filed with reasonable promptness.” Miami Transit Co. v. Ford, 155 So.2d 360 (Fla. 1963).

The use of the words “other person” in this rule is not meant to allow a nonlawyer to sign and file pleadings or other papers on behalf of another. Such conduct would constitute the unauthorized practice of law.

## **RULE 2.535. COURT REPORTING**

### **(a) Definitions.**

(1) – (5) [No Change]

(6) “Official record” means the transcript, which is the written or electronically stored record of court proceedings and depositions prepared in accordance with the requirements of subdivision (f).

**(b) – (e) [No Change]**

**(f) Transcripts.** Transcripts of all judicial proceedings, including depositions, shall be uniform in and for all courts throughout the state and shall be stored in an electronic format sufficient to communicate the information contained in proceedings in a readable format, and capable of being transmitted electronically as set forth in rule 2.525. Any transcripts stored in electronic form must be capable of being printed in accordance with this rule. The form, size, spacing, and method of printing transcripts are as follows:

(1) – (10) [No Change]

**(g) – (j) [No Change]**

### **Committee Note**

[No Change]

## **FLORIDA RULES OF CRIMINAL PROCEDURE**

**RULE 3.030. SERVICE AND FILING OF PLEADINGS, ~~AND PAPERS,~~  
AND DOCUMENTS**

**(a) Service.** Every pleading subsequent to the initial indictment or information on which a defendant is to be tried unless the court otherwise orders, and every order not entered in open court, every written motion unless it is one about which a hearing ex parte is authorized, and every written notice, demand, and similar ~~paper~~document shall be served on each party in conformity with Florida Rule of Judicial Administration 2.516; however, nothing herein shall be construed to require that a plea of not guilty shall be in writing.

**(b) Filing.** All documents that are “court records” as defined in the Florida Rules of Judicial Administration must be filed with the clerk in accordance with Florida Rules of Judicial Administration 2.520 and 2.525.

**(c) Deposit with the Clerk.** Any paper document that is a judgment and sentence or required by statute or rule to be sworn to or notarized shall be filed and deposited with the clerk immediately thereafter. The clerk shall maintain deposited original paper documents in accordance with Florida Rule of Judicial Administration 2.430, unless otherwise ordered by the court.

**Committee Notes**

[No Change]

**RULE 3.070. ADDITIONAL TIME AFTER SERVICE BY MAIL,  
WHEN PERMITTED, OR E-MAIL**

Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other ~~paper~~document on the party and the notice or ~~paper~~document is served on the party by mail, when permitted, or e-mail, 3 days shall be added to the prescribed period.

**Committee Notes**

[No Change]

**RULE 3.080. NONVERIFICATION OF PLEADINGS**

Except when otherwise specifically provided by these rules or an applicable statute, every written pleading or other ~~paper~~document of a party represented by an attorney need not be verified or accompanied by an affidavit.

**Committee Notes**

[No Change]

**RULE 3.090. PLEADING CAPTIONS**

Every pleading, motion, order, judgment, or other ~~paper~~document shall have a caption containing the name of the court, the file number, the name of the first party on each side with an appropriate indication of other parties, and a designation identifying the party filing it and its nature, to include if the pleading or document is sworn or the nature of the order, as the case may be. All ~~papers~~documents filed in the action shall be styled in such a manner as to indicate clearly the subject matter of the ~~paper~~document and the party requesting or obtaining relief.

**RULE 3.240. CHANGE OF VENUE**

**(a) – (h)** [No Change]

**(i) Action of Receiving Court.** The court to which the cause is removed shall proceed to trial and judgment therein as if the cause had originated in that court. If it is necessary to have any of the original pleadings or other ~~papers~~documents before that court, the court from which the cause is removed shall at any time on application of the prosecuting attorney or the defendant order such ~~papers~~documents or pleadings to be transmitted by the clerk, a certified copy thereof being retained.

**(j)** [No Change]

**Committee Notes**

[No Change]

**RULE 3.851. COLLATERAL RELIEF AFTER DEATH SENTENCE HAS BEEN IMPOSED AND AFFIRMED ON DIRECT APPEAL**

**(a) – (e) [No Change]**

**(f) Procedure; Evidentiary Hearing; Disposition.**

**(1) Filing and Service.** All pleadings in the postconviction proceeding shall be filed with the clerk of the trial court and served on the assigned judge, opposing party, and the attorney general. Upon the filing of any original court ~~paper~~document in the postconviction proceeding, the clerk of the trial court shall determine that the assigned judge has received a copy. All motions other than the postconviction motion itself shall be accompanied by a notice of hearing.

**(2) – (8) [No Change]**

**(g) – (i) [No Change]**

**Court Commentary**

[No Change]

**FLORIDA PROBATE RULES**

**RULE 5.043. DEPOSIT OF WILLS AND CODICILS**

Notwithstanding any rule to the contrary, and unless the court orders otherwise, any original executed will or codicil deposited with the court must be retained by the clerk in its original form and must not be destroyed or disposed of by the clerk for 20 years after submission regardless of whether the will or codicil has been permanently recorded as defined by Florida Rule of Judicial Administration 2.430.

**Committee Notes**

2012 Adoption. Florida Rule of Judicial Administration 2.525 requires that all documents be filed with the court electronically. Although the Florida Statutes

direct the deposit of a will, rather than the filing of the will, the committee believes that original wills and codicils should be retained in their original form longer than other documents filed with the court due to the unique evidentiary aspects of the actual document. These unique aspects could be lost forever if the original document were converted to electronic form and the original destroyed.

### **Rule History**

2012 Revision: New Rule.

### **Statutory References**

§ 731.201(16), Fla. Stat. General definitions.

§ 732.901, Fla. Stat. Production of wills.

### **Rule References**

Fla. R. Jud. Admin. 2.430 Retention of court records.

Fla. R. Jud. Admin. 2.525 Electronic filing.

## **FLORIDA SMALL CLAIMS RULES**

### **RULE 7.080. SERVICE AND FILING OF PLEADINGS AND PAPERSDOCUMENTS OTHER THAN STATEMENT OF CLAIM**

**(a) – (c) [No Change]**

**(d) Filing with the Court Defined.** The filing of papersdocuments with the court as required by these rules is made by filing them with the clerk, except that the judge may permit the papersdocuments to be filed with the judge, in which event the judge shall note thereon the filing date and transmit them to the clerk, and the clerk shall file them as of the same date they were filed with the judge. Parties represented by an attorney must file documents in compliance with the electronic filing (e-filing) requirements set forth in the Florida Rules of Judicial Administration. Parties not represented by an attorney may file documents in compliance with the e-filing requirement if permitted by the Florida Rules of Judicial Administration.

(e) – (f) [No Change]

### **Court Commentary**

[No Change]

## **FLORIDA RULES OF JUVENILE PROCEDURE**

### **PART I. RULES OF GENERAL APPLICATION**

#### **RULE 8.000. SCOPE AND PURPOSE**

These rules shall govern the procedures in the juvenile division of the circuit court in the exercise of its jurisdiction under Florida law.

Part III of these rules governs the procedures for delinquency cases in the juvenile court. Part IIIIV governs the procedures for families and children in need of services cases in the juvenile court. The Department of Juvenile Justice shall be referred to as the “department” in these parts.

Part IIII of these rules governs the procedures for dependency cases in the juvenile court. The Department of Children and Family Services shall be referred to as the “department” in that part.

These rules are intended to provide a just, speedy, and efficient determination of the procedures covered by them and shall be construed to secure simplicity in procedure and fairness in administration.

They shall be known as the Florida Rules of Juvenile Procedure and may be cited as Fla. R. Juv. P.

When appropriate the use of singular nouns and pronouns shall be construed to include the plural and the use of plural nouns and pronouns shall be construed to include the singular.

### **Committee Notes**

[No Change]

## ~~PART I.—DELINQUENCY PROCEEDINGS~~

### ~~A.—PRELIMINARY PROCEEDING~~

#### **RULE 8.003. FAMILY LAW COVER SHEET**

The party opening or reopening a case under Part ~~I, II, III, or IV~~II, III, IV, or V of these rules shall file with the clerk of the circuit court Florida Family Law Rules of Procedure Form 12.928, Cover Sheet for Family Law Cases.

#### **RULE 8.004. ELECTRONIC FILING**

(a) All documents that are court records, as defined in Florida Rule of Judicial Administration 2.430(a)(1), are to be filed by electronic transmission, consistent with the requirements of Florida Rule of Judicial Administration 2.525, provided that:

(1) the clerk has the ability to accept and retain such documents;

(2) the clerk or the chief judge of the circuit has requested permission to accept documents filed by electronic transmission; and

(3) the supreme court has entered an order granting permission to the clerk to accept documents filed by electronic transmission.

(b) All documents filed by electronic transmission under this rule satisfy any requirement for the filing of an original, except where the court, law, or these rules otherwise provide for the submittal of an original.

(c) The following paper documents or other submissions may be manually submitted to the clerk for filing under the following circumstances:

(1) when the clerk does not have the ability to accept and retain documents by electronic filing or has not had electronic court filing procedures (ECF Procedures) approved by the supreme court;

(2) by any self-represented party or any self-represented nonparty unless specific ECF Procedures provide a means to file documents electronically. However, any self-represented nonparty that is a governmental or public agency and any other agency, partnership, corporation, or business entity acting on behalf of any governmental or public agency may file documents by electronic transmission if such entity has the capability of filing documents electronically;

(3) by attorneys excused from e-mail service pursuant to these rules or Florida Rule of Judicial Administration 2.516;

(4) when submitting evidentiary exhibits or filing non-documentary materials;

(5) when the filing involves documents in excess of 25 megabytes (25 MB) in size. For such filings, documents may be transmitted using an electronic storage medium that the clerk has the ability to accept, which may include a CD-ROM, flash drive, or similar storage medium;

(6) when filed in open court, as permitted by the court;

(7) when paper filing is permitted by any approved statewide or local ECF procedures; and

(8) if any court determines that justice so requires.

(d) The filing date for an electronically transmitted document is the date and time that such filing is acknowledged by an electronic stamp, or otherwise, pursuant to any procedure set forth in any electronic court filing procedures (ECF Procedures) approved by the supreme court, or the date the last page of such filing is received by the court or clerk.

(e) Where these rules are silent, Florida Rule of Judicial Administration 2.525 controls.

(f) Electronic transmission may be used by a court for the service of all orders, pursuant to Florida Rule of Judicial Administration 2.516, and for the service of filings pursuant to any ECF Procedures, provided the clerk, together with input from the chief judge of the circuit, has obtained approval from the supreme court of ECF Procedures containing the specific procedures and program to be used in transmitting the orders and filings.

PART II. DELINQUENCY PROCEEDINGS

A. PRELIMINARY PROCEEDINGS

**RULE 8.005. – RULE 8.015. [No Change]**

B. PLEADINGS, PROCESS, AND ORDERS

**RULE 8.025. – RULE 8.055. [No Change]**

C. DISCOVERY

**RULE 8.060. – RULE 8.065. [No Change]**

D. ARRAIGNMENTS AND PLEAS

**RULE 8.070. – RULE 8.080. [No Change]**

E. MOTIONS AND SERVICE OF PLEADINGS

**RULE 8.085. – RULE 8.095. [No Change]**

F. HEARINGS

**RULE 8.100. – RULE 8.120. [No Change]**

G. RELIEF FROM ORDERS AND JUDGMENTS

**RULE 8.130. – RULE 8.145. [No Change]**

H. CONTEMPT

**RULE 8.150. [No Change]**

I. GENERAL PROVISIONS

**RULE 8.160. – RULE 8.185. [No Change]**

PART III. DEPENDENCY AND TERMINATION OF  
PARENTAL RIGHTS PROCEEDINGS

A. GENERAL PROVISIONS

**RULE 8.201. – RULE 8.203. [No Change]**

**RULE 8.205. TRANSFER OF CASES**

(a) **Transfer of Cases Within Circuit Court.** If it should appear at any time in a proceeding initiated in a division other than the division of the circuit court assigned to handle dependency matters that facts are alleged that essentially constitute a dependency or the termination of parental rights, the court may upon consultation with the administrative judge assigned to dependency cases order the transfer of action and the transmittal of all relevant ~~papers~~documents to the division assigned to handle dependency matters. The division assigned to handle dependency matters shall then assume jurisdiction only over matters pertaining to dependency, custody, visitation, and child support.

(b) – (c) [No Change]

**Committee Notes**

[No Change]

**RULE 8.210. – RULE 8.215. [No Change]**

**RULE 8.217. ATTORNEY AD LITEM**

(a) **Request.** At any stage of the proceedings, any party may request or the court may consider whether an attorney ad litem is necessary to represent any child alleged, or found, to be dependent, if one has not already been appointed.

(b) – (c) [No Change]

(d) **Service.** An attorney ad litem shall be entitled to receive and must provide service of pleadings and papers~~documents~~ as provided by rule 8.225.

**RULE 8.220. – RULE 8.225. [No Change]**

**RULE 8.230. PLEADINGS TO BE SIGNED**

(a) **Pleading to Be Signed by Attorney.** Every written ~~paper~~document or pleading of a party represented by an attorney shall be signed in the attorney's individual name by such attorney, whose Florida Bar number, address, and telephone number, including area code, shall be stated and who shall be duly licensed to practice law in Florida. The attorney may be required by an order of court to vouch for the authority to represent such party and to give the address of such party. Except when otherwise specifically provided by these rules or applicable statute, pleadings as such need not be verified or accompanied by affidavit.

(b) **Pleading to Be Signed by Unrepresented Party.** A party who has no attorney but who represents himself or herself shall sign a written pleading or other ~~paper~~document to be filed and state his or her address and telephone number, including area code.

(c) **Effect of Signing Pleading.** The signature of a person shall constitute a certificate that the ~~paper~~document or pleading has been read; that to the best of the person's knowledge, information, and belief there is good ground to support it; and that it is not interposed for delay. If a pleading or ~~paper~~document is not signed, or is signed with intent to defeat the purpose of this rule, it may be stricken and the action may proceed as though the pleading or ~~paper~~document had not been filed.

**Committee Notes**

[No Change]

**RULE 8.235. – RULE 8.292. [No Change]**

B. TAKING CHILDREN INTO CUSTODY AND SHELTER HEARINGS

**RULE 8.300. – RULE 8.305. [No Change]**

C. PETITION, ARRAIGNMENT, ADJUDICATION, AND DISPOSITION

**RULE 8.310. – RULE 8.355. [No Change]**

D. CASE PLANS

**RULE 8.400. – RULE 8.430. [No Change]**

E. TERMINATION OF PARENTAL RIGHTS

**RULE 8.500. – RULE 8.535. [No Change]**

**PART III. PROCEEDINGS FOR FAMILIES AND CHILDREN  
IN NEED OF SERVICES**

**RULE 8.601. – RULE 8.685. [No Change]**

**RULE 8.690. DISPOSITION HEARINGS**

**(a) – (c) [No Change]**

(d) **Out-of-Home Placement.** If the court places the child in out-of-home placement, subsequent proceedings shall be governed by part ~~HIID~~ of these rules.

**RULE 8.695. [No Change]**

**PART ~~IV~~V. OTHER PROCEEDINGS**

**A. GUARDIAN ADVOCATES FOR DRUG-DEPENDENT NEWBORNS**

**RULE 8.705. – RULE 8.735. [No Change]**

**B. JUDICIAL WAIVER OF PARENTAL NOTICE OF TERMINATION OF PREGNANCY**

**RULE 8.800. – RULE 8.840. [No Change]**

**PART ~~V~~VI. FORMS FOR USE WITH THE RULES OF JUVENILE PROCEDURE**

**Part ~~V~~VI. Forms for Use With the Rules of Juvenile Procedure**

The following forms are sufficient for the matters that are covered by them. So long as the substance is expressed without prolixity, the forms may be varied to meet the facts of a particular case. Captions, verifications, and certificates of service, except for the designation of the paper, are omitted from most forms. General forms for these are provided at the beginning of the forms.

**A. GENERAL FORMS**

**FORM 8.901. – FORM 8.913. [No Change]**

**B. DELINQUENCY FORMS**

**FORM 8.929. – FORM 8.951. [No Change]**

C. DEPENDENCY FORMS

**FORM 8.958. – FORM 8.978(a). [No Change]**

D. TERMINATION OF PARENTAL RIGHTS FORMS

**FORM 8.979. – FORM 8.986. [No Change]**

E. JUDICIAL WAIVER OF PARENTAL NOTICE OF TERMINATION OF PREGNANCY FORMS

**FORM 8.987. – FORM 8.992. [No Change]**

**FLORIDA RULES OF APPELLATE PROCEDURE**

**RULE 9.020. DEFINITIONS**

The following terms have the meanings shown as used in these rules:

**(a) – (g) [No Change]**

**(h) Applicability of Florida Rules of Judicial Administration.** The Florida Rules of Judicial Administration are applicable in all proceedings governed by these rules, except as otherwise provided in these rules. These rules shall govern where in conflict with the Florida Rules of Judicial Administration.

**(hi) Rendition (of an Order).** An order is rendered when a signed, written order is filed with the clerk of the lower tribunal. However, unless another applicable rule of procedure specifically provides to the contrary, if a final order has been entered and there has been filed in the lower tribunal an authorized and timely motion for new trial, for rehearing, for certification, to alter or amend, for judgment in accordance with prior motion for directed verdict, for arrest of judgment, to challenge the verdict, to correct a sentence or order of probation pursuant to Florida Rule of Criminal Procedure 3.800(b)(1), to withdraw a plea after sentencing pursuant to Florida Rule of Criminal Procedure 3.170(l), or to

vacate an order based upon the recommendations of a hearing officer in accordance with Florida Family Law Rule of Procedure 12.491, the following exceptions apply:

(1) – (3) [No Change]

**(ij) Rendition of an Appellate Order.** If any timely and authorized motion under rule 9.330 or 9.331 is filed, the order shall not be deemed rendered as to any party until all of the motions are either abandoned or resolved by the filing of a written order.

#### **Committee Notes**

[No Change]

#### **Court Commentary**

[No Change]

### **RULE 9.110. APPEAL PROCEEDINGS TO REVIEW FINAL ORDERS OF LOWER TRIBUNALS AND ORDERS GRANTING NEW TRIAL IN JURY AND NON-JURY CASES**

**(a)** [No Change]

**(b) Commencement.** Jurisdiction of the court under this rule shall be invoked by filing ~~an original and 1 copy~~ of a notice, accompanied by any filing fees prescribed by law, with the clerk of the lower tribunal within 30 days of rendition of the order to be reviewed.

**(c) Exception; Administrative Action.** In an appeal to review final orders of lower administrative tribunals, the appellant shall file the ~~original~~ notice with the clerk of the lower administrative tribunal within 30 days of rendition of the order to be reviewed, and shall also file a copy of the notice, accompanied by any filing fees prescribed by law, with the clerk of the court.

**(d)** [No Change]

(e) **Record.** Within 50 days of filing the notice, the clerk shall prepare the record prescribed by rule 9.200 and serve copies of the index on all parties. Within 110 days of filing the notice, the clerk shall electronically transmit the record to the court.

(f) [No Change]

(g) **Cross-Appeal.** An appellee may cross-appeal by serving a notice within 10 days of service of the appellant's timely filed notice of appeal or within the time prescribed for filing a notice of appeal, whichever is later. The ~~original and 1 copy of the~~ notice of cross-appeal, accompanied by any filing fees prescribed by law, shall be filed either before service or immediately thereafter in the same manner as the notice of appeal.

(h) – (i) [No Change]

(j) **Exception; Appeal Proceedings from District Courts of Appeal.** If the appeal is from an order of a district court of appeal, the clerk shall electronically transmit the record to the court within 60 days of filing the notice. Appellant's initial brief shall be served within 20 days of filing the notice. Additional briefs shall be served as prescribed by rule 9.210.

(k) – (m) [No Change]

(n) **Exception; Appeal of Final Order Dismissing Petition for Judicial Waiver of Parental Notice of Termination of Pregnancy.** If an unmarried minor or another person on her behalf appeals an order dismissing a petition for judicial waiver of parental notice of termination of pregnancy, the clerk of the lower tribunal shall prepare and electronically transmit the record as described in rule 9.200(d) within 2 days from the filing of the notice of appeal. The district court of appeal shall render its decision on the appeal as expeditiously as possible and no later than 10 days from the filing of the notice of appeal. Briefs or oral argument may be ordered at the discretion of the district court of appeal. The minor may move for leave to file a brief and may request oral argument. If no decision is rendered within the foregoing time period, the order shall be deemed reversed, the petition shall be deemed granted, and the clerk shall place a certificate to this effect in the file and provide the minor with a certified copy of the certificate. The appeal and all proceedings thereon shall be confidential so that the minor shall remain anonymous. The file shall remain sealed unless otherwise ordered by the court. Should the dismissal of the petition be reversed on appeal, the clerk shall furnish

the petitioner with a certified copy of the decision or the clerk's certificate for delivery to the minor's physician. No filing fee shall be required for any part of an appeal of the dismissal of a petition for a waiver of parental notice of termination of pregnancy.

**Committee Notes**

[No Change]

**Court Commentary**

[No Change]

**RULE 9.120. DISCRETIONARY PROCEEDINGS TO REVIEW DECISIONS OF DISTRICT COURTS OF APPEAL**

(a) [No Change]

(b) **Commencement.** The jurisdiction of the supreme court described in rule 9.030(a)(2)(A) shall be invoked by filing ~~2 copies of~~ a notice, accompanied by any filing fees prescribed by law, with the clerk of the district court of appeal within 30 days of rendition of the order to be reviewed.

(c) – (d) [No Change]

(e) **Accepting or Postponing Decision on Jurisdiction; Record.** If the supreme court accepts or postpones decision on jurisdiction, the court shall so order and advise the parties and the clerk of the district court of appeal. Within 60 days thereafter or such other time set by the court, the clerk shall electronically transmit the record.

(f) [No Change]

**Committee Notes**

[No Change]

**RULE 9.125. REVIEW OF TRIAL COURT ORDERS AND JUDGMENTS CERTIFIED BY THE DISTRICT COURTS OF APPEAL AS REQUIRING IMMEDIATE RESOLUTION BY THE SUPREME COURT**

**(a) – (d) [No Change]**

**(e) Form.** The suggestion shall be limited to 5 pages and shall contain all of the following elements:

(1) A statement of why the appeal requires immediate resolution by the supreme court.

(2) A statement of why the appeal

(A) is of great public importance, or

(B) will have a great effect on the proper administration of justice throughout the state.

(3) A certificate signed by the attorney stating:

I express a belief, based on a reasoned and studied professional judgment, that this appeal requires immediate resolution by the supreme court and (a) is of great public importance, or (b) will have a great effect on the administration of justice throughout the state.

/s/ \_\_\_\_\_  
Attorney for .....(name of party).....  
.....(address and phone number).....  
Florida Bar No. ....  
E-mail Address: .....

(4) An appendix containing a conformed copy of the order to be reviewed.

**(f) [No Change]**

**(g) Procedure When Supreme Court Accepts Jurisdiction.** The jurisdiction of the supreme court attaches on rendition of the order accepting

jurisdiction. If the supreme court accepts jurisdiction, it shall so order and advise the parties, the clerk of the district court, and the clerk of the lower tribunal. The clerk of the court in possession of the record shall ~~transfer~~electronically transmit the record in the case to the supreme court within 10 days thereafter. The supreme court shall issue a briefing schedule and all papers formerly required to be filed in the district court shall be filed in the supreme court. If the supreme court denies jurisdiction, it shall so order and advise the parties and the clerk of the district court.

**Committee Notes**

[No Change]

**RULE 9.130. PROCEEDINGS TO REVIEW NON-FINAL ORDERS AND SPECIFIED FINAL ORDERS**

(a) [No Change]

(b) **Commencement.** The jurisdiction to seek review of orders described in subdivisions (a)(3)–(a)(6) shall be invoked by filing ~~2 copies of~~ a notice, accompanied by any filing fees prescribed by law, with the clerk of the lower tribunal within 30 days of rendition of the order to be reviewed.

(c) – (h) [No Change]

**Committee Notes**

[No Change]

**RULE 9.140. APPEAL PROCEEDINGS IN CRIMINAL CASES**

(a) [No Change]

(b) **Appeals by Defendant.**

(1) [No Change]

**(2) Guilty or Nolo Contendere Pleas.**

**(A) [No Change]**

**(B) Record.**

(i) [No Change]

(ii) Upon good cause shown, the court, or the lower tribunal before the record is electronically transmitted, may expand the record.

**(3) – (4) [No Change]**

**(c) [No Change]**

**(d) Withdrawal of Defense Counsel after Judgment and Sentence or after Appeal by State.**

(1) The attorney of record for a defendant in a criminal proceeding shall not be relieved of any professional duties, or be permitted to withdraw as defense counsel of record, except with approval of the lower tribunal on good cause shown on written motion, until either the time has expired for filing an authorized notice of appeal and no such notice has been filed by the defendant or the state, or after the following have been completed:

**(A) – (D) [No Change]**

**(E)** in publicly funded defense and state appeals, when the lower tribunal has entered an order appointing the office of the public defender for the local circuit, the district office of criminal conflict and civil regional counsel, or private counsel as provided by chapter 27, Florida Statutes, that office, or attorney shall remain counsel for the appeal until the record is electronically transmitted to the appellate court. In publicly funded state appeals, defense counsel shall additionally file with the appellate court a copy of the lower tribunal's order appointing the local public defender, the office of criminal conflict and civil regional counsel, or private counsel. In non-publicly funded defense and state appeals, retained appellate counsel shall file a notice of appearance in the appellate court, or defense counsel of record shall file a motion to withdraw in the appellate court, with service on the defendant, that states what the defendant's legal representation on appeal, if any, is expected to be. Documents filed in the appellate

court shall be served on the attorney general (or state attorney in appeals to the circuit court).

(2) [No Change]

(e) [No Change]

(f) **Record.**

(1) [No Change]

(2) **Transcripts.**

(A) – (B) [No Change]

(C) Except as permitted in subdivision (f)(2)(D) of this rule, the parties shall designate the approved court reporter or approved transcriptionist to file with the clerk of the lower tribunal the ~~original~~ transcripts for the court and sufficient paper copies for ~~the state and all indigent defendants~~ all parties exempt from service by e-mail as set forth in the Florida Rules of Judicial Administration.

(D) Non-indigent defendants represented by counsel may designate the approved court reporter or approved transcriptionist to prepare ~~only original~~ the transcripts. Counsel adopting this procedure shall, within 5 days of receipt of the ~~original~~ transcripts from the approved court reporter or approved transcriptionist, file the ~~original~~ transcripts ~~along with securely bound copies for the state and all defendants~~. Counsel shall serve notice of the use of this procedure on the attorney general (or the state attorney in appeals to circuit court) and the clerk of the lower tribunal. Counsel shall attach a certificate to each ~~copy~~ transcript certifying that it is ~~an accurate and complete copy of the original transcript~~. When this procedure is used, the clerk of the lower tribunal upon conclusion of the appeal shall retain the ~~original~~ transcript(s) for use as needed by the state in any collateral proceedings and shall not ~~destroy~~ dispose of the transcripts without the consent of the Office of the Attorney General.

(E) In state appeals, the state shall designate the approved court reporter or approved transcriptionist to prepare and file with the clerk of the lower tribunal the ~~original~~ transcripts and sufficient copies for all ~~separately represented defendants~~ parties exempt from service by e-mail as set forth in the

Florida Rules of Judicial Administration. Alternatively, the state may elect to use the procedure specified in subdivision (f)(2)(D) of this rule.

(F) The lower tribunal may by administrative order in publicly-funded cases direct the clerk of the lower tribunal rather than the approved court reporter or approved transcriptionist to prepare the necessary ~~copies of the original transcripts.~~

**(3) Retention of Documents.** Unless otherwise ordered by the court, the clerk of the lower tribunal shall retain ~~any~~ original documents ~~except the original transcripts designated for appeal which shall be included in the record transmitted to the court.~~

**(4) – (5) [No Change]**

**(6) Supplemental Record for Motion to Correct Sentencing Error Pursuant to Florida Rule of Criminal Procedure 3.800(b)(2).**

(A) The clerk of circuit court shall automatically supplement the appellate record with any motion pursuant to Florida Rule of Criminal Procedure 3.800(b)(2), any response, any resulting order, and any amended sentence. The clerk shall electronically transmit the supplement to the appellate court within 5 days of the filing of the order ruling on the motion. If an order is not filed within 60 days from the filing of the motion, this time shall run from the expiration of the 60 day period, and the clerk shall supplement the record with the motion and a statement that no order was timely filed.

(B) [No Change]

**(g) – (i) [No Change]**

#### **Committee Notes**

[No Change]

#### **Court Commentary**

[No Change]

**RULE 9.141. REVIEW PROCEEDINGS IN COLLATERAL OR POST-CONVICTION CRIMINAL CASES**

**(a) [No Change]**

**(b) Appeals from Post-Conviction Proceedings Under Florida Rule of Criminal Procedure 3.800(a), 3.850, or 3.853.**

**(1) [No Change]**

**(2) Summary Grant or Denial of Motion Without Evidentiary Hearing.**

(A) When a motion for post-conviction relief under rule 3.800(a), 3.850, or 3.853 is granted or denied without an evidentiary hearing, the clerk of the lower tribunal shall electronically transmit to the court, as the record, ~~copies of~~ the motion, response, reply, order on the motion, motion for rehearing, response, reply, order on the motion for rehearing, and attachments to any of the foregoing, together with the certified copy of the notice of appeal.

(B) – (D) [No Change]

**(3) Grant or Denial of Motion after Evidentiary Hearing.**

**(A) [No Change]**

**(B) Record.**

(i) When a motion for post-conviction relief under rule 3.850 or 3.853 is granted or denied after an evidentiary hearing, the clerk of the lower tribunal shall index, paginate, and electronically transmit to the court as the record, within 50 days of the filing of the notice of appeal, ~~copies of~~ the notice of appeal, motion, response, reply, order on the motion, motion for rehearing, response, reply, order on the motion for rehearing, and attachments to any of the foregoing, as well as the ~~original~~ transcript of the evidentiary hearing.

(ii) – (iii) [No Change]

**(C) [No Change]**

(c) – (d) [No Change]

### Committee Notes

[No Change]

## **RULE 9.142. PROCEDURES FOR REVIEW IN DEATH PENALTY CASES**

### **(a) Procedure in Death Penalty Appeals.**

#### **(1) Record.**

(A) [No Change]

(B) The complete record in a death penalty appeal shall include all items required by rule 9.200 and by any order issued by the supreme court. In any appeal following the initial direct appeal, the record that is electronically transmitted shall begin with the most recent mandate issued by the supreme court, or the most recent filing not already electronically transmitted in a prior record in the event the preceding appeal was disposed of without a mandate, and shall exclude any materials already transmitted to the supreme court as the record in any prior appeal.

(C) [No Change]

**(2) Briefs; Transcripts.** After the record is filed, the clerk will promptly establish a briefing schedule allowing the defendant 60 days from the date the record is filed, the state 45 days from the date the defendant's brief is served, and the defendant 30 days from the date the state's brief is served to serve their respective briefs. On appeals from orders ruling on applications for relief under Florida Rule of Criminal Procedure 3.851 or 3.853, and on resentencing matters, the schedules set forth in rule 9.140(g) will control. ~~In addition to filing paper copies of transcripts, the court reporter shall file with the clerk of the lower tribunal, on clearly labeled computer disks in a format approved by the supreme court, sufficient copies of these transcripts for the clerk of the lower tribunal to include the disks in the record transmitted to the court and to the parties.~~

**(3) – (5) [No Change]**

**(b) Petitions for Extraordinary Relief.**

**(1) – (2) [No Change]**

**(3) Petitions Seeking Belated Appeal.**

**(A) Contents.** A petition for belated appeal shall include a detailed allegation of the specific acts sworn to by the petitioner or petitioner’s counsel that constitute the basis for entitlement to belated appeal, including whether petitioner requested counsel to proceed with the appeal and the date of any such request, whether counsel misadvised the petitioner as to the availability of appellate review or the filing of the notice of appeal, or whether there were circumstances unrelated to counsel’s action or inaction, including names of individuals involved and date(s) of the occurrence(s), that were beyond the petitioner’s control and otherwise interfered with the petitioner’s ability to file to file a timely appeal.

**(B) [No Change]**

**(4) [No Change]**

**(c) [No Change]**

**(d) Review of Dismissal of ~~Postconviction~~ Post-Conviction Proceedings and Discharge of Counsel in Florida Rule of Criminal Procedure 3.851(i) Cases.**

**(1) [No Change]**

**(2) Procedure Following Rendition of Order of Dismissal and Discharge.**

**(A) Notice to Court.** Within 10 days of the rendition of an order granting a prisoner’s motion to discharge counsel and dismiss the motion for ~~postconviction~~ post-conviction relief, discharged counsel shall file with the clerk of the circuit court ~~2 copies of~~ a notice seeking review in the supreme court.

**(B) [No Change]**

(C) **Record.** Within 30 days of the granting of a motion to dismiss and discharge counsel, the clerk of the circuit court shall ~~forward~~electronically transmit a copy of the motion, order, and transcripts of all hearings held on the motion to the clerk of the supreme court.

(D) [No Change]

**Committee Notes**

[No Change]

**RULE 9.145. APPEAL PROCEEDINGS IN JUVENILE DELINQUENCY CASES**

(a) – (d) [No Change]

(e) **Confidentiality.** All documents that are filed in papers format under seal shall remain sealed in the office of the clerk of court when not in use by the court, and shall not be open to inspection except by the parties and their counsel, or as otherwise ordered.

**Committee Notes**

[No Change]

**RULE 9.146. APPEAL PROCEEDINGS IN JUVENILE DEPENDENCY AND TERMINATION OF PARENTAL RIGHTS CASES AND CASES INVOLVING FAMILIES AND CHILDREN IN NEED OF SERVICES**

(a) – (e) [No Change]

(f) **Confidentiality.** All documents that are filed in papers format under seal shall remain sealed in the office of the clerk of the court when not in use by the court, and shall not be open to inspection except by the parties and their counsel, or as otherwise ordered.

**(g) Special Procedures and Time Limitations Applicable to Appeals of Final Orders in Dependency or Termination of Parental Rights Proceedings.**

**(1) [No Change]**

**(2) The Record.**

**(A) [No Change]**

**(B) Transcripts of Proceedings.** The appellant shall file a designation to the court reporter, including the name(s) of the individual court reporter(s), if applicable, with the notice of appeal. The designation shall be served on the court reporter on the date of filing and shall state that the appeal is from a final order of termination of parental rights or of dependency, and that the court reporter shall provide the transcript(s) designated within 20 days of the date of service. Within 20 days of the date of service of the designation, the court reporter shall transcribe and file with the clerk of the lower tribunal the ~~original~~ transcripts and sufficient copies for ~~the Department of Children and Family Services, the guardian ad litem, and all indigent parties~~ all parties exempt from service by e-mail as set forth in the Florida Rules of Judicial Administration. If extraordinary reasons prevent the reporter from preparing the transcript(s) within the 20 days, the reporter shall request an extension of time, shall state the number of additional days requested, and shall state the extraordinary reasons that would justify the extension.

**(C) Directions to the Clerk, Duties of the Clerk, Preparation and Transmittal of the Record.** The appellant shall file directions to the clerk with the notice of appeal. The clerk shall electronically transmit the record to the court within 5 days of the date the court reporter files the transcript(s) or, if a designation to the court reporter has not been filed, within 5 days of the filing of the notice of appeal. When the record is electronically transmitted to the court, the clerk shall simultaneously ~~serve copies of~~ electronically transmit the record to the Department of Children and Family Services, the guardian ad litem, ~~the indigent parties or~~ counsel appointed to represent any indigent parties, and shall simultaneously serve copies of the index to all non-indigent parties, and, upon their request, copies of the record or portions thereof ~~at the cost prescribed by law~~. The clerk shall provide the record in paper form to all parties exempt from service by e-mail as set forth in the Florida Rules of Judicial Administration.

(3) – (7) [No Change]

(h) [No Change]

**Committee Notes**

[No Change]

**RULE 9.160. DISCRETIONARY PROCEEDINGS TO REVIEW DECISIONS OF COUNTY COURTS**

(a) [No Change]

(b) **Commencement.** Any appeal of an order certified by the county court to be of great public importance must be taken to the district court of appeal. Jurisdiction of the district court of appeal under this rule shall be invoked by filing ~~2 copies of~~ a notice and ~~a copy of~~ the order containing certification, accompanied by any filing fees prescribed by law, with the clerk of the lower tribunal. The time for filing the appeal shall be the same as if the appeal were being taken to the circuit court.

(c) – (j) [No Change]

**Committee Notes**

[No Change]

**RULE 9.180. APPEAL PROCEEDINGS TO REVIEW WORKERS' COMPENSATION CASES**

(a) [No Change]

(b) **Jurisdiction.**

(1) – (2) [No Change]

(3) **Commencement.** Jurisdiction of the court shall be invoked by filing ~~two copies of~~ a notice of appeal with the lower tribunal, accompanied by the

filing fee prescribed by law unless a verified petition for relief from payment of the fee has been filed with the lower tribunal within 30 days of the date the order to be reviewed is mailed by the lower tribunal to the parties, which date shall be the date of rendition.

(4) [No Change]

(c) – (i) [No Change]

#### Committee Notes

[No Change]

### **RULE 9.200. THE RECORD**

#### **(a) Contents.**

(1) – (4) [No Change]

(5) Where any court record, as defined in Florida Rule of Judicial Administration 2.420(b)(1)(A), of proceedings in the lower tribunal has been made or maintained in one of the following electronic formats: fully searchable indexed PDF; fully searchable non-indexed PDF; or, non-searchable PDF

(A) the record, as defined in subdivision (a)(1) through (a)(3), shall be comprised of the electronic form of those items described in subdivision (a)(1) that were created or maintained in the aforementioned electronic formats; or

(B) where the parties elect to prepare a stipulated statement in accordance with subdivision (a)(4), the stipulated statement and its attachments shall be filed electronically in one of the aforementioned electronic formats.

#### **(b) Transcript(s) of Proceedings.**

(1) Within 10 days of filing the notice, the appellant shall designate those portions of the proceedings not on file deemed necessary for transcription and inclusion in the record. Within 20 days of filing the notice, an appellee may designate additional portions of the proceedings. Copies of designations shall be

served on the approved court reporter, civil court reporter, or approved transcriptionist. Costs of the ~~original and all copies of the~~ transcript(s) so designated shall be borne initially by the designating party, subject to appropriate taxation of costs as prescribed by rule 9.400. At the time of the designation, unless other satisfactory arrangements have been made, the designating party must make a deposit of 1/2 of the estimated transcript costs, and must pay the full balance of the fee on delivery of the completed transcript(s).

(2) Within 30 days of service of a designation, or within the additional time provided for under subdivision (b)(3) of this rule, the approved court reporter, civil court reporter, or approved transcriptionist shall transcribe and file with the clerk of the lower tribunal the designated proceedings and shall serve copies as requested in the designation. ~~In addition to the paper copies, the approved court reporter, civil court reporter, or approved transcriptionist shall file with the clerk of the lower tribunal and serve on the designated parties an electronic copy of the designated proceedings in a format approved by the supreme court.~~ If a designating party directs the approved court reporter, civil court reporter, or approved transcriptionist to furnish the transcript(s) to fewer than all parties, that designating party shall serve a copy of the designated transcript(s), ~~in both electronic and paper form,~~ on the parties within 5 days of receipt from the approved court reporter, civil court reporter, or approved transcriptionist. The transcript of the trial shall be ~~securely bound~~ organized in consecutively numbered volumes not to exceed 200 pages each, and each page shall be numbered consecutively. Each volume shall be prefaced by an index containing the names of the witnesses, a list of all exhibits offered and introduced in evidence, and the pages where each may be found.

