

**Florida Courts E-Filing Authority**  
**2011-2012**  
**Annual Report**

December 2012

*Florida Courts*



*E-Filing Authority*

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# **Florida Courts E-Filing Authority**

## **2012 Annual Report**

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# **Executive Summary**

## Executive Summary

As Hon. Lydia Gardner, Clerk of Orange County and 2011-2012 chair of the Florida Courts E-Filing Authority stated in her June 2012 Annual Review of Activities, “[Florida] is ahead of many other states and doing so at a fraction of the cost. Florida’s Clerks are moving more uniformly and more expediently toward full e-filing than is seen in most other states, states that may only have one court, in one county, accepting e-filings through a statewide portal. . . . We, as an Authority, are doing what is needed to bring our whole state into the modern age of using the Internet, using a processing portal, and helping our Courts and Clerks’ Offices to meet this challenge.”

The year 2011-2012 was certainly a watershed year as more than half the states Clerk’s Offices were connected to the statewide e-filing portal by the end of June, a full-time project manager for the e-portal was hired and the Supreme Court issued SC 11-399, an order that mandated dates by which the Clerks’ Offices must be able to accept e-filed documents in Civil and Criminal cases. The 2011 Florida Legislature asked State Attorneys and Public Defenders to report by March 2012 on their ability to e-file criminal case documents and to document their progress in working with the portal.

As set forth in 2008-111, Laws of Florida, “It is the expectation of the Legislature that the electronic filing and receipt of court documents will reduce costs for the office of the public defender [and state attorney,] the clerk of the court, and the judiciary; will increase timeliness in the processing of cases; and will provide the judiciary and the clerk of the court with case-related information to allow for improved judicial case management.”

## Background

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

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

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

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

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

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

## Governance Structure

In conjunction with the Chief Justice and the Supreme Court, the Florida Courts E-Filing Authority was established in June 2010 by an Interlocal Agreement creating a public agency pursuant to chapter 163, Florida Statutes, comprised of the Clerks of the Circuit Court who join the Authority and the Clerk of the Supreme Court, as designee of the Chief Justice of the Supreme Court on behalf of all the state courts. (TAB 1) Eight of those Clerks, along with Supreme Court Clerk Thomas D. Hall, form a Board of Directors that heads up the agency. This public agency, through the board, is charged with managing the design, development, implementation, operation, upgrade, support and maintenance of a portal for the receipt of electronically filed court records.

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

A Chair of the Authority -- the chair of the Florida Association of Court Clerks' (FACC) Technology Committee, as selected by the Association President each year, holds this seat.

Seven Clerks of the Circuit Court – in addition to the chair, each of the seven FACC districts nominates a Clerk from the district to serve on this board.

The Clerk of the Supreme Court -- the Clerk of the Supreme Court serves as the Chief Justice's designee on behalf of the state courts.

The Florida Courts E-Filing Authority Board members for 2011-2012 are:

- Hon. Lydia Gardner, Orange County Clerk, Chair
- Hon. Thomas D. Hall, Clerk of the Supreme Court, Vice-Chair
- Hon. Karen Nicolai, CPA, Hernando County Clerk, Secretary-Treasurer
- Hon. Bill Kinsaul, Bay County Clerk
- Hon. Bob Inzer, Leon County Clerk
- Hon. Tim Smith, Putnam County Clerk\*
- Hon. Joseph E. Smith, St. Lucie County Clerk
- Hon. Karen Rushing, Sarasota County Clerk
- Hon. Sharon Bock, Esq., Palm Beach County Clerk

\* Mr. Smith replaced Hon. James Jett, Clay County Clerk, who resigned mid-year.

It is recognized by the agreement that the Clerks of the Circuit Court are the official custodians of the records of the Circuit and County Courts in each Clerk's respective county and, likewise, the Clerk of the Supreme Court is the official custodian of the records of the Florida Supreme Court.

Each Clerk is subject to the Florida Statutes, the Administrative Orders of the Chief Justice of the Florida Supreme Court applicable to the respective Clerk, and each Clerk has the power and

responsibility to develop, acquire, construct, own, operate, manage and maintain database systems for court filings and related records. Clerks of the Circuit Court are members of the Authority through the execution of a joinder agreement. The district courts of appeal are members through the Clerk of the Supreme Court.

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

Over the 2011-2012 year, the Board of Directors met seven times to discuss issues of pertinence to the portal development. The most important aspect of these meetings has been to determine how many counties have connected to the portal, so that the filed documents flow from the site directly into the local case maintenance systems. The meetings are advertised on the Authority website and the meeting documentation is posted there as well. The meeting agendas and meeting minutes are included in this report. (TAB 3)

Current year budget for the Authority and the portal is comprised of funds donated from Florida Association of Court Clerks Services Group, LLC, listed both as an in-kind contribution and partner support. (TAB 4 ) The funds are being used for the activities required of the Authority, such as for the board attorney, Director's and Officer's Insurance and the required auditing. (TAB 5)

## The Florida Courts E-Filing portal

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

According to the Scope of Work, the portal includes the following features:

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

The Florida Courts E-Filing Authority works in close coordination with the Florida Courts Technology Commission to ensure that the statewide portal is developed in accordance court system standards and rules.

The portal opened January 2011, as required in the Interlocal Agreement. During the first months of operation 229 documents were electronically filed through the portal and the numbers have grown since that time. As reported in the June 2012 Readiness Report, from January 1 to May 31, 2012, 49,323 new cases were filed; 67,614 documents were filed; and 8,760 attorneys were shown as registered with the portal. (TAB 6)

By mid-year, 2012, almost 40 counties were connected to the portal for the acceptance of Civil case documents. Many more counties are shown to be connecting during the summer months. It is expected that by the summer of 2013, that all Clerk's Offices will be connected for the acceptance and processing of Civil cases in all five civil divisions, and that half or more of the counties will be accepting and processing documents filed on existing Criminal cases.

Work continues with the Supreme Court and the District Courts of Appeal vendor to connect to the portal. The Florida Supreme Court is scheduled to come on-line December 1, 2012. Filings through the portal will be limited to certain cases for the first couple of months as part of a live test of the system. The district courts of appeal are scheduled to begin using the portal April 1, 2013.

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



# **Annual Review of Activities**



## **2012 Annual Review of Activities**

Dear Florida Courts E-Filing Authority Members:

The need for the development and implementation of a system for statewide electronic filing in Florida's county, circuit and appellate courts has been recognized by the Florida Legislature and the Florida Supreme Court since 2009.

To that end, the Florida Courts E-Filing Authority was created in 2010 as a public body to oversee the development of the Florida Courts E-Filing portal. The portal was opened for business beginning January 2011.

### **Successes:**

By July 2011, there were 16 counties that had connected to the portal and had the ability to accept e-filed documents in at least one civil court area. Today, June 2012, there are 33 counties connected and meeting that standard. Others are gaining capability daily.

In 2011, from January to June, there were 6,225 documents filed. Today, there have been over 101,625 documents filed since the portal opened.

Currently,

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

Our numbers keep growing.

### **Deadlines Established:**

We work in conjunction with the Supreme Court and the Florida Bar. This past year, the Bar Rules Committee undertook revisions to a variety of rules regarding which documents should be filed electronically or not. Their proposal is filed as case **SC11-399** and has generated responses from many court system users.

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In large part, the responses centered on the criminal rules that exempted a number of documents from the requirement for e-filing. Among those who responded was the **Florida Courts E-Filing Authority Board**, both urging the court to reconsider the criminal rule amendments.

A supplemental comment to SC 11-399 was filed by the Florida Courts Technology Commission (FCTC), in coordination with the Florida Courts E-Filing Authority. The subject of the comment will be a proposed plan for a phased-in approach for mandatory e-filing, with a special focus on the criminal cases (**See docket entry dated 8-8-2011 under SC11-399**).

E-Filing Authority chair, Lydia Gardner chose two Clerks as representatives to help draft a plan for mandatory statewide e-filing in response to **SC11-399**. Hon. Harvey Ruvin (Miami-Dade) and Hon. Tim Smith (Putnam) worked with Judge Kreeger and other court partners on this plan.

The resulting plan required that:

“on or before July 1, 2012 all clerks will be prepared to accept e-filings through the statewide e-portal, in the civil divisions (defined as circuit civil, county civil, probate, family, and juvenile dependency) and,

“by December 31, 2012 for criminal divisions (defined as circuit criminal, county criminal, criminal traffic, civil traffic, and juvenile delinquency).”

Attorneys will be required to be able to e-file nine months later than these mandatory dates.

**Authority:**

**Adding Criminal capability:**

Earlier this year, the Authority received the criminal data elements to be used for programming in the portal. Having the criminal data elements in hand provided the green light for assisting the State Attorney and Public Defender Offices to begin sending documents through the portal.

Hon. Lydia Gardner (Orange), Authority chair, invited representatives of the Florida Prosecuting Attorneys Association (FPAA) and the Florida Public Defenders Association (PDA) to an Authority meeting. Ms. Gardner not only asked for each association’s input, but also requested each group to name a technical liaison.

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Hon. Bill Eddins, First Circuit, Florida Prosecuting Attorney's Association President, attended and spoke favorably to working together. He is heading up the Criminal e-filing effort currently taking place in the First Circuit in Santa Rosa County. Mr. Tom Morris, Eighth Circuit State Attorney's Office, was designated as the FPAA liaison to the E-Filing Authority. John Tomasino, Second Circuit Public Defender's Office, was appointed as the public defender liaison to the Authority.

#### Helping Users:

Hon. Lydia Gardner (Orange), chair, made a decision to establish a User Forum, a forum where Clerks, Judges and other interested parties can discuss their e-filing issues. Initially chaired by board member Hon. James Jett (Clay), it is now chaired by the Hon Tim Smith.

#### Continued Portal Upgrades:

January—a new release represented the first step of the ePortal development plan, approved by the Florida Courts E-Filing Authority board at its late November 2011 meeting.

This release addressed 50 reported deficiencies and 20 enhancements, working in conjunction with the Florida Courts E-Filing Authority board Users Forum subcommittee. Some of the most requested enhancements included in this release were:

- Ability for Clerks to collect additional fees associated with filings including Summons, Additional Parties and Lis Pendens fees
- Enhanced Reporting Capability
- Enhancements and increased validations for Credit Card Processing
- Portal Review and Code Maintenance Enhancements

#### Project Manager Hired:

Early 2012, a project manager, Levi Owens, was hired to provide focused management for the portal. To keep the Clerks and Comptrollers up-to-date on the current happenings of e-filing and the statewide ePortal, he has been able to provide regular updates on the process in the Clerks E-News.

Monthly, Levi provides a status report of all county readiness as the first deadline of July 1 approaches. Those reports are posted on the Authority website.

The Authority has added appellate functionality for the District Court of Appeals and Supreme Court and scanning and redaction capability for each

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county to the Monthly Readiness Report.

Not only has he been able to keep the information flowing to Clerks and staff, he has established communication with the vendors as a means to make sure they were aware of target dates and the need to meet certain requirements.

The Authority Board unanimously approved a plan to implement standardized data elements to be used by e-filers on the ePortal. The intent is to provide a standard, uniform method for filing judicial instruments in all 67 counties. The Best Practices Workgroup has been asked to provide a recommendation to the Authority Board on which court types, sub-types, document types, etc., should be used. This effort will continue during the next fiscal year.

### **What Does This All Mean?**

We are ahead of other many other states and doing so at a fraction of the cost.

Florida's Clerks as a whole are moving more uniformly and more expediently toward full e-filing than is seen in most other states, states that may only have one court, in one county, accepting e-filings through a statewide portal.

The Florida Courts Technology Commission's outgoing chair, Judge Judith Kreeger, has recently noted that the Clerks, and the Authority, were proceeding cautiously and wisely with e-filing.

We, as an Authority, are doing what is needed to bring our whole state into the modern age of using the Internet, using a processing portal, and helping our Courts and Clerks' offices to meet this challenge.

The Authority is working with our trial court systems partners, from the civil and criminal sectors, to the Supreme Court and District Courts, to help them meet this challenge as well.

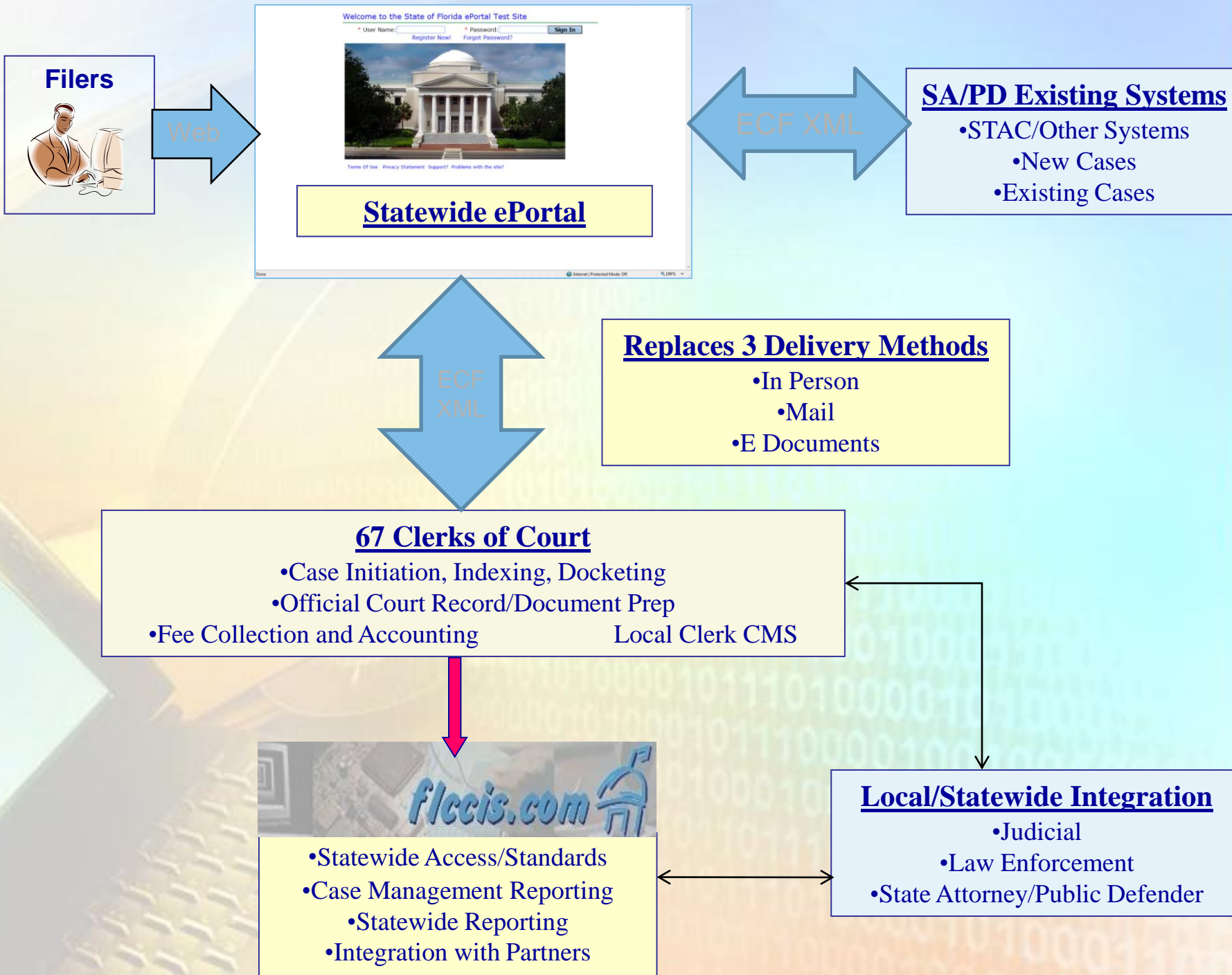
Thank you all for your support and your diligence in this effort.

# **Portal Overview**

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



# Statewide Integrated Court System





# Florida eFiling Authority

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

# eFiling Portal Functionality

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

# The Florida Courts ePortal History & Accomplishments

- Development of the ePortal began in 2010
- Civil e-filing capability established in January 2011
- 52 of 67 counties have established e-filing capability in all 5 Civil divisions with all counties scheduled to be connected by March 2013
- Appellate functionality has been established with all Appellate Courts scheduled to be connected by June 2013
- Criminal functionality has been established and will be implemented with a phased approach
- 128,117 cases with 177,542 documents have been electronically filed through the ePortal since its inception

# Simple Process Overview

- Create case files on your computer, saving as Word or PDF files
- Log onto the statewide e-Portal
- Complete the required information and attach your document(s)
- Pay, if required, and submit
- Receive filing confirmation from the Clerk's Office
- Access to all of your filings at portal or Clerk's website

# ePortal Frequently Asked Questions

## ▾ Timestamps

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

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

## **AO 09-30 3.1.12**

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

# ePortal Frequently Asked Questions

## ▾ Fees

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

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

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

|                     |                         |
|---------------------|-------------------------|
| <b>Credit Cards</b> | <b>3% of Filing Fee</b> |
| <b>ACH</b>          | <b>\$3</b>              |

# ePortal Frequently Asked Questions

## ▣ Access to Filings and Case Information

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

# ePortal Frequently Asked Questions

## ▣ Document Types Supported?

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



# ePortal Frequently Asked Questions

## ☐ Notifications Supported by the Portal?

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

# ePortal Frequently Asked Questions

## ▣ Administration of User Accounts/Authentications

### ▣ 3 Options

- Users can authenticate their own accounts
- Law Firms can administer their users
- County can review and administer accounts

# ePortal Frequently Asked Questions

## ▾ How are electronic signatures handled?

- ePortal supports electronic signatures as outlined in AO 09-30:

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

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

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

# ePortal Recent Issues

## 3.1.11. Local Document Receiving Process

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

# ePortal Recent Issues

## ▾ Compliance with Rule 2.420

### 3.1.16. Documents Exempt from Public Access

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

# Documentation Available

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



# **ePortal Usage Statistics**

# The Florida Courts ePortal 2012 Usage Statistics

Current through August 15

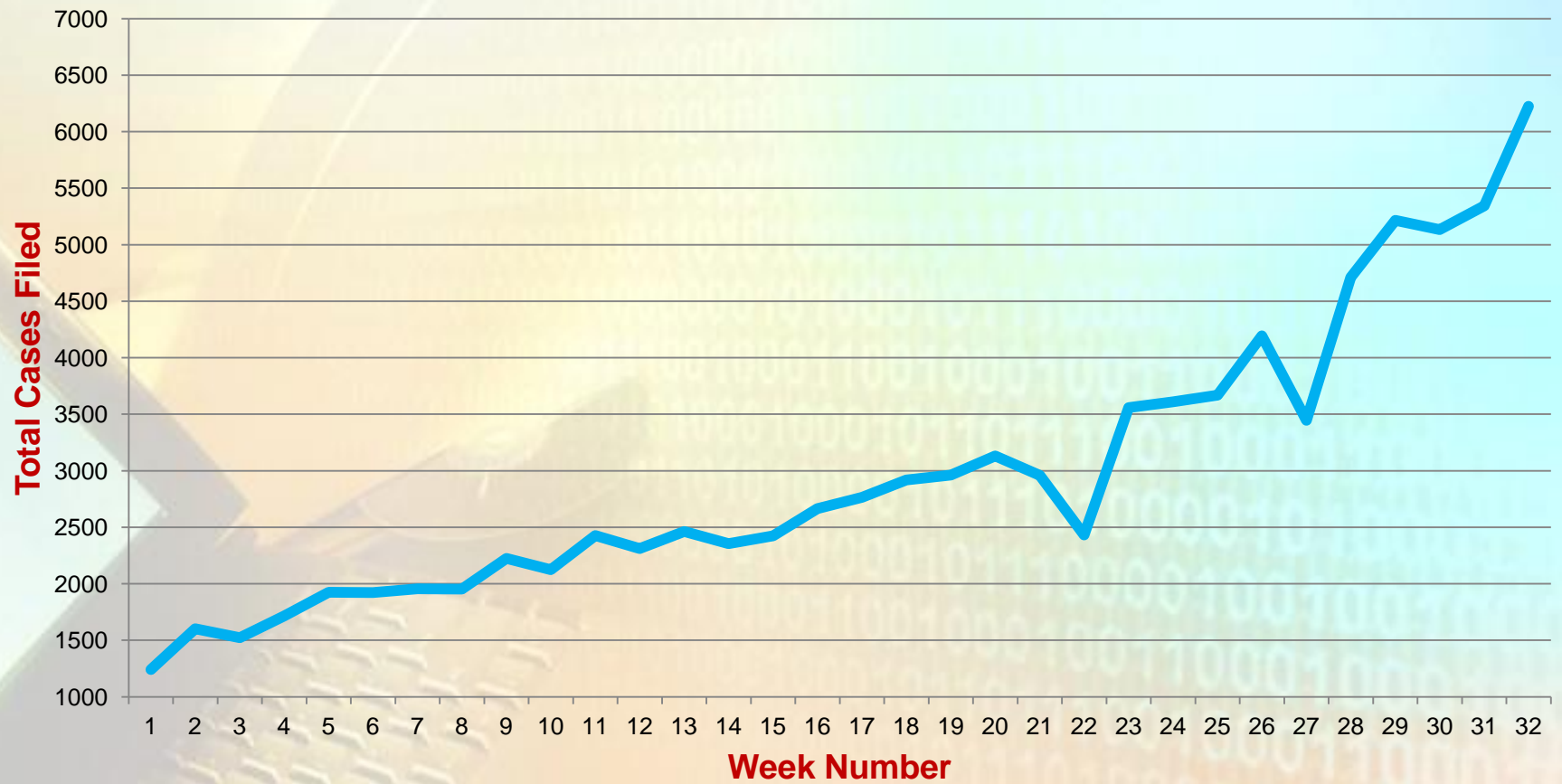
| Filings                        |               | Documents            |               |
|--------------------------------|---------------|----------------------|---------------|
| YTD Total                      | Avg / Month   | YTD Total            | Avg / Month   |
| <b>99,265</b>                  | <b>13,235</b> | <b>138,228</b>       | <b>18,430</b> |
| Total Registered ePortal Users |               | Total Active eFilers |               |
| <b>12,048</b>                  |               | <b>3,573</b>         |               |



