

2014-2015
Florida Courts E-Filing
Authority Annual Report

December 2015

Florida Courts



E-Filing Authority

www.myflcourtaccess.com

Florida Courts E-Filing Authority

2014-2015 Annual Report

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Executive Summary

Executive Summary

The 2014-2015 program year, spanning July 1, 2014 to June 30, 2015, was one of stability and improvement for the Florida Courts E-Filing Portal. In accordance with a 2011 Supreme Court order, SC11-399, attorneys filing in Florida courts have been required to electronically file court documents through the Portal and volumes are high averaging about 54,000 filings a day.

Florida's e-filing system covers all court areas in the trial courts, in all 67 Florida counties, as well as the five District Courts of Appeals and the Florida Supreme Court. The Florida Supreme Court is serving all orders via the Portal and the Portal links filers directly to the online Supreme Court's dockets. Portal staff is continuing to work with the five District Courts of Appeal and the Supreme Court to develop more aspects of e-filing.

Nationally, Florida is recognized as a leader in electronic filing. This is large part due to the governance by the Florida Courts E-Filing Authority, an independent governmental body which oversees the business operation of the Portal, with the overall policy set by Florida's Court System generally through Florida's Court Technology Commission. While most states are struggling to build a single, statewide system, Florida has an integrated e-filing system, interfacing systems at the state level with those at the local level to provide a seamless interface. This design allowed Florida to be up and running quickly and to continue to expand service efficiently.

Over the past year, the Portal has experienced a month-to-month average of 1.1 million submissions per month, an average of 54,000 per weekday. As each submission can contain more than one document, this represents well over 1.7 to 1.9 million documents sent monthly through the Portal. Clerks' Offices have gotten used to the new workflow. They have worked with the Florida Courts E-Filing Portal technical staff on upgraded systems and performance

improvements. Over the year, we have seen that the amount of time it takes to docket a filing at the local level is holding steady at 1 day.

A variety of filer roles have been added this year, taking the number of registered filers from almost 62,000 in July 2014 to 89,677 by the end of June 2015. Additionally, the Portal was upgraded during the year to provide a secure log-in for judges so that they may send orders to the Clerks. Communication between Clerks and Judges is an integral aspect of trial court operations. In October 2014, the Portal was also programmed to allow Clerks to securely send court verification forms noting court-ordered sentencing changes in the Florida Department of Corrections.

Due to the stability achieved, there has been time to make Portal revisions with the time and thoughtfulness needed in order to make good, sound, and lasting decisions. During the 2014-2015 program year, the Florida Courts E-Filing Authority approved upgrades to the Portal to make filing easier and to enhance the functionality and services already being offered to the registered users. Two major features were added—an automatically generated civil cover sheet and the ability to serve parties electronically through the Portal, termed “e-service.”

The automated civil cover sheet takes the information entered regarding the case and fills in a standard civil cover sheet. Adding this feature meant one less document to attach when initiating a civil case.

Since the fall of 2014, over 4.5 Million filings have used e-service—amounting to millions of emails, saving law offices a great deal of expense in runner services, postage and office supplies.

Along with e-service has come a greater need to answer requests by users asking for various records of the Portal, such as documentation of service. The Portal creates a number of automatically generated emails advising the filer of receipt of the filed documents, when the Clerk has accepted the documents in the case file, what parties were served (or not), and the like. While these transmissions and html emails are not part of the case file, per se, they are technical records notifying the user of the various stages of transmittal. These messages allow the filer to

keep track of the progress of their filing. Moreover, it also provides a record of the activities taken by the Portal and the clerk. In response to a growing number of requests for these documents, the Authority developed a public records request policy in accordance with Florida Law in order to handle these requests in a standard manner. (TAB 1)

Slightly over a year old, the Service Center handles both technical calls for clerk's office support and customer service calls from filers. At around 3,000 to 4,000 customer service calls a month, resolution time for most calls is less than half a day.

Over the 2014-2015 program year, the Portal technical staff has established a YouTube channel in order to post training videos so that various aspects of e-filing in Florida's Portal can be viewed. There are over 30 videos, ranging from one minute to 20 minutes long. Some are "how-to" instructions, others are specifically for attorney users, judges, clerks and self-represented litigants. The videos are posted on the Authority website, <https://www.myflcourtagency.com/authority/trainingvideos.html>, and updated when needed.

While this program year has been one of growth in registered users, in filings and in breadth of use, the Authority has also learned to manage change. The Authority implemented a Portal Change Advisory Board. This board is made up of Clerks' professional technology staff and the Portal program manager. The board takes the suggestions made by the users, discuss their viability and reasonableness, rank them for inclusion in the semi-annual software upgrades, and bring them to the Authority Board of Directors for final review and discussion. Once the board has heard the items and approved the list some six months or more ahead of a scheduled upgrade, the technical staff can schedule programming. (TAB 2)

The Florida Courts Technology Commission is charged by the Florida Supreme Court with overseeing all court technology. The Florida Courts E-Filing Authority has developed a standard process for communicating the approved Portal software changes with the Commission well ahead of time. As such, pending any revision, the Portal staff then has sufficient time to begin programming at the Portal level and assisting clerks in making any needed software changes at their level. (TAB 3)

In recognition of the self-represented litigant users, the Florida Courts E-Filing Authority technical staff is working with a software product called A2J to develop the step-by-step questions that will generate some of the more commonly used documents in case types, such as simplified dissolution, landlord tenant or eviction cases. There is a growing desire to have this system operational due to the growing number of registered self-represented litigants. The system was provided along with Portal software for use by the Authority and interest in its use is gaining momentum. It is expected to be “live” in 2016.

The Florida Courts E-Filing Authority established a Rules Committee in 2014 and has built a very good working relationship with The Florida Bar. Clerk’s attorneys serve as liaisons to each of The Florida Bar Rules Committees. The Clerk liaisons attend the rules committee meetings during the year and are able to make sure that the rules being revised take into account e-filing, as well as clerk processes.

Lanigan & Associates, the auditors chosen by the Florida Courts E-Filing Authority, do an annual audit of the Authority financial statements and an SSAE 16 operational audit on the operations and technical systems. Once again, the Authority received an unqualified, or “clean,” audit.

Overview

Overview

The Florida Courts E-Filing Authority Governance Structure

In conjunction with the Chief Justice and the Supreme Court, the Florida Courts E-Filing Authority was established in June 2010 by Interlocal Agreement creating a public agency pursuant to chapter 163, Florida Statutes. (TAB 4) The agency is comprised of the Clerks of the Circuit Court who join the Authority and the Clerk of the Supreme Court, as designee of the Chief Justice of the Supreme Court on behalf of all the state courts. Eight of those Clerks, along with the Clerk of the Supreme Court, form a Board of Directors that heads up the agency. This public agency, through its board, is charged with managing the design, development, implementation, operation, upgrade, support and maintenance of a portal for the receipt and transmission of electronically filed court records. (TAB 5)

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

A Chair of the Authority -- the chair of the Florida Court Clerks & Comptrollers' (FCCC) Technology Committee, as annually selected by the Association President, holds this seat.

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

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

The Florida Courts E-Filing Authority Board members for 2014-2015 were:

- Honorable Tim Smith, Putnam County Clerk, Chair
- Honorable, Don Barbee, Esq., Hernando County Clerk, Vice-Chair (District IV)
- Honorable Tara Green, Clay County Clerk, Secretary/Treasurer (District III)
- Honorable John Tomasino, Clerk of the Supreme Court
- Honorable Alex Alford, Walton County Clerk (District I)
- Honorable Bob Inzer, Leon County Clerk (District II)
- Honorable Gail Wadsworth, Flagler County Clerk (District V)
- Honorable Karen Rushing, Sarasota County Clerk (District VI)

- Honorable Sharon Bock, Esq., Palm Beach County Clerk (District VII)

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

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

All elected Clerks of the Court in Florida have signed the joinder agreements and are members of the Interlocal agency. (TAB 6)

Over the 2014-2015 year, the Board of Directors met 9 times to discuss issues of pertinence to portal development. The most primary focus of portal development has been to add more filer roles; including self-represented litigants, mediators, mental health providers, court reporters, process servers, and law enforcement agencies; to review the uniformity of the drop-down menu choices that a filer sees when using the portal, termed "standardization;" and to increase functionality. All meetings are advertised on the Authority website, www.myflcourtagency.com, and they are made available to the public by attendance in person or by participating using an on-line meeting tool. The public notice and all meeting documentation is posted on this website. All materials are kept in an archives site for future reference. The meeting agendas and meeting minutes from the 2014-2015 program year are included in this report. (TAB 7)

Budget and Auditing

The current year budget for the Authority and the portal is comprised of funds donated by

Florida Association of Court Clerks Services Group, LLC, as an in-kind contribution, and all revenue collected from the convenience fees charged for the use of credit, debit, charge cards and ACH transactions. (TAB 8) The funding supports the activities required of the Authority, such as contracting with a general counsel for the board, paying for a Director's and Officer's Insurance policy and the audits required of the agency, in addition to supporting the help Desk and Education components.

The Authority is required to be audited annually. Lanigan & Associates, the Authority auditors, perform an annual audit of the Authority financial statements and an SSAE 16 operational audit on our operations and technical systems. Once again, the Authority received an unqualified, or "clean," audit. (TAB 9)

Florida Law and Supreme Court Opinions

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

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

needed and a projected timeline for full implementation. Revenues provided to counties and the clerk of court under s. 28.24(12)(e) for information technology may also be used to implement electronic filing processes. History.—s. 16, ch. 2009-61.

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

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

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

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

The Supreme Court issued opinions approving recommendations to require e-filing and e-service by attorneys, through a phased in implementation. The main document, AOSC11-399 revised opinion, as amended October 18, 2012, stated that the new rules and amendments to existing rules in the case would require attorneys to file documents with the trial and appellate courts by electronic transmission and made mandatory e-mail service requirements for pleadings and documents. The court encouraged attorneys and clerks throughout Florida to take notice of the new electronic filing requirements and to begin the process of updating their current practices to conform to these requirements. (TAB 10)

The Florida Courts E-Filing Portal

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

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

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

The Florida Courts E-Filing Portal opened January 2011, as required in the Interlocal Agreement. During the first months of operation, 229 documents were electronically filed through the portal and the numbers have grown since that time. In the month of June 2015, there were 1.2 million submissions, representing 1.9 million documents, submitted through the portal to Florida's Courts. Over the course of the year, the number of registered portal users grew from 61,479 to 89,677. Peak filing times are at 11:00 a.m. to Noon and again around 3:00 p.m. to 4:00 p.m. in the afternoon. This has remained static throughout the year, although the number of registered users has increased. It is important information when needing to assign staffing and monitoring of portal operations—both at the central site and in the Clerks' Offices. (TAB 11)

By mid-2012, 51 counties were connected to the portal for the acceptance of civil case documents in various civil divisions. By April 1, 2013, all 67 Clerk's Offices were connected for the acceptance and processing of civil cases in all five civil divisions, Circuit Civil, County Civil, Probate, Small Claims and Family Law. During, 2013-2014, Clerks' offices worked on accepting batch-filed documents on existing criminal cases, while all counties were working on general criminal readiness. By this program year, all 67 counties accept and process all trial court case types.

Work continues with the Supreme Court and the District Courts of Appeal to connect to the portal. The Florida Supreme Court came on-line on February 27, 2013, with filings limited to certain cases for the first couple of months as part of a live test of the system. Seeing no serious issues, the Supreme Court began accepting live filings on April 1, 2103. The Florida Supreme Court has received over 6,900 filings through the portal during the 2014-2015 year.

The Florida Appellate Courts have retired their legacy case management systems and work continues on bringing all appellate filers through the statewide portal.

In June of 2013, Justice Ricky Polston, then Chief Justice of the Florida Supreme Court, stated his four areas of focus for e-filing in Florida's Courts.

- 1) There should be standard drop-down menus for filers;
- 2) The need for increased Help Desk services;
- 3) The Portal should be a two-way street; and,
- 4) Filers should be able to see the documents in a case;

At that time, technical activities centered on connecting the portal and all court divisions in each of the 67 counties, and making sure a single payment method was functional and accurate.

These four areas became the highest priority for the Florida Courts E-Filing Authority since then and are integrated into the development plans and upgrades.

When Justice Polston's listed his ideals, the Authority embraced the challenge, even though the concept of "standardization" was somewhat undefined at that point. While the primary activity during the 2013-2014 program year was to complete programming and connectivity with the

counties for the acceptance of the civil and criminal case types, during 2014-2015 program year the Authority began in earnest to undertake a long-term study of standardization of the drop-down menus for civil case types.

Over early to mid-2014, different technical alternatives have been examined in order to create more standardized log-in and landing screens. A map feature was adopted to create a more uniform method allowing filers to see and select the county to which they are filing.

Due to the way criminal case initiation was implemented through a technical level solution for state attorneys, standardized criminal docket descriptions were adopted as criminal case initiation was implemented. “Sameness” in filing choices in the other case types varied from county to county, in drop-down menus showing court divisions offered and names of document types. This is what all filers of non-criminal cases viewed when filing. Beginning in earnest the spring of 2015, the Florida Courts E-Filing Authority worked with the Clerks’ Association Best Practices Committee to develop standardized names for the court divisions, case types and sub-types in each division. The portal technical team provided on-site training and assistance in a pilot phase to implement the standard nomenclature in the 4th judicial Circuit and proposed to use the model statewide. The Authority chairman, the Honorable Tim Smith, Clerk of Putnam County sent a letter to all Clerks of Court asking them to undertake the exercise and have it completed by September 2015. That task was underway as the new program year began and is expected to be on-going for some time. (TAB 12)

About a year and a half old, the Service Center handles both technical calls for clerk’s office support and customer service calls from filers. At around 3,000 to 4,000 customer service calls a month, resolution time for most calls is less than half a day.

In late 2013, the Florida Courts E-Filing Authority agreed to a Supplemental Agreement as an amendment to the Development Agreement to establish Help Desk services, a service that had been outboard of the original scope of services contracted for. The Authority adopted the policies and procedures November 1, 2013 and the Association implemented and began fully operating the Help Desk 90 days thereafter as required. (TAB 13) The Help Desk was fully staffed by early

2014. Now a robust Service Center, the staff handles both technical calls for Clerk's Office support and customer service calls from filers. At around 3,000 to 4,000 customer service calls a month, resolution time for most calls now is less than half a day. (TAB 14)

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

The portal technical staff also provides education and outreach to the various users. During the spring of 2014, training was held for thousands of attorneys, paralegals, law office staff, clerks, and clerks' staff. The sessions informed them of the requirements and benefits of electronic filing. Over the 2014-2015 program year, the portal technical staff has established a YouTube channel so that various aspects of e-filing in Florida's Portal can be examined and learned about. There are over 30 videos, ranging from a minute to 20 minutes long. Some are "how-to" instructions, others are specifically for attorney users, judges, clerks and self-represented litigants. The videos are linked on the Authority website under the Help tab, <https://www.myflcourtaccess.com/authority/trainingvideos.html>, and updated when needed. A variety of manuals and documents regarding e-filing can also be found under the Help tab, <https://www.myflcourtaccess.com/index.html>.

During the 2014-2105 year, using the portal as the "two-way" street mentioned by Justice Polston was given great consideration. After several years of operation, it was accepted that attorneys and other registered users were successful in transmitting a large volume of documents through the Florida Courts E-Filing Portal without incident. With this track record, the Florida Courts E-Filing Portal is considered a trusted, secure method of delivery of electronic documents. To that end, the portal has been upgraded this year to transmit court verification forms from the Clerks' Offices to the Florida Department of Corrections. Using this secure communication method, Clerk's Offices can insure that sentence modifications can be sent quickly and securely to the Florida Department of Corrections. With this success, there is discussion about transmission of the initial commitment packages through the portal.

Authority Website

The Authority's website, <http://myflcourtaccess.com>, was developed and in place by fall of 2013. The website serves as the main site to access the Florida Courts E-Filing Portal where a filer can file documents in Florida's courts. The website also provides access to all the documents of the portal and the Authority Board of Directors, training videos and manuals, meeting materials and archives for Authority materials, policies and documents. The site has links to The Florida Bar and the Florida Supreme Court, as well as pertinent e-filing orders, rules and standards.

TAB 1

Florida Courts E-Filing Authority Public Records Policy

<p style="text-align:center">FLORIDA COURTS E-FILING AUTHORITY</p> <p style="text-align:center">PUBLIC RECORDS REQUEST POLICY</p>

I. POLICY.

Pursuant to article I, section 24 of the Florida Constitution, it is the policy of the Florida Courts E-Filing Authority (the “Authority”) to permit certain records to be inspected and copied by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of records.

II. CUSTODIAN OF RECORDS.

The Authority hereby designates the Florida Court Clerks & Comptrollers to be the custodian of records. The Custodian or its designee must acknowledge requests to inspect or copy records promptly and respond to such requests in good faith. A good faith response includes making reasonable efforts to determine from other officers or employees whether such a record exists and, if so, the location at which the record can be accessed.

Requests for public records may be made in person, by phone (850-921-0808), in writing or by email and will be handled in the order they are received.

III. INSPECTIONS.

Inspection of records may take place at the Florida Court Clerks & Comptrollers office located at 3544 Maclay Blvd., Tallahassee, FL 32312. Records will be made available as quickly as is practical after a request is received.

IV. APPLICABLE FEES.

A. Copying fees.

\$0.15 per single-sided copy.

\$0.20 per double-sided copy.

All other copying fees shall be the actual cost of duplication of the record.

If electronic records are sent by e-mail, no copying fees shall apply. However, depending on the nature or volume of the request, a special service charge, as outlined in paragraph B below, may be assessed.

B. Special Service Charge.

Pursuant to Florida Rule of Judicial Administration 2.420(m)(3) and section 119.07(4)(d), F.S., the Authority may impose a special service charge when the nature or volume

of the public records request is such as to require extensive use of information technology resources, or extensive clerical or supervisory assistance, or both. For purposes of this Policy, “extensive clerical or supervisory assistance” is determined to be requests that require more than 15 minutes of time using information technology, resources, or clerical labor to locate records, review records for confidential or exempt material, remove confidential or exempt material, or copy and re-file the requested records.

In addition, the Authority may impose a reasonable service charge based on the actual labor cost for clerical personnel who are required, due to the nature or volume of the public records request, to safeguard such records from loss or destruction during their inspection.

C. Deposits.

Based upon the nature or volume of the public records request, a deposit may be collected prior to the cost actually being incurred. In the event the deposit exceeds the actual cost, such excess funds shall be returned to the requestor.

V. GENERAL.

- A. Custodians are not required to give out information verbally or answer questions about the records. The statutory obligation of the custodian is to provide access to or copies of existing public records.
- B. Custodians are only required to provide records in the format in which the records are kept, as long as it is a generally usable format. Custodians are not required to create a new record in a particular format or to reformat existing records in response to a request for records.

TAB 2

Portal Change Advisory Board Report



Florida Courts E-Filing Portal
www.myflcourtaccess.com

Portal Change Advisory Board Report

Recommendations to the Florida Court E-Filing Portal Authority Board

This document contains a complete list and supporting documentation of requested Portal modifications that has been reviewed by PCAB. Each request contains a recommended priority and a recommended implementation date in collaboration with the E-Filing Portal Program Manager. The leading spreadsheet shows the requested enhancements.

5/18/2015

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Document Organization and Contents

Spreadsheet contents

Column Heading	Description
HEAT Ticket	The reference number for each portal change request. Click Bookmarks to display the supporting documentation by ticket number to see the documentation that describes the request. This number is also used in subsequent release notes when the software is implemented.
Ticket Description	A short description of the portal change request
PCAB Input	The assessment assigned to each ticket for recommendation to the Authority Board. 0 - Required System Upgrade 1 - Schedule for Release 2 - Important 3 - Medium Importance 4 - Low/Awaiting guidance 5 - Recommend Not Implementing
Portal PM Input	Notes clarifying recommendation for the scheduled release date
Complexity	Describes the level of difficulty to implement the modification. The complexity reflects the number of systems involved or coordination involved by multiple parties to complete the modification. Low – Changes isolated to the portal in a narrow functional area Medium – Changes isolated to the portal in multiple functional areas High – Changes require adapter modifications, clerk configurations, and/or modifications with the clerks' CMS
Scope	Indicates which systems need to be modified to implement the modifications.
Portal PM Recommended Release	Releases are numbered for tracking and communication purposes. The year and a sequence number indicate a set of modifications that will be implemented together. The Recommended Release date does not ensure that the item will be included in that Release. The final determination will be made at a later date.

Release Schedule

Month	Activity
6/1 – 6/4/15	FCCC Summer Conference
7/15	
8/5 – 8/6/15	FCTC
9/11/15	2015.02 Portal Release
10/6 – 10/9/15	FCCC Fall Conference
11/18 – 11/19/15	FCTC
12/15	Holiday
1/15/16	2016.01 Portal Release
2/16	FCCC Winter Conference FCTC
3/16	
4/16	
5/20/16	2016.02 Portal Release FCTC Anticipated
6/16	FCCC Summer Conference
7/16	
8/16	FCTC Anticipated
9/23/16	2016.03 Portal Release
10/16	
11/16	FCTC Anticipated
12/16	

HEAT Tickets

HEAT Ticket	Ticket Description	PCAB Input	Portal PM Input	Complexity	Scope	Recommended Release
641382	Reject a filing if the 1 inch margin requirement is not being followed	4	Requires change in Policy	Medium	Portal	
735664	For Judicial filers, allow the Bar number association between a Judge and JA to be changed.	3		Medium	Portal	2016.01
739115	In the Work Queue screen of Portal Review, add the ability to show the expanded or collapsed view	1		Medium	Portal Review	2016.01
748327	Add a pop-up to the Fees page that asks "Do you want to record this document?"	1	Add to Existing Fees Tickets	Complex	Portal	2016.01
755063	Have the ability to save preferences on work queues - Save My Settings/Preferences	1		Complex	Portal Review	2016.01
752390	Send Filed on Behalf Of information in XML for existing case filings	1	Local Review Counties	Medium	Portal	2016.01
759502	Get Help, User Manual, How To Videos added to the Administration Screens for County Administrators	3	Need to add Admin Help Fields	Low	Portal Review	2016.01
761721	Validate that the email address is formatted as an email address	1		Low	Portal	2016.01
761005	Work Queue docket code criteria should route filing to Work Queue regardless of where document falls in the upload list - set up Work Queue priority	1		Medium	Portal Review	2016.01
766633	Add Work Queue field to the Search Filings Report Results	1		Low	Portal Review	2016.01
	*Priority Key					
	1 - Schedule for Release					
	2 - Important					
	3 - Medium Importance					
	4 - Low/Awaiting guidance					
	5 - Not going to do it					

HEAT Ticket 641382

Software Release		Document Version	5/5/2015
HEAT Ticket	641382	Supplemental Agreement	
Short Description:	Have the Portal enforce the one inch margin requirement on uploaded documents		
Business Need/Problem:	The official file stamp date and time is overlapping the page header if the one inch margins are not on the uploaded document		
Requested Solution:	Allow the Portal to check documents for compliance with the one inch margin requirement and where there is an issue provide a message citing the AO and require the document be resubmitted		

Current Situation

The Portal does not check uploaded documents for compliance with the one inch margin requirement or the searchable PDF requirement.

Portal Modification

Check the uploaded documents for compliance with the one inch margin requirement. If a document does not have a one inch margin, display a message that cites the Administrative Order requiring the one inch margin and allow the filer to resubmit the document after editing the document to comply with the AO.

HEAT Ticket 735664

Software Release		Document Version	5/7/2015
HEAT Ticket	735664	Supplemental Agreement	
Short Description:	For Judicial Filers allow the Florida Bar number association between a Judge and JA to be changed		
Business Need/Problem:	JAs change judges and their Florida Bar association needs to be changed to the new judge		
Requested Solution:	Allow the Florida Bar number field to be edited on the Judicial Filer role		

Current Situation

The Portal requires The Florida Bar number for the Judge filer role.

Add User

* Organization: Ninth Judicial Circuit

* Role: Judge Select

ID State/Number: Florida

You must provide Florida Bar Number

However, the Portal does not display The Florida Bar number for the Judicial Filer in the Manage Users page for the Circuit Administrator.

Judge Lisa Taylor Munyon - Profile

User Details | Preferences

Organization: Ninth Judicial Circuit

Status: Active

Role: Judge

* User Name: lmunyon

* First: Judge Lisa Middle: Taylor * Last: Munyon Suffix: Suffix

* Primary Email: cweber@ftclerks.com

Alternate Email1/Email2: Alternate Email1 Alternate Email2

* Address 1/2: 425 North Orange Avenue Address 2

* City/State/ Zip Code: Orlando Florida 32801

Phone #: 407-835-4422

Can act as administrator?

Update Cancel

Portal Modification

Display The Florida Bar number as an editable field for the Judge filer role so that when a Judicial Assistant moves from one Judge to another The Florida Bar number can be changed to that of the new Judge.

HEAT Ticket 739115

Software Release		Document Version	5/7/2015
HEAT Ticket	739115	Supplemental Agreement	
Short Description:	Add Document Category and Document Type to the Work Queue Screen		
Business Need/Problem:	County needs to see this information to direct the filing to the proper work queue		
Requested Solution:	Add Document Category and Type to Work Queue Screen		

Current Situation

The Portal Review screen:

	Filing #	Type	Case #	Status	Filer	Received Date	Division	Reviewer	# Documents
*	30484	Case Filings	NEW CASE	Being Reviewed	Sandy Ellis	03/26/2013 10:37:37 PM	Domestic Relations/Family	FACC Administrator	
*	93859	Case Filings	NEW CASE	Being Reviewed	Carolyn M. Weber	03/13/2014 11:36:23 AM	County Civil	FACC Administrator	
*	197478	Case Filings	13000088MMAXM X	Being Reviewed	Clericus SA Admin	09/18/2014 10:21:56 AM	Circuit Criminal	FACC Administrator	

Portal Modification

Add two columns to display the Document Group and Document Type.

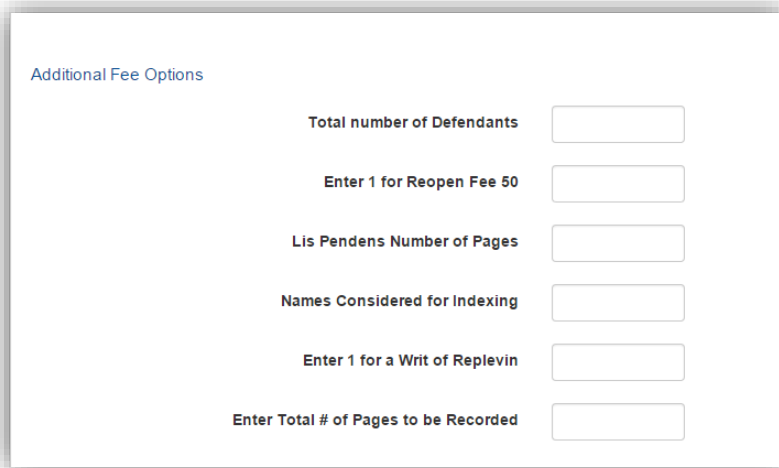
*Initial ticket requested identification of submissions that contained a fee. That was provided in Release 2015.01.

HEAT Ticket 748327

Software Release		Document Version	5/7/2015
HEAT Ticket	748327	Supplemental Agreement	
Short Description:	Add pop-up asking if document needs to be Recorded		
Business Need/Problem:	Filers need a more apparent way to designate documents that need to be Recorded		
Requested Solution:			

Current Situation

The Portal provides the Additional Fee Options on the Case Information page. These however are not required fields.



Additional Fee Options

Total number of Defendants

Enter 1 for Reopen Fee 50

Lis Pendens Number of Pages

Names Considered for Indexing

Enter 1 for a Writ of Replevin

Enter Total # of Pages to be Recorded

If information is entered into those fields, nothing happens in the Portal to ask the filer if the documents needs to be recorded.

Portal Modification

Add a pop-up message asking the filer if they want to record this document. Need more information.

HEAT Ticket 755063

Software Release		Document Version	5/7/2015
HEAT Ticket	755063	Supplemental Agreement	
Short Description:	Allow the Clerk to Save Preferences on Work Queues		
Business Need/Problem:	Reviewers currently have to set up their preferences each time they work in the Pending Queue		
Requested Solution:	Allow the Reviewer to set up preferences and 'save' those preferences for future use		

Current Situation

When processing the Pending Queue, each time you enter the application, you are required to set it up or change the column headers, so you can see which items you work with on a regular basis. For example, if you utilize the Division, Received Date, Case #, Reviewer and Correction Reason columns, you would have to move these around to obtain your "custom view", so they are all on one screen.

Filing #	Case #	Received Date	Division	Reviewer	Correction Reason
25432309	13-CT-179886	03/27/2015 04:30:01 PM	03 Criminal Traffic	Gloria Newton	• Image Quality: The image submitted is unclear or difficult to read. Please delete the current document, rescan and resubmit this filing. Page 3 is not readable.
25432628	13-CT-179886	03/27/2015 04:33:07 PM	03 Criminal Traffic	Gloria Newton	• Image Quality: The image submitted is unclear or difficult to read. Please delete the current document, rescan and resubmit this filing. Page 4 is not readable.
25450349	13-CT-179886	03/30/2015 10:13:45 AM	03 Criminal Traffic	Gloria Newton	• Image Quality: The image submitted is unclear or difficult to read. Please delete the current document, rescan and resubmit this filing. Page 4 is not readable.
25451672	13-CT-179886	03/30/2015 10:27:31 AM	03 Criminal Traffic	Gloria Newton	• Image Quality: The image submitted is unclear or difficult to read. Please delete the current document, rescan and resubmit this filing. Paper 4 is not readable.
25465438	15-CT-002586	03/30/2015 01:04:34 PM	03 Criminal Traffic	Gloria Newton	• Unsigned Order: Unsigned Orders cannot be e-filed. Please remove and deliver to the Judge's

Portal Modification

Have the Portal remember/set the preferred settings so that it has to be done one time and then that becomes the default setting until changed. Create a 'Save My Settings' functionality in Clerk Review.