(3) On service of a designation, the approved court reporter, civil court reporter, or approved transcriptionist shall acknowledge at the foot of the designation the fact that it has been received and the date on which the approved court reporter, civil court reporter, or approved transcriptionist expects to have the transcript(s) completed and shall ~~transmit~~ serve the so-endorsed designation, ~~so endorsed, to~~ on the parties and ~~to file it with~~ the clerk of the appellate court within 5 days of service. If the transcript(s) cannot be completed within 30 days of service of the designation, the approved court reporter, civil court reporter, or approved transcriptionist shall request such additional time as is reasonably necessary and shall state the reasons therefor. If the approved court reporter, civil court reporter, or approved transcriptionist requests an extension of time, the court shall allow the parties 5 days in which to object or agree. The appellate court shall approve the

request or take other appropriate action and shall notify the reporter and the parties of the due date of the transcript(s).

(4) If no report of the proceedings was made, or if the transcript is unavailable, a party may prepare a statement of the evidence or proceedings from the best available means, including the party's recollection. The statement shall be served on all other parties, who may serve objections or proposed amendments to it within 10 days of service. Thereafter, the statement and any objections or proposed amendments shall be ~~submitted to~~ filed with the lower tribunal for settlement and approval. As settled and approved, the statement shall be included by the clerk of the lower tribunal in the record.

(c) [No Change]

(d) **Duties of Clerk; Preparation and Transmittal of Record.**

(1) The clerk of the lower tribunal shall prepare the record as follows:

(A) [No Change]

(B) The remainder of the record, including all supplements and any transcripts other than the transcript of the trial, shall be consecutively numbered. The record shall be ~~securely bound~~ organized in consecutively numbered volumes not to exceed 200 pages each. The cover sheet of each volume shall contain the name of the lower tribunal and the style and number of the case. Any volume of the record that is prepared in paper format shall be securely bound.

(C) The record, or portions of the record, prepared in accordance with subdivision (a)(5) shall be organized, numbered, and formatted in accordance with subdivision (d)(1)(A)–(d)(1)(B), except that each such volume shall be prepared in electronic format as a PDF file having the indexing and searching characteristics of the electronic items comprising that volume of the record. The index and progress docket shall also be included as a separate indexed, fully searchable PDF file.

(2) [No Change]

(3) The clerk of the lower tribunal shall certify and transmit the record to the court as prescribed by these rules; ~~provided that if the parties stipulate~~

~~or the lower tribunal orders that the original record be retained, the clerk shall prepare and transmit a certified copy.~~

**(e) – (g) [No Change]**

### **Committee Notes**

[No Change]

## **RULE 9.210. BRIEFS**

**(a) Generally.** In addition to briefs on jurisdiction under rule 9.120(d), the only briefs permitted to be filed by the parties in any one proceeding are the initial brief, the answer brief, a reply brief, and a cross-reply brief. All briefs required by these rules shall be prepared as follows:

(1) When not filed in electronic format, bBriefs shall be printed, typewritten, or duplicated on opaque, white, unglossed ~~8½ by 11 inch~~ paper. The dimensions of each page of a brief, regardless of format, shall be 8 ½ by 11 inches.

(2) The lettering in briefs shall be black and in distinct type, double-spaced, with margins no less than 1 inch. Lettering in script or type made in imitation of handwriting shall not be permitted. Footnotes and quotations may be single spaced and shall be in the same size type, with the same spacing between characters, as the text. Computer-generated briefs shall be ~~submitted~~filed in either Times New Roman 14-point font or Courier New 12-point font. All computer-generated briefs shall contain a certificate of compliance signed by counsel, or the party if unrepresented, certifying that the brief complies with the font requirements of this rule. The certificate of compliance shall be contained in the brief immediately following the certificate of service.

(3) Paper copies of bBriefs shall be securely bound in book form and fastened along the left side in a manner that will allow them to lie flat when opened or be securely stapled in the upper left corner. Headings and subheadings shall be at least as large as the brief text and may be single spaced.

(4) – (5) [No Change]

**(b) – (f) [No Change]**

(g) ~~**Filing with Courts.** The filing requirements of the courts are as follows:~~

~~(1) **Circuit Courts.** Original and 1 copy.~~

~~(2) **District Courts of Appeal.** Original and 3 copies.~~

~~(3) **Supreme Court.** Original and 7 copies; except that 5 copies only shall accompany the original jurisdictional briefs prescribed in rule 9.120(d).~~

~~(h) **Citations.** Counsel are requested to use the uniform citation system prescribed by rule 9.800.~~

#### **Committee Notes**

[No Change]

#### **Court Commentary**

[No Change]

### **RULE 9.220. APPENDIX**

(a) [No Change]

(b) **Contents.** The appendix shall contain an index and a conformed copy of the opinion or order to be reviewed and may contain any other portions of the record and other authorities. ~~It shall be separately bound or separated from the petition, brief, motion, response, or reply by a divider and appropriate tab.~~ Asterisks should be used to indicate omissions in documents or testimony of witnesses.

(c) **Format.** Unless otherwise authorized by court order or court rule, the appendix shall be prepared and filed electronically with the clerk as an independent PDF file or series of independent PDF files. When a paper appendix is authorized, it shall be separately bound or separated from the petition, brief, motion, response, or reply by a divider and appropriate tab, and the following additional requirements shall apply: (1) if the appendix includes documents filed before January 1991 on

paper measuring 8 ½ by 14 inches, the documents should be reduced in copying to 8 ½ by 11 inches, if practicable; and (2) if reduction is impracticable, the appendix may measure 8 ½ by 14 inches, but it should be bound separately from the document that it accompanies.

### **Committee Notes**

[No Change]

## **RULE 9.360. PARTIES**

**(a) Joinder.** A party to the cause in the lower tribunal who desires to join in a proceeding as a petitioner or appellant shall serve a notice to that effect no later than the latest of the following: (i) within 10 days of service of a timely filed petition or notice of appeal; (ii) within the time prescribed for filing a notice of appeal; or (iii) within the time prescribed in rule 9.100(c). ~~The original and 1 copy of the~~ notice of joinder, accompanied by any filing fees prescribed by law, shall be filed either before service or immediately thereafter in the same manner as the petition or notice of appeal.

**(b) – (c) [No Change]**

### **Committee Notes**

[No Change]

## **RULE 9.500. ADVISORY OPINIONS TO GOVERNOR**

**(a) Filing.** A request by the governor for an advisory opinion from the justices of the supreme court on a question affecting gubernatorial powers and duties shall be in writing. ~~The original and 7 copies~~ request shall be filed with the clerk of the supreme court.

**(b) [No Change]**

### **Committee Notes**

[No Change]

**RULE 9.510. ADVISORY OPINIONS TO ATTORNEY GENERAL**

(a) **Filing.** A request by the attorney general for an advisory opinion from the justices of the supreme court concerning the validity of an initiative petition for the amendment of the Florida Constitution shall be in writing. The ~~original and 7 copies~~ request shall be filed with the clerk of the supreme court.

(b) – (c) [No Change]

**Committee Notes**

[No Change]

**RULE 9.900. FORMS**

(a) **Notice of Appeal.**

IN THE .....(NAME OF LOWER TRIBUNAL WHOSE ORDER IS TO BE REVIEWED).....

Case No. \_\_\_\_\_

\_\_\_\_\_, )  
Defendant/Appellant, )  
 )  
v. )  
 )  
\_\_\_\_\_, )  
Plaintiff/Appellee. )  
\_\_\_\_\_ )

NOTICE OF APPEAL

NOTICE IS GIVEN that \_\_\_\_\_, Defendant/Appellant, appeals to the ....(name of court that has appellate jurisdiction)....., the order of this court rendered [see rule 9.020(h)] .....(date)..... [Conformed copies of orders

designated in the notice of appeal shall be attached in accordance with rules 9.110(d), and 9.160(c).] The nature of the order is a final order ..... (state nature of the order) .....

\_\_\_\_\_  
Attorney for .....(name of party).....  
.....(address, e-mail address, and phone  
number).....  
Florida Bar No. ....

**(b) Notice of Cross-Appeal.**

IN THE .....(NAME OF LOWER  
TRIBUNAL WHOSE ORDER IS TO  
BE REVIEWED).....

Case No. \_\_\_\_\_

\_\_\_\_\_, )  
Defendant/Appellant, )  
Cross-Appellee, )  
)  
v. )  
)  
\_\_\_\_\_, )  
Plaintiff/Appellee, )  
Cross-Appellant. )  
\_\_\_\_\_ )

**NOTICE OF CROSS-APPEAL**

NOTICE IS GIVEN that \_\_\_\_\_, Plaintiff/Cross-Appellant, appeals to the .....(name of court that has appellate jurisdiction)....., the order of this court rendered [see rule 9.020(h)] .....(date)..... The nature of the order is a final order .....(state nature of the order).....

\_\_\_\_\_  
Attorney for .....(name of party).....  
.....(address, e-mail address, and phone

number).....  
Florida Bar No. ....

**(c) Notice of Appeal of Non-Final Order.**

IN THE .....(NAME OF LOWER  
TRIBUNAL WHOSE NON-FINAL  
ORDER IS TO BE REVIEWED).....

Case No. \_\_\_\_\_

\_\_\_\_\_, )  
Defendant/Appellant, )  
 )  
v. )  
 )  
\_\_\_\_\_, )  
Plaintiff/Appellee. )  
\_\_\_\_\_ )

NOTICE OF APPEAL OF A NON-  
FINAL ORDER

NOTICE IS GIVEN that \_\_\_\_\_, Defendant/Appellant,  
appeals to the .....(name of court that has appellate jurisdiction)....., the order of this  
court rendered [see rule 9.020(h)] .....(date)..... [Conformed copies of orders  
designated in the notice of appeal shall be attached in accordance with rules  
9.110(d), 9.130(c), and 9.160(c).] The nature of the order is a non-final order  
.....(state nature of the order).....

\_\_\_\_\_  
Attorney for .....(name of party).....  
.....(address, e-mail address, and phone  
number).....  
Florida Bar No. ....

**(d) Notice to Invoke Discretionary Jurisdiction of Supreme Court.**

IN THE DISTRICT COURT OF  
APPEAL OF FLORIDA,

\_\_\_\_\_ DISTRICT

Case No. \_\_\_\_\_

\_\_\_\_\_, )  
Defendant/Petitioner, )  
 )  
v. )  
 )  
\_\_\_\_\_, )  
Plaintiff/Respondent. )  
\_\_\_\_\_ )

NOTICE TO INVOKE  
DISCRETIONARY JURISDICTION

NOTICE IS GIVEN that \_\_\_\_\_, Defendant/Petitioner,  
invokes the discretionary jurisdiction of the supreme court to review the decision  
of this court rendered [see rule 9.020(h)] .....(date)..... The decision .....(state why  
the decision is within the supreme court’s jurisdiction).....<sup>1</sup>

\_\_\_\_\_  
Attorney for .....(name of party).....  
.....(address, e-mail address, and phone  
number).....  
Florida Bar No. ....

- <sup>1</sup>. The choices are:
- a. expressly declares valid a state statute.
  - b. expressly construes a provision of the state or federal constitution.
  - c. expressly affects a class of constitutional or state officers.
  - d. expressly and directly conflicts with a decision of another district court of appeal or of the supreme court on the same question of law.
  - e. passes on a question certified to be of great public importance.
  - f. is certified to be in direct conflict with decisions of other district courts of appeal.
- See rule 9.030(a)(2)(A).

**(e) Notice of Administrative Appeal.**

IN THE .....(NAME OF AGENCY,  
OFFICER, BOARD, COMMISSION,  
OR BODY WHOSE ORDER IS TO BE  
REVIEWED).....

Case No. \_\_\_\_\_

\_\_\_\_\_, )  
Defendant\*/Appellant, )  
 )  
v. )  
 )  
\_\_\_\_\_, )  
Plaintiff\*/Appellee. )  
\_\_\_\_\_ )

NOTICE OF ADMINISTRATIVE  
APPEAL

NOTICE IS GIVEN that \_\_\_\_\_, Appellant,  
appeals to the .....(name of court that has appellate jurisdiction)....., the order of this  
.....(name of agency, officer, board, commission, or body whose order is to be  
reviewed)..... rendered [see rule 9.020(h)] .....(date)..... [Conformed copies of  
orders designated in the notice of appeal shall be attached in accordance with rules  
9.110(d) and 9.130(c).] The nature of the order is .....(state nature of the order).....

\_\_\_\_\_  
Attorney for .....(name of party).....  
.....(address, e-mail address, and phone  
number).....  
Florida Bar No. ....

\*or other appropriate designation.

**(f) Notice of Appeal of an Order Dismissing a Petition for a Judicial  
Waiver of Parental Notice of Termination of Pregnancy and Advisory Notice  
to Minor.**

IN THE CIRCUIT COURT FOR THE  
\_\_\_\_\_ JUDICIAL CIRCUIT  
(NUMERICAL DESIGNATION OF  
THE CIRCUIT)

IN AND FOR \_\_\_\_\_ COUNTY,  
FLORIDA

Case No. \_\_\_\_\_

In re: Petition for a Judicial )  
Waiver of Parental Notice of )  
Termination of Pregnancy. )  
 )  
 )  
 )  
\_\_\_\_\_)  
(Your pseudonym or initials) )  
 )  
Appellant. )  
\_\_\_\_\_ )

NOTICE IS GIVEN that \_\_\_\_\_ (your pseudonym or initials),  
appeals to the \_\_\_\_\_ (District Court with appellate jurisdiction), the  
order of this court rendered \_\_\_\_\_ (enter the date that the order  
was filed on the clerk's docket) [See rule 9.020(h)]. The nature of the order is a  
final order dismissing a petition for a judicial waiver of parental notice of  
termination of pregnancy.

Signature: \_\_\_\_\_

(As signed on your petition for judicial waiver if you are representing  
yourself)

Date: \_\_\_\_\_

OR

Attorney for \_\_\_\_\_ (pseudonym or initials of appellant)

(address, e-mail address, and phone number of attorney)

Florida Bar No. \_\_\_\_\_

**ADVISORY NOTICE TO THE MINOR  
YOU ARE NOTIFIED AS FOLLOWS:**

1. You are entitled to appeal the order dismissing your petition for a judicial waiver of parental notice of termination of pregnancy. You do not have to pay a filing fee for the appeal.

2. If you wish to appeal, you must file a notice of appeal. A form for the notice of appeal (Fla. R. App. P. 9.900(f)) will be provided to you with the order dismissing your petition. You must fill in every blank on the form with the information requested. If you need assistance with the form, the clerk of the circuit court will help you complete it.

3. You must file the notice of appeal with the clerk of the circuit court where your case was heard. The notice of appeal must be filed within thirty (30) days of the date when the judge's written order dismissing your petition was filed with the clerk of the circuit court. If you do not file your notice of appeal within this time period your appeal will not be heard.

4. The notice of appeal is the only document you need to file in connection with your appeal. You may file a motion to seek permission to file a brief in your case, or to request oral argument of your case. These motions or any other motions or documents you file concerning your appeal, except the notice of appeal, must be mailed or delivered to the appellate court for filing. The appellate court that will be reviewing your case is:

The \_\_\_\_\_ District Court of Appeal

\_\_\_\_\_

(address of the District Court)

Telephone number: \_\_\_\_\_

(Note: The clerk of the circuit court will fill in the blanks above with the appropriate court information).

5. You may request a lawyer to represent you in your appeal. You must tell the judge who heard your petition for a judicial waiver of parental notification of termination of pregnancy that you wish to have a lawyer appointed.

**(g) Directions to Clerk.**

IN THE .....(NAME OF LOWER TRIBUNAL WHOSE ORDER IS TO BE REVIEWED).....

Case No. \_\_\_\_\_

\_\_\_\_\_, )  
Plaintiff/Appellant, )  
 )  
v. )  
 )  
\_\_\_\_\_, )  
Defendant/Appellee. )  
\_\_\_\_\_ )

DIRECTIONS TO CLERK

Plaintiff/Appellant, \_\_\_\_\_, directs the clerk to  
.....(include/exclude)..... the following items .....(in/from)..... the ~~original~~ record  
described in rule 9.200(a)(1):

ITEM

DATE FILED

1.

[List of Desired Items]

2.

Note: This form is necessary only if a party does not wish to rely on the record that will be automatically prepared by the clerk under rule 9.200(a)(1).

**(h) Designation to Approved Court Reporter, Civil Court Reporter, or Approved Transcriptionist.**

IN THE .....(NAME OF LOWER TRIBUNAL WHOSE ORDER IS TO BE REVIEWED).....

Case No. \_\_\_\_\_

_____ ,	)	
Plaintiff/Appellant,	)	DESIGNATION TO APPROVED
	)	COURT REPORTER, CIVIL COURT
v.	)	REPORTER, OR APPROVED
	)	TRANSCRIPTIONIST, AND
_____ ,	)	REPORTER'S OR APPROVED
Defendant/Appellee.	)	TRANSCRIPTIONIST'S
_____	)	ACKNOWLEDGEMENT

I. DESIGNATION

Plaintiff/Appellant, \_\_\_\_\_, files this Designation to Approved Court Reporter, Civil Court Reporter, or Approved Transcriptionist and directs .....(name of approved court reporter, civil court reporter, or approved transcriptionist)..... to transcribe ~~an original and \_\_\_\_\_ copies of~~ the following portions of the trial proceedings to be used in this appeal [for cases where a party is exempt from service by e-mail as set forth in the Florida Rules of Judicial Administration, state the following and provide paper copies of the transcript(s)]:

1. The entire trial proceedings recorded by the reporter on .....(date)....., before the Honorable .....(judge)....., except \_\_\_\_\_.

2. [Indicate all other portions of reported proceedings.]

3. The approved court reporter, civil court reporter, or approved transcriptionist is directed to file the original with the clerk of the lower tribunal and to serve one copy on each of the following:

- 1.
- 2.
- 3.

I, counsel for Appellant, certify that satisfactory financial arrangements have been made with the approved court reporter, civil court reporter, or approved transcriptionist for preparation of the transcript.

\_\_\_\_\_  
Attorney for .....(name of party).....  
.....(address, e-mail address, and phone  
number).....  
Florida Bar No. ....

II. APPROVED COURT REPORTER'S, CIVIL COURT REPORTER'S, OR  
APPROVED TRANSCRIPTIONIST'S ACKNOWLEDGMENT

1. The foregoing designation was served on .....(date)....., and received on .....(date).....

2. Satisfactory arrangements have ( ) have not ( ) been made for payment of the transcript cost. These financial arrangements were completed on .....(date).....

3. Number of trial or hearing days \_\_\_\_.

4. Estimated number of transcript pages \_\_\_\_.

5a. The transcript will be available within 30 days of service of the foregoing designation and will be filed on or before .....(date).....

OR

5b. For the following reason(s) the approved court reporter, civil court reporter, or approved transcriptionist requests an extension of time of \_\_\_\_ days for preparation of the transcript that will be filed on or before .....(date).....

6. Completion and filing of this acknowledgment by the approved court reporter, civil court reporter, or approved transcriptionist constitutes submission to the jurisdiction of the court for all purposes in connection with these appellate proceedings.

7. The undersigned approved court reporter, civil court reporter, or approved transcriptionist certifies that the foregoing is true and correct and that a copy has been furnished by mail ( ) hand delivery ( ) on .....(date)....., to each of the parties or their counsel.

\_\_\_\_\_  
Approved Court Reporter, Civil Court  
Reporter, or Approved Transcriptionist  
.....(address).....

Note: The foregoing approved court reporter's, civil court reporter's, or approved transcriptionist's acknowledgment to be placed "at the foot of" or attached to a copy of the designation, shall be properly completed, signed by the approved court reporter, and filed with the clerk of the appellate court within 5 days of service of the designation on the approved court reporter, civil court reporter, or approved transcriptionist. A copy shall be served on all parties or their counsel, who shall have 5 days to object to any requested extension of time. See Fla. R. App. P. 9.200(b)(1), (2), & (3).

(i) [No Change]

(j) Notice of Supplemental Authority

.....(Title of Court).....

Case No.: \_\_\_\_\_

\_\_\_\_\_, )  
Appellant/Petitioner, )  
 )  
v. )  
 )  
\_\_\_\_\_, )  
Appellee/Respondent. )  
\_\_\_\_\_ )

NOTICE OF SUPPLEMENTAL  
AUTHORITY

[Appellant/Petitioner] [Appellee/Respondent], \_\_\_\_\_,  
submits as supplemental authority the [decision/rule/statute/other authority] of  
\_\_\_\_\_, a copy of which is attached to this notice. The

supplemental authority is pertinent to the issue on appeal identified as \_\_\_\_\_ and [discussed on pages \_\_\_\_\_ of the \_\_\_\_\_ brief] [raised at oral argument].

\_\_\_\_\_  
Attorney for .....(name of party).....  
.....(address, e-mail address, and phone  
number).....  
Florida Bar No. ....

**Committee Notes**

[No Change]

**FLORIDA FAMILY LAW RULES OF PROCEDURE**

**RULE 12.010. SCOPE, PURPOSE, AND TITLE**

(a) [No Change]

(b) **Purpose.**

(1) [No Change]

(2) Nothing shall prohibit any intake personnel in family law divisions from assisting in the preparation of ~~papers~~documents or forms to be filed in any action under these rules.

(c) [No Change]

**RULE 12.025. APPLICABILITY OF RULES OF JUDICIAL ADMINISTRATION**

**(a) Electronic Filing.** Florida Rules of Judicial Administration 2.520 and 2.525 are applicable in all family law matters except as otherwise provided in these rules.

**(b) Exceptions.** Any document filed pursuant to any proceeding under Chapter 63, Florida Statutes, which may be relied upon by the court to terminate parental rights, including consent for adoption or affidavit of nonpaternity, shall be exempt from the requirements of Rule of Judicial Administration 2.525(c).

**RULE 12.040. ATTORNEYS**

**(a) – (b) [No Change]**

**(c) Scope of Representation.**

(1) [No Change]

(2) An attorney for the State’s Title IV-D child support enforcement agency who appears in a family law matter governed by these rules shall file a notice informing the recipient of Title IV-D services and other parties to the case that the IV-D attorney represents only the Title IV-D agency and not the recipient of IV-D services. The notice must state that the IV-D attorney may only address issues concerning determination of paternity, and establishment, modification, and enforcement of support obligations. The notice may be incorporated into a pleading, motion, or other ~~paper~~document filed with the court when the attorney first appears.

**(d) – (f) [No Change]**

**Committee Notes**

[No Change]

**RULE 12.080. SERVICE OF PLEADINGS AND FILING OF PAPERSDOCUMENTS**

**(a) Service.**

(1) **Family Law Actions Generally.** Service of pleadings and ~~papers~~documents after commencement of all family law actions except domestic, repeat, dating, and sexual violence shall be as set forth in Florida Rule of Judicial Administration 2.516, except that rule 2.516 shall also apply to service on the party

during the attorney's limited appearance as provided in rule 12.040(f) and be expanded as set forth in subdivisions (b) and (c) to include additional requirements for service of recommended orders and for service on defaulted parties.

**(2) Domestic, Repeat, Dating, and Sexual Violence Actions.**

Service of pleadings and ~~papers~~documents regarding domestic, repeat, dating, and sexual violence actions shall be governed by Florida Family Law Rule of Procedure 12.610, where it is in conflict with this rule.

**(b) [No Change]**

**(c) Defaulted Parties.** No service need be made on parties against whom a default has been entered, except that:

(1) [No Change]

(2) Notice of final hearings or trials and court orders shall be served on defaulted parties in the manner provided for service of pleadings and ~~papers~~documents contained in Florida Rule of Judicial Administration 2.516.

(3) [No Change]

**Commentary**

[No Change]

**Committee Notes**

[No Change]

**RULE 12.200. CASE MANAGEMENT AND PRETRIAL CONFERENCES**

**(a) Case Management Conference.**

**(1) Family Law Proceedings, Generally.** A case management conference may be ordered by the court at any time on the court's initiative. A party may request a case management conference 30 days after service of a petition or complaint. At such a conference the court may:

(A) schedule or reschedule the service of motions, pleadings, and other ~~papers~~documents;

(B) – (O) [No Change]

**(2) [No Change]**

**(b) – (d) [No Change]**

**Commentary**

[No Change]

**Committee Note**

[No Change]

**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**



*Janice Thompson*  
*December 13, 2010*

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

This Interlocal Agreement Establishing The Florida E-Filing Authority, dated as of September 3 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.

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 3<sup>rd</sup> day of September, 2010.

Clerk of the Circuit Court in and for  
Bay County  
By: Bill Kinsaul  
Name: Bill Kinsaul

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

Clerk of the Circuit Court in and for  
CLAY County  
By: James B. Jett  
Name: JAMES B. JETT

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

Clerk of the Circuit Court in and for  
Leon County  
By: Bob Inzer  
Name: Bob Inzer

Clerk of the Circuit Court in and for  
Columbia County  
By: P. Dewitt Cason  
Name: P. Dewitt Cason

Clerk of the Circuit Court in and for  
Palm Beach County  
By: Sharon R. Boek  
Name: Sharon R. Boek

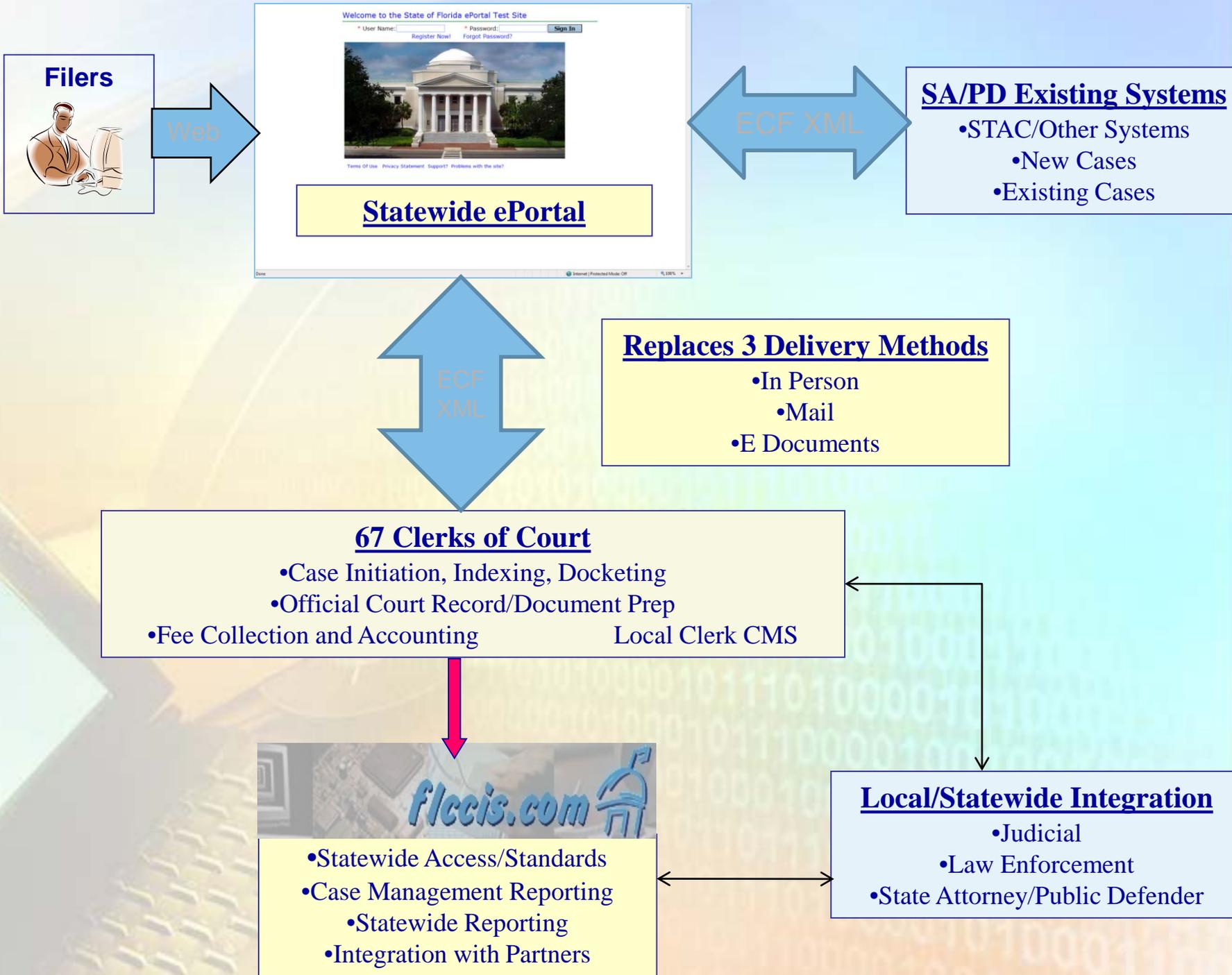
Clerk of the Circuit Court in and for  
Orange County  
By: Lydia Gardner  
Name: Lydia Gardner

Clerk of the Florida Supreme Court  
By: Thomas D. Hall  
Name: THOMAS D. HALL

**TAB 3**

**July 2013 - June 2014**  
**Portal Process Flow**

# Statewide Integrated Court System



**TAB 4**

# **Joinder Agreement**

**Joinder to Interlocal Agreement**

**Establishing The**

**Florida E-Filing Authority**

This Joinder to Interlocal Agreement Establishing The Florida E-Filing Authority, is executed and delivered by the Clerk of the Circuit Court set forth below as of the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

WHEREAS, certain Clerks of the Circuit Court and the Clerk of the Florida Supreme Court entered into that certain Interlocal Agreement Establishing The Florida E-filing Authority dated as of September 15, 2010 (the “Interlocal Agreement”) dated as of September 15, 2010 (the “Interlocal Agreement”), for the establishment and operation of an internet portal for the electronic filing of court documents, as more particularly described in the Interlocal Agreement; and

WHEREAS, Section 2.3 of the Interlocal Agreement contemplates other Clerks of the Circuit Court joining in the Interlocal Agreement; and

WHEREAS, the undersigned desires to join in the Interlocal Agreement.

NOW THEREFORE, pursuant to Section 2.3 of the Interlocal Agreement I, as the duly elected Clerk of the Circuit Court in and for \_\_\_\_\_ County, Florida, hereby join the Interlocal Agreement, becoming a party the Interlocal Agreement and a member of the Florida Court E-Filing Authority as established by the Interlocal Agreement..

Dated this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**Clerk of the Circuit Court**

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

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

**TAB 5**

# **Authority Meetings**



**TIM SMITH**  
**CHAIR**

Clerk, Putnam County

**JOSEPH E. SMITH**  
**VICE CHAIR**

Clerk, St. Lucie County  
District V

**TARA GREEN**  
**SECRETARY/TREASURER**

Clerk, Clay County  
District III

**John Tomasino**

Clerk of the Court  
Florida Supreme Court

**ALEX ALFORD**

Clerk, Walton County  
District I

**BOB INZER**

Clerk, Leon County  
District II

**DON BARBEE, ESQ.**

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

<https://www.myflcourtaccess.com>

## AGENDA

### Florida Courts E-Filing Authority Annual Meeting

PGA National Resort & Spa  
400 Avenue of the Champions  
Palm Beach Gardens, FL 33418

June 9, 2014

10:20 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  
Tara Green, Secretary/Treasurer
- VI. Treasurer's Report  
Monthly Financial Report  
Approval of 2014-2015 Budget Tara Green
- VII. Progress Reports  
E-Portal Progress Report Jennifer Fishback  
Service Desk Report Melvin Cox
- VIII. Florida Courts Technology Commission Issues
- IX. Committee Reports  
Rules Committee Don Barbee  
Joint Authority/FCCC/FCTC Pro Se Committee Sharon Bock
- X. Legal Counsel Report  
Public Records Policy Lynn Hoshihara, General Counsel
- Public Comment
- XI. Adjourn



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

Florida Courts E-Filing Authority Board of Directors met on June 9, 2014, at 10:20 a.m. at the PGA National, Palm Beach Gardens, Florida. The following members were present: Tim Smith, Putnam County Clerk, Chair; Joseph E. Smith, St. Lucie County Clerk, Vice Chair; Tara Green, Clay County Clerk, Secretary/Treasurer; Alex Alford, Walton County Clerk; Bob Inzer, Leon County Clerk; Sharon Bock, Esq., Palm Beach County Clerk; Karen Rushing, Sarasota County Clerk; and Lynn Hoshihara, Esq., Authority General Counsel. John Tomasino, Clerk, Supreme Court was in attendance by WebEx. All members were present.

- I. Mr. Tim Smith, Chair, opened the Annual meeting at 10:37 a.m. with a roll call. He welcomed those on the WebEx and those in the room. He recognized Chief Justice Ricky Polston and in-coming State Court Administrator P.K. Jameson as special guests at the table and thanked them for being in attendance.
- II. Mr. Tim Smith asked for a motion to adopt the agenda. Ms. Sharon R. Bock, Esq., moved adoption of the agenda. Mr. Joe Smith 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 compared portal operations from a year prior to current operations, attributing much of the success to Chief Justice Polston for his direction and vision, and steadfast belief in what could be accomplished. Mr. Tim Smith's remarks are attached at the end of these minutes.
- 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 and recognized Ms. Gail Wadsworth, Flagler County Clerk, as his replacement on the Board of Directors. Ms. Tara Green nominated Mr. Don Barbee as Vice Chair for the next year. Mr. Bob Inzer seconded the nomination and all voted favorably.

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Mr. Tim Smith thanked Ms. Green for her service the past year as Secretary/Treasurer and asked for nominations from the floor for that position. Mr. Inzer nominated Ms. Green to serve again as the Secretary/Treasurer. Ms. Bock 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 Ms. Green to present the May 2014 minutes. Hearing no suggested changes, Mr. Bob Inzer moved adoption of the minutes. Mr. Barbee seconded the motion. All voted favorably to accept the minutes.
- VI. Mr. Smith recognized Ms. Green to present the Treasurer's Report. There were no questions.

Ms. Green reviewed the proposed 2014-2015 Authority budget and moved the adoption of the budget. Ms. Bock seconded the motion. All approved the proposed budget. Ms. Green asked Ms. Lynn Hoshihara, Esq., General Counsel for the Board, to look at a policy for minor budget amendments, to relieve the board from having to review and vote on every need for moving money within the budget. She asked Ms. Hoshihara to bring back a suggested policy for review at the next meeting.

### VII. 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 number of filings and registered users were still increasing. Only 2.3% of the filings were going to the pending queue; it was taking about 1 day to docket; and 72% of the filings were using the e-service option. She noted that there were 61,479 user accounts this month. Criminal filings were still increasing, this month showing 254,000 filings to criminal cases. Batch filings constituted 57% of those filings, and single session filings were at 43%. Ms. Fishback reviewed the details of the next software release.

For the upgrade, she noted several items, such as the look would fill the screen a little better, there would be online help linked to each pages, filer roles will be associated with docket codes. She did note that Clerks would need to be thinking about their docket codes as other filer types would be coming on later in the year for the September 20 upgrade.

Mr. Tim Smith asked Ms. Fishback to make sure Ms. P.K. Jameson, the in-coming State Courts Administrator, was aware of the details and schedule in the event she got any questions.

Ms. Rushing asked if when the judges begin using the portal, will we be able to represent to the Department of Corrections (DOC) that this is truly secured and the form will not be

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necessary? Ms. Fishback verified that the technical aspect would be taken care of in the 2014.03 upgrade scheduled for October 24, 2014 and would include commitments, sentencing, court orders and the like. Ms. Rushing commented that she was not sure that DOC would accept the orders without the form. She encouraged staff to keep checking on it.

Mr. Tom Hall asked if the appellate court ever ordered anyone released and, if so, he urged that they be included in the conversations.

**Service Desk Report:**

Mr. Melvin Cox was recognized to present the service desk report. He reported to the board that the customer service calls were down, to under 3,000 and technical calls were down from April's total of 836 to the May total of 537. The average time to resolve was still under 1 day. Customer service contacts showed that 71% come through email and 29% come by way of phone. He told the board that he felt that the Service Desk would be able to handle the volume as more user groups were added. He also said he would begin to report calls by filer type, starting with attorney, judge, and pro se. Mr. Smith asked that he bring that information to the next meeting.

Ms. Rushing asked if judges' issues will be able to be handled quickly by the service desk? Mr. Cox responded that they were giving the judges their own email address for the Service Desk so they could be recognized as a judge user.

Ms. Bock asked if there was a way to track the common issues that are being asked by filers. She suggested the issues be used to update the FAQs and other help materials. Mr. Cox said there was and he offered to bring her detail of that for the next meeting.

Mr. Smith recognized Chief Justice Polston for his support in helping get the Service Desk off the ground. And the FCCC staff who support it.

**VIII. Florida Courts Technology Issues:**

Mr. Tim Smith recognized Ms. Bock, Ms. Rushing and Mr. Ellspermann if any of them wished to speak about the recent FCTC meeting. He recognized Ms. Rushing. Ms. Rushing reported that she had participated in a meeting on an issue that keeps coming up. She recognized that including docket line numbers was more related to the Clerks' case maintenance level than the portal, and that the Tyler counties might have issues, but that in a meeting they agreed that all dockets must be numbered. She urged those who have a system where line numbers can be added, to please do so. She felt that it should be done because the court and legal community feels it is important.

Ms. Bock asked when Clerks would be able to stop taking paper from attorneys. She suggested that by September there should be an outline of dates and the like.

Ms. Chris Blakeslee responded that she was working on a proposed order to allow Clerks to stop taking paper. She mentioned that the dates would be September 2014 for civil filings and September 2015 for criminal filings.

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In regard to the Department of Corrections (DOC) issues, Ms. Blakeslee said that both Judge Munyon and she were getting calls from the court administrators asking if it was mandatory for judges to file through the portal. She said they were encouraging them to do so, but recognized it was not mandatory.

Mr. Tim Smith said the he felt that once some judges began to use the portal, others would come on.

Ms. Rushing commented that the security of the portal should be emphasized with DOC.

## IX. Committee Reports

### Rules Committee:

Mr. Don Barbee reported that he had held a positive meeting with the Clerk Bar liaisons. They were ready to attend the rules committee meetings at the Annual Bar Convention to be held later in the month.

### Joint Authority/FCCC/FCTC Pro Se Committee:

Ms. Bock reported that she felt there would be a lot of activity in Florida over the next year, such as adding pro se filers to the portal starting June 20, A2J training is coming, and there is a pro se session at the summer conference. She felt that eventually there would be an Access to Justice Commission in Florida. She also commented that AOSC 14-19 will drive all the remote viewing. Along with The Florida Bar Association Annual Meeting, there will be a meeting of the Access Committee of Vision 2016 group. They have asked Ms. Bock to report on what the committee has done toward assisting pro se filers file electronically.

Mr. Tom Hall remarked that he was taking part of a panel on the National Appellate Clerks Conference in Richmond, Va., in mid-July. In the report, he noted that Florida will be the only state where A2J is incorporated into the portal and the vendor owns the software.

Ms. Green asked when A2J would be ready? Ms. Bock said she was putting together an education plan to roll out to Clerks.

## X. Legal Counsel Report

### Public Records Policy:

Ms. Lynn Hoshihara said she would bring a draft policy to the board at the next meeting.