# The Florida Courts ePortal 2012 Usage Statistics

Current through August 15

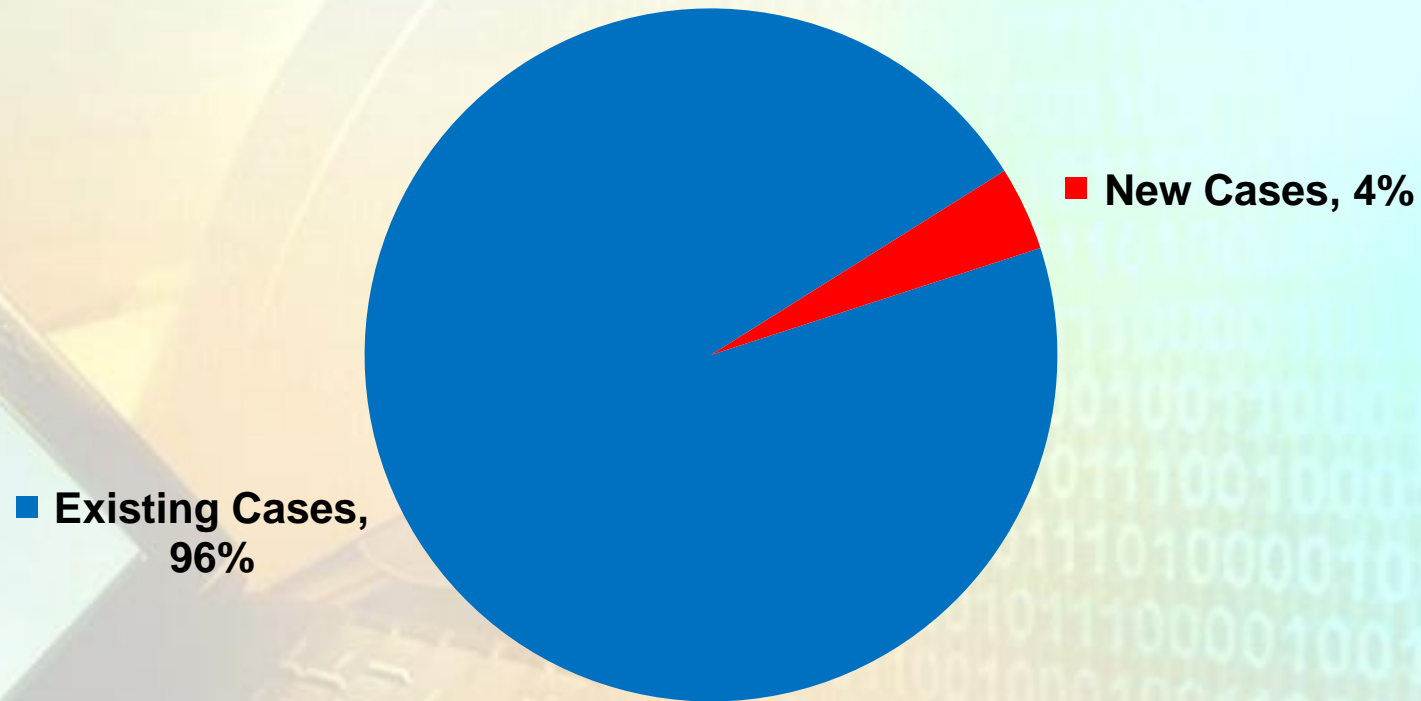
## 2012 YTD eFilings



# The Florida Courts ePortal 2012 Usage Statistics

Current through August 15

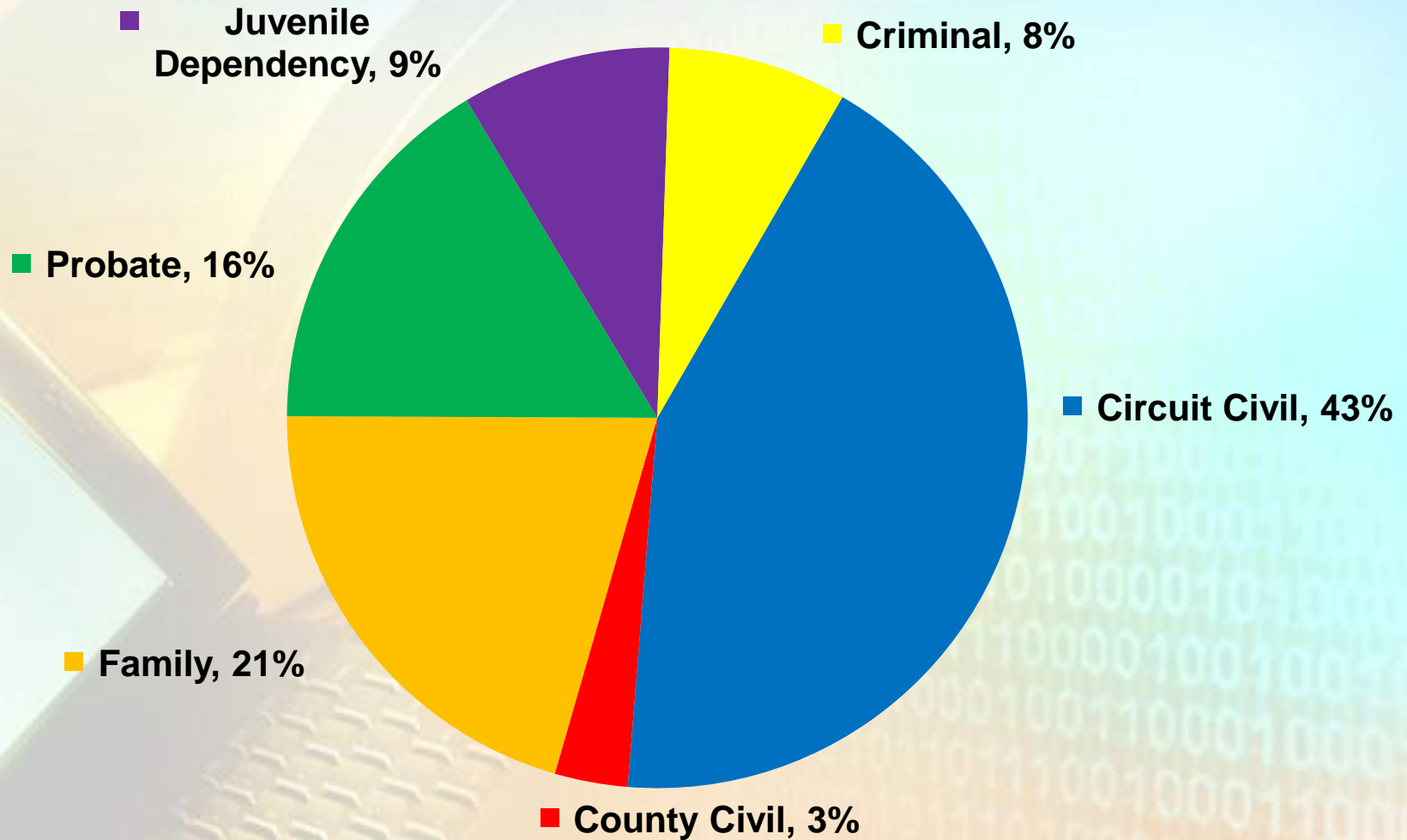
## eFilings by Filing Type



# The Florida Courts ePortal 2012 Usage Statistics

Current through August 15

## eFilings by Division



# **Interlocal Agreement**

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

**By**

**And**

**Between**

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

**and**

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

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

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

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

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

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

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

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

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

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

## **ARTICLE 1 DEFINITIONS.**

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

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

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

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

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

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

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

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

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

n. "Public Agencies" is as defined in the Interlocal Act.

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

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



## ARTICLE 2 THE AUTHORITY

**2.1. CREATION.** The Clerks hereby create and establish the Florida E-Filing Authority (“Authority”), a legal entity and public body subject to all applicable Florida statutes, Supreme Court rules and Administrative Orders of the Chief Justice of the Florida Supreme Court that govern the individual clerks of circuit court, clerks of the District Courts of Appeal and clerk of the Supreme Court in the performance of their record-keeping functions, as well as all Rules of Court relating to public records and all applicable laws and county ordinances relating to procurements by the clerks of the circuit court in their capacity as clerk of court. Records of the Authority that are not Court Records are subject to the provisions of Chapter 119, Florida Statutes. All meetings of the Authority shall be open to the public except for any meetings specifically made exempt under Chapter 119.

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

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

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

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

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

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

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

### **ARTICLE 3 GOVERNANCE**

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

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

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

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

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

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

### **3.2. MEETINGS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

**3.6. AUTHORITY OF OFFICERS.**

a. The Chairman and the Vice-Chairman shall take such actions, have all such powers and sign all documents on behalf of the Authority and in furtherance of the purposes of this Interlocal Agreement as may be approved by resolution of the Board adopted at a duly called meeting.

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

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

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

**ARTICLE 4  
POWERS AND DUTIES**

**4.1. POWERS.**

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

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

xii. To purchase such insurance as it deems appropriate.

xiii. To apply for and accept grants, loans and subsidies from any governmental or non-governmental entity for the design, development, implementation, operation, upgrading, support and maintenance of the E-Filing Court Records Portal and to comply with all requirements and conditions imposed in connection therewith.

xiv. To do all acts and to exercise all of the powers necessary, convenient, incidental, implied or proper in connection with any of the powers, duties or purposes authorized by this Interlocal Agreement.

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

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

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

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

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

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

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

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

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

a. The Authority may impose only those fees, service charges, and check, debit and credit card transaction fees that the individual clerks of court are permitted to impose through express statutory authorization .

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

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

a. Prior to the implementation and operation of the E-Filing Court Records Portal, and prior to any enhancements to or extensions of, or development, implementation or operation of any project related thereto, the Authority shall consult with the Florida Court Technology Commission, or any other person or entity designated by the Supreme Court.

b. Any changes to the E-Filing Court Records Portal shall be made only in accordance with (i) Information Technology Infrastructure Library, a widely accepted approach to information technology service management adopted by the Association and which includes a formal process for change management and quality assurance and (ii) prior to implementing any changes to the E-Filing Court Records Portal, the Authority shall consult with the Florida Court Technology Commission.

c. The initial agreement and all modifications or amendments to the agreement with the Association attached hereto as Exhibit 1 and incorporated herein with respect to significant and material changes to the design, development, implementation, operation, upgrading, support and maintenance of the E-Filing Court Records Portal that adversely impact the court related functions of the portal must be agreed to by the Clerk of the Supreme Court and shall include but not necessarily be limited to the following terms:

i. that no assignment of the agreement shall be permitted without prior notice to and consent by the Supreme Court.

ii. that all records relating to the design, development, implementation, operation, upgrading, support and maintenance of the E-Filing Court Records Portal be subject to public disclosure under applicable Florida public records law.

iii. that the development and implementation of the E-Filing Court Records Portal shall be complete on or before January 1, 2011. Any standard data elements approved by the Supreme Court after the implementation of the E-filing



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

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

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

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

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

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

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

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

xi. that includes a warranty of ability to perform.

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

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

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

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

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

## **ARTICLE 5 MISCELLANEOUS**

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

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

**5.3. IMMUNITY.**

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

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

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

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

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

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

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

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

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

[Remainder Of Page Is Blank]

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

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

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

Clerk of the Circuit Court in and for  
\_\_\_\_\_ County  
By: \_\_\_\_\_  
Name: \_\_\_\_\_

Clerk of the Circuit Court in and for  
\_\_\_\_\_ County  
By: \_\_\_\_\_  
Name: \_\_\_\_\_

Clerk of the Circuit Court in and for  
\_\_\_\_\_ County  
By: \_\_\_\_\_  
Name: \_\_\_\_\_

Clerk of the Circuit Court in and for  
\_\_\_\_\_ County  
By: \_\_\_\_\_  
Name: \_\_\_\_\_

Clerk of the Circuit Court in and for  
\_\_\_\_\_ County  
By: \_\_\_\_\_  
Name: \_\_\_\_\_

Clerk of the Circuit Court in and for  
\_\_\_\_\_ County  
By: \_\_\_\_\_  
Name: \_\_\_\_\_

Clerk of the Florida Supreme Court  
By: [Signature]  
Name: THOMAS D. HALL

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

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

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

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  
\_\_\_\_\_ County  
By: \_\_\_\_\_  
Name: \_\_\_\_\_

Clerk of the Circuit Court in and for  
\_\_\_\_\_ County  
By: \_\_\_\_\_  
Name: \_\_\_\_\_

Clerk of the Circuit Court in and for  
\_\_\_\_\_ County  
By: \_\_\_\_\_  
Name: \_\_\_\_\_

Clerk of the Circuit Court in and for  
\_\_\_\_\_ County  
By: \_\_\_\_\_  
Name: \_\_\_\_\_

Clerk of the Circuit Court in and for  
\_\_\_\_\_ County  
By: \_\_\_\_\_  
Name: \_\_\_\_\_

Clerk of the Florida Supreme Court  
By: \_\_\_\_\_  
Name: \_\_\_\_\_

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

Clerk of the Circuit Court in and for  
Bay County  
By: [Signature]  
Name: Bill Kusaul

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

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

Clerk of the Circuit Court in and for  
\_\_\_\_\_ County  
By: \_\_\_\_\_  
Name: \_\_\_\_\_

Clerk of the Circuit Court in and for  
\_\_\_\_\_ County  
By: \_\_\_\_\_  
Name: \_\_\_\_\_

Clerk of the Circuit Court in and for  
\_\_\_\_\_ County  
By: \_\_\_\_\_  
Name: \_\_\_\_\_

Clerk of the Circuit Court in and for  
\_\_\_\_\_ County  
By: \_\_\_\_\_  
Name: \_\_\_\_\_

Clerk of the Circuit Court in and for  
\_\_\_\_\_ County  
By: \_\_\_\_\_  
Name: \_\_\_\_\_

Clerk of the Florida Supreme Court  
By: \_\_\_\_\_  
Name: \_\_\_\_\_

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

Clerk of the Circuit Court in and for  
Bay County  
By: [Signature]  
Name: Bill Kusaw

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

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

Clerk of the Circuit Court in and for  
\_\_\_\_\_ County  
By: \_\_\_\_\_  
Name: \_\_\_\_\_

Clerk of the Circuit Court in and for  
\_\_\_\_\_ County  
By: \_\_\_\_\_  
Name: \_\_\_\_\_

Clerk of the Circuit Court in and for  
\_\_\_\_\_ County  
By: \_\_\_\_\_  
Name: \_\_\_\_\_

Clerk of the Circuit Court in and for  
\_\_\_\_\_ County  
By: \_\_\_\_\_  
Name: \_\_\_\_\_

Clerk of the Circuit Court in and for  
\_\_\_\_\_ County  
By: \_\_\_\_\_  
Name: \_\_\_\_\_

Clerk of the Florida Supreme Court  
By: \_\_\_\_\_  
Name: \_\_\_\_\_

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

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

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

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

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

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

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

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

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

**Clerk of the Florida Supreme Court**  
By: \_\_\_\_\_  
Name: \_\_\_\_\_



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

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

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

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

Clerk of the Circuit Court in and for  
\_\_\_\_\_ County  
By: \_\_\_\_\_  
Name: \_\_\_\_\_

Clerk of the Circuit Court in and for  
\_\_\_\_\_ County  
By: \_\_\_\_\_  
Name: \_\_\_\_\_

Clerk of the Circuit Court in and for  
\_\_\_\_\_ County  
By: \_\_\_\_\_  
Name: \_\_\_\_\_

Clerk of the Circuit Court in and for  
\_\_\_\_\_ County  
By: \_\_\_\_\_  
Name: \_\_\_\_\_

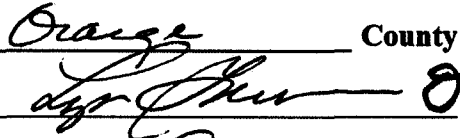
Clerk of the Circuit Court in and for  
\_\_\_\_\_ County  
By: \_\_\_\_\_  
Name: \_\_\_\_\_

Clerk of the Florida Supreme Court  
By: \_\_\_\_\_  
Name: \_\_\_\_\_

**EXHIBIT 1**

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

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

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

Clerk of the Circuit Court in and for  
\_\_\_\_\_ County  
By: \_\_\_\_\_  
Name: \_\_\_\_\_

Clerk of the Circuit Court in and for  
\_\_\_\_\_ County  
By: \_\_\_\_\_  
Name: \_\_\_\_\_

Clerk of the Circuit Court in and for  
\_\_\_\_\_ County  
By: \_\_\_\_\_  
Name: \_\_\_\_\_

Clerk of the Circuit Court in and for  
\_\_\_\_\_ County  
By: \_\_\_\_\_  
Name: \_\_\_\_\_

Clerk of the Circuit Court in and for  
\_\_\_\_\_ County  
By: \_\_\_\_\_  
Name: \_\_\_\_\_

Clerk of the Circuit Court in and for  
\_\_\_\_\_ County  
By: \_\_\_\_\_  
Name: \_\_\_\_\_

Clerk of the Circuit Court in and for  
\_\_\_\_\_ County  
By: \_\_\_\_\_  
Name: \_\_\_\_\_

Clerk of the Florida Supreme Court  
By: \_\_\_\_\_  
Name: \_\_\_\_\_

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

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

WITNESSETH

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

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

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

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

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

NOW THEREFORE, in accordance with the terms and conditions as set forth herein, and for mutual consideration, given by each to the other, the Authority and the Association hereby agree as follows:

1. **Definitions.** Terms not otherwise defined in this Agreement shall be defined as follows:
  - a. “Act” or “Interlocal Act” shall mean Part I, Chapter 163, Florida Statutes.
  - b. “Administrative Orders” shall mean those administrative orders issued by the Florida Supreme Court or the chief justice of the Florida Supreme Court.

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

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

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

f. "E-Filing" shall mean filing Court Records to a case through electronic systems and processes in compliance with rule 2.525, Florida Rules of Judicial Administration. E-Filing includes filing a court record with accompanying data elements necessary to establish an index of records for new cases, associate the record with an existing case in the case management system, and allow judges to process and manage their cases from filing to timely final disposition. E-Filing may also be referred to as ECF (Electronic Court Filing as established by The National Center for State Courts).

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

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

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

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

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

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

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

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

## 2. SERVICES TO BE PROVIDED BY THE ASSOCIATION

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

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

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

b. The E-Filing Court Records Portal will allow electronic filing of Court Records and electronic access to electronic Court Records by Authorized Users. The E-Filing Court Records Portal shall comply with standards adopted by the Supreme Court in In Re: Statewide Standards for Electronic Access to Courts, AOSC09-30 (July 1, 2009), including amendments to those standards, as well as any other standards or requirements relating to electronic access to the Courts that the Supreme Court may approve, including, but not limited to:

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

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

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

d. Development, implementation and operation of the E-Filing Court Records Portal, including implementation of data elements approved by the Supreme Court and delivered by the Authority to the Association prior to or as of the date hereof shall be complete on or before January 1, 2011. Any standard data elements approved by the Supreme Court after the implementation of the E-filing Court Records Portal shall be implemented within a reasonable, agreed upon time after receipt of such new standard data elements by FACC from the Authority, in writing in sufficient detail to allow FACC to fully design, develop and implement such new data elements, which time is not to exceed 90 days from the date of receipt of the new data elements, unless a longer period of time is reasonably required and agreed to by the Florida Supreme Court and the Authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

#### 4. COMPENSATION

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

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

#### 5. INDEPENDENT CONTRACTOR

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

#### 6. SUBCONTRACTS

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

under this Agreement.

#### 7. OWNERSHIP OF THE PORTAL AND PORTAL DATA

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

#### 8. OWNERSHIP OF SOFTWARE AND DESIGNS

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

#### 9. WARRANTIES

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

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

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

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

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

#### 10. CORRECTIVE ACTION PLAN

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

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

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

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

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

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

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

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

#### 11. AUDIT

For work performed under this Agreement, the Association shall be subject to or cause to be conducted independent (i) budget audit, (ii) financial and/or performance audit that is performed in accordance with the Statement on Audit Standards 70 audit guidelines promulgated by the American Institute of CPAs; the audit will focus on the existence of controls that are suitably designed to provide reasonable assurance that the specific control objectives are achieved and that the controls are operating as designed, and (iii) security review audit of the Association's technology infrastructure, which security review will be divided into 7 areas: policies, physical security, root or administrative user security, normal user security, file security, overall security procedures, and periodic testing.. The audit(s) shall be performed annually and as may be requested by the Authority, the Florida Auditor General, or as may be requested by the Supreme Court.