HEAT Ticket 752390

Software Release		Document Version	5/7/2015
HEAT Ticket	752390	Supplemental Agreement	
Short Description:	Add Filed On Behalf Of information to XML sent to the County for Local Review		
Business Need/Problem:	Local Review counties need the 'filed on behalf of' information for subsequent filings in order to process fees		
Requested Solution:	Add to the XML the 'filed on behalf of' information for subsequent filings		

Current Situation

Portal Review counties have access to the 'filed on behalf of' information while Local Review Counties do not get that data passed to them through the XML the Portal is sending.

Portal Modification

Pass the 'filed on behalf of' data information in the XML to all counties regardless of how they are doing Portal Review.

HEAT Ticket 759502

Software Release		Document Version	5/7/2015
HEAT Ticket	759502	Supplemental Agreement	
Short Description:	Add Help, User Manual, How To Videos to the Administration Screens in Clerk Review		
Business Need/Problem:	Counties want the Help features available on the Clerk Review side		
Requested Solution:	Add Help functionality to the Clerk Review side of the Portal		

Current Situation

Help features are available on the Filer's side of the Portal.



Scott Ellis
Brevard County Clerk of Courts
E-Filing Portal

My Cases My Filings Sign Out
Existing Case New Case
Appellate Workbench E-Filing Map

Welcome - Carolyn M Weber
Last signed in on - 05/07/2015 08:42:09 AM

My Account Filing Options DIY Documents

News & Information

- Access YouTube and watch Florida Courts E-Filing Portal Training videos
- This is a test link: [ReadMore...](#)
- Case Number not validating: <http://brevardclerk.us/cache/files/3e07f0f4-9505-4747-aa49-73626a2c9969/efilingguide5.pdf>

Existing Case

Help

Type: Trial County: Brevard Division: Circuit Civil Total Fee: \$9.00
Case #: 052011CA058925XXXXXX Type: CIRCUIT CIVIL / CONTRACT & INDEBTEDNESS Status: ORIGINAL PEND

Portal Modification

Add Help functionality to the Portal Review side.

HEAT Ticket 761721

Software Release		Document Version	5/7/2015
HEAT Ticket	761721	Supplemental Agreement	
Short Description:	Add email validation to the Party tab		
Business Need/Problem:	Counties want the email addresses entered on the Add Party tab validated		
Requested Solution:	Add email validation to the email addresses added to the Add Party tab		

Current Situation

On the Add/Edit Party screen any email address that is entered is not validated prior to accepting.

The screenshot shows the 'Add/Edit Party' form interface. At the top, it indicates 'Party #: New Party'. Below this are fields for 'Role:' (a dropdown menu), 'ID State/License #' (a dropdown menu), and checkboxes for 'Primary Party' and 'Filed On Behalf of'. A 'Copy From Current Filer' button is also present. A note states 'You must enter either person or organization name.' The form includes several input fields: 'Person Name' (with sub-fields for First, Middle, Last, Suffix, Gender, and Race), 'OR Organization', 'Person Alias(AKA)', 'Email Address', and '* Address'. The 'Email Address' field is highlighted with a red box, and a warning message reads: '*CAUTION: This email address is not validated. Please ensure that you have entered the correct address.' Below the email field are fields for 'Country/ City/State/Zip:' (with dropdowns for Country and State), and phone number fields for Primary, Ext., Home, Work, Ext., Mobile, and Fax. A footer note specifies 'Phone # (Format: ###-###-####)'.

Portal Modification

Validate any email address added to the Add/Edit Party screen prior to acceptance.

HEAT Ticket 761005

Software Release		Document Version	5/7/2015
HEAT Ticket	761005	Supplemental Agreement	
Short Description:	Route submissions to a work queue that associates a docket code to a work queue regardless of where the document falls in the list of documents submitted		
Business Need/Problem:	Counties want to be able to route submissions to a work queue based on docket code regardless of how many documents are submitted		
Requested Solution:	Route submissions to a work queue based on docket code for multiple documents uploaded		

Current Situation

If there are multiple documents uploaded in a submission, and a Work Queue is set up based on a docket code, unless that document is the first document uploaded it will not be directed to the proper Work Queue.

Portal Modification

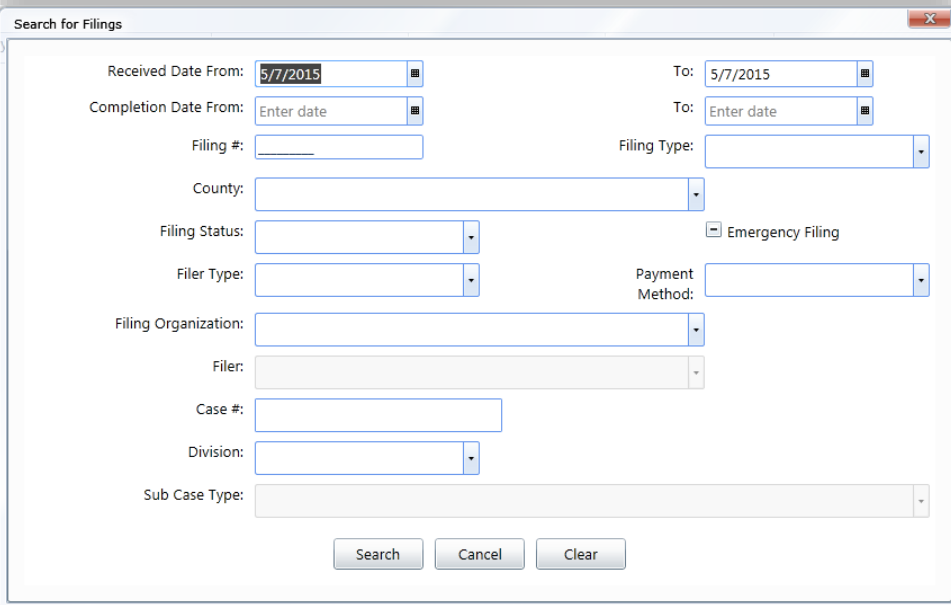
Route a submission to the appropriate docket code work queue regardless of where that document falls in the list of uploaded documents.

HEAT Ticket 766633

Software Release		Document Version	5/7/2015
HEAT Ticket	766633	Supplemental Agreement	
Short Description:	Add Work Queue to Search Filings Report		
Business Need/Problem:	Counties want to be able to Search Filings based on the Work Queue they are assigned to		
Requested Solution:	Add Work Queue as another Search Criteria field on the Search Filings Report		

Current Situation

The Search for Filings report has the following search criteria:



The screenshot shows a 'Search for Filings' dialog box with the following fields and controls:

- Received Date From: 5/7/2015
- To: 5/7/2015
- Completion Date From: Enter date
- To: Enter date
- Filing #: [Text Input]
- Filing Type: [Dropdown]
- County: [Dropdown]
- Filing Status: [Dropdown]
- Emergency Filing:
- Filer Type: [Dropdown]
- Payment Method: [Dropdown]
- Filing Organization: [Dropdown]
- Filer: [Dropdown]
- Case #: [Text Input]
- Division: [Dropdown]
- Sub Case Type: [Dropdown]

Buttons: Search, Cancel, Clear

Portal Modification

Add Work Queue as another search field to the Search Filings Report.

TAB 3

Proposal for Consultation with Florida Courts Technology Commission



The Florida Courts E-Filing Authority

Proposal for Consultation with the Florida Courts Technology Commission

- The Portal Project Manager shall continue to provide to the Portal Authority Board a monthly report of the status of the Portal, including anticipated functional enhancements and the projected dates those functional enhancements will be implemented.
- The monthly reports will continue to be placed on the Portal website immediately following the Board meetings.
- The Portal Project Manager's quarterly report at FCTC meetings shall also include all anticipated functional enhancements and the projected dates those functional enhancements will be implemented.
- Starting with the August 2014 meeting of the Board, the Board, except in the case of emergency changes to Portal, shall approve suggested enhancements in sufficient time that a list of enhancements can be sent to the FCTC no later than 45 ~~30~~ days before the enhancements are scheduled to be implemented. In general, enhancements will be approved by the Board and scheduled for implementation months in advance so the Board anticipates only rarely giving 45 days' notice.
- When functional enhancements are approved by the Board, the Chair of the Board will promptly send the list of proposed functional enhancements to the Chair of the FCTC with a copy to the State Court Administrator.
- If the FCTC wishes to consult with the Board about any proposed functional enhancements, it should notify the Board within 20 days.
- Any changes requested by FCTC to the Portal shall be communicated in writing to the Chair of the Board by the Chair of FCTC.
- If the Board deems a required functional enhancement to be an emergency, the Chair of the Board shall contact the Chair of the FCTC directly as soon as possible after being advised of the required emergency change but before the change is implemented.
- In the event the FCTC wishes to consult with the Board about any proposed changes, the Board will consider the FCTC's concerns at the next scheduled Board meeting or, if required, a special meeting of the Board.
- These guidelines do not, of course, apply to routine maintenance changes to the Portal, database Upgrades, Portal software framework upgrades, system performance enhancements or other similar non-functional enhancements that do not directly affect Portal users interaction with the Portal, such as "bug fixes."

TAB 4

Interlocal Agreement

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

By

And

Between

Various Clerks of Circuit Courts of the State of Florida

and

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

Chief Justice of the Florida Supreme Court



Janice Thompson
December 13, 2010

Interlocal Agreement
Establishing The
Florida E-Filing Authority

This Interlocal Agreement Establishing The Florida E-Filing Authority, dated as of September 3 2010 (the "Interlocal Agreement"), entered into by and between those certain clerks of the circuit court executing this Interlocal Agreement and those clerks of the circuit court joining in this Interlocal Agreement hereto, and the clerk of the Florida Supreme Court, as the designee of the Chief Justice of the Florida Supreme Court on behalf of the state courts, each one constituting a "public agency" under Part I of Chapter 163, Florida Statutes, (collectively, the "Clerks");

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

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

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

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

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

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

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

ARTICLE 1 DEFINITIONS.

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE 2
THE AUTHORITY

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

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

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

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

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

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

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

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

ARTICLE 3 GOVERNANCE

3.1. BOARD OF DIRECTORS.

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

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

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

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

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

3.2. MEETINGS.

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

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

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

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

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

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

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

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

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

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

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

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

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

3.6. AUTHORITY OF OFFICERS.

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

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

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

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

**ARTICLE 4
POWERS AND DUTIES**

4.1. POWERS.

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

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

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

4.3. ADOPTION OF RATES, FEES OR OTHER CHARGES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

xi. that includes a warranty of ability to perform.

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

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

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

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

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

ARTICLE 5 MISCELLANEOUS

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

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

5.3. IMMUNITY.

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

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

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

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

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

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

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

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

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

[Remainder Of Page Is Blank]

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

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

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

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

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

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

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

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

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

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

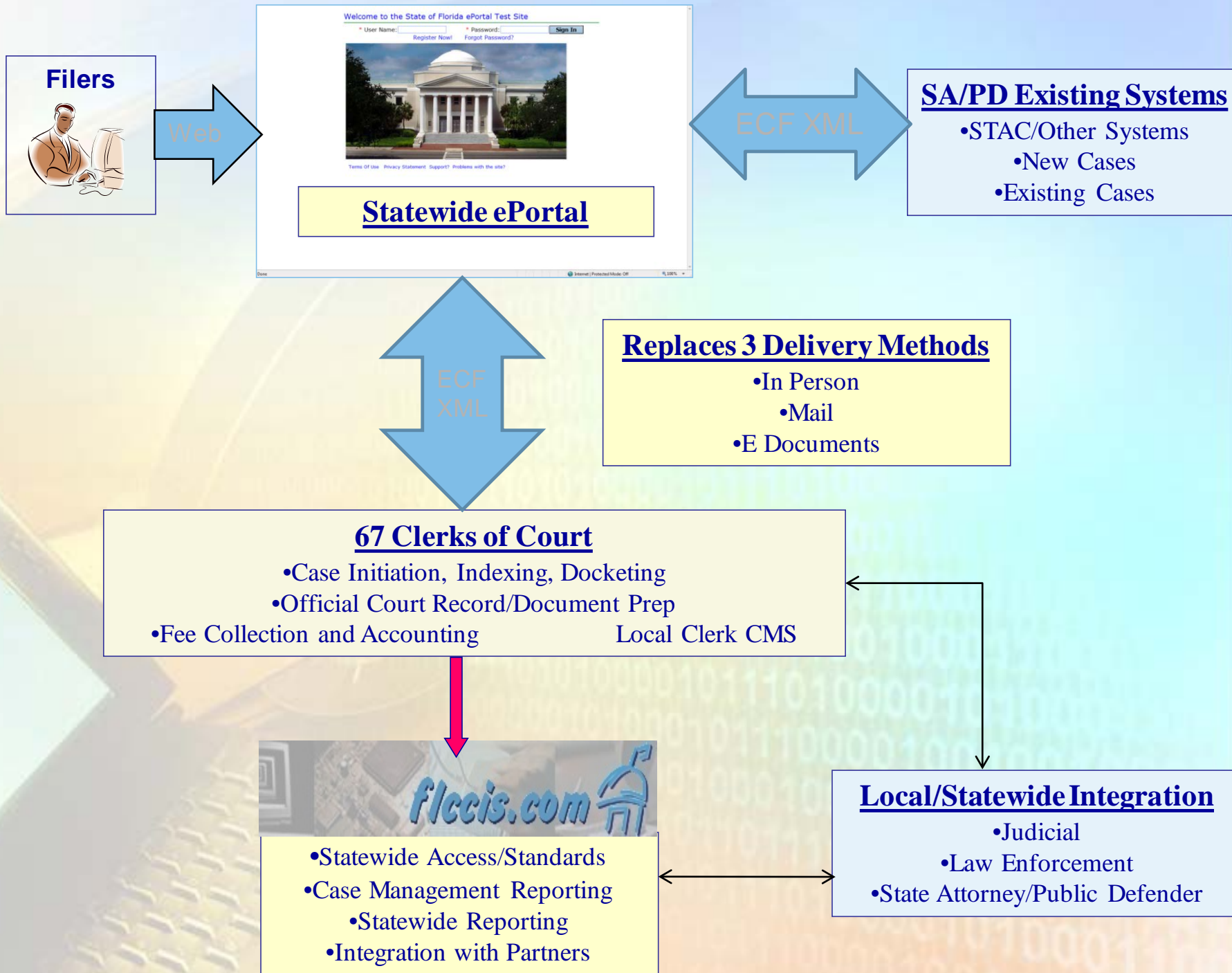
TAB 5

Portal Process 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 Florida Court Clerks & Comptrollers for the development, implementation, operation and maintenance of the e-filing portal.

eFiling Portal Functionality

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

The Florida Courts ePortal History & Accomplishments

- Development of the Portal began in 2010
- Civil e-filing capability established in January 2011
- All 67 counties established e-filing capability in all 5 Civil divisions and were connected by April 1, 2013
- Appellate functionality has been established with all Appellate Courts scheduled to be connected in a phased-in approach from July – December 2013
- Criminal functionality has been established and will be implemented by October 1, 2013.
- 33,624,689 filings, comprised of 53,077,451 documents, have been electronically filed through the Portal since inception

Simple Process Overview

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

ePortal Frequently Asked Questions

⌵ Timestamps

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

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

AO 09-30 3.1.12

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

ePortal Frequently Asked Questions

▾ Fees

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

Authorized filers may access the ePortal at no charge. If a filing requires payment, the filer can pay statutory filing fees using a credit card or ACH transaction. The filer will be charged convenience fee which is used to cover the associated banking and merchant fees as allowed by Florida Statutes. Accepted credit cards are Master Card, Discover and American Express.

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

Credit Cards	3% of Filing Fee
ACH	\$3

ePortal Frequently Asked Questions

▣ Access to Filings and Case Information

- Once the filing is accepted and filed in the local case maintenance system, this becomes the official court record just like the current paper process.
- Original filings are not retained at the portal, but sent through the system to the local Clerk's Office.
- Permanent access to these documents is provided through existing methods at the Clerk's Office.

ePortal Frequently Asked Questions

▣ Document Types Supported?

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

ePortal Frequently Asked Questions

▣ Notifications Supported by the Portal?

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

ePortal Frequently Asked Questions

▾ Administration of User Accounts/Authentications

▾ 3 Options

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

ePortal Frequently Asked Questions

▾ How are electronic signatures handled?

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

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

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

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

ePortal Process

3.1.11. Local Document Receiving Process

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

ePortal Process

▣ Compliance with Rule 2.420

3.1.16. Documents Exempt from Public Access

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

Documentation Available

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

TAB 6

Joinder Agreement

Joinder to Interlocal Agreement

Establishing The

Florida E-Filing Authority

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

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

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

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

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

Dated this ____ day of _____, _____.

Clerk of the Circuit Court

By: _____

Name: _____

TAB 7

Authority Meetings:

**Agendas and Minutes, July 2014
to June 2015**

Florida Courts



E-Filing Authority

**HON. TIM SMITH
CHAIR**

Clerk, Putnam County

**HON. DON BARBEE, ESQ.
VICE CHAIR**

Clerk, Hernando County
District IV

**HON. TARA GREEN
SECRETARY/TREASURER**

Clerk, Clay County
District III

HON. JOHN TOMASINO

Clerk of the Court
Florida Supreme Court

HON. ALEX ALFORD

Clerk, Walton County
District I

HON. BOB INZER

Clerk, Leon County
District II

HON. GAIL WADSWORTH

Clerk, Flagler County
District V

HON. KAREN RUSHING

Clerk, Sarasota County
District VI

HON. SHARON BOCK, ESQ.

Clerk,
Palm Beach County
District VII

**Florida Courts
E-Filing Authority**

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

<https://www.myflcourtaccess.com>

AGENDA

Florida Courts E-Filing Authority

August 7, 2014

10:00 a.m. – 12:00 p.m. EDT
by WebEx

- | | |
|--|---|
| I. Adoption of the Agenda | Tim Smith |
| II. Reading and Approval of Minutes | Tara Green |
| III. Financial Report
Financial Report
Budget Amendment Policy | Tara Green
Lynn Hoshihara, Esq. |
| IV. Progress Reports
E-Filing Portal Progress Report
Service Desk Report | Jennifer Fishback
Melvin Cox |
| V. Florida Courts Technology Commission
Portal Change Notification Policy | Tim Smith |
| VI. Committee Reports
Rules Committee | Don Barbee, Esq. |
| VII. Other Business
Judicial Management Council Status
Requesting Changes to the Portal

Public Records Policy
Report on National Conference of Appellate Court Clerks | John Tomasino, Esq.

Tom Hall, Esq.
Lynn Hoshihara, Esq.
Tom Hall, Esq. |
| Public Comment | |
| IX. Adjourn | |



The Florida Courts E-Filing Authority Minutes

Florida Courts E-Filing Authority Board of Directors held a regular meeting on August 7, 2014, at 10:00 a.m., EDT, by WebEx. The following members were present: Tim Smith, Putnam County Clerk, Chair; Don Barbee, Esq., Hernando County, Vice Chair; Tara Green, Clay County Clerk, Secretary/Treasurer; John Tomasino, Clerk, Supreme Court; Alex Alford, Walton County Clerk; Bob Inzer, Leon County Clerk; Gail Wadsworth, Flagler County Clerk; Karen Rushing, Sarasota County Clerk; and Lynn Hoshihara, Esq., Authority General Counsel. Sharon Bock, Esq., Palm Beach County Clerk was not present.

- I. Mr. Tim Smith, Chair, opened the meeting at 10:01 a.m. with a roll call. He welcomed all on the WebEx and reminded all those on the WebEx to mute their phones and keep extraneous noise to a minimum. He welcomed new member Gail Wadsworth. He also recognized Don Barbee's appointment to the Fifth Circuit Judicial Nominating Commission and Sharon's Bock's election as chair of the Florida Clerks of Court Operations Corporation.

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

- II. Reading and Approval of Minutes
Mr. Tim Smith recognized Ms. Green to present the June 2014 minutes. Hearing no suggested changes, Ms. Green moved to approve the minutes. Mr. Bob Inzer seconded the minutes and all voted favorably.
- III. Financial Report
Mr. Smith recognized Ms. Green to present the Treasurer's Report. She reviewed the June month-end statement. Mr. Bob Inzer moved to accept the Treasurer's report. Mr. John Tomasino seconded the motion. There were no questions and all voted favorably. Ms. Green reminded the board that she had asked counsel to develop a draft budget amendment policy.

She recognized Ms. Lynn Hoshihara, Authority General Counsel, to present the draft budget amendment policy. Ms. Hoshihara explained that the purpose of the policy was to allow for the transfer of money between approved budget categories, within certain thresholds with Treasurer approval, but without needing board approval. After brief discussion, Mr. Don Barbee moved to adopt the policy. Ms. Karen Rushing seconded the motion and all voted favorably.

IV. Progress Reports

E-Filing Authority Progress Report: Mr. Smith recognized Ms. Jennifer Fishback, FCCC Portal Project Manager, to review the monthly status report. Ms. Fishback reported that the number of filings and registered users were still increasing. At this point, she told the board, there were over 65,000 registered users—177 judges, 2,253 pro se filers, 57,930 attorneys and 4,526 “others.” The number of filings in July was the highest to date since the inception of the portal. She noted all Clerks were receiving batch criminal filings and overall it was still taking about 1 day to docket.

Ms. Fishback shared details of the next release with the board. The September 20 release will add the other filer types that the FCTC asked for: court reporters, law enforcement, mediators, mental health providers, process servers and state agencies.

Mr. Smith asked if these new filer types would follow the same process for registration as an attorney? Ms. Fishback confirmed that they would, although without credentials. The filer type would be identified by the role they select.

Ms. Fishback then reviewed the October 24, 2014, 2014.03 release highlights for filer enhancements. For Clerks, she explained they would be able to file to the Department of Corrections and there would some review queue enhancements. For filers, the State attorneys would be added as a matter of course for all e-service in criminal cases and there would be other efficiencies for better maintaining service. Additionally, she noted that the seop-down menus would go away and be replaced with a search feature. End-user notes would be sent to Clerks for testing on September 8, 2014.

Mr. Matthew Hitchcock, Esq., Provest LLC, asked if there was a way to submit document types for documents that they regularly filed, and what would be the best way for his company to provide that list?

Ms. Karen Rushing raised the issue of uniformity and ease of use, exploring the different models. Mr. Smith agreed, stating that he would rather be on the side of minimalist, fewer selections rather than more. He spoke to wanting to improve the filer experience and be sensitive to those who have to manage the documents once submitted. He said he would like to work with the vendor (FCCC) to see what can be done, but still would have to be able to accept the document that doesn't fit the usual document types. He suggested those with ideas communicate them to Jennifer Fishback.

Ms. Rushing stated that she would like the content of the review come before the board before they were put into a release so they were done from a policy perspective. She

asked if there was a place where there could be a list to review? Ms. Fishback responded that they only implemented what the board gives her.

Ms. Marcia Johnson, Franklin County Clerk and chair of the association Best Practices Committee offered to assist Mr. Hitchcock.

Ms. Laurie Rice, Brevard County Clerk's Office asked several technical questions about the functionality of the Department of Corrections (DOC) interface in October release. Ms. Rushing commented that it was her hope that in the future that DOC would not require the court verification form, but they are not in favor or doing away with it right now. Ms. Rice asked if Clerks would have to follow it up with paper? Ms. Fishback clarified that DOC indicated to her that they did not want documentation in both paper and electronic forms. She mentioned she was working with the Best Practices Committee and DOC to be in lockstep together.

Ms. Rice suggested an advisory or release notes to help Clerks know what is happening. Ms. Fishback said she would do so. Ms. Rice asked if there would be functionality to direct specific filers to specific work queues, Ms. Fishback responded not at this time. Ms. Rice asked about judicial magistrates and hearing officers not being able to file? Ms. Fishback said the portal was only revised to add filer types when directed by the board.

Mr. Joel Rosenthal, JIL Processing, asked what documents would be in the drop downs for process servers? He commented that he did not want it to be an assumption as to what documents process servers could file. Ms. Rushing suggested that the issue of who can file which documents was more in the purview of the Florida Courts Technology Commission (FCTC).

Mr. Smith queried, "If we mimic, as much as we can, the paper world, why do we care?" Ms. Rushing responded, "Because in the paper world, the process servers were couriers. The lawyers prepared the documents. And, we don't want to mimic the paper world.. It doesn't matter to the Authority board who 'files' the document."

Mr. Jeff Stanford, Provest, asked if there was a list where they could review the release details for October? Ms. Fishback said they were still working on it.

Mr. Smith asked for a board motion to approve the enhancements being proposed as presented in the Progress Report for September and October. Ms. Gail Wadsworth moved approval and Mr. John Tomasino seconded the motion. All voted favorably.

Service Desk Report

Ms. Brenda Standish reviewed the monthly statistics. She noted that there had not been many calls from pro se filers, but the Service Desk was taking more time to assist these callers.

She acknowledged that they had offered training to the Service Desk employees of what can and cannot be said to pro se filers.

Ms. Green asked if the incidents coming in are prioritized by time or user role. Ms. Standish reported that calls are prioritized by user role; Clerks are top priority, then Judges have seniority.

V. Florida Courts Technology Commission

Mr. Smith presented a bulleted document detailing a process to formalize a communication process with FCTC. He reminded the board that in June after the changing of the e-service component, there were concerns expressed about not enough consultation and communication with FCTC. He reviewed the steps shown in the document on the screen. He summarized them for the board: the board would approve enhancements and communicate them not less than 30 days prior to implementation; the FCTC would have 10 days to communicate back the board if they had any concerns. He asked the board members to review the document shown. If they approved the process, he noted that he would send it to Judge Munyon, FCTC chair, by letter.

Mr. Tomasino asked if the timeframes could be moved to “no less than 45 days” and give FCTC “20 days to respond,” rather than the 10 days suggested in the document, in order to provide more notice to FCTC? He also suggested the timeline be sent to FCTC to ask for their blessing. Mr. Smith responded that if the board adopted it today, he would send it to Judge Munyon. He felt he could not control the FCTC schedule. He also commented that the paragraph did take into account a longer timeframe and enhancements were already being noted for April 2014, the next upgrade after October.

Mr. Tomasino moved that the changes be made as he had suggested earlier—revise the document to reflect that the 30 days be revised to 45. He did not want to include the “10 days revised to 20 days” in this motion. For point of clarification, Ms. Fishback commented that she has decreased the number of upgrades from four a year to two a year and might even go to one to make it easier for all the end users who have to program and train. The motion died for lack of a second.

Ms. Rushing moved the document as presented by Mr. Smith. Ms. Wadsworth seconded the motion. There was no discussion. Mr. Smith, Mr. Barbee, Ms. Green, Mr. Alex Alford, Mr. Bob Inzer, Ms. Wadsworth and Ms. Rushing voted favorably on the motion. Mr. Tomasino voted against the motion.

VI. Committee Reports
Rules Committee

Mr. Barbee provided a recap on the Bar Rules Committee meetings and the experience of the Clerk liaisons. He reported it was a great start. He also told the board, and any others who were attending the meeting, that if they knew of any rules that needed changed to please let him know. Mr. Smith thanked him and asked that he keep the board updated.

VII. Other Business
Judicial Management Council Status

Mr. Smith recognized Mr. Tomasino who told the board that in their April session the Supreme Court had adopted a recommendation regarding pro se filers. Chief Justice

Labarga wanted to focus on Access to Justice and he sees the A2J as a crucial component of this. The Court was working on how the items will flow from the JMC to the Florida Bar Committee to the Florida Court Clerks & Comptrollers. He reported that, in general, they were still working on the flow between the JMC, to The Bar committees to the FCCC, for the proposal, adoption, testing and releasing of the family law forms and such. He hoped within the next month or two that they would be getting closer to the final court action needed to get it onto the portal. He also shared that the Chief wants to make sure there was commitment that there will never be a charge to pro se users for using the A2J, the forms or filing the forms through the portal. Mr. Smith said he would also like to look into that and have general counsel help with the answer to that.

Requesting Changes to the Portal

Mr. Smith recognized Mr. Tom Hall who reported that the staff was getting requests from all different types of users for a variety of changes or uses of the portal. He noted that at one point the Board had a User Group and that there is a change management policy and change control procedure in the Interlocal Agreement that could be reviewed, that the vendor should have these policies in place. Some of the changes being requested should clearly come before the board for approval prior to implementation. He suggested staff work with counsel to develop a process for handling the various type requests and bring the issue back at the next meeting with a specific proposal for board consideration.

Mr. Smith recalled there used to be a list of enhancements kept by the project manager, and asked if that was still the case? Mr. Hall was not aware of any except for the previous User Group or the policy in the Interlocal Agreement. For clarification, he noted the change order policy in the Interlocal may apply only when the courts want a change, it does not appear to apply to the users. He was not even sure that the best practices needed to come before the board. He explained that what staff wanted was a process so that others are aware, know who can sign off on it, and how this will work for uniformity. It is becoming more difficult to figure out what changes should be made, or not.