## XI. Public Comment

Mr. Joe Smith took a point of personal privilege to recognize the success of the E-Filing Authority. He especially thanked Mr. Tim Smith and Chief Justice for their leadership and, although he would be going off the board, expressed his hope for continued success.

Mr. Tim Smith made closing comments. He thanked Chief Justice Polston for selecting Mr. Tom Hall to serve on this board, that he had been key to the success of the portal. Mr. Smith remarked that the new Supreme Court Clerk, Hon. John Tomasino, will carry on that progress. He commented that he was excited about the future of the courts and thanked both the Chief Justice and the incoming State Courts Administrator, P.K. Jameson, for attending the meeting.

XII. Adjourn

The meeting was adjourned at 11:57 a.m.

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## Annual Report of the Florida Courts E-Filing Authority to the Membership

Last year at the 2013 Clerks' Annual Conference, Chief Justice Ricky Polston gave us his four areas of focus:

- 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) Standard drop-down menus for filers.

The development of one of the country's first complete e-filing systems has come a long way since we heard those words.

Let me paint a picture for you of how far we have come in just one year since the Chief stood before us and shared with us his vision for Florida's e-filing system.

- This time last year there were almost 45,000 filings a month. Today we are seeing over 1.1 Million filings a month, an average of 53,000 per weekday, representing well over 1.7 Million documents monthly.
- There were just over 46,000 registered users this time last year. Today, with about 90,000 Florida Bar members, over 60,000 are registered users.
- After a year or so of work, at this time last year the portal had finally reached a point of all 67 counties accepting civil court documents on April 1, 2013. Today, mid-2014, the portal accepts all five civil case types, as well as all five criminal case types – in all 67 counties.
- As the system began last year in earnest, lawyers and their assistants were learning the new system. It took the one or two help desk staff we had available up to two weeks, at times, to return the large volume of calls they received.

We now have a robust Service Center, handling both technical calls for Clerk's Office support and customer service calls from filers. At around 3,000 to 4,000 customer service calls a month, resolution time for most calls is less than half a day.

- Clerks' Offices have gotten more used to the new workflow. They have worked with us on upgraded systems and performance improvements—all both on their end and on ours. The average days to docket at this time last year was 4.35 days. Today, that time has decreased to 1 day.
- Over the year, upgrades were made to the portal to make filing easier. Two major features were added—an automatically generated civil cover sheet and the ability to serve parties electronically through the portal. Adding an automatic cover sheet means one less document to remember to attach.

Since last fall, over 4.5 Million filings have used e-service—amounting to many more millions of emails saving untold hundreds of thousands of dollars to law offices.

We have encouraged standard drop-down menus. While there is still work to be done in this area, standardized criminal docket descriptions have been adopted, by and large. Clerks have initiated adopting a standardization of judicial orders and there are more standardized drop-downs to come.

- We have held training over the past year for, literally, thousands of lawyers, law office staff, Clerks and their staff. For one session alone over 2,000 people registered.
- Lanigan & Associates, the Authority auditors, do an annual audit of the Authority financial statements and an SSAE 16 operational audit on our operations and technical systems. Once again, the Authority received an unqualified, or “clean,” audit.

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The Authority Committees have done a good job this year:

- The Authority Website Committee is responsible for our new, professional looking website.
- The Pro Se Committee added members of the Association, Florida Courts Technology Commission, and the legal service community to make up a well-rounded committee to be able to handle the pro se issues as they arise. They are looking at assisting with the implementation of an automatic forms tool over this next year, and the portal will be accepting pro se filers later this June.
- The Rules Committee has built a very good working relationship with The Florida Bar and we now have Clerks' attorneys as liaisons to each of the Bar Rules Committees. They will attend the rules committee meetings in late June and officially begin their service July 1. I cannot tell you what a tremendous step this is and how having a formal relationship with The Bar will surely benefit all our offices.
- We have worked with Judge Hilliard's Access Governance Committee and the FCTC to determine how to best bring on other filer types. Come late June, the portal will allow for pro se filers and will provide a secure log-in for judges so that they may send orders to the Clerks. Communication between Clerks and Judges is part of the two-way street the Chief Justice asked for. These are more opportunities we can develop in this area.

Over this next year, I anticipate that we will be opening up the portal to other court system users, such as mediators, mental health providers and the like. A phased-in approach will allow our Service Desk to accommodate a rising call volume.

In short, that is what we have seen at the Board level, the 10,000 foot level. And it is good.

I do not dismiss the progress we have been part of.

The Florida Courts E-Filing Portal is one of the few portals in the nation that encompasses all Florida's counties and all trial court case types.

We are the only e-filing system in the nation with a governance structure like this one—a public body, with a cooperative board comprised of Clerks and the state's highest court. We have built the system and made it work in a brief period of time. We have acted swiftly and fearlessly. We have had to make decisions that were not easy and we have had to work through issues to make sure the solutions worked for everyone, if not as many as possible.

I would never say Florida's e-filing solution is finished; we have much work yet to be done. And, while we can see more work to do, the system works -- to the end that 60,000 registered users are filing almost 2 million documents a month.

These numbers far exceed all of our expectations – and they continue to grow.

I have to say, there many, many contributions that lead to an idea becoming a reality. And to a success. And that is what we have – a success.

Many of those who have made contributions to this success can be seen in this room.

I just want to thank each and every one of you for being a part of this project. Please take this to heart and know that the Board and I recognize the parts all of you have played in making this system better every day, better for your offices and better for the filers.

I say in all truthfulness, we would not be where we are today without the support of Chief Justice Ricky Polston. We would not have been to this point without his commitment and vision to push us farther and faster than we thought we could go. He believed we could build a statewide system that functioned much like the court, just without bricks and mortar. So he gave us goals to meet--both through administrative order and in-person. And we are meeting those expectations. We extend sincere thanks to a truly great leader of the Supreme Court of Florida. We are honored to have had his involvement. Thank you, Chief Justice Polston.

There are so many others I want to thank, as you, too, took on the Chief's challenge and are making it a reality – the importance of the Clerks and their offices cannot be overstated. The Florida Bar has shown us unwavering support. The association staff—both program and technical staff are what make the system tick and make us look good. Without legal advice, counsel and the ability to negotiate, we would be off track without attorneys Fred Baggett and Lynn Hoshihara.

Vendors—if your systems did not interface, the workflow would not be seamless from portal to court. Legal assistants and attorneys: We would be nowhere if you did not have to use the system. There are undoubtedly many others who deserve thanks, but of whom I am not even aware.

I end this annual report feeling humbled by the scope of such progress and how many people have been involved.

And I look on a bright future and marvel at where we can go.

# Florida Courts



## E-Filing Authority

**TIM SMITH  
CHAIR**

Clerk, Putnam County

**JOSEPH E. SMITH  
VICE CHAIR**

Clerk, St. Lucie County  
District V

**TARA GREEN  
SECRETARY/TREASURER**

Clerk, Clay County  
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Palm Beach County  
District VII

**Florida Courts  
E-Filing Authority**

P.O. Box 180519  
Tallahassee, FL 32318  
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<https://www.myflcourtaccess.com>

## AGENDA

### Florida Courts E-Filing Authority

May 5, 2014

1:00 p.m. – 3:00 p.m. EDT

Plantation on Crystal River  
9301 W. Fort Island Trail  
Crystal River, Florida 34429  
and by WebEx

- |                                                                                                                                                   |                                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| <b>I. Adoption of the Agenda</b>                                                                                                                  | Tim Smith                       |
| <b>II. Reading and Approval of Minutes</b>                                                                                                        | Tara Green                      |
| <b>III. Financial Report</b><br>March Financial Report<br>Approval of Directors and Officers Insurance<br>Approval of Lanigan & Associates Audits | Tara Green                      |
| <b>IV. Progress Reports</b><br>Update on ePortal Implementation<br>Service Desk Report                                                            | Jennifer Fishback<br>Melvin Cox |
| <b>V. Florida Courts Technology Commission</b><br>Florida Courts E-Filing Portal -- Pro Se Filing Demonstration<br>AOSC 14-19 Status Report       | Tim Smith<br>Tom Hall           |
| <b>VI. Committee Reports</b><br>Rules Committee                                                                                                   | Don Barbee                      |
| <b>VII. New Business</b><br>Secured Transaction of Department of Corrections Documents                                                            | Karen Rushing                   |
| <b>VIII. Other Business</b><br><br><b>Public Comment</b>                                                                                          |                                 |
| <b>IX. Adjourn</b>                                                                                                                                |                                 |



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

Florida Courts E-Filing Authority Board of Directors held a regular meeting on May 5, 2014, at 1:00 p.m., EDT, at the Plantation on Crystal River, Crystal River, Florida, and by WebEx. The following members were present: Tim Smith, Putnam County Clerk, Chair; Joseph E. Smith, St. Lucie County Clerk, Vice Chair; Tara Green, Clay County Clerk, Secretary/Treasurer; John Tomasino, Clerk, Supreme Court; Alex Alford, Walton County Clerk; Don Barbee, Esq., Hernando County; Bob Inzer, Leon County Clerk; Karen Rushing, Sarasota County Clerk; Sharon Bock, Esq., Palm Beach County Clerk; and Lynn Hoshihara, Esq., Authority General Counsel. All members were present.

- I. Mr. Tim Smith, Chair, opened the meeting at 1:00 p.m. with a roll call. He welcomed all on the WebEx and reminded all those on the WebEx to mute their phones and keep extraneous noise to a minimum.

Mr. Bob Inzer moved adoption of the agenda. Mr. Don Barbee seconded the motion. All voted favorably.

- II. Minutes  
Ms. Tara Green asked if there were any corrections to the April minutes. Seeing none, Ms. Green made a motion to adopt the minutes as presented. Mr. Barbee seconded the motion. All voted favorably.

- III. Financial Reports  
Ms. Green reviewed the financial reports. She reviewed the budget amendment, moving \$15,300 from other categories to cover increases in legal fees and the insurance. Ms. Green moved approval of the budget amendment. Mr. Bob Inzer seconded the motion. All voted favorably. Ms. Green also explained that the directors and officers insurance had increased to \$761 and was due at the end of May. Mr. Barbee moved to approve renewing the contract for the Directors and Officers Insurance policy for the upcoming year. Mr. Inzer seconded the motion. All voted favorably. Ms. Green also moved for approval of the Lanigan & Associates contract coming up at the end of the month. She explained that Lanigan is the firm that performs the annual financial and technical audits as required by the Interlocal Agreement and noted that the cost of the

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audits had decreased for the upcoming year. Mr. Inzer seconded the motion. All voted favorably.

#### IV. Progress Report

Mr. Smith recognized Ms. Jennifer Fishback to present April Progress Report. Ms. Fishback reported that there were 1.15 million filings, which equaled over 1.8 million documents for the month. She noted that new case initiation remained low, at about 4.7%. The number of users had increased from 59,673 to 60,636. She displayed a chart showing the times when filings were more prevalent than others, “peak times,” and noted that it had really not changed from the previous months, but were beginning to stretch slightly longer. Pending queue was levelling off so staff was looking at why filings may still be going to the pending queue. For criminal filings, she reported that 55% were using the batch process and 45% were still using single session filing.

Ms. Fishback informed the board that Release 2014.02 would be implemented on June 20 of this year. Release 2014.03 was scheduled for October 24, 2014, and Release 2015.01 was scheduled for April 20 4, 2015. She explained that spreading out the upgrades was to allow counties more time to implement. Additionally, she explained, that there was beginning to be less need for upgrades, so they could be more spaced out. She reviewed the highlights of the release. Of importance, she noted that Release 2014.02 would provide a filing role for pro se filers and judge filers. Judges would be able to use the portal to securely transmit documents to the Clerk.

Mr. Smith asked if the judge files through the portal, how will e-service work? Ms. Fishback responded that judges could serve a document but would be unable to be served. There was also a question of whether Ms. Fishback was looking into a batch filing option for larger civil firms. She said that they were, but it was very complex. Mr. Smith recognized that it was not an easy task, but felt certain the staff could figure it out. He felt, though, that the focus was still on those that were the simplest to bring on.

#### Service Desk Report

Mr. Melvin Cox reported that the Service Desk call volume went up slightly in April but contacts are static with 73% coming through email and 27 by phone. The calls for technical assistance decreased over the month. Mr. Cox felt they would continue to decrease. Ms. Green asked that the numbers be broken down between criminal and civil for a better understanding of where the issues are.

#### V. Florida Courts Technology Commission –Pro Se Filing Demonstration

Ms. Fishback presented a powerpoint demonstrating how a pro se filer would register to use the portal. It was, she showed, much like an attorney signed up for an account. The main difference is that there is no Bar number to link to the filer.

Ms. Bock commented that in the issue of filer roles that a phased-in approach would be best. But that pro se would have the same access as any other filer. In the Access Committee meeting, there was a recommendation that the pro se filer file through the portal without having any remote viewing. She felt that the issue of filer roles and what

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type education, if any is needed, will be considered at the Consolidated Pro Se Committee.

Mr. Tim Smith, Chair, clarified that this presentation is not anything but using the portal; not reviewing documents or using the A2J tool. He commented that viewing documents will be governed by AOSC 14 – 19. He noted that the authority has to decide when do we want pro se filers to begin filing?

Mr. Cox commented that Judge Hilliard’s Access Committee felt it was appropriate for pro se to begin filing. He thought pro se filers could be added in the June release.

Ms. Sharon Bock moved the E-Filing Authority Board accept the ability for pro se filers to file through the portal in the next release, June 20, 2014. Mr. Bob Inzer seconded the motion Mr. Smith opened the floor for discussion. There were no questions. All voted favorably

Mr. Smith also remarked that he wanted to add other filer groups as soon as possible. A comment was made that once pro se was able to file through the portal, any group could file. He commended Sharon Bock for all her months and months of working with pro se litigants and congratulated her for the Authority being where it is in regard to allowing pro se filers on the portal.

#### AOSC 14-19 Status Report

Mr. Tom Hall remarked to the board that the order establishes what access filers can have, as far as viewing documents. He felt that there were a number of ambiguities and that there was on-going discussion with the Access Committee to clarify them. He also reviewed the approval process that there needed to be some direction on that. Mr. Smith asked how long it might take? Mr. Hall said there still needed to be parameters, but reviewed the process set out in the order. Ms. Christina Blakeslee said the court had the letter from Mr. Baggett and Dr. O’Neil regarding existing Clerk systems and would be responding to that soon.

#### VI. Committee Reports Rules Committee

Mr. Barbee reported that the meeting with the liaisons went well, that they would hold quarterly briefing meetings and would report back to the Authority any issues of note. He noted the next meeting with the liaisons would be prior to the Annual Bar meeting in late June.

#### VII. New Business

##### Secured Transaction of Department of Corrections Documents

Ms. Rushing briefed the board that she has been speaking with the Department of Corrections (DOC) and that they were in favor of establishing a process, much like that of the appellate courts, wherein the portal would be used for sending documents to DOC. Mr. Smith clarified that the record would go through the portal not CCIS. Mr. Cox commented that this would be a way to use an existing system to send orders to DOC in a

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secure manner, much like Clerks send a notice of appeal to the DCA. Mr. Tom Hall noted that if the image was available on the portal, we would have to make sure it was complaint with AOSC 14-19. Mr. Cox clarified that this was transmission only. Ms. Rushing asked the board to approve staff moving forward with this proposal, allowing staff to determine the details. Ms. Sue Murray asked if the Clerk would be required to follow up with an electronic or paper copy? Ms. Rushing responded that it was her understanding that it would not be required at this point. Mr. Smith said he would like something like this to be written in whatever formalized agreement we have with DOC. Ms. Rushing moved the issue of approving staff moving forward with this proposal, allowing staff to determine the details. Mr. Barbee seconded the motion. All voted favorably.

VIII. Other Business

Mr. Smith recognized Lynn Hoshihara, Authority General Counsel. She reported that as the use of the portal had grown, that here have been more public records requests. She suggested that the board should adopt a public records policy. Mr. Inzer moved that counsel draft a public records policy for board review at the next meeting. Mr. Joe Smith seconded the motion. All voted favorably.

Public Comment

There were no other comments.

IX. Adjourn

The meeting was adjourned at 2:33 pm.

# 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

April 10, 2014

10:00 a.m. - 12:00 p.m. EDT  
by WebEx

- |                                                                                                                            |                                                  |
|----------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|
| <b>I. Adoption of the Agenda</b>                                                                                           | Tim Smith                                        |
| <b>II. Reading and Approval of Minutes</b>                                                                                 | Tara Green                                       |
| <b>III. Financial Report</b><br>February Financial Report                                                                  | Tara Green                                       |
| <b>IV. Progress Reports</b><br>Update on ePortal Implementation<br>Supreme Court/Appellate e-Filing<br>Service Desk Report | Jennifer Fishback<br>John Tomasino<br>Melvin Cox |
| <b>V. Florida Courts Technology Commission</b><br>FCTC Access Governance Board meeting                                     | Sharon Bock                                      |
| <b>VI. Committee Reports</b><br>Rules Committee                                                                            | Don Barbee                                       |
| <b>VII. New Business</b><br>AOSC 14-19                                                                                     | Tom Hall                                         |
| <b>VIII. Other Business</b><br>Florida Bar Foundation review of electronic pro se filing                                   | Sharon Bock                                      |
| <b>Public Comment</b>                                                                                                      |                                                  |
| <b>IX. Adjourn</b>                                                                                                         |                                                  |



## The Florida Courts E-Filing Authority Minutes

Florida Courts E-Filing Authority Board of Directors held a regular meeting on April 10, 2014, at 10:00 a.m., EDT, by WebEx. The following members were present: Tim Smith, Putnam County Clerk, Chair; Joseph E. Smith, St. Lucie County Clerk, Vice Chair; Tara Green, Clay County Clerk, Secretary/Treasurer; John Tomasino, Clerk, Supreme Court; Alex Alford, Walton County Clerk; Don Barbee, Esq., Hernando County; 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 10:01 a.m. with a roll call. He welcomed all on the WebEx and reminded all those on the WebEx to mute their phones and keep extraneous noise to a minimum.

Mr. Bob Inzer moved adoption of the agenda. Mr. Joe Smith seconded the motion. All voted favorably.

- II. Minutes  
Ms. Tara Green asked if there were any corrections to the March minutes. Seeing none, Ms. Green made a motion to adopt the minutes as presented. Mr. Inzer seconded the motion. All voted favorably.

- III. Financial Reports  
Ms. Green reviewed the financial reports. There were no questions.

- IV. Progress Report  
Mr. Smith recognized Ms. Jennifer Fishback to present March Progress Report. Ms. Fishback reported that there were 1.1 million filings, which equaled over 1.7 million documents for the month. The number of users had increased to 59,673, up from 58,653 last month. She displayed a chart showing the times when filings were more prevalent than others and noted that it had really not changed from the previous months.

She noted that the March 29, release 2014.01, provided some enhancements and a hot fix on the e-service bounce-back emails had been performed Tuesday evening, April 8, 2014.

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The next release, 2014.02, was scheduled for June 20, 2014. By May, the aspects for that release would be available in the test environment.

Mr. Tim Smith, Chair, noted that Ms. Karen Rushing made a presentation to the Senate Criminal and Civil Justice Appropriations Committee earlier in the week and noted the positive feedback received.

#### Supreme Court /Appellate Report

Mr. Tim Smith recognized Mr. John Tomasino. He reported that the Supreme Court's ISS Department is working on the EFACS system, but, for now, would like to take this standing report off the regular agenda until there is more progress that can be reported. He also thanked Clerks for sending in their responses to the order requiring them to report by April 1 their readiness to submit the e-record to the appellate courts. He felt that in short time there would be an order from the court revising the date requiring the e-record.

#### Service Desk Report

Mr. Melvin Cox reported that the Service Desk call volume went up over March,; however, response time had not been impacted. H reported that the increase in contacts was due to three factors: the new release; the e-commerce upgrade mid-month and the software upgrade that took place at the end of the month. He reported that contact with the service desk was still 75 percent by email.

#### V. Florida Courts Technology Commission Issues FCTC Access Governance Committee Report:

Ms. Sharon Bock asked to combine this report with her report on the Florida Bar Foundation trip. She reported that the Access Governance Committee, led by Judge Hilliard, met on March 14 and was primarily focused on pro se filers. She noted there was no database to use for validation of pro se filers. She also commented that now that AOSC 14-19 lifting the moratorium was out and the matrix for access to images was provided, the committee task may be easier. The next meeting of that committee was going to be held on April 14, 2014.

As for the Bar Foundation trip to Cook County, Illinois, she reported that Akilya Drake, from her staff, had attended in her stead. Ms. Drake told the board that 12 people were invited to go on the trip, March 18-19, to see A2J. The group met with Legal Aid and court personnel in Cook County. There A2J was driven by the legal aid community there. She pointed out that unlike Florida, Illinois does not have e-filing or online document viewing. In addition to the A2J forms automation, Illinois' has taken other steps to assist pro se filers by allowing activities such as amending the judicial canons to permit judges to have conversations with pro se filers, allowing some non-state licensed attorneys to file, such as those in the military, allowing law students to assist indigent clients. Ms. Bock noted the distinction between "access" to e-filing and "access" to viewing documents. She suggested the definition of "access" as used by the United Nations be used to help separate the issues. To electronically allow the filing of documents through

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the portal, she remarked that the standards in Florida had not been updated to reflect is really happening in Florida. Secondly, she asked if the board would consider separating the two differing meanings of the word “access” in the case of e-filing – allowing them to file through the portal, and what can be viewed through the portal?

Mr. Tim Smith opened the floor for discussion on the issue. Mr. Inzer asked, from the Supreme Court’s perspective, was there any problem with separating this issue? Both Mr. Hall and Mr. Tomasino responded that there was not. Mr. Hall said there already had been acknowledgement that these were two separate issues by the FCTC.

Mr. Tim Smith commented that there were three components: 1) Can a pro se filer file through the portal? 2) Can a pro se filer view documents in his or her case? and 3) Regarding A2J, he suggested the issues be separated: filing and viewing; and asked that FCCC come back in May to show the board how it would work through the portal. He also commented that the issue should be discussed with FCTC to coordinate with their direction. He opened the invited anyone on the WebEx to comment. There were no comments.

#### VI. Committee Reports Rules Committee

Mr. Barbee reported that he felt that the committee had established a good relationship with the Bar in establishing the liaisons. He did tell the board that the liaisons did have to be attorneys and thanked them for any of their attorney staff who had offered to devote their time to this effort. He explained that the liaisons were charged with representing the authority and their Clerks Offices as a whole and understanding the rules of the committee they are assigned to. The liaisons would begin by attending the Rules Committee meetings at the Annual Florida Bar Conference held June 25-27, in Orlando,. He felt the formal invitation would be sent out by The Florida Bar soon.

#### VII. New Business AOSC 14-19

Mr. Hall reviewed the recent Supreme Court administrative order, ASOC 14-19, along with the matrix. He reported that it had nothing to do with the e-filing regarding the operation of the portal. He also told the board that the association staff was working on the impact to Clerks and he could report on that aspect to the board in May.

Ms. Bock asked if there was any reason that Melvin Cox and the staff couldn’t move forward with allowing pro se filers now? Mr. Tim Smith asked FCCC, as the vendor, to provide the board documentation before the May meeting to show how a pro se filer would file, then demonstrate it at the May meeting. He felt it was important to put this on the agenda as an agenda item to give the public fair notice of the discussion. Ms. Bock moved to ask FCCC as the vendor to develop how a pro se filer would access the portal, providing documentation prior to the May meeting. Mr. Inzer seconded the motion. There

was a brief discussion regarding ensuring the proper entity was named in the motion. All voted favorably.

Mr. Tim Smith recognized Ms. Rushing to give the board an update on her presentation to the Senate Committee the day before. She told the board that she felt it went well. She did comment that the Public Defender for the Second Circuit, Hon. Nancy Daniels, raised the issue of uniformity in regard to some, not all, judges wanting printed paper.

#### Public Comment

Hon. Paula O'Neil, Ph.D., thanked everyone for all their work on the e-filing portal.

There were no other comments. However, Mr. Tim Smith did recognize Hon. P. Dewitt Cason, attending the meeting by WebEx, former Authority chair. He recognized Mr. Cason's leadership in the early days of the portal and all his hard work in helping the system come to reality.

Mr. Tim Smith extended his wishes for speedy recovery to Dr. Ronald Fetters, a member of the public who had wanted to join the meeting but was unable to do so.

Mr. Tim Smith reminded all in attendance that the next meeting would be held May 5 from 1:00 p.m. to 3:00 p.m., in Crystal River in conjunction with the New Clerk Academy program, and by WebEx.

#### VIII. Adjourn

The meeting was adjourned at 10:56 a.m.



**TIM SMITH  
CHAIR**

Clerk, Putnam County

**JOSEPH E. SMITH  
VICE CHAIR**

Clerk, St. Lucie County  
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**Florida Courts**

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[http://www.flclerks.com  
/eFiling\\_authority.html](http://www.flclerks.com/eFiling_authority.html)

## AGENDA

### Florida Courts E-Filing Authority

April 10, 2014

10:00 a.m. - 12:00 p.m. DST

and by WebEx

- |                                                                                                                            |                                                  |
|----------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|
| <b>I. Adoption of the Agenda</b>                                                                                           | Tim Smith                                        |
| <b>II. Reading and Approval of Minutes</b>                                                                                 | Tara Green                                       |
| <b>III. Financial Report</b><br>February Financial Report                                                                  | Tara Green                                       |
| <b>IV. Progress Reports</b><br>Update on ePortal Implementation<br>Supreme Court/Appellate e-Filing<br>Service Desk Report | Jennifer Fishback<br>John Tomasino<br>Melvin Cox |
| <b>V. Committee Reports</b><br>Rules Committee<br>FCTC Access Governance Committee                                         | Don Barbee<br>Sharon Bock                        |
| <b>VI. New Business</b><br>AOSC 14-19                                                                                      | Tim Smith                                        |

#### Public Comment

- VIII. Adjourn**



## The Florida Courts E-Filing Authority Minutes

Florida Courts E-Filing Authority Board of Directors held a regular meeting on March 10, 2014, at 1:00 p.m., EST, at 3544 Maclay Blvd, Tallahassee, 32312 and by WebEx. The following members were present: Tim Smith, Putnam County Clerk, Chair; Tara Green, Clay County Clerk, Secretary/Treasurer; John Tomasino, Clerk, Supreme Court; Alex Alford, Walton 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. Don Barbee, Esq., Hernando County; and Joseph E. Smith, St. Lucie County Clerk, Vice Chair; were not present.

- I. Mr. Tim Smith, Chair, opened the meeting at 1:00 p.m. with a roll call. He welcomed all on the WebEx and reminded all those on the WebEx to mute their phones and keep extraneous noise to a minimum. Mr. Tim Smith recognized Hon. Paula S. O'Neil, Ph.D., Association President, Mr. Fred Baggett, Esq., Association General Counsel, Mr. Murray B. Silverstein, and Mr. Tom Hall.

Mr. Bob Inzer moved adoption of the agenda. Ms. Karen Rushing seconded the motion. All voted favorably.

- II. Minutes  
Ms. Tara Green asked if there were any questions about the February minutes. Seeing none, Ms. Green made a motion to adopt the minutes as presented. Mr. Inzer seconded the motion. All voted favorably.
- III. Financial Reports  
Mr. Smith deferred the financial reports until Ms. Green, present on the phone, could be present in the room.
- IV. Progress Report  
Mr. Smith recognized Ms. Jennifer Fishback to present February Progress Report. Ms. Fishback reported that there were 1,031,067 filings, which equaled over 1.6 million documents. The average number of filings through the portal was 50,887 a day. There were almost 3.5 million e-service emails and 58,653 user accounts. She displayed a chart

showing that filings occur every hour of the day, with peaks between 10:00 a.m. and Noon, and between 3:00 p.m. and 5:00 p.m. She also displayed a chart showing that it was taking fewer days to docket filings and fewer cases were going to the pending queue. The number going to the pending, she noted, had decreased since January. She told the board that the portal had 100 percent uptime for the month of February. She reported that the information about the new portal software upgrades was posted on the portal News Feed pane. Training dates had been established for March and April and a new CLE number was available.

She noted that the March 29, release 2014.01, would provide enhancements so that the user could file on a case from the My Cases screen, provide some enhanced search capabilities and e-service functions. The next release was being defined for a release date of June 20, 2014.

Mr. Tim Smith, chair, commented about the e-service volume. Mr. Inzer noted the significant savings that it already represented to law firms. Mr. Kenneth A. Kent, Executive Director, Florida Court Clerks & Comptrollers, thanked Ms. Fishback, Portal Project Manager, and staff for their hard work in making the February 3 criminal roll-out a non-event.

Mr. Tim Smith expressed appreciation for how smoothly it went. He said that now the project had gotten past the two major deadlines, it was time to go back and refocus our efforts on the filer experience, to put enhancements into place, and continue to make their experience faster, more efficient and continue the progress we have made with our partners.

#### Supreme Court /Appellate Report

Mr. Tim Smith recognized Mr. John Tomasino. He told the board that according to AOSC 13-29, the Clerks of Court were to report to the Supreme Court their readiness to meet the June 30, 2014, date for meeting the appellate e-record standard. Mr. Kent said that the association was sending out a reminder to Clerks.

#### Service Desk Report

Mr. Melvin Cox reported that the Service Desk call volume was trending downward. His statistics showed that the average amount of time it took for a Customer Service contact (filers) to be acknowledged was about one hour. The time it was taking to resolve the issue, was about .45 days. Mr. Tim Smith asked what the most typical customer service questions were. Mr. Cox responded that the most common questions were, forgotten password, how to do e-service, where is my document, and the like. He felt if the numbers kept trending downward, there might be an opportunity to go to a live chat type feature.

#### V. Florida Courts Technology Commission Issues:

Mr. Tim Smith asked the FCTC members and staff who had attended the FCTC meeting to report on the issues for the benefit of the rest of the board and those listening.

Mr. Kent reported that there were three issues that FCCC was looking into: 1) Clerks providing a date to no longer accept paper filings; 2) the status of Clerks with the electronic case record; and, 3) time standards in case processing. He told the board that the issues were still under revision, but in the case of the electronic case record, preliminary reports show that about 50 percent of the Clerks keep both a complete electronic copy and a complete paper copy of the record. Twenty-five percent just provide the electronic copy, and 25 percent had a mixed file. Mr. Kent stated that Association President Paula O'Neil, Ph.D., felt that this was indicative of a transition period. Mr. Kent felt that it may stay in this way until the judge viewers were in place. Mr. Kent also briefed the board about time standards and noted that those are established by the Clerk of Courts Operations Corporation.

Mr. Inzer felt that in an office such as his, wherein records were kept in both paper and electronic format, it might not be the best time to change as it is a costly proposition. Mr. Kent mentioned exhibits as an example, and noted there should be a single, uniform approach. FCTC voted to store exhibits digitally.

Mr. Kent reported that there was a discussion at FCTC about numbering docket entries for filer ease. Mr. Rushing agreed the subject had some unresolved issues and should be well thought out if it becomes a subject that is developed any further.

Ms. Sharon Bock reported on the Technology Subgroup and their decision as to whether or not Clerks needed to create and store searchable pdf documents. The decision, she noted, was not to store, but to render them in such format if needed.

As for the issue of pro se filers, Ms. Bock reported that the credentialing and verification was sent to the Access Governance Committee, led by Judge Hilliard. Mr. Tim Smith asked how long it might take to get pro se filers on the portal? She responded that the committee was meeting this Friday.

Ms. Bock also noted that the FCTC Compliance Committee discussed and rejected the idea of the Commission having broad subpoena powers.

Mr. Cox reported that he made a presentation to the FCTC on how the portal could be accessed by judges. Based on a security framework, they voted to add judges to the portal as soon as possible. He identified an administrator in each circuit to add and delete judge accounts. He said judicial access was anticipated to be included with the June software release. He commented that some judges want to wait until the judicial viewer is in place before they send documents to the Clerk or the file electronically.

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Mr. Tom Hall reported to the board about the addition of other filers types. He reminded the board that the Authority referred back to the FCTC the issue of how to add the other non-attorney filer types. He commented that Judge Hillard's Access Committee will handle the issue and hopes to make a recommendation at the May FCTC meeting. Mr. Tim Smith asked when the portal could accept other non-attorney filers? Mr. Cox responded that they could be added in the June 20 release, but if the rules for access for those filer types are complex, it may take a little longer. Mr. Tim Smith cautioned the board that he wanted the portal to be ready so that once the policy is finalized there will be no hold up. There was a brief discussion of whether the moratorium would be lifted or not and how to deal with document access.

## VI. Committee Reports

### a. Rules Committee

Mr. Hall gave a Rules Committee report in Mr. Barbee's absence. He reported that he had met with the Florida Bar earlier that week and they had agreed to allow Clerks' attorneys as ad hoc members to the Bar Rules Committees. He reported that he would be working with Mr. Barbee to finalize the list of those members from both the Authority Rules Committee and from Clerks' offices. Those liaisons would be starting with the June meeting of The Florida Bar.

### b. Joint Authority/FCTC/FCCC Pro Se Committee

Ms. Bock reported the FCTC had voted to make the pro se filers part of the non-attorney filer groups. She also noted that the most commonly used forms used by pro se filers are those found in the tenant eviction, small claims and family law areas.

She told the group that the Florida Bar Foundation was sponsoring a trip, March 17-19, to Cook County, Illinois, to see how they handled pro se filers filing electronically. Akilya Drake from her staff was going on the trip.

## VII. New Business

### Judicial Management Council (JMC) Access Workgroup recommendation

Ms. Rushing commented that there already two committees at the Florida Courts Technology Commission (FCTC) handling the issues that were included in the JMC recommendation, and that the recommendation seemed to omit the Clerks. She remarked that the Clerks have always helped or assisted pro se litigants and she was not sure why this was being done.

Ms. Bock responded to the JMC recommendation by stating that her subcommittee was more broadly based than the JMC group. Mr. Inzer asked if a pro se filer would be required to use an interactive form? Ms. Bock responded that they would not. They could file their own forms, as does an attorney filer. A2J is a service, not a mandatory method of filing.

Ms. Rushing suggested that the Association write a letter to JMC expressing concern that the Clerks have been left out of this effort and express interest in being involved as an asset to the process.

Financial Reports:

Mr. Smith reverted to the order of business as Ms. Green had arrived at the meeting in person. Ms. Green presented the January financial reports. There were no questions. She also presented a budget amendment to allow for a shift in funds between two budget entities in the approved budget. The shift would allow for funding the two quarterly portal software upgrades coming. Ms. Green made a motion to approve the budget amendment and associated activities. Mr. Inzer seconded the motion. There was no discussion and all voted in favor of the budget amendment.

Public Comment: There were no comments.

Mr. Tim Smith thanked everyone for attending the meeting. He asked those who could stay to do so as the Chief Justice would be coming at 3:00 p.m. to tour the Service Desk facility.

VIII. Adjourn

The meeting was adjourned at 2:18 p.m.



**TIM SMITH  
CHAIR**

Clerk, Putnam County

**JOSEPH E. SMITH  
VICE CHAIR**

Clerk, St. Lucie County  
District V

**TARA GREEN  
SECRETARY/TREASURER**

Clerk, Clay County  
District III

**JOHN TOMASINO**  
Clerk of the Court  
Florida Supreme Court

**ALEX ALFORD**  
Clerk, Walton County  
District I

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

**DON BARBEE, ESQ.**  
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  
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[http://www.flclerks.com  
/eFiling\\_authority.html](http://www.flclerks.com/eFiling_authority.html)

## AGENDA

### Florida Courts E-Filing Authority

February 13, 2014  
10:00 a.m. - 12:00 p.m. EST  
By WebEx

- |                                                        |                   |
|--------------------------------------------------------|-------------------|
| <b>I. Adoption of the Agenda</b>                       | Tim Smith         |
| <b>II. Reading and Approval of Minutes</b>             | Tara Green        |
| <b>III. Progress Reports</b>                           |                   |
| Update on ePortal Implementation                       | Jennifer Fishback |
| Supreme Court/Appellate e-Filing                       | John Tomasino     |
| Service Desk Report                                    | Melvin Cox        |
| <b>IV. Florida Courts Technology Commission Issues</b> |                   |
| <b>V. Committee Reports</b>                            |                   |
| Joint Authority/FCTC/FCCC Pro Se Subcommittee          | Sharon Bock       |
| <b>VI. Old Business</b>                                |                   |
| Local Clerks' Network Storage Needs                    | Melvin Cox        |
| <b>Public Comment</b>                                  |                   |
| <b>VII. Adjourn</b>                                    |                   |



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

Florida Courts E-Filing Authority Board of Directors held a regular meeting on February 13, 2014, at 10:00 a.m., EST, by WebEx. The following members were present: Tim Smith, Putnam County Clerk, Chair; Joseph E. Smith, St. Lucie County Clerk, Vice Chair; John Tomasino, Clerk, Supreme Court; Alex Alford, Walton County Clerk; Don Barbee, Esq., Hernando County; Sharon Bock, Esq., Palm Beach County Clerk; Bob Inzer, Leon County Clerk; Karen Rushing, Sarasota County Clerk; and Lynn Hoshihara, Esq., Authority General Counsel. Tara Green, Clay County Clerk, Secretary/Treasurer, was not present.

- I. Mr. Tim Smith, Chair, opened the meeting at 10:02 a.m. with a roll call. He welcomed all on the WebEx and reminded all to mute their phones and keep extraneous noise to a minimum.

Mr. Don Barbee moved adoption of the agenda. Mr. Bob Inzer and Ms. Karen Rushing seconded the motion. All voted favorably.

- II. Minutes  
Mr. Tim Smith passed over the minutes until later in the meeting.

- III. Progress Report  
Mr. Smith recognized Ms. Fishback to present January Progress Report. She reported that there were 1,062,516 filings, which equaled over 1.7 million documents. The average number of filings through the portal was 49,500 a day. There were almost 800,000 e-service emails and 57,769 user accounts. She displayed a chart showing that filings occur every hour of the day, with peaks between 10:00 a.m. and Noon, and between 3:00 p.m. and 5:00 p.m. She also displayed a chart showing that it was taking fewer days to docket filings and fewer cases were going to the pending queue. She told the board that the portal had 100 percent uptime for the month of January.

She noted that a new release was being staged for March 28, release 2014.01. The release would provide enhancements so that the user could file on a case from the My Cases screen, provide some enhanced search capabilities and e-service functions.

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### Supreme Court /Appellate Report

Ms. Fishback reported that there was success being seen with the 2<sup>nd</sup> DCA Clerk to Clerk module.

### Service Desk Report

Mr. Melvin Cox reviewed that two-prong service desk approach—customer service (attorneys) and technical service (clerks). He compared the customer services calls for the months of December and January, 3,017 and 3,015, respectively. He showed the resolution time for January had improved from 2.42 days to .26 days. The January figures showed no backlog of calls or emails. On the technical side, the number of incidents received in December was 1,102 and 1,035 in January. At the end of December, 233 contacts were open and 224 remained open at the end of January. Resolution for the technical issues had decreased from 1.4 days to 1.3 days. He reminded the board that technical calls took more time to resolve.

Statistics showed that, overall, 72 percent of the January Service Desk contacts were by email, 28 percent were by phone.

Mr. Tim Smith thanked the Service Desk staff on the WebEx for all their hard work.