#### 12. LIMITATION OF LIABILITY

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

#### 13. INSURANCE AND WORKERS' COMPENSATION

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

#### 14. EMPLOYMENT LAWS

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

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

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

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

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

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

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

#### 15. OFFICE SPACE, FACILITIES, AND RECORDS

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

#### 16. CONFIDENTIALITY OF BUSINESS RECORDS/DATA SOFTWARE

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

a. As used herein Confidential Information shall mean:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### 17. DISCLOSURE OF CONFIDENTIAL COURT RECORDS

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

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

#### 18. IMPOSSIBILITY OF PERFORMANCE

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

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

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



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

#### 19. ASSIGNMENT OF AGREEMENT

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

#### 20. CHANGES IN AGREEMENT

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

#### 21. TERMINATION

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

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

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

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

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

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

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

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

## 22. COSTS OF ENFORCEMENT

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

## 23. NOTICES AND CONTACT

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

As to the Association:

As to the Authority

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24. MISCELLANEOUS

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

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

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

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

25. SEVERABILITY

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

26. GOVERNING LAW

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

27. ENTIRE AGREEMENT

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

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

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

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

Florida E-Filing Authority

Florida Association of Court Clerks, Inc.

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

By \_\_\_\_\_

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

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

Title: \_\_\_\_\_

Title: \_\_\_\_\_

ATTACHMENT B

Clerk Electronic Funds Transfer Account Information

**ADMIN/USER INFORMATION:**

- 1. Clerk of Court for \_\_\_\_\_  
(County/DCA/Supreme Court)
- 2. Contact Name/Administrator: \_\_\_\_\_
- 3. Office Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 4. Phone Number: \_\_\_\_\_
- 5. Fax Number: \_\_\_\_\_

**BANKING INFORMATION:**

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

**TECHNICAL CONTACT INFORMATION:**

- Name: \_\_\_\_\_
- Phone Number: \_\_\_\_\_ Fax \_\_\_\_\_
- E-mail Address: \_\_\_\_\_

ATTACHMENT C

AGREEMENT TO MAINTAIN

THE SECURITY OF CONFIDENTIAL INFORMATION

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

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

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

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

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

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

**CONFIDENTIAL INFORMATION CERTIFICATE**

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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

# **Authority Meetings**



**LYDIA GARDNER,  
CHAIR**

Clerk, Orange County

**THOMAS D. HALL,  
VICE CHAIR**

Clerk of the Court,  
Florida Supreme Court

**KAREN NICOLAI, CPA  
SECRETARY/TREASURER**

Clerk, Hernando County  
District IV

**BILL KINSAUL**

Clerk, Bay County  
District I

**BOB INZER**

Clerk, Leon County  
District II

**TIM SMITH**

Clerk, Putnam County  
District III

**JOSEPH E. SMITH**

Clerk, St. Lucie County  
District V

**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

#### Annual Meeting

Wyndham Bay Point

4114 Jan Cooley Drive

Panama City Beach, FL 32408

June 12, 2012

Grand Lagoon Ballroom E

1:30 p.m. – 3:00 p.m.

Public comments are welcome at the end of the meeting.

- |                                     |  |                                    |      |
|-------------------------------------|--|------------------------------------|------|
| I.                                  | Introduction and Roll Call                         | Lydia Gardner, Chair               | 1:30 |
| II.                                 | Adoption of the Agenda                             | Lydia Gardner                      |      |
| <b>Open the Annual Meeting</b>      |  |                                    |      |
| III.                                | Review of annual authority activities              | Lydia Gardner                      | 1:35 |
| IV.                                 | Election of the Vice Chair and Secretary/Treasurer |                                    | 1:40 |
| <b>Close Annual Meeting</b>         |  |                                    |      |
| <b>Open Annual Meeting of Board</b> |  |                                    |      |
| V.                                  | Reading and approval of the April and May minutes  | Karen Nicolai, Secretary/Treasurer | 1:45 |
| VI.                                 | Treasurer's Report                                 |                                    |      |
|                                     | a. Approval of 2012-2013 Budget                    | Karen Nicolai                      | 1:50 |
|                                     | b. Approval to expend funds for annual audit       | Karen Nicolai                      | 1:55 |
| VII.                                | Progress Reports                                   | Levi Owens                         | 2:00 |
| VIII.                               | Unfinished Business                                |                                    |      |
|                                     | a. Report from the Website Subcommittee            | Tom Hall                           | 2:20 |
|                                     | b. Report from the Funding Subcommittee            | Sharon Bock                        | 2:30 |
|                                     | c. Revisions to Interlocal Agreement               | Lynn Hoshihara, Counsel            | 2:45 |
| IX.                                 | New Business                                       |                                    |      |
|                                     | a. Set next meeting                                |                                    | 2:55 |
| X.                                  | Public Comment                                     |                                    |      |





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## The Florida Courts E-Filing Authority Minutes

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

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

### Annual Meeting

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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they communicate this question to the auditors.

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

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

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

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

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

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

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

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

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

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

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

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

# Florida Courts



## E-Filing Authority

**LYDIA GARDNER,  
CHAIR**

Clerk, Orange County

**THOMAS D. HALL,  
VICE CHAIR**

Clerk of the Court,  
Florida Supreme Court

**KAREN NICOLAI, CPA  
SECRETARY/TREASURER**

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**BILL KINSAUL**

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Clerk, Leon County  
District II

**TIM SMITH**

Clerk, Putnam County  
District III

**JOSEPH E. SMITH**

Clerk, St. Lucie County  
District V

**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

Board of Directors Workshop

**May 30, 2012**

**10:00 a.m. - Noon**

By WebEx

- |             |   |               |
|-------------|---|---------------|
| <b>I.</b>   | <b>Introduction &amp; Roll Call</b>                         | Lydia Gardner |
| <b>II.</b>  | <b>Finance Report</b>                                       | Karen Nicolai |
| <b>III.</b> | <b>Progress Reports</b><br>Update on ePortal Implementation | Levi Owens    |
| <b>III.</b> | <b>Adjourn</b>  |               |



## Florida Courts E-Filing Board Workshop

### Minutes

The board met by teleconference on May 30, 2012, at 10:00 a.m. Members present: Hon. Lydia Gardner, Chair, Hon. Thomas D. Hall, Vice Chair, Hon. Karen Nicolai, Secretary /Treasurer, Hon. Bill Kinsaul, Hon. Bob Inzer, Hon. Tim Smith, Hon. Karen Rushing, and Hon. Sharon R. Bock. Also present were: Melvin Cox, Kent Kent, Peggy Ball, Randy Long, Beth Allman, Sean Hudson, and Levi Owens Florida Clerks staff; Lynn Hoshihara, Nabors Giblin, E-Filing Authority attorney.

#### I. Introduction and Roll Call

Hon. Lydia Gardner called the meeting to order at 10:05 a.m. and welcomed those on the phone. She asked Beth Allman to call the roll. Ms. Gardner reminded the board that because this was a workshop, no formal action could be taken by the board.

#### II. Finance Report

Ms. Gardner recognized Peggy Ball to give the monthly financial report. Ms. Ball noted that the Authority was in a deficit posture, paying bills from carryover funding.

#### III. Progress Reports

Ms. Gardner recognized Levi Owens, Florida Clerks E-Portal project manager, to provide the monthly status report. Mr. Owens reported that all counties had reported and were making progress toward accepting civil e-filings by July 1, 2012. There were a few questions about the District Court of Appeal (DCA) readiness.

Ms. Gardner asked if the Funding Subcommittee had met yet. Hon, Sharon Bock, subcommittee chair, said she was planning on holding a meeting of the subcommittee in Panama City Beach in conjunction with the broad meeting. Ms. Rushing asked if the topic would for funding in general for the portal or if it was for the Authority. She explained that discussions along these lines had been raised at the recent Florida Courts Technology Commission meeting. She noted that it was important for this subcommittee to know these discussions were also going on elsewhere.

Ms. Gardner shared her recent visit with the Fifth DCA Clerk. She informed the group that the DCA Clerk wanted to issue an order requiring all Clerks in the trial courts to use an electronic format when filing their appeals packages. All the Clerks from the counties in the district were invited to the meeting and collectively shared the concerns that they would not be able to comply with an order of that nature. They asked what the penalty would be for non-compliance. The board asked Mr. Hall for clarification.

Mr. Hall explained that the First and Fifth DCA were using “homegrown” systems, an adaptation of the Department of Administrative Hearings’ system. He said, at the same time the other DCA’s are

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getting ready to go through the portal. Mr. Hall reminded the board of the SC 011-399 Supplemental Comment filed by the FCTC chair, Judge Kreeger, as a result of the workgroup that met during the fall. He felt that there was agreement that all counties could produce the electronic record.

Ms. Gardner expressed concern that the date could not be met for the DCA packages. Mr. Hall said that any Clerks that could not meet the deadline should send a letter to the court or have participated in the oral arguments.

Melvin Cox, Florida Clerks IT Director, clarified that the dates for the DCA appeals packages were not the same as the dates for being able to accept civil and criminal e-filings. The paragraph for the DCA issue was set out separately in the Supplemental Comment. He explained that the dates for the DCA appeals packages was added during an FCTC meeting that fall, that the dates were not part of the e-filing mandates, but a separate requirement.

Ms. Rushing said she and Mr. Ruvin had contacted Clerks during September 2011 and were told that they could meet the date.

Ms. Gardner asked Melvin and Ms. Rushing to contact Clerks to do a survey of Clerks to see how they could meet the dates for the electronic appellate package. She remarked that this information was not well-communicated to the Clerks. Mr. Hall further explained that the appellate packages will not go through the portal; it is just a different way to transfer the record that the trial court already sends. He reminded the board that the First DCA had already passed this same order and that 32 trial courts/counties were already sending the package electronically as required in that district.

Ms. Gardner recognized John Tomasino, Second Circuit Public Defender's Office, who wanted to let the board know that the five Public Defender Appeals Offices were not seeing a way around the order from the DCA. The PD offices had been working with Mr. Hall and the DCA representatives, but not getting much traction.

Ms. Gardner then recognized Mr. Tom Morris, Eight Circuit State Attorney's Office, who had nothing to add on the issue, but spoke positively to the continued relationship with the association portal development staff and the development of the batch filing. He mentioned they had designated a few test circuits for that.

Ms. Gardner recognized Mr. Hall to speak about the website homepage RFP review. He asked that the subcommittee meet in person during the next week if possible to go over the responses.

Ms. Gardner told the board she would get the letter ready to send to The Florida Bar. She suggested the Funding Committee should meet before the June board meeting. She also reminded the board that there would be elections for Vice Chair and Secretary/Treasurer at the Annual meeting, June 12, 2012.

#### **IV. Adjourn**

The workshop adjourned at 10:46 a.m.

# Florida Courts



## E-Filing Authority

**LYDIA GARDNER,  
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**KAREN NICOLAI, CPA  
SECRETARY/TREASURER**

Clerk, Hernando County  
District IV

**BILL KINSAUL**

Clerk, Bay County  
District I

**BOB INZER**

Clerk, Leon County  
District II

**TIM SMITH**

Clerk, Putnam County  
District III

**JOSEPH E. SMITH**

Clerk, St. Lucie County  
District V

**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 Board of Directors  
Meeting

April 24, 2012 12:30 p.m. - 2:00 p.m

Location: Hilton University of Florida Conference Center  
Century Room  
1714 SW 34th Street  
Gainesville, FL 32607

Public comments are welcome at the end of the meeting.

- |   |                    |       |
|---|--------------------|-------|
| <b>I. Introduction &amp; Roll Call</b>  | Lydia Gardner      | 12:30 |
| <b>II. Adoption of Agenda</b>   | Lydia Gardner      | 12:35 |
| <b>III. Reading and Approval of February and March Minutes</b>                        | Karen Nicolai, CPA | 12:40 |
| <b>IV. Finance Report</b>   |                    |       |
| A. Monthly Finance Report   | Karen Nicolai, CPA | 12:50 |
| B. Director and Officer's Insurance   |                    |       |
| C. Funding  |                    |       |
| <b>V. Progress Reports</b>  |                    |       |
| Update on ePortal Implementation  | Levi Owens         | 1:00  |
| <b>VI. Subcommittee Reports</b>   |                    |       |
| A. Website Subcommittee   | Thomas D. Hall     | 1:05  |
| B. Forum for Users  | Tim Smith          | 1:10  |
| <b>VII. Unfinished Business</b>   |                    |       |
| A. Amendment to the Interlocal Agreement -<br>Status of consent agreements            | Lynn Hoshihara     | 1:20  |
| B. Purchasing Policy  | Lynn Hoshihara     | 1:25  |
| <b>VIII. New Business</b>   |                    |       |
| A. <a href="http://www.myflcourtagency.com">www.myflcourtagency.com</a> Demonstration | Melvin Cox         | 1:30  |
| B. ePortal Standardization  | Karen Rushing      | 1:35  |
| C. Best Practice Update   | Bob Inzer          | 1:45  |
| D. Legislation  | Lynn Hoshihara     | 1:50  |
| a. HB 231 Public Meetings   |                    |       |
| b. HB 7095 Clerks of Court  |                    |       |
| <b>IX. Schedule Next Meeting</b>  |                    |       |
| <b>X. Adjourn</b>   |                    |       |





### The Florida Courts E-Filing Authority

Florida Courts E-Filing Authority Board of Directors met on April 24, 2012, at 12:30 a.m. The meeting was located Century Conference Room, Gainesville Hilton Hotel, Gainesville, FL. The following members were present: Lydia Gardner, Orange County Clerk, Chair; Karen Nicolai, CPA, Hernando County Clerk, Secretary/Treasurer; Tom Hall, Clerk, Supreme Court, Vice Chair; Bob Inzer, Leon County Clerk; Joseph E. Smith, St. Lucie County Clerk; Tim Smith, Putnam County Clerk; Karen Rushing, Sarasota County Clerk; and Sharon Bock, Esq., Palm Beach County Clerk and Lynn Hoshihara, Authority General Counsel. Bill Kinsaul, Bay County Clerk, was absent.

The meeting was called to order at 12:43 a.m. by Hon. Lydia Gardner, Chair.

- I. Ms. Gardner welcomed all those present and on the WebEx.
- II. She asked for a motion to adopt the agenda. Hon. Karen Nicolai moved the adoption of the agenda. Hon. Bob Inzer seconded the motion and the motion carried.
- III. Ms. Gardner asked for approval of the February and March minutes. Ms. Nicolai moved the adoption of the agenda; Mr. Inzer seconded the motion and the motion carried.
- IV. A. Ms. Nicolai, Secretary/Treasurer reviewed the monthly finance report and noted there had been little activity. Hon. Tom Hall moved the adoption of the Finance report. Hon. Sharon Bock, Esq., seconded the motion and the motion carried.

B. Ms. Nicolai noted the board needed to renew the Director's and Officer's Insurance policy. She asked staff to shop the rates again next year. She made a motion to direct the staff to renew the Authority's D & O insurance. Ms. Rushing seconded the motion. All were in favor.

C. Ms. Gardner recognized Ms. Nicolai to talk about funding. Ms. Nicolai expressed concern that there was not much support for on-going authority activity. Mr. Hall informed the board that the Florida Bar, if the chair asked, would be in a position to offer the board another \$20,000 this year.

Ms. Rushing told the group that the association Executive Board made a motion earlier that day to direct staff to bring to them a timeline, including end dates, and the cost to complete civil and criminal and to let them know that after that there would be no more money.

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Mr. Inzer said that there definitely needed to be funding in order to continue. Ms. Bock moved that the chair form a subcommittee to research funding solutions. Ms. Nicolai seconded the motion. All voted favorably. The members named were: Sharon Bock, Joe Smith, Karen Nicolai. Ms. Nicolai commented that once she was off the board in June, that whomever took the place of Treasurer with the board should be on the subcommittee. Mr. Inzer asked for someone from the courts to help staff the subcommittee. Mr. Hall agreed to be on the subcommittee and to ask OSCA and the association to help with the staffing.

#### V. Progress Reports

Gardner recognized Levi Owens, ePortal project manager, to provide the board with the monthly status report, the compendium of each county's readiness for portal connectivity and local e-filing implementation. The board asked about notations, such as, "did not provide an updated report." Ms. Nicolai asked if the board should send those counties a request to provide their status. Mr. Hall noted that the Supreme Court was getting ready to file the rule. He suggested that the board make a formal report to the court regarding the status of counties, especially those that may not make the July 1 date, so that it could be filed along with the supplemental comment that was submitted by Judge Kreeger.

Hon. Sharon Bock, Esq., spoke to the concept of having a dual system is almost impossible in larger counties. Mr. Hall suggested that the issue should be brought before the court. Ms. Bock made a motion that the Authority Board file a comment to the rulemaking body of the court suggesting that the all new case filings be in electronic form, and not to provide the option of having both electronic and paper. Mr. Hall seconded the motion. Hon. Karen Rushing commented that it could potentially put the courts in a bind as they are not able to accept electronically filed documents yet. Ms. Nicolai was concerned with the differentiation between old and new cases.

Ms. Bock asked if there were any counties that could not scan documents. Mr. Owens felt that all counties had the ability to scan. Mr. Hall asked for the readiness chart to be updated to include the Appellate Courts and their ability to scan, redact and accept electronic filings. He also suggested that they be included in the chart from here on out. Hon. Chips Shore, Clerk of Manatee County, asked for clarification as to those counties that were already e-filing through local systems. Hall noted that those counties are noted as not going through the statewide portal because they are not connected.

Ms. Gardner called for a vote on the motion. The vote was tied, 4-4 and the motion failed.

Ms. Gardner asked Mr. Owens to include in the May readiness report, due at the June meeting, each county's ability to scan and redact, as well as the readiness of the appellate courts.

Hon. Pat Frank was recognized from the floor. She commented on her concern with case maintenance systems and their status. She felt the problem was the portal. Her technology officer, Ramin Kouzehkanani, was recognized. He spoke favorably to the level of communication with the FACC staff and felt they were making progress locally and would be able to report their readiness soon.

Mr. Owens told the board that he was asked by association leadership to tell the board that they had a desire to bring uniformity and standardization to the portal. He mentioned that this issue was being

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addressed by the Best Practices Committee. Ms. Rushing echoed the same sentiment – she wants the same look and feel to each county’s portal page. She said the association leadership wants the unified approach to the portal look and feel.

Mr. Hall made a motion that the board file a supplemental report to the Supreme Court as a part of the revision of the rules, showing the county and court readiness.

Mr. Inzer made a motion that Mr. Owens update the readiness report for May 1 to include the Supreme Court and Appellate Court status and to include updated information from those counties that did not respond for the April report. He also asked that they be made aware that the report was being given to the Supreme Court Joe Smith seconded the motion and asked Ms. Gardner to contact the counties that had not responded. Ms. Gardner asked Levi to make the first contact, then if needed, she would contact them. Mr. Hall asked if he could work with the board attorney to file the supplemental comment. The motion passed unanimously.

#### VI. A. Website Subcommittee

Mr. Hall, Website Subcommittee chair, reported that the subcommittee had drafted a shorter RFP, one requiring fewer services, to be issued May 1 and returned May 29. He reported that the subcommittee would be able to report at the June meeting of a vendor selection. Vendors would be actively contacted by staff. The RFP and subcommittee actions were approved by the board.

#### B. Forum for Users

Hon. Tim Smith reported that the board’s process for funneling issues through a user forum worked well. He presented a user forum policy to the board and asked the board to adopt the policy. He also asked how frequently the board wanted updated on the issues. So far, the updates had been provided quarterly. Mr. Smith moved that the board adopt the policy. Mr. Hall seconded the motion. All were in favor.

#### VII. A. Amendment to the Interlocal Agreement- status of consent agreements

Ms. Gardner reminded that board that this was the second time the amendments to the Interlocal Agreement had been sent out to the membership. This time, 66 of the 68 members had signed; the board was short two signatures to passage, Lee and Hillsborough counties. Ms. Gardner recognized Hon, Pat Frank, Hillsborough Clerk, from the audience to speak to the board regarding her issues with the amendments to the Interlocal Agreement. Her points were as follows: 1) a quorum of the board should always be required to pass any action of the board.; 2) the language as amended would allow the board to adopt a procurement policy. The statutes ought to be followed for procurement; 3) 3.6 changes she disagreed with; it provides that another person can sign off on the behalf of Chair or Vice Chair. She said a board member should always be involved in that type action; it should stay with the board; 4) 4.1 the administrative functions should be defined if the board is to allow staff to perform those functions. She explained to the board that she generally felt apprehensive toward authorities. Ms. Hoshihara clarified that the first issue was not in this draft and that the consent of all members is retained in this draft. As for the purchasing policy, that it was no meant to circumvent the statutes. The clarification was to remove all the references to the individual county ordinances. She noted that the board directed her to bring back a purchasing policy to address this issue. It is on the agenda next. She offered to define the administrative functions that the board could delegate to staff, if that would be sufficient.