Mr. Hall and Ms. Fishback discussed the type requests for non-court documents, administrative documents and the potential for using the portal for more than court records. She explained, this is really about the scope of what the portal could be used for.

Ms. Rushing commented that all things should come before the board, miniscule or other. The board should have an opportunity to prioritize what is important. We have not had a chance to discuss a policy on docket descriptions, not until now has there been a discussion on the Best Practices, and the board should have that discussion before all the work is done so that the direction is provided prior to the work. She wants to make it clear that the policy ought to drive change and drives use of the portal. Mr. Inzer agreed. He felt that the board should be the policymaking body for changes. He encouraged the board to hold a face-to-face meeting where there is time to have a policy discussion.

Ms. Hoshihara, Authority Board Counsel, commented that the change order process found in the Interlocal Agreement only references the vendor or board.

Mr. Smith appointed a committee chaired by Alex Alford to work with Tom, Jennifer, and Lynn to look at a policy to address the multiple layers of those who make requests, and address the need for board approval and prioritization of the requests. He asked the group to bring that policy back to the next meeting to discuss.

Mr. Smith also noted that he would look at calendars and set a 4-hour workshop session for the board. Ms. Wadsworth asked to take Advisory 14-067 Docket Codes into consideration. Ms. Rushing suggested the subcommittee look at the state, not just Clericus. Mr. Smith explained that the policy would encompass a change process/policy for how to process and prioritize changes, then allow the board to discuss the requests.

Ms. Tara Green moved to establish the committee chaired by Mr. Alford. Mr. Barbee seconded the motion. All voted favorably.

Public Records Policy

Mr. Smith recognized Ms. Hoshihara to present to the board a public records policy. She explained that it was intended more as a policy that the general public should be aware of and that the Authority has been complying with chapter 119, Florida Statutes. She noted that if the board approved the policy, it would be posted on the website. She reviewed the policy, noting that in it the Authority designated FCCC as the custodian as they already serve as staff to the Authority. Mr. Tomasino asked if the records fell under Rule 2.420, Rules of Judicial Administration (RJA) as “case-related” information? There was a brief discussion of the types of records being requested. Ms. Rushing commented that if the requests were for court records, that staff should be careful of not releasing confidential information. Mr. Hall clarified that the portal does not store the court documents being sent through it. The requests have been more about the technical function of the portal. Mr. Smith asked Ms. Hoshihara to speak further with Mr. Tomasino, if needed, and return in September with her thoughts if the policy should be revised in any way. Ms. Hoshihara suggested that if the policy need to, that it could have a statement about documents that the FCCC did not hold.

Ms. Alexandra Reiman, Attorney for the 17th Circuit Court, commented that if the portal was operating under the authority of the Florida Supreme Court, it would be subject to Rule 2.420. Mr. Hall responded that the Authority did not operate under the Supreme Court, but was established as an interlocal governmental agency under ch. 163, F.S. that may relieve it from being subject to Rule 2.420, RJA.

Report on National Conference of Appellate Court Clerks

Mr. Smith recognized Mr. Hall to report on his trip and panel discussion on e-filing at the national conference. Mr. Hall shared with the board what he learned about statewide e-filing systems across the country. He said it was clear from the panel discussion that Florida was far ahead of other states. He referred to the document from the conference posted with meeting materials. He noted that there were still 18 states without e-filing at the appellate level. Florida, at all levels, he remarked, was ahead of the curve in the nation. Florida’s volume is dramatically higher in comparison to the other states. In fact, he said, most of states were struggling to build single statewide systems, not integrated

systems such as what Florida has, and that approach has held them back. He complemented the board on the great job they have done and that they shouldn't lose sight of that as other states are looking at Florida and how we did it.

Mr. Smith said he was looking forward to enhancing and fine-tuning what we have. He once again recognized Justice Polston and his leadership in the effort. He remarked that the system was built at little cost to the state and hoped we could continue to keep up our work.

Public Comment

There were no comments.

Mr. Smith told the board that he would work to get a meeting or workshop date in September where the board can discuss policy concerns.

Mr. Alford asked if the board could revisit why the portal did not accept Visa. He said he had looked into it and found out it was due to fees. But, he felt, with the volume going up, he thought it might be time to look into it again. Mr. Smith agreed that should be on the agenda.

VIII. Adjourn

The meeting was adjourned at 11:50 a.m.



**HON. TIM SMITH
CHAIR**

Clerk, Putnam County

**HON. DON BARBEE, ESQ.
VICE CHAIR**

Clerk, Hernando County
District IV

**HON. TARA GREEN
SECRETARY/TREASURER**

Clerk, Clay County
District III

HON. JOHN TOMASINO

Clerk of the Court
Florida Supreme Court

HON. ALEX ALFORD

Clerk, Walton County
District I

HON. BOB INZER

Clerk, Leon County
District II

HON. GAIL WADSWORTH

Clerk, Flagler County
District V

HON. KAREN RUSHING

Clerk, Sarasota County
District VI

HON. SHARON BOCK, ESQ.

Clerk,
Palm Beach County
District VII

**Florida Courts
E-Filing Authority**

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

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AGENDA

**Florida Courts E-Filing Authority
Emergency Meeting**

August 26, 2014

1:00 p.m.

By WebEx

I. Introduction & Roll Call Tim Smith

II. Adoption of the Agenda Tim Smith

**III. Review of timeframe for consulting with the
Florida Courts Technology Commission**

VIII. Adjourn



The Florida Courts E-Filing Authority Minutes

Florida Courts E-Filing Authority Board of Directors held an emergency meeting on August 26, 2014, at 1:00 p.m., EDT, by WebEx. The following members were present: Tim Smith, Putnam County Clerk, Chair; Don Barbee, Esq., Hernando County, John Tomasino, Clerk, Supreme Court; Alex Alford, Walton County Clerk; Bob Inzer, Leon County Clerk; Gail Wadsworth, Flagler County Clerk; Sharon Bock, Esq., Palm Beach County Clerk and Lynn Hoshihara, Esq., Authority General Counsel. Vice Chair; Tara Green, Clay County Clerk, Secretary/Treasurer; and Karen Rushing, Sarasota County Clerk, were not present.

I. Introduction and Roll Call

Mr. Tim Smith, Chair, opened the meeting at 1:02 p.m. with a roll call. He welcomed all on the WebEx and reminded all those on the WebEx to mute their phones and keep extraneous noise to a minimum.

II. Adoption of the agenda

Ms. Sharon Bock moved adoption of the agenda. Mr. Don Barbee seconded the motion. All voted favorably.

III. Review of timeframe for consulting with the Florida Courts Technology Commission

Mr. Tim Smith reviewed the issue of consultation with the Florida Courts Technology Commission (FCTC) and the process adopted by the board at the August 7, 2014, meeting. As a party who voted on the prevailing side, Mr. Smith moved to reconsider the vote by which that process was approved and asked that the board review the timeframe for communicating with the FCTC and their time for response. He suggested revising the 30 days to 45 and the 10 response time to 20 days.

Ms. Sharon Back asked if it was a problem to extend another 15 days? Mr. Smith reported that he had checked with Ms. Fishback, Portal Project Manager, and it was not an issue as everything is out a long time ahead of time to provide everyone time to adjust. Ms. Bock continued, is it business days or regular days. Mr. Smith responded that it meant calendar days.

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Ms. Bock moved to accept the document with the suggested revisions. Mr. Don Barbee seconded the motion. There were no questions or concerns voiced. All board members on the call voted favorably.

Mr. Smith thanked all for their assistance.

He asked for a roll call for the record.

Mr. Smith thanked Gary Blankenship, Florida Bar News, for his recent article on the portal and e-filing in the Florida Bar News.

Mr. Smith asked if any FCTC members had any comments. Seeing none, he adjourned the meeting.

IV. Adjourn

The meeting was adjourned at 1:10 p.m.

Florida Courts



E-Filing Authority

**HON. TIM SMITH
CHAIR**

Clerk, Putnam County

**HON. DON BARBEE, ESQ.
VICE CHAIR**

Clerk, Hernando County
District IV

**HON. TARA GREEN
SECRETARY/TREASURER**

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HON. KAREN RUSHING

Clerk, Sarasota County
District VI

HON. SHARON BOCK, ESQ.

Clerk,
Palm Beach County
District VII

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E-Filing Authority**

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AGENDA

Florida Courts E-Filing Authority

September 25, 2014

10:00 a.m. – 2:00 p.m. EDT

3544 Maclay Blvd.

Tallahassee, FL 32312

and by WebEx

- | | |
|--|--------------------------------------|
| I. Welcome | Tim Smith |
| II. Adoption of the Agenda | Tim Smith |
| III. Reading and Approval of Minutes | Tara Green |
| IV. Financial Report
Financial Report | Tara Green |
| V. Progress Reports
E-Filing Portal Progress Report
Service Desk Report | Jennifer Fishback
Brenda Standish |
| VI. Florida Courts Technology Commission | |
| VII. Committee Reports
Rules Committee
Portal Change Request Policy | Don Barbee, Esq.
Alex Alford |
| VIII. Old Business
Public Records Policy
Credit Card Policy | Lynn Hoshihara, Esq.
Peggy Ball |
| IX. New Business
Portal Demonstration and Discussion on Uniformity | FCCC Staff |
| Public Comment | |
| X. Adjourn | |



The Florida Courts E-Filing Authority Minutes

Florida Courts E-Filing Authority Board of Directors held a regular meeting on September 25, 2014, at 10:00 a.m., EDT, at 3544 Maclay Blvd., Tallahassee FL 32312, and by WebEx. The following members were present: Tim Smith, Putnam County Clerk, Chair; Tara Green, Clay County Clerk, Secretary/Treasurer; John Tomasino, Clerk, Supreme Court; Alex Alford, Walton County Clerk; Bob Inzer, Leon County Clerk; and Lynn Hoshihara, Esq., Authority General Counsel, were present in Tallahassee. Gail Wadsworth, Flagler County Clerk; Karen Rushing, Sarasota County Clerk; and Sharon Bock, Esq., Palm Beach County Clerk, were present by WebEx. Don Barbee, Esq., Hernando County, Vice Chair; was not present.

I. Welcome

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

II. Adoption of the Agenda

Mr. Bob Inzer moved adoption of the agenda. Mr. Alex Alford seconded the motion. All voted favorably.

III. Reading and Approval of Minutes

Mr. Tim Smith recognized Ms. Green to present the minutes from the August 7th and August 26th meetings. Hearing no questions or suggested changes, Mr. Inzer moved adoption of the minutes. Mr. John Tomasino seconded the minutes and all voted favorably.

IV. Financial Report

Mr. Smith recognized Ms. Green to present the Treasurer's Report. She reviewed the August 2014 statement. Mr. Inzer moved to accept the Treasurer's report and Mr. Alford seconded the motion. There were no questions and all voted to accept the report.

Mr. Smith took a moment to ask everyone in the room to identify themselves for the record. The following are those who were present: Beth Allman, Christopher Campbell, Melvin Cox, Jennifer Fishback, Tom Hall, Gia Howell, Sean Hudson, Ken Kent, Brenda

Standish, Carolyn Weber, and Ron Webster, FCCC; P.K. Jameson, OSCA; Ryan Colbert, Morgan & Morgan; Gary Blankenship, Florida Bar News; Jeff Taylor, Lori Tolksdorf and Angel Coloneso, Manatee County Clerk's Office; Brent Holladay, Lake County Clerk's Office; Gail Hutcherson and Susan Tierney, Pinellas County Clerk's Office.

V. Progress Reports

E-Filing Authority Progress Report

Mr. Smith recognized Ms. Jennifer Fishback, FCCC Portal Project Manager, to review the monthly status report.

Ms. Fishback reported that for the month of August there were 1.1 million filings, representing 1.7 million documents, for an average of 52,000 filings a day through the portal. New case initiation was at 4.8 percent and there were now 66,912 registered users, higher than the 65,000 reported last month. Of those users, 184 of them are judges, 3600 are self-represented litigants, 59,000 attorneys and 3978 "others." The "other" filers, she explained could be Clerks' office employees, law firm administrators and the like.

She noted that the number of filings overall was down in August in comparison with other months.

She noted that all counties were accepting criminal filings and 18 circuits were using the batch process.

She reported that it was still taking about one day to docket a filing.

As for the October 24 software release, Ms. Fishback reported they were in the test phase. There are some Clerk enhancements and some filer enhancements. There will be a webinar on October 16th for Clerks to review the new functionality being provided to them. For file enhancements, she reported the following features:

- State attorneys would be added to all service lists on criminal cases.
- The size for appellate filings will be increased to 25 mg, rather than 10mg.
- The documents tab will be reformatted to go to a search feature to better assist filers in finding the document type they are looking for.
- Filers can update their names/service through a new My E-service screen.
- The My Filings screen will show the names of those who were served and not served on a particular filing.

Overall, she reported that the portal team was purging data to provide better speed.

For the planned April 2015 upgrade, Ms. Fishback reported that the portal team was already working on a My Fees screen to better assist filers match filings and payments.

Service Desk Report

Ms. Brenda Standish reviewed the monthly statistics. She noted that calls were down in August and fewer calls were open at the end of the month. She noted that the majority of the contacts were made by email.

Ms. Sharon Back asked if they were tracking the types of calls that pro se filers are asking? Ms. Standish acknowledged that they were, she told the board that most of the calls were questions about password problems, what docket code to choose, general log-in questions. She commented that for any questions that were of a more complex nature, they were coordinating with the projects team.

VI. Florida Courts Technology Commission

Mr. Smith asked if any Technology Commission member, staff or Judge Munyon had any reports to make on the FCTC. There were none. He thanked Judge Munyon for being on the WebEx for the meeting.

VII. Committee Reports

Rules Committee

Mr. Tom Hall spoke on behalf of Mr. Don Barbee. He reminded all liaisons that the next Bar Rules Committee meetings were in Tampa, October 16-17 and we would be having a brief meeting with the liaisons prior to that time. He reported on a Rules of Judicial administration issue regarding coverage attorneys and “attorney of record,” and how to best provide access once the records were online. He also told the board that there was discussion about the electronic record on appeal He noted that the courts may change the standard before the June 30, 2015, deadline.

Mr. Hall said The Bar agreed to appoint some trial and appellate clerks to the ad hoc subcommittee to look at the issues.

Mr. Smith thanked Ms. Sharon Bock for the suggestion that the Board establish the Rules Committee and building the relationships with others committees that deal with rules. He recognized the efforts that help build better communication between the groups.

Portal Change Request Policy

Mr. Alex Alford, chair for the Portal Change Committee, reported that he had worked with the staff and come up with a document to detail a process for making changes to the portal. He asked the board to review the document and provide any comments by the next meeting. He asked Ms. Jennifer Fishback to review the document for the board. Mr. Smith asked how long it would take for a change to get to the Authority or a release? She noted that the process contemplated a monthly report to the board at a regular meeting. He commented that he did not want the process to stretch on. Mr. Inzer asked if the board would know the issues prior to the releases. He felt it was important to have input on those issues ready to move forward.

Mr. Alford asked the board to review the document and provide him any feedback.

Mr. Smith asked that it be scheduled for the next meeting for adoption. In the meantime, has asked that any questions be sent to Ms. Beth Allman and Mr. Alford.

VIII. Old Business

Public Records Request Policy

The Chair recognized Ms. Lynn Hoshihara to review the public records request policy presented to the board at the previous meeting. She noted that she had worked with the John Tomasino, Clerk of the Supreme Court, and made revisions to the policy to encompass Judicial Rules. She feels the Authority has met the requirements of ch.119, Florida Statutes. Ms. Tara Green asked if the public records requests were tracked? Both Ms. Hoshihara and Ms. Allman affirmed that they were. Mr. Inzer moved that the policy be adopted. Ms. Green seconded the motion and all voted favorably.

Credit Card Policy

Mr. Smith recognized Mr. Alford. Mr. Alford reminded the board that he had asked staff the previous month to look into what it would mean to accept Visa cards through the portal. Mr. Kent explained that it would greatly increase the fees to the filers who use the ACH option. Mr. Alford thanked staff for their work. There was no discussion.

At 11:15 a.m., the Board took a break and resumed at 11:25 a.m.

IX. New Business

Portal Demonstration and Discussion on Uniformity

Mr. Smith told the board that this meeting was set up to provide them a forum in which to discuss uniformity and standardization. He commented that it was not an easy fix to make it uniform due to multiple vendors, involved, the various case maintenance systems, and local processes.

Mr. Melvin Cox opened the demonstration telling the Board they would show them how a filer sees the portal.

Ms. Carolyn Weber showed a powerpoint on the aspects of uniformity. She noted that the main differences were due to local choices and case maintenance integration.

Ms. Fishback shared with the board that she was studying the data to find out how many document types and drop downs were not being used. Ms. Karen Rushing said she was glad to hear the hard data, that it helps to see what the solution is. She wondered if there was a way to be more in compliant with what the Supreme Court requires? Can we obtain more uniformity on the filing side versus the docketing side?

Ms. Green commented that the some counties still wanted the civil cover sheet in paper. She felt that there is inconsistency in that from county to county. She said the rules were not clear. She wondered it was supposed to be sent separately or not. She felt that the filer could not attest what they were filing on the civil cover sheet or what it looked like. Mr. Hall agreed that the rule does require it to be an attested form.

Ms. Rushing commented that there are several kinds of orders issued by the court that are not part of the case, such as trap and trace and a search warrant. In the instance, there was a motion to seal those orders. She didn't want the lawyer not to file through the system,

but had to have a case number in order for the document to be sent through the portal. She noted that Mr. Cox helped her get these documents filed, but would like the staff to be aware of this and look into a solution.

Ms. Fishback told the board staff had gathered data from the system about how filers used document types and docket codes. They tracked the number of times a document type was used, by county, by division, existing cases versus new. She explained that they found a large number of inactive codes and document types that were not used at all. She commented that staff had no idea whether all the codes were needed or not.

Mr. Inzer asked if Ms. Fishback could send the code information to each county so they could look at it and see what is and is not being used? Ms. Fishback said she could, she can send files to the counties with the detailed docket usage.

Ms. Fishback commented that if the lists were shorter, it might help the filer pick the right docket description. She said the Best Practices workgroup was being given the data to see how it compares to the lists they have put together. She said they were looking at solutions that will promote standardization and will give it to the IT Strategic Planning Committee for consideration. At the appellate level, she noted, they are moving to a single set of portal codes, then mapping all their case maintenance codes to that set.

Mr. Smith stated that by the next legislative session he would like to have goals out for how to standardize. He suggested there may need to be legislative action or an order of the Supreme Court. He asked that Clerks begin analyzing how their dockets descriptions are being used and getting back to Jennifer and her team. He commented further that he wanted everyone to move together in standardization and let the board make recommendations.

Ms. Green asked if he was asking that the Clerks look at their activities?

Ms. Fishback responded that because they just don't know what happens on the Clerk end, it would be helpful.

Mr. Inzer mentioned that it would be most helpful if we knew how we compared with the other Clerk's sites.

Ms. Wadsworth told the board that she felt using fewer docket codes was better, but felt it should reflect the full title of the document.

Ms. Rushing thanked staff for the presentation on usage. She remarked that the naming convention is at the heart of the issue. She thought they could look at statute and rule for the naming convention. For those who are studying the issue, she asked if they would consider the idea of free text, for example noting who was served, allow for amendments as a suffix to the document description.

Mr. Smith recognized Ms. Laurie Rice, Clerk Deputy, Brevard Clerk's Office. She told the board that they would not want to be limited to the docket codes they could use. Mr. Smith acknowledged individual needs in some counties.

Ms. Angel Colonnese, Counsel for Manatee Clerk's Office, asked if a county could tailor the codes to match what is in their county? Ms. Fishback said she was not sure at this point.

Mr. John Tomasino asked if there was any to capture what Clerks are changing certain codes to. Mr. Cox responded that was more of a local case maintenance system function, but would look into it.

Mr. Ryan Colbert, Morgana & Morgan, asked if there was any contemplation to allowing a law firm to electronically file/batch file? Ms. Fishback responded by saying that the solution created for government users was not as easily expanded to law firms.

Mr. Smith commented that he would like to get through standardization first in order to be able to get where we need to be before we can go forward on what Mr. Colbert wanted.

Mr. Smith remarked that it looked to him like work still needs to be done by the portal vendor to find out how to be more standard. If doing things differently is just what it is, we need to find more opportunities to be more standard, more efficient. He told the board that this discussion would be continued at the next meeting.

Public Comment

There were no comments from anyone in the room or on the WebEx.

Mr. Smith thanked Mr. Gary Blankenship, Florida Bar News, and Ms. P.K. Jameson, The State Court Administrator, for coming. He asked that she extend greetings back to the Courts.

X. Adjourn

The meeting was adjourned at 12:45 p.m.

Florida Courts



E-Filing Authority

HON. TIM SMITH
CHAIR

Clerk, Putnam County

HON. DON BARBEE, ESQ.
VICE CHAIR

Clerk, Hernando County
District IV

HON. TARA GREEN
SECRETARY/TREASURER

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HON. KAREN RUSHING

Clerk, Sarasota County
District VI

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Palm Beach County
District VII

Florida Courts
E-Filing Authority

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

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AGENDA

Florida Courts E-Filing Authority

October 28, 2014

10:00 a.m. – 12:00 p.m. EDT

Tradewinds

5500 Gulf Boulevard.

St. Pete Beach, FL 33706

and by WebEx

- | | |
|---|--|
| I. Welcome | Tim Smith |
| II. Adoption of the Agenda | Tim Smith |
| III. Reading and Approval of Minutes | Tara Green |
| IV. Financial Report
Financial Report
Annual Authority Audit Reports | Tara Green
Lanigan & Associates |
| V. Progress Reports
E-Filing Portal Progress Report
Service Desk Report | Jennifer Fishback
Brenda Standish |
| VI. Florida Courts Technology Commission | |
| VII. Committee Reports
Rules Committee
FCCC Self Help/Pro Se Committee | Don Barbee, Esq.
Sharon R. Bock, Esq. |
| VIII. New Business
Portal Policy on Filer Roles
Letter from Hon. John Tomasino | Lynn Hoshihara, Esq.
Tim Smith |
| IX. Old Business
Portal Change Request Policy
Discussion on Standardization | Alex Alford
Tim Smith |
| Public Comment | |
| X. Adjourn | |



The Florida Courts E-Filing Authority Minutes

Florida Courts E-Filing Authority Board of Directors held a regular meeting on October 28, 2014, at 10:00 a.m., EDT, at the Tradewinds Resort, St. Pete Beach, Florida, and by WebEx. The following members were present: Tim Smith, Putnam County Clerk, Chair; Don Barbee, Esq., Hernando County, Vice Chair; Tara Green, Clay County Clerk, Secretary/Treasurer; John Tomasino, Clerk, Supreme Court, by WebEx; Alex Alford, Walton County Clerk; Bob Inzer, Leon County Clerk; Gail Wadsworth, Flagler County Clerk; Karen Rushing, Sarasota County Clerk; Sharon Bock, Esq., Palm Beach County Clerk; and Lynn Hoshihara, Esq., Authority General Counsel. All members were present.

- I. Mr. Tim Smith, Chair, opened the meeting at 10:00 a.m. with a roll call. He welcomed all in the room and on the WebEx. He reminded all those on the WebEx to mute their phones and keep extraneous noise to a minimum.
- II. Mr. Don Barbee moved adoption of the agenda. Ms. Gail Wadsworth seconded the motion. All voted favorably.
- III. Reading and Approval of Minutes
Mr. Tim Smith recognized Ms. Green to present the September 2014 minutes. Hearing no suggested corrections or changes, Mr. Bob Inzer moved to approve the minutes. Ms. Wadsworth seconded the minutes and all voted in favor.
- IV. Financial Report
Mr. Smith recognized Ms. Green to present the Treasurer's Report. She reviewed the September month-end statement. Mr. Bob Inzer moved to accept the Treasurer's report. Ms. Wadsworth seconded the motion. There were no questions and all voted favorably.

Ms. Green noted that the audit firm, Lanigan & Associates was ready to present their audit finding to the Board of Directors. Mr. Smith recognized Mr. John Keillor and Mr. David Strange, Lanigan & Associates. The auditors presented both the Financial Audit and the SSAE 16 Technical Audit. For the financial report, they told the board that there were no material weaknesses in internal controls. Mr. Smith commented in clarification

that the capital contributions shown from The Florida Bar had not been given during the audit year. Mr. Inzer asked about the timing of one item in the accounts payable. Mr. Ron Webster, FCCC Chief Financial Officer, explained that the bill had been paid timely, as an annual cost, now the billing is being paid monthly.

Mr. John Keillor presented the SSAE it was an unqualified opinion on the controls of the system.

Mr. Smith asked for a motion to accept both audits. Mr. Inzer moved that the board accept both audits. Ms. Rushing seconded the motion. All voted in favor of the motion.

Mr. Inzer asked if the joinder agreements needed to be re-executed when the elected Clerk changed. Mr. Kenneth A. Kent, FCCC Executive Director, said he believed it bound the office, not the person. Mr. Smith asked Ms. Hoshihara to look into the matter.

Ms. Bock asked to be shown as present.

V. Progress Reports

E-Filing Authority Progress Report: Mr. Smith recognized Ms. Jennifer Fishback, FCCC Portal Project Manager, to review the monthly status report. Ms. Fishback reported that at the end of September the number of registered users was still increasing. At this point, she told the board, there were over 69,000 registered users. There were 1.1M filings in September, representing almost 1.8M documents. On an average workday, she reported there were 53,000 filings. New case initiation was still at 4.5 percent and it was taking just less than a day to docket. Of the new filer roles, she noted that there were 195 judges registered, 5,124 pro se filers, 13 court reporters, 14 law enforcement registrants, 18 mediators, 8 mental health providers, and 60 process servers.

Ms. Green asked Ms. Fishback to report to the Board in what areas of the state the different roles are filing through the portal.

Ms. Fishback shared what general projects the portal projects team had underway. She told the Board that there were many videos and manuals available on the help area of the portal screens and posted on the Authority website. She also noted that there were just over 400 followers on Twitter. She also noted that the News & Information area of the landing page gave the filer pertinent news.

Mr. Smith asked if, when a new filer registers, do they get an email or other alert that there is information on Twitter, on the website, about the videos, etc. Ms. Fishback said they currently do not but would look in to it.

She reviewed the October 24, 2014, release wherein a major component was to allow Clerks to file modifications of orders to the Florida Department of Corrections. She also noted that the portal would be upgraded to increase the filing size for appellate documents from 10 mb to 25 mb, and that in all criminal cases, the State Attorney would be served automatically unless the filer took the State Attorney off the service list. For

these portal changes, implemented just the weekend prior to the meeting, she commented that there had been no Service Desk calls about the revisions. Mr. Inzer spoke positively about the search feature. There was a brief discussion how the State Attorneys moved on and off cases. Ms. Fishback spoke to the “Manage My E-Service” feature which would allow for easier management of e-service on the various cases. Additionally, in the “My Filings” screen, it allows the filer to keep track of who was served on a filing, or not, and whose email address bounced back. Ms. Green asked how many e-service emails were sent in September? Ms. Fishback responded that over 800,000 filings used the e-service function. Admittedly, she explained, attorneys do not have to use the method offered by the portal.

Ms. Fishback also noted that there were files purged from the servers to improve load speed. Ms. Hoshihara asked if purge meant “delete” or “move somewhere else”? Ms. Fishback said technical staff would know the answer to that, that it was shifting where the documentation was stored. She said she was getting some examples together and working on a document for Ms. Hoshihara to be able to explain where things were moved. Ms. Fishback said she would have it to her by the first of November.

In regard to the April 2015 release, she spoke to revisions to the portal that would help with matching filings up to the charges. She also commented that some Clerks were working on case maintenance system upgrades at that time and wanted to know when releases were going to be able to plan around them.

Ms. Green asked if the next report could show the volume that the judges are filing. Ms. Fishback acknowledged that could be broken out and would be on the next report.

There were a few questions about judicial batch filing as shown in the monthly progress report.

Service Desk Report

Ms. Brenda Standish reported examples of the call types coming from the new user groups. Ms. Bock asked about response time. Ms. Standish responded that it was little over 2 hours and the average turn-around time and resolution time were both going down. Still, she reported the major contact is through email. Ms. Green asked for the number one reason people were needing assistance. Ms. Standish said for the judges, pro se filers and attorneys the major issue is account set-up. But overall, it varied. She offered to give the top 10 requests of each filer type at the next meeting. Mr. Inzer asked about the term “acknowledgement” on her report. She explained that is meant the service desk was returning contact, an email or call to let the filer know that service desk had the request as was addressing it.

VI. Florida Courts Technology Commission

Mr. Smith recognized Judge Munyon who said she had nothing to report, but reminded everyone of the upcoming FCTC meeting next week.

VII. Committee Reports

Rules Committee

Mr. Barbee reported that he held several meetings with the Clerk liaisons recently, before and after the Bar Rules Committee meetings. He said that the meetings went well and the response from the Rules Committees is really turning around.

FCCC Pro Se Committee

Ms. Bock reported that her committee met last Friday. She asked Mr. Melvin Cox, FCCC Director of Information Technology, to review the statistics of those self-represented litigants using the portal.