#### IV. Florida Courts Technology Commission Issues:

Mr. Cox told the board he would be reporting to the FCTC on a mechanism for adding judges to the portal that would provide security to the registration process. He reported that there would be discussions of e-service and filing by pro se users and other filer types.

Ms. Sharon Bock commented that she would be raising the issue of when Clerks would stop taking paper. Mr. Don Barbee remarked that the issue had been referred by the board to the Association for reply to the Chief Justice. Mr. Tim Smith confirmed he was working on the issue with President O'Neil.

Ms. Rushing commented that an FCTC committee made a motion that the clerk could stop keeping paper 90 days after the judge viewers were in place.

Mr. Kent told the board that on request from Judge Munyon, the FCTC Chair, that the association was doing a survey to determine the clerks' process for maintaining document in paper or electronic form, or both.

#### V. Committee Reports

##### a. Joint Authority/FCTC/FCCC Pro Se Committee

Mr. Tim Smith recognized Ms. Bock to provide a report to the board of her meeting held February 4, 2014. Ms. Bock reported that the Joint Committee agreed with three of the four recommendations that the association committee had approved. She explained that Judge Reynolds had asked that the fourth recommendation be amended

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to allow a pro se filer to register on the portal for access to file, but to registers in the Clerk's Office in person if they wanted access to confidential information within the case file. She suggested taking the Joint Committee's recommendation back to the Association committee and then bringing it back to the Authority. She also mentioned that Judge Reynolds planned to raise the issue at his Portal Subcommittee meeting to be held the February 18, the day before the FCTC meeting. She thanked staff for moving forward with the A2J programming.

Mr. Tim Smith asked staff how long it would take to add pro se filers to the portal? Mr. Cox responded that it might only take about 90 days to put up some A2J interviews, but could be longer depending on how many interviews needed to be implemented.

Ms. Bock also suggested that they would discuss other states' best practices and hope to bring the Authority a project plan.

Mr. Tim Smith told Ms. Bock that the Authority would like to be able to track the progress of this project, offer assistance and hear progress reports. He spoke to the need for the project to be able to offer the pro se filer the most assistance.

Mr. John Tomasino pointed out that whatever forms the A2J assisted in filling out for subsequent filing, the forms would have to be approved by the Supreme Court. Mr. Hall commented that if the issue was discussed at the FCTC meeting, it would be good for the Chief Justice to hear.

Ms. Rushing commented that the forms are already approved by the Supreme Court; the questions and assistance are what Clerks do already. Ms. Bock agreed. Mr. Tomasino clarified that the family law forms are approved by the Supreme Court, but other forms are not. Any other forms or changes to the forms, he told the board, will have to be approved.

Mr. Hall spoke to the idea of pro se filers having to verify themselves by going to the Clerk's Office. He commented that some pro se filers cannot do this. His example was of the filer being out of state, or in another county of the state. He suggested the filer be able to register at the local Clerk's Office even if the case to be filed will be filed somewhere else.. He suggested more thought be given this proposal before it is raised at the FCTC meeting.

Ms. Bock suggested a form be posted on the E-Filing Authority website that the pro se filer could have notarized and mail in verifying identity Mr. Tim Smith urged caution, to be aware of those who may wish to violate the process for ill-gotten gains.

## VI. Old Business

### a. Local Clerks' Storage Needs:

Mr. Cox reported that he had begun researching this issue raised at the last meeting. He updated the board on the issue discussed at the FCTC Technology Standard

meeting recently held. He explained that they would like to tighten up the portal and require a higher standard to help address the issues raised by Mr. Barbee. He also noted that in doing so, he would not want to negatively impact the filers. He would like to work on the issue a little more and bring to the board a recommendation control documents at the portal level. He asked that the item be kept on the agenda as old business.

Mr. Tim Smith stated for the record, that now that the February 3 date for mandatory criminal e-filing had been met, it is time to get back to look at standard document descriptions. He asked the Authority to request the FCCC Best Practices Committee to continue their work to develop the Best Practice for standard docket descriptions for civil documents to further meet the Chief Justice's desire for more standardization. Ms. Rushing made the motion; Mr. Inzer seconded the motion. All voted favorably.

Mr. Tim Smith reverted to agenda item II and asked for a motion to approve the January minutes. Mr. Inzer moved approval of the minutes. Mr. Tomasino seconded the motion. All voted favorably.

Public Comment: There were no comments.

Mr. Tim Smith reminded everyone of the next meeting, to be held on March 10 from 1:00 p.m. to 3:00 p.m. in Tallahassee. He noted that the Chief Justice would be coming at the end of the meeting to tour the Service Desk facility.

VII. Adjourn

The meeting was adjourned at 10:50 a.m.

# Florida Courts



## E-Filing Authority

**TIM SMITH**  
**CHAIR**

Clerk, Putnam County

**JOSEPH E. SMITH**  
**VICE CHAIR**

Clerk, St. Lucie County  
District V

**TARA GREEN**  
**SECRETARY/TREASURER**

Clerk, Clay County  
District III

**JOHN TOMASINO**

Clerk of the Court  
Florida Supreme Court

**ALEX ALFORD**

Clerk, Walton County  
District I

**BOB INZER**

Clerk, Leon County  
District II

**DON BARBEE, ESQ.**

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**

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[http://www.flclerks.com/eFiling\\_authority.html](http://www.flclerks.com/eFiling_authority.html)

## AGENDA

### Florida Courts E-Filing Authority

January 28, 2014

9:00 a.m. - 11:00 a.m. EST

Grand 6

Hyatt Regency

Jacksonville Riverfront

225 East Coastline Drive

Jacksonville, FL 32202

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|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| <b>I. Adoption of the Agenda</b>                                                                                                                                                                    | Tim Smith                                                   |
| <b>II. Reading and Approval of Minutes</b>                                                                                                                                                          | Tara Green                                                  |
| <b>III. Finance Report</b><br>Monthly Finance Report                                                                                                                                                | Tara Green                                                  |
| <b>IV. Progress Reports</b><br>Update on ePortal Implementation<br>Civil Update<br>Criminal Update<br>Supreme Court/Appellate e-Filing<br>Help Desk Report                                          | Jennifer Fishback<br><br>John Tomasino<br>Melvin Cox        |
| <b>V. Florida Courts Technology Commission Issues</b><br>December Emergency Meeting - Recap<br>Clarification of Non-Attorney Filers<br>Attorneys Filing Paper<br>Addition of Judges as Portal Users | Judge Lisa T. Munyon<br>Tim Smith<br>Tim Smith<br>Tim Smith |
| <b>VI. Committee Reports</b><br>Rules Committee<br>Pro Se Committee                                                                                                                                 | Don Barbee<br>Sharon Bock                                   |
| <b>VII. New Business</b><br>Local Clerks' Network Storage                                                                                                                                           | Don Barbee                                                  |
| <b>VIII. Old Business</b><br>Pasco Record on Appeal<br>Chief Justice's Four Areas of Interest                                                                                                       | Lynn Hoshihara, Esq.<br>Tim Smith                           |
| <b>IX. Public Comment</b><br><b>Adjourn</b>                                                                                                                                                         |                                                             |



## The Florida Courts E-Filing Authority Minutes

Florida Courts E-Filing Authority Board of Directors held a regular meeting on January 28, 2014, at 9:00 a.m., EST, at the Hyatt Regency, Jacksonville, FL, and by WebEx. The following members were present: Tim Smith, Putnam County Clerk, Chair; Joseph E. Smith, St. Lucie County Clerk, Vice Chair; Tara Green, Clay County Clerk, Secretary/Treasurer; John Tomasino, Clerk, Supreme Court; Alex Alford, Walton County Clerk; Don Barbee, Esq., Hernando County; Sharon Bock, Esq., Palm Beach County Clerk; Bob Inzer, Leon County Clerk; Karen Rushing, Sarasota County Clerk; and Lynn Hoshihara, Esq., Authority General Counsel.

- I. Mr. Tim Smith, Chair, opened the meeting at 9:03 a.m. with a roll call. All members were present. He welcomed those in the room and on the WebEx. He recognized Hon. Paula O'Neil, President, Florida Clerks & Comptrollers, and asked her to join the board at the table. He also recognized the other Clerks of the Circuit present in the room.

Mr. Joe Smith moved adoption of the agenda. Mr. Bob Inzer seconded the motion. All voted favorably.

- II. Mr. Tim Smith recognized Ms. Tara Green to present the December minutes. Hearing no suggested changes, Ms. Green moved adoption of the minutes. Ms. Karen Rushing seconded the motion. All voted favorably to accept the minutes.
- III. Mr. Smith recognized Ms. Green to present the 2013 year-end financial reports. She reported that the year-end profit totaled approximately \$600,000. There were no comments.
- IV. Progress Reports:  
Ms. Fishback provided December statistics and an annualized overview. She reported that there were there were over 56,000 registered filers at this point. During the month of December, there were 859,893 filings equaling 1.4 million documents. She also told the board that the percentage of filings going into the pending queue had dropped to 2.5 percent and was still improving, an indicator of increased filer and clerk experience. She also noted that the average days to docket a filing had greatly decreased to 1.05 days,

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from an average of 4.35 days. The timeframe was measured on a 24-hour period. Ms. Karen Rushing confirmed that counties with longer than normal times to docket were being contacted so that they were aware of the issue. Mr. Smith urged the members to keep the focus on the portal and commented that the time to docket could take longer in some counties for various operational reasons. After a brief discussion of timeliness, Mr. Tim Smith suggested there be a mechanism so clerks could check their timeliness. Mr. Tom Hall also commented that this issue was going to come up at the FCTC meeting schedule in mid-February. Judge Lisa T. Munyon, FCTC Chair, told the board that she felt it was important to manage attorney expectations. Attorneys think the docketing is instantaneous and they just cannot expect that if the clerk is going to have time to do their review. Hon. Paula O'Neil asked for assistance from the board on the timeliness issue. She also noted that the Association was doing a survey on the issue.

Ms. Fishback continued her report. She told the board that the portal had only been down two times over the past month: December 15, the portal was down for a few hours while the technical staff changed the IP address, creating redundancy in Internet providers; and December 18, there was a network outage that impacted the portal.

She also reported that there was filer training being offered during February. She also reviewed projects in progress and planned enhancements.

#### Service Desk Report:

Mr. Smith recognized Mr. Melvin Cox to give a report on the progress for the Service Desk. Mr. Cox gave the board an overview of the new Service Desk and felt that December was the first month of full staffing with 9 employees, and training was continuing. He explained that there were two types of service being requested, technical support and customer service/filer support. At this point, both had a 5-day requirement for response time, but were being closed much more quickly, especially filer issues. Technical calls were being acknowledged in less than half a day.

He showed graphs of call received and those resolved, or still open at month's end, showing dramatic improvement in resolution by the end of December. Mr. Cox clarified that it was a 5-day to acknowledge a call, after which it is escalated to the right area to begin resolution. Ms. Green asked when it would appropriate to begin looking at standards? Mr. Cox responded that he would like to gather data for a quarter to give staff time to become more fully trained and allow for the criminal filing to get well underway, as it may cause another spike in call volume.

Ms. Karen Rushing asked if there was any training being held for the State Attorney and Public Defender offices, perhaps through their associations.

Mr. Cox also mentioned that the staff was holding frequent training session for attorneys. Mr. Tim Smith also noted that the Ms. Fishback was holding weekly calls with State

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Attorney and Public Defender offices. Mr. Hall observed that private attorneys still may need some training on criminal e-filing.

Mr. Cox notes that calls go to voice mail or email. The voice calls generate an email in the call-tracking system. He showed that the majority of the contacts are made through email. (December 2013: 2071 emails, 946 calls-69%/31%) Ms. Green asked if there was any consideration to “live answer”? Mr. Cox said he would take direction on that from the board.

Supreme Court/Appellate E-filing:

Mr. John Tomasino reported that the 2<sup>nd</sup> DCA was hoping to be able to accept notices of appeal by February 3, 2014, and that the EFACS team was at the 3<sup>rd</sup> DCA doing a gap analysis.

V. Florida Courts Technology Commission Issues

FCTC Emergency Meeting Recap:

Mr. Tim Smith recognized Judge Munyon who gave a brief recap of the emergency, or quickly called, meeting held by the FCTC in late December. She said the FCTC Funding Subcommittee sent the issue of funding judicial viewers to the Trial Court Budget Commission, which constituted a Technology Funding Subcommittee to deal with technology funding. Judge Munyon was appointed to that subcommittee. The subcommittee asked FCTC to weigh in some very discrete issues: could FCTC recommend that state funding would be only available if the local court was connecting directly to the portal. The court would need to use local funds if the local court wanted to connect to the local clerk case maintenance system. The FCTC did approve this issue at the brief meeting. The issue has been reported back to the TCBC Technology Funding Subcommittee.

Additionally discussed, was the issue of files that are confidential in their entirety, by statute or rule. There was currently no way on the portal not to file a confidentiality statement, or to designate that the entire file was confidential. The outcome was an interim solution to leave the existing check-boxes as they currently appear, to add an additional checkbox that reads, “The entire file is maintained as confidential either by statute, court rule or court order and pursuant 2.420(d)(2), neither a certification or notice of confidential information with court filing is required.” The language was approved and sent to Mr. Cox for technical review.

Mr. Bob Inzer asked if the issue of funding was the cost of connection or for the basic system itself? Judge Munyon said the TCBC was looking for funding of the entire system itself. But in paring it down, it was just the connection to the local portal.

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#### Clarification of non-Attorney Filers:

Mr. Tim Smith recognized Mr. Hall to speak to the clarification of non-attorney filers, using the list of the filers groups provided by Judge Munyon at the last meeting. He explained that there was no way to know who these people were and whether they should have access to certain documents in a file or not. He felt pro se filers were a primary priority but didn't want to impair the ability to add other user groups if they were easier to get on. He recommended sending the issue back to the FCTC for clarification on what can the filers groups get access to in a case file to which they are a party and whether they should be credentialed or not. Mr. Tim Smith asked Judge Munyon to be aware that he would bringing this issue back for clarification on those two issues. Mr. Hall remarked that the 2<sup>nd</sup> DCA offered to test pro se once the Clerk to Clerk function was available.

#### Attorneys filing paper:

Mr. Tim Smith recognized Mr. Hall. Mr. Hall suggested that this topic is not really an Authority issue as it more involves the Clerks' Offices. He noted that various rules suggest the clerk can refuse the paper, others suggest the Clerk must accept it. He felt that there not accepting the paper can cause issues. He offered some alternatives, one of which was to stamp the document and return it for electronic filing. Ms. Rushing agreed that would stop the paper. Mr. Tim Smith told the board he wanted to send this back to the FCCC for their review and then provide a solution that would work for all. Mr. Hall suggested sending the issue to the Chief Justice. Ms. Rushing suggested the issue be reported back to the FCTC as a courtesy. Mr. Don Barbee asked to be part of the issue discussion at the association level.

#### Addition of Judges as portal users:

Mr. Tim Smith recognized Mr. Melvin Cox who recommended two ways the judges can potentially file: through the portal, or through a judge viewer. If judges want to file through the portal, he commented, a drop-down for judges can be added. For security purposes, he proposed that judges not be allowed to add themselves, but that the 20 Circuit Court Administrators would be better able to keep track of who is currently on or off the bench. Mr. Hall reported that OSCA was willing to undertake this task and that he Appellate Clerks would maintain the judge profiles at the Appellate Court level. Mr. Tim Smith moved to accept the staff recommendation to add judges to the portal. Mr. Joe Smith seconded the motion. All voted favorably. Mr. Tim Smith said he would convey this to the FCTC.

## VI. Committee Reports

### a. Rules Committee:

Mr. Barbee told the board that Mr. Hall had recently attended the Bar Rules meetings. Mr. Hall said he was invited to make a presentation about the various conflicting rules at the various committees and was met with acceptance. He told the Bar Rules groups that the Authority committee wanted to monitor the various Bar committees as related to e-filing. He said it was anticipated that the Authority committee would be incorporated no later than the June Rules meetings, but may be some subcommittee meetings before that that could be attended.

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Judge Munyon remarked that she would like to get in touch with the Chief Judges to make sure that they had no issues with their Court Administrators adding them to the portal, and that the Court Administrator had the capability of doing this.

b. Pro Se Committee:

Ms. Bock reviewed the Association Pro Se committee meeting held recently and passed out a document at the table showing recommendations made by that committee and asked for acceptance by the board so she could take it to the Authority's Joint Pro Se Committee. She reviewed the Association committee's recommendations:

1) The Service Desk is the Service Desk for the pro se filers.

Mr. Tim Smith asked that the document be amended to reflect that the "Service Desk" only assists in filing, not what document to file.

2) Assistance for pro se filers be maintained locally at the Self Service Centers.

3) Use online tutorials, such as Access to Justice (A2J).

4) Pro se filers have no need for credentials.

Ms. Rushing observed that there are two types of pro se filers: those who occasionally file or those that file more frequently such as in landlord tenant cases.

5) Recommended authenticating prose filers, but not verifying them as there is no database to match them against.

Ms. Bock asked if the board would accept the recommendations? She said she would like the Joint Committee to discuss the recommendations before taking them the FCTC.

Mr. Joe Smith moved to send the recommendations to the Joint Committee. Mr. Bob Inzer seconded the motion. He asked how would the information be saved if the filer was half way through filling out the online A2J questionnaires? Mr. Smith asked that the question be deferred to staff.

All voted favorably to send the recommendations as amended to the Joint Committee.

Mr. Tim Smith recognized Mr. Ken Burke, Clerk of Pinellas County, to make a public comment. Mr. Burke thanked the board for all their dedication to e-filing. He had two issues. First, he explained, when an attorney leaves a firm often certain documents are not filed, such as motion to leave the case, etc. Mr. Tim Smith offered to put it in the FAQs or send it to the Florida Bar. Mr. Burke said he was writing an article for his local Bar Association and offered to share the article.

Second, he is the Clerks' liaison with the RPPTL section of the Florida Bar. When he goes to the meetings, he hears attorneys express frustration with the statewide lack of standardization. He suggested a special commission, half Clerks and half Judges, to look at the issues. He raised the issue of the local judicial orders for his circuit, requiring things that were not the same as what was required in other jurisdictions. He told the board he was going to ask for such a committee at the Association's Board of Director's meeting.

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Mr. Inzer told the board that he had held a meeting locally of the attorney who frequently were using the portal to get their feedback on e-filing. They expressed frustration with portal being different county to county. He urged the board to get back to that issue.

VII. New Business

Local Clerks' Network Storage:

Mr. Barbee expressed concern that the e-filed documents have greatly increased the storage needs locally. He suggested a filter on the portal to assist in that. Mr. Tim Smith asked Mr. Cox to report on that issue at the next meeting.

Pasco Record on Appeal:

Ms. Lynn Hoshihara updated the board on the Pasco Clerks' issue of needing to maintain paper copies of records. She reported that the issue was more logically that of the Association not the Authority. Chairman Smith asked her to write a letter to Mr. Kenneth Kent, Association Executive Director, and Dr. O'Neil, Association Chair, so the issue can keep moving.

VIII. Old Business

IX. Chief Justice's Four Areas of Concern:

Chairman Smith reviewed the four items raised by the Chief Justice at the 2013 Summer Conference:

- 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) Standard drop-down menus for filers.

Mr. Tim Smith reported that over the past months, the Authority and portal staff have taken those issues to heart and made great headway. on the first issue of increased Help Desk services, there has been substantial progress in staffing the Service Desk. In regard to the two-way communication, he noted the staff has been working diligently on the Clerk-to-Clerk interface. Adding the judiciary will also amplify the two-way issue. He recognized that the board needed to get back to working on standardization, but there have been changes for the filer in using the "map view," also the criminal drop-down menus are standardized. So, he continued, he felt that the effort was more than halfway through with standardization and would like to begin looking at it again starting in February or March.

On the issue of what filers should be able to view, it is still an issue under discussion here and at the FCTC as we move to adding more filer types, but overall, there are some Clerks linking images to the filings. But there is still work to be done on the idea of how documents are viewed and what filer types can view what documents.

Mr. Smith told the board that the Chief Justice was coming to the next meeting, March 10, 2014, to be held in Tallahassee, and would be given a tour of the new Service Desk area after the meeting.

Ms. Rushing spoke to her recent efforts in creating a standardization document and recognized the effort it will take to standardize in civil. Chairman Smith responded that it

has taken until now to get back to having time to deal with this issue. Mr.Hall commented that there has recently been an issue with combined documents, attorneys putting several motions into one document, then callig the document whichever motion form they chose. Ms. Rushing offered her document to anyone who wished to have it.

Public Comment: There were no comments.

- X. Adjourn  
The meeting was adjourned at 11:21 a.m.

# Florida Courts



## E-Filing Authority

**TIM SMITH**  
**CHAIR**

Clerk, Putnam County

**JOSEPH E. SMITH**  
**VICE CHAIR**

Clerk, St. Lucie County  
District V

**TARA GREEN**  
**SECRETARY/TREASURER**

Clerk, Clay County  
District III

**JOHN TOMASINO**  
Clerk of the Court  
Florida Supreme Court

**ALEX ALFORD**  
Clerk, Walton County  
District I

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

**DON BARBEE, ESQ.**  
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

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## AGENDA

### Florida Courts E-Filing Authority

December 11, 2013  
10:00 a.m.- 12:00 p.m. EST  
By WebEx

- |              |                                                    |                        |
|--------------|----------------------------------------------------|------------------------|
| <b>I.</b>    | <b>Adoption of the Agenda</b>                      | Tim Smith              |
| <b>II.</b>   | <b>Reading and Approval of Minutes</b>             | Tara Green             |
| <b>III.</b>  | <b>Finance Report</b>                              |                        |
|              | Monthly Finance Report                             | Tara Green             |
|              | Audit Reports                                      | Lanigan and Associates |
| <b>IV.</b>   | <b>Progress Reports</b>                            |                        |
|              | Update on ePortal Implementation                   | Jennifer Fishback      |
|              | Civil Update                                       |                        |
|              | Criminal Update                                    |                        |
|              | Supreme Court/Appellate e-Filing                   | John Tomasino          |
|              | E-Service                                          | Carolyn Weber          |
|              | Help Desk Report                                   | Melvin Cox             |
| <b>V.</b>    | <b>Florida Courts Technology Commission Issues</b> |                        |
| <b>VI.</b>   | <b>Subcommittee Reports</b>                        |                        |
|              | Rules Subcommittee                                 | Don Barbee             |
| <b>VII.</b>  | <b>Other Business</b>                              |                        |
|              | <b>Public Comment</b>                              |                        |
| <b>VIII.</b> | <b>Adjourn</b>                                     |                        |



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

Florida Courts E-Filing Authority Board of Directors held a regular meeting on December 11, 2013, at 10:00 a.m., EST, by WebEx. The following members were present: Tim Smith, Putnam County Clerk, Chair; Joseph E. Smith, St. Lucie County Clerk, Vice Chair; Tara Green, Clay County Clerk, Secretary/Treasurer; Jon Tomasino, Clerk, Supreme Court; Don Barbee, Hernando County; Bob Inzer, Leon County Clerk; Sharon Bock, Esq., Palm Beach County Clerk; Karen Rushing, Sarasota County Clerk; and Lynn Hoshihara, Esq., Authority General Counsel. Alex Alford, Walton County Clerk, was not present.

- I. Mr. Tim Smith, Chair, opened the meeting at 10:02 a.m. with a roll call. He welcomed those on the WebEx.

Ms. Karen Rushing moved adoption of the agenda. Ms. Sharon Bock seconded the motion. All voted favorably.

- II. Mr. Tim Smith recognized Ms. Tara Green to present the November minutes. Hearing no suggested changes, Ms. Rushing moved adoption of the minutes. Ms. Green seconded the motion. All voted favorably to accept the minutes.

- III. Mr. Smith recognized Ms. Green to present the October financial report. She read the report and noted that there was \$419,000 net profit year to date. She also commented that there was a report, the P34 job cost report, that showed the expenses incurred for association accounting and banking services as reimbursed by the Authority.

The Lanigan audit reports were delayed until the auditors could get on the WebEx.

- IV. Progress Reports:  
Ms. Fishback reported that for the month of November there were 852,994 filings, equaling about 1.4 million documents. Filings on criminal cases comprised slightly over 74,000 of those filings. She reported that the Service Desk call volume was down, only 254 calls per workday were received, making that over 5,121 new calls in November, as compared with the October volume of 355 per day. She reported that during the month of

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November, the portal was only down for a single five-minute period. She told the board about the planned maintenance for Saturday, December 14, 2103, from 9:30 a.m. to 3:30 p.m., when the portal would be intentionally brought down and there would be no access for filing during that time. She reviewed the features of the upgrade going in December 20, 2013, and what that entailed. She noted the details had been in the Clerks in the News and Tweeted, that she had alerted the Clerk IT staff and posted the details on the portal website. Mr. Smith confirmed with Ms. Fishback that the notice for the portal being down was visible on the portal sign-in page or elsewhere where filers would clearly see it.

For criminal e-filing, Ms. Fishback reported that almost all counties were testing the batch process and many were already accepting single session criminal filings.

For projects in progress, Ms. Fishback reported that the Clerk to Clerk function was being tested in the 2<sup>nd</sup> DCA.

Mr. Tim Smith reviewed the calendar for the criminal filings in regard to AOSC 13-48, setting the February 3, 2014 deadline. He reminded any of the counties on the WebEx that if they were part of the group that reported in November and would still not be ready February 3, they would need to write a letter to the Chief Justice asking for an extension. For the other counties, if they were not going to be able to accept criminal documents, they would need to write a letter as well. The letters must be sent between January 1 – 15. He also noted that if the Clerk was ready, but one of the other local offices, such as PD or SA, was not, that that other office was responsible for writing their own letter asking for an extension of time. He suggested the Authority notice the FPAA and the FLPDA of the order requirements.

Ms. Debbie Phillips, SAO 16<sup>th</sup> Circuit, asked if they had not tested batch filing yet, would the Clerk write the letter? Mr. Smith responded that it was the responsibility of that State Attorney's Office to writes their own letter.

Mr. Eric Thomas, SAO 13<sup>th</sup>, asked if the chief judge can submit the letter for the circuit? Mr. Smith responded that the chief judge could write a letter, but that order required each entity to write their own letter to report.

Ms. Fishback discussed a uniform case number issue that she was seeing across the state and reported that the portal team was working on a fix. Ms. Green also noted that the format of the UCN may also create difficulties in pulling older cases.

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Mr. Smith reverted to the order of the agenda and took up the Annual Financial Audit reports. Mr. Mark Fletcher and Mr. John Keillor, Lanigan & Associates, reviewed the audit of the Authority financial statements and the SSAE 16 operational audit with the board. Both audits were unqualified, or clean. Mr. Smith asked the board for acceptance of the reports. Mr. Joe Smith moved acceptance of the reports and Mr. John Tomasino seconded the motion. All voted favorably.

Ms. Carolyn Weber provided an update on e-service issues. She told the board that the project team had recently found that AOL had blacklisted emails from the portal. The team had contacted AOL and gotten the issue corrected. All those who had been blocked had been re-served. In the last two and a half months, she reported, there had been over 1.7 million emails sent for e-service, saving attorneys \$782,899.92 postage. The workgroup has been reconvened and are looking at enhancements, for instance, the ability to remove addresses from the service list more easily.

Ms. Paula O'Neil, Ph.D., Clerk of Pasco County and Clerk's Association President, thanked Mr. Tim Smith, the board and staff for their diligence.

Mr. Melvin Cox reported on Help Desk staffing and improvements. He said he would provide a more complete report beginning in January. He told the board that the staffing was almost complete and that it was expected the staff to be trained and fully functioning by February 1. He reported that with the new staff that the backlog was already being reduced. He also reminded the board that there was an expectation that when each user group is added, that there will be expected a spike in call volumes. The addition of mandatory criminal at the beginning of February will be the next spike.

V. FCTC Issues:

Mr. Cox updated the board on the confidentiality disclaimer check-box and form that was posted on the portal. In updating the portal to make the filer have to check that the filing has or does not contain confidential information, it has created a hardship on those filers that only file confidential filings. The issue is being revisited by the FCTC Portal Subcommittee and will hopefully be resolved in a week or so.

Mr. Tim Smith commented that the Authority should be against anything that adds layers and detracts from the filers' experience or required in the paper world.

On the issue of adding roles to the portal so as to allow new filers types, Mr. Smith asked staff to take this issue to the association Technology Committee to develop solutions , then bring it back to the board at their January meeting so he can take it to the FCTC in February.

VI. Subcommittee Reports:

Rules Committee: Mr. Barbee said he had assigned the members of the Rules Subcommittee to the Bar Rules Committees and that staff was contacting the Bar to see how to best do this. Mr. Tim Smith noted that rule 2.520 still required paper. He would like the subcommittee to look at this rule and come up with a guidance date for no more paper.

VII. Other Business

Mr. Sean Hudson mentioned that Ms. Weber had been providing WebEx training for attorneys on e-filing and portal functionality. Another training session was going to be held on December 18, 2013. Mr. Smith asked Clerks and anyone else on the WebEx to share the information.

Mr. Harold Samples, Pasco County Clerk's Office, asked the board for guidance and explained the local issue wherein they were having to print paper for the 2<sup>nd</sup> DCA. Mr. Tim Smith asked Ms. Hoshihara to look into the issue and report back.

Public Comment: There were no comments.

Mr. Tim Smith took a moment of personal privilege to remark that it had been an exciting year. He said in January, we probably didn't expect the success and the volume as we have seen this past year. As we move into the next year, he commented, we will see new challenges. He said the portal was successful because of all the people in the room and all those in the building and the next building. He thanked all and encouraged all to work with the Authority. He asked Supreme Court Clerk John Tomasino to express his deep and sincere thanks to the Chief Justice for his support, that we wouldn't be where we are today without that. He wished everyone a Happy Holiday.

VIII. Adjourn

The meeting was adjourned at 11:26 a.m.

# Florida Courts



## E-Filing Authority

**TIM SMITH**  
**CHAIR**

Clerk, Putnam County

**JOSEPH E. SMITH**  
**VICE CHAIR**

Clerk, St. Lucie County  
District V

**TARA GREEN**  
**SECRETARY/TREASURER**

Clerk, Clay County  
District III

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Clerk, Sarasota County  
District VI

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## AGENDA

### Florida Courts E-Filing Authority

November 13, 2013

10:00 a.m.- 12:00 p.m. EST

Sanibel Harbour Marriott Resort & Spa

17260 Harbour Pointe Drive

Fort Myers, FL 33908

- |              |                                                                                                                                                 |                                                        |
|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|
| <b>I.</b>    | <b>Adoption of the Agenda</b>                                                                                                                   | Tim Smith                                              |
| <b>II.</b>   | <b>Reading and Approval of Minutes</b>                                                                                                          | Tara Green                                             |
| <b>III.</b>  | <b>Finance Report</b><br>Monthly Finance Report                                                                                                 | Tara Green                                             |
| <b>IV.</b>   | <b>Progress Reports</b><br>Update on ePortal Implementation<br>Civil Update<br>Criminal Update<br>Supreme Court/Appellate e-Filing<br>E-Service | Jennifer Fishback<br><br><br>Tom Hall<br>Carolyn Weber |
| <b>V.</b>    | <b>Florida Courts Technology Commission Report</b>                                                                                              | Judge Lisa T. Munyon                                   |
| <b>VI.</b>   | <b>Subcommittee Reports</b><br>Rules Subcommittee<br>Pro Se Subcommittee                                                                        | Don Barbee<br>Sharon Bock                              |
| <b>VII.</b>  | <b>Other Business</b>                                                                                                                           | Tim Smith                                              |
| <b>VIII.</b> | <b>Adjourn</b>                                                                                                                                  |                                                        |



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

Florida Courts E-Filing Authority Board of Directors held a regular meeting on November 13, 2013, at 10:00 a.m., EST, at Sanibel Harbour Resort, Ft. Myers, FL, and by WebEx. The following members were present: Tim Smith, Putnam County Clerk, Chair; Joseph E. Smith, St. Lucie County Clerk, Vice Chair; Tara Green, Clay County Clerk, Secretary/Treasurer; Jon Tomasino, Clerk, Supreme Court; Bob Inzer, Leon County Clerk; Don Barbee, Hernando County; Sharon Bock, Esq., Palm Beach County Clerk; Alex Alford, Walton County Clerk; Karen Rushing, Sarasota County Clerk; and Lynn Hoshihara, Esq., Authority General Counsel. All members were present.

- I. Mr. Tim Smith, Chair, opened the meeting at 10:11 a.m. with a roll call. He welcomed those on the WebEx. He also recognized and welcomed John Tomasino, incoming Clerk of the Supreme Court, attending by WebEx.

Mr. Tim Smith noted Mr. Tom Hall was in attendance as consultant to the association staff for e-filing.

Mr. Bob Inzer moved adoption of the agenda. Mr. Don Barbee seconded the motion. All voted favorably.

- II. Mr. Tim Smith recognized Ms. Tara Green to pre the board also held in October. Hearing no suggested changes, Ms. Green moved adoption of the minutes. Mr. Inzer seconded the motion. All voted favorably to accept the minutes.

- III. Mr. Smith recognized Ms. Green to present the October financial reports. She noted that due to the complexity of the financials with the newly added service level agreement funding, that the October financial report would not be available until the December meeting.

- IV. Progress Reports:  
Ms. Fishback reported that for the month of October was at a new high at over 1 million filings, equaling about 1.7 million documents. Filings on criminal cases comprised

73,265 of those filings, up from 20,000 in September. Currently, there were slightly over 54,000 registered filers. The Service Desk received over 300 new calls a day in October.

For criminal e-filing, Ms. Fishback reported that almost all counties went live on October 1 and were accepting single session criminal filings. Mr. Tim Smith reminded the elected Clerks that in order to certify their ability to accept batch criminal filings, that the Clerk must send a letter to the Authority stating so. He also urged them to be cognizant that in order to accept batch filings, it must have been tested with the local state attorney's office and public defender office – not the circuit office. There was a discussion about how the Clerk should be testing with their local offices before sending the certification letter to the Authority.

Ms. Fishback continued her report to say that the Support Desk had received 355 calls a day during October. The call volume was slightly higher than the previous month due to criminal and e-service going live in October.

Ms. Fishback reported that many counties were getting ready to do testing for the criminal batch filing, but no more have sent their letters to the Authority yet. She acknowledged that some State Attorney and Public Defender Offices were doing single session filings and not worried about batch interface. Mr. Smith asked for more clarity to the monthly status chart to show more detail on this issue, what counties were accepting single-session criminal filings, which counties were doing batch.

Mr. John Tomasino, Supreme Court Clerk, noted that he thought e-filing was going well in the Second DCA.

Mr. Tim Smith acknowledged Laurie Rice, Brevard County Clerk's Office who asked when information on the new release, 2013.3, would be available. Mr. Tim Smith noted he would like to improve the notification process and allow Clerks and filers more time to know when changes were coming to the portal. It was discussed that, in addition to twitter and notices on the portal, that Clerks could also assist in notifying their local Bar members of changes coming to the portal.

Ms. Carolyn Weber told the board that the e-service workgroup was going to be reconvened to look at some enhancements; for instance: how to remove an attorney from the service list, adding SA/PD offices by a specific person rather than a generic email. It was noted that with more than 1 million documents filed, far more than 1 million emails are going out.

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Mr. Melvin Cox was recognized to give the Help Desk Report. He explained that this was a new monthly report to keep the Board updated on the help desk expansion. He told the board the goal was to have the Help Desk staffed and fully operational by February 1, 2014. He reported that six of the nine new staff had been hired and the new office space would be ready to use by the first of December. He hoped to report some beginning metrics at the January board meeting, such as call volumes, turn-around times, and the like. He said there would be a customer service component-focused on filers, and a technical component – focused on the tech side/Clerks’ offices. There has been discussion with an IVR provider. He hoped to be able to report data and allow the board to see how the metrics were working and allow the board to make adjustments over time.

V. Florida Courts Technology Commission Report

As Judge Munyon was unable to attend, Mr. Tim Smith recognized Mr. David Ellspermann, Ms. Sharon Bock and Ms. Karen Rushing, the Clerk FCTC members in attendance at this meeting. Ms. Bock told the board that attorneys were filing paper regardless of what court orders say. She asked, “Should Clerks set a drop-dead date for taking paper?” Ms. Rushing said her office was tracking what was coming to the office in paper form. She reported it was mostly out of county lawyers. She felt there were only two ways to handle the issue: 1) refuse the paper – but some do not like that; or 2) the Clerk could stamp the document as “filed in paper form,” digitize it, then allow the court to respond. Mr. Hall said that the Chief has said he is willing to establish a cut-off date for accepting paper form attorneys with common sense exceptions. He asked if the issue was going to start all over again, though, with criminal? Mr. Inzer urged a single drop-dead date. There was a general discussion about establishing this date and how to do it. Mr. Laird Lile was recognized. He explained to the board that currently the rule says that Clerks cannot refuse paper. He remarked that changing rules was a slow process. He felt perhaps the Chief Justice was looking for a process that was not quite so resolute. Mr. Barbee suggested adding wording to rule 2.520(f) to read “and the original filing will be returned,” to allow the Clerk to send back the paper. Mr. Hall suggested that the timestamp on the paper connoted the legal time of filing.

Ms. Bock moved that we recommend to the Chief Justice that there be a change in the rule that allows the Clerks to refuse paper after a specific date.

Ms. Rushing seconded the motion.

Mr. Smith asked if the Rules Committee could meet before the December meeting to see if they would recommend rule language to give to the Chief.

Ms. Bock withdrew her motion.

Mr. Tim Smith raised the issue of adding the various users groups by the FCTC and credentialing as provided by Judge Munyon. Ms. Bock explained that there was a motion made at the FCTC to include add pro se filers. She feels the Authority should put a timeframe on the addition of that group.

Mr. Hall responded that he had looked at other states' processes and, in general, they allow pro se and do not verify who they are. He commented that most states do not even verify the attorneys. Some states, he continued, use a "File and Serve" system where the user must have a credit card on file. This method creates a sort of verification. Without a card, one must file using paper. He noted that other states provide users a pin code. Another state allows attorneys to designate what pro se filers can or cannot view. He suggested that the variances be discussed at the next full Pro Se Subcommittee meeting and be brought back to the Board in December. Ms. Rushing told the Board she recognized the concern as to "who" is filing is in contrast to how it is handled in the paper world.

A discussion took place regarding whether filers should be verified or not. Ms. Bock asked, "What business rules do we want to apply to pro se filers and should verification be part of it?" Ms. Rushing responded noting that attorneys, as officers of the court, adhere to a different set of rules and access than pro se. Mr. Don Barbee pointed out that there be a differentiation in the discussion of filing and viewing. Mr. Hall pointed out that states that do not validate the pro se users did not report any problems with them. The Florida First and Third Appellate Courts allow pro se filers and have not had issues, either. Mr. Smith questioned the Authority's ability to make the policy, suggesting it was more in the realm of the court to make policy. Mr. Cox clarified that giving a filer access to view documents could be designed based on filer role. He also noted that viewing documents was based on local case maintenance systems, not the portal, per se. He also noted that the judges were already in the Bar database, that was linked to the portal for registration verification. There was some discussion as to developing a process for registering judges. Ms. Rushing commented that there was conversation at the Legislature as to how to keep a secure process for getting judges orders to the Clerk.

There was some discussion of the Clerk to Clerk function as being functional soon.

## VI. Subcommittee Reports

Rules Subcommittee: Mr. Barbee reported that the subcommittee recently met and discussed diving up to monitor the various Florida Bar Rules Committees.