Ms. Gardner offered to address her concerns and make the needed changes.

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B. Purchasing Policy Lynn Hoshihara, attorney to the board, reported that, as there was not adoption of the amendments to the Interlocal Agreement at this meeting, no purchasing policy could be adopted.

## VIII. New Business

### A. [www.myflcourtaccess.com](http://www.myflcourtaccess.com) Demonstration/B. ePortal standardization

Ms. Gardner recognized Melvin Cox, FACC Director of IT, to demonstrate the portal for the board. He began by showing the board the portal. He spoke to standardization. He showed that while the screens looked the same, in an overall sense, that the drop-down menus on the portal varied from county to county. Ms. Rushing moved to ask the Authority Board to direct the look and the feel of the portal through adoption of a standard. Mr. Inzer seconded the motion. He commented that the board should figure out what they want their portal to look like.

Mr. Cox asked the board how to best retro-fit those counties that had already connected with the flexible option.

Ms. Nicolai commented that she liked tying to SRS and fees, but that it should be simple so as not to slow any county down in connecting.

### C. Best Practice Update

After general discussion that the board had already directed this effort to the association Best Practices Committee, of which Mr. Inzer was a part, Mr. Inzer amended the motion to the following: the Best Practices Committee should continue to develop the best practice, bring it back to the board, and allow all counties to migrate to the Best Practice as soon as they can. Mr. Hall seconded the motion. In explanation, Mr. Inzer said that the Best Practices Committee would develop a common template for the drop-down menus. All approved the motion.

Ms. Rushing made a motion that the standards adopted by the court should be used to set the portal template and to require all new cases to use these new data elements. The standards already set by the court could be used. Mr. Inzer seconded the motion. Mr. Tim Smith asked for clarification about using all the layers. Mr. Hall noted that as phrased, the motion on the floor limits the portal to the current data collected. He wanted to amend the motion to allow for future flexibility in what data to collect. Ms. Rushing amended the motion to that it is either based upon an already required element or another element needed for further accountability. Mr. Inzer agreed, as second, to the amended motion. All approved this amended motion

In another motion, KR moved that the board take, with respect with the document type, that the Best Practices come back as soon as possible to let the board know whether the board should take a more simplified approach or if the board can move into a more robust approach to include the document descriptions. The chair directed Mr. Inzer to handle this through his Best Practices Committee task. .

### D. Legislation

Due to the shortness of time, Ms. Gardner asked Ms. Hoshihara to send the board a report on the two bills that passed that may be of interest to the Authority.

Mr. Inzer made a motion that all Clerk's staff use the Forum for Users, rather than go to the Florida Courts Technology Conference. Mr. Joe Smith seconded the motion. Mr. Hall asked how to get the word out. Mr.

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Inzer asked that people come to the authority. All were in favor. The board asked that a notation be posted on the website.

#### IX. Schedule Next Meeting

Ms. Gardner asked staff to coordinate a meeting by WebEx for May in order to keep up with county readiness. The next full meeting would be held in Panama City in June, 2012.

The meeting was adjourned at 2:20 p.m.

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AGENDA

Florida Courts E-Filing Authority Meeting

February 1, 2012, 10:00 a.m.

Location: 23rd Floor Gene Medina Conference Room
Orange County Courthouse
425 N. Orange Avenue
Orlando, FL 32801

LYDIA GARDNER, CHAIR

Clerk, Orange County

THOMAS D. HALL, VICE CHAIR

Clerk of the Court, Florida Supreme Court

KAREN NICOLAI, CPA SECRETARY/TREASURER

Clerk, Hernando County District IV

BILL KINSAUL

Clerk, Bay County District I

BOB INZER

Clerk, Leon County District II

JAMES B. JETT

Clerk, Clay County District III

JOSEPH E. SMITH

Clerk, St. Lucie County District V

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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- I. Introduction & Roll Call Lydia Gardner 10:00
II. Adoption of Agenda Lydia Gardner 10:05
III. Reading and Approval of November Minutes Karen Nicolai, CPA 10:10
IV. Finance Report Karen Nicolai, CPA 10:15
V. Progress Reports Update on ePortal Implementation Melvin Cox 10:20
VI. Subcommittee Reports A. Website Subcommittee Thomas D. Hall 10:40 B. Forum for Users James B. Jett 10:45
VII. Unfinished Business A. Amendment to the Interlocal Agreement Sharon Bock, Esq. 10:55
VIII. New Business A. FTC Workgroup re: criminal rules/paper James B. Jett 11:05 B. SC 11-52 ADA Compliance Thomas D. Hall 11:10 C. Purchasing Policy Teresa Prince, Esq. 11:20 D. Waiver Guidelines Lydia Gardner 11:30
IX. Schedule Next Meeting Lydia Gardner 11:40
X. Adjourn



## The Florida Courts E-Filing Authority

Florida Courts E-Filing Authority Board of Directors met on February 1, 2012, at 10:00 a.m. The meeting was located in the Gene Medina Conference Room, 23rd Floor of the Orange County Courthouse, Orlando, Florida. The following members were present: Lydia Gardner, Orange County Clerk, Chair; Karen Nicolai, CPA, Hernando County Clerk; Secretary/Treasurer; Tom Hall, Clerk, Supreme Court, Vice Chair; Bob Inzer, Leon County Clerk; Bill Kinsaul, Bay County Clerk; Joseph E. Smith, St. Lucie County Clerk; and Teresa Prince, Authority General Counsel. Karen Rushing, Sarasota County Clerk, and Sharon Bock, Esq., Palm Beach County Clerk were present by telephone, and James B. Jett, Clay County Clerk, was absent.

The meeting was called to order at 10:03 a.m. by Hon. Lydia Gardner, Chair.

- I. As the first order of business, Ms. Gardner told the Board that Mr. Jett had resigned, effective Monday, January 30, 2012. She asked for a motion to accept his resignation and to waive the 30-day notice requirement. Hon. Sharon Bock, Esq., made the motion and Hon. Bob Inzer seconded the motion. The motion carried.  
Ms. Gardner noted that Hon. Tim Smith was elected at the district caucus meeting the week prior to take Mr. Jett's place on the board. She welcomed Mr. Smith.  
Ms. Gardner recognized Ms. Teresa Prince, board attorney, who introduced Ms. Lynn Hoshihara. Ms. Hoshihara, also with Nabors, Giblin, will be taking over legal advisement for the board after this meeting. Ms. Gardner welcomed Ms. Hoshihara.
- II. Ms. Gardner moved to adopt the agenda. Joe Smith seconded the motion and the motion carried. Hon. Bill Kinsaul moved the adoption of the November minutes. Hon. Bob Inzer seconded the motion and the motion carried.
- III. Hon. Karen Nicolai, Secretary/Treasurer moved the adoption of the Finance report. Mr. Inzer seconded the report and the motion carried.
- IV. Ms. Gardner recognized Melvin Cox to report to the board on portal development and local e-filing implementation. Mr. Cox reported that the State Attorney group and their liaison have been very active in meeting and learning what it will take to begin e-filing. They are working on "bulk" or "batch" filing for State Attorneys and Public Defenders Offices to assist them in maintaining their workflow process. He reported that the Supreme Court and Appellate court meetings were going well. They were on target for mid-year.

In briefing the committee on the status of Clerks' Offices connecting to the portal, currently 41 offices were connected and accepting at least one civil case type, five offices already have local e-filing systems and 21 offices are working to connect.

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Mr. Kenneth Kent, FACC Executive Director, was recognized to introduce Levi Owens, P.M.P., the new project manager who will be the Authority liaison with the Clerks' offices. Ms. Gardner welcomed Mr. Owens who presented his plan to begin working with the counties. First, he explained, the 21 counties needed contacting and assistance. Then he would focus on the five local systems to assess what it would take to get them connected to the portal so as not to disrupt the local processes. He committed to providing a status report to the E-Filing Authority Board of Directors at each meeting. Mr. Inzer asked how many counties were accepting all five civil case types and was he going to help counties get completely connected or partially. It was noted that the county status for each county was reported in November, but that now that Mr. Owens was on board, he would be able to begin changing the status and reporting. There was discussion to make the county status report more prominent on the website.

V. A. Hon. Tom Hall, website subcommittee chair, reported on the progress of the subcommittee. He told the board that the subcommittee has approved an RFP and was ready to make it publicly available.

B. Mr. Cox presented a report on the Forum for Users. He explained that as a result of the input of many users, there had been an upgrade to the portal released at the end of January. The new release addressed 50 deficiencies and 20 issues. Ms. Gardner appointed Mr. Smith to lead this subcommittee.

VI. Ms. Bock presented the re-drafted amendment to the Interlocal Agreement to the board for approval. Ms. Bock explained this was the amendment that was discussed at the last meeting to make a few minor changes to the Interlocal Agreement governing Authority business. She explained that the resolution amends section 3.6 to allow the chair and vice chair to designate administrative functions to staff; amends section 2.1 to remove the words "procurement and ordinances" to allow the board to contract for needed services more effectively; and, amends section 4.1 to allow the Authority clearly to adopt policies or procedures for contracting or procuring services needed for the effective administration of the body.

She pointed out that these amendments are drafted to allow all members to retain their voting rights. It was vetted since the last meeting and seems to have been drafted to meet everyone's approval at this point.

Ms. Prince noted that if the board members voted positively today, they would not need to sign the consent document. Once all 68 members agree to the changes to the Interlocal Agreement, it will become effective. It will also need to be recorded in each member's county. Ms. Rushing moved to approve the revisions to the Interlocal Agreement. Mr. Inzer seconded the motion. There was a roll call vote and all voted favorably.



VII. A. Mr. Hall updated the board of directors on the activities on criminal paper and e-filing. The court has not yet spoken as to whether the most recent extension will be granted; as a result, he was not sure how the July 1/December dates would be impacted.

Ms. Gardner asked Ms. Rushing to take Mr. Jett's place as the FCTC liaison for the E-Filing Authority.

B. Mr. Hall shared the new ADA requirements with the board. SC 11-2.526 was effective January 1, 2012, and requires all documents filed with the courts to be ADA compliant. It also applies to all administrative records of the courts. He said CLE training and a manual was being developed. At the Supreme Court, they would begin enforcing it after the training was underway. Mr. Hall explained that there is an ADA coordinator at the Supreme Court and that the Supreme Court could do some training in the near future. He noted that if the software used to create a document is dated 2006 or newer, that it was more than likely compliant, but emails are not required to be ADA compliant. However, he noted that not all aspects are clear yet. He directed members to the information posted on the Supreme Courts' website on the issue. Ms. Gardner suggested that the next Clerks' conference have training on ADA compliance. Mr. Kent suggested having a session on ADA at the FACC Summer Conference with the Supreme Court trainers.

C. Ms. Prince explained that she has drafted a purchasing policy as suggested by the board. She suggested that they all review the document in the packets and prepare to come back at the next meeting to discuss and vote at the next meeting. She noted that she found a few items that she felt needed to be tweaked in the policy, that she would do so and resend to the group. Ms. Gardner asked her to send a memo with the revised document noting the changes from the document presented at the meeting.

D. Ms. Gardner opened a discussion on a waiver policy by asking the board if they should be the body that established the waiver criteria. Her example was that in some cases extenuating circumstances, such as existing software, might not allow the Clerks to be compliant by the deadlines. There was general discussion as to what body should accept a waiver or explanation of extenuating circumstances. Ms. Gardener noted that she thought the E-Filing Authority board should know about those Clerks' offices that may not meet the deadlines and why. The group suggested the reports be called, "exceptions reports."

VIII. There was general discussion of the next meeting. It was decided to meet in March 2012 by teleconference or WebEx, noting that no action can be taken. Ms. Prince suggested that the meeting be called a "workshop." The next formal meeting would be held at the Gainesville Hilton in conjunction with the FACC Conference, April 24, 8:30-10:00 a.m.

# Florida Courts



## E-Filing Authority

**LYDIA GARDNER,  
CHAIR**

Clerk, Orange County

**THOMAS D. HALL,  
VICE CHAIR**

Clerk of the Court,  
Florida Supreme Court

**KAREN NICOLAI, CPA  
SECRETARY/TREASURER**

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## AGENDA

### Florida Courts E-Filing Authority Meeting

November 2, 2011, 10:20 a.m.

Location: The Hotel at The Florida Mall  
Legacy North Room 2  
1500 Sand Lake Road  
Orlando, FL 32809

|       |  |   |       |
|-------|--|---|-------|
| I.    | Introduction & Roll Call                             | Lydia Gardner                                       | 10:20 |
| II.   | Adoption of Agenda                                   | Lydia Gardner                                       | 10:25 |
| III.  | Reading and Approval of September Minutes            | Karen Nicolai, CPA                                  | 10:30 |
| IV.   | Progress Reports                                     |   |       |
|       | Update on ePortal Implementation                     | Melvin Cox  | 10:35 |
| V.    | Subcommittee Reports                                 |   |       |
|       | A. Website Subcommittee                              | Thomas D. Hall                                      | 10:50 |
|       | B. Pro Se Subcommittee                               | Sharon Bock, Esq.                                   | 10:55 |
|       | C. Portal Budget & Revenue Subcommittee              | Karen Nicolai, CPA                                  | 11:00 |
| VI.   | Unfinished Business                                  |   |       |
|       | Amendment to Section 5.6 of the Interlocal Agreement | Lydia Gardner                                       | 11:05 |
| VII.  | New Business   |   |       |
|       | Audit Reports  | D. Mark Fletcher, CPA<br>Lanigan & Associates, P.C. | 11:20 |
| VIII. | Schedule Next Meeting                                | Lydia Gardner                                       | 11:45 |
| IX.   | Adjourn  |   |       |



# DRAFT

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

Florida Courts E-Filing Authority Board of Directors met on November 2, 2011, at 10:20 a.m. The meeting was located at The Florida Hotel at the Florida Mall, 1500 Sand Lake Rd., Orlando, FL 32809. The following members were present: Lydia Gardner, Orange County Clerk, Chair; Karen Nicolai, CPA, Hernando County Clerk, Secretary/Treasurer; Sharon Bock, Esq., Palm Beach County Clerk; Bob Inzer, Leon County Clerk; James B. Jett, Clay County Clerk; Bill Kinsaul, Bay County Clerk; Joseph E. Smith, St. Lucie County Clerk; and Teresa Prince, Authority General Counsel. Tom Hall, Clerk, Supreme Court, Vice Chair; Karen Rushing, Sarasota County Clerk; were absent.

The meeting was called to order at 10:25 a.m. by Hon. Lydia Gardner, Chair.

Before the adoption of the agenda Ms. Gardner recognized Mr. Mark Fletcher and Mr. Jonathan Keillor, auditors from Lanigan and Associates, to provide the audit results of the SAS 70 audit and the financial audit to the board. They presented the SAS 70, an evaluation of internal controls, and told the board that the audit opinion was "unqualified." Mr. Keillor then reviewed the financial audit. He acknowledged that there was little financial activity over the period, September 2010 to June 2011. He reviewed the FACC contributions to the development and implementation of the portal. Ms. Gardner moved to accept the reports.

In discussion, Hon. Bob Inzer asked why there was no capital value assigned to the Authority for the portal. Mr. Keillor responded that accounting standards do not address something like the portal; it would be difficult to value the portal or assign it a fair market value. He explained that the portal is a subcomponent of a much larger system and was difficult to break out just the e-filing piece. Mr. Inzer asked how the contributed capital was represented. Mr. Keillor explained that GASB 33 non-exchange transfers governs that aspect and that the portal didn't fit this situation. Mr. Inzer continued by posing the question, if the E-Filing Authority were to seek funding from the Legislature, what would the Authority ask for? How would the FACC in-kind costs be reflected? Kenneth A. Kent, FACC Executive Director, explained that the money spent by the Association is not flowing through the portal and, as such, it is not flowing through the Authority books, so the funds will not show up in the Authority e financial statements. Mr. Inzer registered that he still had concerns.

The audit reports were unanimously approved.

- I. Ms. Gardner then asked for a roll call and welcomed all in the room.
- II. Hon. James B. Jett moved the acceptance of the agenda. The motion passed.
- III. The October meeting minutes were moved and passed by general consent of the board.

- IV. Mr. Melvin Cox, FACC Director of Technology, gave a report regarding status of e-portal implementation. He explained to the board that the timeline for getting counties connected to the portal was now being driven by the mandates for Civil, July 2012, and Criminal, December 2012. Mr. Cox also clarified that “mandatory” meant being able to accept documents filed through the portal. He showed the board a report showing expectations/milestones for all Clerks showing where they are in connecting to the portal, by case type and date for implementation. He reviewed the estimated costs associated with the programming needed to get the portal to the point it can handle both the Civil and Criminal filings. FACC has budgeted \$246,000 for programming costs for the 2011-2012 fiscal year, and \$204,000 for fiscal year 2012-2013. At the end of 2012, e-service is planned to be an added service of the portal. He also mentioned that the development team was waiting for the rule to be promulgated in order to provide direction. Thus, the highest priority is the capability to e-file. To that end, Mr. Cox committed to providing specific updates on county readiness at each meeting. Mr. Cox also noted that there would be programming releases each quarter to add enhancements to the portal so that the portal could be brought up to the level needed to handle the “mandatory” e-filing. Hon. Sharon Bock asked about the definition of “mandatory,” did it include the court having to use the electronic record as well? Mr. Jett remarked that the FCTC was encouraging the judges to use the electronic file when available, but it has not made it mandatory. Mr. Laird Lile, Esq., agreed with Mr. Jett, that the Supreme Court may encourage the judges to move toward use of the electronic record. Ms. Bock suggested that the Authority board should emphasize the cost of maintaining two systems and its impact on the limited resources.

Ms. Gardner said she wanted to make sure that there is a proper forum for questions about the portal and progress being made.

Mr. Inzer made a motion to establish the priorities for the actions to be programmed for the portal releases, such as handling re-open fees. Ms. Bock seconded the motion. Ms. Gardner asked Mr. Cox to bring back recommendations to the next meeting as to a suggested priority list, with re-opens being a high priority. The motion was unanimously adopted.

- V. Subcommittee Reports
- A. Website Subcommittee

Ms. Bock reported that the subcommittee discussed the look of a potential homepage that would lead viewers to either more information about the Authority or to the e-filing portal. She asked the board, in the form of a motion, if they would authorize the subcommittee to issue a competitive procurement such as an Invitation to Negotiate, for the design and development of a homepage and request funding from the FACC Services Group. Hon. Joseph E. Smith seconded the motion. Ms. Teresa Prince, Esq., asked that the subcommittee bring back the results of a request to the board for review. Hon. Bill Kinsaul and Hon. Karen Nicolai expressed concern about asking the Services Group for any more money. The motion passed, 5 yeas and 2 nays.

## B. Pro Se Subcommittee

Ms. Bock discussed the portal being made available to pro se filers. As such, she said the subcommittee recognized that it would not be ready to accept pro se filings until at least fiscal year 2012/13. The subcommittee felt they should focus their efforts with the FACC Pro Se/Self Help Committee in developing the A to J software.

## C. Portal Budget and Revenue Subcommittee

Ms. Nicolai reported that there was \$11 profit this year. She expressed concern about the partner support needed and where it would come from for this fiscal year. Ms. Nicolai asked that the finance report be placed on the agenda after the minutes at the next meeting.

## VI. Unfinished Business

### Amendment to Section 5.6 of the Interlocal Agreement

Ms. Gardner explained that the amendments that the board passed the previous month did not pass the membership with the required 68 votes. She asked Ms. Prince to explain how she redrafted the amendments to allow for more specificity, that the first amendment would allow for unanimous adoption by the board. The Chair recognized Ms. Bock, who had an alternate amendment that would allow the board to adopt amendments to the Interlocal Agreement while retaining the individual votes of the members. Ms. Gardner recognized Hon. Dwight Brock, Collier Clerk, from the audience. He spoke in support of Ms. Bock's proposed amendments to the Interlocal Agreement. He spoke against any revisions to section 5.6 and confirmed that Ms. Bock's suggestions did not show any revisions to that section. Ms. Gardner directed Ms. Prince to work with Ms. Bock to redraft the resolution reflecting Ms. Bock's proposed language and have it ready for a vote at the next meeting. Ms. Prince noted that once the board approved a new resolution, it would need to be sent out again to all members for approval. Hon. Chips Shore, Manatee County Clerk, asked from the audience if he could see a copy of the redrafted resolution before it was given to the board for final vote. The chair made a motion to allow Ms. Bock and Ms. Prince to formalize the language to allow for more efficient operation. The motion carried unanimously.

## VII. New Business

The chair spoke to a letter that Hon. Ken Burke, Pinellas County Clerk, had received from his chief judge regarding the portal. She again mentioned the need for an appropriate forum to be held to allow users or stakeholders a venue to ask questions or make comments. The chair asked Mr. Jett to head up the effort. He accepted and recognized Hon. Howard Forman, Broward County Clerk, to discuss the issues he detailed in a letter he had written to the board the previous month. Mr. Forman thanked the board for creating the forum and said he would meet with Mr. Jett.

In reference to the letter from the Pinellas chief judge, Mr. Jett explained that many of the issues raised should be addressed by the FCTC and the Supreme Court regarding the 90-day trial period.