Mr. Cox told the board that there were about 5,000 accounts for pro se filers. Mr. Inzer recognized that there were different types of pro se filers, such as those who do property management. He suggested that pro se filers be categorized. He also addressed Mr. Smith and asked for a discussion of A2J at some point during the meeting.

Mr. Cox continued, noting that the calls from pro se filers were of a general nature, such as account set-up. Ms. Gia Howell, Portal Service Desk supervisor, offered to get more information about the questions and send the information to the board.

Ms. Bock commented that while e-filing is not mandatory for pro se filers, they were working on the interactive forms. She said that she felt there was confusion about what Access to Justice and the forms are. She explained that all her committee is looking for is the assembly of documents to assist pro se filers in filling out a Supreme Court form. If the forms are online, the courts will have a better product to work with. She noted that the questions for eviction, small claims and family law forms are completed. She told the board she would be doing a presentation on pro se e-filing before the FCTC next week and was waiting for a meeting with the Judicial Management Council (JMC) so that she could present for the court's review the document assembly process offered through A2J.

Mr. Inzer asked if it was something that was better sitting on the Clerks' site rather than the portal site? He noted that in Clerk's offices they historically have helped filers right there at their local help centers. Ms. Bock suggested that the JMC put forth a different model but nothing has happened. This has created a situation of having a soft launch. She said she envisioned a hard launch to promote this product. She suggested each Clerk have a button for this product and tutorials but wanted to formalize this with the Courts and the JMC. She said Florida would be farther ahead than any other state in the United States if we can get these interactive forms approved and online.

Ms. Green asked how to handle pro se filers as a party to a case, such as in a foreclosure case, and was there anything in the future that will assist this type pro se filer,? Ms. Bock felt that eventually there would be. The interactive documents are just assembling information. Currently, she remarked, Justice LaBarga was setting up the Access to Justice Commission, of which Linda Doggett, Clerk of Lee County, is a member. She feels that the commission will be able to identify the roles within the court system users for a system like this. Ms. Bock acknowledged that A2J was like TurboCourt.

VIII. New Business

Letter from Hon. John Tomasino

Mr. Smith spoke to a letter recently received from Hon. John Tomasino. He asked Ms. Hoshihara, Authority General Counsel, to review the letter so he can respond properly. The letter asks for assurance from the board that there never be a charge for using the A2J forms. He suggested the board meet in the near future to review the potential response. He asked Ms. Bock or Ms. Rushing to ask at FCTC where the JMC is so the board can move the process along.

Portal Policy on Filer Roles

Ms. Hoshihara spoke to the issue of process servers initiating cases. She reported to the Board that she had reviewed rule 2.525(b), Rules of Judicial Administration, related to the electronic filing of cases, and an ethics ruling from The Florida Bar, 12-2. She said they were each clear that the credentials of the attorney who signed the electronic document must be used to e-file that document. Cases could only be initiated through the use of attorney credentials. So, she noted, that when the new non-attorney filer roles were authorized to use the portal, the “new case” button was not disabled for those roles that should not initiate a case. She recommended that the option for initiating a case for those non-attorney roles be disabled. It was clarified that pro se filers could initiate a case.

Ms. Rushing made a motion to support the technical change to allow for the design of the portal to comply with The Florida Bar rules, prohibiting those non-attorneys from initiating cases. Mr. Inzer seconded the motion. Ms. Fishback asked for clarification – she said she understood that mental health professionals did initiate cases and they were not attorneys. The same applied to law enforcement officers. She asked that this motion only apply to process servers, court reporters and mediators? Ms. Bock asked about parties. Mr. Tom Hall commented that the rule was clear about who can file-only the attorney’s credentials can be used to file a document signed by the attorney. A pro se filer can still initiate a new case because they are filing their own case. Ms. Rushing amended her motion to include those three filer types.

All voted favorably on the amended motion.

IX. Old Business

Portal Change Request Policy

Mr. Alford told the board that he had received no comments or changes from the board on the policy proposed at the last meeting, just a minor change to the name of the portal policy review group that would handle the bulk of the review. Mr. Alford moved to accept the revised document. Ms. Wadsworth seconded the motion.

Ms. Rushing asked was the impetus for this because of the remarks made about the changes made to the portal are coming to us as almost finalized?

Mr. Smith explained that this allowed for policy changes to be discussed at a meeting. Mr. Inzer gave an example of changes to search screens as those where the Authority

should have been shown the changes and been allowed to comment. He expressed sentiment that the board should be more involved in the policy for those changes being made to the portal, especially as it relates to those who we serve. Ms. Fishback agreed, stating that this would allow Clerks to have the detailed conversations and seek input for enhancements and the timing thereof.

Ms. Rushing asked about the process. Mr. Alford commented that all suggestions would come before the board monthly.

There was a general discussion of the process. Ms. Fishback noted that there is an IT Strategic Plan and the portal is part of that so it seemed to be a natural next step to this to make sure that it is aligned with the plan. Mr. Smith called the question.

All voted favorably to accept the portal change process as amended.

Mr. Smith recognized Mr. Joel Rosenthal, JLL Process, to speak. Mr. Rosenthal reported that his company was having difficulties in filing the return of service affidavits in nine counties and asked the Board for assistance. Mr. Inzer suggested the chair reach out to those counties and ask them if they intended to turn on that aspect. Mr. Barbee seconded the motion. All voted favorably. Mr. Rosenthal was asked to send the county names to Ms. Allman.

Standardization

Mr. Smith reviewed progress to date. He noted that Ms. Fishback had just sent out an email to all counties so they could begin reviewing their codes. He said that the portal team was moving forward on assessing those codes that are chosen the most times in each case type and we can perhaps find a path. He encouraged clerks to go back and rename those so that there more of the same choices across the counties, so we can build a solution.

Mr. Barbee asked if there was any discussion of creating a “standard” model? Mr. Smith felt that this exercise and the data would lead to that.

Ms. Rushing cautioned that Clerk to look at their CMS side, too, in addition to the portal side. Ms. Fishback clarified that the spreadsheets you got were that Clerks selected. That, no Clerk has to deactivate any document descriptions at all. The goal is to narrow what the filer sees. She offered to do workshops if necessary. She also mentioned that the Best Practice workgroup was involved in the effort. Mr. Inzer told the board that he had tracked filer errors for one month. He reported a 90-95% compliance rate. He felt it had to do with the choices available to the filer. He stated that he didn’t like system that required the Clerk to go behind the filer to do the work. He also felt that in a smaller county there may not be as much granularity in document selections. He said he supports standardization, but doesn’t want to lose efficiency.

Mr. Smith agreed with Mr. Inzer’s assessment and asked, “how do we get there?”

Ms. Green asked, as a starting point, is there was a minimum amount of standardization that can be adopted as a starting point? Mr. Hall gave an example and suggested that there would end up being a compromise to get the same end.

Ms. Fishback commented that the Best Practice had defined a starting point as entering the groups. Mr. Inzer stated that he did not believe that anyone had adopted those best practice suggestions because of the work involved in making the changes. Ms. Fishback said that no docket codes have to change to change the descriptions.

Mr. Smith commented that we still have to follow down this path until a recommendation is made to the Authority. He suggested no workshops be held that happens and the Authority makes a decision.

Public Comment: There were no comments.

X. Adjourn

The meeting was adjourned at 12:07 pm.

Florida Courts



E-Filing Authority

**HON. TIM SMITH
CHAIR**

Clerk, Putnam County

**HON. DON BARBEE, ESQ.
VICE CHAIR**

Clerk, Hernando County
District IV

**HON. TARA GREEN
SECRETARY/TREASURER**

Clerk, Clay County
District III

HON. JOHN TOMASINO

Clerk of the Court
Florida Supreme Court

HON. ALEX ALFORD

Clerk, Walton County
District I

HON. BOB INZER

Clerk, Leon County
District II

HON. GAIL WADSWORTH

Clerk, Flagler County
District V

HON. KAREN RUSHING

Clerk, Sarasota County
District VI

HON. SHARON BOCK, ESQ.

Clerk,
Palm Beach County
District VII

Florida Courts

E-Filing Authority

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AGENDA

Florida Courts E-Filing Authority

December 11, 2014

2:00 p.m. – 4:00 p.m. EST
by WebEx

- | | |
|---|--|
| I. Welcome | Tim Smith |
| II. Adoption of the Agenda | Tim Smith |
| III. Reading and Approval of Minutes | Tara Green |
| IV. Financial Report
Financial Report | Tara Green |
| V. Progress Reports
E-Filing Portal Progress Report
Portal Change Process Committee
Service Desk Report | Jennifer Fishback
Dr. Carole Pettijohn
Brenda Standish |
| VI. Florida Courts Technology Commission | |
| VII. New Business
SC14-721 | Lynn Hoshihara, Esq. |
| VIII. Old Business
Letter from Hon. John Tomasino
Discussion on Standardization | Tim Smith
Tim Smith |
| Public Comment | |
| IX. Adjourn | |



The Florida Courts E-Filing Authority Minutes

Florida Courts E-Filing Authority Board of Directors held a regular meeting on December 11, 2014, at 2:00 p.m., EST, by WebEx. The following members were present: Tim Smith, Putnam County Clerk, Chair; Don Barbee, Esq., Hernando County, Vice Chair; Tara Green, Clay County Clerk, Secretary/Treasurer; John Tomasino, Clerk, Supreme Court; Bob Inzer, Leon County Clerk; Gail Wadsworth, Flagler County Clerk; Karen Rushing, Sarasota County Clerk; Sharon Bock, Esq., Palm Beach County Clerk; and Lynn Hoshihara, Esq., Authority General Counsel, were present. Alex Alford, Walton County Clerk, was unable to attend.

- I. Mr. Tim Smith, Chair, opened the meeting at 2:01 p.m. with a roll call. He welcomed all in the room and on the WebEx. He reminded all those on the WebEx to mute their phones and keep extraneous noise to a minimum.
- II. Mr. Don Barbee moved adoption of the agenda. Ms. Sharon Bock seconded the motion. All voted favorably.
- III. Reading and Approval of Minutes
Mr. Tim Smith recognized Ms. Tara Green to present the October 2014 minutes. Hearing no suggested corrections or changes, Ms. Gail Wadsworth moved to approve the minutes. Mr. John Tomasino seconded the motion and all voted in favor.
- IV. Financial Report
Mr. Smith recognized Ms. Green to present the Treasurer's Report. She reviewed the October month-end statement. Ms. Gail Wadsworth moved to accept the Treasurer's report. Mr. John Tomasino seconded the motion and all voted favorably.
- V. Progress Reports
E-Filing Authority Progress Report
Mr. Smith recognized Ms. Jennifer Fishback, FCCC Portal Project Manager, to review the monthly status report. Ms. Fishback reported that the filings were down for the month of November, with just under 1 million filings, representing 1.5 million documents. However, she noted, that was expected for this time of year when court filings are traditionally lower due to the holidays. The number of registered users had

slightly increased, to 73,814. She also reported that the new filer roles were registering and using the portal, process servers in particular. She also noted that filings initiated by judges were increasing.

Portal Change Process Committee

Mr. Smith recognized Dr. Carole Pettijohn, Director of IT for the Manatee County Clerk's Office and chair of the newly formed Portal Change Advisory Board (PCAB). Dr. Pettijohn reported that the PCAB had been newly formed of IT staff from about 15 counties. The group had already met and was working through 75 HEAT tickets, requests for changes to the portal from filers or other users. She briefly reviewed the priority list with the board. Mr. Smith asked about the item that asked for additional fields, noting that it went against what the Board of Directors was trying to do. Mr. Tom Hall asked about allowing filers to opt out of portal email notices. Dr. Pettijohn acknowledged that some emails were just notification that the filer may not wish to receive, while others were more important. Ms. Fishback noted that none of the emails pertained to service. Mr. Hall commented that he just wanted to make sure that the functionality of the portal was no less than that needed for the eDCA. He suggested working with Hon. John Tomasino and Ms. Fishback as they moved forward to make sure things were not taken out that should be left in. Mr. Smith agreed on that direction. He said this is why the PCAB was set up and would bring the details to the board before any modifications to the portal were made.

Service Desk Report

Ms. Brenda Standish reviewed the service desk report. Mr. Smith asked what types of calls they were getting from pro se filers. Ms. Standish reported that the calls were not legal questions but more on how to use the portal. Ms. Green asked why attorneys call. Ms. Standish said attorneys are asking about account set-up, how to work the pending queue and password re-set/account updates. A few of the attorney calls refer to county issues.

VI. Florida Courts Technology Commission

The next FCTC meeting will be held February 18-19 in Orlando.

VII. New Business

SC14-721

Mr. Smith recognized Ms. Lynn Hoshihara, Esq., the board general counsel, to discuss the amendments to rule 2.520, RJA, as presented in this opinion. Ms. Hoshihara reviewed the amendments to the rule consisting of revised page margins, ADA requirements and timestamp requirements. She noted that the portal was ready—the timestamp having been moved some months prior. Mr. Tom Hall provided some general concerns he was hearing about the timestamp machines not being able to meet the requirements. He told the board he was working with The Florida Bar and the chair of the Rules of Judicial Administration Committee to file an extension of time for the comment period. There was discussion that this may impact the pending queue. Mr. Smith asked counsel and Mr. Hall to keep the board apprised of the issue.

VIII. Old Business

Letter from Hon. John Tomasino

Mr. Smith briefly reviewed the draft letter to Mr. Tomasino, who had previously sent a letter on behalf of the Supreme Court asking for assurance that the Authority would not charge a filer for using the A2J system. He felt that everyone supported not charging for the use of A2J, but that it was also recognized that there would be a cost for managing the A2J system as it relates to the portal. He asked Mr. Kent to bring back the costs to the board at the next meeting based on issues they are seeing now with the Judicial Management Council's (JMC) desire to have any additional documents or aspects and what level of involvement it would take to do so. He asked the board for their consideration and approval of the draft response to Mr. Tomasino. Ms. Sharon Bock commented that she supported not having users pay for the use of the A2J system. There was a brief discussion of what forms should be offered, how many forms were actually approved by the court and what are the intentions of the JMC.

Ms. Jenna Simms clarified that the JMC was not intending to have all the forms for all case types available on the A2J system. She asked that the questions and the forms that were already ready on the A2J test site be sent to her so that the JMC and the appropriate Bar committee can review and approve them for completeness and legal sufficiency.

Mr. Smith asked the board for approval of the draft letter, to include a part of an A2J contract that talks about no charge to the filer. Ms. Bock moved to approve the letter. Ms. Green seconded the motion. There was no discussion. All voted favorably.

Discussion on Standardization

Mr. Smith asked Ms. Fishback to review the progress she has made on standardization. Ms. Fishback shared the recent exercise the portal team had undertaken with the Fourth Judicial Circuit clerks and Charlotte County. She and Ms. Carolyn Weber had travelled to Clay County, where all the circuit counties met. They focused on divisions, case types and subtypes. Ms. Green, Clay County Clerk, told the board that they made the decisions for standardization as a circuit; Clay, Nassau and Duval Counties, based on urging from their chief judge. They got together and decided what drop-downs the filers would see, so they could be the same throughout the circuit. Ms. Green said her county was in production, Nassau was in process, and Duval was still working on it. She felt that in a few more months a filer will see the same drop-downs for each of the three counties when they file in that circuit. Ms. Green felt they may need some more time to be able to look at docket codes in order to standardize those as well. She thanked Ms. Fishback and the portal team for coming and looked forward to continued work.

Mr. Ken Kent was recognized to give the report for Hon. Marcia Johnson, Best Practices Committee Chair, who was unable to attend. He said that a workgroup of the committee was looking at standard docket descriptions. They had been meeting and reviewing the document descriptions. The group has representative from 12 counties who are working to comparing each of their county's descriptions to come up with more consistent

groupings. They are also looking at the next non-attorney filer roles. They are looking at the media and surety bond filers so those drop-downs are ready when those new groups are added.

Mr. Smith recognized Ms. Karen Rushing. She commented that she supported uniformity but expressed concern that what was taking place in the 4th Judicial Circuit was not necessarily what may happen in the 12th. She felt that could create circuit-level differences. She felt a method to create a statewide uniformity may be a better approach. Mr. Smith acknowledged that there would always be circuit-level differences. She suggested making the 4th Circuit lists available to all circuits to review. She asked to review the 4th Circuit list of drop-down selections.

Prior to asking for public comment, Mr. Smith thanked the Honorable P. Dewitt Cason, Clerk of Columbia County and former board chairman, for being on the phone. He also recognized the Honorable Ray Norman, Clerk of Bradford County, on the Services Group for his continued support of the board and the portal.

Mr. Smith reminded everyone that the next meeting would be held February 3, 2015, in conjunction with the Clerks' Association's Winter Conference.

Public Comment

There were no other comments.

IX. Adjourn

The meeting was adjourned at 3:05 pm.

Florida Courts



E-Filing Authority

HON. TIM SMITH
CHAIR

Clerk, Putnam County

HON. DON BARBEE, ESQ.
VICE CHAIR

Clerk, Hernando County
District IV

HON. TARA GREEN
SECRETARY/TREASURER

Clerk, Clay County
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HON. JOHN TOMASINO

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Florida Supreme Court

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Clerk, Walton County
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HON. BOB INZER

Clerk, Leon County
District II

HON. GAIL WADSWORTH

Clerk, Flagler County
District V

HON. KAREN RUSHING

Clerk, Sarasota County
District VI

HON. SHARON BOCK, ESQ.

Clerk,
Palm Beach County
District VII

Florida Courts
E-Filing Authority

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AGENDA

Florida Courts E-Filing Authority

February 3, 2014

10:00 a.m. – 12:00 p.m. EST

Hilton Oceanfront Resort

1550 North Atlantic Avenue

Cocoa Beach, FL 32931-3268

and by WebEx

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| I. Welcome | Tim Smith |
| II. Adoption of the Agenda | Tim Smith |
| III. Reading and Approval of Minutes | Tara Green |
| IV. Financial Report
Financial Report | Tara Green |
| V. Progress Reports
E-Filing Portal Progress Report
Portal Change Process Committee, April Release Details
Service Desk Report | Carolyn Weber
Dr. Carole Pettijohn
Brenda Standish |
| VI. Florida Courts Technology Commission
Proposed Orders | |
| VII. Old Business
Discussion on Standardization
Response to Hon. John Tomasino | Tim Smith
Lynn Hoshihara, Esq. |
| Public Comment | |
| VIII. Adjourn | |



The Florida Courts E-Filing Authority Minutes

Florida Courts E-Filing Authority Board of Directors held a regular meeting on February 3, 2015, at 10:00 a.m., EST, at the Hilton Oceanfront Resort, Cocoa Beach, Florida, and by WebEx. The following members were present: Tim Smith, Putnam County Clerk, Chair; Don Barbee, Esq., Hernando County, Vice Chair; Tara Green, Clay County Clerk, Secretary/Treasurer; John Tomasino, Clerk, Supreme Court; Alex Alford, Walton County Clerk; Bob Inzer, Leon County Clerk; Karen Rushing, Sarasota County Clerk; Sharon Bock, Esq., Palm Beach County Clerk; and Lynn Hoshihara, Esq., Authority General Counsel, were present. Gail Wadsworth, Flagler County Clerk, was unable to attend.

- I. Mr. Tim Smith, Chair, opened the meeting at 10:00 a.m. with a roll call. He welcomed all in the room and on the WebEx. He reminded all those on the WebEx to mute their phones and keep extraneous noise to a minimum.
- II. Mr. Don Barbee moved adoption of the agenda. Ms. Tara Green seconded the motion. All voted favorably.
- III. Reading and Approval of Minutes
Mr. Tim Smith recognized Ms. Green to present the December 2014 minutes. Hearing no suggested corrections or changes, Mr. Barbee moved adoption of the minutes. Mr. Bob Inzer seconded the motion and all voted in favor.
- IV. Financial Report
Mr. Smith recognized Ms. Green to present the Treasurer's Report. She reviewed the December month-end statement. There were no questions.
- V. Progress Reports
E-Filing Authority Progress Report
Mr. Smith recognized Ms. Carolyn Weber, the new Portal Program Manager. She provided a review of the monthly status report for January. Ms. Weber reported that January showed about 1.1 million filings, representing 1.6 million documents. She reported that during one day in the reporting period there were 8,020 filings in one hour. The peak filing hours are still at 10:00 a.m. and at 3:00 p.m. She also reported that the number of filings going into the pending queue was steady at about 2 percent, but noted

what a low number that represented. Ms. Green asked what the usual reason was that a filing would be placed in pending. Ms. Weber suggested it was generally wrong case type or wrong fee. She reported that the number of registered users had slightly increased, to 77,832. She noted that the number of judicial filings was increasing. There was a brief discussion of why some counties may have more judicial filings than others. Most notably, Brevard and Orange numbers were very high in comparison to most counties. It was noted that in Orange County, the Clerks spent time training the judges and judicial assistants. Ms. Laurie Rice, Brevard County, echoed that they had spent a lot of time with their judges and judicial assistants and, as a result, over half of the judges were filing. She explained, all judges are filing in paper. The judges sign their documents, then the documents are scanned. While it is recognized that is not the most efficient way to go, the judges do like the e-service component. As a result, there are fewer phone calls because the documents are docketed and available much quicker.

Ms. Sharon Bock, Esq., asked if the Authority would want to take a position on this, that Clerks begin encouraging chief judges to e-file due to efficiencies gained for both Clerks and the judiciary?

Mr. Smith suggested that this topic be put on the agenda for the March meeting and ask Clerks to report on their success stories. Ms. Green asked if she should share this with the chief judges in her circuit? Mr. Tom Hall suggested sharing it with the Supreme Court. Ms. Karen Rushing suggested that the information be shared with the division judges, such as the head judge of the Probate Division. Mr. Bob Inzer commented that his judges used an internal system to file, so his numbers would not show up on the portal reports. He asked if the Chief Justice would want to make a leadership comment on this? Mr. Smith asked Mr. Tomasino to look into this.

Portal Change Process Committee

Mr. Smith first thanked Mr. Alex Alford for beginning this committee, then recognized Dr. Carole Pettijohn, Director of IT for the Manatee County Clerk's Office and chair of the newly formed Portal Change Advisory Board (PCAB). Dr. Pettijohn reported that the PCAB had been newly formed of IT staff from about 15 counties. The group had met several times and had worked through the HEAT tickets which were requests for changes to the portal from filers or other users. She briefly reviewed the priority list shown in the report with the board. She explained that the first several items were included in the April release, numbered 2015.01.

Mr. Barbee asked how the public interfaced with the PCAB. Dr. Pettijohn explained that the Service Desk handled the issues by detailing them in the HEAT system and sending those asking for system change to the PCAB for review and discussion.

Ms. Rushing asked if Dr. Pettijohn's group felt that the timestamp electronically placed on e-filed documents was compliant with the new administrative order? Ms. Weber responded that it was and explained the placement and font size.

Dr. Pettijohn asked for the board's approval of the release dates and the priorities as shown in the PCAB report presented to the board at this meeting. Mr. Inzer commented that he appreciated all the detail and moved to accept the dates and priorities. Ms. Rushing seconded the motion. Mr. Inzer asked for a list of the members who serve on the PCAB Committee. Mr. Smith called the question. All voted favorably.

Service Desk Report

Ms. Brenda Standish reviewed the service desk report for December. She reported that overall the calls had dropped, more than likely due to the holidays. Of just under 3,000 calls for December, 149 calls were from pro se filers. There were no calls from judges. Ms. Green asked if the calls were about the same from month to month. Ms. Standish confirmed that there were. Ms. Green also asked, relative to the number of new filers coming on, should we expect the calls to increase. Ms. Standish noted they were keeping track of calls by filer type and observe that calls initially go up, then taper off. Mr. Smith shared an email he received from a filer expressing appreciation for Ms. Gia Howell's assistance.

VI. Florida Courts Technology Commission

Mr. Smith recognized Christina Blakeslee to report on the next Florida Courts Technology Commission (FCTC) meeting. She told the board that the next FCTC meeting will be held February 19th in Orlando. Additionally, there would be committee meetings held on February 18th. She said that the Access Governance Committee would be held on February 17th and would be reviewing all the applications. Based on what she had seen so far, she informed the board that it should be a smooth process. They anticipate making the recommendations to the Board on the 19th.

She also told the board that there had been discussion of using the portal for proposed orders. Jennifer Fishback had done a presentation at the last meeting of Judge Bidwill's subcommittee on this topic and it is in the beginning stages. It is recognized there are some policy issues to be discussed, but Judge Bidwill will be making a presentation on the issue at the next FCTC meeting.

Ms. Tara Green, a member of Judge Bidwill's subcommittee on Proposed Orders, explained to the Board that this issue was initiated by The Florida Bar. They were looking for a more consistent way to get information to the judges. She noted that it was going to be discussed more at the upcoming subcommittee meeting to be held on February 18th. Mr. Smith confirmed Carolyn Weber was already on top of this issue, as to how to best handle it if it came to the board for discussion. Mr. Inzer asked if using the portal was the best way to deal with proposed orders. He suggested emailing them to the judge, as it was not part of the case file. Ms. Green commented that sending a document through the portal does not have to make it part of the case file. She said they would be working on business rules at the February subcommittee meeting. Ms. Rushing noted that in her circuit the judges like to be able to modify the proposed orders, they prefer them in WORD, rather than a *tiff* file. Ms. Weber explained that this concern came from attorneys who are currently faced with judges wanting the proposed orders delivered differently in each circuit for each judge, each county. She explained that the model being

discussed was that the proposed orders would be sent through the portal, as a single interface, as WORD documents so judges could handle them in a regular manner. Ms. Rushing felt that the board should be talking to the judiciary on this issue.

Mr. Inzer made a motion that the E-Filing Authority ask the FCTC for guidance as to what methodology they would like used for proposed orders. Chris Blakeslee commented that there are judges who already have a system for the proposed orders that they prefer. Ms. Rushing seconded the motion. Ms. Green clarified that they look at it, as there is currently not a request for any changes to the portal. All voted favorably.

Ms. Green stated that the issue was only presented to the board as information. She explained that the issue had not yet been approved by FCTC, nor had it been sent to the Authority.

VII. Old Business

Discussion on Standardization

Mr. Smith recognized Ms. Weber to review her report on standardization. She told the board that they were looking at the federal PACER system as a guide to reduce the number of drop downs, making it easier for the filer. The FCCC Best Practices workgroup has taken the time to reduce the number to 49 descriptions. There was a question as to when this project would be finished. Ms. Weber responded saying the Best Practices workgroup was meeting frequently and would hope the project would be done this year. Ms. Rushing asked if the local treatment of documents is being considered? Ms. Jean Sperbeck, Esq., Alachua County Clerk's Office and member of the Best Practices workgroup, responded that the workgroup was keeping track of those documents that need special treatment or fees. There was a discussion about documents being treated differently in different counties. Ms. Sperbeck explained that the focus was to try to standardize at the highest level, recognizing there would always be local differences. Once that task was accomplished, she continued, then the group could look at variances.

There was discussion about how this may require the Clerk to do work on their end. Ms. Green commented that across all user groups there is some compromise. Mr. Smith agreed, stating that in the end it will require everyone to change and it will take modifications of all of our processes. Ms. Rushing commented that she felt they would have to do it as a board and be together on the effort.

Response to Hon. John Tomasino

Before recognizing Ms. Hoshihara to speak to the topic, Mr. Smith told the board Ms. Hoshihara had recently been promoted to a shareholder in her firm. He gave her a framed announcement of her promotion. She expressed appreciation for the recognition by the board.

Ms. Hoshihara recapped the letter that was sent to Mr. Tomasino referencing the board's discussion of possible inclusion of a license for the A2J system. In researching the issue, she noted, that the subcontractor holds the license which provides the portal ability to use the software. She felt, out of an abundance of caution, that the board may want to authorize her to explore the possibility of the board owning their own license. Ms. Bock

asked if there was a cost. Ms. Hoshihara explained that it was free to governmental entities. She also explained it would be more like an insurance policy, something held in the event it was ever needed.

Ms. Bock asked that the board instruct legal counsel to explore getting a license for the Authority. Mr. Barbee seconded the motion. There was no discussion; all voted favorably.

Mr. Smith asked Mr. Tom Hall to briefly bring the board up to speed on the revision to the Supreme Court's Administrative order 14-791. He told everyone he was working with Mr. Murray Silverstein, the chair of the Rules of Judicial Administration Committee, Judge Stephens and The Florida Bar to see what could be done to revise the language of the rule to better deal with paper filings and time stamp machines. The extension of time for comments on this part of the order is February 27, 2015. Ms. Rushing asked that they make sure they looked at the current systems in place.

Public Comment

There were no other comments.

VIII. Adjourn

The meeting was adjourned at 11:25 a.m.



**HON. TIM SMITH
CHAIR**

Clerk, Putnam County

**HON. DON BARBEE, ESQ.
VICE CHAIR**

Clerk, Hernando County
District IV

**HON. TARA GREEN
SECRETARY/TREASURER**

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Clerk, Sarasota County
District VI

HON. SHARON BOCK, ESQ.