VII. Other Business

Ms. Lynn Hoshihara, Esq., reviewed the changes made to the supplemental agreement in regard to Help Desk services. Mr. Tim Smith said that the Authority expects the customer service delivery to be efficient and will be monitoring the success. He noted that the board can amend the document if needed and it will monitor and track improvements. Ms. Green asked the staff to report to the board metrics, such as repeat calls and the length of calls. Mr. Cox agreed that would be done.

Mr. Joe Smith commented about the technical comments being made at the meeting and asked those persons to contact staff outside of, and prior to, the meeting. Mr. Tim Smith also echoed the sentiment and asked that the delivery of notifications of changes to the portal be done in a more timely manner. Mr. Bob Inzer recognized that it had improved over time.

Public Comment: There were no comments.

VIII. Adjourn

The meeting was adjourned at 11:53 a.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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**SECRETARY/TREASURER**

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District III

**THOMAS D. HALL**

Clerk of the Court  
Florida Supreme Court

**ALEX ALFORD**

Clerk, Walton County  
District I

**BOB INZER**

Clerk, Leon County  
District II

**DON BARBEE, ESQ.**

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

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## AGENDA

### Florida Courts E-Filing Authority Special Meeting

October 28, 2013

9:00 a.m.- 9:30 a.m. EDT

By WebEx

- I. **Adoption of the Agenda** Tim Smith
  
- II. **Discussion of the draft policy for portal support services**
  
- III. **Adjourn**



## The Florida Courts E-Filing Authority Minutes

Florida Courts E-Filing Authority Board of Directors met on October 28, 2013, at 9:00 a.m. EDT by WebEx. The following members were present: Tim Smith, Putnam County Clerk, Chair; Tara Green, Clay County Clerk, Secretary/Treasurer; Tom Hall, Clerk, Supreme Court; Bob Inzer, Leon County Clerk; Alex Alford, Walton County Clerk; Sharon Bock, Esq., Palm Beach County Clerk; Karen Rushing, Sarasota County Clerk; and Lynn Hoshihara, Esq., Authority General Counsel. Joseph E. Smith, St. Lucie County Clerk, Vice Chair; was not in attendance. A quorum was present.

- I. Mr. Tim Smith, Chair, opened the meeting at 9:08 a.m. EDT with a roll call. He welcomed those in attendance. He reminded everyone that the special meeting was to consider the draft policy for portal support services.
- II. Mr. Smith asked for a motion to adopt the agenda. Mr. Don Barbee moved adoption of the agenda. Ms. Karen Rushing seconded the motion. The motion passed.
- III. Mr. Tim Smith recognized Ms. Lynn Hoshihara, Esq., Authority General Counsel, to present the supplemental agreement. She explained that the present agreement was modeled after the Information Technical Infrastructure Library (ITIL) and the agreement sets forth the procedures and policies for additional services.

Mr. Smith recognized Mr. Tom Hall who began a discussion of issues, specifically the Help Desk provisions. He suggested that there needed to be real, live people answering the phones. Mr. Melvin Cox agreed that tweaks could be made to the language. He explained, too, that the Service Desk would not be fully staffed until February 1, 2014, so suggested that there be periods of reassessment. He commented that as other user groups come on, that the provisions of the agreement related to the service desk would have to be revisited. Mr. Hall commented that he was comfortable with the agreement if that was the case. Mr. Cox expressed that all involved agreed that the document would have to be revisited as operations changed.

Ms. Hoshihara noted that the agreement called for the Authority and Association to review the document every 90 days. Ms. Tara Green asked if that timeframe could be

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reduced to every 30 days for the first year, instead of 90 days. Mr. Tim Smith suggested it become part of the monthly reports at the Authority meetings.

Mr. Tim Smith opened a discussion about service desk calls and the varying time zones.

He asked Mr. Cox and staff to monitor when the calls were coming in to see if calls were coming at other times. Ms. Brenda Standish offered to provide to the board a report during the first 30 days of the number of calls and emails, and when they came in.

Ms. Sharon Bock told the board that she agreed with the 30-day review. She noted that the reference also needed revision on page 4 to the 30-day timeframe. She also spoke to the need for differing modality, or, different modes of support, e.g., live chat.

Ms. Hoshihara commented that the language in the agreement anticipates expansion of the differing methods of “help.”

There was discussion of the meaning of the wording on page 2, “Help Desk support upon request,” and potentially needing to better separate text on help desk services to better delineate the varying services between support provided to Clerks’ office and that provided to filers. There was general discussion of the terms under Help Desk availability. Mr. Cox clarified that they did not envision live support for filers, but could do whatever the Authority felt was the best business decision.

The board discussed voting on an agreement without seeing the revisions. Ms. Hoshihara recommended the board vote on the document with acceptance of the following revisions:

- 1) Clarify the definition of the help desk;
- 2) Require monthly reporting;
- 3) Monitor call volumes;
- 4) Clarify after hours support;
- 5) Work on creating two different standards, one for technical support and one customer service support

She noted that would allow the work to begin November 1, 2013, and that she would bring back the amended document to the November meeting.

Mr. Hall moved to approve the Help Desk Policies and Procedures as presented with the list of revisions as suggested by Ms. Hoshihara. Ms. Karen Rushing seconded the motion. The motion passed.

Mr. Tim Smith asked if there were any questions from non-board members. Seeing none, he adjourned the meeting at 9:43 a.m.

# Florida Courts



## E-Filing Authority

**TIM SMITH**  
**CHAIR**

Clerk, Putnam County

**JOSEPH E. SMITH**  
**VICE CHAIR**

Clerk, St. Lucie County  
District V

**TARA GREEN**  
**SECRETARY/TREASURER**

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## AGENDA

### Florida Courts E-Filing Authority

October 10, 2013

10:00 a.m.- 12:00 p.m. EST

- |              |                                                                                                                                                 |                                                        |
|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|
| <b>I.</b>    | <b>Introduction &amp; Roll Call</b>                                                                                                             | Tim Smith                                              |
| <b>II.</b>   | <b>Adoption of the Agenda</b>                                                                                                                   | Tim Smith                                              |
| <b>III.</b>  | <b>Reading and Approval of Minutes</b>                                                                                                          | Tara Green                                             |
| <b>IV.</b>   | <b>Finance Report</b><br>Monthly Finance Report                                                                                                 | Tara Green                                             |
| <b>V.</b>    | <b>Progress Reports</b><br>Update on ePortal Implementation<br>Civil Update<br>Criminal Update<br>Supreme Court/Appellate e-Filing<br>E-Service | Jennifer Fishback<br><br><br>Tom Hall<br>Carolyn Weber |
| <b>VII.</b>  | <b>Subcommittee Reports</b><br>Rules Subcommittee                                                                                               | Don Barbree                                            |
| <b>VIII.</b> | <b>New Business</b>                                                                                                                             |                                                        |
| <b>IX.</b>   | <b>Other Business</b>                                                                                                                           |                                                        |
| <b>X.</b>    | <b>Adjourn</b>                                                                                                                                  |                                                        |



**TIM SMITH  
CHAIR**

Clerk, Putnam County

**JOSEPH E. SMITH  
VICE CHAIR**

Clerk, St. Lucie County  
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## AGENDA

### Florida Courts E-Filing Authority

Emerald Ballroom  
Hilton Sandestin  
4000 Sandestin Blvd.  
Destin, FL 32550  
September 16, 2013  
2:00 p.m.- 4:00 p.m. CST

- |              |                                                                                                                                                               |                                                            |
|--------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|
| <b>I.</b>    | <b>Introduction &amp; Roll Call</b>                                                                                                                           | Tim Smith                                                  |
| <b>II.</b>   | <b>Adoption of the Agenda</b>                                                                                                                                 | Tim Smith                                                  |
| <b>III.</b>  | <b>Reading and Approval of Minutes</b>                                                                                                                        | Tara Green                                                 |
| <b>IV.</b>   | <b>Finance Report</b><br>Monthly Finance Report                                                                                                               | Tara Green                                                 |
| <b>V.</b>    | <b>General Counsel Report</b>                                                                                                                                 | Lynn Hoshihara, Esq.                                       |
| <b>VI.</b>   | <b>Progress Reports</b><br>Update on ePortal Implementation<br>Civil Update<br>Criminal Update<br>Supreme Court/Appellate e-Filing<br>E-Service Demonstration | Jennifer Fishback<br><br><br><br>Tom Hall<br>Carolyn Weber |
| <b>VII.</b>  | <b>Subcommittee Reports</b><br>Rules Subcommittee                                                                                                             | Don Barbee                                                 |
| <b>VIII.</b> | <b>New Business</b><br>Criminal Readiness Matrix and letter to Chief Justice                                                                                  | Tim Smith                                                  |
| <b>IX.</b>   | <b>Other Business</b><br>Sunshine Law Review                                                                                                                  | Lynn Hoshihara, Esq.                                       |
| <b>X.</b>    | <b>Adjourn</b>                                                                                                                                                |                                                            |



## The Florida Courts E-Filing Authority Minutes

Florida Courts E-Filing Authority Board of Directors met on September 16, 2013, at 2:00 p.m. CDT at the Sandestin Hilton in Destin, Florida. The following members were present: Tim Smith, Putnam County Clerk, Chair; Joseph E. Smith, St. Lucie County Clerk, Vice Chair; Tara Green, Clay County Clerk, Secretary/Treasurer; Tom Hall, Clerk, Supreme Court; Bob Inzer, Leon County Clerk; Alex Alford, Walton County Clerk; and Lynn Hoshihara, Esq., Authority General Counsel. Sharon Bock, Esq., Palm Beach County Clerk; and Karen Rushing, Sarasota County Clerk; were not in attendance. A quorum was present.

- I. Mr. Tim Smith, Chair, opened the meeting at 2:03 p.m. CDT with a roll call. He welcomed those in the room and on the WebEx.
- II. Mr. Smith asked for a motion to adopt the agenda. Mr. Alex Alford moved adoption of the agenda. Mr. Tom Hall seconded the motion. All voted to accept the agenda as presented.
- III. Mr. Tim Smith recognized Ms. Tara Green to present the minutes from the August 15, 2013, meeting and the September 5, 2013, meeting. Hearing no suggested changes, Ms. Green moved adoption of the minutes. Mr. Don Barbee seconded the motion. All voted favorably to accept the minutes.
- IV. Mr. Smith recognized Ms. Green to present the August 2013 financial reports. She noted that the financial statements showed a year-to-date profit of \$85,000.
- V. Mr. Smith recognized Ms. Lynn Hoshihara, Authority Attorney, to provide the board an update on the supplemental agreement. She reported that agreement had been reached. In addition to Help Desk services, that the supplemental agreement that was agreed to required the Association to develop an education outreach program. The agreement also authorized the Association to cover specific costs of the board's governance, such as the annual audit, insurance and legal expenses.

Mr. Hall asked Ms. Hoshihara if the board was protected if the contract was not directly with the services group. She responded that it was. In follow up, Mr. Hall asked as a credit card processor, was there a way to see the break-down of the Association's actual

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costs of processing the credit cards. Mr. Kent offered to provide the board a comparison of what other service providers charge and the Association charges. There was a general discussion of how the income was shown.

Mr. Barbee made a motion to accept the agreement for services and clarified that it would go to the Association Executive Board for approval as well. Ms. Green seconded the motion. All voted favorably.

Mr. Smith told the board that once the Executive Committee approved the agreement, that they can begin developing the portal more and would be in a better position for Help Desk Services.

VI. Progress Reports:

Ms. Fishback reported that for the month of August there were over 862,496 filings, equaling more than 1,471,109 documents, over 38,500 documents filed a day. During the month of August, she noted, 24 counties were accepting criminal filings and there were over 11,089 criminal documents filed. She reviewed criminal batch readiness.

Currently, there are more than 50,000 registered filers. The Service Desk received 7,101 new calls in August, slightly down from the July call numbers. Still, statistics show that filers are sending documents to the portal every day of the week, almost all 24 hours of the day. She also mentioned that there were 814 filings were sent through the portal for the 2<sup>nd</sup> DCA.

Ms. Fishback noted that there had been infrastructure improvements over the month of August. As requested by the board, she also noted, there was now a redundant Internet connection.

Mr. Hall reported that for appellate filings, there had been no major problems that he was aware of, that the portal seemed to be working fine with the eFACS system. He spoke to meeting recently with the 3<sup>rd</sup> DCA at the Appellate Clerks' Conference and hoped that they would be on the portal by January 2014 and that another DCA would come on every two months after that.

E-Service: Ms. Carolyn Weber spoke to hoping that e-service would be going live by 9/27/13. She said training was on-going and that a series of FAQs were being written to address various aspects of the new service. MR. Hall noted that the Public Defender Association asked for criminal e-filing to be put off if e-service was not going to be available, but it wouldn't matter if it was live.

Ms. Fishback commented that there would be a release 2013.02 that as in development and would include some search capabilities and payment reconciliation aspects.

Mr. Smith asked Ms. Weber to demonstrate the e-service component for the meeting attendees. She showed how to use the aspect and noted that it was an optional service, that filers could still serve other attorneys by email.

Mr. Bob Inzer asked that notice of this be put in the news feed at the top of the map page and in The Florida Bar News. He noted that each county had been given a guide for how to use the news feed on their pages, as well.

Ms. Weber noted that there would be five classes made available statewide beginning this week. She was also providing a training class for the Orange County Bar Association. It was noted that the classes were advertised in The Florida Bar News and posted on the Bar's E-Filing Resources page and pushed out through Twitter.

Ms. Alexandra Reiman asked how will the courts access the email list? Ms. Weber said it would be through a web service and instructions would be made available. Mr. Hall suggested that the OSCA would send out an advisory on the issue to the chief judges of the various circuits and district courts.

Mr. Neil Soder, Software engineer from Minnesota, asked the board if there would be API for e-filing? Mr. Kent answered that there would not be at this time.

Ms. Sue Murray asked if private attorneys could use the e-service module to e-file with state attorneys on criminal cases. Ms. Weber suggested that the service could be used for criminal cases as well.

Mr. Hamilton Davies, the Public Defender Miami-Dade, asked if state attorney email addresses could be automatically added to the service list. Ms. Weber said yes, the State Attorney are going to be added based on case types; not the individual assistant state attorneys, but the elected state attorneys, but she would check on the progress.

Mr. Hall inquired if the e-service could automatically add the Attorney General and State Attorney at the appellate level.

## VII. Subcommittee reports:

Rules Subcommittee: Mr. Barbee reported that his committee held an organizational meeting on August 30. They discussed membership and how to track the rules changes. He commented he would work with Mr. Tim Smith on how to best contact those chairs.

He also mentioned that the subcommittee wanted to work with Judge Bidwill's committee to address the next filer groups to be added to the portal.

He said the next meeting would be held in early October and would look at specific rules to review.

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VIII. New Business

Criminal Readiness Matrix: Mr. Tim Smith said he would review the issues and finish his letter to the Chief Justice to send it Tuesday, September 17, 2013. Mr. Tim Smith suggested that some would make further progress between now and the first of October.

Ms. Green noted that the entry for court readiness was not correct for Clay County and would send the correction to Christina Blakeslee for inclusion.

IX. Other Business

Sunshine Law Review: Ms. Lynn Hoshihara provided the Board a brief review of the Florida Sunshine Laws. Mr. Bob Inzer asked how to handle it if he, as a Clerk, was a member of two public bodies, both the E-Filing Authority and the Florida Clerk of Courts Operations Corporation? Or, he followed, are there notice requirements if several board members were also members of the Florida Courts Technology Commission? Ms. Hoshihara suggested advertising those meetings on the Authority website as a safeguard.

Public Comment:

Ms. Laurie Reaves, Miami-Dade Clerk of Courts Office, asked if the Clerks would get a copy of what was going to be sent to the Chief Justice. Mr. Tim Smith said he would send the package out tomorrow.

Mr. Neil Soder asked if there was not going to be API, could he reverse-engineer the front end to help his Florida clients? Ms. Weber responded that there was no capability to do such a thing right now. She explained that perhaps later on there would be capability to batch file civil cases, such as large foreclosure companies may need

Mr. Tim Smith closed the public comment portion of the meeting.

He commented that he was looking forward to having a full e-filing WebEx demonstration on Friday, September 27, 2013. He suggested it would be scheduled for an hour, beginning at 10:00 a.m. EST.

X. Adjourn

The meeting was adjourned at 3:35 p.m. CDT.

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**Shore8/14/13 sent at 4: 15 p.m.**

**MEMBER REQUEST: Message from Manatee Clerk Chips**

**Dear Court Clerks & Comptrollers:**

*The following is a message from Hon. R.B. "Chips" Shore (Manatee) that he requested be sent to all members:*

Fellow Clerks - Please review the attached document that I have provided discussing the reasons that Manatee abandoned a "long form" e-filing process in favor of simple e-filing and the risks I see in not re-thinking our implementation of the portal. There are several upcoming meetings in which consistency in the e-filing process will be discussed that you should be involved in. Additionally, the FCCC will be doing a demo of both simple e-filing and regular e-filing at a future date to be determined. Clerks and their staff should participate in this demo so that some consensus can be reached. Please feel free to contact my IT Director, Carole Pettijohn, directly at 941-742-5851 or me if you have any questions about the attached document or wish to discuss this issue further.

Thanks-  
Chips

Chips Shore  
Manatee County Clerk of Circuit Court and Comptroller

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Florida has a very broad Public Records Law. This agency is a public entity and is subject to Chapter 119 of the Florida Statutes, concerning public records. E-mail communications are covered under such laws & therefore e-mail sent or received on this entity's computer system, including your e-mail address, may be disclosed to the public or media upon request.

### **Uniformity in E-Filing**

In his address to the Clerks Association at the Summer Conference Justice Polston stressed the need for uniformity in e-filing. He said that uniformity is essential to compliance by the legal community. It is also essential to the integrity and accuracy of the official court case file of which the Clerk is the custodian.

In the paper world we had uniformity. The attorney, attorney staff or a courier brought the document(s) to be filed to the Clerk's office and handed it to the Clerk for filing. The Clerk accepted the filing, processed the correct fee required and entered the filing into their respective case/document systems. As the State has moved into the electronic world we have lost the simplicity and uniformity of the paper process and instead have created a process that is complicated and fraught with errors. It has increased the difficulty of filing on the part of attorneys and therefore increased the number of support calls and frustration with the implementation of e-filing.

Manatee County has a decade of experience with e-filing. Initially we attempted e-filing with a system very similar to the system used by most counties through the statewide portal. Attorneys were required to enter any number of fields prior to e-filing their document. Our experience is that clerks were correcting errors in over 60% of the electronic filings and that the Quality Assurance (QA) of all of the electronic attorney entries took longer than having an experienced intake clerk handle the filing when it

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was a paper process. This prompted Clerk Shore to envision simple e-filing or our “one button e-filing” process that we have used for the past six years. When we changed from “long form” e-filing to simple e-filing our e-filing transactions went from approximately 12% of filings to approximately 55% of filings that were e-filed. This was prior to mandatory e-filing and saved the Clerk from having to scan paper filings and QA the long form e-filings. Our productivity and accuracy increased exponentially.

By attempting to create a uniform e-filing process complete with document descriptions and docket codes, we are by default creating a level of complexity in the process in several ways:

- The Clerks use many different systems with different parameters, docket codes and descriptions. The paper process accommodated each Clerk having autonomy. Having to agree on common codes, etc. has been an ongoing effort that has not been very successful. The effort needed to come up with a common set is not something to be quickly accomplished. Additionally, the level of effort to create and maintain document types and docket codes by Clerk staff should also be considered.
- Once a common set has been defined, if other docket codes are needed, how is that going to be decided? If a County needs to add a code based on a local administrative order, will that have to be staffed with all 67 counties before the County can add a code to their list? If Clerks can add local docket codes, you have defeated the uniformity aspect.
- If the Clerk decides to process the paperwork as entered by the filer without QA or correction, we are abdicating our role as custodian of the official court record and diminishing the integrity of the court case file. Anecdotally, we have been told by a number of Clerks that their staff is making corrections to the filer selections on 50-80% of their recent filings. So the Clerk has to validate 100% of the entries to correct over half of them or risk having errors in a majority of their filings. If you have to take the time to validate filer entries we may as well do it right the first time and save the filer the effort.
- According to current procedure, if the attorney gets any of the selected fields wrong in the filing, the filing is pended and the attorney has to resubmit a corrected filing in order to be accepted which affects the timeliness and the level of effort required by the filer.
- As more circuits use various bench applications, standard document descriptions will make it increasingly difficult for Judges to quickly find specific documents unless the Clerk takes the time to modify the document description, which defeats the purpose of the clerks not having to enter data. The Judges want to be able to review the document descriptions on the bench application docket and determine which motion, order, etc., is the document that they want to review without having to perform a word search or opening each document until they find the correct one. In the middle of a court proceeding this additional time creates downtime on heavy court dockets.

Chapter 28.211, Florida Statute - Clerk to Keep Docket states *“the Clerk of the Circuit Court shall keep a progress docket in which he or she shall note the filing of each pleading, motion, or other paper and any step taken by him or her in connection with each action, appeal, or other proceeding before the court.*

*The Clerk may keep separate progress dockets for civil and criminal matters. The Clerk shall keep an alphabetical index, direct and inverse, for the docket.”* With the current long form e-filing, the filer becomes the de facto docketer with the Clerk merely validating the filer selections. If the Clerk relinquishes the docketing function, it is only a matter of time before we are asked to also relinquish or reallocate budget (especially to State Attorney and Public Defender offices). The average time it takes to complete a new case filing is approximately 10-15 minutes which increases their workload substantially. In Manatee we have always viewed this as the Clerk’s responsibility and have made the effort to making filing as easy as possible for the filer.

If we truly want uniformity and the Clerks to maintain their autonomy, we would imitate the paper world and move to simple e-filing across the board. We could be uniform immediately and work on making certain aspects of the current implementation of simple e-filing work even better for Clerks. It is in our interest to incentivize e-filing as it saves the Clerk time and money. If we make it easy for filers (attorney and non-attorney alike), it will benefit the interests of the Clerks and the Court over the long term. Our staff have far more competence in determining what is required by our systems than filers. Before we progress much farther down the path to a “paperless” process, we think it is advisable to reconsider our current implementation and err on the side of filer simplicity.



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CHAIR**

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**AGENDA**

**Florida Courts E-Filing Authority**

Emergency Meeting

September 5, 2013

9:00 a.m.

By WebEx

**I. Introduction & Roll Call** Tim Smith

**II. Adoption of the Agenda** Tim Smith

**III. Review of criminal readiness by circuit, by county, for Clerks, Courts, State Attorneys and Public Defenders**

**VIII. Adjourn**



## The Florida Courts E-Filing Authority Minutes

Florida Courts E-Filing Authority Board of Directors met on September 5, 2013, at 9:00 a.m. by WebEx for an emergency meeting. The following members were present: Tim Smith, Putnam County Clerk, Chair; Joe Smith, Vice Chair, St. Lucie County Clerk; Tara Green, Clay County Clerk, Secretary/Treasurer; Tom Hall, Clerk, Supreme Court; Sharon Bock, Esq., Palm Beach County Clerk; Alex Alford, Walton County Clerk, and Karen Rushing, Sarasota County Clerk; and Lynn Hoshihara, Esq., Authority General Counsel. Bob Inzer, Leon County Clerk, was not in attendance. A quorum was present.

- I. Mr. Tim Smith, Chair, opened the meeting at 9:02 a.m. with a roll call. He welcomed those on the WebEx.
- II. Mr. Smith asked for a motion to adopt the agenda. Mr. Joe Smith moved adoption of the agenda. Mr. Tom Hall seconded the motion. All voted to accept the agenda as presented.
- III. Mr. Smith recognized Mr. Hall to speak on behalf of the Chief Justice and the Court. He told the board that although the Chief Justice recognized that all parties were working hard to be ready for the October 1 deadline, that some would not make it. He wishes to enter an order by no later than September 20 and asks for a letter from the Authority denoting the status of each the four major entities in each circuit, by county (clerk, court, state attorney, public defender). Chief Justice Polston does not want to give a blanket extension, but will accept the report of "go" "no go" as the status for October 1, 2013. If, in the letter, an entity denotes a "go" or "no go," the Chief will accept that representation by the Authority on their behalf. He cautioned, if an entity does not report a "no go," they are a "go," and end up not making it, that entity will need to file their own individual request for exemption with the Chief. He asked that there be language in the letter that addresses the issue of criminal case initiating documents still being in paper or sent through existing systems.

Mr. Tim Smith asked what if in one county, Clerk and Public Defender, are ready, but the State Attorney and the court are not, what do we need to provide for those who are not ready? Mr. Hall responded that the chief would accept the chart as showing who was ready and who would not be. At this point no backup for the "ready" date was being asked for, but the Chief Justice may want a something more later. Mr. Tim Smith offered

for the Board to provide status report to the Chief Justice to keep him apprised on those who are reporting “not ready.”

Ms. Green asked: if one of the four entities in a county is not ready would the whole county be a “No go”? Mr. Hall felt the Chief Justice wanted to focus on where all four are ready, then address where not all are ready. This may be an item of discussion at this meeting, he commented. Mr. Tim Smith noted that if any of the four entities are ready, they should go ahead. He spoke to encouraging any who are ready to move forward and not delay.

Mr. Hall also suggested that someone explain in the letter to the Chief why criminal case initiation was not included in the portal design so he understands why it is not part of the order.

Ms. Karen Rushing echoed the chair’s sentiment that if the Clerk is ready, they should go ahead and accept what they can.

Mr. Hall asked Ms. Rushing if she will be needing the same extension in criminal as she had in civil? She said they were in the middle of a new case maintenance application, scheduled to go live September 16, 2013, and hope not to disconnect those who previously had authorization.

Mr. Smith said in order to get his letter and the status report to the Chief Judge he would be wrapping up the report by next week. The Authority was going to meet on September 16<sup>th</sup> but would prefer not to wait. Mr. Hall said the Chief Judge doesn’t want to assess blame but does want to go electronic as quickly as possible.

Mr. John Tomasino asked, of the four, if one or two are not ready, would it be optional? Mr. Hall was not certain but does know that the court does want to move ahead. It was mentioned that e-service was mandatory through the portal on October 1. Mr. Cox reported that e-service was in the QA environment being tested and he was still looking to be in production by October 1. Mr. Smith suggested there be a fall-back position if e-service was not ready by October 1.

Laurie Rice, Brevard County Clerk’s Office, asked if it was optional for the State Attorney or Public Defender to do batch or single session criminal filing to determine readiness? Mr. Hall said if the state attorney or public defender was ready to do single session, they needed to say so.

Lourdes Muina, 20<sup>th</sup> Circuit State Attorney’s Office, if the Clerk can accept batch but he Clerk if printing for judges is that a reason not to be ready? Mr. Tim Smith commented that many Clerks are still printing in civil. Mr. Hall recognized that the courts are still in the process of getting the judge viewers online, but the Chief and the court feels that if

the Clerk is ready to accept criminal filings, they should be shown as ready. Mr. Tim Smith said they were all aware that it is a cost to the Clerk, but we should not let this stop us. Mr. Tomasino a few circuits (Public Defenders) maybe ready, but due to volume, they may need to do batch. He told the board that the 5<sup>th</sup> Circuit and the 11<sup>th</sup> Circuit are in that position.

Mr. Cox told the board that staff has been testing batch with several circuits and that it required coordination of the local sending and receiving software. They were currently working with the STAC vendor and the testing would continue. His plan was to be ready by October 1.

Ms. Stacey Butterfield asked if being ready hinged on being able to accept juvenile dependency and mental health cases by October 1. There was a brief discussion about that perhaps making the decision of ready or not too complex. Mr. Tim Smith asked that if a county was in that position to let us know and perhaps it could be footnoted.

Mr. John Miller, 14<sup>th</sup> Circuit, asked if batch filing was required to be tested before October 1? Mr. Cox responded by noting that single session if working in that circuit, that is sufficient for readiness.

Mr. Hall offered that the Chief asked the board to recommend to him as to how to determine readiness logistics for those who say they are not ready. Mr. Smith asked that the chart be sent to all Clerks for review. It was again stated by the board, that if an entity was ready for single session, that should not delay the readiness for October 1. Mr. Hall suggested the Authority post on the website who was ready and update it as more come on. Mr. Smith asked each entity to send their list to each of their groups for verification as to readiness and return it to the board by close of business September 11, 2013. The State Attorney and Public Defender lists should show Y/N and add SS/CBI.

Mr. Bryan Buckles, 3<sup>rd</sup> Circuit State Attorney's Office IT Director, told the board that the circuit was not considering single session at all, but would need batch. Single session filing would mean a major restructuring of the workflow in the state attorney offices. He felt that the Clerks were not ready, so how could he say they (State Attorneys) were ready? Mr. Tim Smith responded that if the Clerk is not ready on the day that he was to report, then he could not be ready. He told the board and those attending the meeting by WebEx, that on behalf of the Chief Justice, it sounded like he wanted each of the individual groups, Clerk, Courts, State Attorney and Public Defenders, to do their own report.

Mr. Hall made the distinction that if the individual offices were not ready because they had not tested, that is different than being able to do single session filings but choose not to do it.

Ms. Rushing told the group that she was well aware that going electronic changes the way offices do business. She urged everyone to accept that be more collaborative than we have been in the past. Mr. Hall echoed Ms. Rushing's comments. He told everyone that his office has had to completely restructure how they did business. He shared that the experience was not unlike those in other states he hears when he attends the National Conference of Appellate Clerks—Everyone has had to completely change how they did business. He said if single session can be done, then they should say they are ready. If the office wants an exemption for specific reasons, they should tell the Chief why.

Mr. Tim Smith reiterated that each group needed to put the checks in the boxes and let the Board know. He acknowledged that it is going to be hard for the next few months but, he commented, we need to be honest. We have a path and an opportunity to state our concerns.

Mr. David Field, 9<sup>th</sup> Circuit Public Defender Office, would like to show the status of single session and batch. But, he felt the Clerks in his circuit were not ready for batch, but they were single session filing.

Ms. Jean Howard, 15th State Attorney's Office, said they needed to batch so as not to interrupt attorneys in their attendance in court.

Mr. Tim Smith again told those in attendance that if we didn't have a certain date to work for, we would never get there. He told Ms. Howard, if you feel that way, check the boxes in the manner you choose on your list. We want each entity to put the checks in their own boxes and those decisions are made on a local, case-by-case basis.

Mr. Dan Johnson, 5<sup>th</sup> Circuit State Attorney's Office, asked if they noted yes to single session but no to batch, do they get an exemption? Mr. Hall responded that he was not sure how the Chief would decide.

Mr. Tim Smith acknowledged that batch is important and suggested that the Chief ask for batch to be complete by a date certain.

Ms. Bobbie, 18<sup>th</sup> Circuit State Attorney's Office, told the board it would be hard not to go batch.

Mr. John Tomasino spoke to the single session/batch issue and suggested adding a third column as to whether the office needed an exemption and why.

Ms. Kathy LeCourte, 5<sup>th</sup> Circuit State Attorney's Office, commented that just because the portal is ready for batch doesn't mean the State Attorney will be ready.

Mr. Tom Morris, 8<sup>th</sup> Circuit State Attorney's Office, told the board that the FPAA was having a conference call the next day to determine where they are.

Ms. Tara Green commented that if a state attorney or public defender cannot do batch filing, there may need to be a timeframe put in place for them to tell the board when they will be ready to do so. There was further discussion as to how to set the timeframe.

Mr. Tim Smith posed the question: If the board gets a report from FPAA that says yes single session/no batch, and that office requests a waiver, then the Authority could say 30 days after batch is available, then go back to those who have asked for an exemption and ask how much longer do you need? The Board would then respond to the Chief Justice with their progress.

Mr. Hall responded that the Chief has already denied an across the board exemption. He suggested the State Attorneys group tell the Authority Board that they can pass on to the Chief why the logistics of anything but batch is untenable.

Ms. Rushing acknowledged that while there was some value in setting a date certain, it made more sense to be looking at the first of 2014.

Ms. Bock spoke to a preference to taking documents from those who are ready to file.

Mr. Tim Smith said he believed that the Chief Justice has been clear and doesn't want an overall date shift, but will take the suggestion of those who need an exemption. There was a general discussion of February 1, 2014, as being a more reasonable date for batch filing. Mr. Joe Smith asked, if a filer was ready for single session, could the portal be used? Ms. Fishback responded that it could be. Mr. Joe Smith continued and remarked that it appeared that the State Attorneys just believe they need batch to be more efficient. Ms. Fishback noted there were already 13 counties accepting single session filing of criminal documents and several more would enable criminal divisions by 10/1/13. Mr. Joe Smith told the board that he agreed with Ms. Rushing, that there needs to be stringent deadline in order to move forward.

Mr. Tim Smith initiated board discussion for a possible motion. He said the board should produce a matrix for the Chief Justice and show whether each of the four entities should state whether they are ready or not, noting if the entity can single session or batch file.

Mr. Don Barbee moved the concept in the following form: The Authority Board will develop a matrix showing all four parties, Clerks, State Attorneys, Public Defenders, Courts, that the State Attorneys or Public Defenders would have extra columns to show if they are able to single session file, batch file and then a third column noting whether they need an exemption or not, even if they can single session file, until February 1, 2014.

Ms. Green seconded the motion.

In discussion of the motion, Mr. Hall remarked that he could not vote for this motion. He explained that he felt that the motion allowed all to put off criminal filing until February. Mr. Hall offered an amendment to the motion that the state attorneys would be required to come online 30 days after the individual Clerk certified that they were ready for batch filing, with February 1, 2014, being the absolute deadline. Mr. Barbee and Ms. Green accepted the amendment to the motion. All voted favorably on the amended motion.

Mr. Tim Smith clarified for the board and for those attending the meeting: all groups please take your lists back to your groups and provide an updated list from your agencies by county, by circuit, by the close of business Wednesday, September 11, 2013. Those lists will be compiled and sent to the Chief Justice. He urged all groups to attend the regularly schedule meeting to be held on September 16, 2013.

#### IV. Adjourn

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

**TARA GREEN**  
**SECRETARY/TREASURER**

Clerk, Clay County  
District III

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

**ALEX ALFORD**  
Clerk, Walton County  
District I

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

**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**  
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[http://www.flclerks.com/eFiling\\_authority.html](http://www.flclerks.com/eFiling_authority.html)

## AGENDA

### Florida Courts E-Filing Authority

August 15, 2013

By WebEx

- |                                                                                                                                                                                                                                            |                                                            |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|
| <b>I. Introduction &amp; Roll Call</b>                                                                                                                                                                                                     | Tim Smith                                                  |
| <b>II. Adoption of the Agenda</b>                                                                                                                                                                                                          | Tim Smith                                                  |
| <b>III. Reading and Approval of July Minutes</b>                                                                                                                                                                                           | Tara Green                                                 |
| <b>IV. Finance Report</b><br>Monthly Finance Report                                                                                                                                                                                        | Tara Green                                                 |
| <b>V. General Counsel Report</b>                                                                                                                                                                                                           | Lynn Hoshihara, Esq                                        |
| <b>VI. Progress Reports</b><br>Update on ePortal Implementation<br>Civil Update<br>Criminal Update<br>Supreme Court E-Filing<br>E-Service                                                                                                  | Jennifer Fishback<br><br><br><br>Tom Hall<br>Carolyn Weber |
| <b>VII. Subcommittee Reports</b><br>Website Subcommittee                                                                                                                                                                                   | Tom Hall                                                   |
| <b>VIII. Florida Courts Technology Commission</b><br>a. Meeting recap<br>b. Pro se Report                                                                                                                                                  | Judge Lisa T. Munyon<br>Sharon Bock                        |
| <b>IX. New Business</b><br>a. Sworn documents in criminal cases/Clerks keeping paper<br>b. State Attorneys initiating cases through the portal<br>c. Creation of Rules Committee<br>d. Prioritization for access to the statewide E-Portal | Don Barbee<br>Don Barbee<br>Sharon Bock<br>Sharon Bock     |

- e. Adding portal role for judges to file Tim Smith
- f. Portal Payment Reconciliation Tom Hall
- g. Policy issue: Should all court records be filed through the statewide E-portal? Sharon Bock

**X. Other Business**

- a. Court readiness-survey status Don Barbee
- b. CCOC Finance and Budget Committee question Sharon Bock
- c. Best Practices Bob Inzer

**Public Comment**

**XI. Adjourn**



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

Florida Courts E-Filing Authority Board of Directors met on August 15, 2013, at 10:00 a.m. by WebEx. The following members were present: Tim Smith, Putnam County Clerk, Chair; Tara Green, Clay County Clerk, Secretary/Treasurer; Tom Hall, Clerk, Supreme Court; Bob Inzer, Leon County Clerk; Sharon Bock, Esq., Palm Beach County Clerk; Alex Alford, Walton County Clerk, and Karen Rushing, Sarasota County Clerk; and Lynn Hoshihara, Esq., Authority General Counsel. Joseph E. Smith, St. Lucie County Clerk, Vice Chair, was not in attendance. A quorum was present.

- I. Mr. Tim Smith, Chair, opened the meeting at 10:04 a.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. Tom Hall moved adoption of the agenda. Mr. Don Barbee seconded the motion. All voted to accept the agenda as presented.

Mr. Smith recognized Judge Lisa Taylor Munyon out of order to give an overview of the Florida Courts Technology Commission (FCTC) meeting. She briefly reported that one of the major issues that arose was the ability for judges to use the portal to file orders and other documents. Judge Munyon expressed desire to make sure that judge log-ins are secure.

Judge Munyon also spoke to the desire of the FCTC ePortal Subcommittee, led by Judge George Reynolds, to work with the E-Filing Authority Pro Se Subcommittee so as not to duplicate efforts.

Judge Munyon spoke to Ms. Bock's issue of wanting to refuse to take paper from attorneys. She reported that the FCTC would be taking up the issue at their October meeting and would be making a recommendation to the Authority afterwards. Ms. Bock asked that the issue be placed on the September E-Filing Authority agenda.

Judge Munyon also told the Board that the FCTC voted to put the two check boxes back on the portal page re: the confidentiality rule. Mr. Melvin Cox confirmed that it would be

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a minor change, but would require users to click a few more times and may generate a few more calls.

Mr. Hall noted that he was aware of judges who had successfully registered and were currently filing Florida Bar referee reports through the portal. He noted that receiving the reports in paper and electronically is causing confusion, so the Supreme Court was working on a process with the Florida Bar. He also shared that some judges expressed preference to signing on with the role identification as “judge,” rather than “attorney.”

On the issue of security, Mr. Hall suggested there be vigorous enforcement against anyone who tried to defraud the system and provided an anecdotal example. He urged the FCTC and E-Filing Authority Board of Directors to ask the State Attorneys to continue to enforce the law for this issue. Judge Munyon agreed and offered to speak to the State Attorneys at the next FCTC meeting. Mr. Tim Smith suggested the Authority agree and stand together with the FCTC on the issue.

Judge Munyon reiterated that she felt that there should be a separate type of verification process for judges so it is more secure than registering as an attorney.

- III. Mr. Tim Smith recognized Ms. Tara Green to present the July 2013 minutes. Hearing no suggested changes, Ms. Green moved adoption of the minutes. Mr. Hall seconded the motion. All voted favorably to accept the minutes.
- IV. Mr. Smith recognized Ms. Green to present the July 2013 financial reports. She noted that the financial statements showed a year-to-date profit of \$109,475.
- V. Mr. Smith recognized Ms. Lynn Hoshihara, Authority Attorney, to provide the board an update on the usage of excess portal fees. She reported that she hoped to bring an agreement to the September meeting. Mr. Hall reported that the Court was in agreement in principle, but wanted some specific language included in the agreement to make sure all are covered.
- VI. Progress Reports:  
Ms. Fishback reported that for the month of July there were over 851,000 filings, equaling more than 1,432,100 documents. Currently, there are more than 50,000 registered filers. The Service Desk received 8,820 new calls in July. Still, statistics show that filers are sending documents to the portal every day of the week, most hours of the day.