Ms. Gardner recognized Hon. Buddy Irby, Alachua County Clerk, and his chief deputy, Chuck Stiles, who asked if there would be any rules written regarding rejecting documents. Mr. Stiles also asked if there was a way to send court orders through the portal to the individual case systems. Mr. Jett noted that the TIMS committee was discussing this as a part of In-Court Processing.

VIII. The next meeting was discussed as needing to be mid-to late January. A date would be determined at a later date and sent to everyone.

The meeting of the E-Filing Authority Board adjourned at 12:00 p.m.



**LYDIA GARDNER,  
CHAIR**

Clerk, Orange County

**THOMAS D. HALL,  
VICE CHAIR**

Clerk of the Court,  
Florida Supreme Court

**KAREN NICOLAI, CPA  
SECRETARY/TREASURER**

Clerk, Hernando County  
District IV

**BILL KINSAUL**

Clerk, Bay County  
District I

**BOB INZER**

Clerk, Leon County  
District II

**JAMES B. JETT**

Clerk, Clay County  
District III

**JOSEPH E. SMITH**

Clerk, St. Lucie County  
District V

**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 Meeting September 28, 2011, 10:00 a.m.

Location: Orange County Courthouse  
23rd Floor Gene Medina Conference Room  
425 N. Orange Ave.  
Orlando, FL 32801

|  |                     |       |
|--|---------------------|-------|
| <b>I. Introduction &amp; Roll Call</b>                             | Lydia Gardner       | 10:00 |
| <b>II. Adoption of Agenda</b>                                      | Lydia Gardner       | 10:05 |
| <b>III. Reading and Approval of June Minutes</b>                   | Karen Nicolai, CPA  | 10:10 |
| <b>IV. Progress Reports</b>  |                     |       |
| A. Update on ePortal Implementation                                | Melvin Cox          | 10:15 |
| B. SB170 Implementation Plan for Criminal Filings                  | Hon. Bill Eddins    | 10:20 |
|  | Tom Morris          | 10:25 |
|  | John Tomasino       | 10:30 |
| <b>V. Subcommittee Reports</b>                                     |                     |       |
| A. PD/SA Implementation/Coordination Subcommittee                  | James Jett          | 10:35 |
| B. Website Subcommittee  | Thomas D. Hall      | 10:40 |
| C. County Readiness Subcommittee                                   | Karen Rushing       | 10:50 |
| D. Portal Budget & Revenue Subcommittee                            | Karen Nicolai, CPA  | 11:00 |
| <b>VI. Unfinished Business</b>                                     |                     |       |
| A. Amendment to Section 5.6 of the Interlocal Agreement            | Teresa Prince, Esq. | 11:10 |
| B. Procedure Authorizing Signature of Documents, Purchasing Policy | Teresa Prince, Esq. | 11:20 |
| <b>VII. New Business</b>   |                     |       |
| A. Review & Approve 2011-12 Budget                                 | Karen Nicolai, CPA  | 11:30 |
| B. Meeting Notice Requirements                                     | Lydia Gardner       | 11:35 |
| C. ePortal Registration Credentials for Paralegals                 | Thomas D. Hall      | 11:40 |
| D. Implementation Site Issues                                      | Bob Inzer           | 11:50 |
| E. Plan of Action in Response to SC11-399                          | Lydia Gardner       | 12:05 |
| F. Recommendations from FL Courts Technology Commission            | Lydia Gardner       | 12:15 |
| G. Education and Outreach Subcommittee                             | Lydia Gardner       | 12:30 |
| H. 90-Day Paper Follow-up  | Thomas D. Hall      | 12:35 |
| <b>VIII. Schedule Next Meeting</b>                                 | Lydia Gardner       | 12:40 |
| <b>IX. Adjourn</b>   | Lydia Gardner       |       |



# DRAFT

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## The Florida Courts E-Filing Authority

Florida Courts E-Filing Authority Board of Directors met on September 28, 2011, at 10:00 a.m. The meeting was located at Orange County Courthouse, 23rd Floor Gene Medina Conference Room, 425 N. Orange Ave., Orlando, FL 32801. The following members were present: Lydia Gardner, Orange County Clerk, Chair; Tom Hall, Clerk, Supreme Court, Vice Chair; Karen Nicolai, CPA, Hernando County Clerk, Secretary/Treasurer; Sharon Bock, Esq., Palm Beach County Clerk; Bob Inzer, Leon County Clerk; James B. Jett, Clay County Clerk; Bill Kinsaul, Bay County Clerk; Karen Rushing, Sarasota County Clerk; and Teresa Prince, Authority General Counsel. Joseph E. Smith, St. Lucie County Clerk, was absent.

The meeting was called to order at 10:10 a.m. by Hon. Lydia Gardner, Chair

- I. Hon. James B. Jett moved the acceptance of the agenda. The motion passed.
- II. The June meeting minutes were moved and passed by general consent of the board.
- III. Ms. Gardner read the public meeting notice regarding the meeting of the Pro Se Subcommittee occurring immediately after the Authority meeting.
- IV. A. Report by Mr. Melvin Cox, FACC Director of Technology, regarding status of e-Portal implementation. Mr. Cox also reported that both Martin and Charlotte counties were ready to receive electronically filed documents as submitted through the portal. He reported that the criminal and traffic data elements were passed by the Florida Courts Technology Commission on September 27, 2011. He was also asked about how any calls about the portal were handled. Mr. Cox explained that the FACC Service Desk had dedicated staff for those persons who either emailed or called about the portal. He informed that group that all calls were tracked and that both the questions and answers were documented. Hon. Bob Inzer noted for the board that not all counties that are connected can accept all civil case types. He suggested that by July 1, 2012, all counties should work to accept all five civil case types. Ms. Gardner asked that the board be given a report at each meeting showing expectations/milestones for all Clerks showing where they are in connecting to the portal, by case type and date for implementation. She felt this chart would be helpful to have updated for each meeting and may want it posted on the authority website as well. Hon. Tom Hall, Vice Chair, also asked that the appellate courts' readiness be included too.

Mr. Inzer addressed a potential recommendation that the Authority ask the Association put on more staff/assign more resources to the project. Mr. Cox spoke positively for the need for more programming staff.

B. Ms. Gardner introduced Hon. Bill Eddins, State Attorney for the First Circuit, and President of the Florida Prosecuting Attorneys Association (FPAA), Mr. Tom Morris,



Eight Circuit State Attorney's Office, and Mr. John Tomasino, Second Circuit Public Defender's Office. Mr. Eddins stated that the State Attorneys as a group were just beginning to focus on what was needed to implement SB 170. He named Mr. Morris as the FPAA e-filing liaison. Mr. Tomasino explained he was attending on behalf of the Public Defender's Association (PDA) President, Hon. Nancy Daniels, Second Circuit Public Defender. He is the e-filing liaison for the PDA. Mr. Morris spoke to the State Attorney concerns for electronic filing which centered around their office workflow, the handling of documents that are required to be notarized and cannot be electronically handled, and the filing of discovery as presented in the courtroom. He spoke to the Manatee pilot as being helpful to deciding which documents should be filed electronically as it can serve as a test environment. He also spoke about a bulk download feature to assist in the workflow volumes. Ms. Bock asked if the State attorney would be open to electronic notarization. Mr. Eddins said they would be and there was a general discussion that laws and rules may need to be revised to assist in this effort.

Mr. Tomasino spoke to the Public Defenders supporting a county-by-county chart so that they would know when the counties in each of their circuits would be ready to receive electronically filed documents. He told the Board that Public Defenders had several issues:

1. Public Defenders do not have access in CCIS to their own county Juvenile, Probate or Baker Act cases and would like to have access to those cases.
2. Wanted the portal to accommodate documents filed in criminal cases from non-lawyer parties, such as mental health providers, Department of Juvenile Justice, arrest paperwork and the like. He suggested that the Board take this into account while moving forward with the portal.
3. Use of attorney log-ins and passwords by legal assistants, creating workflow slow-downs.
4. Web services and using data exchange behind the scenes/take into account current data exchange processes.

He addressed that fact that the technology available in many courtrooms across the state was not consistent and did provide barriers. Ms. Gardner asked for the information about courtrooms without computers to be brought to the board. Christina Blakeslee, Florida Supreme Court, IT staff, offered to bring the information to the Board.

The chair recognized Mr. Sheldon Gusky, Executive Director for the PDA. Mr. Gusky described the report required in SB 170 that the Public Defenders and State Attorneys must submit to the Legislature next March. He asked the board to help with the report and Ms. Gardner agreed that the Board could provide him some information for that effort.

- V. A. Mr. Jett reported that his subcommittee was working well. He was working locally with his Public Defender (PD), State Attorney (SA) and local law enforcement agencies to work through the steps for a pilot criminal e-filing process. He reported that Phase I was to simple e-file. Phase II would take move toward the connection of local systems with the portal and could begin as the data elements are developed and used at the portal level. Ms. Gardner asked Mr. Jett to include the PD and SA liaisons in his discussions. Mr. Hall also asked if Ms. Blakeslee could be included in this effort. Mr. Jett noted that there were legal impediments, especially the requirement that notarization could not be done electronically. There was general discussion about the need for legislative changes to accommodate this requirement. Ms. Rushing asked for any changes needed to be provided to her by Monday so she could include them in a bill she was working on.

Mr. Jett expressed that the ultimate goal was to coordinate e-filing with in-court processing to make sure the efforts on the criminal side worked efficiently.

B. The chair recognized Mr. Hall to report on the website subcommittee. He explained that in working with the Authority website, that it was apparent that the portal site was static and the Authority site was ever-changing. He felt it might be best to reconsider having one site, and perhaps allow for two. Mr. Hall moved to reconsider the vote by which the motion to have only one site passed at a previous meeting. The motion was seconded. Hon. Sharon Bock asked if the website issue could be reconsidered at a broader level through his subcommittee and asked for the subcommittee to be expanded. Ms. Gardner noted that her site was only one site. She asked the subcommittee to meet and bring back the information to the group at the next meeting. The question was called and the motion failed.

C. Hon. Karen Rushing was recognized by the chair to discuss county readiness. She shared the position of Florida's Clerks on the implementation of mandatory e-filing. The chair asked Ms. Rushing to work with FACC to help those Clerks who were not on board yet.

D. Hon. Karen Nicolai reported that there was little activity in the Authority's bank account. Mr. Ken Kent told the board that the auditor's report will be finalized soon, that they were taking time to document what FACC had spent on portal development. Ms. Nicolai mentioned that she thought that \$22,500 was too high for the audit and asked staff to negotiate the cost down for next year.

Mr. Inzer moved to go on record with the Legislature regarding the cost of the portal and asking for a source of funding for the entity. The motion was seconded. In discussion, Ms. Rushing asked how the authority would go about communicating this need. Mr. Inzer suggested that the letter be addressed to the House Speaker, Senate President and the Governor explaining the cost and that there was no source of on-going financial support. The motion passed.

There was general discussion about FACC staff being stretched too thin. Mr. Inzer made a motion that the Authority request FACC to provide additional resources to support the portal. He noted that additional resources would assist in bringing on counties and other partners, such as SA's and PD's. The motion passed.

- VI. A. Ms. Teresa Prince, general counsel, was recognized to present amendments to the Authority's Interlocal Agreement, as a requested carry-over item from the previous meeting. She explained that the first step in amending the Interlocal Agreement was to amend section 5.6 of the agreement to allow for changes to the agreement to be made by the Board of Directors, not the entire membership. Allowing the board to make decisions in this way, she explained, would be more expedient and enable to the board to work more efficiently in making the minor administrative policies they felt were necessary. She explained that all members of the Authority must vote favorably for the change to take effect. Mr. Hall noted that when he signed it would bind all the appellate courts. Mr. Jett moved that the resolution allowing for change to the Interlocal Agreement be accepted. The motion passed.

B. Ms. Prince further explained that once the Interlocal Agreement is changed to give authority to the board to make decisions, then the board could handle procedural issues, like the purchasing policies or signing of documents by written motion of the board. Mr. Inzer moved that counsel develop a recommended policy for procurement and signatures of documents and present it to the board. Mr. Hall supported having a written policy. The motion passed.

- VII. A. Ms. Nicolai explained the board had approved a shell budget at the previous meeting, but asked staff to bring back a balanced budget. She explained that the budget document in the packets as the same budget as passed previously, but shown as balanced by partner support. Mr. Inzer moved to accept the budget as shown. The motion passed, seven yeas, one nay. Mr. Hall asked Mr. Kent if there was any partner support yet? Mr. Kent reported that there was not. Ms. Rushing asked if there was any value of the portal that could be shown in the audit? Mr. Kent responded that Lanigan and Associates would be providing a footnote disclosure of the costs incurred to date. There was further discussion as to whether the value should be shown. Mr. Hall suggested that Lanigan be asked to give the board an opinion as to whether it should be or not.

B. Ms. Gardner opened a discussion as to when the meeting notices would be posted. She told the board that the information would be posted at a minimum of 48 hours prior to a meeting. She noted that the minutes from a previous meeting generally included the meeting date and time, giving board members notice. Ms. Prince said that notices should be posted on the authority website, inclusive of information for accommodation.

C. Mr. Hall moved to reconsider the vote by which the board took in allowing

paralegals to have their own credentials. He explained that in the technical world, this would be viewed as a security breach for Internet access. He also said that there was concern with paralegals having their own credentials. He suggested that the board should not take apposition on the issue and allow attorneys to handle it however they saw fit. Both Ms. Bock and Laird Lile, Esq., representative of The Florida Bar, felt that the board should not take apposition on how to run a law office, and agreed that the board remain neutral on the issue. Mr. Morris felt the FPAA would be neutral o the issue as well. The motion passed.

D. Mr. Inzer did not address his emailed questions, but, rather, opened a general discussion about standardization of elements for the portal, requiring each Clerk to use a common template for docket codes and the location of other elements seen on the website. Ms. Gardner expressed concern that meeting deadlines and getting connected should be of paramount importance. Location of items seen on a webpage could be refined at a later point.

Mr. Inzer moved that the FACC Best Practices Committee develop a template for optional use. The motion passed, 6 yeas, 2 nays. Ms. Gardner asked that Mr. Inzer serve as the authority liaison to that committee.

E. Mr. Kent reviewed the plan of action created by the Florida Courts Technology Commission (FCTC) workgroup as presented to the FCTC the day prior to the board meeting. There was general discussion about the rapid timeframes shown for e-filing implementation for both clerks and users. Mr. Jett moved to accept the FCTC plan. The motion passed.

F. Ms. Jenna Sims, Florida Supreme Court FCTC staff, told the board that the FCTC had passed the criminal and traffic data elements at their meeting, the day prior to this board meeting. Mr. Inzer moved to accept the criminal and traffic data elements. The motion passed.

G. Ms. Gardner asked Mr. Inzer, Mr. Kinsaul to serve along with Mr. Smith on a statewide e-filing education and outreach committee.

H. Mr. Hall clarified to the board that the court would not approve waiving the 90-day test period wherein there needed to be paper follow-up. Ms. Christina Blakeslee, Florida Supreme Court FCTC staff, also reiterated that once one court area was approved, that the 90-day test period was not necessary in any other court area as long as the same case maintenance software was being used. The chief judges have the authority to waive the test period in those instances.

VIII. The next meeting was scheduled for November 2, 2011, from 10:00 a.m. to noon, to be held in conjunction with the FACC conference at the Hotel at the Florida Mall in Orlando.

The meeting of the E-Filing Authority Board adjourned at 1:05 p.m.



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

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

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

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

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

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

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

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

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

# AGENDA

## Florida Courts E-Filing Authority Annual Meeting

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

**June 15, 2011**  
**10:20 p.m. - 11:30 p.m.**

Public comments are welcome at the end of the meeting.

- I. Introduction and Roll Call

Open the Annual Meeting

- II. Presentation of the Annual Report to the Members
- III. Election of the Vice Chair and Secretary/Treasurer

Close Annual Meeting

Open Annual Meeting of Board

- IV. Approval of the April minutes (Tab 1)
- V. Discussion Items/Reports
  - a. Update on e-portal implementation
  - b. Status on joinder agreements
  - c. Status on 2010-2011 Authority Budget (Tab 2)
  - d. Revisions to Interlocal Agreement (Tab 3)
  - e. Criminal Data Elements/SB 170
  - f. Report from the Subcommittee on non-Lawyer/Law Firm access to the portal (Tab 4)
- VI. Action Items
  - a. Recommendations from the Florida Courts Technology Commission:
    - Portal User Survey (Tab 5)
  - b. Approval of 2011-2012 Authority Budget (Tab 6)
- VII. Other Business
  - a. Letter from Community Legal Services of Mid Florida (Tab 7)
  - b. Set next meeting
- VIII. Public Comment



## The Florida Courts E-Filing Authority

The annual meeting of the Florida Courts E-Filing Authority was held on June 15, 2011 at 10:20 a.m. The meeting was located at Tampa Marriott Waterside and Marina, 700 South Florida Ave., Tampa, FL. The following members were present: P. Dewitt Cason, Columbia County Clerk, Chair; Tom Hall, Clerk, Supreme Court, Vice Chair; Karen Nicolai, Hernando County Clerk, Secretary/Treasurer; Sharon Bock, Palm Beach County Clerk; Lydia Gardner, Orange County Clerk; Bob Inzer, Leon County Clerk; Jim Jett, Clay County Clerk; Bill Kinsaul, Bay County Clerk; Karen Rushing, Sarasota County Clerk.

The meeting was called to order at 10:27 a.m. by P. Dewitt Cason, Chair.

- I. Mr. James Jett moved that the Annual Report be accepted as read. The motion passed.
- II. Mr. Bill Kinsaul moved to elect Mr. Thomas D. Hall as Vice Chair of the Authority. The motion passed.
- III. Ms. Karen Rushing moved to elect Ms. Karen Nicolai as Secretary/Treasurer of the Authority. The motion passed.

Annual Meeting of the E-Filing Authority Board adjourned at 10:30 a.m.

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## The Florida Courts E-Filing Authority

The regular meeting of the Florida Courts E-Filing Authority was held on June 15, 2011 at 10:30 a.m. The meeting was located at Tampa Marriott Waterside and Marina, 700 South Florida Ave., Tampa, FL. The following members were present: P. Dewitt Cason, Columbia County Clerk, Chair; Tom Hall, Clerk, Supreme Court, Vice Chair; Karen Nicolai, Hernando County Clerk, Secretary/Treasurer; Sharon Bock, Palm Beach County Clerk; Lydia Gardner, Orange County Clerk; Bob Inzer, Leon County Clerk; Jim Jett, Clay County Clerk; Bill Kinsaul, Bay County Clerk; Karen Rushing, Sarasota County Clerk.

The meeting was called to order at 10:30 a.m. by P. Dewitt Cason, Chair.

- I. Mr. Bob Inzer moved to accept the April meeting minutes as corrected. The motion passed.
- II. Report by Mr. Melvin Cox, FACC Director of Technology, regarding status of e-Portal implementation. Mr. Cox also reported that the portal software needs to be updated in order to comply with Rule 2.420. Progress is being made to program the software to comply with Standard 3.1.11, which will assist Clerks in managing pending filings. Mr. Thomas D. Hall noted that he expected substantial changes to the confidentiality forms and a clarification to the list of 19 exceptions from the Florida Bar. Mr. Bob Inzer asked if Mr. Cox was aware of any counties "losing" a filing that was submitted via the portal. Mr. Cox answered that there have not been any lost filings. Mr. Bob Inzer moved for the Board to petition the courts to eliminate the 90-day test period. Mr. Cason spoke in support of the motion. Mr. Thomas D. Hall noted that the Chief Judge already has the capability to stop the paper follow up after one case type meets the 90-day timeframe. Mr. Hall stated that the rule says, "90-day test period," and in a subsequent administrative order it was delegated to the Chief Judges to make local determinations. The motion passed. Mr. Bob Inzer moved to authorize the Authority Chair to notify the courts of the petition to eliminate the 90-day test period. The motion passed.
- III. Report from Ms. Peggy Ball regarding status of joinder agreements. Ms. Ball reported that 8 joinder agreements had not been received.
- IV. Report from Mr. Kenneth Kent regarding 2010-2011 Authority Budget. Mr. Kent reported that the current financial balance was \$59,742. He also reported that a donation of \$60,000 had been made by the Florida Bar, Florida Supreme Court and the FACC Services Group. The Authority's estimated obligations are \$40,016.20, which will cover legal fees (16,346.32), the audit contract (\$22,500), Director's and Officer's Insurance (\$769.88) and bank fees (\$400). Mr. Kent reported that the remaining \$20,108.80 would be carried over to the new fiscal year. Mr. Kent reported on the portal payment engine and showed the filing fee and portal fee amounts.