Clerk,
Palm Beach County
District VII

**Florida Courts
E-Filing Authority**

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AGENDA

Florida Courts E-Filing Authority

March 12, 2014

10:00 a.m. – 12:00 p.m. EST

by WebEx

- | | |
|--|--|
| I. Welcome | Tim Smith |
| II. Adoption of the Agenda | Tim Smith |
| III. Reading and Approval of Minutes | Tara Green |
| IV. Financial Report
Financial Report | Tara Green |
| V. Progress Reports
E-Filing Portal Progress Report
Portal Change Process Committee

Service Desk Report | Carolyn Weber

Dr. Carole Pettijohn
Brenda Standish |
| VI. Florida Courts Technology Commission
Proposed Orders | |
| VII. Old Business
Update on Sending Documents to the Department of
Corrections

Standardization Efforts
Rules Committee Report
AOSC 14-721 Amendments to Rule 2.520 | Carolyn Weber

Carolyn Weber
Don Barbee, Esq.
Tom Hall, Esq. |
| Public Comment | |
| VIII. Adjourn | |



The Florida Courts E-Filing Authority Minutes

Florida Courts E-Filing Authority Board of Directors held a regular meeting on March 12, 2015, at 10:00 a.m., EDT, by WebEx. The following members were present: Tim Smith, Putnam County Clerk, Chair; Don Barbee, Esq., Hernando County, Vice Chair; Tara Green, Clay County Clerk, Secretary/Treasurer; John Tomasino, Clerk, Supreme Court; Alex Alford, Walton County Clerk; Karen Rushing, Sarasota County Clerk; Sharon Bock, Esq., Palm Beach County Clerk; and Lynn Hoshihara, Esq., Authority General Counsel, were present. Bob Inzer, Leon County Clerk, and Gail Wadsworth, Flagler County Clerk, was unable to attend.

I. Welcome

Mr. Tim Smith, Chair, opened the meeting at 10:00 a.m. with a roll call. He welcomed all on the WebEx. He reminded all those on the WebEx to mute their phones and keep extraneous noise to a minimum.

II. Agenda

Mr. John Tomasino moved adoption of the agenda. Ms. Tara Green seconded the motion. All voted favorably.

III. Reading and Approval of Minutes

Mr. Tim Smith recognized Ms. Green to present the February 2015 minutes. Hearing no suggested corrections or changes, Ms. Rushing moved adoption of the minutes. Ms. Bock seconded the motion and all voted in favor.

IV. Financial Report

Mr. Smith recognized Ms. Green to present the Treasurer's Report. She reviewed the January month-end statement. There were no questions.

V. Progress Reports

E-Filing Authority Progress Report

Mr. Smith recognized Ms. Carolyn Weber, Portal Program Manager. She provided a review of the monthly status report for February. Ms. Weber reported that the activity in February showed about 1 million filings, representing 1.6 million documents. She reported that during during one day in the reporting period there were 54,000 submissions. The peak filing hours are still at 10:00 a.m. and at 3:00 p.m. She also

reported that the number of filings going into the pending queue was steady at about 2 percent, but noted what a low number that represented. She also noted that filer registrations were leveling off.

Mr. Smith asked that a page be added to the report with a graph of each filer's submissions, by month, by role.

Ms. Weber noted that they were finishing up with the 6th and 11th Circuit Public Defender. Mr. John Tomasino mentioned that he had just received another request to extend the date by which the 6th Circuit would be required to file criminal cases through the portal.

Ms. Weber reported that the April 24 upgrade details would be in the test environment by mid-march. She reported that the team was also planning release 2015.02, the September 11 upgrade.

Ms. Green asked if Ms. Weber could show the month-to-month numbers for judicial filings.

Portal Change Process Committee

Mr. Smith recognized Dr. Carole Pettijohn, Director of IT for the Manatee County Clerk's Office and chair of the Portal Change Advisory Board (PCAB) to make the PCAB monthly report.. Dr. Pettijohn reported that the PCAB had just met on March 10 and had reviewed the remaining HEAT tickets. She referred to the report provided to the board and noted that some of the suggestions they reviewed at the meeting were added to the September release.

Dr. Pettijohn asked for the board's approval of all the priority 1's for the September 2015 release so they could begin working to develop those items. Ms. Green made the motion. Mr. Barbee seconded the motion. Mr. Smith commented on how the process allowed the authority to stay informed about the portal changes and also provided a way for users to be involved. All voted favorably on the items on the report shown for the September release.

Service Desk Report

Ms. Brenda Standish reviewed the service desk report for February. There were no questions.

VI. Florida Courts Technology Commission

Mr. Smith recognized Ms. Janine Moore, OSCA, who told the board that the next FCTC meeting would be held May 13-14 in Tallahassee.

Mr. Melvin Cox provided an update on the Access Governance Board meeting held on February 17, held the day prior to the FCTC meeting. He noted that applications for public access to court records from 59 counties were reviewed and approved, then sent to the full FCTC for final approval. The letters for Judge Munyon, noting the application

approval, had been sent out to each Clerk. He explained that those counties had 120 days to implement then a 90-day pilot and reporting phase. There were no questions.

Ms. Karen Rushing told the board that there was an FCTC Subcommittee on Docket Descriptions established as a part of Judge Reynold's ePortal Subcommittee. She told the board she is a member of that subcommittee and she made Judge Reynolds aware that FCCC is working on this. She noted that she thought the FCCC Best Practices Committee was working on the portal docket descriptions first. She said she would work with that group but needed something quick. Mr. Smith asked Cyndi Andrews, FCCC, to reach out to Ms. Rushing to get her up to speed on the issue.

Ms. Green stated that she and Ms. Rushing had talked. She commented that for the 4th Circuit they have standardized, but wondered if they should put it on hold. She asked for direction. Ms. Rushing stated that if what was being done was best, to continue. She said that she had made Justice Polston and Judge Reynolds aware that this effort would take time to accomplish. Mr. Smith asked Ms. Green to continue working with the Best Practices Committee. Ms. Rushing said she wanted to make sure that everyone was aware that the court is not looking at a circuit to circuit approach, but wants a statewide solution.

Ms. Rushing asked to be kept informed of the efforts.

Mr. Smith jumped to the agenda item on Standardization. Ms. Weber reviewed the efforts thusfar in working with the 4th Circuit. She commented that the lessons learned in that circuit gave them a roadmap for implementation across the state. She reviewed the document she provided the board and commented that they were working to make sure that the case types and subtypes matched with what was required in SRS, so that reports were easily run. She told them they had taken it one step at a time, first divisions, then case types and sub-types, then document descriptions.

Proposed Orders

Ms. Weber told the board that Judge Bidwill's Subcommittee on Proposed Orders, a subcommittee of Judge Reynold's ePortal Subcommittee, is discussing asking the Authority to consider modifying the portal to allow attorneys to send proposed orders to judges. She told the board that because this effort was outside the scope of the original agreement, it would require a change order and would have to go through the FCTC process for approval as well. She told the board she was just making them aware of the issue in the event it comes to them. Mr. Smith commented that the board would have to talk to their vendor.

Ms. Green suggested amending the rules of court to require attorneys to use the function. Mr. hall reported that there was already a move afoot in the Rules of Judicial Administration to require proposed orders to be sent through the portal.

Mr. Barbee asked how the orders would flow? Ms. Weber explained that they would be sent to the appropriate judicial officer and would not flow through the Clerk's systems.

VII. Old Business

Update on Sending Documents to the Department of Corrections

Mr. Smith recognized Ms. Weber to provide an update on sending documents to the Department of Corrections (DOC). She reported that she and Sara Sanders recently met with Mr. Lee Adams, DOC staff. He reported that they were very happy with the Clerks sending the court verification forms and felt it was a secure process. They recognized that all but a few Clerks' offices were sending the forms, but also realized that not all counties may have had a need yet. Ms. Rushing noted a desire to do away with the form. Mr. Smith asked if it were an Authority or association issue. He asked Ms. Hoshihara to review the issue and advise which agency should be looking into this.

Ms. Weber also mentioned that DOC would like to begin to get rid of the paper and go to electronic files – no printing -- and eventually go to an electronically submitted commitment package.

Rules Committee Report

Mr. Don Barbee told the board that having the Clerk rules liaisons were doing well. He reminded the board that the primary focus of the liaisons was to look at rules regarding e-filing. The importance of having the liaisons was raised at the most recent FCTC meeting—the comment made was that there needed to be someone reviewing the rules for their impact on e-filing. He said it was nice to be able to respond that the liaisons were already doing this.

SC14-721

Mr. Smith asked Mr. Tom Hall to bring the board up to speed on the amendments to rule 2.520 regarding paper filings and the clerk's stamps. He reported that he was able to work with Mr. Murray Silverstein, head of the Rules of Judicial Administration, Judge Stephens and Florida Bar staff and they filed an amendment to allow Clerks to keep their existing equipment and stamp at the bottom of the page on a paper filing. He felt that without the liaisons that this nuance may not have been caught in time.

Public Comment

Mr. Smith recognized Mr. Harold Samples, Pasco Clerk's Office to speak. Mr. Samples clarified that the chief judge has requested the extension of time to December 31, 2015. He reported that Tyler Odyssey and Clericus vendors are still in the process of designing the State Attorney/Public defender portion. He noted, it was not the Clerk. The Clerk is receiving filings while migrating off the legacy system.

There were no other comments or concerns.

Mr. Smith told the board that he did not wish to schedule another meeting until the June 1 annual meeting.

VIII. Adjourn

The meeting was adjourned at 10:59 a.m.



**HON. TIM SMITH
CHAIR**

Clerk, Putnam County

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AGENDA

Florida Courts E-Filing Authority

May 7, 2015

2:30 p.m. – 4:30 p.m. EDT

by WebEx

- | | |
|--|------------|
| I. Welcome | Tim Smith |
| II. Adoption of the Agenda | Tim Smith |
| III. Reading and Approval of Minutes | Tara Green |
| IV. Old Business
Standardization | Tim Smith |
| V. New Business
Letter from Hon. John Tomasino | Tim Smith |
| Public Comment | |
| VI. Adjourn | |



The Florida Courts E-Filing Authority Minutes

Florida Courts E-Filing Authority Board of Directors held a regular meeting on May 7, 2015, at 2:30 p.m., EDT, by WebEx. The following members were present: Tim Smith, Putnam County Clerk, Chair; Don Barbee, Esq., Hernando County, Vice Chair; Tara Green, Clay County Clerk, Secretary/Treasurer; John Tomasino, Clerk, Supreme Court; Alex Alford, Walton County Clerk; Gail Wadsworth, Flagler County Clerk; Karen Rushing, Sarasota County Clerk; Sharon Bock, Esq., Palm Beach County Clerk; were present. Lynn Hoshihara, Esq., Authority General Counsel, and Bob Inzer, Leon County Clerk, were unable to attend.

I. Welcome

Mr. Tim Smith, Chair, opened the meeting at 2:30 p.m. with a roll call. He welcomed all on the WebEx. He reminded all those on the WebEx to mute their phones and keep extraneous noise to a minimum. He welcomed Ms. PK Jameson and thanked her for attending.

II. Agenda

Ms. Tara Green moved adoption of the agenda. Ms. Sharon Bock seconded the motion. All voted favorably.

III. Reading and Approval of Minutes

Mr. Tim Smith recognized Ms. Green to present the March 2015 minutes. Hearing no suggested corrections or changes, Ms. Green moved adoption of the minutes. Mr. John Tomasino seconded the motion and all voted in favor.

IV. Old Business

Mr. Smith opened the discussion on standardization by explaining that the board needed to find a clear path for this effort. He explained that the purpose of the meeting was to talk about where we are on the effort, what we have done and where do we need to go with good result. He reminded everyone of what then Chief Justice Polston had said about wanting to see standard drop-down menus for filers. He noted that it has not been an easy task, that there is no simple solution that helps all. He recognized Ms. Carolyn Weber to discuss the recommendations made to date and provide a demonstration of the portal so the board members could see what was available for filers and the various points in which drop-down menus were available.

Ms. Weber explained that they have put together a plan. She told the board that there are four areas where drop-down menus are seen while filing. She reviewed division, case type and subtype. The fourth drop-down area is the document description.

She explained that the top-most level, division, was mostly consistent across the state. There are a few counties where it is different based on differently county case maintenance systems, or nuances in that county. She showed Monroe County as an example. She noted that they have the divisions, but have to break it out differently due to the different courthouses and what is handled in each one. However, she continued, most counties are consistent and are using the Summary Reporting System (SRS) divisions. The case type and subtypes, she explained, the next levels down, are also defined by SRS. These areas are less uniform, but can be easily revised by the county administrator, she reported. She told the board that the training document she had put together was posted with the meeting materials and it gave step-by-step directions on how to go about revision the drop-down fields.

The last drop down box available in the portal is the document description. When filing and attempting to add a document, one sees a search box in which to type the title of the document. Once typed in, the different document names used in that county appear on the screen. This is the area where it gets complex and is not as easy to settle on a “set.” The work of the Best Practice Committee at this point, she told the board, was in this particular area.

Mr. Smith recognized the Hon. Marcia Johnson, Franklin County Clerk, as the chair of the FCCC Best Practices Committee, to report on what the Best Practices Committee has been working on in regard to standardization. She reported that the committee had just approved the first set of document types and document descriptions and were looking to move on to the next phase of the review. She explained that they had formed a workgroup of 25 counties who looked at the document types and document descriptions and came up with 80 document types and 182 document descriptions. Ms. Johnson remarked that she didn’t want to rush the process. She said the Best Practices Committee had just approved the list of 182 as a Phase I and wanted to continue on. She asked Ms. Jean Sperbeck, Esq., Alachua County Clerk’s Office, as a member of the workgroup to explain their process.

Ms. Sperbeck explained they had taken the document descriptions from 25 counties and pared the list to 80 of the most used descriptions. In doing so, she said the workgroup recognized that the larger counties had a need for more detail. In order to gain that flexibility, the workgroup was going to continue to look at the lists.

Mr. Smith opened the floor for discussion. A discussion ensued about document descriptions and who would update those. Mr. Smith urged the Authority to first take a position of what could be done and ask that the standardization effort be adopted by all the Clerks by September 1, 2015.

There was brief discussion about how to go about communicating this to FCTC. Mr. Smith stated that this was not a functional change to the portal, but more like edits to what the counties have already typed in. He also wanted Ms. Weber to show the process to the FCTC, then all will get a chance to review the approach and make sure everyone agrees. He asked for a motion.

Ms. Gail Wadsworth moved that the board “adopt the use of the divisions, case types and subtypes as the standard.” Ms. Bock seconded the motion.

Ms. Tara Green asked if the counties would just map to what was put in? Ms. Weber clarified that each county would have to do the work to check the drop-downs and update them if needed in those three areas. Ms. Green continued by asking if there would be any quality control to all use the same language; who will make sure it is consistent across the state? Mr. Smith noted that the Authority can ask for reports so they can see the discrepancies and contact the county.

Ms. Rushing asked if the divisions, case types and subtypes are compliant with SRS? Ms. Weber answered affirmatively. All voted favorably on the motion.

Mr. Smith asked if there was any concern with the September 1 deadline. There were no comments against adopting that date.

Ms. Bock asked who would do the updating? Ms. Weber explained that the county administrator would need to do it, but it was not a big a task as may be thought. Ms. Bock asked if a county could go ahead and get it done prior to the September 1 date? Mr. Smith agreed the work could begin as soon as practicable.

Mr. Smith told the board that he would draft a letter so the action of the board could be communicated to each Clerk.

V. New Business

Mr. Smith told the board that the letter in the meeting materials from the Honorable John Tomasino to Judge Lisa T. Munyon, chair of the Florida Courts Technology Commission, was to let her know that a high volume traffic defense firm in Miami-Dade County was requesting the portal to develop front-end batch filing for civil cases. There was no discussion.

Public Comment

Mr. Smith opened the floor for public discussion. He recognized Ms. Laurie Reaves, Miami-Dade Clerk’s Office, who asked if Miami-Dade could have the opportunity to review the document descriptions. She shared reservations about meeting the September 1 deadline.

Mr. Smith took a moment to ask the Best Practices Committee to continue on with their work on the fourth level of standardization, the document descriptions. He stated that for a filer, this first step would have a tremendous impact.

Mr. Smith noted the next meeting would be the annual meeting of the authority on June 1 at Sawgrass. He took a moment to thank all those who assist with the e-filing effort.

VI. Adjourn

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

Florida Courts



E-Filing Authority

HON. TIM SMITH
CHAIR

Clerk, Putnam County

HON. DON BARBEE, ESQ.
VICE CHAIR

Clerk, Hernando County
District IV

HON. TARA GREEN
SECRETARY/TREASURER

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AGENDA

Florida Courts E-Filing Authority Annual Meeting

Sawgrass Marriott Golf Resort & Spa

1000 PGA Tour Boulevard

Ponte Vedra, FL 32082

June 1, 2015

10:20 a.m. – 12:00 p.m.

- I. Introduction and Roll Call Tim Smith, Chair
- II. Adoption of the Agenda Tim Smith
- Open the Annual Authority Meeting**
- III. Review of annual authority activities Tim Smith
- IV. Election of the Vice Chair and Secretary/Treasurer
Close Annual Authority Meeting
- Open Annual Meeting of Board**
- V. Reading and approval of the May minutes
Tara Green, Secretary/Treasurer
- VI. Treasurer's Report
Monthly Financial Report Tara Green
Approval of 2015-2016 Budget
Approval to expend funds for the annual audit
- VII. Progress Reports
E-Portal Progress Report Carolyn Weber
Service Desk Report Brenda Standish
Portal Change Advisory Board Report Dr. Carole Pettijohn
- VIII. Florida Courts Technology Commission
Removal of Docket Page Dropdowns/Metadata Notation
September 2015 Release
Status of Proposed Order Functionality - Change Order \$ 90,000
Status of A2J Implementation- Change Order \$60,000
- IX. New Business
Third Party Vendors/Batch Filing Melvin Cox
- Public Comment
- X. Adjourn



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

Florida Courts E-Filing Authority Board of Directors met on June 1, 2015, at 10:20 a.m. at the Marriott Sawgrass Golf Resort and Spa, Ponte Vedra Beach Florida. The following members were present: Hon. Tim Smith, Putnam County Clerk, Chair; Hon. Don Barbee, Esq., Hernando County Clerk, Vice Chair; Hon. Alex Alford, Walton County Clerk; Hon. Gail Wadsworth, Flagler County Clerk, Hon. Sharon R. Bock, Esq., Palm Beach County Clerk; Hon. Karen E. Rushing, Sarasota County Clerk; and Lynn Hoshihara, Esq., Authority General Counsel. Hon. Tara Green, Clay County Clerk, Secretary/Treasurer, and Hon. John Tomasino, Clerk, Supreme Court, were in attendance by WebEx. Hon. Bob Inzer, Leon County Clerk, was unable to attend. A quorum was present.

I. Mr. Tim Smith, Chair, opened the Annual meeting at 10:25 a.m. He welcomed those on the WebEx and those in the room.

Annual Meeting

II. Mr. Tim Smith opened the Annual meeting of the Authority and provided an overview of the year's activities. Mr. Tim Smith's remarks are attached at the end of these minutes.

III. Mr. Smith moved into the election of the Vice Chair and Secretary/Treasurer. Mr. Tim Smith thanked Mr. Don Barbee, Esq., for his service as Vice Chair the past year. Ms. Sharon R. Bock, Esq., nominated Mr. Barbee as Vice Chair for the next year. Ms. Gail Wadsworth seconded the nomination and all voted favorably.

Mr. Smith thanked Ms. Tara Green for her service the past year as Secretary/Treasurer and asked for nominations from the floor for that position. Ms. Bock nominated Ms. Green to serve again as the Secretary/Treasurer. Ms. Rushing seconded the motion and all voted favorably.

Ms. Wadsworth moved to approve the minutes from the 2014 Annual meeting. Ms. Rushing seconded the motion and all voted favorably.

Mr. Smith then concluded the Annual Meeting at 10:42 a.m. and opened the Annual Meeting of the Board at 10:43 a.m.

Annual Meeting of the Board

IV. Adoption of the Agenda

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

V. Adoption of the Minutes

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

VI. Treasurer's Report

a. Review of the Monthly Financial Statements

Mr. Smith recognized Ms. Green to present the April financial statements.

b. Approval to Expend Funds for the Annual Audit

Ms. Green presented the audit letters for approval. A brief discussion ensued regarding the cost. Ms. Bock moved to approve the expense. Ms. Wadsworth seconded the motion. All voted favorably.

c. Approval of the 2015-2106 Budget

Ms. Green reviewed the proposed 2015-2016 Authority budget, an estimate of receipts by source and an itemized estimation of anticipated expenditures. Ms. Rushing moved the adoption of the budget. Ms. Bock seconded the motion.

There was a general discussion about bad debt. The board asked staff to present a more detailed report on the bad debt at the next board meeting.

All approved the proposed budget.

VII. Progress Reports

Monthly Report

Mr. Smith recognized Ms. Carolyn Weber, FCCC Portal Program Manager, to review the April status report. Ms. Weber reported that the number of filings have been stable throughout the year, at about 1.8 million documents per month, representing about 1.2 million filings. The number of registered filers is still increasing slightly by several thousand a month, up to 84,806 by the end of April. Throughout the year, it has been the same—taking slightly less than one day to docket a filing; about 2.2% of the filings gong to the pending queue. She noted that since self-represented filers were added, the number of registered users increased from an initial 6,000 to 15,000 users at this point.

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

The next release will be in September 2015, with a minor maintenance release in November 2015.

Service Desk Report:

Ms. Gia Howell was recognized to present the service desk report. She reported to the board that the customer service calls were about the same over the past few months, although slightly higher in March and April, taking slightly longer to resolve. Technical calls were increased as well but resolution time was about the same. She reported that most of the questions from month to month were about account set-up and other general case questions.

Ms. Green asked about the difference between the number of filings versus number of documents. She felt that the Interlocal Agreement denoted “filings,” not “documents.” She expressed concern that the cost structure is based on filings, not documents which could be significantly higher. She asked if Ms. Hoshihara could look at this. When looking at cost structure for operating the portal, it is based on filings, she thought it would be very different if the number of documents was used. Mr. Cox responded that the terminology was taken from the Statement of Work and what the portal is required to have capacity for. Ms. Hoshihara also reiterated the same; the portal was set up to handle a certain number of “filings.” Mr. Smith asked that the staff look into this a little further to see if there is any clarification to be had.

There was a discussion about the case maintenance interface at the local level, how to manage a filing as it comes in to link it with other existing cases or persons.

Portal Change Advisory Board Report:

Dr. Carole Pettijohn was recognized to present the work of the Portal Change Advisory Board to the board of directors. She reported that the group was staying current on all the requests to date. She acknowledged that there were 10 issues to be fit into the next two releases, September and then in 2016. Ms. Rushing clarified that by the board approving in the issue, they would then be scheduled for inclusion on the releases noted. Mr. Smith asked Alex Alford moved approval of the nine issues offered. Mr. Don Barbee seconded the motion. All voted favorably.

VIII. Florida Courts Technology Issues:

Mr. Smith noted that there were several issues that were presented to the last Florida Courts Technology Commission (FCTC) at the last meeting,. They voted to approve them as recommendations.

Removal of Docket Page Dropdowns/Metadata Notation

He recognized Ms. Carolyn Weber to present the issue of removing the drop downs on the “add/edit document” page. She explained that the search box on the page was used, but not typically the drop down boxes, thereby freeing up real estate for another purpose. She also noted that removing the boxes also took away some of the perceived differences between counties Ms. Weber asked for approval to remove the drop down boxes for document group and document type. Ms. Rushing moved removing the noted drop down boxes. Ms. Bock seconded the motion. All voted favorably.

Ms. Weber continued to explain that there is also a concern about metadata. The FCTC asked that a notation about the filer needing to remove metadata be added in the area that was freed up by removing the drop downs. Ms. Weber asked that the board approve adding the language that was approved at the FCTC regarding metadata. Ms. Rushing moved the issue. Ms. Bock seconded the motion. All voted favorably.

September 2015 Release/ Status of Proposed Order Functionality - Change Order \$ 90,000

Ms. Weber went on to discuss the September 2015 release that was presented to the FCTC. She explained that a few items have been removed, such as the proposed order functionality for that release. In further discussion, it was decided to table that functionality so that the FCTC committee could survey judges to determine if they would actually use the feature prior to spending the money to build this. Clerk John Tomasino asked for creating the e-service only file path to be removed from the release because portal staff has come up with an alternate method to accomplish the same action.

Status of A2J Implementation- Change Order \$60,000

As for the status of the A2J version 5, it is included into the release for September. It will allow self-represented litigants to begin a document, save it, then return to continue their work. This change will cost \$60,000. Mr. Cox explained that the interview forms for landlord/tenant and small claims are being reviewed by courts through the Judicial Management Council and various Bar committees. Once the forms are reviewed and approved, they can be put on the portal. As other forms are approved, they can be added, too. Ms. Rushing clarified that the forms being added are approved by the Supreme Court and in the rules books. Mr. Cox agreed that the process should go rather smoothly.

Ms. Bock updated the board about the listening session that the FCCC Self-Help/Pro Se Committee participated in Orlando in May regarding a statewide technical portal. Mr. Cox confirmed that the effort is to document what exists in each circuit can offer the self-represented litigant, an online library. He told the board that he showed the group the Florida Courts E-Filing Portal and the proposed A2J process. Ms. Bock re-emphasized the need to work closely with the Commission on Access to Civil Justice to educate them about the e-filing portal. There was a discussion on how the existing systems used by self-represented litigants would be impacted with the implementation of A2J.

IX. New Business

Third Party Vendors/Batch Filing

Mr. Cox explained that the concept came from a request from the large, high volume law firms who wish to batch file. He explained a concept of how this might work. He felt the vendor, FCCC, could provide a set of technical specifications and allow third party vendors to work with the law forms. The portal team would only interact with the third party vendors to keep the workload easier. It would be open to any vendor; there would be an MOU between the portal and each vendor to provide the connectivity. The third-party vendors would market their services. Several vendors have expressed interest in this already. He feels they would be ready to go as soon as the board would approve the concept. He expressed concern that having too many firms connecting could cause a

workload issue. These vendors would work with the law firms to process batch filings. With the board approval, he committed to bring back the details to the board. Ms. Bock asked if the third-party vendor would collect and transmit any required fees. Mr. Cox affirmed that they would and it would be set out in the agreement.

Ms. Lynn Hoshihara confirmed with Mr. Cox that there would not be a cap on the number of third-party vendors who would connect. Mr. Cox said there would not be. Mr. Tom Hall confirmed with Mr. Cox that a law firm that had the technical capability, or their own third-party vendor, to connect could do so. Mr. Cox confirmed that was the case.

Mr. Smith confirmed with the board that they were in agreement with moving forward on the issue. He asked Mr. Cox to bring back the concept in more detail at the next board meeting for approval.

Mr. Joel Rosenthal, JLL Process, asked how who to contact for more information on the third-party batch process.

Public Comment

Mr. John Shelley asked when or if Miami-Dade was going to issue e-summonses. He was referred to Miami-Dade staff. He asked who could e-file returns of service? Ms. Weber also felt the issue should be referred to the local Clerk.

Mr. Shelley asked if there was an updated list of e-filing requirements around the state. He felt there were still a number of differences. Ms. Weber referred him to the News and Information feed on the e-filing website.

Mr. Shelley asked if they could get an amended return of service. Ms. Weber referred him to the county. Ms. Laurie Reaves, Miami, provided her assistance to Mr. Shelley.

X. Adjourn

Mr. Smith once again thanked Ms. Gail Wadsworth and Mr. Alford and thanked the two new members for joining the board at the table.

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

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

I have given this annual report for the past several years and this is the first time I believe I can say that I am seeing the top of the mountain.

We are no longer struggling against time to make a deadline or get another court division added to the portal.

We are still adding filers.

We are still adding services and making the portal better.

And, it is working.

To describe this past year, I think it is accurate to say that this has been a year of stability and improvement.

I believe that this is what was envisioned by then-Chief Justice Ricky Polston when he entered the first order, mandating all attorneys electronically file their documents in Florida.

Because of the stability we have achieved, we have been able to accommodate change and review issues with the time and thoughtfulness we have needed in order to make good, sound, and lasting decisions.

Let me put it in perspective. At this point last year, the portal accepted all case types in all court divisions, in 67 counties. There were about 62,000 registered users. Today we have over 85,000. This number is still growing.

Over the past year we have seen a month-to-month average of 1.1 Million filings a month, an average of 54,000 per weekday, representing well over 1.7 to 1.8 Million documents monthly. One day during this program year, there were over 8,000 filings during one hour.

Think about the magnitude of that— how much different that would be if those documents were still being filed in paper.

Last year, we added an automatically generated civil cover sheet and the ability to serve parties electronically through the portal. In a little more than a year, we can document that almost 15 Million filings have used e-service - amounting to many more millions of emails, saving un-tolled hundreds of thousands of dollars to law offices.

Along with e-service has come a greater need to answer requests by users who want to know “who was served.” We developed and adopted a public records request policy this year so we could handle these requests in a standard manner.

We started with only attorneys using the portal—they were required to do so by Supreme Court order.

Today we have added the functionality to allow judges, self-represented litigants, mediators, mental health providers, court reporters, process servers, and law enforcement agencies to use the system to electronically file their court documents.

Late last June, a secure log-in was developed for judges so that they may file orders using the portal.

We have added a secure communication between the Florida Department of Corrections and Clerk’s Office using the portal to insure that sentence modifications can be sent quickly and securely from your offices to the state agency.

We have a high quality Service Center, handling both technical calls for Clerk’s Office support and customer service calls from filers. At around 3,000 customer service calls a month, resolution time for most calls is a few hours.