Criminal E-Filing: Ms. Fishback reported that 53 counties had single session criminal filing in some sort of progress. She spoke to the complexity of needing to test every connection with every system in the network, clerk/pd/state attorney. Especially, she

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noted Clerks with a criminal case maintenance system that is different that the civil system must be diligent at testing. She reminded Clerks that they should be testing single session filing, as well as batch filing.

She reviewed each county status for criminal e-filing, told the board it was well-recognized that it took a great deal of effort on everyone's part and expressed concern that not all would be complete to meet the October 1 deadline.

DCA update: Ms. Fishback reported that the 2<sup>nd</sup> DCA software was going in Friday night, along with the map and the new website homepage.

Mr. Hall reported that everything appeared to be in place for the optional DCA efile to begin August 19, 2013, as planned. He also said they were working to make the local DCA case maintenance system, EFACS, was also ready in time. He also told the board that the other DCAs, the 1<sup>st</sup>, 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup>, were on the eDCA system and didn't want to go through the portal until it was two-way, as is eDCA. He suggested that the roll-out scheduled for the other DCAs every few months may change. He said the courts would work with FCCC to come up with a revised schedule, but commented that the current end date of mid-2014 would stay the same, just vary the dates in between.

Mr. Hall also commented regarding criminal and overall readiness. He said the courts would like a comprehensive chart of clerk readiness to pair with the court readiness information shared at the meeting. He offered to coordinate the effort with staff to help each county assess their readiness so the Supreme Court could assess the "go" dates as it is felt that some clerks and courts will not be ready. He told the board that Chief Justice Polston would consider that chart as a request for an extension for both the clerks and the courts.

Mr. Tim Smith extended thanks to Chief Justice Polston for the offer. He recognized that no one wanted to be perceived as being an impediment to a delay in the October 1 deadline, but wanted to move together as partners in any delay needed. He reiterated that the portal is ready: the capacity, the infrastructure is there for criminal filings.

Ms. Bock skipped to agenda item X.a. and said this action took care of it. Mr. Barbee agreed that it took care of X.a. as well. Mr. Barbee spoke to the FLCCOC committee of which he was chair, that was undertaking a survey to document the cost of maintaining a dual system.

Mr. Hall commented that the letter heard by the Board a month or two ago from the Hon. Ken Burke, Pinellas County Clerk, had a second question: If you are electronic, are you ready to go paperless? The Chief Justice doesn't want to burden the clerk with printing or

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hamstringing judges with if they are not ready and cannot do their business, but there had to be an objective standard that both must meet. The Chief wants to solve it in civil, criminal and even at the Appellate level.

Mr. Smith agreed it was a pressing issue that needed continued discussion.

Mr. Smith asked the Board to be on notice, that between now and October 1 there may need to be a few extra meetings to deal with this issue.

Mr. Hall told the board that there needed to be a final count of those counties that are not going to be ready by the September 16 board meeting. He asked if the board could go a little longer that day. Mr. Smith asked if the task could be done ahead of time and discussed at one of the suggested interim board meetings. He asked Tom to work with Jennifer Fishback to put together the list of which judges, and go from there. Mr. Hall suggested the need for the other players to be involved as well—state attorneys and public defenders. It would not be worthwhile going live with criminal if those entities were not ready. He felt there needed to be an official commitment by the State Attorney and Public Defender groups. Mr. John Tomasino said that the elected Public Defenders recently took a position that they would be ready for the October 1 deadline. Mr. Smith asked that they still be part of the decision with the other players.

E-Service: Ms. Carolyn Weber reported that while the DCA roll-out was going in place, the e-service component would be being tested. They would be working in the test environment for a few weeks, then work toward getting it out and into production.

VI. Subcommittee reports:

Website Subcommittee: Mr. Hall described the process that the subcommittee had undertaken and reported that the new homepage would be live along with the 2<sup>nd</sup> DCA functionality. He acknowledged that there would probably need to be some tweaks, such the sign in is still not on the front page, but that would have to be done at a later time in order to get the homepage out.

Pro Se Subcommittee: Ms. Bock asked Mr. Tim Smith to reactivate the Pro Se Subcommittee and suggested it be focused toward pro se as a more complex user. She made a motion to reactivate and expand the Authority Pro Se Subcommittee to include the FCCC and the FCTC Pro Se committee members. Mr. Barbee seconded the motion. All voted favorably.

IX. New Business

- a. Sworn Documents: Mr. Barbee noted that paper will still be kept in criminal files due to the number of sworn documents required to be filed in original format. He asked, due to the confusion has heard from filers, if the Authority should work to create a list of paper documents that should be followed up? Mr. Tim Smith suggested that the

Board work with FCTC to create some standards and possible modifications to the requirements and asked Judge Munyon how to best resolve. Mr. Hall agreed that it was an issue, that the same issue has existed in federal court where they are still managing paper filed in federal cases.

Ms. Karen Rushing moved the appointment of an Authority Rules Committee. Ms. Bock seconded the motion. Mr. Tim Smith asked Mr. Barbee to chair the committee.

Mr. Bob Inzer agreed that this tied into the sworn document issue and keeping of paper and wanted to ask for expedited consideration of the issue.

Judge Munyon noted that the Rules of Judicial Administration (RJA) decides the rules. FCTC members can be on those rules committees if they are attorneys. She and Ms. Christina Blakeslee explained that the FCTC also has a rules committee that makes recommendations to the RJA. Ms. Rushing asked that as many clerk attorneys represented as possible. Ms. Bock clarified that the committee should be open to attorneys in clerk's offices. Ms. Alexandra Reiman told the Authority that rules dealing with electronic filing were going to the court as soon as possible. She encouraged input with the current chair, Judge Morgan.

All voted favorably.

Mr. Tim Smith appointed Mr. Barbee as chair, and asked him to make recommendations as to other members of the committee, looking at Authority members first, such as Ms. Bock.

#### VIII. New Business

State attorneys initiating cases through the portal:

A discussion took place regarding the wording in AOSC 13-12, paragraph 3, and the fact that it does not include an exemption for state attorneys initiating cases through the Florida Courts E-Filing Portal. There was a general discussion about this part of the order addressing local systems to continue to be used by the jails, booking agents or other local law enforcement.

Mr. Inzer commented that setting up the portal for acceptance of initial criminal case documentation would cause a great deal of programming. Mr. Cox reminded the board that the decision to not require criminal case initiation through the portal was made by the FCTC several years prior. He noted it was strictly a data element issue. Mr. Tom Morris, State Attorney's Office, Eighth Circuit, agreed that case initiation through the portal for State Attorneys would be difficult at this point.

Mr. Tim Smith asked Mr. Hall, Mr. Cox and Ms. Blakeslee to discuss the issue and make a report with suggested wording at to the September meeting on what we needed as an Authority to seek. Mr. Hall suggested that Mr. Barbee's Rules Committee for a good explanation to the Chief as to the need for amending the order, AOSC 13-12. Mr. Tim

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Smith agreed to that action. Mr. Hall expressed desire that the sentiment of what Mr. Morris said should be included in the letter from the Rules Committee to the Chief.

**Prioritization of Access to the Portal:**

Ms. Bock told the board that at the FCTC meetings there was a great deal of discussion as to what filer types should be allowed to access the portal after attorneys. She asked that the issue be referred to the Rules Committee, that the FCTC asked for a report at the October meeting. Mr. Tim Smith reminded the board that Judge Bidwill had an FCTC Committee that would be examining and prioritizing potential portal users. He expressed that any discussions held by the committee should include anything Judge Bidwill's committee could share. Further, it was noted that Judge Bidwill's committee would be reporting to the FCTC at the October meeting. Mr. Tim Smith referred to the issue to the Rules Committee.

**Reconciliation of payments through the portal:**

Mr. Hall told the board that there was still an issue matching up payments to case filings. He illustrated a situation wherein the DCA case was dismissed because the lower court was paid via the portal filing, but the corresponding check was not sent to the DCA. The attorney was in a situation of writing a check and then disputing the charge on his credit card.

**Policy issue: Should all court records be filed through the portal?**

Ms. Bock expressed no need for discussion as the topic was covered at the beginning of the meeting. Mr. Tim Smith asked that the Rules Committee review the issue. There was also mentioned that the issue would be discussed at the October FCTC meeting.

**IX. Other Business**

Mr. Inzer spoke to his letter and felt it would be best if there could be a full presentation of the portal at the September meeting. Mr. Smith mentioned an email from Hon. Chips Shore with an opposing view received the night before. (appended to the minutes) Ms. Rushing believed that balance could be found on the issue of standardization. Mr. Smith asked that those who wished to be on a Standardization Committee to email Beth Allman. Ms. Rushing said if there was going to be a committee to review standardization, she would volunteer to be part of it.

Mr. Hall told the Authority that he discussed the issue with the Chief Justice. The Chief Justice wants uniformity and consistency and wants to make it easy for attorneys. He further told the board that Chief Justice Polston directed him to tell the board that if the board adopted the "simple" e-file approach, he would oppose it. He wishes to find some middle ground.

Ms. Rushing suggested that, given the level of review, there should be attorneys from Clerk's offices on the group, as it needed review by those who knew the rules and other legal requirements. Mr. Shore asked that his and his attorney's name be put on the committee.

Mr. Tim Smith agreed that the Chief Justice's desire is clear. He also recalls hearing Clerks asking to make it simple for the filers. He expressed that he would like to end up with "full e-filing lite." He asked Mr. Hall to express to the Chief Justice that there will not be any ultimate decisions until he, as chairman, lets the Chief Justice know in what direction the Authority is going.

**Public Comment:**

Seeing no questions, Mr. Tim Smith recognized the Clerks of the large counties for their efforts in civil e-filing.

**b. Adjourn**

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

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**Shore8/14/13 sent at 4: 15 p.m.**

**MEMBER REQUEST: Message from Manatee Clerk Chips**

**Dear Court Clerks & Comptrollers:**

*The following is a message from Hon. R.B. "Chips" Shore (Manatee) that he requested be sent to all members:*

Fellow Clerks - Please review the attached document that I have provided discussing the reasons that Manatee abandoned a "long form" e-filing process in favor of simple e-filing and the risks I see in not re-thinking our implementation of the portal. There are several upcoming meetings in which consistency in the e-filing process will be discussed that you should be involved in. Additionally, the FCCC will be doing a demo of both simple e-filing and regular e-filing at a future date to be determined. Clerks and their staff should participate in this demo so that some consensus can be reached. Please feel free to contact my IT Director, Carole Pettijohn, directly at 941-742-5851 or me if you have any questions about the attached document or wish to discuss this issue further.

Thanks-  
Chips

Chips Shore  
Manatee County Clerk of Circuit Court and Comptroller

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Florida has a very broad Public Records Law. This agency is a public entity and is subject to Chapter 119 of the Florida Statutes, concerning public records. E-mail communications are covered under such laws & therefore e-mail sent or received on this entity's computer system, including your e-mail address, may be disclosed to the public or media upon request.

### **Uniformity in E-Filing**

In his address to the Clerks Association at the Summer Conference Justice Polston stressed the need for uniformity in e-filing. He said that uniformity is essential to compliance by the legal community. It is also essential to the integrity and accuracy of the official court case file of which the Clerk is the custodian.

In the paper world we had uniformity. The attorney, attorney staff or a courier brought the document(s) to be filed to the Clerk's office and handed it to the Clerk for filing. The Clerk accepted the filing, processed the correct fee required and entered the filing into their respective case/document systems. As the State has moved into the electronic world we have lost the simplicity and uniformity of the paper process and instead have created a process that is complicated and fraught with errors. It has increased the difficulty of filing on the part of attorneys and therefore increased the number of support calls and frustration with the implementation of e-filing.

Manatee County has a decade of experience with e-filing. Initially we attempted e-filing with a system very similar to the system used by most counties through the statewide portal. Attorneys were required to enter any number of fields prior to e-filing their document. Our experience is that clerks were correcting errors in over 60% of the electronic filings and that the Quality Assurance (QA) of all of the electronic attorney entries took longer than having an experienced intake clerk handle the filing when it

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was a paper process. This prompted Clerk Shore to envision simple e-filing or our “one button e-filing” process that we have used for the past six years. When we changed from “long form” e-filing to simple e-filing our e-filing transactions went from approximately 12% of filings to approximately 55% of filings that were e-filed. This was prior to mandatory e-filing and saved the Clerk from having to scan paper filings and QA the long form e-filings. Our productivity and accuracy increased exponentially.

By attempting to create a uniform e-filing process complete with document descriptions and docket codes, we are by default creating a level of complexity in the process in several ways:

- The Clerks use many different systems with different parameters, docket codes and descriptions. The paper process accommodated each Clerk having autonomy. Having to agree on common codes, etc. has been an ongoing effort that has not been very successful. The effort needed to come up with a common set is not something to be quickly accomplished. Additionally, the level of effort to create and maintain document types and docket codes by Clerk staff should also be considered.
- Once a common set has been defined, if other docket codes are needed, how is that going to be decided? If a County needs to add a code based on a local administrative order, will that have to be staffed with all 67 counties before the County can add a code to their list? If Clerks can add local docket codes, you have defeated the uniformity aspect.
- If the Clerk decides to process the paperwork as entered by the filer without QA or correction, we are abdicating our role as custodian of the official court record and diminishing the integrity of the court case file. Anecdotally, we have been told by a number of Clerks that their staff is making corrections to the filer selections on 50-80% of their recent filings. So the Clerk has to validate 100% of the entries to correct over half of them or risk having errors in a majority of their filings. If you have to take the time to validate filer entries we may as well do it right the first time and save the filer the effort.
- According to current procedure, if the attorney gets any of the selected fields wrong in the filing, the filing is pended and the attorney has to resubmit a corrected filing in order to be accepted which affects the timeliness and the level of effort required by the filer.
- As more circuits use various bench applications, standard document descriptions will make it increasingly difficult for Judges to quickly find specific documents unless the Clerk takes the time to modify the document description, which defeats the purpose of the clerks not having to enter data. The Judges want to be able to review the document descriptions on the bench application docket and determine which motion, order, etc., is the document that they want to review without having to perform a word search or opening each document until they find the correct one. In the middle of a court proceeding this additional time creates downtime on heavy court dockets.

Chapter 28.211, Florida Statute - Clerk to Keep Docket states *“the Clerk of the Circuit Court shall keep a progress docket in which he or she shall note the filing of each pleading, motion, or other paper and any step taken by him or her in connection with each action, appeal, or other proceeding before the court.*

*The Clerk may keep separate progress dockets for civil and criminal matters. The Clerk shall keep an alphabetical index, direct and inverse, for the docket.”* With the current long form e-filing, the filer becomes the de facto docketer with the Clerk merely validating the filer selections. If the Clerk relinquishes the docketing function, it is only a matter of time before we are asked to also relinquish or reallocate budget (especially to State Attorney and Public Defender offices). The average time it takes to complete a new case filing is approximately 10-15 minutes which increases their workload substantially. In Manatee we have always viewed this as the Clerk’s responsibility and have made the effort to making filing as easy as possible for the filer.

If we truly want uniformity and the Clerks to maintain their autonomy, we would imitate the paper world and move to simple e-filing across the board. We could be uniform immediately and work on making certain aspects of the current implementation of simple e-filing work even better for Clerks. It is in our interest to incentivize e-filing as it saves the Clerk time and money. If we make it easy for filers (attorney and non-attorney alike), it will benefit the interests of the Clerks and the Court over the long term. Our staff have far more competence in determining what is required by our systems than filers. Before we progress much farther down the path to a “paperless” process, we think it is advisable to reconsider our current implementation and err on the side of filer simplicity.

# Florida Courts



## E-Filing Authority

**TIM SMITH**  
**CHAIR**

Clerk, Putnam County

**JOSEPH E. SMITH**  
**VICE CHAIR**

Clerk, St. Lucie County  
District V

**TARA GREEN**  
**SECRETARY/TREASURER**

Clerk, Clay County  
District III

**THOMAS D. HALL**

Clerk of the Court  
Florida Supreme Court

**ALEX ALFORD**

Clerk, Walton County  
District I

**BOB INZER**

Clerk, Leon County  
District II

**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](http://www.flclerks.com/eFiling_authority.html)

## AGENDA

### Florida Courts E-Filing Authority

July 18, 2013 10:00 a.m. – 12:00 p.m.  
Renaissance Orlando Airport Hotel  
5445 Forbes Place  
Orlando, FL 32812

- |                                                  |                     |
|--------------------------------------------------|---------------------|
| <b>I. Introduction &amp; Roll Call</b>           | Tim Smith           |
| <b>II. Adoption of the Agenda</b>                | Tim Smith           |
| <b>III. Reading and Approval of June Minutes</b> | Tara Green          |
| <b>IV. Finance Report</b>                        |                     |
| Monthly Finance Report                           | Tara Green          |
| General Counsel Report                           | Lynn Hoshihara, Esq |
| <b>V. Progress Reports</b>                       |                     |
| Update on ePortal Implementation                 | Jennifer Fishback   |
| Civil Update                                     |                     |
| Criminal Update                                  |                     |
| Supreme Court E-Filing                           | Tom Hall            |
| E-Service                                        | Carolyn Weber       |
| <b>VI. Subcommittee Reports</b>                  |                     |
| Website Subcommittee                             | Tom Hall            |
| <b>VII. Florida Courts Technology Commission</b> |                     |
| <b>VIII. New Business</b>                        |                     |
| Clerk and Court Readiness                        | Tim Smith           |
| Appellate Fee Collection—Notices of Appeal       | Tom Hall            |
| <b>IX. Other Business</b>                        |                     |
| Standardization                                  | Tim Smith           |
| <b>Public Comment</b>                            |                     |
| <b>X. Adjourn</b>                                |                     |



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

Florida Courts E-Filing Authority Board of Directors met on July 18, 2013, at 10:00 a.m. at the Renaissance Airport Hotel, Orlando, Florida. The following members were present: Tim Smith, Putnam County Clerk, Chair; Tara Green, Clay County Clerk, Secretary/Treasurer; Tom Hall, Clerk, Supreme Court; Bob Inzer, Leon County Clerk; Sharon Bock, Esq., Palm Beach County Clerk; Alex Alford, Walton County Clerk, and Karen Rushing, Sarasota County Clerk, by WebEx; and Lynn Hoshihara, Esq., Authority General Counsel. Joseph E. Smith, St. Lucie County Clerk, Vice Chair, was not able to attend.

- I. Mr. Tim Smith, Chair, opened the meeting at 10:02 a.m. He welcomed those on the WebEx and those in the room. He recognized new members Tara Green and Alex Alford. He also recognized as a special guest John Tomasino, who will be taking Hon. Tom Hall's place as Clerk of the Supreme Court in November. A roll call showed a quorum was present.
- II. Mr. Smith asked for a motion to adopt the agenda. Mr. Bob Inzer moved adoption of the agenda. Ms. Sharon Bock, Esq., seconded the motion. All voted to accept the agenda as presented.
- III. Mr. Smith recognized Ms. Green to present the June 2013 minutes. Mr. Bob Inzer moved adoption of the minutes. Ms. Bock seconded the motion. A discussion ensued as to what was adopted in regard to the best practice document. Mr. Randy Long, Florida Clerks and Comptrollers staff was asked to clarify the issue. Ms. Bock asked that the month of the pro se implementation be changed to October. All voted favorably to accept the minutes.
- IV. Mr. Smith recognized Ms. Green to present the June 2013 financial reports. She noted that the financial statements showed a year-to-date profit of \$450,393. She explained that the reports showed that banking and chargeback fees, legal expenses and audit fees had all increased after April 1 and that was to be expected as business increased.

Ms. Green made a motion that the board approve the payment of legal fees, and banking and chargeback expenses and modify the 2012-2013 budget accordingly to reflect the

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increase for the year. Mr. Don Barbee seconded the motion. There was no discussion and all voted favorably on the motion.

#### General Counsel's Report

Ms. Lynn Hoshihara reviewed her discussions on expanding the service desk, and other portal and Authority business needs with Mr. Baggett and the Supreme Court to work on legal uses of the fee revenue. She suggested that more time was needed to finalize the discussions. Mr. Tim Smith suggested Monday, July 29, 2013, to reconvene the board on this issue.

#### 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 770,271 filings for the month of June, and there were over 48,000 registered users. She showed a graph noting that filings come in every day, at all hours of the day or night. The calls to the Service Desk had dropped in the month of June to about 450 calls a day, 8,083 for the month. She reported anticipating a spike with each unique user type that began using the portal.

For criminal e-filing, she reported that 47 counties had mapped the codes and presented a county-by-county status. She spoke to the steps and timeframes needed to go live in criminal in a reasonable manner, and be on time for October 1.

Mr. Smith asked if it was known already if any counties would not make the October 1 deadline and be coming to the board or to the Supreme Court to ask for a waiver. Ms. Fishback suggested Hillsborough County was undergoing a case maintenance system conversion and has said they may have a hard time meeting the date.

Ms. Karen Rushing asked if Orange County had adopted the best practices as adopted by the Authority? Ms. Fishback confirmed that Orange County had done so. Mr. Inzer asked if any county had agreed not to use the standard criminal docket descriptions? Ms. Fishback told the board that Miami-Dade and Manatee counties have declined to use them, and she had not heard from Sarasota County. She told the board that the portal can take the standard docket descriptions and the county can map them to where they need to—they can map all to one place if the county still wants to do local review. Mr. Laird Lile was recognized. He asked if he would see a different set of drop-downs in Miami-Dade. The answer was yes. He noted that this seemed to be counter to the direction of the Authority—statewide standardization. A discussion about the issues and complexity found in Miami-Dade ensued. Mr. Tom Hall agreed that the Chief Justice wants consistency. Mr. Tim Smith commended both Dade and Orange counties for the work they have done to adopting e-filing. He recognized that all counties had differences and that would play into the discussion the board would have on simple versus full e-filing.

Ms. Fishback reviewed the state attorney and public defender progress on the batch interface project for criminal e-filing. Mr. Tim Smith stated that all counties should be preparing for criminal e-filing.

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Standardization was again discussed. Mr. Hall noted the national effort to develop standard codes for criminal appeals, to allow for the national comparison of cases. He also noted that it is recognized that the trial courts are not standardized from state to state. While it may not impact anything now, it may be necessary to adopt national standardization at a later point. Mr. Inzer agreed and expressed that the Authority should be a leader on the issue. Mr. Tim Smith confirmed that standardized reporting codes is the term to which Mr. Inzer referred. He commented that this term is important. He noted that everyone agrees to this, but that the standardization of reporting codes is what is important to the courts.

Ms. Fishback said that the appellate e-filing was going well and on track. She spoke to the successful portal upgrade over the weekend. She informed the board that the aspect of having users clear their caches would be addressed the next time an upgrade was implemented.

Mr. Hall reported that the appellate courts on the eDCA would like to wait so they don't lose functionality. He expects some to request a delayed implementation date.

As for the Supreme Court e-Filing, Mr. Hall reported that their call volumes were down. He said they were still dealing with documents sent when the filer did not know the case number, but that was being worked out. He felt it was going well overall.

E-Service: Ms. Carolyn Weber reported that they were about 80% complete. The project was not in the q/a environment yet, due to the 2<sup>nd</sup> DCA coming first. However, she noted that the project was on track and was still looking at a late summer roll-out.

VI. Subcommittee reports:

Website Subcommittee: Mr. Hall reported that there was continued work to merge the two sites—the Authority site and the portal site. The committee had reviewed the new site to make sure it was user-friendly and it was still on track for an August implementation date.

VII. Florida Courts Technology Commission

Ms. Christina Blakeslee reported that a criminal readiness survey was in process for assessing the court's readiness and judge viewers. The courts have some seed money in the mortgage foreclosure funding that may be able help with overall court technology. She hoped to provide more detail at the FCTC meeting in Tampa, August 2.

VIII. New Business

a. Clerk and Court readiness

Mr. Tim Smith addressed the letter from Mr. Ken Burke, Pinellas County Clerk. Mr. Tom Hall shared a document, Report on Foreclosures, that showed where each circuit was in regard to judge viewer system implementation. He noted the differences between the systems and wherein some the viewer can make notes and the like on the

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electronic document, similar to paper, then others wherein the viewer can only view the document.

Mr. Inzer remarked that it will be hard to do away with paper and spoke to the cost of printing. He asked if there was a structured process to do away with paper files? Ms. Blakeslee responded that in the survey they will be looking at each circuit's plan for what they are doing. Ms. Sharon Bock asked if, in the readiness survey, was the Court asking about the judicial viewer and if each court was ready to go paperless? Ms. Blakeslee offered to check. She explained the survey would be sent to the Court Technology Officers and the Trial Court Administrators in each circuit to review each county in the circuit

Ms. Bock asked if the court had looked into using the local \$2 money for any court funding for criminal? Ms. Blakeslee responded that it is a county decision, but the TCBC is looking into suggesting legislative change to that language to see if the courts can be helped more. Mr. Smith offered assistance for the E-Filing Authority if needed.

A discussion took place on when to print paper and if there was any consistency.

b. Appellate Fee Collection

Mr. Hall reviewed his memo about the collection of appellate fees and the issues surrounding the transferring the money from the trial court to the appellate courts.

Mr. Melvin Cox mentioned that the association technical staff was aware of the issue and was working with Mr. Hall. He offered to look into the issue further and report back to the board at the next meeting.

IX. Other Business  
Standardization

Mr. Smith provided a recap of the issue and remarked that he felt the Best Practice document approved by the board in May spoke to this issue. He noted that the documents were adopted but not mandated. He remarked that Clerks have to make a decision that is best for their county. He also commented that many Clerks were at the June Annual meeting and spoke against "full" e-filing. He recognized Ms. Rushing to share her view.

Ms. Rushing said she supported the standardized position and believed that the Chief Justice does, too. She felt that Clerks have tried to embrace the single portal/single state court system approach. She spoke to two options: 1) standard docket descriptions and 2) simple e-file. She questioned whether the second option was really a standard. She felt the biggest challenge was what were the docket descriptions that should be adopted. She agreed that the best practice documents were adopted but not mandated.

A discussion took place with board members expressing their opinions as whether the standard drop-down choices were more helpful or if "simple" e-filing, or "simple e-filing with fees" worked better for their county. Mr. Hall shared with the board that the Chief Justice had expressed the desire to standardization, but he had not been asked if he

opposed the “simple” e-file approach. He shared that the appellate courts did adopt a standard set of drop-downs.

Ms. Laura Roth, Volusia County, noted that it made no sense to reject simple e-file and adopt a complex system. She suggested to perhaps use a shorter, basic list and then allow Clerks to choose more specifics that fit their local needs for their systems and judiciary.

Ms. Angel Colonnese, Esq., Manatee County, expressed concern about the Clerk being the docketer, as required by law, s. 28.211, F.S., if the attorney got to make all the docketing choices. Mr. Inzer disagreed that allowing an attorney to make choice would diminish the role of the Clerk.

Mr. Inzer said that the board ought to agree that a selection made in any county should be the same. In any county, they can provide more granularity, but as it relates to filers, it should be the same. Mr. Inzer stated this as a motion: As an Authority, we believe any filer in any county should see the same choices and selections on the portal, then Clerks can add granularity at the local level.

Mr. Hall seconded the motion. Mr. Barbee asked the purpose of the motion. And what would be used to standardize. Mr. Hall clarified that he was prepared to vote for the motion, but not on what the standard would be. He felt there should be a report on the issue.

Mr. Cox reminded the board that the portal was going to be changing soon. No longer would the filer access the same screen to begin a filing, but would choose the county from a map, thus changing the navigational approach for the filer. He offered to make sure that filers would be made aware of the change by posting a preview website, put it in the Bar News.

Mr. Jeff Stanford, Hillsborough County Clerk’s Office, from the audience, was recognized to speak. He commented that many Clerks used third-party vendors and that requiring the current drop-downs to change, and the resulting mapping, would impose a cost to the Clerk’s offices.

Hon. Kelly Connell, Union County Clerk, asked if the motion was to do away with simple e-file. Mr. Tim Smith answered that it was not, but it was to support standardization.

Hon. Mitzi McGavic sent an email that was read into the record wherein she expressed concerns and, while she supported standardization, she write that she was an advocate for simple e-file for civil. She wrote that she would rather assign the document types and sub-types herself than clean up what was selected by the filer. She asked the board not to take away the option for simple e-file until all the issues are resolved and all the users are using it successfully.

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Ms. Lori Tolksdorf, Manatee County Clerk's Office, she expressed that the filers in Manatee liked the simple e-file approach. She asked Mr. Inzer what he meant by standardization? He responded by saying that he felt the board ought to come up with one process, so when the filer was at the site, they saw the same thing—whether it is simple/simple with fees or full with drop-downs.

Mr. Hall commented that simple e-file was virtually email. But he acknowledged that deciding what standardization is would take a long time.

Mr. Harold Samples, Pasco Clerk's Office, spoke to Manatee County having a system that makes it easier to review and clean up submissions.

Mr. Cox clarified that the portal does allow the Clerk reviewer to docket the filings and select what descriptions are needed.

Ms. Green asked if the board had looked at the level of complexity that was needed to use the portal, at each level, filer level and clerk level? Mr. Inzer clarified that the board was only addressing the portal level.

Mr. Tim Smith called the question. He said, "The motion is, in essence, 'do we support standardization at the portal level for the filer.'" He continued by stating that if he supported this motion, he would support less complexity to the filer but recognize there would be some value to having 3-4 drop downs for the filer to get it to the system.

Randy Long asked if the board wanted the best practice workgroup to do further work and address the civil docket descriptions. Mr. Tim Smith said they may be useful for local systems. Mr. Hall said it would be valuable. Mr. Cox asked if this required changes to the portal at this point? The answer was no, it did not.

All were in favor of the motion. The motion carried.

Mr. Cox again recommended a WebEx workshop to show the board what the filer saw when entering the site and making filing selections. Mr. Inzer agreed and asked that be made a motion. Ms. Bock seconded the motion. All were in favor.

Mr. Hall spoke to the electronic record on appeal. He said that 44 of the 67 counties and 6 of the 10 vendors responded to the invitation to the meeting on the issue. The Supreme Court entered an order moving the e-record standard to June 2014. The order should be entered to make the eDCA standard the same across all appellate courts.

Mr. Inzer asked if there was another release for the portal soon, if the board could see what it would entail.

Public Comment:

No public comments were made.

Mr. Tim Smith confirmed that the meeting to discuss the fees was to be held at July 29, 2013 at 2 p.m.

X. Adjourn

The meeting of the board was recessed at 12:38 p.m. to reconvene July 29, 2013, at 2:00 p.m. EST.

# TAB 6

**Approved 2013 – 2014 Authority  
Annual Budget**

## Florida Courts E-Filing Budget

### Estimated Annual 2013-2014 Budget

Other: Carry Forward Estimated from balance sheet	\$	210,000
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#### Revenues

Interest	\$	30
Statutory Convenience Fees	\$	3,393,546
In Kind FACC Contribution	\$	1,312,272
Partner Support	\$	20,000
	\$	4,935,848

#### Expenses

Salaries and Wages	\$	-
Other Personal Services	\$	-
Contractual Services	\$	-
FCCC Contract SOW	\$	1,312,272
Expansion Expense Beyond SOW	\$	447,000
Additional Education and Service Desk	\$	1,139,377
Audit	\$	30,000
Legal	\$	15,000
Insurance	\$	500
Convenience Fee Charges		
Credit Card Fees	\$	1,565,310
ACH Fees	\$	55,882
Bank Fees	\$	78,000
Payment Controls, PCI Compliance	\$	18,000
Banking and Chargeback Review	\$	193,282
	\$	4,854,624

Balance	\$	81,224
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**TAB 7**

# **2014 Financial and SSAE 16 Audits**

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



**Financial Statements  
June 30, 2014 and 2013**

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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, 2014 and 2013, 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, 2014 and 2013, 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***

***Required Supplementary Information***

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 16, 2014 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.

*Lanigan + Associate, P.C.*

Tallahassee, Florida  
October 16, 2014

# **Florida Courts E-Filing Authority**

## **Management's Discussion and Analysis**

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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, 2014.

### **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 with court system standards and rules.

### **Financial Highlights**

- As of June 30, 2014, assets of the Authority exceed its liabilities by \$604,876.
- Service fee revenue increased \$3,102,747 or 312% when compared to the prior fiscal year. The expansion can be attributed to a full year of mandatory civil case filings. In the prior year, civil filings were only mandatory for the last three months of the fiscal year.
- Operating expenses increased \$3,365,146 or 596% when compared to the prior fiscal year. There was a rise in merchant fees which is connected to the increase in cases filed through the portal. In addition, the Authority began reimbursing the Association for certain costs associated with operating the portal. This was performed in accordance with the agreement between the Authority and the Association.

## **Financial Highlights (Continued)**

- The Association contributes services for operating cost beyond what is reimbursed from the Authority. For the years ended June 30, 2014 and 2013, the contributed services were \$1,009,327 and \$1,467,764, 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 Position* 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, changes in the Authority's net position serves 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 Position*. 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 Position* and the *Statement of Revenues, Expenses, and Changes in Net Position* 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 position of the Authority and the changes in them.

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

**Financial Analysis of the Authority as a Whole  
(Continued)**

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

<b>Statement of Financial Position</b>			
	<b>2014</b>	<b>2013</b>	<b>Change</b>
<b>Assets:</b>			
Non-Capital Assets	\$ 2,196,618	\$ 754,535	\$ 1,442,083
<b>Liabilities:</b>			
Current Liabilities	1,591,742	318,307	1,273,435
<b>Net Position:</b>			
Unrestricted	\$ 604,876	\$ 436,228	\$ 168,648

As of June 30, 2014, the vast majority of the Authority's assets were comprised of \$1,845,565 in cash and \$345,176 in accounts receivable. Liabilities represent accrued expenses and accounts payable at year end. The Authority did not have any long-term obligations with creditors.

For the year ended June 30, 2014, the Authority's total revenue exceeded its operating expenses by \$168,648.

<b>Changes in Net Position</b>			
	<b>2014</b>	<b>2013</b>	<b>Change</b>
<b>Revenues:</b>			
Service Fees	\$ 4,098,067	\$ 995,320	\$ 3,102,747
Contributions	-	20,000	(20,000)
Interest	700	46	654
Total Revenue	4,098,767	1,015,366	3,083,401
Operating Expenses	3,930,119	564,973	3,365,146
Increase in Net Position	168,648	450,393	(281,745)
Net Position at Beginning of Period	436,228	(14,165)	450,393
Net Position at End of Period	\$ 604,876	\$ 436,228	\$ 168,648

## **Current Economic Factors and Assessment of Growth**

Florida Supreme Court Opinion 11-399 required that attorneys e-file documents in criminal cases and civil cases filed in probate, family, circuit and county civil. The Florida Courts-Filing Authority expects continued growth and is considering adding more non-attorney users to the e-filing system.

## **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 POSITION**  
**AS OF JUNE 30, 2014 AND JUNE 30, 2013**

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	<u>2014</u>	<u>2013</u>
<b>Assets</b>		
Current Assets:		
Cash	\$ 1,845,565	\$ 414,594
Accounts Receivable	345,176	339,580
Prepaid Insurance	<u>5,877</u>	<u>361</u>
Total Assets	<u>2,196,618</u>	<u>754,535</u>
<b>Liabilities</b>		
Current Liabilities:		
Accounts Payable	<u>1,591,742</u>	<u>318,307</u>
<b>Net Position</b>		
Unrestricted	<u><u>\$ 604,876</u></u>	<u><u>\$ 436,228</u></u>

**FLORIDA COURTS E-FILING AUTHORITY**  
**STATEMENTS OF REVENUES, EXPENSES, AND CHANGES IN FUND NET POSITION**  
**FOR THE YEARS ENDED JUNE 30, 2014 AND 2013**

	2014	2013
<b>Operating Revenues</b>		
Service Fees	\$ 4,098,067	\$ 995,320
<b>Expenses</b>		
Audit Services	30,000	30,000
Accounting and Bank Services	221,837	-
Bank Fees	63,841	740
Contract Services	1,346,561	85,373
Insurance	488	807
Legal	34,233	24,638
Merchant Fees	2,233,159	423,415
Total Operating Expenses	3,930,119	564,973
Total Operating Income	167,948	430,347
<b>Nonoperating Revenues</b>		
Interest Income	700	46
Capital Contributions	-	20,000
Total Nonoperating Revenues	700	20,046
Increase in Net Position	168,648	450,393
Net Position at Beginning of Period	436,228	(14,165)
<b>Net Position at End of Period</b>	<b>\$ 604,876</b>	<b>\$ 436,228</b>

**FLORIDA COURTS E-FILING AUTHORITY**  
**STATEMENTS OF CASH FLOWS**  
**FOR THE YEARS ENDED JUNE 30, 2014 AND 2013**

	2014	2013
<b>Cash Flows from Operating Activities</b>		
Cash Received from Service Fees	\$ 4,092,471	\$ 657,414
Cash Payments to Suppliers for Goods and Services	(2,662,200)	(276,584)
Net Cash Provided By Operating Activities	1,430,271	380,830
<b>Cash Flows from Capital and Related Financing Activities</b>		
Capital Contributions	-	20,000
<b>Cash Flows from Investing Activities</b>		
Interest on Deposits	700	46
Net Increase in Cash	1,430,971	400,876
Cash at Beginning of Period	414,594	13,718
<b>Cash at End of Period</b>	<b>\$ 1,845,565</b>	<b>\$ 414,594</b>
<b>Reconciliation of Net Income to Net Cash</b>		
<b>Provided By Operating Activities:</b>		
Operating Income	167,948	430,347
Adjustments to Reconcile Operating Income to Net Cash		
Net Cash Provided by (Used in) Operating Activities		
Change In Assets and Liabilities:		
Accounts Receivable	(5,596)	(337,906)
Prepaid Expenses	(5,516)	374
Accounts Payable and Accrued Expenses	1,273,435	288,015
<b>Net Cash Provided By Operating Activities</b>	<b>\$ 1,430,271</b>	<b>\$ 380,830</b>

# FLORIDA COURTS E-FILING AUTHORITY

## NOTES TO THE FINANCIAL STATEMENTS

JUNE 30, 2014 AND 2013

### 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 Governmental Accounting Standards Board (GASB) Statement No. 39 *Determining Whether Certain Organizations Are Component Units*. This Statement amends GASB Statement 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 GASB Statement No. 39, *Determining Whether Certain Organizations Are Component Units*.

***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 generally result from providing electronic filing of court documents in the State of Florida. Operating revenues consist of statutory filing fees. Statutory filing fees are recognized as revenue once the transaction is completed. 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.

<b>NOTE 2: <i>Summary of Significant Accounting Policies (Continued)</i></b>
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### ***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, 2014 on June 10, 2013.

### ***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 Position***

Net position represents 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 position as follows:

- **Net Investment in Capital Assets**—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 position is 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**—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: *Summary of Significant Accounting Policies (Continued)***

***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 16, 2014 which is the date the financial statements were available to be issued. As of this date, no material subsequent events were noted.

**NOTE 3: *Contributed E-Filing Portal and Services***

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.