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- V. Report from Ms. Teresa Prince, Esq. regarding revisions to Section 5.6 of the Interlocal Agreement. Ms. Prince reported that Section 5.6 of the Interlocal makes it very difficult for any changes to be made to the agreement. The revision would require a majority vote of the Board and a positive vote from the Clerk of the Supreme Court to make revisions to the Interlocal Agreement, which would allow for more efficient administration of the Board. Mr. Dewitt Cason asked if a vote of the membership could be done electronically. Ms. Prince stated that she would check. Mr. Hall asked for time to allow the Supreme Court counsel to review the proposed change and bring back any comments to the next meeting. Mr. Cason agreed to place this item on the next meeting agenda.
- VI. Report from Mr. Melvin Cox regarding criminal data elements. Mr. Cox reported that the Florida Courts Technology Commission (FCTC) developed a list of criminal data elements, but they have not been finalized. He stated that FCTC would meet with State Attorney and Public Defender groups to devise a method for filing through the portal. The FCTC approved using TCATS and suggested that the existing process could be left in place.
- VII. Report from Mr. Melvin Cox regarding SB 170. Mr. Cox reported that he anticipated portal staff would work with the State Attorney and Public Defender groups to devise a method to file through the portal. Mr. Bill Kinsaul asked if the element list was as extensive as the probate list. Mr. Cox stated that it was much shorter and that much of the information was already being captured in the local case maintenance systems.
- VIII. Report from Ms. Sharon Bock and Mr. Laird Lile regarding non-lawyer/law firm access to the portal. Ms. Bock reported the subcommittee had met twice since the last Authority Board meeting to review potential recommendations.
- a. Mr. Lile shared the recommendation to allow a non-attorney who works for or under the direction or supervision of an attorney be authorized to use the attorney's credentials. Ms. Karen Rushing asked how to handle a legal assistant leaving a law firm. Ms. Lydia Gardner noted that this has been Orange County's practice for five years and that it has not been problematic. Mr. Lile noted that the lawyer would receive an email notification for any filings made. Mr. Thomas D. Hall asked if an attorney should acknowledge that he or she shared his or her credentials. Mr. Lile felt that was under the Florida Bar rules, which requires attorneys to be responsible if they share credentials. Ms. Sharon Bock moved to allow a non-attorney legal assistant who works for or is under the direction or supervision of an attorney be authorized to use the attorney's credentials. The motion passed.
- b. Mr. Lile reported that an attorney filing pro hac vice must be associated with a Florida attorney. Mr. Lile shared the recommendation that out of state filers be provided their own credentials for accessing the portal rather than using the Florida attorney's credentials. He shared that the subcommittee also recommends that a



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attestation be placed on the website so that the pro hac vice attorney can affirm that he or she is in compliance with Rule 2.520. Ms. Karen Rushing asked if the pro hac vice attorney had to be aware of any confidentiality issues. Mr. Lile stated that anyone filing in Florida was required to be aware of Florida rules. There was general discussion about whether a pro hac vice attorney could register for the portal prior to being admitted pro hac vice. There was also general discussion that the attestation wording would need to be carefully written. Mr. Hall suggested that the portal utilize the Florida Bar database to track the number of times an out of state attorney appears. Mr. Bob Inzer moved to allow out of state attorneys to have their own credentials for portal use and to create a separate check box for the out of state attorney to attest that he or she has complied with the rule 2.520. The motion passed.

- c. Mr. Lile presented the subcommittee recommendation to allow self-represented filers to utilize the portal. Ms. Sharon Bock moved to allow a self-represented filer to use the portal. Debate. Mr. Thomas D. Hall spoke against the motion and stated that the motion was premature. Mr. Lile suggested that the motion could be amended to accept the subcommittee recommendation, but clarify that implementation not be until a later time. Ms. Sharon Bock moved to amend the motion to allow a self-represented filer to use the portal, but not implement access until a later time. The motion passed as amended.
- d. Mr. Lile presented the subcommittee recommendation to allow registration credentials to remain valid and active indefinitely for all types of filers, subject to further review of the Board. Mr. Bob Inzer moved to allow registration and access credentials for all types of filers to remain valid and active indefinitely, subject to further review by the Board. The motion passed.
- IX. Presentation by Mr. Kenneth Kent regarding the 2011-2012 Authority Budget. Mr. Kent reviewed the placeholder budget for the Authority of the next fiscal year. He reminded the Board that the Interlocal Agreement required that a budget be adopted for the next fiscal year. He also reported that the Board had been provided \$60,000 for Authority operation in the current year, but that no new revenue was projected for next fiscal year. Mr. Kent asked staff to present a tightly crafted budget at the next Authority Board meeting. Mr. Bob Inzer commented that Florida law requires government agencies to have a balanced budget. Mr. Teresa Prince, Esq. agreed with Mr. Inzer's statement. Mr. Kent committed that the FACC Services Group would cover the shortfall shown in the draft budget document. Ms. Karen Nicolai stated that she was comfortable passing it with the caveat that the Authority would seek partnership support for the \$26,352 shortfall and that the budget document would show that line item in the black with the notation as "partner support." Mr. Bob Inzer moved to adopt the 2011-2012 Authority Budget as amended. Mr. Thomas Hall voted against the motion. The motion passed.

- 
- X. Report by Mr. Melvin Cox to review the Florida Courts Technology Commission Portal User Survey. Mr. Dewitt Cason stated that he was not sure that the timing was right for a user survey on the website. There was general discussion that a user survey was premature and that the portal should be in place longer before polling users.
  - XI. Report from Ms. Sharon Bock regarding a request from Community Legal Services of Mid Florida for funding. Mr. Dewitt Cason appointed Ms. Sharon Bock, Ms. Karen Nicolai, and Mr. Thomas D. Hall to the Pro Se Subcommittee.
  - XII. Report from Ms. Teresa Prince, Esq. regarding oral arguments scheduled for October 2011 on the rule revision that the Board directed her to file with the Supreme Court. Ms. Prince asked for direction on whether she should appear on behalf of the Board. She also stated that the State Attorneys had withdrawn their support of the rule revisions due to SB 170. She informed the Board that her legal expenses to appear would be approximately \$10,000. Mr. Thomas D. Hall stated that he did not feel that it was necessary for Ms. Prince to appear as long as someone else would appear and state that the Board is opposed. There was general discussion as to who might appear or if the Board could file a comment that they were opposed and would not appear. Mr. Dewitt Cason asked Ms. Prince to keep the Board informed of the hearing and any comment to be filed.
  - XIII. Next meeting of the E-Filing Authority Board is scheduled for September 28, 2011 at 10:00 a.m. in Orlando.
  - XIV. Report from Ms. Linda Doggett regarding the Board requesting the Florida Courts Technology Commission for clarification on searchable pdfs so that the additional standards would allow for easier implementation at the county level. Mr. Dewitt Cason asked Ms. Doggett to put her comments in writing.
  - XV. Mr. James Jett moved to adjourn the regular meeting of the E-Filing Authority Board. The motion passed.

Regular meeting of the E-Filing Authority Board adjourned at 11:45 a.m.

**Approved 2011-2012 Authority  
Annual Budget**



**E-Filing Authority Budget  
2011-2012**

**Estimated Annual 2011-2012 Budget**

|                      |                                  | Projected           |
|----------------------|----------------------------------|---------------------|
| Other: Carry Forward |                                  | 20,108              |
| <b>Revenues</b>      | Statutory Convenience Fees       | \$ 66,300           |
|                      | In Kind FACC Contribution        | \$ 1,090,813        |
|                      | Partner Support                  | \$ 26,353           |
|                      |                                  | <b>\$ 1,203,574</b> |
| <b>Expenses</b>      |                                  |                     |
|                      | Salaries and Wages               | \$ -                |
|                      | Other Personal Services          | \$ -                |
|                      | Contractual Services             | \$ -                |
|                      | FACC                             | \$ 1,090,813        |
|                      | Audit                            | \$ 22,500           |
|                      | Legal                            | \$ 32,000           |
|                      | Insurance                        | \$ 800              |
|                      | Convenience Fee Charges          |                     |
|                      | Credit Card Fees                 | \$ 30,000           |
|                      | ACH Fees                         | \$ 1,000            |
|                      | Bank Fees                        | \$ 4,800            |
|                      | Payment Controls, PCI Compliance | \$ 12,661           |
|                      | Banking and Chargeback Review    | \$ 9,000            |
|                      |                                  | <b>\$ 1,203,574</b> |
| <b>Balance</b>       |                                  | <b>\$ (0)</b>       |

The above numbers are estimates based on current fee-based filings. These numbers will be brought to the Authority for review and possible revision on at least a quarterly basis.

# **2012 Financial and SSAE 16 Audits**

# LANIGAN & ASSOCIATES, P.C.

CERTIFIED PUBLIC ACCOUNTANTS  
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October 27, 2012

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Board of Directors  
Florida Courts E-Filing Authority  
3544 Maclay Boulevard  
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## **RE: Required Communication to Those Charged with Governance**

Dear Directors:

We have audited the financial statements of the Florida Courts E-Filing Authority for the year ended June 30, 2012. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards and *Government Auditing Standards*, as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our letter to you dated May 10, 2012. Professional standards also require that we communicate to you the following information related to our audit.

### ***Qualitative Aspects of Accounting Practices***

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

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

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

### ***Difficulties Encountered in Performing the Audit***

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

### ***Corrected and Uncorrected Misstatements***

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

### ***Disagreements with Management***

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

### ***Management Representations***

We have requested certain representations from management that are included in the management representation letter dated October 27, 2012.

### ***Other Audit Findings or Issues***

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

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

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

Sincerely,



Lanigan & Associates, P.C.

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



**Financial Statements  
June 30, 2012 and 2011**



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LANIGAN & ASSOCIATES, P.C.  
CERTIFIED PUBLIC ACCOUNTANTS  
BUSINESS ADVISORS  
www.lanigancpa.com

Please reply to:  
Tallahassee

## INDEPENDENT AUDITORS' REPORT

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

We have audited the accompanying financial statements of the Florida Courts E-Filing Authority (the Authority), as of and for the year ended June 30, 2012 and as of and for the ten months ended June 30, 2011, as listed in the table of contents. These financial statements are the responsibility of the management of the Florida Courts E-Filing Authority. Our responsibility is to express an opinion 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 includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

In our opinion, the financial statements referred to above, presents fairly in all material respects, the financial position of the Florida Courts E-Filing Authority as of June 30, 2012 and 2011, and the changes in its financial position and its cash flows, for the years then ended in conformity with accounting principles generally accepted in the United States of America.

In accordance with *Government Auditing Standards*, we have also issued our report dated October 27, 2012 on our consideration of the Authority's internal control over financial reporting and our tests of its compliance with certain provisions of laws, regulations, contracts, 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 the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be considered in assessing the results of our audit.

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.

*Lamigan & Associates, P.C.*

October 27, 2012  
Tallahassee, Florida

# **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, 2012.

### **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

### **Financial Highlights**

- As of June 30, 2012, liabilities of the Authority exceed its assets by \$14,165.
- Service fee revenue increased \$7,989 or 1054% when compared to the prior fiscal year. The change can be attributed to the increase of cases filed through the portal.
- Operating expenses increased \$8,062 or 21% when compared to the prior fiscal year.
- For the year ended June 30, 2012 and the ten months ended June 30, 2011, the Association operated the Portal under its contract with the Authority at an internal cost of \$1,130,187 and \$728,915, respectively.

## Required Financial Statements

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

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

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

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

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

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

### Financial Analysis of the Authority as a Whole

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

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

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

|                     | <b>Statement of Net Assets</b> |                  |                    |
|---------------------|--------------------------------|------------------|--------------------|
|                     | <u>2012</u>                    | <u>2011</u>      | <u>Change</u>      |
| Assets:             |                                |                  |                    |
| Non-Capital Assets  | \$ 16,127                      | \$ 45,721        | \$ (29,594)        |
| Liabilities:        |                                |                  |                    |
| Current Liabilities | 30,292                         | 22,767           | 7,525              |
| Net Assets:         |                                |                  |                    |
| Unrestricted        | <u>\$ (14,165)</u>             | <u>\$ 22,954</u> | <u>\$ (37,119)</u> |

As of June 30, 2012, the vast majority of the Authority's assets were \$13,718 in cash, representing 85.1% of total assets. Liabilities represent accrued expenses and accounts payable at year end. The Authority did not have any long-term obligations with creditors.

|                                   | <b>Changes in Net Assets</b> |                  |                    |
|-----------------------------------|------------------------------|------------------|--------------------|
|                                   | <u>2012</u>                  | <u>2011</u>      | <u>Change</u>      |
| Revenues:                         |                              |                  |                    |
| Service Fees                      | \$ 8,747                     | \$ 758           | \$ 7,989           |
| Contributions                     | -                            | 60,000           | (60,000)           |
| Interest                          | 32                           | 32               | -                  |
| Total Revenue                     | <u>8,779</u>                 | <u>60,790</u>    | <u>(52,011)</u>    |
| Operating Expenses                | <u>45,898</u>                | <u>37,836</u>    | <u>8,062</u>       |
| Changes in Net Assets             | <u>(37,119)</u>              | <u>22,954</u>    | <u>(60,073)</u>    |
| Net Assets at Beginning of Period | <u>22,954</u>                | <u>-</u>         | <u>22,954</u>      |
| Net Assets at End of Period       | <u>\$ (14,165)</u>           | <u>\$ 22,954</u> | <u>\$ (37,119)</u> |

For the year ended June 30, 2012, the Authority's total expenses exceeded its operating revenues by \$37,119.

### **Current Economic Factors and Assessment of Growth**

As of June 30, 2012, there were 51 counties filing through the statewide portal with the remaining counties actively working to connect to the portal. The Authority is also working with members of the Florida Bar and the Clerks of Circuit Courts to educate the filers and assist the Clerks in continuing the development of the electronic acceptance of court documents into local maintenance systems.

Management is not currently aware of any conditions that are expected to have a significant effect on the Authority's financial position or results of operations.

## **Contacting the Authority's Financial Management**

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

**FLORIDA COURTS E-FILING AUTHORITY**  
**STATEMENTS OF NET ASSETS**  
**AS OF JUNE 30, 2012 AND JUNE 30, 2011**

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|                         | <u>2012</u>        | <u>2011</u>      |
|-------------------------|--------------------|------------------|
| <b>Assets</b>           |                    |                  |
| Current Assets:         |                    |                  |
| Cash                    | \$ 13,718          | \$ 44,893        |
| Accounts Receivable     | 1,674              | 186              |
| Prepaid Insurance       | <u>735</u>         | <u>642</u>       |
| Total Assets            | <u>16,127</u>      | <u>45,721</u>    |
| <b>Liabilities</b>      |                    |                  |
| Current Liabilities:    |                    |                  |
| Accounts Payable        | <u>30,292</u>      | <u>22,767</u>    |
| <b>Net Assets</b>       |                    |                  |
| Unrestricted Net Assets | <u>\$ (14,165)</u> | <u>\$ 22,954</u> |



**FLORIDA COURTS E-FILING AUTHORITY**  
**STATEMENTS OF REVENUES, EXPENSES, AND CHANGES IN NET ASSETS**  
**FOR THE YEAR ENDED JUNE 30, 2012 AND THE TEN MONTHS ENDED JUNE 30, 2011**

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|                                    | 2012               | 2011             |
|------------------------------------|--------------------|------------------|
| <b>Operating Revenues</b>          |                    |                  |
| Service Fees                       | \$ 8,747           | \$ 758           |
| <br><b>Expenses</b>                |                    |                  |
| Audit Services                     | 21,500             | 22,500           |
| Bank Fees                          | 1,098              | 373              |
| Insurance                          | 792                | 128              |
| Legal                              | 17,047             | 14,264           |
| Merchant Fees                      | 5,461              | 571              |
| Total Operating Expenses           | 45,898             | 37,836           |
| Total Operating (Loss)             | (37,151)           | (37,078)         |
| <br><b>Nonoperating Revenues</b>   |                    |                  |
| Interest Income                    | 32                 | 32               |
| Capital Contributions              | -                  | 60,000           |
| Total Nonoperating Revenues        | 32                 | 60,032           |
| Changes in Net Assets              | (37,119)           | 22,954           |
| Net Assets at Beginning of Period  | 22,954             | -                |
| <b>Net Assets at End of Period</b> | <b>\$ (14,165)</b> | <b>\$ 22,954</b> |

**FLORIDA COURTS E-FILING AUTHORITY**  
**STATEMENTS OF CASH FLOWS**  
**FOR THE YEAR ENDED JUNE 30, 2012 AND THE TEN MONTHS ENDED JUNE 30, 2011**

|   | 2012               | 2011               |
|---|--------------------|--------------------|
| <b>Cash Flows from Operating Activities</b>                     |                    |                    |
| Cash Received from Service Fees                                 | \$ 7,259           | \$ 572             |
| Cash Payments to Suppliers for Goods and Services               | (38,466)           | (15,711)           |
| Net Cash (Used in) Operating Activities                         | (31,207)           | (15,139)           |
| <b>Cash Flows from Capital and Related Financing Activities</b> |                    |                    |
| Capital Contributions   | -                  | 60,000             |
| <b>Cash Flows from Investing Activities</b>                     |                    |                    |
| Interest on Deposits  | 32                 | 32                 |
| Net (Decrease) Increase in Cash                                 | (31,175)           | 44,893             |
| Cash at Beginning of Period                                     | 44,893             | -                  |
| <b>Cash at End of Period</b>                                    | <b>\$ 13,718</b>   | <b>\$ 44,893</b>   |
| <b>Reconciliation of Net Income to Net Cash</b>                 |                    |                    |
| <b>(Used in) Operating Activities:</b>                          |                    |                    |
| Operating (Loss)  | (37,151)           | (37,078)           |
| Adjustments to Reconcile Operating Income to Net Cash           |                    |                    |
| Net Cash Provided by (Used in) Operating Activities             |                    |                    |
| Change In Assets and Liabilities:                               |                    |                    |
| Accounts Receivable   | (1,488)            | (186)              |
| Prepaid Expenses  | (93)               | (642)              |
| Accounts Payable and Accrued Expenses                           | 7,525              | 22,767             |
| <b>Net Cash (Used in) Operating Activities</b>                  | <b>\$ (31,207)</b> | <b>\$ (15,139)</b> |

**FLORIDA COURTS E-FILING AUTHORITY**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**June 30, 2012 and 2011**

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**NOTE 1: *Organization***

***Nature of Activities***

The Florida Courts E-Filing Authority (the Authority) is an independent special district created pursuant to an Interlocal Agreement, dated September 3, 2010, between the various Clerks of Circuit Courts of the State of Florida and the Clerk of the Florida Supreme Court, as the designee of the Chief Justice of the Florida Supreme Court in accordance with provisions of Chapter 163, Florida Statutes.

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

The Authority is subject to all applicable Florida statutes, Supreme Court rules and Administrative Orders that govern the individual clerks of court (county and appellate) in the performance of their record-keeping functions, as well as all Rules of Court relating to public records and all applicable laws and county ordinances relating to procurements by the clerks of the circuit court in their capacity as clerk of court.

**NOTE 2: *Summary of Significant Accounting Policies***

***Reporting Entity***

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

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

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

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

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

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

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

### ***Accounting Method***

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

The Governmental Accounting Standards Board (GASB) is responsible for establishing GAAP for state and local government through its pronouncements (Statements and Interpretations). Governments are also required to follow the pronouncements of Financial Accounting Standards Board (FASB) issued through November 30, 1989 (when applicable) that do not conflict with or contradict GASB pronouncements. Although the Authority has the option to apply FASB pronouncements issued after that date to its business-type activities, the Authority has elected not to do so.

### ***Revenue and Expense Recognition***

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

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

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

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

### ***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, 2012 on June 15, 2011.

### ***Cash and Cash Equivalents***

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

### ***Accounts Receivable***

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

### ***Net Assets***

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

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

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

***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 27, 2012 which is the date the financial statements were available to be issued. As of this date, no material subsequent events were noted.

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

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

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

For the year ended June 30, 2012 and the ten months ended June 30, 2011, the Association operated the Portal under its contract with the Authority at an internal cost of \$1,130,187 and \$728,915, respectively.

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

## Supplementary Information

# LANIGAN & ASSOCIATES, P.C.

CERTIFIED PUBLIC ACCOUNTANTS

BUSINESS ADVISORS

www.lanigancpa.com

Please reply to:

Tallahassee

## 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  
Tallahassee, Florida

We have audited the financial statements of the Florida Courts E-Filing Authority as of and for the year ended June 30, 2012, and have issued our report thereon dated October 27, 2012. 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.

### Internal Control over Financial Reporting

Management of the Florida Courts E-Filing Authority is responsible for establishing and maintaining effective internal control over financial reporting. In planning and performing our audit, we considered the Florida Courts E-Filing Authority's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Authority's internal controls over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the Authority's internal control over financial reporting.

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 combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the authority's financial statements will not be prevented, or detected and corrected on a timely basis.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over financial reporting that might be deficiencies, significant deficiencies or material weaknesses. We did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses, as defined above.



Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Florida Courts E-Filing Authority's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts and grants 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*.

This report is intended solely for the information and use of management, Board of Directors, others within the Authority, federal awarding agencies and pass-through entities and is not intended to be and should not be used by anyone other than these specified parties.