Clerks' Offices have gotten used to the new workflow. They have worked with us on upgraded systems and performance improvements—all both on their end and on ours. Over the year, we have seen that the amount of time it takes to docket a filing is holding steady at 1 day.

While there are other states that have some e-filing, none is as large, or all-encompassing as our system—remember, we cover all court areas, in all counties, including the five appellate courts and the Florida Supreme Court.

The Florida Supreme Court is serving all orders via the Portal and the portal links filers directly to the online Supreme Court's dockets

Portal staff is continuing to work with the five District Courts of Appeal and the Supreme Court to develop more aspects of e-filing.

While we have experienced stabilization this year, we have also learned to manage change – we implemented a Portal Change Advisory Board. This board is made up of Clerks' professional IT staff. They take the many suggestions made by the users, discuss them, rank them for inclusion in the semi-annual software upgrades, and bring them to the Board of Directors for final review and discussion.

We developed a standard process for communicating those software changes with the Florida Courts Technology Commission. They are charged by the Florida Supreme Court with overseeing all court technology, so we allow them to have, well-ahead of time, the items for the software upgrades so they may have a chance to review. This has worked well this year.

In recognition of the self-represented litigant users, we are working on a software product called A2J to develop the step-by-step questions that will generate some of the more commonly used documents in case types, such as landlord tenant cases or eviction cases.

The Rules Committee has built a very good working relationship with The Florida Bar. Clerk's attorneys serve as liaisons to each of The Florida Bar Rules Committees. They attend the rules committee meetings during the year and are able to make sure that the rules being revised take into account e-filing. Having a formal relationship with The Florida Bar means a lot to us and we are proud that the liaisons have chosen to take on this role.

Lanigan & Associates, the Authority auditors, do an annual audit of the Authority financial statements and an SSAE 16 operational audit on our operations and technical systems.

Once again, the Authority received an unqualified, or "clean," audit.

That sounds like we have done a lot this year, doesn't it? But we have more to do.

Two years ago at the Clerks' Annual Conference, Justice Ricky Polston talked to the Clerks about standardization.

We were still in the beginning stages of getting all those court divisions and a single payment method actively working. We were not sure what that word meant, "standardization."

The development of one of the country's first complete e-filing systems has come a long way since we heard those words but it is becoming more clear as to what that word, "standardization," means.

But we took Justice Polston's challenge seriously and we worked on that aspect. We created standardization on the criminal side as it was implemented, to an extent because of how those who file criminal cases are connected.

But to go back to work on standardization on Civil cases..... after all our hard work to get the portal up and running in those early times so we could even accept civil filings....well, it was almost mind-boggling.

The Best Practices Committee worked on it. They brought us lists.... Our filers talked about PACER, the federal system.We looked at options.We discussed how everyone could make their filing screen options look the same—or could they?..... Would they?

After working through a multi-month process in the 4th Circuit and hearing about the success in getting consensus, the board came up with a plan to get to a higher level of standardization.

The Board of Directors met in early May and, after discussing this issue from all the angles, it all came together.

All Clerks recently received a letter from the Authority asking you to look at the drop-down menus for the first three areas that a filer sees when filing a document in the portal: division, case type and case subtype, and make them, across the state, the same.

I have asked that this be done by September 1 of this year. We have offered assistance and I am told that many of you already have quite a bit of this in place. If we can get those three areas standardized by September 1 of this year, I can really say we have reached a milestone.

And while that is a major milestone, the next step will be to examine the document descriptions – that is what the documents are called in our systems. We are aware that this area is the most difficult to deal with as each county has some unique-ness to their operations.

This next task may take us some time to find the best path to take. But we will take the time to get it as right as we can.

.....

I have to thank every one of you in this room for your contributions to this major effort.

It started some years back with a fledgling system that accepted e-recordings, an idea and an administrative order.

And look where we are today. We have one of the premier systems in the country

Because of each and every one of you.

Without all of you as a collective body, we would not be where we are today.

Without each of your offices helping at every step of the way, we could not continue to improve.

We have put in place the ability to listen to the users of the system—the Clerks, the Courts and the filers. We commit to take those ideas and make great plans for the coming years.

As I conclude this annual report to you, the members of the Florida Courts E-Filing Authority, I can truthfully say that we have a great story of success and I am proud to be giving this report.

I look forward to the next years and what the portal can become.

Thank you.

TAB 8

**Approved 2014 – 2015 Authority
Annual Budget**

**Florida Courts E-Filing Authority Budget
Proposed
2014-2015**

Other: Carry Forward Estimated from balance sheet	\$	1,042,530
Revenues		
Interest		
Statutory Convenience Fees	\$	4,280,838
In Kind FCCC Contribution	\$	590,899
Partner Support	\$	-
	\$	5,914,268
Expenses		
Audit	\$	30,000
Contract Services		
FCCC SOW	\$	590,899
Expansion Beyond SOW	\$	964,099
Education / Service Desk	\$	1,380,218
Merchant Fee Convenience Fees	\$	2,133,629
Bank Analysis Fees	\$	78,000
PCI Compliance	\$	2,500
Accounting and Banking Services	\$	331,995
Director Liability Insurance	\$	900
General Legal	\$	60,000
	\$	5,572,240
Balance	\$	342,028

TAB 9

**2015 Financial and SSAE 16
Audits**

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



**Financial Statements
June 30, 2014 and 2013**

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INDEPENDENT AUDITOR'S REPORT

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

Report on the Financial Statements

We have audited the accompanying financial statements of the business-type activities of the Florida Courts E-Filing Authority, as of and for the years ended June 30, 2014 and 2013, and the related notes to the financial statements, which collectively comprise the Florida Courts E-Filing Authority basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

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

Auditor's Responsibility

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

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

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

Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the business-type activities of the Florida Courts E-Filing Authority, as of June 30, 2014 and 2013, and the respective changes in financial position and cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

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

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated October 16, 2014 on our consideration of Florida Courts E-Filing Authority's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering Florida Courts E-Filing Authority's internal control over financial reporting and compliance.

Lanigan + Associate, P.C.

Tallahassee, Florida
October 16, 2014

Florida Courts E-Filing Authority

Management's Discussion and Analysis

As management of the Florida Courts E-Filing Authority (the "Authority"), we offer users of the Authority's financial statements this narrative overview and analysis of the financial activities of the Authority for the year ended June 30, 2014.

Overview of the Authority

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

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

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

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

Financial Highlights

- As of June 30, 2014, assets of the Authority exceed its liabilities by \$604,876.
- Service fee revenue increased \$3,102,747 or 312% when compared to the prior fiscal year. The expansion can be attributed to a full year of mandatory civil case filings. In the prior year, civil filings were only mandatory for the last three months of the fiscal year.
- Operating expenses increased \$3,365,146 or 596% when compared to the prior fiscal year. There was a rise in merchant fees which is connected to the increase in cases filed through the portal. In addition, the Authority began reimbursing the Association for certain costs associated with operating the portal. This was performed in accordance with the agreement between the Authority and the Association.

Financial Highlights (Continued)

- The Association contributes services for operating cost beyond what is reimbursed from the Authority. For the years ended June 30, 2014 and 2013, the contributed services were \$1,009,327 and \$1,467,764, respectively.

Required Financial Statements

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

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

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

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

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

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

Financial Analysis of the Authority as a Whole

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

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

**Financial Analysis of the Authority as a Whole
(Continued)**

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

Statement of Financial Position			
	2014	2013	Change
Assets:			
Non-Capital Assets	\$ 2,196,618	\$ 754,535	\$ 1,442,083
Liabilities:			
Current Liabilities	1,591,742	318,307	1,273,435
Net Position:			
Unrestricted	\$ 604,876	\$ 436,228	\$ 168,648

As of June 30, 2014, the vast majority of the Authority's assets were comprised of \$1,845,565 in cash and \$345,176 in accounts receivable. Liabilities represent accrued expenses and accounts payable at year end. The Authority did not have any long-term obligations with creditors.

For the year ended June 30, 2014, the Authority's total revenue exceeded its operating expenses by \$168,648.

Changes in Net Position			
	2014	2013	Change
Revenues:			
Service Fees	\$ 4,098,067	\$ 995,320	\$ 3,102,747
Contributions	-	20,000	(20,000)
Interest	700	46	654
Total Revenue	4,098,767	1,015,366	3,083,401
Operating Expenses	3,930,119	564,973	3,365,146
Increase in Net Position	168,648	450,393	(281,745)
Net Position at Beginning of Period	436,228	(14,165)	450,393
Net Position at End of Period	\$ 604,876	\$ 436,228	\$ 168,648

Current Economic Factors and Assessment of Growth

Florida Supreme Court Opinion 11-399 required that attorneys e-file documents in criminal cases and civil cases filed in probate, family, circuit and county civil. The Florida Courts-Filing Authority expects continued growth and is considering adding more non-attorney users to the e-filing system.

Contacting the Authority's Financial Management

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

FLORIDA COURTS E-FILING AUTHORITY
STATEMENTS OF NET POSITION
AS OF JUNE 30, 2014 AND JUNE 30, 2013

	<u>2014</u>	<u>2013</u>
Assets		
Current Assets:		
Cash	\$ 1,845,565	\$ 414,594
Accounts Receivable	345,176	339,580
Prepaid Insurance	<u>5,877</u>	<u>361</u>
Total Assets	<u>2,196,618</u>	<u>754,535</u>
Liabilities		
Current Liabilities:		
Accounts Payable	<u>1,591,742</u>	<u>318,307</u>
Net Position		
Unrestricted	<u><u>\$ 604,876</u></u>	<u><u>\$ 436,228</u></u>

FLORIDA COURTS E-FILING AUTHORITY
STATEMENTS OF REVENUES, EXPENSES, AND CHANGES IN FUND NET POSITION
FOR THE YEARS ENDED JUNE 30, 2014 AND 2013

	2014	2013
Operating Revenues		
Service Fees	\$ 4,098,067	\$ 995,320
Expenses		
Audit Services	30,000	30,000
Accounting and Bank Services	221,837	-
Bank Fees	63,841	740
Contract Services	1,346,561	85,373
Insurance	488	807
Legal	34,233	24,638
Merchant Fees	2,233,159	423,415
Total Operating Expenses	3,930,119	564,973
Total Operating Income	167,948	430,347
Nonoperating Revenues		
Interest Income	700	46
Capital Contributions	-	20,000
Total Nonoperating Revenues	700	20,046
Increase in Net Position	168,648	450,393
Net Position at Beginning of Period	436,228	(14,165)
Net Position at End of Period	\$ 604,876	\$ 436,228

FLORIDA COURTS E-FILING AUTHORITY
STATEMENTS OF CASH FLOWS
FOR THE YEARS ENDED JUNE 30, 2014 AND 2013

	2014	2013
Cash Flows from Operating Activities		
Cash Received from Service Fees	\$ 4,092,471	\$ 657,414
Cash Payments to Suppliers for Goods and Services	(2,662,200)	(276,584)
Net Cash Provided By Operating Activities	1,430,271	380,830
Cash Flows from Capital and Related Financing Activities		
Capital Contributions	-	20,000
Cash Flows from Investing Activities		
Interest on Deposits	700	46
Net Increase in Cash	1,430,971	400,876
Cash at Beginning of Period	414,594	13,718
Cash at End of Period	\$ 1,845,565	\$ 414,594
Reconciliation of Net Income to Net Cash		
Provided By Operating Activities:		
Operating Income	167,948	430,347
Adjustments to Reconcile Operating Income to Net Cash		
Net Cash Provided by (Used in) Operating Activities		
Change In Assets and Liabilities:		
Accounts Receivable	(5,596)	(337,906)
Prepaid Expenses	(5,516)	374
Accounts Payable and Accrued Expenses	1,273,435	288,015
Net Cash Provided By Operating Activities	\$ 1,430,271	\$ 380,830

FLORIDA COURTS E-FILING AUTHORITY

NOTES TO THE FINANCIAL STATEMENTS

JUNE 30, 2014 AND 2013

NOTE 1: *Organization*

Nature of Activities

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

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

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

NOTE 2: *Summary of Significant Accounting Policies*

Reporting Entity

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

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

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

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

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

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

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

Accounting Method

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

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

Revenue and Expense Recognition

Operating Revenues and Expenses – Operating revenues generally result from providing electronic filing of court documents in the State of Florida. Operating revenues consist of statutory filing fees. Statutory filing fees are recognized as revenue once the transaction is completed. Operating expenses consist of expenses incurred relating to the operation and maintenance of the Authority's system, including administrative expenses.

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

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

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

Pursuant to the Interlocal Agreement, the Authority's Board of Directors is required to adopt a budget. The Authority adopted its final budget relating to the year ended June 30, 2014 on June 10, 2013.

Cash and Cash Equivalents

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

Accounts Receivable

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

Net Position

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

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

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

Use of Estimates

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

Subsequent Events

Subsequent events were evaluated through October 16, 2014 which is the date the financial statements were available to be issued. As of this date, no material subsequent events were noted.

NOTE 3: *Contributed E-Filing Portal and Services*

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

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

The Association contributes services for operating cost beyond what is reimbursed from the Authority. For the years ended June 30, 2014 and 2013, the contributed services were \$1,009,327 and \$1,467,764, respectively.

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

NOTE 4: *Concentrations*

The Authority derives substantially all of its revenue from statutory filing fees related to electronic filing. A reduction, or change, in statutory filing requirements or fees could have an adverse effect on the Authority.

Supplementary Information

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

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

To The Board of Directors
Florida Courts E-Filing Authority

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of Florida Courts E-Filing Authority, which comprise the statement of financial position as of June 30, 2014, and the related statements of activities, and cash flows for the year then ended, and the related notes to the financial statements, and have issued our report thereon dated October 16, 2014.

Internal Control Over Financial Reporting

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

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

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

Compliance and Other Matters

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

Purpose of this Report

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

Lanigan & Associates, P.C.

Tallahassee, Florida
October 16, 2014

SERVICE ORGANIZATION CONTROL REPORT
(SSAE No. 16)
FOR

FLORIDA COURTS E-FILING PORTAL

Florida Courts



E-Filing Authority

For the period July 1, 2013 through June 30, 2014

LANIGAN & ASSOCIATES, PC

CERTIFIED PUBLIC ACCOUNTANTS

THOMASVILLE, GA

TALLAHASSEE, FL

ATLANTA, GA

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**SECTION I
INDEPENDENT SERVICE AUDITORS' REPORT**

LANIGAN & ASSOCIATES, P.C.

CERTIFIED PUBLIC ACCOUNTANTS
BUSINESS ADVISORS
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INDEPENDENT SERVICE AUDITORS' REPORT

Board of Directors
Florida Courts E-Filing Authority

Scope

We have examined the Florida Courts E-Filing Authority's (the "Authority") description of its portal for processing user entities' transactions throughout the period July 1, 2013 to June 30, 2014 and the suitability of the design and operating effectiveness of controls to achieve the related control objectives stated in the description.

Service Organization's Responsibilities

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

Service Auditor's Responsibilities

Our responsibility is to express an opinion on the fairness of the presentation of the description and on the suitability of the design and operating effectiveness of the controls to achieve the related control objectives stated in the description, based on our examination. We conducted our examination in accordance with attestation standards established by the American Institute of Certified Public Accountants. Those standards require that we plan and perform our examination to obtain reasonable assurance about whether, in all material respects, the description is fairly presented and the controls were suitably designed and operating effectively to achieve the related control objectives stated in the description throughout the period July 1, 2013 to June 30, 2014.

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

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

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

Inherent Limitations

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

Opinion

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

- a. The description fairly presents the system that was designed and implemented throughout the period July 1, 2013 to June 30, 2014.
- b. The controls related to the control objectives stated in the description were suitably designed to provide reasonable assurance that the control objectives would be achieved if the controls operated effectively throughout the period July 1, 2013 to June 30, 2014.
- c. The controls tested, which were those necessary to provide reasonable assurance that the control objectives stated in the description were achieved, operated effectively throughout the period July 1, 2013 to June 30, 2014.

Description of Tests of Controls

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

Restricted Use

This report, including the description of tests of controls and results thereof on pages 22-43, is intended solely for the information and use of the Authority, user entities of the portal system during some or all of the period July 1, 2013 to June 30, 2014, and the independent auditors of such user entities, who have sufficient understanding to consider it, along with other information including information about controls implemented by user entities themselves, when assessing the risks of material misstatements or user entities' financial statements. This report is not intended to be and should not be used by anyone other than these specified parties.

Lanigan + Associates, P.C.

Lanigan and Associates, P.C.
October 16, 2014

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

FLORIDA COURTS E-FILING AUTHORITY'S ASSERTION

We have prepared the description of the Florida Courts E-Filing Portal for user entities of the portal during some or all of the period July 1, 2013 to June 30, 2014, and their user auditors who have a sufficient understanding to consider it, along with other information, including information about controls implemented by user entities of the portal themselves, when assessing the risks of material misstatements of user entities' financial statements. We confirm, to the best of our knowledge and belief, that:

- A. The description fairly presents the E-Filing Portal made available to user entities during the period July 1, 2013 to June 30, 2014, for processing their transactions. The criteria we used in making this assertion were that the description:
 1. presents how the system made available to user entities of the system was designed and implemented to process relevant transactions, including, if applicable:
 - the types of services provided including, as appropriate, the classes of transactions processed.
 - the procedures, within both automated and manual systems, by which services are provided, including, as appropriate, procedures by which transactions are initiated, authorized, recorded, processed, corrected as necessary, and transferred to reports and other information prepared for user entities.
 - the related accounting records, supporting information, and specific accounts that are used to initiate, authorize, record, process, and report transactions; this includes the correction of incorrect information and how information is transferred to the reports and other information prepared for user entities.
 - how the system captures significant events and conditions, other than transactions.
 - the process used to prepare reports and other information for user entities.
 - the specified control objectives and controls designed to achieve those objectives, including as applicable, complementary user entity controls contemplated in the design of the service organization's controls.
 - other aspects of our control environment, risk assessment process, information and communication systems (including related business processes), control activities, and monitoring controls that are relevant to processing and reporting transactions of user entities of the system.

2. does not omit or distort information relevant to the scope of the E-Filing portal, while acknowledging that the description is presented to meet the common needs of a broad range of user entities of the systems and their financial statement auditors, and may not, therefore, include every aspect of the portal that each individual user entity of the portal and its auditor may consider important in its own particular environment.
 3. includes relevant details of the changes to the servicing agent system during the period covered by the description.
- B. The controls related to the control objectives stated in the description were suitably designed and operating effectively throughout the period July 1, 2013 to June 30, 2014, to achieve those control objectives. The criteria we used in making this assertion were that
1. the risks that threaten the achievement of the control objectives stated in the description have been identified by management;
 2. the controls identified in the description would, if operating as described, provide reasonable assurance that those risks would not prevent the control objectives stated in the description from being achieved; and
 3. the controls were consistently applied as designed, and manual controls were applied by individuals who have the appropriate competence and authority.



Kenneth Kent, Executive Director, FACC



Ron Webster, Chief Financial Officer, FACC

OVERVIEW OF THE E-FILING PORTAL

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

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

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

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

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

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

The portal was launched in January 2011, as required by the Interlocal Agreement. As of June 2014, a majority of the counties were filing court records through the statewide portal.

Florida Supreme Court Opinion 11-399 required that attorneys e-file documents in criminal cases and civil cases filed in probate, family, circuit and county civil. The Florida Courts-Filing Authority expects continued growth and is considering adding more non-attorney users to the e-filing system.

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

GENERAL DESCRIPTION OF THE E-FILING PORTAL CONTROL STRUCTURE

Control Environment:

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

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

Organizational Structure:

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

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

- Board Chairman – the chair of the FACC Technology Committee, as selected by the FACC President each year.
- Seven Clerks of the Circuit Court – in addition to the chair, each of the seven FACC districts nominate a Clerk from the district to serve on this board.
- Clerk of Supreme Court – the Clerk of the Supreme Court serves as the Chief Justice's designee on behalf of the state courts.

The Florida Courts E-Filing Authority contracted with the FACC to develop and maintain a uniform statewide electronic portal for the filing of court records. As a result, the remainder of this section of the report is discussed with respect to the structure and operations of the FACC.

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

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

The Technical Division performs the following functions:

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

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

Integrity and Ethical Values:

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

Commitment to Competence:

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

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

Personnel Policies and Procedures:

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

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

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

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

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

Risk Assessment:

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

Monitoring:

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

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

1. Independent Financial Statement Audit (Annual):

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

2. Security Review (Annual):

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

3. Internet Security Review (Quarterly):

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

4. SSAE No.16 (Annual):

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

Information and Communication:

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

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

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

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

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

DESCRIPTION OF INFORMATION SYSTEMS:

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

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

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

System Data Backup Procedures

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

- Daily
- Monthly
- Annual

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

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

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

Physical and Environmental Protection

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

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

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

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

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

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

Network Security

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

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

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

Logical Security

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

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

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

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

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

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

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

Internet Data Authenticity

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

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

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

DESCRIPTION OF FUNCTIONAL PROCESSING:

Account Setup (Filer):

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

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

Account Management:

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

Case Filings:

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

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

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

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

Payments:

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

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

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

Filers receive a confirmation upon successful filing.

Confirmation of Filing:

The filer receives three confirmations during the filing process:

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

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

Accounting and Reconciliation of Portal Transactions:

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

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

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

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

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

CONTROL OBJECTIVES AND RELATED CONTROLS:

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

TYPES OF TESTS PERFORMED

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

1. Inspection

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

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

2. Reperformance

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

3. Observation

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

4. Inquiry

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**SECTION III.
DATA BACKUP AND RECOVERY**

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

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

**SECTION III.
DATA BACKUP AND RECOVERY**

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

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

TAB 8

June 2015 E-Filing Progress Report



Florida Courts E-Filing Authority Board

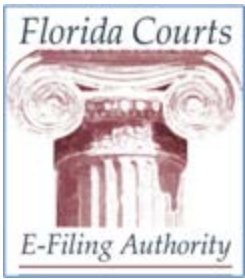
E-Filing Portal Progress Report Period June 2015

Carolyn Weber, Portal Program Manager

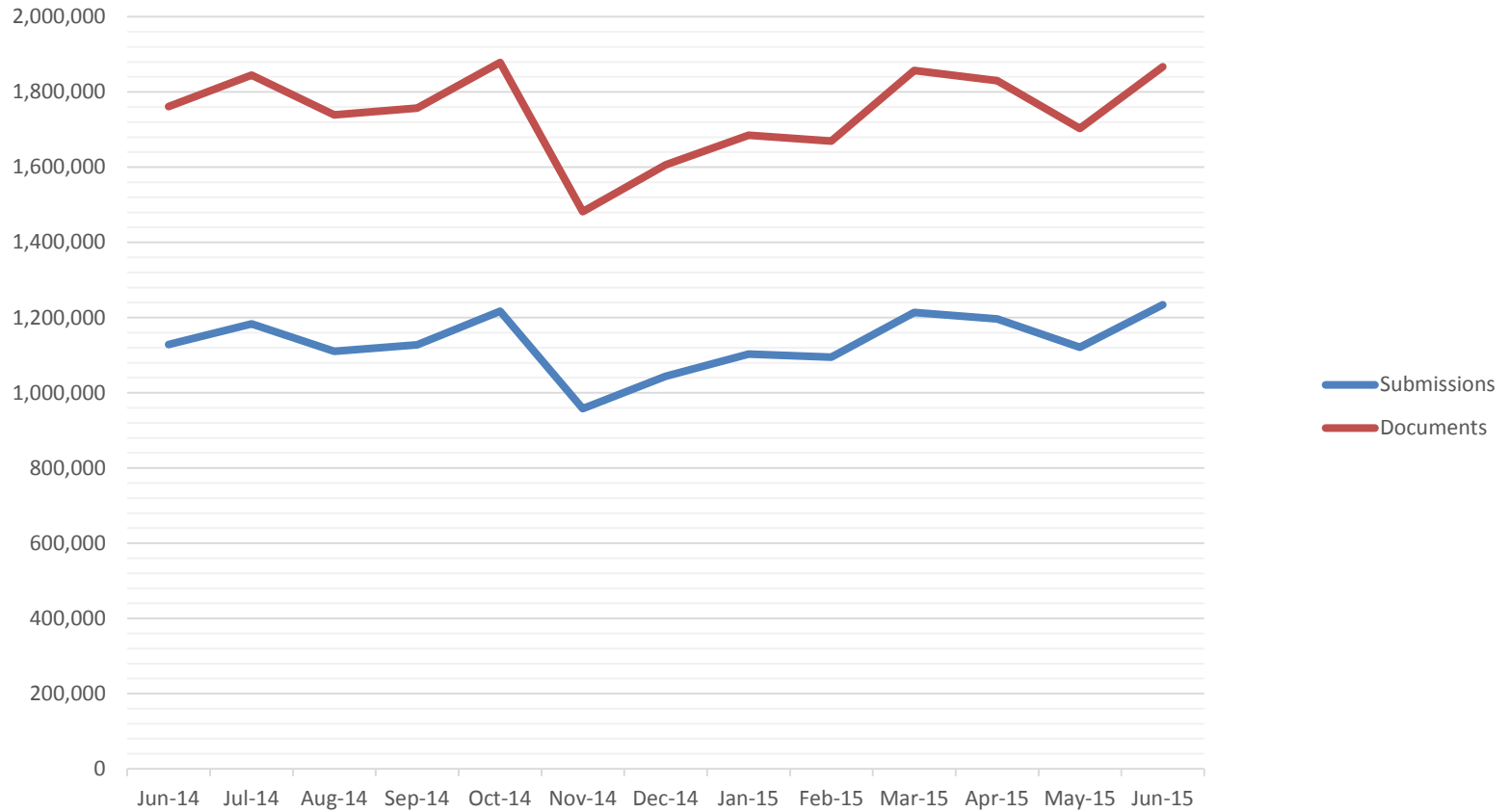


E-Filing Submission Statistics

Category	Number
E-Filing Submissions	1,234,267*
Individual Documents Submitted	1,866,632
Average Submissions per Weekday	55,538
Highest Volume Day: June 24	59,085
Peak # of filings in 1 hour: June 24, 3pm	8,208
New Case Initiation	60,231
Portal Users	89,677