The Association contributes services for operating cost beyond what is reimbursed from the Authority. For the years ended June 30, 2014 and 2013, the contributed services were \$1,009,327 and \$1,467,764, respectively.

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

**NOTE 4: *Concentrations***

The Authority derives substantially all of its revenue from statutory filing fees related to electronic filing. A reduction, or change, in statutory filing requirements or fees could have an adverse effect on the Authority.

## 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, 2014, 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 16, 2014.

**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.

*Lanigan & Associates, P.C.*

Tallahassee, Florida  
October 16, 2014

SERVICE ORGANIZATION CONTROL REPORT  
(SSAE No. 16)  
FOR

**FLORIDA COURTS E-FILING PORTAL**

*Florida Courts*



*E-Filing Authority*

For the period July 1, 2013 through June 30, 2014

**LANIGAN & ASSOCIATES, PC**

CERTIFIED PUBLIC ACCOUNTANTS

THOMASVILLE, GA

TALLAHASSEE, FL

ATLANTA, GA

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**SECTION I**  
**INDEPENDENT SERVICE AUDITORS' REPORT**

## 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, 2013 to June 30, 2014 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, 2013 to June 30, 2014.

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, 2013 to June 30, 2014.
- 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, 2013 to June 30, 2014.
- 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, 2013 to June 30, 2014.

### ***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, 2013 to June 30, 2014, 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 16, 2014

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

## **FLORIDA COURTS E-FILING AUTHORITY'S ASSERTION**

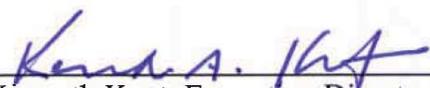
We have prepared the description of the Florida Courts E-Filing Portal for user entities of the portal during some or all of the period July 1, 2013 to June 30, 2014, and their user auditors who have a sufficient understanding to consider it, along with other information, including information about 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, 2013 to June 30, 2014, 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, 2013 to June 30, 2014, 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 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 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 2014, a majority of the counties were filing court records through the statewide portal.

Florida Supreme Court Opinion 11-399 required that attorneys e-file documents in criminal cases and civil cases filed in probate, family, circuit and county civil. The Florida Courts-Filing Authority expects continued growth and is considering adding more non-attorney users to the e-filing system.

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](http://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**

<b>SECTION III. ORGANIZATIONAL AND ADMINSTRATIVE CONTROLS</b>		
<b>CONTROL OBJECTIVE 1:</b> 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"> <li>A. Annual financial statement audits</li> <li>B. Annual technical security review</li> <li>C. Quarterly technical security review with respect to internet security</li> <li>D. Annual SSAE No. 16 Type II Engagement.</li> </ul>	<ol style="list-style-type: none"> <li>1. Inspected reports and correspondence from each audit/review.</li> <li>2. Interviewed FACC management about their policies for maintaining appropriate control consciousness.</li> </ol>	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"> <li>1. Interviewed FACC management about routine meetings that occur related to the portal.</li> <li>2. Inspected documents from meetings (correspondence, agendas, minutes, etc).</li> </ol>	No relevant exceptions noted.
<p>FACC management provides oversight for system security.</p>	<ol style="list-style-type: none"> <li>1. Inquired to management about system security.</li> <li>2. Inspected most recent Security Consulting Report.</li> </ol>	No relevant exceptions noted.
<p>Written position descriptions are maintained by the FACC. These are periodically updated.</p>	<ol style="list-style-type: none"> <li>1. Inspected job descriptions for all employees involved with the portal activities.</li> <li>2. Interviewed employees to verify accuracy of documents.</li> </ol>	No relevant exceptions noted.

<b>SECTION III. ORGANIZATIONAL AND ADMINSTRATIVE CONTROLS</b>		
<b>CONTROL OBJECTIVE 1:</b> 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"> <li>1. Inquired to management that signed contracts are on file for each Clerk participating in E-Filing Portal services.</li> <li>2. Inspected the E-Filing Authority Interlocal Agreement.</li> <li>3. Inspected a sample of E-Filing Portal contracts to verify the contract is complete and signed by the respective Clerks.</li> </ol>	<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"> <li>1. Interviewed FACC management on policy for hiring practices.</li> <li>2. Reviewed background and technical experience information in employee's personnel file (i.e. work experience, education, certifications, etc).</li> <li>3. Interviewed staff to verify their background and technical experience.</li> </ol>	<p>No relevant exceptions noted.</p>

<b>SECTION III. TRANSACTION PROCESSING AND RECONCILIATION</b>		
<b>CONTROL OBJECTIVE 2:</b> Transactions that are processed through the E-Filing Portal system are authorized, processed, and recorded completely, accurately and timely.		
<b>Description of Controls</b>	<b>Test of Controls</b>	<b>Test Results</b>
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"> <li>1. Inquired to Management that portal bank reconciliations are performed in a timely manner.</li> <li>2. Verified reconciling items were properly documented and the FACC provided reasonable explanations as to the nature of the reconciling items.</li> <li>3. Verified source documents existed and were available for all amounts on the bank reconciliations.</li> <li>4. Verified the mathematical accuracy of the bank reconciliations selected.</li> <li>5. Requested the most recent bank reconciliation to verify it was completed timely (within 30 days of month end).</li> <li>6. Inspected a sample of bank reconciliations to verify the required review and approvals were performed and documented.</li> </ol>	No relevant exceptions noted.

<b>SECTION III. TRANSACTION PROCESSING AND RECONCILIATION</b>		
<b>CONTROL OBJECTIVE 2:</b> Transactions that are processed through the E-Filing Portal system are authorized, processed, and recorded completely, accurately and timely.		
<b>Description of Controls</b>	<b>Test of Controls</b>	<b>Test Results</b>
<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"> <li>1. Interviewed management on the methodology in place to uniquely identify portal transactions. Verified transactions are sequentially numbered.</li> <li>2. Inquired to management to verify order numbers are established at the point a user attempts a transaction.</li> <li>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.</li> </ol>	<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"> <li>1. Interviewed FACC Management and staff to verify Clerks have 24/7 access to E-Filing Portal systems for relevant financial information.</li> <li>2. Reviewed FACC training guide/procedure manuals to verify that guidance is available to clerks.</li> <li>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.</li> </ol>	<p>No relevant exceptions noted.</p>

<b>SECTION III. TRANSACTION PROCESSING AND RECONCILIATION</b>		
<b>CONTROL OBJECTIVE 2:</b> Transactions that are processed through the E-Filing Portal system are authorized, processed, and recorded completely, accurately and timely.		
<b>Description of Controls</b>	<b>Test of Controls</b>	<b>Test Results</b>
<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"> <li>1. Interviewed the FACC Management to verify this is performed.</li> <li>2. Inspected reports generated from the system. Verified the accuracy and completeness of the reports.</li> <li>3. Traced selected receipt/disbursement transactions from the portal database through to the accounting system and bank statements.</li> <li>4. Reviewed reconciliation procedures. Verified the consistency with actual procedures observed.</li> </ol>	<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"> <li>• All Checks are logged by the mail clerk.</li> <li>• Once checks are scanned and deposited, a report is produced that acts as a deposit slip. This is reconciled with the bank.</li> </ul>	<ol style="list-style-type: none"> <li>1. Inquired to FACC Banking Administrator to gain understanding and verify this process occurs on a daily basis.</li> <li>2. Reviewed procedures for scanning of the checks.</li> <li>3. Inspected sample mail logs and deposit documentation.</li> </ol>	<p>No relevant exceptions noted.</p>

<b>SECTION III. TRANSACTION PROCESSING AND RECONCILIATION</b>		
<b>CONTROL OBJECTIVE 2:</b> Transactions that are processed through the E-Filing Portal system are authorized, processed, and recorded completely, accurately and timely.		
<b>Description of Controls</b>	<b>Test of Controls</b>	<b>Test Results</b>
<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"> <li>1. Interviewed the Banking Administrator to gain understanding of this process. Verified this process occurs on a daily basis.</li> <li>2. Observed the Banking Administrator perform the daily ACH file confirmation process for selected dates.</li> <li>3. Inspected daily logs for a selected month to verify the process had been performed and documented.</li> <li>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.</li> </ol>	<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"> <li>• Credit Card Verification Value (CVV)</li> <li>• Address Verification System</li> </ul>	<ol style="list-style-type: none"> <li>1. Inquired to FACC Management and staff on the Cybersource authorization process.</li> <li>2. Observed FACC staff attempting to make several credit card payments on portal using invalid credit card numbers.</li> </ol>	<p>No relevant exceptions noted.</p>

<b>SECTION III. PHYSICAL SECURITY</b>		
<b>CONTROL OBJECTIVE 3:</b> Controls provide reasonable assurance that physical access to computer equipment, storage media, and program documentation is restricted to properly authorized individuals.		
<b>Description of Controls</b>	<b>Test of Controls</b>	<b>Test Results</b>
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"> <li>1. Observed that all entrances (with exception of main entrance) remained locked at all times.</li> <li>2. Observed the presence of electronic key devices at the entrances to the FACC building.</li> </ol>	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"> <li>1. Verified the server room is locked.</li> <li>2. Observed the presence of an electronic key device at the entrance of the server room.</li> </ol>	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"> <li>1. Inspected a listing of individuals with access to the server room. Verified that only current employees have access.</li> <li>2. Observed non-authorized staff unsuccessfully attempting access.</li> </ol>	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"> <li>1. Inspected report generated from the system that lists all traffic in and out of the building and server room.</li> </ol>	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"> <li>1. Verified the front entrance is the only un-locked entrance during normal office hours.</li> <li>2. Observed visitors entering and exiting the building.</li> <li>3. Observed receptionist providing visitor badges.</li> </ol>	No relevant exceptions noted.

<b>SECTION III. PHYSICAL SECURITY</b>		
<b>CONTROL OBJECTIVE 3:</b> Controls provide reasonable assurance that physical access to computer equipment, storage media, and program documentation is restricted to properly authorized individuals.		
<b>Description of Controls</b>	<b>Test of Controls</b>	<b>Test Results</b>
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"> <li>1. Inspected Human Resource procedures to verify that background checks are required for all new employees.</li> <li>2. Inspected background/criminal history check log for all employees hired in the audit period.</li> <li>3. For selected employees, inspected background/ criminal history check documentation.</li> </ol>	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"> <li>1. Inquired to FACC Management about the Security Consulting engagement and method of addressing recommendations.</li> <li>2. Inspected the most recent security consulting report.</li> </ol>	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"> <li>1. Inspected contract with vendor to verify the existence of alarm system.</li> <li>2. Performed a walkthrough of the building to verify the existence of an alarm system.</li> </ol>	No relevant exceptions noted.

<b>SECTION III. PHYSICAL SECURITY</b>		
<b>CONTROL OBJECTIVE 3:</b> Controls provide reasonable assurance that physical access to computer equipment, storage media, and program documentation is restricted to properly authorized individuals.		
<b>Description of Controls</b>	<b>Test of Controls</b>	<b>Test Results</b>
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.	<ol style="list-style-type: none"> <li>1. Inquired to FACC Management about the work performed by this company.</li> <li>2. Inspected reports to ensure that the FACC passed the security review.</li> <li>3. Verified that the FACC has posted certification, of successful completion, on the website.</li> </ol>	No relevant exceptions noted.

<b>SECTION III. ENVIRONMENTAL CONTROLS</b>		
<b>CONTROL OBJECTIVE 4:</b> Controls provide reasonable assurance that the physical environmental devices are installed to adequately protect the servers, network equipment, and storage media.		
<b>Description of Controls</b>	<b>Test of Controls</b>	<b>Test Results</b>
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"> <li>1. Observed the FACC server room and verified that air conditioning systems are present in the server room.</li> <li>2. Verified that a maintenance agreement exists for the air conditioning systems.</li> </ol>	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"> <li>1. Observed the FACC server room and noted the FM-200 release heads were present throughout the server room.</li> <li>2. Inspected maintenance agreements.</li> </ol>	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"> <li>1. Toured facility and verified the presence and location of UPS systems.</li> <li>2. Inspected UPS maintenance and test records.</li> </ol>	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"> <li>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.</li> <li>2. Inspected the maintenance agreement and verified that the generator is inspected on an annual basis.</li> </ol>	No relevant exceptions noted.

<b>SECTION III. NETWORK SECURITY AND INTERNET ACCESS</b>		
<b>CONTROL OBJECTIVE 5:</b> Controls provide reasonable assurance that access to systems (logical) and through the internet is restricted to properly authorized individuals.		
<b>Description of Controls</b>	<b>Test of Controls</b>	<b>Test Results</b>
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.

<b>SECTION III. NETWORK SECURITY AND INTERNET ACCESS</b>		
<b>CONTROL OBJECTIVE 5:</b> Controls provide reasonable assurance that access to systems (logical) and through the internet is restricted to properly authorized individuals.		
<b>Description of Controls</b>	<b>Test of Controls</b>	<b>Test Results</b>
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"> <li>1. Inspected certificate documentation provided from vendor. Verified that the certificate was current and had not expired.</li> <li>2. Observed website to verify the digital certificate is accessible and properly displayed.</li> </ol>	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"> <li>1. Obtained the domain security policy and confirmed the parameters match control details and Security Policies &amp; Procedures document.</li> <li>2. Observed employee unable to log into system with invalid credentials.</li> <li>3. Viewed history of password expiration.</li> </ol>	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"> <li>1. Confirmed through corroborative inquiry with Management of IT that the control activity is in place.</li> </ol>	No relevant exceptions noted.
The Human Resource Function notifies the IT Department of all new employees and terminations.	<ol style="list-style-type: none"> <li>1. Confirmed through corroborative inquiry with Management of IT that the control activity stated is in place.</li> <li>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.</li> </ol>	No relevant exceptions noted.

<b>SECTION III. NETWORK SECURITY AND INTERNET ACCESS</b>		
<b>CONTROL OBJECTIVE 5:</b> Controls provide reasonable assurance that access to systems (logical) and through the internet is restricted to properly authorized individuals.		
<b>Description of Controls</b>	<b>Test of Controls</b>	<b>Test Results</b>
FACC encrypts the hard drives of laptops to prevent unauthorized access in the event of loss or theft.	<ol style="list-style-type: none"> <li>1. Observed the managed console of the drive encryption software.</li> <li>2. Randomly selected laptops to verify that encryption is active and functioning properly.</li> </ol>	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"> <li>1. Inspected most recent annual security report.</li> <li>2. Verified the report did not identify major problems or weaknesses in the system.</li> <li>3. Verified recommendations were provided to management for improvement.</li> </ol>	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"> <li>1. Read quarterly review reports to ensure the FACC passed security review.</li> <li>2. Verified the FACC has posted certification of successful completion on the website.</li> </ol>	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"> <li>1. Observed FACC gain access to the WSUS software.</li> <li>2. Inspected reports of managed FACC servers and workstations.</li> </ol>	No relevant exceptions noted.

<b>SECTION III. NETWORK SECURITY AND INTERNET ACCESS</b>		
<b>CONTROL OBJECTIVE 5:</b> Controls provide reasonable assurance that access to systems (logical) and through the internet is restricted to properly authorized individuals.		
<b>Description of Controls</b>	<b>Test of Controls</b>	<b>Test Results</b>
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"> <li>1. Confirmed through corroborative inquiry with IT Management that the control activity stated is in place.</li> <li>2. Observed access to the monitoring software and confirmed it was active.</li> <li>3. Inspected periodic email reports sent to FACC IT that reflects monitoring results and any potential issues with the FACC websites.</li> </ol>	No relevant exceptions noted.
FACC uses managed software to enforce security on Personal Digital Assistant (PDA) devices.	<ol style="list-style-type: none"> <li>1. Reviewed written PDA policy contained in the Security Policies and Procedures document.</li> <li>2. Verified managed software is present with PIN enforcement settings.</li> </ol>	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"> <li>1. Verified with management the existence of the URL filtering device.</li> <li>2. Inspected sample logs of blocked potentially malicious URLs.</li> </ol>	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"> <li>1. Obtained a list of the portal security roles with detailed descriptions showing associated permissions.</li> <li>2. Obtained screenshot subsequent to logging into the portal to verify security rules had been properly implemented and assigned.</li> </ol>	No relevant exceptions noted.

<b>SECTION III. INFORMATION AND COMMUNICATION</b>		
<p><b>CONTROL OBJECTIVE 6:</b> 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>		
<b>Description of Controls</b>	<b>Test of Controls</b>	<b>Test Results</b>
<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"> <li>1. Inspected written policies and procedures that pertain to portal.</li> <li>2. Observed certain processes to verify consistency with written procedures.</li> </ol>	<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"> <li>1. Inspected FACC organizational chart as it relates to portal. Obtained explanations from the FACC on the various functions presented.</li> <li>2. During the course of the audit, observed various positions to verify work performed was consistent with organizational chart and job descriptions.</li> </ol>	<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"> <li>1. Inquired to management about the existence of routine technical meetings.</li> <li>2. Inspected documentation from meetings (correspondence, agendas, minutes, etc).</li> </ol>	<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"> <li>1. Inquired to management about the existence of ITSM/ITIL framework and best practices.</li> <li>2. Inspected ITSM/ITIL related documents.</li> <li>3. Inspected employee certifications in ITSM/ITIL.</li> </ol>	<p>No relevant exceptions noted.</p>

<b>SECTION III. INFORMATION AND COMMUNICATION</b>		
<p><b>CONTROL OBJECTIVE 6:</b> 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>		
<b>Description of Controls</b>	<b>Test of Controls</b>	<b>Test Results</b>
<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"> <li>1. Confirmed through corroborative inquiry that the control activity stated is in place.</li> <li>2. Inspected samples of each report and documented its nature and purpose.</li> </ol>	<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"> <li>1. Inquired to management as to the nature of the FACC Service Center.</li> <li>2. During the course of the audit, observed the Service Center staff performing their tasks.</li> <li>3. Inspected tracking logs or other documentation from the database that tracks issues arising from customers.</li> </ol>	<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"> <li>1. Inquired to management as to the type of training/operational procedures in place.</li> <li>2. Inspected manuals/procedures made available to Clerks for the various components of portal.</li> </ol>	<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"> <li>1. Inquired to management as to the type of training/operational procedures in place.</li> <li>2. Inspected procedure manuals made available to users of the E-Filing Portal.</li> </ol>	<p>No relevant exceptions noted.</p>

<b>SECTION III. SEGREGATION OF FUNCTIONS (INTERNAL)</b>		
<b>CONTROL OBJECTIVE 7:</b> Controls provide reasonable assurance that FACC activities are organized to provide internal segregation of functions.		
<b>Description of Controls</b>	<b>Test of Controls</b>	<b>Test Results</b>
The FACC is organized into separate functional areas to provide adequate separation of duties.	<ol style="list-style-type: none"> <li>1. Reviewed job descriptions and organizational chart noting the degree of separation within the FACC.</li> <li>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.</li> <li>3. Observed various duties/functions being performed by the FACC staff.</li> </ol>	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"> <li>1. Inspected FACC organizational chart as it relates to the portal. Obtained explanations from the FACC on the various functions presented.</li> <li>2. During the course of the audit, observed various positions to verify work is performed consistent with organizational chart and job descriptions.</li> </ol>	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"> <li>1. Reviewed the IT (Information Technology) organization chart noting the degree to which operations and programming functions are segregated.</li> <li>2. Interviewed computer operations management to determine adherence to policy.</li> </ol>	No relevant exceptions noted.

<b>SECTION III. SEGREGATION OF FUNCTIONS (INTERNAL)</b>		
<b>CONTROL OBJECTIVE 7:</b> Controls provide reasonable assurance that FACC activities are organized to provide internal segregation of functions.		
<b>Description of Controls</b>	<b>Test of Controls</b>	<b>Test Results</b>
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.

<b>SECTION III. SEGREGATION OF FUNCTIONS (EXTERNAL)</b>		
<b>CONTROL OBJECTIVE 8:</b> 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.

<b>SECTION III. SERVICE FEE SCHEDULE</b>		
<b>CONTROL OBJECTIVE 9:</b> Controls provide reasonable assurance that service fees are properly charged in accordance with agreements, contracts, laws and regulations.		
<b>Description of Controls</b>	<b>Test of Controls</b>	<b>Test Results</b>
E-Filing Portal has an approved service fee schedule governing online transactions.	<ol style="list-style-type: none"> <li>1. Inspected the uniform E-Filing Portal fee schedule.</li> <li>2. Verified approval of the service fees by the Board.</li> </ol>	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"> <li>1. Randomly select transactions occurring during the audit period.</li> <li>2. Inspected order detail report generated directly from the portal system.</li> <li>3. Recalculated the service fee(s) for each order to verify that the portal charged the customer correctly.</li> </ol>	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"> <li>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.</li> </ol>	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"> <li>• Daily</li> <li>• Monthly</li> <li>• Annual</li> </ul> <p>Backups are performed utilizing a custom script that has been implemented on the server.</p>	<ol style="list-style-type: none"> <li>1. Inspected automated script utilized by FACC staff in performing the backup.</li> <li>2. Inquired to management about the system and the backup schedule.</li> <li>3. Inspected the FACC system diagram/flowchart to understand the various components, servers, databases, etc.</li> <li>4. Observed a selection of backup logs for various servers identified on the network diagram.</li> <li>5. Performed a backup of randomly sampled files to tape.</li> </ol>	<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"> <li>1. Inquired to management about the backup procedures and associated processes.</li> <li>2. Reviewed the backup schedule in place for the FACC server and data files.</li> <li>3. Inspected a selection of backup logs to verify compliance with procedures.</li> </ol>	<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"> <li>1. Interviewed management about procedures for taking tapes off-site to a safe and secured location.</li> </ol>	<p align="center">No relevant exceptions noted.</p>

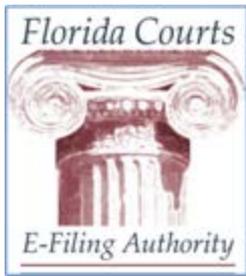
**SECTION III.  
DATA BACKUP AND RECOVERY**

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

<b>Description of Controls</b>	<b>Test of Controls</b>	<b>Test Results</b>
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"> <li>1. Inquired to management about the vendor inventory process.</li> <li>2. Inspected inventory of backup tapes.</li> </ol>	No relevant exceptions noted.
Recoveries are performed on a periodic basis.	<ol style="list-style-type: none"> <li>1. Inquired to management about the recovery process procedures.</li> <li>2. Performed a recovery of randomly sampled files.</li> </ol>	No relevant exceptions noted.

**TAB 8**

# **June 2014 County Readiness Report**

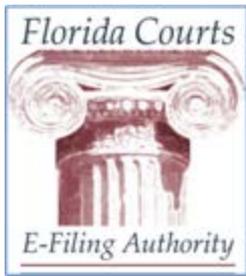


# Florida Courts E-Filing Authority Board

## E-Filing Report – May 2014 Activity

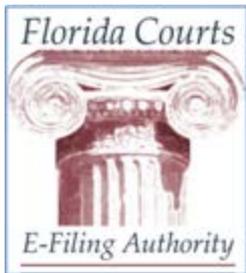
June 9, 2014

Jennifer Fishback, E-Filing Portal Project Manager



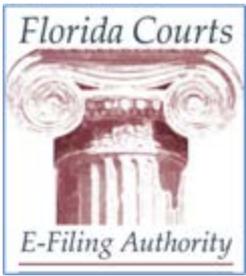
# E-Filing Portal Implementation Summary

- E-Portal use continues to rise in number of users and number of filings
  - Criminal E-Filing continues to be implemented
  - Registered users continues to increase
- Consistency
  - 2.3% filings sent back to the pending queue
  - 1 day from being submitted by the filer to docketed by the clerk
  - 4.8 % filings that initiate a case
  - Hourly filing trends peak between 3:00 – 5:00 PM
  - 72% of filings utilize E-service

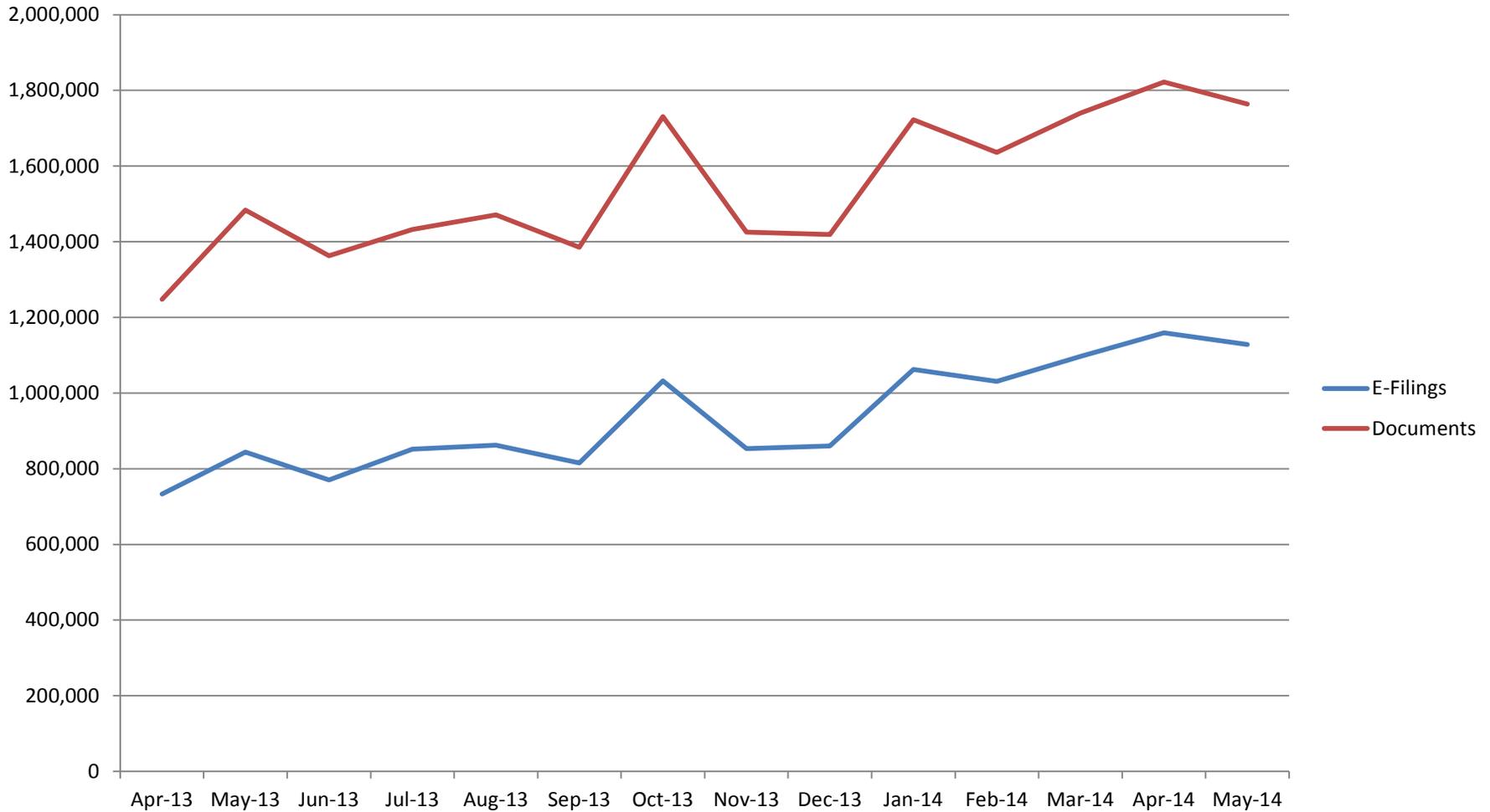


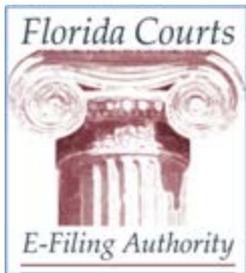
# May E-Filing Submission Statistics

Category	Number
E-Filing Submissions	1,128,350
Individual Documents Submitted	1,764,022
Average Submissions per Weekday	53,016
Highest Volume Day 5/20/2014	56,709
User Accounts	61,479
New Case Initiation	4.8%

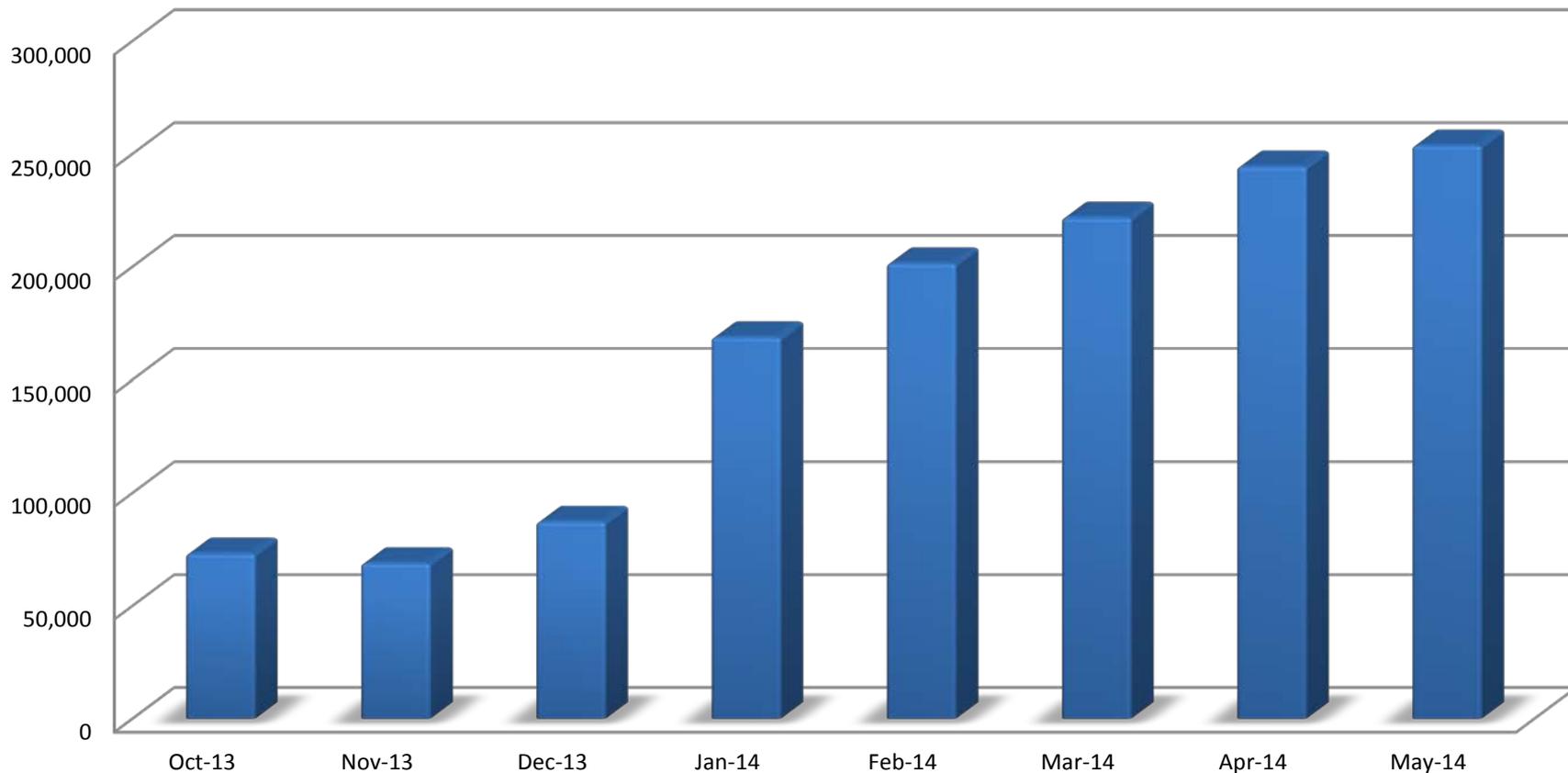


# Documents Filed within E-Filing Submissions

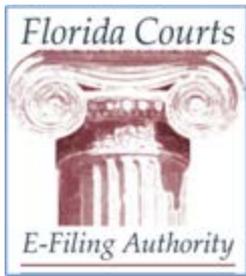




# Criminal E-Filing Submissions

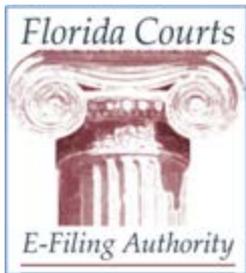


	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Apr-14	May-14
■ Filings	73,265	68,989	87,337	168,823	201,597	221,840	244,481	253,773



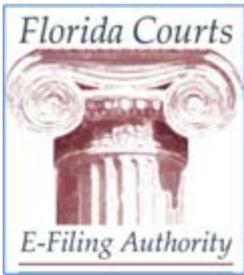
# Criminal E-Filing Implementation

- **67 Counties**
  - All are receiving some Criminal E-Filings
  - 57% were submitted using the “Batch” process
  - 43% were submitted using single session
- **18 Circuits**
  - Using “Batch” E-Filing in Production
- **AOSC13-48 Extensions**
  - Implementations proceeding per administrative order



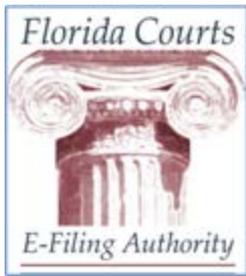
# E-Portal Projects Team

Project	Status
<b>Criminal E-Filing</b>	Production Support
<b>Access to Justice</b>	In Development
<b>Release 2014.02</b>	FCCC Testing, Clerk Testing – Implement 6/20/2014
<b>Release 2014.03</b>	Planning and Analysis – Implement 10/24/2014
<b>Release 2015.01</b>	Planning and Analysis – Implement 4/24/2015



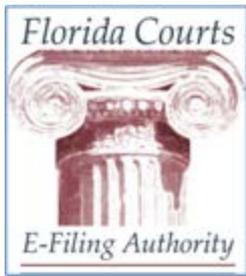
# 2014.02 Release Schedule

Date	Activity
4/24 – 5/26	Judicial Docket Codes need to be added to the portal
5/26 – 6/13	Clerk staff may test release in the Test portal and report issues to support@flclerks.com
6/18 – 6/19	Training provided to Trial Court Administration and Judge/Judicial Assistants
6/20	Implementation beginning 9PM until 6/21 3AM
6/23	Trial Court Administrator staff add judge accounts to the portal Judges begin E-Filing Pro Se Filing begins



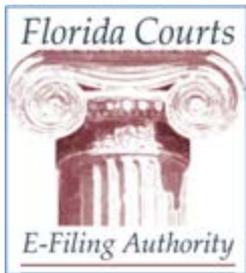
# 2014.02 Release Highlights

- **Website Upgrade**
  - E-service recipients must be selected by the filer
  - Incorporated Online Help – written and video
  - Responsive Web Design allows optimal screen display
  - More Consistent Screen Layout
  - Session timeout notification
  - Screen response time improvements
- **Clerk Admin and Review Enhancements**
  - Filer roles associated to docket codes
  - Portal Review - Associate users to work queues



# 2014.02 Release Highlights

- **Judge Filing 6/21/2014**
  - Standard Judicial Docket Code spreadsheet mapping needed at the latest to FCCC by 6/13/2014 to be loaded into the Test portal
  - It would be most helpful if they can be turned in ASAP due to the time it takes to load the data into the Portal – Gives Clerks time to review the data in the Test Portal
  - Send to [support@flclerks.com](mailto:support@flclerks.com)
- **ProSe Filing 6/21/2014**
  - Document Type drop down lists will be the same as the lists for the attorney filers
  - Role will be associated to docket codes by FCCC



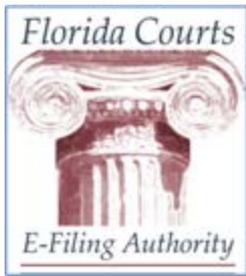
# 2014.02 Release Highlights

- **Added Non-Attorney Filer Roles**
  - Will be added to the portal and will **only** be visible in Docket Code Association
  - Standard Docket Descriptions will be sent to Clerks for mapping
  - No Registration on the Portal until September 20

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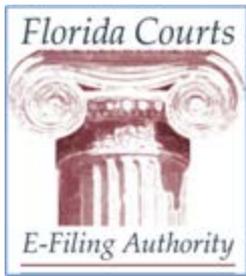
Court Reporter	Law Enforcement	Mediator
Mental Health Professional	Mediator	State Agency

- **Non-Attorney E-Filing begins 9/20/2014**



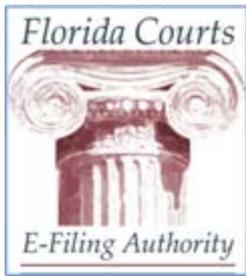
# Judicial E-Filing Implementation Status

Clerks and Courts Readiness



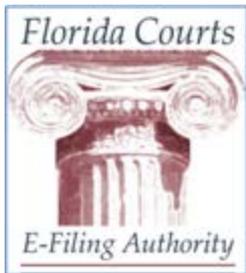
# Judicial E-Filing Status

Circuit	County	Docket Codes	Judicial E-Filing Method	Judicial E-Filing Status
1 <sup>st</sup>	Escambia			
1 <sup>st</sup>	Okaloosa			
1 <sup>st</sup>	Santa Rosa			
1 <sup>st</sup>	Walton			
2 <sup>nd</sup>	Franklin		Single Session	
2 <sup>nd</sup>	Gadsden		Single Session	
2 <sup>nd</sup>	Jefferson		Single Session	
2 <sup>nd</sup>	Leon		Single Session	
2 <sup>nd</sup>	Liberty	In Test Portal	Single Session	
2 <sup>nd</sup>	Wakulla		Single Session	



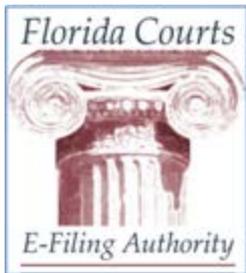
# Judicial E-Filing Status

Circuit	County	Docket Codes	Judicial E-Filing Method	Judicial E-Filing Status
3 <sup>rd</sup>	Columbia		Single Session	
3 <sup>rd</sup>	Dixie		Single Session	
3 <sup>rd</sup>	Hamilton		Single Session	
3 <sup>rd</sup>	Lafayette		Single Session	
3 <sup>rd</sup>	Madison		Single Session	
3 <sup>rd</sup>	Suwannee		Single Session	
3 <sup>rd</sup>	Taylor		Single Session	
4 <sup>th</sup>	Clay			
4 <sup>th</sup>	Duval			
4 <sup>th</sup>	Nassau			



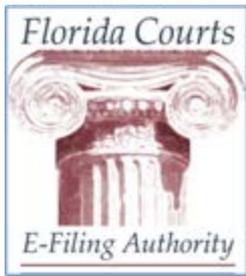
# Judicial E-Filing Status

Circuit	County	Docket Codes	Judicial E-Filing Method	Judicial E-Filing Status
5 <sup>th</sup>	Citrus			
5 <sup>th</sup>	Hernando			
5 <sup>th</sup>	Lake			
5 <sup>th</sup>	Marion	In Test Portal		
5 <sup>th</sup>	Sumter			
6 <sup>th</sup>	Pasco			
6 <sup>th</sup>	Pinellas			
7 <sup>th</sup>	Flagler			
7 <sup>th</sup>	Putnam			
7 <sup>th</sup>	St. Johns			



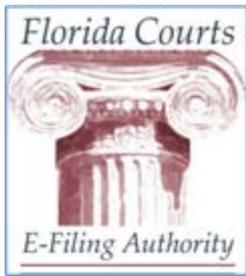
# Judicial E-Filing Status

Circuit	County	Docket Codes	Judicial E-Filing Method	Judicial E-Filing Status
7 <sup>th</sup>	Volusia			
8 <sup>th</sup>	Alachua			
8 <sup>th</sup>	Baker			
8 <sup>th</sup>	Bradford			
8 <sup>th</sup>	Gilchrist			
8 <sup>th</sup>	Levy			
8 <sup>th</sup>	Union			
9 <sup>th</sup>	Orange	Civil Orders in Test Portal	Single Session	
9 <sup>th</sup>	Osceola		Single Session	



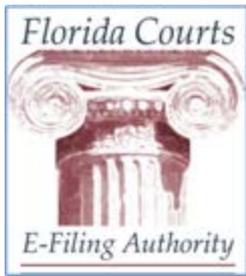
# Judicial E-Filing Status

Circuit	County	Docket Codes	Judicial E-Filing Method	Judicial E-Filing Status
10 <sup>th</sup>	Hardee			
10 <sup>th</sup>	Highlands			
10 <sup>th</sup>	Polk			
11 <sup>th</sup>	Miami-Dade			
12 <sup>th</sup>	Desoto		Interface – “Batch”	
12 <sup>th</sup>	Manatee		Interface – “Batch”	
12 <sup>th</sup>	Sarasota		Interface – “Batch”	
13 <sup>th</sup>	Hillsborough			
14 <sup>th</sup>	Bay		Interface – “Batch”	
14 <sup>th</sup>	Calhoun	In Test Portal	Interface – “Batch”	



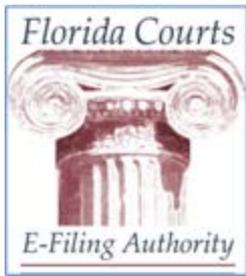
# Judicial E-Filing Status

Circuit	County	Docket Codes	Judicial E-Filing Method	Judicial E-Filing Status
14 <sup>th</sup>	Gulf		Interface – “Batch”	
14 <sup>th</sup>	Holmes	In Test Portal	Interface – “Batch”	
14 <sup>th</sup>	Jackson		Interface – “Batch”	
14 <sup>th</sup>	Washington		Interface – “Batch”	
15 <sup>th</sup>	Palm Beach		Interface/”Batch”	
16 <sup>th</sup>	Monroe		Single Session	
17 <sup>th</sup>	Broward		Single Session	
18 <sup>th</sup>	Brevard		Single Session	
18 <sup>th</sup>	Seminole		Single Session	



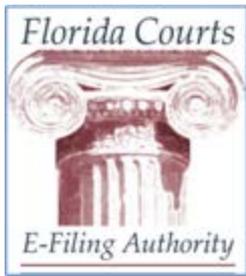
# Judicial E-Filing Status

Circuit	County	Docket Codes	Judicial E-Filing Method	Judicial E-Filing Status
19 <sup>th</sup>	Indian River		Single Session	
19 <sup>th</sup>	Martin	In Test Portal	Single Session	
19 <sup>th</sup>	Okeechobee		Single Session	
19 <sup>th</sup>	St. Lucie		Single Session	
20 <sup>th</sup>	Charlotte		Single Session	
20 <sup>th</sup>	Collier		Single Session	
20 <sup>th</sup>	Glades		Single Session	
20 <sup>th</sup>	Hendry	In Test Portal	Single Session	
20 <sup>th</sup>	Lee	In Test Portal	Single Session	



# 2014.03 Release Highlights

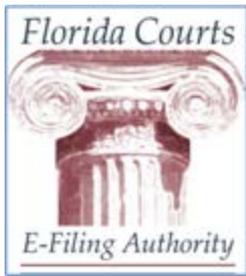
- **Clerk Filing to the FL DOC**
  - E-Filing beginning 10/24/2014
    - Commitments
    - Re-sentencings
    - Court Orders



# Florida Courts E-Filing Authority Board

## Service Desk Report

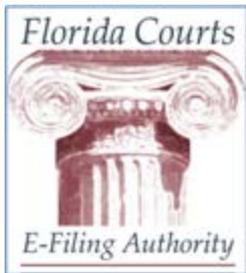
May 2014



# E-Portal Service Desk

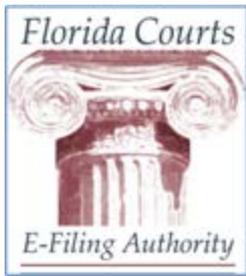
## Types of Incidents

- **Customer Service Incidents (Section 2)**
  - These are calls from Filers and the General Public. Calls are currently submitted via phone voice message or email. Calls may be submitted 24/7.
  - Initial Acknowledge Standard is 5 Business Days.
- **Technical and System Support Incidents (Section 3)**
  - These are typically calls from Clerks and other Stakeholders and could involve any aspect of system configuration and support. Calls are currently submitted via phone voice message or email. Calls may be submitted 24/7.
  - Initial Acknowledge Standard is 5 Business Days.