*Larrigan + Associates, P.C.*

Tallahassee, Florida  
October 27, 2012

REPORT ON CONTROLS PLACED IN OPERATION  
AND TESTS OF OPERATING EFFECTIVENESS  
(SSAE No. 16)  
FOR

**FLORIDA COURTS E-FILING PORTAL**

*Florida Courts*



*E-Filing Authority*

For the period July 1, 2011 through June 30, 2012

**LANIGAN & ASSOCIATES, PC**

CERTIFIED PUBLIC ACCOUNTANTS

THOMASVILLE, GA

TALLAHASSEE, FL

ATLANTA, GA

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**SECTION I.  
INDEPENDENT SERVICE AUDITORS' REPORT**

# LANIGAN & ASSOCIATES, P.C.

CERTIFIED PUBLIC ACCOUNTANTS  
BUSINESS ADVISORS  
www.lanigancpa.com

## INDEPENDENT SERVICE AUDITORS' REPORT

Board of Directors  
Florida Courts E-Filing Authority

### *Scope*

We have examined the Florida Courts E-Filing Authority's (the "Authority") description of its portal for processing user entities' transactions throughout the period July 1, 2011 to June 30, 2012 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, 2011 to June 30, 2012.

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, 2011 to June 30, 2012.
- 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, 2011 to June 30, 2012.
- 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, 2011 to June 30, 2012.

### ***Description of tests of controls***

The specific controls tested and the nature, timing, and results of those tests are listed on pages 22-44.

***Restricted use***

This report, including the description of tests of controls and results thereof on pages 22-44, 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, 2011 to June 30, 2012, and the independent auditors of such user entities, who have sufficient understanding to consider it, along with other information including information about controls implemented by user entities themselves, when assessing the risks of material misstatements or user entities' financial statements. This report is not intended to be and should not be used by anyone other than these specified parties.

*Lanigan + Associates, P.C.*

Lanigan and Associates, P.C.  
October 27, 2012

**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, 2011 to June 30, 2012, 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, 2011 to June 30, 2012, 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, 2011 to June 30, 2012, to achieve those control objectives. The criteria we used in making this assertion were that
1. the risks that threaten the achievement of the control objectives stated in the description have been identified by management;
  2. the controls identified in the description would, if operating as described, provide reasonable assurance that those risks would not prevent the control objectives stated in the description from being achieved; and
  3. the controls were consistently applied as designed, and manual controls were applied by individuals who have the appropriate competence and authority.

  
\_\_\_\_\_  
Kenneth Kent, Executive Director, FACC

  
\_\_\_\_\_  
Ron Webster, Chief Financial Officer, FACC

## **OVERVIEW OF THE E-FILING PORTAL**

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

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

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

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

- a single statewide log-in
- a single internet access to court records by authorized users
- transmission to and from the appropriate courts
- the ability to provide electronic service of notification receipt of an electronic filing and confirmation of filing in the appropriate court file
- open standards-based integration ability with existing statewide information systems and county e-filing applications.

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

The portal was launched in January 2011, as required by the Interlocal Agreement. As of June 2012, fifty-one counties were filing court records through the statewide portal. The remaining counties are actively working to connect to the portal.

An electronic filing may be submitted to the portal 24 hours a day and seven days a 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.

## 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

### Structure of Organization:

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 more hands on management of 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.

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 good 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's policy requires that all employees receive an annual written performance evaluation and salary review. 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 available to those users participating in the portal detailed training/procedures manuals. 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 high-speed leased communication lines to connect out 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 Monday through Friday 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 of which 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 which is 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-reference 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 is actively monitoring 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.myflcourtaaccess.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 re-assure on-line 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.myflcourtaaccess.com](http://www.myflcourtaaccess.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 PDF formats 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 a day and seven days a 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” 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 2) dollar amount of the file 3) 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**

Re-performed the processing of the control to ensure the accuracy of its operation.

### **3. Observation**

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

### **4. Inquiry**

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

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



**SECTION III.  
ORGANIZATIONAL AND ADMINSTRATIVE CONTROLS**

**CONTROL OBJECTIVE 1:** The organization maintains a strong control environment that sets the tone of the organization with respect to the control consciousness of its well-being.

| Description of Controls   | Test of Controls  | Test Results                         |
|---|---|--------------------------------------|
| <p>The FACC maintains a high level of control consciousness and oversight of various systems. Specifically, the FACC has the following audits/reviews:</p> <ul style="list-style-type: none"> <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> | <p>No relevant exceptions noted.</p> |
| <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>  | <p>No relevant exceptions noted.</p> |
| <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>  | <p>No relevant exceptions noted.</p> |
| <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>                         | <p>No relevant exceptions noted.</p> |

**SECTION III.  
ORGANIZATIONAL AND ADMINSTRATIVE CONTROLS**

**CONTROL OBJECTIVE 1:** The organization maintains a strong control environment that sets the tone of the organization with respect to the control consciousness of its well-being.

| Description of Controls   | Test of Controls   | Test Results                         |
|---|--|--------------------------------------|
| <p>Written performance evaluations are administered on an annual basis. These evaluations include stated goals and objectives. Performance evaluations are reviewed by Senior Management and become part of the employees' personnel file.</p>  | <ol style="list-style-type: none"> <li>1. Inquired to management and discussed the evaluation process. Verified evaluations take place on an annual basis.</li> <li>2. Reviewed a sample of annual performance evaluations for those employees involved with the E-Filing Portal system. Verified the following:                             <ul style="list-style-type: none"> <li>• Annual performance evaluations were present in the file</li> <li>• Each evaluation was signed by the employee and member of management</li> <li>• Evaluation included the employees' goals and objectives</li> <li>• Evaluation contained feedback and constructive criticism</li> </ul> </li> </ol> | <p>No relevant exceptions noted.</p> |
| <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> |

**SECTION III.  
ORGANIZATIONAL AND ADMINSTRATIVE CONTROLS**

**CONTROL OBJECTIVE 1:** The organization maintains a strong control environment that sets the tone of the organization with respect to the control consciousness of its well-being.

| Description of Controls  | Test of Controls  | Test Results                         |
|--|---|--------------------------------------|
| <p>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> |

**SECTION III.  
TRANSACTION PROCESSING AND RECONCILIATION**

**CONTROL OBJECTIVE 2:** Transactions that are processed through the E-Filing Portal system are authorized, processed, recorded completely, accurately and timely.

| Description of Controls   | Test of Controls   | Test Results                         |
|---|--|--------------------------------------|
| <p>The FACC is organized into separate functional areas to provide adequate segregation of duties.</p>  | <p>1. See page 39 for the testing performed on segregation of duties.</p>  | <p>No relevant exceptions noted.</p> |
| <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> | <p>1. Inquired to Management that portal bank reconciliations are performed in a timely manner.</p> <p>2. Verified reconciling items were properly documented and the FACC provided reasonable explanations as to the nature of the reconciling items.</p> <p>3. Verified source documents existed and were available for all amounts on the bank reconciliations.</p> <p>4. Verified the mathematical accuracy of the bank reconciliations selected.</p> <p>5. Requested the most recent bank reconciliation to verify it was completed timely (within 30 days of month end).</p> <p>6. Inspected a sample of bank reconciliations to verify the required review and approvals were performed and documented.</p> | <p>No relevant exceptions noted.</p> |

**SECTION III.  
TRANSACTION PROCESSING AND RECONCILIATION**

**CONTROL OBJECTIVE 2:** Transactions that are processed through the E-Filing Portal system are authorized, processed, recorded completely, accurately and timely.

| Description of Controls   | Test of Controls  | Test Results                         |
|---|---|--------------------------------------|
| <p>Transactions that flow through the portal are sequentially numbered. Orders are given a unique identifier at the point that users initiate transactions.</p> | <ol style="list-style-type: none"> <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> |

**SECTION III.  
TRANSACTION PROCESSING AND RECONCILIATION**

**CONTROL OBJECTIVE 2:** Transactions that are processed through the E-Filing Portal system are authorized, processed, recorded completely, accurately and timely.

| Description of Controls   | Test of Controls   | Test Results   |
|---|--|--|
| <p>The FACC utilizes an interface called the “IPAS reconciliation system” (Access database) between the portal and the accounting system. This process provides for an efficient and effective reconciliation of deposit (receipts) and disbursement transactions. This system produces activity summary reports that are used for reconciliation purposes.</p> <p>Written procedures are in place for using the IPAS reconciliation system.</p>  | <ol style="list-style-type: none"> <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 style="text-align: center;">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 style="text-align: center;">No relevant exceptions noted.</p> |

**SECTION III.  
TRANSACTION PROCESSING AND RECONCILIATION**

**CONTROL OBJECTIVE 2:** Transactions that are processed through the E-Filing Portal system are authorized, processed, recorded completely, accurately and timely.

| Description of Controls  | Test of Controls  | Test Results   |
|--|---|--|
| <p>The Authority Banking Function performs a daily confirmation/verification process on portal ACH Files. The purpose of this process is to verify that the transfer amount according to the bank agrees to the portal Payment Engine/Database. This verification process is documented on the "ACH File Transfer Log". This document includes, but is not limited to, the following items by service: 1) confirmation number 2) date of the file 2) dollar amount of the file 3) staff initials performing the process.</p> | <ol style="list-style-type: none"> <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 style="text-align: center;">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 style="text-align: center;">No relevant exceptions noted.</p> |

**SECTION III.  
PHYSICAL SECURITY**

**CONTROL OBJECTIVE 3:** Controls provide reasonable assurance that physical access to computer equipment, storage media, and program documentation is restricted to properly authorized individuals.

| Description of Controls  | Test of Controls   | Test Results                         |
|--|--|--------------------------------------|
| <p>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.</p>  | <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>                      | <p>No relevant exceptions noted.</p> |
| <p>Electronic badge devices control the access to the FACC server room. Only specified technical staff have access to this secured location.</p>   | <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>   | <p>No relevant exceptions noted.</p> |
| <p>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.</p> | <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>                    | <p>No relevant exceptions noted.</p> |
| <p>Automated electronic reports are periodically generated for monitoring of traffic in and out of the FACC building and server room.</p>  | <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>   | <p>No relevant exceptions noted.</p> |
| <p>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.</p>             | <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> | <p>No relevant exceptions noted.</p> |



| <b>SECTION III.<br/>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. |

**SECTION III.  
PHYSICAL SECURITY**

**CONTROL OBJECTIVE 3:** Controls provide reasonable assurance that physical access to computer equipment, storage media, and program documentation is restricted to properly authorized individuals.

| Description of Controls   | Test of Controls  | Test Results                         |
|---|---|--------------------------------------|
| <p>The Authority is required by the credit card companies, who provide credit card services for the portal, to undergo quarterly systems security reviews. The quarterly reviews focus on internet security issues.</p> | <ol style="list-style-type: none"> <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> | <p>No relevant exceptions noted.</p> |

**SECTION III.  
ENVIRONMENTAL CONTROLS**

**CONTROL OBJECTIVE 4:** Controls provide reasonable assurance that the physical environmental devices are installed to adequately protect the servers, network equipment, and storage media.

| Description of Controls  | Test of Controls  | Test Results                         |
|--|---|--------------------------------------|
| <p>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.</p>  | <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 a maintenance agreement exists on the air conditioning systems.</li> </ol>  | <p>No relevant exceptions noted.</p> |
| <p>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.</p>       | <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>  | <p>No relevant exceptions noted.</p> |
| <p>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.</p>  | <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>   | <p>No relevant exceptions noted.</p> |
| <p>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.</p> | <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> | <p>No relevant exceptions noted.</p> |

**SECTION III.  
NETWORK SECURITY AND INTERNET ACCESS**

**CONTROL OBJECTIVE 5:** Controls provide reasonable assurance that access to systems (logical) and through internet is restricted to properly authorized individuals.

| Description of Controls  | Test of Controls  | Test Results                  |
|--|---|-------------------------------|
| A network diagram illustrates the physical and logical connections of FACC information systems.  | 1. Inspected the FACC System/Network Diagram.   | No relevant exceptions noted. |
| Communication equipment and servers are labeled to facilitate cross-reference of these diagrams.   | 1. Inquired to management about the FACC systems/networks.<br>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.<br>2. Observed the FACC produce firewall logs for a specific time frame.<br>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.<br>2. Reviewed written antivirus policies contained in the Security Policies and Procedures Manual.<br>3. Obtained log of periodic virus scans on servers and workstations. | No relevant exceptions noted. |

**SECTION III.  
NETWORK SECURITY AND INTERNET ACCESS**

**CONTROL OBJECTIVE 5:** Controls provide reasonable assurance that access to systems (logical) and through internet is restricted to properly authorized individuals.

| Description of Controls   | Test of Controls   | Test Results                         |
|---|--|--------------------------------------|
| <p>The Florida Courts E-Filing Portal contains a Digital Certificate (SSL - Web Certificate). The Certificate has been issued by a known certificate authority and are accessible on the website.</p>   | <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>   | <p>No relevant exceptions noted.</p> |
| <p>Windows and Network password management controls include the following:<br/>                     -Minimum password length<br/>                     -Character complexity components.<br/>                     -Password expiration/change frequency<br/>                     -Invalid password attempts/Account lock out<br/>                     -Password history.</p> | <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>                          | <p>No relevant exceptions noted.</p> |
| <p>Change requests (moving, adding, changing, etc) are initiated by the Human Resource Function and communicated to the IT Department.</p>  | <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>  | <p>No relevant exceptions noted.</p> |
| <p>The Human Resource Function notifies the IT Department of all new employees and terminations.</p>  | <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> | <p>No relevant exceptions noted.</p> |

**SECTION III.  
NETWORK SECURITY AND INTERNET ACCESS**

**CONTROL OBJECTIVE 5:** Controls provide reasonable assurance that access to systems (logical) and through internet is restricted to properly authorized individuals.

| Description of Controls  | Test of Controls  | Test Results                         |
|--|---|--------------------------------------|
| <p>FACC encrypts the hard drives of laptops to prevent unauthorized access in the event of loss or theft.</p>  | <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>   | <p>No relevant exceptions noted.</p> |
| <p>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.</p> | <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> | <p>No relevant exceptions noted.</p> |
| <p>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.</p>  | <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>   | <p>No relevant exceptions noted.</p> |
| <p>FACC uses Microsoft Window Server Update Services (WSUS) to manage and install Microsoft critical and security patches.</p>   | <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>  | <p>No relevant exceptions noted.</p> |

**SECTION III.  
NETWORK SECURITY AND INTERNET ACCESS**

**CONTROL OBJECTIVE 5:** Controls provide reasonable assurance that access to systems (logical) and through internet is restricted to properly authorized individuals.

| Description of Controls  | Test of Controls   | Test Results                         |
|--|--|--------------------------------------|
| <p>FACC uses third party software to monitor the websites and portals to confirm sites are operating and that connections can be made.</p> | <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> | <p>No relevant exceptions noted.</p> |
| <p>FACC uses managed software to enforce security on Personal Digital Assistant (PDA) devices.</p>   | <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>   | <p>No relevant exceptions noted.</p> |
| <p>A Uniform Resource Locator (URL) filter is in place to detect and block potentially malicious links from being accessed.</p>            | <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>  | <p>No relevant exceptions noted.</p> |
| <p>FACC has established security roles within the portal website in order to restrict users based on their authorized permissions.</p>     | <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>  | <p>No relevant exceptions noted.</p> |

**SECTION III.  
INFORMATION AND COMMUNICATION**

**CONTROL OBJECTIVE 6:** Controls provide reasonable assurance that the information and communication component includes the procedures and records established by the FACC to initiate, process, and report the user organizations’ (Clerks) transactions and maintain accountability for the transactions.

| Description of Controls   | Test of Controls   | Test Results                         |
|---|--|--------------------------------------|
| <p>FACC has established and maintains written policies and procedures for various tasks and activities associated with the portal.</p>  | <ol style="list-style-type: none"> <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> |



**SECTION III.  
INFORMATION AND COMMUNICATION**

**CONTROL OBJECTIVE 6:** Controls provide reasonable assurance that the information and communication component includes the procedures and records established by the FACC to initiate, process, and report the user organizations’ (Clerks) transactions and maintain accountability for the transactions.

| Description of Controls  | Test of Controls   | Test Results                         |
|--|--|--------------------------------------|
| <p>The FACC produces several reports that assist management in the monitoring objective of the portal. These are distributed to key management and staff and are discussed at routine meetings.</p>  | <ol style="list-style-type: none"> <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> |

**SECTION III.  
SEGREGATION OF FUNCTIONS (INTERNAL)**

**CONTROL OBJECTIVE 7:** Controls provide reasonable assurance that FACC activities are organized to provide internal segregation of functions.

| Description of Controls  | Test of Controls  | Test Results                         |
|--|---|--------------------------------------|
| <p>The FACC is organized into separate functional areas to provide adequate separation of duties.</p>                          | <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> | <p>No relevant exceptions noted.</p> |
| <p>The FACC maintains an organizational chart for 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 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>   | <p>No relevant exceptions noted.</p> |
| <p>FACC operations personnel do not perform programming functions. Programming personnel do not perform operations duties.</p> | <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>   | <p>No relevant exceptions noted.</p> |

**SECTION III.  
SEGREGATION OF FUNCTIONS (INTERNAL)**

**CONTROL OBJECTIVE 7:** Controls provide reasonable assurance that FACC activities are organized to provide internal segregation of functions.

| Description of Controls  | Test of Controls  | Test Results                  |
|--|---|-------------------------------|
| 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.<br>2. Interviewed management and employees to verify accuracy of these documents. | No relevant exceptions noted. |

**SECTION III.  
SEGREGATION OF FUNCTIONS (EXTERNAL)**

**CONTROL OBJECTIVE 8:** The FACC and User Organizations (Clerks) are segregated.

| Description of Controls  | Test of Controls   | Test Results                  |
|--|--|-------------------------------|
| FACC is physically separate from the user organizations (Clerks) for which it performs processing. | 1. Reviewed policies of the organization and contractual obligations that exist between FACC and user organizations. | No relevant exceptions noted. |
| The relationship between the FACC and user organizations is contractual in nature.                 | 2. Reviewed policies of FACC and contractual obligations that exist between FACC and user organizations.             | No relevant exceptions noted. |

**SECTION III.  
SERVICE FEE SCHEDULE**

**CONTROL OBJECTIVE 9:** Controls provide reasonable assurance that service fees are properly charged and are in accordance with contracts, laws and regulations.

| Description of Controls   | Test of Controls   | Test Results                  |
|---|--|-------------------------------|
| E-Filing Portal has an approved service fee schedule governing on-line 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 style="text-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 style="text-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 style="text-align: center;">No relevant exceptions noted.</p> |

**SECTION III.  
DATA BACKUP AND RECOVERY**

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

| Description of Controls   | Test of Controls   | Test Results                  |
|---|--|-------------------------------|
| Inventory of backup tapes are available via the Vendor's inventory system that is accessible by the company administrative personnel. | <ol style="list-style-type: none"> <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. |

# **June 2012 County Readiness Report**





# Florida Courts E-Filing Authority Board

Tuesday, June 12, 2012

## June eFiling Update

Levi Owens, ePortal Project Manager



# June Readiness Report

06/12/2012



# June Readiness Report

Verified eFiling Capability Through the Florida Courts ePortal

Current as of: June 4, 2012

| County           | Circuit Civil  | County Civil | Probate   | Family    | Juvenile Dependency |
|------------------|--|--------------|-----------|-----------|---------------------|
| <b>Alachua</b>   | COMPLETE   | COMPLETE     | COMPLETE  | COMPLETE  | COMPLETE            |
| <b>Baker</b>     | COMPLETE   | COMPLETE     | 6/22/2012 | COMPLETE  | COMPLETE            |
| <b>Bay</b>       | COMPLETE   | COMPLETE     | COMPLETE  | COMPLETE  | COMPLETE            |
| <b>Bradford</b>  | 6/22/2012  | 6/22/2012    | 6/22/2012 | COMPLETE  | 6/22/2012           |
| <b>Brevard</b>   | 6/15/2012  | 6/15/2012    | 6/15/2012 | 6/15/2012 | 6/15/2012           |
| <b>Broward</b>   | 6/30/2012  | 10/31/2012   | COMPLETE  | 6/30/2012 | 3/1/2013            |
| <b>Calhoun</b>   | 6/22/2012  | 6/22/2012    | 6/22/2012 | COMPLETE  | 6/22/2012           |
| <b>Charlotte</b> | 6/30/2012  | 6/30/2012    | COMPLETE  | 6/30/2012 | 6/30/2012           |
| <b>Citrus</b>    | 8/31/2012  | 8/31/2012    | 8/31/2012 | 8/31/2012 | 8/31/2012           |
| <b>Clay</b>      | *Local eFiling capability in all 5 divisions ; planning migration to ePortal |              |           |           |                     |
| <b>Collier</b>   | 7/1/2012   | 7/1/2012     | COMPLETE  | 7/1/2012  | COMPLETE            |
| <b>Columbia</b>  | COMPLETE   | COMPLETE     | COMPLETE  | 6/22/2012 | COMPLETE            |

[ Dates supplied indicate verification of full eFiling capability for both New & Existing case types (or Simple eFiling) for the specified Civil Division ]

[ \* - Indicates current eFiling capability via Local Solution in this Division ] [Exception Reports are on file for dates that exceed the July 1 target]