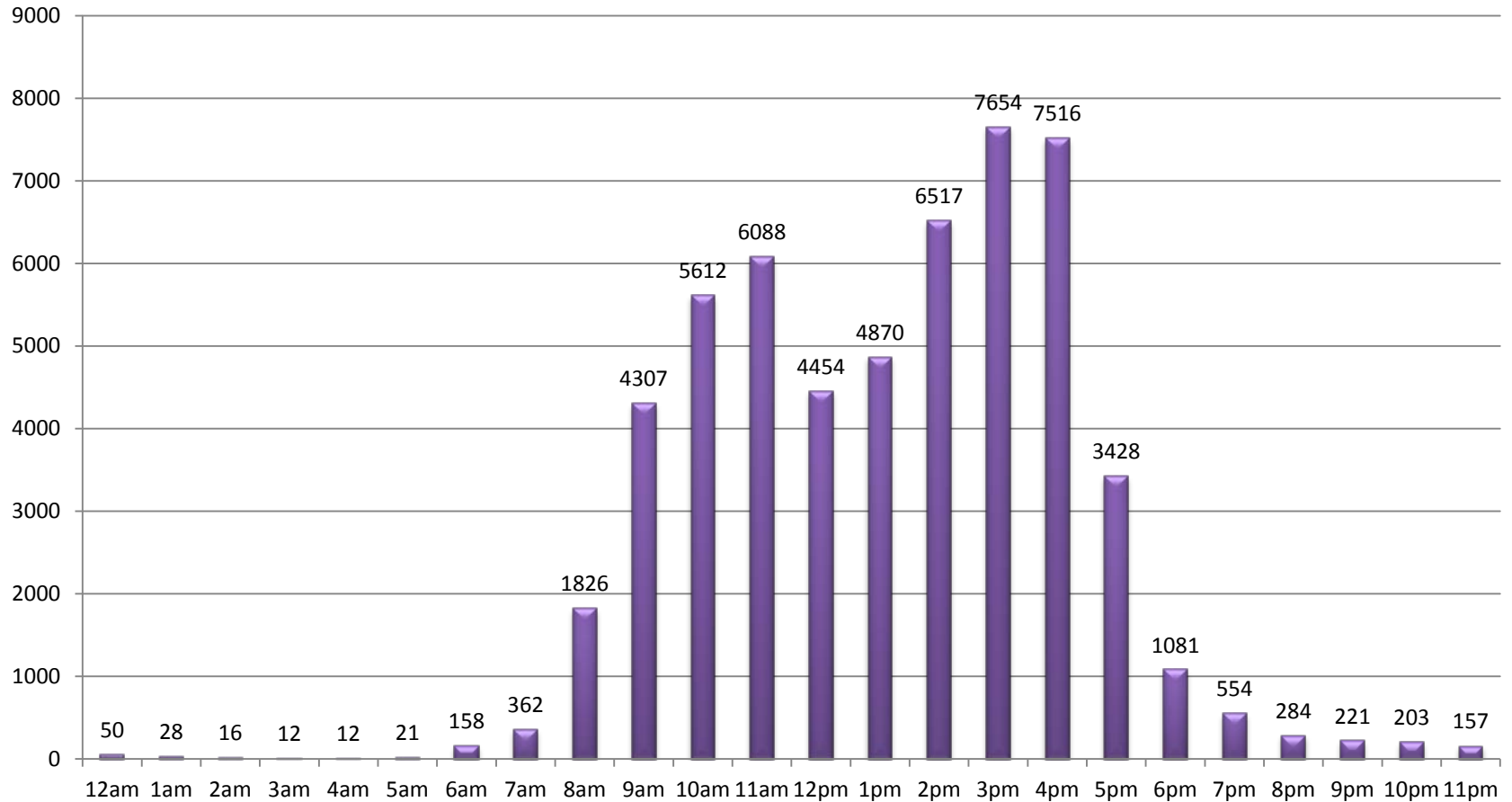


Documents Filed within E-Filing Submissions



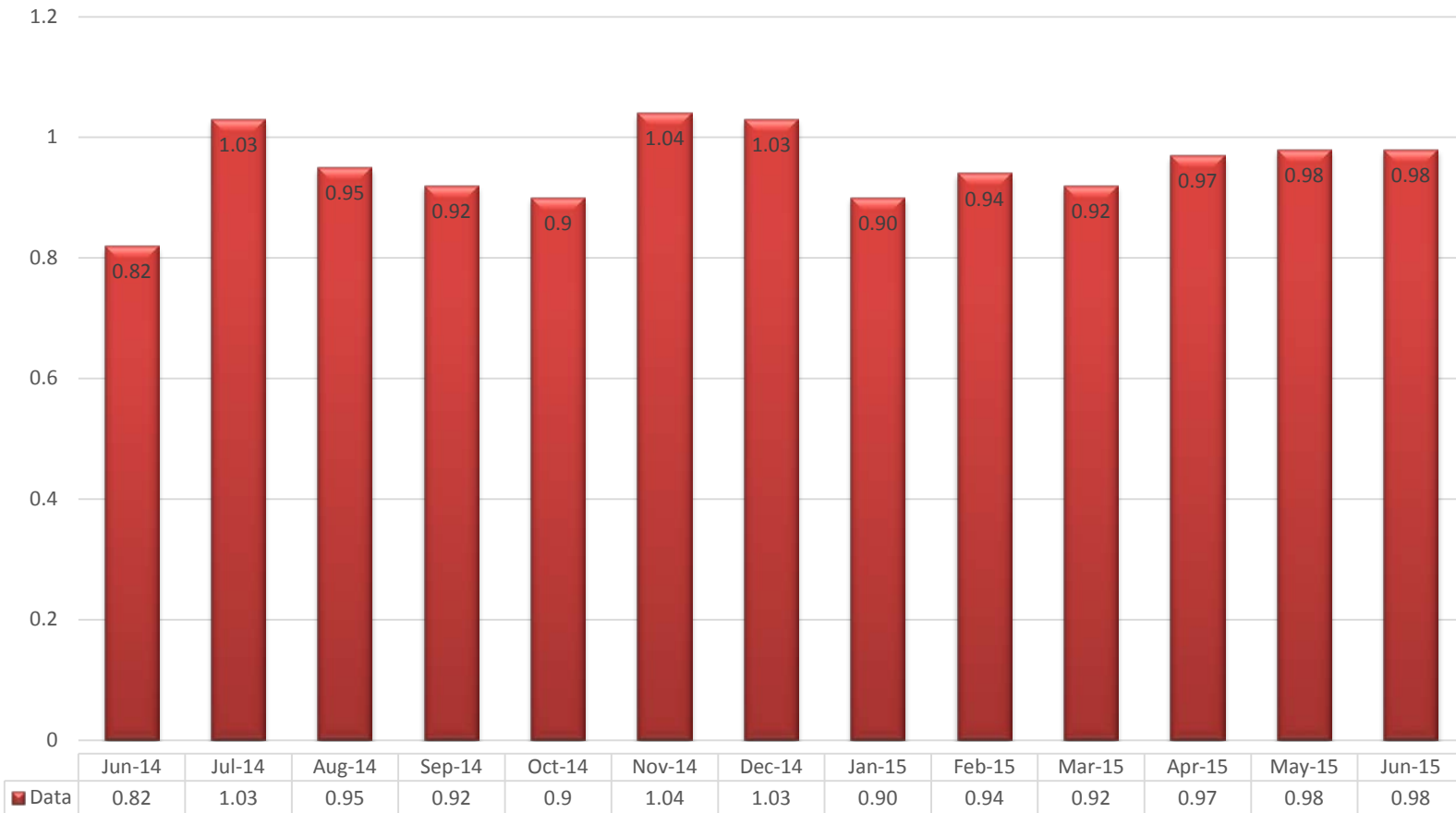


Average E-Filing Submissions per Hour



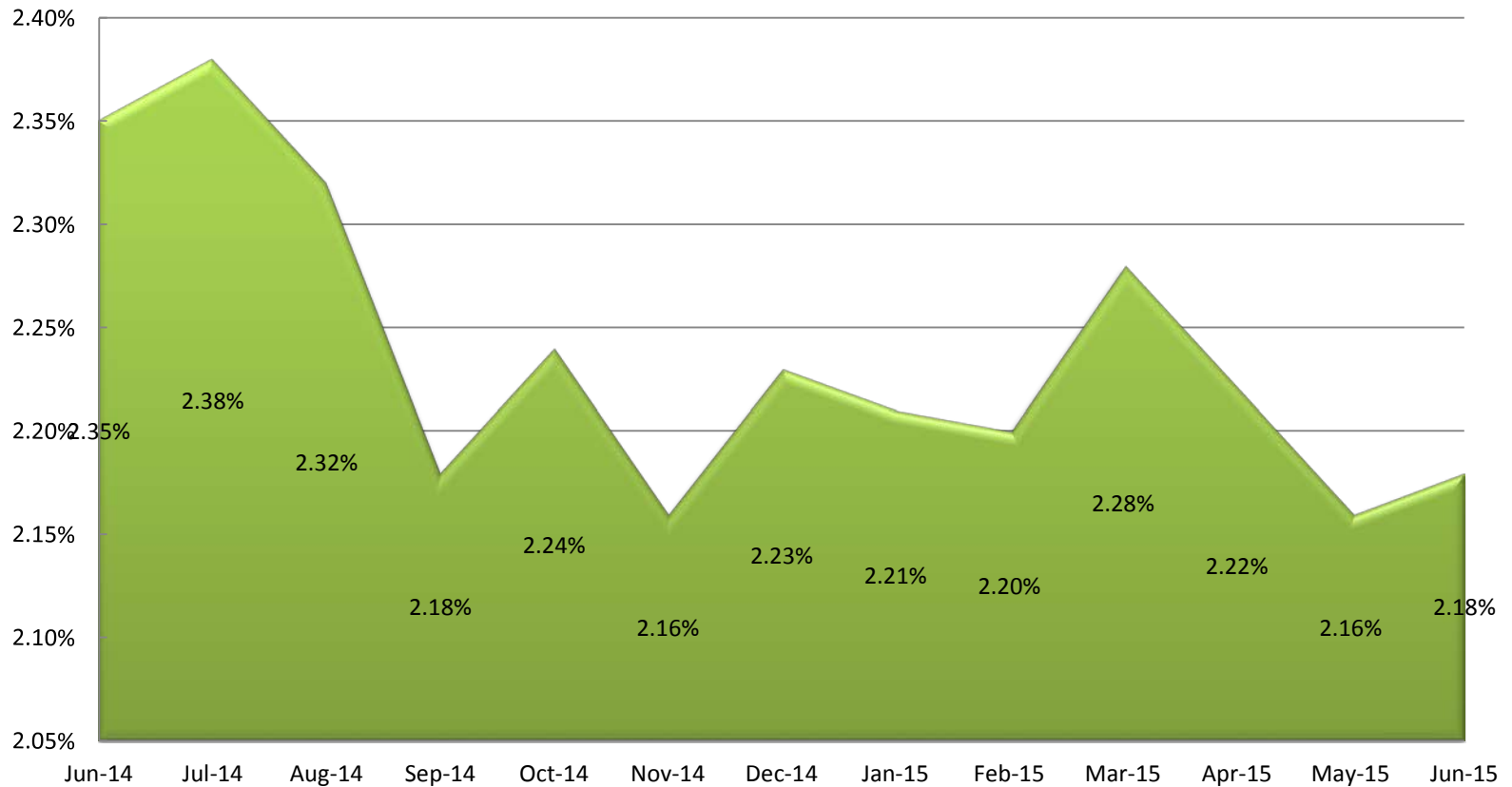


Days to Docket





% Filings Returned to Filer for Correction



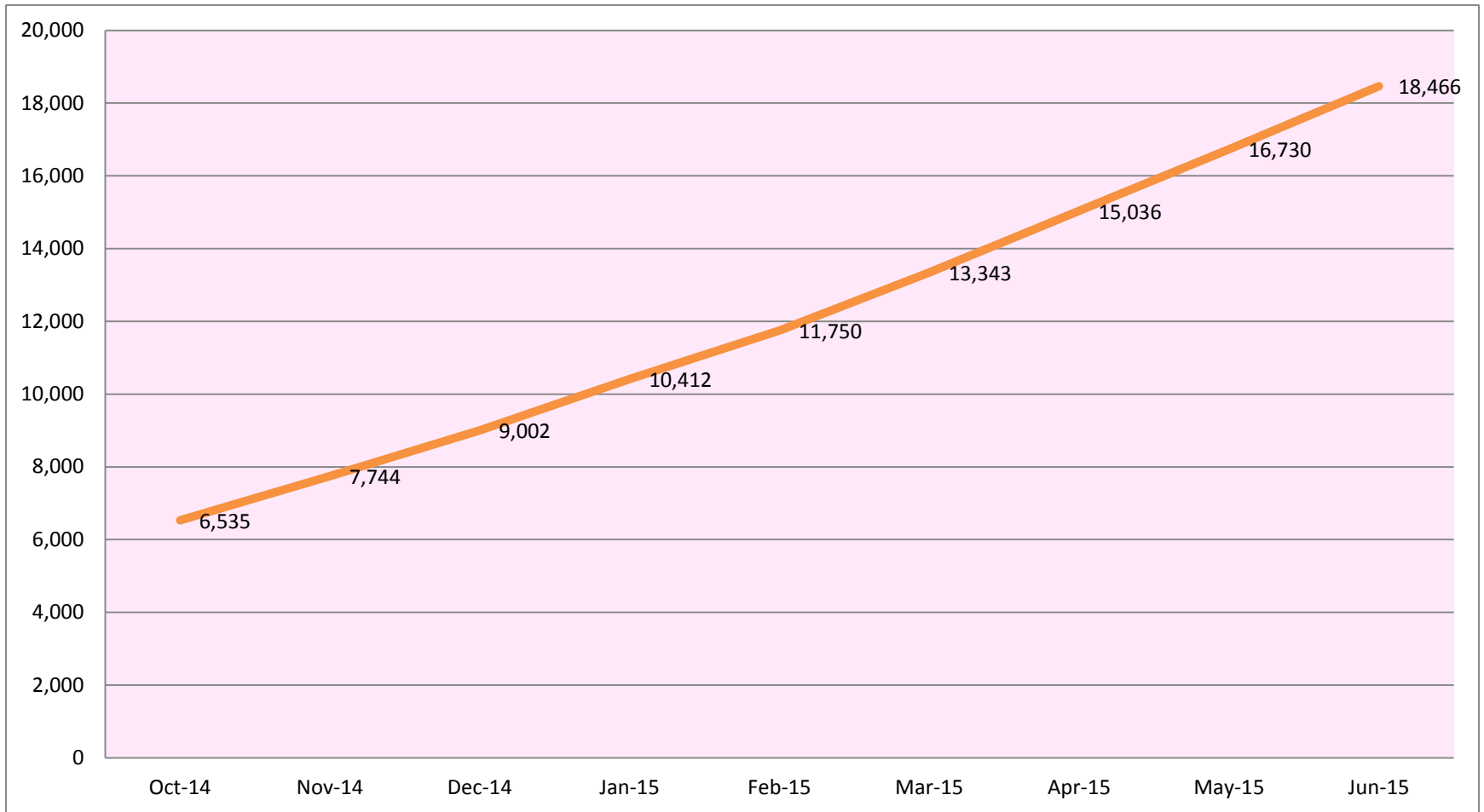


Portal Activity by Filer Roles

Filer Roles	Total # of Accounts	# of Submissions for June
Attorneys	64,637	1,182,772
Self-Represented Litigants	18,466	4,407
Judges	516	13,786
Mediators	429	1,153
Process Servers	382	23,288
Court Reporters	158	401
Mental Health Professionals	121	732
Law Enforcement	164	1,644



Self-Represented Litigant Accounts





Criminal E-Filing Implementation

- **AOSC13-48 Extensions**
 - Remaining State Attorney and Public Defender Implementations are in process
 - 6th Circuit – Extended to December 2015
 - 11th Public Defender



Portal Projects Team

Project	Status
Criminal E-Filing	Continue to implement remaining State Attorneys and Public Defenders with Bulk E-Filing
"Bulk" E-Filing	Working to implement with Judicial Circuits, Appellate Courts and Law Enforcement as well as Third Party Vendors
Release 2015.02	Implementation Date September 11, 2015
Maintenance Release	November 2015 – Address outstanding issues that do not affect functionality



Judicial E-Filing Implementation Status

June 2015 Filings



Judicial E-Filing Status

Circuit	County	Docket Codes	Judicial E-Filing Method	Judicial E-Filing Hearing Officer
1 st	Escambia	Complete		0 Filings Submitted
1 st	Okaloosa	Complete		0
1 st	Santa Rosa	Complete		0
1 st	Walton			0
2 nd	Franklin	Complete	Single Session	0 Filings Submitted
2 nd	Gadsden	Complete	Single Session	0
2 nd	Jefferson	Complete	Single Session	40 Filings Submitted
2 nd	Leon	Complete	Single Session	785 Filings Submitted
2 nd	Liberty	Complete	Single Session	0
2 nd	Wakulla	Complete	Single Session	48 Filings Submitted



Judicial E-Filing Status

Circuit	County	Docket Codes	Judicial E-Filing Method	Judicial E-Filing Hearing Officer
3 rd	Columbia	Complete	Single Session	10 Filings Submitted 0 Filings Submitted
3 rd	Dixie	Complete	Single Session	0 Filings Submitted
3 rd	Hamilton	Complete	Single Session	145 Filings Submitted
3 rd	Lafayette		Single Session	3 Filings Submitted
3 rd	Madison	Complete	Single Session	104 Filings Submitted
3 rd	Suwannee	Complete	Single Session	4 Filing Submitted
3 rd	Taylor	Complete	Single Session	58 Filings Submitted
4 th	Clay	Complete	Single Session	317 Filings Submitted
4 th	Duval	Complete	Single Session	1,710 Filings Submitted
4 th	Nassau		Single Session	0



Judicial E-Filing Status

Circuit	County	Docket Codes	Judicial E-Filing Method	Judicial E-Filing Hearing Officer
5 th	Citrus	Complete		0
5 th	Hernando	Complete		0
5 th	Lake	Complete		0
5 th	Marion	Complete		0
5 th	Sumter	Complete		0
6 th	Pasco	Complete		0
6 th	Pinellas	Complete		0
7 th	Flagler	Complete		0
7 th	Putnam	Complete		0
7 th	St. Johns	Complete		0



Judicial E-Filing Status

Circuit	County	Docket Codes	Judicial E-Filing Method	Judicial E-Filing Hearing Officer
7 th	Volusia			1 Filing Submitted
8 th	Alachua	Complete	Interface – “Batch”	0 Filings Submitted
8 th	Baker			0
8 th	Bradford			0
8 th	Gilchrist	Complete		0
8 th	Levy	Complete		0
8 th	Union			0
9 th	Orange	Complete	Single Session	1,836 Filings Submitted
9 th	Osceola	Complete	Single Session	0 Filings Submitted



Judicial E-Filing Status

Circuit	County	Docket Codes	Judicial E-Filing Method	Judicial E-Filing Hearing Officer
10 th	Hardee	Complete		0
10 th	Highlands	Complete		0 Filings Submitted
10 th	Polk	Complete		0 Filing Submitted
11 th	Miami-Dade			188
12 th	Desoto	Complete	Interface – “Batch”	0
12 th	Manatee		Interface – “Batch”	0
12 th	Sarasota		Interface – “Batch”	0
13 th	Hillsborough			0
14 th	Bay	Complete	Interface – “Batch”	0
14 th	Calhoun	Complete	Interface – “Batch”	0



Judicial E-Filing Status

Circuit	County	Docket Codes	Judicial E-Filing Method	Judicial E-Filing Hearing Officer
14 th	Gulf	Complete	Interface – “Batch”	0
14 th	Holmes	Complete	Interface – “Batch”	0
14 th	Jackson	Complete	Interface – “Batch”	0
14 th	Washington	Complete	Interface – “Batch”	0
15 th	Palm Beach	Complete	Interface - ”Batch”	3,856 Filings Submitted
16 th	Monroe	Complete	Single Session	0
17 th	Broward		Single Session	71 Filings Submitted
18 th	Brevard	Complete	Single Session	1,906 Filings Submitted 271 Submitted
18 th	Seminole		Single Session	0 Filings Submitted



Judicial E-Filing Status

Circuit	County	Docket Codes	Judicial E-Filing Method	Judicial E-Filing Hearing Officer
19 th	Indian River	Complete	Single Session	354 Submitted
19 th	Martin	Complete	Single Session	0
19 th	Okeechobee	Complete	Single Session	0
19 th	St. Lucie	Complete	Single Session	1,078 Filing Submitted
20 th	Charlotte	Complete	Single Session	0
20 th	Collier	Complete	Single Session	1 Filing Submitted
20 th	Glades	Complete	Single Session	0
20 th	Hendry	Complete	Single Session	0
20 th	Lee	Complete	Single Session	455 Filings Submitted
	The Florida Supreme Court	Complete	Single Session	545 Filings Submitted

TAB 10

Supreme Court Order 11-399

Revised October 2012

Supreme Court of Florida

No. SC11-399

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

[October 18, 2012]

REVISED OPINION

PARIENTE, J.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

BACKGROUND

History of Electronic Transmission of Court Records in Florida Courts

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

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

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

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

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

Id. (citations omitted).

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

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

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

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

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

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

Each clerk of court shall implement an electronic filing process. The purpose of the electronic filing process is to reduce judicial costs in the office of the clerk and the judiciary, increase timeliness in the processing of cases, and provide the judiciary with case-related information to allow for improved judicial case management. The Legislature requests that, no later than July 1, 2009, the Supreme Court set statewide standards for electronic filing to be used by the clerks of court to implement electronic filing.

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

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

This Case

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

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

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

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

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

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

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

further examination. Accordingly, we directed the Rules of Judicial Administration Committee (RJA Committee) and the FCTC to convene a workgroup¹⁰ to address and file a joint supplemental report addressing three specific areas of concern:

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

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

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

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

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

AMENDMENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Conforming Amendments to the Rules of Procedure

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

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

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

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

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

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

Additionally, as suggested by the Probate Rules Committee, we amend the Florida Probate Rules to include new rule 5.043 (Deposit of Wills and Codicils), which provides that any original, executed will or codicil that is deposited with the clerk¹⁶ must be retained by the clerk in its original form for twenty years, regardless of whether the will or codicil was “permanently recorded” under amended Rule of Judicial Administration 2.430.¹⁷

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

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

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

Finally, we have revised the proposed amendments to Florida Rule of Civil Procedure 1.080 (Service of Pleadings, Orders, and Documents) to expressly state that all documents shall be filed with the court in accordance with the requirements of Florida Rule of Judicial Administration 2.525. On our own accord, we also amend Florida Rule of Judicial Administration 2.516 (Service of Pleadings and Documents) to provide that the filing of documents with the court must be made by filing them with the clerk pursuant to rule 2.525.¹⁸ The remaining conforming amendments are adopted as proposed by the rules committees.

IMPLEMENTATION

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

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

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

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

Next, the new electronic filing requirements the Court adopts will become effective in the criminal, traffic, and juvenile²⁰ divisions of the trial courts, as well

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

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

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

The new e-filing requirements, as they apply in proceedings brought pursuant to the Florida Mental Health Act (Baker Act), Chapter 394, Part I, Florida Statutes, and the Involuntary Commitment of Sexually Violent Predators Act (Jimmy Ryce), Chapter 394, Part V, Florida Statutes, will also not be mandatory in these cases until October 1, 2013.²¹ As stated above, until the new rules take effect in these divisions and proceedings, any clerk who is already accepting electronically filed documents under the current rules should continue to do so; attorneys are again encouraged to utilize existing electronic filing procedures under the current rules.

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

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

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

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

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

CONCLUSION

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

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

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

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

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

It is so ordered.

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

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

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

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

for Petitioners

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

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

Responding with comments.

APPENDIX

FLORIDA RULES OF CIVIL PROCEDURE

RULE 1.030. NONVERIFICATION OF PLEADINGS

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

Committee Notes

[No Change]

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

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

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

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

FLORIDA RULES OF JUDICIAL ADMINISTRATION

RULE 2.430. RETENTION OF COURT RECORDS

(a) [No Change]

(b) Permanently Recorded Records.

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

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

(c) – (k) [No Change]

RULE 2.510. FOREIGN ATTORNEYS

(a) – (b) [No Change]

IN THE _____ COURT OF THE _____ JUDICIAL CIRCUIT,
IN AND FOR _____, COUNTY, FLORIDA

Plaintiff

vs.

Case No. _____

Division _____

Defendant

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

Comes now _____, Movant herein, and respectfully represents the following:

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

is not a resident of the State of Florida.

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

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

_____, _____,
(Street Address) (City)

_____, _____, _____, _____.
(County) (State) (Zip Code) (Telephone)

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

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

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

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

JURISDICTION ATTORNEY/BAR NUMBER

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

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

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

(Attach an additional sheet if necessary.)

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

(Attach an additional sheet if necessary.)

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

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

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

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

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

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

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

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

_____ (Name and Florida Bar Number)
who is an active member in good standing of The Florida Bar and has offices at
_____, _____, _____, _____, _____.
(Street Address) (City) (State) (Zip Code) (Telephone with area code)

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

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

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

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

DATED this _____ day of _____, 20____.

Movant

Address

Address

City, State, Zip Code

Telephone Number

E-mail Address

STATE OF _____

COUNTY OF _____

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

Movant

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

DATED this _____ day of _____, 20____.

Local Counsel of Record

Address

Address

City, State, Zip Code

Telephone Number

Florida Bar Number

E-mail Address

CERTIFICATE OF SERVICE

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

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

RULE 2.516 SERVICE OF PLEADINGS AND DOCUMENTS

(a) – (d) [No Change]

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

(f) – (h) [No Change]

RULE 2.520. PAPERDOCUMENTS

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

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

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

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

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

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

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

Court Commentary

[No Change]

RULE 2.525. ELECTRONIC FILING

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

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

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

(c) Documents Affected.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) Administration.

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

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

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

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

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

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

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

(g) [No Change]

Court Commentary

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

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

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

RULE 2.535. COURT REPORTING

(a) Definitions.

(1) – (5) [No Change]

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

(b) – (e) [No Change]

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

(1) – (10) [No Change]

(g) – (j) [No Change]

Committee Note

[No Change]

FLORIDA RULES OF CRIMINAL PROCEDURE

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

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

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

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

Committee Notes

[No Change]

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

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

Committee Notes

[No Change]

RULE 3.080. NONVERIFICATION OF PLEADINGS

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

Committee Notes

[No Change]

RULE 3.090. PLEADING CAPTIONS

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

RULE 3.240. CHANGE OF VENUE

(a) – (h) [No Change]

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

(j) [No Change]

Committee Notes

[No Change]

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

(a) – (e) [No Change]

(f) Procedure; Evidentiary Hearing; Disposition.

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

(2) – (8) [No Change]

(g) – (i) [No Change]

Court Commentary

[No Change]

FLORIDA PROBATE RULES

RULE 5.043. DEPOSIT OF WILLS AND CODICILS

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

Committee Notes

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

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

Rule History

2012 Revision: New Rule.

Statutory References

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

§ 732.901, Fla. Stat. Production of wills.

Rule References

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

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

FLORIDA SMALL CLAIMS RULES

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

(a) – (c) [No Change]

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

(e) – (f) [No Change]

Court Commentary

[No Change]

FLORIDA RULES OF JUVENILE PROCEDURE

PART I. RULES OF GENERAL APPLICATION

RULE 8.000. SCOPE AND PURPOSE

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

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

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

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

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

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

Committee Notes

[No Change]

~~PART I.—DELINQUENCY PROCEEDINGS~~

~~A.—PRELIMINARY PROCEEDING~~

RULE 8.003. FAMILY LAW COVER SHEET

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

RULE 8.004. ELECTRONIC FILING

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PART II. DELINQUENCY PROCEEDINGS

A. PRELIMINARY PROCEEDINGS

RULE 8.005. – RULE 8.015. [No Change]

B. PLEADINGS, PROCESS, AND ORDERS

RULE 8.025. – RULE 8.055. [No Change]

C. DISCOVERY

RULE 8.060. – RULE 8.065. [No Change]

D. ARRAIGNMENTS AND PLEAS

RULE 8.070. – RULE 8.080. [No Change]

E. MOTIONS AND SERVICE OF PLEADINGS

RULE 8.085. – RULE 8.095. [No Change]

F. HEARINGS

RULE 8.100. – RULE 8.120. [No Change]

G. RELIEF FROM ORDERS AND JUDGMENTS

RULE 8.130. – RULE 8.145. [No Change]

H. CONTEMPT

RULE 8.150. [No Change]

I. GENERAL PROVISIONS

RULE 8.160. – RULE 8.185. [No Change]

PART III. DEPENDENCY AND TERMINATION OF
PARENTAL RIGHTS PROCEEDINGS

A. GENERAL PROVISIONS

RULE 8.201. – RULE 8.203. [No Change]

RULE 8.205. TRANSFER OF CASES

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

(b) – (c) [No Change]

Committee Notes

[No Change]

RULE 8.210. – RULE 8.215. [No Change]

RULE 8.217. ATTORNEY AD LITEM

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

(b) – (c) [No Change]

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

RULE 8.220. – RULE 8.225. [No Change]

RULE 8.230. PLEADINGS TO BE SIGNED

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

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

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

Committee Notes

[No Change]

RULE 8.235. – RULE 8.292. [No Change]

B. TAKING CHILDREN INTO CUSTODY AND SHELTER HEARINGS

RULE 8.300. – RULE 8.305. [No Change]

C. PETITION, ARRAIGNMENT, ADJUDICATION, AND DISPOSITION

RULE 8.310. – RULE 8.355. [No Change]

D. CASE PLANS

RULE 8.400. – RULE 8.430. [No Change]

E. TERMINATION OF PARENTAL RIGHTS

RULE 8.500. – RULE 8.535. [No Change]

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

RULE 8.601. – RULE 8.685. [No Change]

RULE 8.690. DISPOSITION HEARINGS

(a) – (c) [No Change]

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

RULE 8.695. [No Change]

PART ~~IV~~V. OTHER PROCEEDINGS

A. GUARDIAN ADVOCATES FOR DRUG-DEPENDENT NEWBORNS

RULE 8.705. – RULE 8.735. [No Change]

B. JUDICIAL WAIVER OF PARENTAL NOTICE OF TERMINATION OF PREGNANCY

RULE 8.800. – RULE 8.840. [No Change]

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

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

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

A. GENERAL FORMS

FORM 8.901. – FORM 8.913. [No Change]

B. DELINQUENCY FORMS

FORM 8.929. – FORM 8.951. [No Change]

C. DEPENDENCY FORMS

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

D. TERMINATION OF PARENTAL RIGHTS FORMS

FORM 8.979. – FORM 8.986. [No Change]

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

FORM 8.987. – FORM 8.992. [No Change]

FLORIDA RULES OF APPELLATE PROCEDURE

RULE 9.020. DEFINITIONS

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

(a) – (g) [No Change]

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

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

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

(1) – (3) [No Change]

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

Committee Notes

[No Change]

Court Commentary

[No Change]

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

(a) [No Change]

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

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

(d) [No Change]

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

(f) [No Change]

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

(h) – (i) [No Change]

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

(k) – (m) [No Change]

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

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

Committee Notes

[No Change]

Court Commentary

[No Change]

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

(a) [No Change]

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

(c) – (d) [No Change]

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

(f) [No Change]

Committee Notes

[No Change]

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

(a) – (d) [No Change]

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

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

(2) A statement of why the appeal

(A) is of great public importance, or

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

(3) A certificate signed by the attorney stating:

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

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

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

(f) [No Change]

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

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

Committee Notes

[No Change]

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

(a) [No Change]

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

(c) – (h) [No Change]

Committee Notes

[No Change]

RULE 9.140. APPEAL PROCEEDINGS IN CRIMINAL CASES

(a) [No Change]

(b) **Appeals by Defendant.**

(1) [No Change]

(2) Guilty or Nolo Contendere Pleas.

(A) [No Change]

(B) Record.

(i) [No Change]

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

(3) – (4) [No Change]

(c) [No Change]

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

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

(A) – (D) [No Change]

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

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

(2) [No Change]

(e) [No Change]

(f) **Record.**

(1) [No Change]

(2) **Transcripts.**

(A) – (B) [No Change]

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

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

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

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

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

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

(4) – (5) [No Change]

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

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

(B) [No Change]

(g) – (i) [No Change]

Committee Notes

[No Change]

Court Commentary

[No Change]

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

(a) [No Change]

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

(1) [No Change]

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

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

(B) – (D) [No Change]

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

(A) [No Change]

(B) Record.