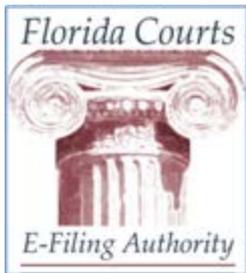
# Customer Service Calls April Statistics Policies and Procedures Page 5

	March 2014	April 2014	May 2014
Incidents Received	3,771	3,957	2,898
Incidents Closed	3,712	4,040	2,875
Incidents Open at End of Month	75	69	91
Average Acknowledgement Time per Incident	.22 Days	.28 Days	.18 Days
Average Resolution Time per Incident	.45 Days	.66 Days	.40 Days



# Technical/System Support Calls April Statistics Policies and Procedures Page 5

	March 2014	April 2014	May 2014
Incidents Received	1,051	836	537
Incidents Closed	1,038	867	537
Incidents Open at End of Month	163	173	173
Average Acknowledgement Time per Incident	.24 Days	.16 Days	.20 Days
Average Resolution Time per Incident	1.01Days	.79Days	.89 Days



# Call Initiation - Email vs. Phone

## May 2014

- **Customer Service (2,898 Incidents Received)**
  - Email      2,061    (71%)
  - Phone      837      (29%)
- **Technical/System Support (538 Incidents Received)**
  - Email      483      (90%)
  - Phone      55      (10%)

**TAB 9**

# **Supplemental Agreement and Help Desk Policies**

**SUPPLEMENTAL AGREEMENT FOR THE  
IMPLEMENTATION OF EXPANDED SERVICES RELATED  
TO THE STATEWIDE E-FILING COURT RECORDS PORTAL**

**THIS SUPPLEMENTAL AGREEMENT** is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2013, by and between the **FLORIDA COURTS E-FILING AUTHORITY** (“Authority”), and the **FLORIDA ASSOCIATION OF COURT CLERKS, INC.**, a.k.a. **FLORIDA COURT CLERKS & COMPTROLLERS** (“Association”).

**RECITALS**

**WHEREAS**, on September 22, 2010, the Authority and Association entered into an Agreement for the Design, Development, Implementation, Operation, Upgrading, Support and Maintenance of Statewide E-Filing Court Records Portal (the “Development Agreement”); and

**WHEREAS**, pursuant to SC11-399, beginning on April 1, 2013, all attorneys are required to electronically file civil case filings through the Florida Courts E-Filing Portal (“Portal”); and

**WHEREAS**, usage of the Portal has dramatically increased since the mandatory civil E-Filing deadline; and

**WHEREAS**, usage of the Portal is expected to further increase with the approaching mandatory criminal E-Filing deadline of October 1, 2013; and

**WHEREAS**, the Association and its wholly owned subsidiary, FACC Services Group, LLC (“Services Group”), have been providing a minimal level of Help Desk operations and training activities which are outside the scope of services to be provided under the Development Agreement at no cost or charge to the Authority; and

**WHEREAS**, Section 4 of the Development Agreement requires such additional services to be documented in a separate agreement or amendment to the Development Agreement, and

**WHEREAS**, the Authority recognizes the need to have the Association provide full-time, available, and responsive, Help Desk Services to support the increased level of usage and to meet the needs of Portal users; and

**WHEREAS**, the Development Agreement requires the Portal to include transmissions to and from appropriate courts; and

**WHEREAS**, the Development Agreement and the Statement of Work between the Authority and the Association requires the Portal to meet or exceed the requirements of the Florida Supreme Court Standards for Electronic Access to the Courts (adopted June 2009, amended May 2013) and the amendments to those standards; and

**WHEREAS**, the Florida Supreme Court Standards for Electronic Access to the Courts requires the Portal to accommodate bi-directional transmissions to and from the courts; and

**WHEREAS**, Section 2.b. and 2.b.(2), of the Development Agreement requires the Portal to allow electronic access to electronic Court Records by authorized users; and

**WHEREAS**, Section 2.b. (9), of the Development Agreement requires the Portal to provide for integration with existing statewide systems; and

**WHEREAS**, the parties desire to enter into this Supplemental Agreement to authorize the Association to perform additional Help Desk services outside the scope of services as provided in the Development Agreement and to clarify that certain services are not additional and are listed or contemplated by the Development Agreement and the Statement of Work, as more fully described in section 4.1 herein.

**NOW THEREFORE**, in consideration of ten dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

**ARTICLE I: AMENDMENT TO THE DEVELOPMENT AGREEMENT**

The recitals set forth above are true and correct and are incorporated herein as essential terms of this Supplemental Agreement which shall be considered as an amendment to and incorporated as a part of the Development Agreement.

**ARTICLE II: HELP DESK SERVICES**

2.1 **Purpose of the Help Desk.** The Association shall provide Help Desk services (“Help Desk”) related to the use of the Florida Courts E-Filing Court Records Portal (“Portal”), including but not limited to:

- a) Responding to inquiries from Portal users in a courteous, timely, and professional manner;
- b) Resolving Portal user questions or problems by providing timely and accurate information;
- c) Tracking and reporting on Help Desk activities and performance metrics.

2.2 **General Responsibilities.** The Help Desk shall field inquiries via electronic mail and telephone. The Association agrees to continue to use the latest technology available to improve communications with Portal users, subject to available funding. The Association shall develop and maintain manuals, procedures, scripts, and/or other materials as needed to ensure high quality customer service. A Help Desk management and tracking system shall be used by the Association to track the status of inquiries and various performance metrics, including the results of customer satisfaction surveys.

2.3 **Implementation and Operation.** The Authority shall adopt appropriate policies and procedures for the implementation and operation of the Help Desk which shall include but not be limited to:

- a) Reasonable hours of operation to best serve the needs of the Portal users.
- b) Performance metrics and goals to document the delivery of Help Desk services.
- c) Security necessary to maintain confidentiality of Portal account credentials, data and user information.

2.4 **Implementation Date.** The Authority shall adopt the policies and procedures referenced in 2.3 above no later than November 1, 2013 and the Association shall fully implement and begin fully operating the Help Desk in accordance with the adopted policies and procedures within 90 days thereafter.

2.5 State and Federal Law Compliance. In accordance with requirements such as those of the Americans with Disabilities Act, and the Americans with Disabilities Act Amendments Act (2008), and applicable state requirements, Help Desk services must incorporate reasonable accommodations for access by persons with disabilities, including visually impaired and hearing impaired persons. The Association shall comply with all applicable state and Federal laws as described in Section 14 of the Development Agreement in its performance under this Agreement.

2.6. Transition to New Service Provider. At the direction of the Authority, but no later than three (3) months prior to the end of the Association's contract, the Association shall work with the Authority and another vendor(s) selected by the Authority, if applicable, at the conclusion of the Agreement, to transition the Help Desk services, including training and non-proprietary knowledge transfer. The Association's activities shall include:

- a) Preparation of a transition plan that describes the activities and materials used to provide Help Desk services, and the plan for transitioning the service to a new provider.
- b) Conference call(s) and webinars to present the transition plan to the Authority and the new service provider.
- c) Hand-off transition assistance during the transfer of Help Desk services to the new service provider.

The Authority shall provide for any reasonable expenses incurred by the Association in preparing and implementing the transition plan and hand-off transition assistance required by this section.

### **ARTICLE III: EDUCATIONAL OUTREACH PROGRAM**

3.1 General Purpose and Objectives. The Association shall implement a comprehensive educational outreach program that will inform Portal users, the legal community, the public and the Clerks of Court, of the requirements and benefits of mandatory E-Filing, as well as Help Desk services. Such outreach and training activities shall include, but not be limited to, the development of web-based training tools, on-going training workshops and educational events.

3.2 Policies and procedures. The Authority shall adopt appropriate policies and procedures for the implementation and operation of the educational outreach program.

3.3 Implementation. The Association shall provide reports of its educational outreach activities to the Authority on a quarterly basis or as requested by the Authority. The reports shall be made available on the Authority's website for the public to view.

### **ARTICLE IV: PORTAL SERVICES**

4.1 Portal Services and Applications. The Association shall provide each of the following services or applications to the Portal as set forth and contemplated in the Development Agreement and the Statement of Work attached and made a part of the Development Agreement:

- a) The capability for Portal users to view documents online in their cases directly using the Portal.

- b) Functionality to enable the courts to send documents directly to the litigants, parties, and their attorneys through the Portal.

4.2 Additional Portal Services and Applications. The Association shall provide any of the following services or applications to the Portal in addition to those set forth in the Statement of Work attached and made a part of the Development Agreement if requested by the Authority and adequate funding is available or anticipated to develop, implement and operate the service or application:

- a) Analyze the current website to identify performance issues that may impact the website enhancements, services, and applications outlined in this Agreement. Propose a plan and budget to fix these issues in consultation with the Authority.
- b) Allow for clerk-to-clerk functionality, enabling the Clerks of Court to send documents to each other and transfer cases between courts.
- c) Improve consistency and uniformity in document descriptions, interface, functionality, and have consistent drop-down menus for filing from county to county so that a filer has the same choices except for unique jurisdictional matters where the filing is being made.
- d) Analyze the current website to identify performance issues that may impact the flow of payments to appropriate accounts to avoid delays in payment transfers.
- e) Work with the Authority to design new layouts and organize revised website content.
- f) Create applications for mobile devices (apps).

The Association shall document any claim that it may assert concerning the inadequacy of funds available or anticipated to be available to the Association.

4.3 Portal Capacity. The Association shall provide for the necessary capacity and infrastructure enhancements to accommodate usage beyond the volumes set forth in the Development Agreement, Attachment A, Statement of Work.

4.4 Implementation. The Association shall provide a report of its progress implementing the services and applications listed in Section 4.1 of this Agreement as requested by the Authority.

#### **ARTICLE IV: AUTHORITY BOARD EXPENSES**

Expenses of the Board's Governance. The Authority is governed by a Board of Directors ("Board"), which has exclusive jurisdiction, control and supervision over the Portal. In order to perform its necessary functions, the Board is required to obtain liability insurance and procure the services of attorneys and auditors. As the Board serves an essential function to the Portal, the Authority hereby authorizes the Association to fund the expenses of the Board's governance through the electronic payment processing fees collected and retained. Board expenses authorized to be paid by the Association from the fees collected and retained include, but are not limited to, staffing, Authority staff meeting and travel expenses, and other necessary Board expenses.

#### **ARTICLE V: FUNDING**

5.1 Fees: Pursuant to section 3.a of the Development Agreement and s. 215.322, Florida Statutes, the Association through the FACCSG, serving as its vending service company, is authorized to charge and collect a fee as authorized by law for processing payments through the Portal's electronic payment system. The amount of the payment processing fee shall be a fair market rate and approved by the

Authority. The Authority shall periodically review the fee and adjust to the current fair market rate as appropriate.

5.2 USE OF FUNDS. The fees referenced in section 5.1 above shall be collected and retained by the Association as provided in section 3.c.(4) of the Development Agreement for use in funding the additional duties and services required by this Agreement to be performed by the Association and such other additional enhancements to the Portal as determined by the Authority in the future. In no event shall the fees referenced in section 5.1 above be expended without the approval of the Authority.

**ARTICLE VI: MISCELLANEOUS**

6.1 The term and termination provisions of this Agreement shall be the same as provided in Section 21 of the Development Agreement.

6.2 This Agreement may be amended only upon the written agreement of the Authority and the Association.

6.3 The validity, construction, and performance of this Agreement shall be governed by the laws of the State of Florida.

6.4 If any portion of the Agreement, the deletion of which would not adversely affect the receipt of any material benefit by either party, is for any reason held or declared to be invalid or unenforceable, such determination shall not affect the remaining portions of this Agreement.

6.5 This Agreement shall become effective upon its complete execution.

**IN WITNESS WHEREOF, IN WITNESS WHEREOF,** the parties have executed this Agreement by the signature of their duly authorized representatives below.

**FLORIDA COURTS E-FILING AUTHORITY**

BY:   
Tim Smith, Chair

DATE: 9-27-13

**FLORIDA COURT CLERKS & COMPTROLLERS**

BY: \_\_\_\_\_  
Paula O'Neil, PhD, President

DATE: \_\_\_\_\_

Authority. The Authority shall periodically review the fee and adjust to the current fair market rate as appropriate.

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**FLORIDA COURTS E-FILING AUTHORITY**

BY: \_\_\_\_\_  
Tim Smith, Chair

DATE: \_\_\_\_\_

**FLORIDA COURT CLERKS & COMPTROLLERS**

BY: Paula O'Neil  
Paula O'Neil, PhD, President

DATE: 9/26/13

# **FLORIDA COURTS E-FILING AUTHORITY HELP DESK POLICIES & PROCEDURES**

## **Introduction**

The Florida Courts E-Filing Authority (“Authority”) was created and established in order to: (1) design, develop, implement, operate, upgrade, support and maintain the E-Filing Portal (“Portal”) through contract with the Florida Association of Court Clerks, Inc., a.k.a. Florida Court Clerks & Comptrollers (“Association”) and/or its wholly owned subsidiary FACC Services Group, LLC (“Services Group”); and (2) provide the most economic and efficient method for e-filing Court Records. To that end, the Authority finds it necessary to provide full-time, available, and responsive Help Desk Services to support Portal Users.

## **Purpose**

The primary purpose of the Help Desk Policies and Procedures (“Policy”) is to ensure that Portal Users receive prompt, accurate, and professional service.

To meet the service support requirements of Portal Users, the Association shall implement a central point of contact for handling all customer support. The Help Desk is the key functional area that is responsible for managing, coordinating, resolving, and maintaining Portal User service support.

The Policy identifies the process flow which shall be utilized by the Help Desk to ensure that no request is lost, forgotten, or ignored and that each request is handled expeditiously. This Policy shall apply to all individuals who provide services on behalf of the Association to Portal Users.

## **Policy**

This Policy focuses on a commitment to customer service by ensuring the recording of the life-cycle of incidents, problems, software and hardware release/deployment, and configuration management. The objective of this Policy is to improve and extend the overall service to customers and users.

The Policy is separated into three sections: 1) General Service Desk 2) Customer Service Support; and 3) Technical and System Support. Customer Service Support is assistance provided to Portal users, whereas Technical and System Support is assistance provided to various Clerks’ offices.

<h2><b>SECTION 1: GENERAL SERVICE DESK</b></h2>
-------------------------------------------------

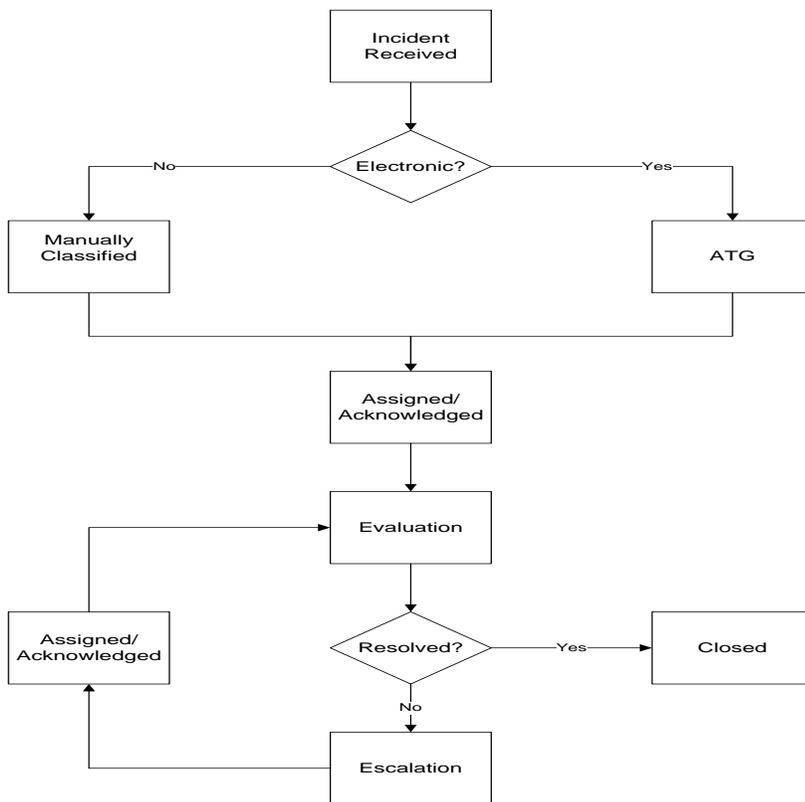
**Help Desk support technologies include (but are not limited to) the following:**

- HEAT
  - BPAM
  - HEAT Voice
  - ATG
  - HSS (pending implementation)

- Electronic mail (Internet and email system)
- Telephone system

### Incident Escalation Process

- Incident
  - Electronic – automatically logged and categorized through ATG
  - Phone call - manually logged and categorized through Tier I
- Evaluated
- Assigned to a functional group or service area
- Acknowledged by staff
- Worked
- Resolved or Escalated



Based on the information provided by the customer, first-line support shall determine the following:

- Budget Area – Application type, e.g. E-Filing or E-Recording
- Category – e.g. software, hardware
- Call Type – e.g. financial, imaging
- Source – e.g. phone, e-mail
- Status – e.g. open, closed
- Priority level

- Level 1 - Critical incident
- Level 2 – Urgent incident
- Level 3 – Standard incident
- Level 4 - Scheduled incident

Help Desk support levels:

- First-line support – Support Specialist I
- Second-line support – Tier I, Application Specialist I
- Third-line support – Tier II, Application Specialist II

**Incident Closure:**

- Upon resolution of the incident the customer is notified.
- If resolution requires a change the Help Desk will perform a functional escalation to one of the following areas:
  - Problem Management
  - E-Portal Project Team
  - Application Development Team
  - TAP Team
  - Systems Engineering
  - Release/Deployment
  - Change Management

The initial incident record shall be closed and a problem record shall be created. The problem record shall be linked to the initial incident record by the control number. Once the problem record is resolved the Help Desk shall notify the customer. The CAB shall be notified of the pending change request and the release/deployment process shall be utilized.

**Early Life Support:**

Early Life Support (ELS) provides the opportunity to transition a new or changed service to Service Operations in a controlled manner to set customer and service support expectations. The Association shall determine the entry and exit criteria from early life support.

During the ELS period, the incident acknowledgement requirements shall be as follows:

When the incident is reported, it shall be logged into the HEAT system. The incident shall then be transferred directly to a Help Desk Support Analyst. The Analyst shall gather more information from the customer and shall attempt to resolve the issue. If further assistance/escalation is required in order to resolve the incident; the Analyst shall immediately escalate the incident to the next level of support.

- The duration shall be established as a two (2) week period. ELS shall be reviewed by the Association each week to determine if ELS should be continued.

## **Roles and Responsibilities**

Help Desk activities include:

- Service Support
- Incident and problem escalation
  - Customer change request (service request)
  - Identify customer training needs
  - Identify service deficiencies
- Software release/deployment
  - Rollout planning
  - Sign-off of the release for implementation
  - Installation of new or upgraded hardware
  - Release, distribution and the installation of the software
- Tracking of configuration items

The roles of Service Support:

- IT Management Staff – responsible for the oversight of all service support processes
- Service Center Manager – manages the daily operations of all service center functions
- Support Administrator I – acts as a liaison between the various groups to facilitate a smooth and timely delivery of the support.
- Support Specialist – responsible for first-line support
- Application Support Analyst I – responsible for second-line support
- Application Support Analyst II – responsible for third-line support
- TAP Team – responsible for on-site hardware and software support
- E-Portal Project Team – responsible for business analysis, requirements gathering, training, and documentation
- Application Development Team – performs all required changes to the software
- Quality Assurance Team – ensures that the release has been tested and meets all specifications and requirements
- System Engineering and Operations – ensures that any necessary network and hardware changes are identified
- Change Advisory Board – ensure that all changes are done in accordance with release/deployment and change management policies
- Service Support
- Incident and problem escalation
- Customer change request (service request)
- Identify customer training needs

## **Reports**

Reports shall be provided to the Authority on a monthly basis. Below is a list of reporting information that shall be provided monthly after the Association fully implements and has begun fully operating the Help Desk.

Reporting Information:

Help Desk information:

1. How many incidents were received during that month.
2. How many incidents were closed during that month.
3. How many incidents are still open at the end of the month.
4. Average resolution time for incidents in that month.
5. Average acknowledgement time for incident in that month.

E-Portal Project Team information:

1. How many incidents & problem management tickets were received during that month.
2. How many incidents & problem management tickets were closed during that month.
3. How many incidents & problem management tickets are still open at the end of the month.
4. Average resolution time for incidents & problem management in that month.
5. Average acknowledgement time for incident & problem management in that month.

From time to time, the Authority and the Association shall analyze the normal E-Portal acknowledgement requirements and ELS E-Portal acknowledgement requirements to determine if they should be updated and revised.

### **Security**

The Association shall protect all personal information collected in the course of performing Help Desk services by utilizing a combination of security technologies, secure-information handling procedures, and organization measures to help protect personal information from unauthorized access, use or disclosure.

The Association shall secure all data when transferring over the Internet or internally at each Association site. All Help Desk personnel shall comply with the Association's Security Policies and Procedures, dated October 2009, as amended from time to time.

### **Confidentiality**

The Association shall ensure that all Help Desk personnel comply with the confidentiality requirements set forth in Sections 16 and 17 of the Agreement for Design, Development, Implementation, Operation, Upgrading, Support and Maintenance of Statewide E-Filing Court Records Portal.

## SECTION 2: CUSTOMER SERVICE SUPPORT

### **Functions:**

- Ensure customer satisfaction
- Operate on the principle that customer satisfaction and perception is critical
- Blending people, processes, and technology to deliver quality customer service
- Managing the incident (requests) lifecycle
- Making the initial assessment of requests and attempting to resolve them
- Keeping the customer informed of request status and progress
- Managing known errors – problem management
- Coordinating functional escalation
- Identifying customer training and education needs

### **Availability:**

Customers may submit incidents electronically or via voice message to the Help Desk 24 hours a day, 7 days a week. Currently incidents submitted electronically are automatically logged into the HEAT system.

- The Association shall provide Customer Service Support Monday – Friday, excluding holidays. The hours of operation shall be from 8:00 a.m. to 5:00 p.m. Eastern Time.
- Portal users shall have the ability to leave a voicemail after hours. Voicemails shall be checked the morning of the following business day and calls shall be returned promptly.
- Hours of operation may be adjusted based on demand from Portal users and any other operational consideration by mutual agreement between the Authority and the Association.

### **Acknowledgment Requirements:**

The following acknowledgement requirements are not based on hard realistic data at this time. The Authority and the Association shall review these requirements on a monthly basis for the first year in order to complete a trend analysis. The Authority recognizes that during Early Life Support (ELS) of new system enhancements, and as new functionality is added, the intake of incidents will likely spike and the normal acknowledgment requirements may vary.

#### Normal E-Portal acknowledgement requirements:

- Within a minimum of five (5) business days – required to be acknowledged by first-line support
- Within a minimum of six (6) business days – if incident is not acknowledged by first-line support an automated e-mail is sent to second-line support notifying them of the incident.
- Within a minimum of seven (7) days – if incident is not acknowledged by second-line support an automated e-mail is sent to the third-line support
- Within a minimum of eight (8) days – if incident is not acknowledged by third-line support an automated e-mail is sent to the Support Administrator and the Help Desk Manager.

#### ELS E-Portal acknowledgement requirements:

- Within a minimum of ten (10) business days – required to be acknowledged by first-line support

- Within a minimum of twelve (12) business days – if incident is not acknowledged by first-line support an automated e-mail is sent to second-line support notifying them of the incident.
- Within a minimum of fourteen (14) days – if incident is not acknowledged by second-line support an automated e-mail is sent to the third-line support
- Within a minimum of sixteen (16) days – if incident is not acknowledged by third-line support an automated e-mail is sent to the Support Administrator and the Help Desk Manager

The Help Desk shall not be responsible for supporting the test environments. Anything that is not a live production issue shall be logged into the HEAT system. The incident shall then be transferred directly to the E-Portal Project Team for these types of issues that do not fall under Normal E-Portal acknowledgement requirements or ELS E-Portal acknowledgement requirements.

Help Desk personnel are not officers of the court and are not attorneys licensed to practice law in the State of Florida, therefore, they shall not provide any type of legal advice concerning any case or funds.

Help Desk personnel are not sworn deputy clerks and, therefore, any incidents relating to local procedures and county operations shall be directed to the local Clerk’s office.

<b>SECTION 3: TECHNICAL AND SYSTEM SUPPORT</b>
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**Functions:**

- Ensure customer satisfaction
- Operate on the principle that customer satisfaction and perception is critical
- Blending people, processes, and technology to deliver quality customer service
- Managing the incident (requests) lifecycle
- Making the initial assessment of requests and attempting to resolve them
- Keeping the customer informed of request status and progress
- Managing known errors – problem management
- Coordinating functional escalation
- Identifying customer training and education needs

**Availability:**

Customers may submit incidents electronically or via voice message to the Help Desk 24 hours a day, 7 days a week. Currently incidents submitted electronically are automatically logged into the HEAT system.

- The Help Desk staff is available Monday through Friday from 8:00 a.m. to 5:00 p.m. Eastern Time. The Association shall monitor the call volume, which shall be included in the monthly reports to the Authority.
- After hours Help Desk system support will be provided upon request and a minimum of seven (7) days’ notice.
- After hours 24/7 technical on-call support shall be provided to ensure that no unscheduled technical interruptions occur for the Portal.

## **Acknowledgement Requirements:**

The following acknowledgement requirements are not based on hard realistic data at this time. The Authority and the Association shall review these requirements on a monthly basis for the first year in order to complete a trend analysis. The Authority recognizes that during Early Life Support (ELS) of new system enhancements, and as new functionality is added, the intake of incidents will likely spike and the normal acknowledgment requirements may vary.

Normal E-Portal acknowledgement requirements:

- Within a minimum of five (5) business days – required to be acknowledged by first-line support
- Within a minimum of six (6) business days – if incident is not acknowledged by first-line support an automated e-mail is sent to second-line support notifying them of the incident.
- Within a minimum of seven (7) days – if incident is not acknowledged by second-line support an automated e-mail is sent to the third-line support
- Within a minimum of eight (8) days – if incident is not acknowledged by third-line support an automated e-mail is sent to the Support Administrator and the Help Desk Manager.

ELS E-Portal acknowledgement requirements:

- Within a minimum of ten (10) business days – required to be acknowledged by first-line support
- Within a minimum of twelve (12) business days – if incident is not acknowledged by first-line support an automated e-mail is sent to second-line support notifying them of the incident.
- Within a minimum of fourteen (14) days – if incident is not acknowledged by second-line support an automated e-mail is sent to the third-line support
- Within a minimum of sixteen (16) days – if incident is not acknowledged by third-line support an automated e-mail is sent to the Support Administrator and the Help Desk Manager

The Help Desk shall not be responsible for supporting the test environments. Anything that is not a live production issue shall be logged into the HEAT system. The incident shall then be transferred directly to the E-Portal Project Team for these types of issues that do not fall under Normal E-Portal acknowledgement requirements or ELS E-Portal acknowledgement requirements.

Help Desk personnel are not officers of the court and are not attorneys licensed to practice law in the State of Florida, therefore, they shall not provide any type of legal advice concerning any case or funds.

Help Desk personnel are not sworn deputy clerks and, therefore, any incidents relating to local procedures and county operations shall be directed to the local Clerk's office.

## Definitions

**Acceptance:** Formal agreement that an IT service, process, plan or other deliverable is complete, accurate, reliable and meets its specified requirements.

**Application:** Software that provides functions that are required by an IT service. Each application may be part of more than one IT service. An application may run on one or more servers or clients.

**Auto Ticket Generator (ATG):** A module of HEAT that creates and modifies call records directly from email system and ASCII text files.

**Beta:** A limited release to selected customers for user acceptance testing. The beta testing time varies depending on the complexity of the release.

**Business Process Automation Module (BPAM):** A HEAT module created to monitor call record business rules and perform related actions.

**Call Type:** A Category that is used to distinguish incoming requests to a Help Desk. Common call types are incidents and service requests.

**Category:** Categories are used to group similar incident, types, things together.

**Change:** The addition, modification or removal of anything that could have an effect on IT Services.

**Change Advisory Board (CAB):** The board appointed by the Association. Meets regularly to review Requests for Change (RFC), to monitor the effectiveness of the Change Management Policy (CMP) and consists of two representatives (i.e. primary and secondary) from each of the departments with the Association. Additionally a CAB librarian is appointed to maintain a record of the CAB's activities, document meeting minutes, generate reports from HEAT of the submitted RFCs, and manage a calendar of scheduled changes.

**Change Management:** The process responsible for controlling the lifecycle of all changes. The primary objective of change management is to enable beneficial changes to be made with minimum disruption to IT services.

**Configuration:** A generic term used to describe a group of configuration items that work together to deliver an IT service or a recognizable part of IT service.

**Configuration Item (CI):** Any component that needs to be managed in order to deliver an IT service. Information about each CI is recorded in a Configuration Record within a Configuration Management System and is maintained throughout its lifecycle by Configuration Management.

**Configuration Management:** The process responsible for maintaining information about configuration items required to deliver an IT service, including their relationships.

**Configuration Management Database (CMDB):** A database used to store configuration records throughout their lifecycle.

**Configuration Record:** A record containing the details of a configuration item.

**Critical Incident:** The highest level of impact. A critical incident results in significant disruption to the customer.

**Customer:** Any authorized Portal user as of the date of this Policy.

**Deployment:** The activity responsible for movement of new or changed hardware, software, documentation, process, etc. to the live environment. Deployment is part of the Release and Deployment Management process.

**Development:** The process responsible for creating or modifying an IT service or application. Also used to mean the role or group that carries out development work.

**Diagnostic Script:** A structured set of questions used by Help Desk staff to ensure they ask the correct questions and to help them classify, resolve, and assign incidents. Diagnostic scripts may also be made available to users to help them diagnose and resolve their own incidents.

**Early Life Support (ELS):** Support provided for a new or changed IT service for a period of time after it is released. During the ELS period, the Association may provide additional resources for Incident and Problem Management.

**Effectiveness:** A measure of whether the objects of a process, service or activity have been achieved.

**Escalation:** An activity that obtains additional resources when these are needed to meet service level targets or Customer expectations.

**First-line Support:** The first level in a hierarchy of the support groups involved in the resolution of incidents.

**Functional Escalation:** Transferring an incident, problem or change to a technical team with a higher level of expertise to assist in an Escalation.

**HEAT:** An out-of-the-box service and support call ticket and call logging solution, which enables organizations to streamline employee and customer support interactions.

**HEAT Self Service (HSS):** employees or customers can submit service requests, subscribe to problems, or get status updates over the web.

**HEAT Voice:** allows the delivery of a better customer experience by phone-enabling the service management solution.

**Incident:** An unplanned interruption to an IT Service or a reduction in quality of an IT Service.

**Incident Management:** The process responsible for managing the lifecycle of all incidents.

**Incident Record:** A record containing the details of an incident.

**IT Infrastructure Library (ITIL):** A set of best practice guidance of IT service management. ITIL is owned by the British Office of Government Commerce (OGC) and consists of a series of publications giving guidance on the provisions of quality IT services, and on the processes and facilities needed to support them.

**Known Error:** A problem that has a documented root cause and a workaround. Known errors are created and managed throughout their lifecycle by Problem Management.

**Lifecycle:** The various stages in the life of an IT service, configuration item, incident, problem, change etc. The lifecycle defines the categories for status and the status transitions that are permitted.

**Manual Workaround:** A workaround that requires manual intervention. Manual workaround is also used as the name of a recovery option in which the business process operates without the use of IT services. This is a temporary measure and is usually combined with another recovery option.

**Operation:** Day-to-day management of an IT service, system or other configuration item. Operation is also used to mean any predefined activity or transaction.

**Problem:** A cause of one or more incidents. The cause is not usually known at the time a problem record is created, and the Problem Management process is responsible for further investigation.

**Problem Management:** The process responsible for managing the lifecycle of all problems. The primary objective of problem management is to prevent incidents from happening, and to minimize the impact of incidents that cannot be prevented.

**Problem Record:** A record containing the details of a Problem.

**Process:** A structured set of activities designed to accomplish a specific objective. A process takes one or more defined inputs and turns them into defined outputs. A process may include any of the roles, responsibilities, tools and management controls required to reliably deliver the outputs. A process may define policies, standards, guidelines, activities, and work instructions if they are needed.

**Release:** A collection of hardware, software, documentation, processes or other components required to implement one or more approved changes to IT Services. The contents of each Release are managed, tested and deployed as a single entity.

**Release and Deployment Management:** The process that is responsible for both the policy and planning of building and releasing software. Release Management is a proactive technical support focused on planning, preparation and deployment of services

**Release Management:** The process responsible for planning, scheduling and controlling the movement of releases to test and live environments. The primary objective of Release Management is to ensure that

the integrity of the live environment is protected and that the correct components are released. Release Management is part of the Release and Deployment Management Process.

**Request for Change (RFC):** A formal process for a change to be made. A RFC includes details of the proposed changes, and may be recorded on paper or electronically.

**Rollout:** Synonym for Deployment. Most often used to refer to complex or phased deployments or deployments to multiple locations.

**Second-line Support:** The second level in a hierarchy of support groups involved in the resolution of incidents and investigation of problems.

**Service Desk:** A single point of contact between the service provider and the users. A typical service desk manages incidents and service requests, and also handles communication with the users. The terms “Help Desk” and “Service Desk” are used interchangeably.

**Service Request:** A request from a user for information, advice, a standard change or for access to an IT service.

**Scheduled Incident:** The fourth and lowest level of impact. A scheduled incident is an incident that is being worked based upon an agreed to schedule.

**Standard Incident:** The third level of impact. A standard incident is a routine incident and has no impact to the customers operations.

**Single Point of Contact:** Providing a single consistent way to communicate with an organization or business unit.

**System Management:** The part of the Association that focuses on the management of IT infrastructure rather than process.

**Technical Management:** The function responsible for providing technical skill in support of IT services and management of the IT Infrastructure. Technical Management defines the roles of support groups, as well as the tools, processes and procedures required.

**Technology Assistance Program (TAP):** TAP is a technical support team responsible for supporting customers onsite.

**Test Environment:** A controlled environment used to test configuration items, builds, IT services, processes, etc.

**Third-line Support:** The third level in a hierarchy of support groups involved in the resolution of incidents and investigation of problems.

**Urgent Incident:** The second level of impact. An urgent incident has an impact on one or more users but has a minimal impact to the customer’s operations.

**Version:** A version is used to identify a specific baseline of a configuration item. Versioning typically uses a naming convention that enables the sequence or date of each baseline to be identified. For example Traffic Application Version 3 contains updated functions from Version 2.

**Workaround:** Reducing or eliminating the impact of an incident or problem for which a full resolution is not yet available.