# June Readiness Report

Verified eFiling Capability Through the Florida Courts ePortal

Current as of: June 4, 2012

| County           | Circuit Civil | County Civil | Probate   | Family    | Juvenile Dependency |
|------------------|---------------|--------------|-----------|-----------|---------------------|
| <b>Desoto</b>    | 6/22/2012     | 6/22/2012    | 6/22/2012 | 6/22/2012 | 6/22/2012           |
| <b>Dixie</b>     | 6/22/2012     | 6/22/2012    | 6/22/2012 | 6/22/2012 | 6/22/2012           |
| <b>Duval</b>     | COMPLETE      | COMPLETE     | COMPLETE  | COMPLETE  | 6/30/2012           |
| <b>Escambia</b>  | 6/25/2012     | 6/25/2012    | 6/25/2012 | 6/25/2012 | 6/25/2012           |
| <b>Flagler</b>   | 6/18/2012     | 6/18/2012    | 6/18/2012 | 6/18/2012 | 6/18/2012           |
| <b>Franklin</b>  | COMPLETE      | 6/22/2012    | COMPLETE  | 6/22/2012 | COMPLETE            |
| <b>Gadsden</b>   | 6/20/2012     | 6/20/2012    | 6/20/2012 | 6/20/2012 | 6/20/2012           |
| <b>Gilchrist</b> | COMPLETE      | COMPLETE     | 6/22/2012 | 6/22/2012 | COMPLETE            |
| <b>Glades</b>    | 6/22/2012     | 6/22/2012    | 6/22/2012 | 6/22/2012 | 6/22/2012           |
| <b>Gulf</b>      | 6/22/2012     | 6/22/2012    | COMPLETE  | 6/22/2012 | 6/22/2012           |
| <b>Hamilton</b>  | 6/22/2012     | 6/22/2012    | 6/22/2012 | 6/22/2012 | 6/22/2012           |
| <b>Hardee</b>    | COMPLETE      | COMPLETE     | 6/22/2012 | COMPLETE  | COMPLETE            |

[ Dates supplied indicate verification of full eFiling capability for both New & Existing case types (or Simple eFiling) for the specified Civil Division ]

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# June Readiness Report

Verified eFiling Capability Through the Florida Courts ePortal

Current as of: June 4, 2012

| County              | Circuit Civil | County Civil | Probate   | Family    | Juvenile Dependency |
|---------------------|---------------|--------------|-----------|-----------|---------------------|
| <b>Hendry</b>       | 6/22/2012     | 6/22/2012    | 6/22/2012 | 6/22/2012 | 6/22/2012           |
| <b>Hernando</b>     | 6/22/2012     | 6/22/2012    | 6/22/2012 | 6/22/2012 | 6/22/2012           |
| <b>Highlands</b>    | 6/22/2012     | 6/22/2012    | 6/22/2012 | 6/22/2012 | 6/22/2012           |
| <b>Hillsborough</b> | 10/8/2012     | 10/8/2012    | 7/2/2012  | 9/6/2012  | 12/31/2012          |
| <b>Holmes</b>       | COMPLETE      | COMPLETE     | COMPLETE  | COMPLETE  | COMPLETE            |
| <b>Indian River</b> | 6/22/2012     | 6/22/2012    | 6/22/2012 | 6/22/2012 | 6/22/2012           |
| <b>Jackson</b>      | COMPLETE      | 6/22/2012    | COMPLETE  | 6/22/2012 | COMPLETE            |
| <b>Jefferson</b>    | COMPLETE      | 6/22/2012    | 6/22/2012 | COMPLETE  | COMPLETE            |
| <b>Lafayette</b>    | COMPLETE      | 6/22/2012    | 6/22/2012 | COMPLETE  | COMPLETE            |
| <b>Lake</b>         | 6/22/2012     | 6/22/2012    | 6/22/2012 | 6/22/2012 | 6/22/2012           |
| <b>Lee</b>          | 7/1/2012      | 7/1/2012     | COMPLETE  | 7/1/2012  | 7/1/2012            |
| <b>Leon</b>         | COMPLETE      | COMPLETE     | COMPLETE  | COMPLETE  | COMPLETE            |

[ Dates supplied indicate verification of full eFiling capability for both New & Existing case types (or Simple eFiling) for the specified Civil Division ]

[ \* - Indicates current eFiling capability via Local Solution in this Division ] [Exception Reports are on file for dates that exceed the July 1 target]



# June Readiness Report

Verified eFiling Capability Through the Florida Courts ePortal

Current as of: June 4, 2012

| County            | Circuit Civil | County Civil | Probate    | Family     | Juvenile Dependency |
|-------------------|---------------|--------------|------------|------------|---------------------|
| <b>Levy</b>       | 7/1/2012      | 7/1/2012     | 7/1/2012   | 7/1/2012   | 7/1/2012            |
| <b>Liberty</b>    | 6/22/2012     | 6/22/2012    | 6/22/2012  | COMPLETE   | 6/22/2012           |
| <b>Madison</b>    | COMPLETE      | 6/22/2012    | 6/22/2012  | 6/22/2012  | COMPLETE            |
| <b>Manatee</b>    | 6/15/2012*    | 6/15/2012*   | 6/15/2012* | 6/15/2012* | 6/15/2012*          |
| <b>Marion</b>     | COMPLETE      | COMPLETE     | COMPLETE   | COMPLETE   | COMPLETE            |
| <b>Martin</b>     | 6/22/2012     | 6/22/2012    | 6/22/2012  | 6/22/2012  | 6/22/2012           |
| <b>Miami-Dade</b> | 3/1/2013      | 3/1/2013     | 3/1/2013   | 10/31/2012 | 3/1/2013            |
| <b>Monroe</b>     | COMPLETE      | 6/27/2012    | 6/27/2012  | 6/27/2012  | 6/27/2012           |
| <b>Nassau</b>     | 7/16/2012     | 7/16/2012    | 7/16/2012  | 7/16/2012  | 7/16/2012           |
| <b>Okaloosa</b>   | 6/29/2012     | 6/29/2012    | 6/29/2012  | 6/29/2012  | 6/29/2012           |
| <b>Okeechobee</b> | COMPLETE      | 6/22/2012    | 6/22/2012  | COMPLETE   | COMPLETE            |
| <b>Orange</b>     | 6/30/2012*    | 6/30/2012*   | 6/30/2012* | 6/30/2012* | 6/30/2012*          |

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[ \* - Indicates current eFiling capability via Local Solution in this Division ] [Exception Reports are on file for dates that exceed the July 1 target]



# June Readiness Report

Verified eFiling Capability Through the Florida Courts ePortal

Current as of: June 4, 2012

| County            | Circuit Civil | County Civil | Probate    | Family     | Juvenile Dependency |
|-------------------|---------------|--------------|------------|------------|---------------------|
| <b>Osceola</b>    | 6/29/2012     | 6/29/2012    | 6/29/2012  | 6/29/2012  | 12/03/2012          |
| <b>Palm Beach</b> | 6/15/2012     | 6/15/2012    | 6/15/2012  | 6/15/2012  | 6/15/2012           |
| <b>Pasco</b>      | 3/1/2013      | 3/1/2013     | 3/1/2013*  | 3/1/2013   | 3/1/2013*           |
| <b>Pinellas</b>   | 9/24/2012     | 9/24/2012    | COMPLETE   | 9/24/2012  | 6/25/2012           |
| <b>Polk</b>       | 6/11/2012     | 7/1/2012     | COMPLETE   | 6/11/2012  | 7/1/2012            |
| <b>Putnam</b>     | COMPLETE      | 6/22/2012    | 6/22/2012  | COMPLETE   | COMPLETE            |
| <b>Santa Rosa</b> | COMPLETE      | COMPLETE     | COMPLETE   | COMPLETE   | COMPLETE            |
| <b>Sarasota</b>   | 6/22/2012*    | 6/22/2012*   | 6/22/2012* | 6/22/2012* | 6/22/2012*          |
| <b>Seminole</b>   | 8/1/2012      | 6/25/2012    | 6/11/2012  | 9/3/2012   | 4/1/2013            |
| <b>St. John's</b> | 6/29/2012     | 6/29/2012    | 6/21/2012  | 7/2/2012   | 7/20/2012           |
| <b>St. Lucie</b>  | 7/1/2012      | 7/1/2012     | 7/1/2012   | 7/1/2012   | COMPLETE            |
| <b>Sumter</b>     | 7/1/2012      | 7/1/2012     | 7/1/2012   | 7/1/2012   | 7/1/2012            |

[ Dates supplied indicate verification of full eFiling capability for both New & Existing case types (or Simple eFiling) for the specified Civil Division ]

[ \* - Indicates current eFiling capability via Local Solution in this Division ] [Exception Reports are on file for dates that exceed the July 1 target]



# June Readiness Report

Verified eFiling Capability Through the Florida Courts ePortal

Current as of: June 4, 2012

| County            | Circuit Civil | County Civil | Probate   | Family    | Juvenile Dependency |
|-------------------|---------------|--------------|-----------|-----------|---------------------|
| <b>Suwannee</b>   | COMPLETE      | 6/22/2012    | 6/22/2012 | 6/22/2012 | COMPLETE            |
| <b>Taylor</b>     | 6/22/2012     | 7/9/2012     | 6/14/2012 | 6/22/2012 | 7/9/2012            |
| <b>Union</b>      | 6/22/2012     | 6/22/2012    | 6/22/2012 | 6/22/2012 | 6/22/2012           |
| <b>Volusia</b>    | 6/30/2012     | 6/30/2012    | 6/30/2012 | 6/30/2012 | 6/30/2012           |
| <b>Wakulla</b>    | COMPLETE      | 6/22/2012    | 6/22/2012 | COMPLETE  | COMPLETE            |
| <b>Walton</b>     | 6/15/2012     | 6/15/2012    | 6/15/2012 | 6/15/2012 | 6/15/2012           |
| <b>Washington</b> | COMPLETE      | 6/22/2012    | 6/22/2012 | 6/22/2012 | COMPLETE            |

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[ \* - Indicates current eFiling capability via Local Solution in this Division ] [Exception Reports are on file for dates that exceed the July 1 target]





# June Readiness Report

Verified eFiling Capability Through the Florida Courts ePortal

Current as of: June 4, 2012

## Appellate Courts

| Court                                  | eFiling      | Scanning     | Automated Redaction |
|--|--------------|--------------|---------------------|
| <b>Supreme Court</b>                   | June 2012    | Yes          | No                  |
| <b>First District Court of Appeal</b>  | June 2013    | Yes          | No                  |
| <b>Second District Court of Appeal</b> | July 2012    | July 2012    | No                  |
| <b>Third District Court of Appeal</b>  | October 2012 | October 2012 | No                  |
| <b>Fourth District Court of Appeal</b> | January 2013 | January 2013 | No                  |
| <b>Fifth District Court of Appeal</b>  | March 2013   | Yes          | No                  |



# Usage Statistics



# Usage Statistics

for the Florida Courts ePortal

Current as of: May 31, 2012

## 1/1/2012 – 5/31/2012:

☐ Cases Filed = 49,323

➤ Average per Month = 9,865

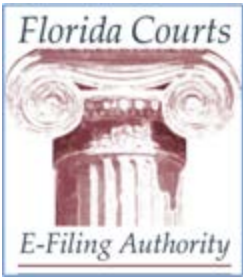
☐ Documents Filed = 67,614

➤ Average per Month = 13,523

☐ Registered Attorneys = 8,760

➤ Actively eFiling Attorneys = 2,025

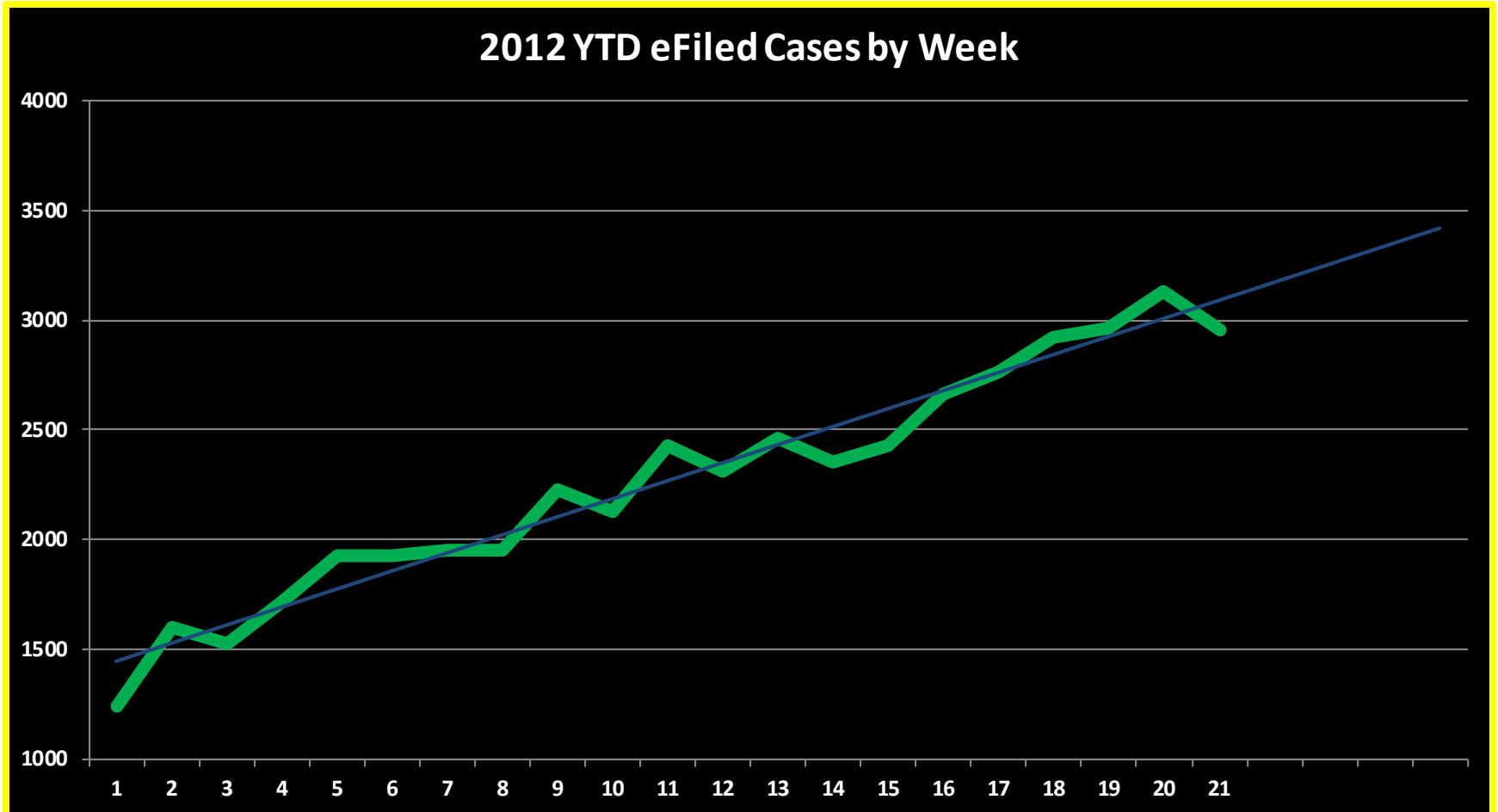
- This represents an increase of nearly 10% in the number of attorneys filing cases in just the two week period between May 15 and May 31



# Usage Statistics

for the Florida Courts ePortal

Current as of: May 31, 2012



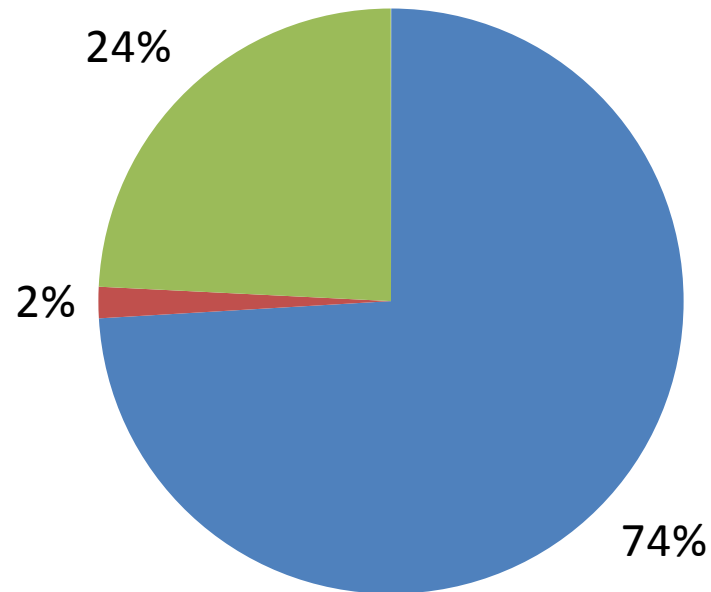


# Usage Statistics

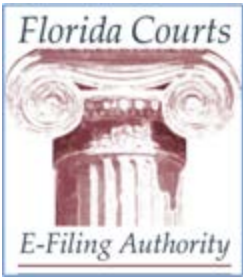
for the Florida Courts ePortal

Current as of: May 31, 2012

## eFiling by Case Type



■ Existing (Subsequent) ■ New (Initial) ■ Simple eFile (New & Existing)

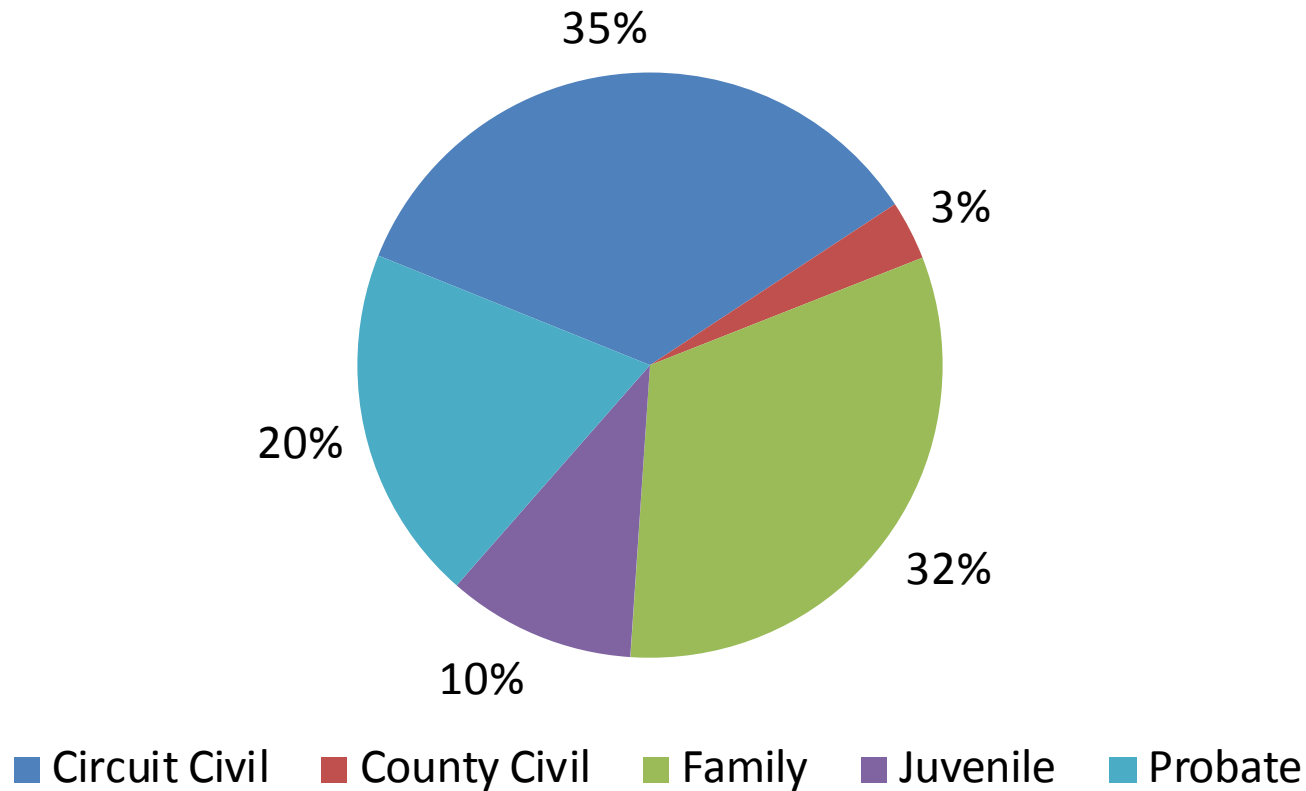


# Usage Statistics

for the Florida Courts ePortal

Current as of: May 31, 2012

## eFiling by Civil Division





# ePortal Production Updates



# ePortal Production Updates

## Deployment Schedule for the ePortal Q1 Release Package

- ❑ The ePortal Project Team has requested commitment dates from all CMS vendors for when their development work will be completed to support the changes required within the ePortal Q1 Release Package
- ❑ The team also solicited and considered feedback from all CMS vendors and from county IT staff regarding the timing for when we should move the changes to the production ePortal
- ❑ Based on the team's assessment, moving the full Package into production before July 1 presents difficulties for both counties and vendors and may impact go-live testing
- ❑ The team, therefore, plans to move the ePortal Q1 Release Package to production on: [Friday, August 17, 2012](#)
- ❑ This approach will mitigate the risk associated with testing and go-live activities, both before and immediately following July 1