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

(ii) – (iii) [No Change]

(C) [No Change]

(c) – (d) [No Change]

Committee Notes

[No Change]

RULE 9.142. PROCEDURES FOR REVIEW IN DEATH PENALTY CASES

(a) Procedure in Death Penalty Appeals.

(1) Record.

(A) [No Change]

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

(C) [No Change]

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

(3) – (5) [No Change]

(b) Petitions for Extraordinary Relief.

(1) – (2) [No Change]

(3) Petitions Seeking Belated Appeal.

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

(B) [No Change]

(4) [No Change]

(c) [No Change]

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

(1) [No Change]

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

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

(B) [No Change]

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

(D) [No Change]

Committee Notes

[No Change]

RULE 9.145. APPEAL PROCEEDINGS IN JUVENILE DELINQUENCY CASES

(a) – (d) [No Change]

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

Committee Notes

[No Change]

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

(a) – (e) [No Change]

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

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

(1) [No Change]

(2) The Record.

(A) [No Change]

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

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

(3) – (7) [No Change]

(h) [No Change]

Committee Notes

[No Change]

RULE 9.160. DISCRETIONARY PROCEEDINGS TO REVIEW DECISIONS OF COUNTY COURTS

(a) [No Change]

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

(c) – (j) [No Change]

Committee Notes

[No Change]

RULE 9.180. APPEAL PROCEEDINGS TO REVIEW WORKERS' COMPENSATION CASES

(a) [No Change]

(b) **Jurisdiction.**

(1) – (2) [No Change]

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

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

(4) [No Change]

(c) – (i) [No Change]

Committee Notes

[No Change]

RULE 9.200. THE RECORD

(a) Contents.

(1) – (4) [No Change]

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

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

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

(b) Transcript(s) of Proceedings.

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

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

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

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

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

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

(c) [No Change]

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

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

(A) [No Change]

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

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

(2) [No Change]

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

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

(e) – (g) [No Change]

Committee Notes

[No Change]

RULE 9.210. BRIEFS

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

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

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

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

(4) – (5) [No Change]

(b) – (f) [No Change]

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

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

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

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

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

Committee Notes

[No Change]

Court Commentary

[No Change]

RULE 9.220. APPENDIX

(a) [No Change]

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

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

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

Committee Notes

[No Change]

RULE 9.360. PARTIES

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

(b) – (c) [No Change]

Committee Notes

[No Change]

RULE 9.500. ADVISORY OPINIONS TO GOVERNOR

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

(b) [No Change]

Committee Notes

[No Change]

RULE 9.510. ADVISORY OPINIONS TO ATTORNEY GENERAL

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

(b) – (c) [No Change]

Committee Notes

[No Change]

RULE 9.900. FORMS

(a) Notice of Appeal.

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

Case No. _____

_____,)
Defendant/Appellant,)
)
v.)
)
_____,)
Plaintiff/Appellee.)
_____)

NOTICE OF APPEAL

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

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

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

(b) Notice of Cross-Appeal.

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

Case No. _____

_____,)
Defendant/Appellant,)
Cross-Appellee,)
)
v.)
)
_____,)
Plaintiff/Appellee,)
Cross-Appellant.)
_____)

NOTICE OF CROSS-APPEAL

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

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

number).....
Florida Bar No.

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

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

Case No. _____

_____,)
Defendant/Appellant,)
)
v.)
)
_____,)
Plaintiff/Appellee.)
_____)

NOTICE OF APPEAL OF A NON-
FINAL ORDER

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

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

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

IN THE DISTRICT COURT OF
APPEAL OF FLORIDA,

_____ DISTRICT

Case No. _____

_____,)
Defendant/Petitioner,)
)
v.)
)
_____,)
Plaintiff/Respondent.)
_____)

NOTICE TO INVOKE
DISCRETIONARY JURISDICTION

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

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

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

(e) Notice of Administrative Appeal.

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

Case No. _____

_____,)
Defendant*/Appellant,)
)
v.)
)
_____,)
Plaintiff*/Appellee.)
_____)

NOTICE OF ADMINISTRATIVE
APPEAL

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

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

*or other appropriate designation.

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

IN THE CIRCUIT COURT FOR THE
_____ JUDICIAL CIRCUIT
(NUMERICAL DESIGNATION OF
THE CIRCUIT)

IN AND FOR _____ COUNTY,
FLORIDA

Case No. _____

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

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

Signature: _____

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

Date: _____

OR

Attorney for _____ (pseudonym or initials of appellant)

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

Florida Bar No. _____

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

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

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

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

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

The _____ District Court of Appeal

(address of the District Court)

Telephone number: _____

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

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

(g) Directions to Clerk.

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

Case No. _____

_____,)
Plaintiff/Appellant,)
)
v.)
)
_____,)
Defendant/Appellee.)
_____)

DIRECTIONS TO CLERK

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

ITEM

DATE FILED

1.

[List of Desired Items]

2.

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

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

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

Case No. _____

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

I. DESIGNATION

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

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

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

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

- 1.
- 2.
- 3.

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

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

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

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

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

3. Number of trial or hearing days ____.

4. Estimated number of transcript pages ____.

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

OR

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

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

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

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

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

(i) [No Change]

(j) Notice of Supplemental Authority

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

Case No.: _____

_____,)
Appellant/Petitioner,)
)
v.)
)
_____,)
Appellee/Respondent.)
_____)

NOTICE OF SUPPLEMENTAL
AUTHORITY

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

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

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

Committee Notes

[No Change]

FLORIDA FAMILY LAW RULES OF PROCEDURE

RULE 12.010. SCOPE, PURPOSE, AND TITLE

(a) [No Change]

(b) **Purpose.**

(1) [No Change]

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

(c) [No Change]

RULE 12.025. APPLICABILITY OF RULES OF JUDICIAL ADMINISTRATION

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

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

RULE 12.040. ATTORNEYS

(a) – (b) [No Change]

(c) Scope of Representation.

(1) [No Change]

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

(d) – (f) [No Change]

Committee Notes

[No Change]

RULE 12.080. SERVICE OF PLEADINGS AND FILING OF PAPERSDOCUMENTS

(a) Service.

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

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

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

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

(b) [No Change]

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

(1) [No Change]

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

(3) [No Change]

Commentary

[No Change]

Committee Notes

[No Change]

RULE 12.200. CASE MANAGEMENT AND PRETRIAL CONFERENCES

(a) Case Management Conference.

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

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

(B) – (O) [No Change]

(2) [No Change]

(b) – (d) [No Change]

Commentary

[No Change]

Committee Note

[No Change]

TAB 11

June 2015 E-Filing Progress Report



Florida Courts E-Filing Authority Board

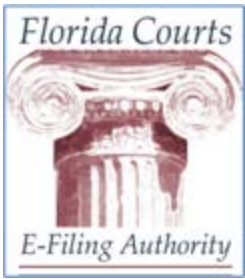
E-Filing Portal Progress Report Period June 2015

Carolyn Weber, Portal Program Manager

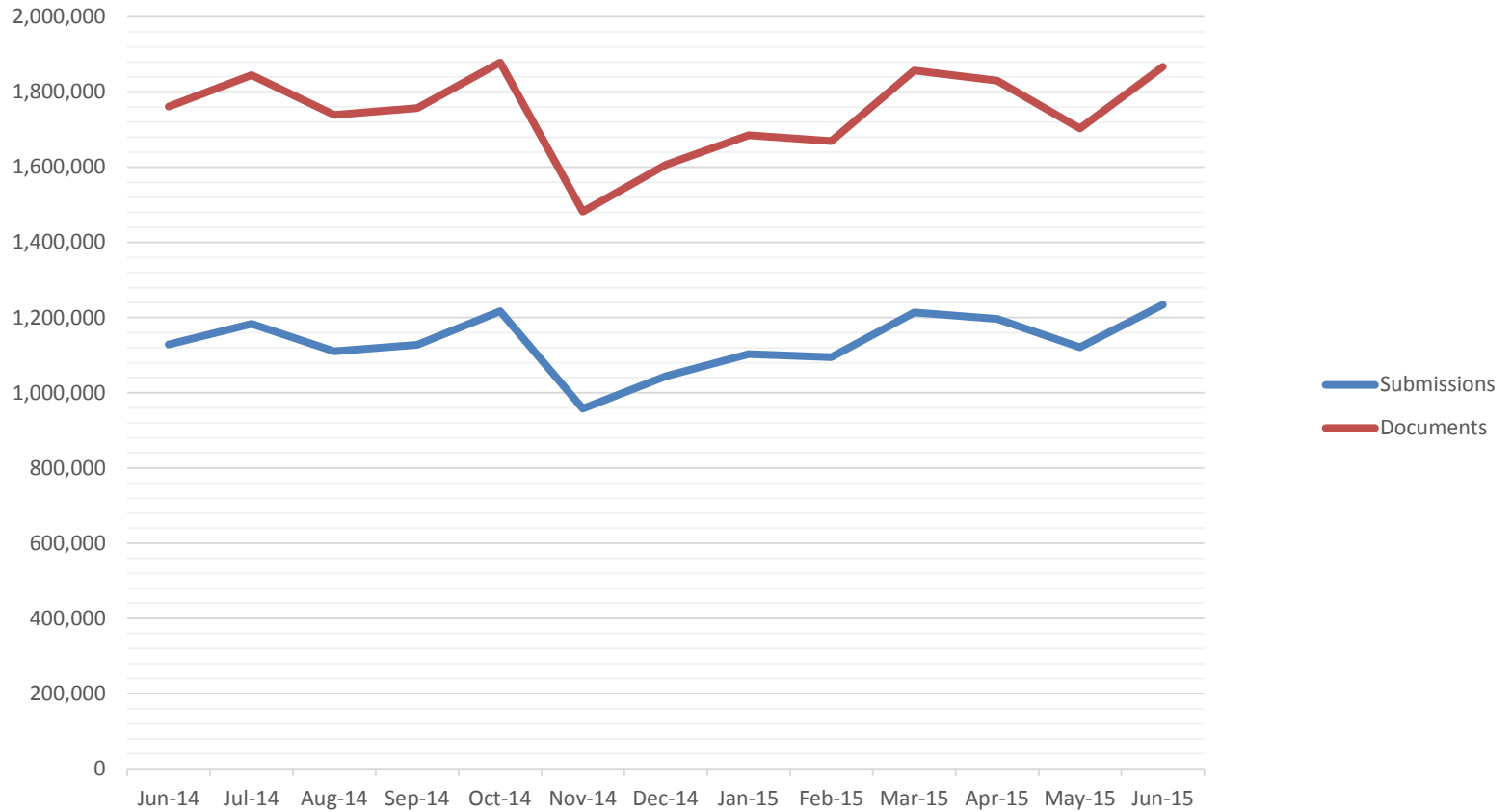


E-Filing Submission Statistics

Category	Number
E-Filing Submissions	1,234,267*
Individual Documents Submitted	1,866,632
Average Submissions per Weekday	55,538
Highest Volume Day: June 24	59,085
Peak # of filings in 1 hour: June 24, 3pm	8,208
New Case Initiation	60,231
Portal Users	89,677

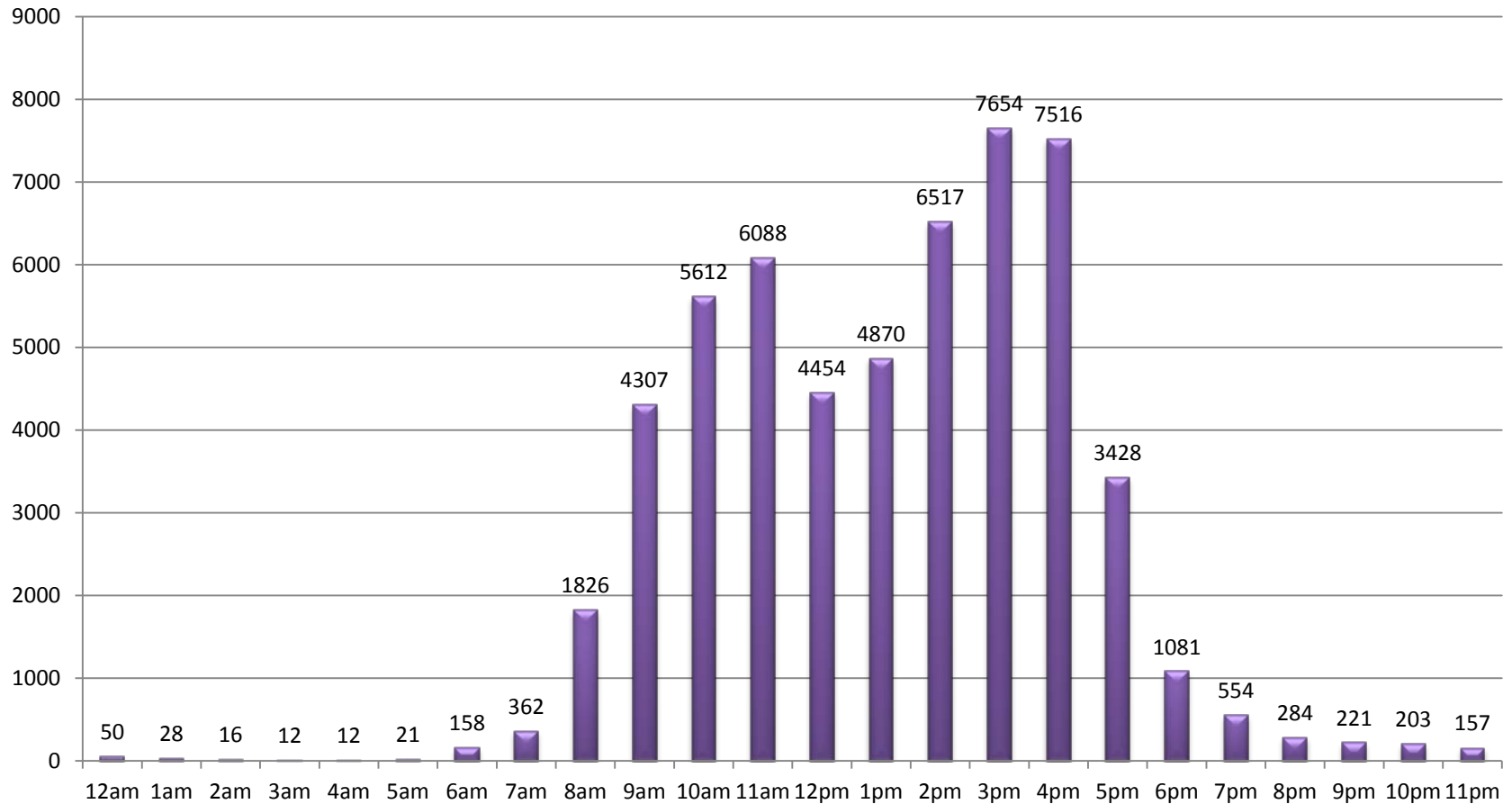


Documents Filed within E-Filing Submissions



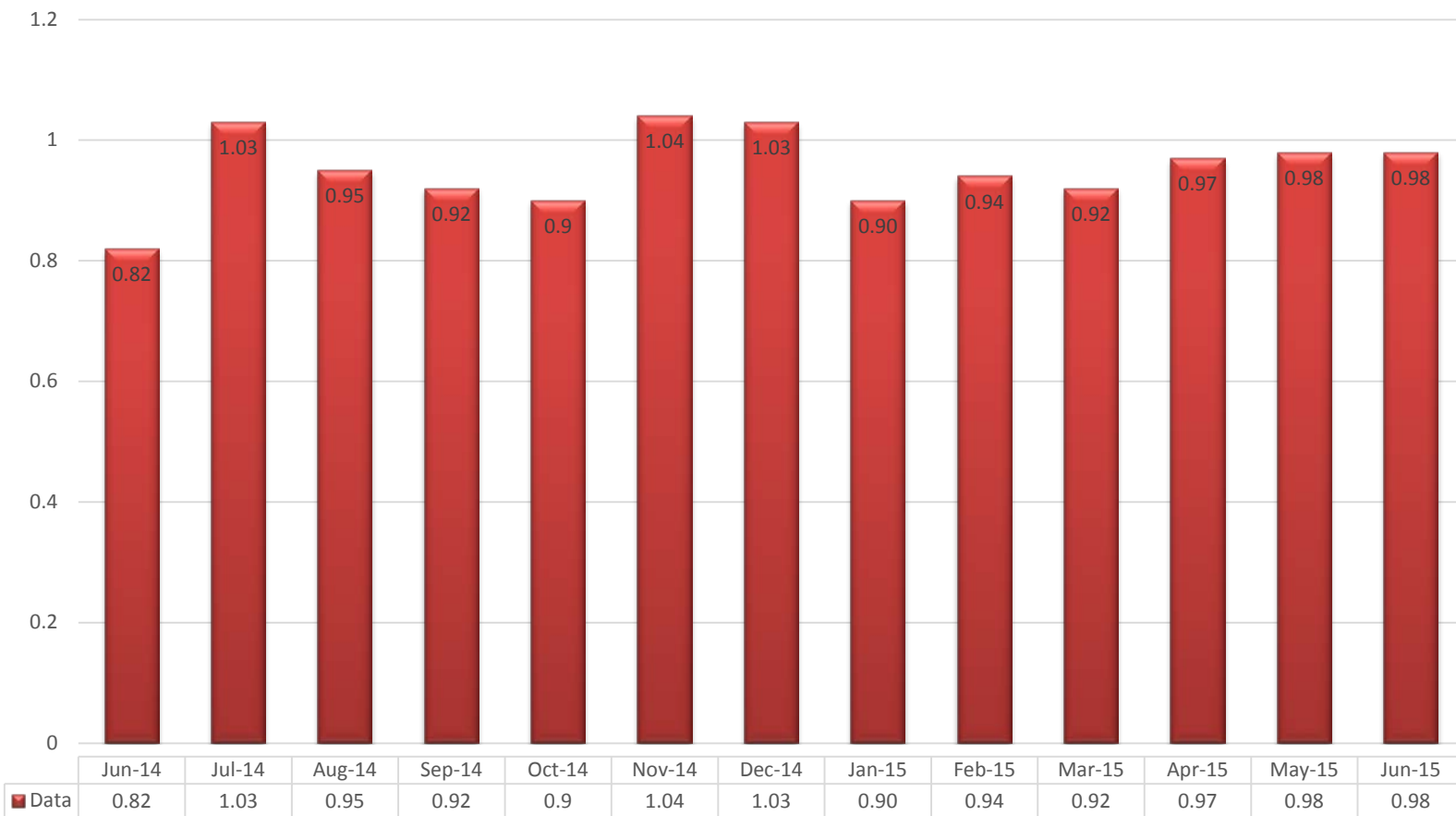


Average E-Filing Submissions per Hour



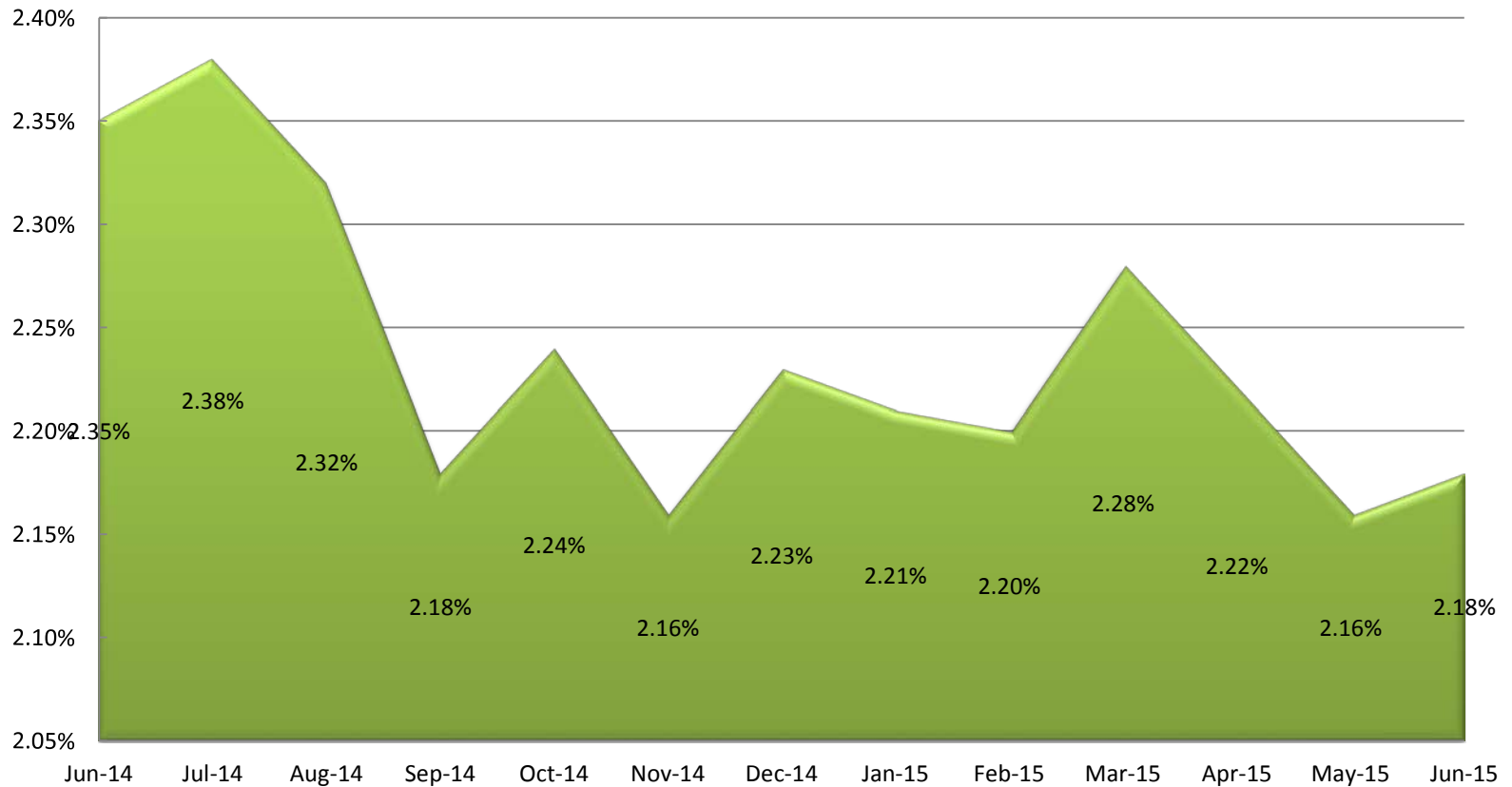


Days to Docket





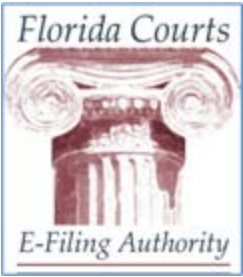
% Filings Returned to Filer for Correction



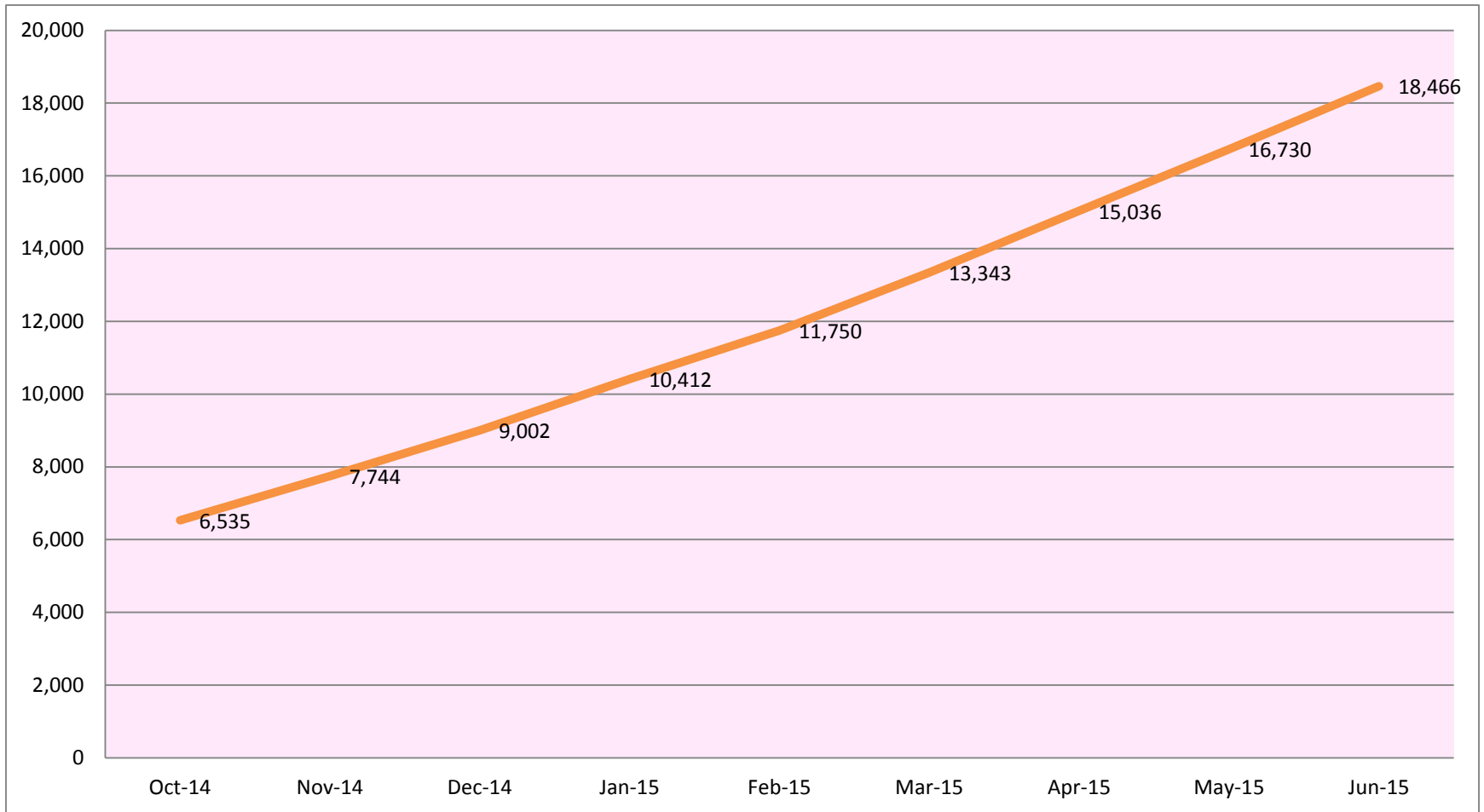


Portal Activity by Filer Roles

Filer Roles	Total # of Accounts	# of Submissions for June
Attorneys	64,637	1,182,772
Self-Represented Litigants	18,466	4,407
Judges	516	13,786
Mediators	429	1,153
Process Servers	382	23,288
Court Reporters	158	401
Mental Health Professionals	121	732
Law Enforcement	164	1,644



Self-Represented Litigant Accounts





Criminal E-Filing Implementation

- **AOSC13-48 Extensions**
 - Remaining State Attorney and Public Defender Implementations are in process
 - 6th Circuit – Extended to December 2015
 - 11th Public Defender



Portal Projects Team

Project	Status
Criminal E-Filing	Continue to implement remaining State Attorneys and Public Defenders with Bulk E-Filing
"Bulk" E-Filing	Working to implement with Judicial Circuits, Appellate Courts and Law Enforcement as well as Third Party Vendors
Release 2015.02	Implementation Date September 11, 2015
Maintenance Release	November 2015 – Address outstanding issues that do not affect functionality



Judicial E-Filing Implementation Status

June 2015 Filings



Judicial E-Filing Status

Circuit	County	Docket Codes	Judicial E-Filing Method	Judicial E-Filing Hearing Officer
1 st	Escambia	Complete		0 Filings Submitted
1 st	Okaloosa	Complete		0
1 st	Santa Rosa	Complete		0
1 st	Walton			0
2 nd	Franklin	Complete	Single Session	0 Filings Submitted
2 nd	Gadsden	Complete	Single Session	0
2 nd	Jefferson	Complete	Single Session	40 Filings Submitted
2 nd	Leon	Complete	Single Session	785 Filings Submitted
2 nd	Liberty	Complete	Single Session	0
2 nd	Wakulla	Complete	Single Session	48 Filings Submitted



Judicial E-Filing Status

Circuit	County	Docket Codes	Judicial E-Filing Method	Judicial E-Filing Hearing Officer
3 rd	Columbia	Complete	Single Session	10 Filings Submitted 0 Filings Submitted
3 rd	Dixie	Complete	Single Session	0 Filings Submitted
3 rd	Hamilton	Complete	Single Session	145 Filings Submitted
3 rd	Lafayette		Single Session	3 Filings Submitted
3 rd	Madison	Complete	Single Session	104 Filings Submitted
3 rd	Suwannee	Complete	Single Session	4 Filing Submitted
3 rd	Taylor	Complete	Single Session	58 Filings Submitted
4 th	Clay	Complete	Single Session	317 Filings Submitted
4 th	Duval	Complete	Single Session	1,710 Filings Submitted
4 th	Nassau		Single Session	0



Judicial E-Filing Status

Circuit	County	Docket Codes	Judicial E-Filing Method	Judicial E-Filing Hearing Officer
5 th	Citrus	Complete		0
5 th	Hernando	Complete		0
5 th	Lake	Complete		0
5 th	Marion	Complete		0
5 th	Sumter	Complete		0
6 th	Pasco	Complete		0
6 th	Pinellas	Complete		0
7 th	Flagler	Complete		0
7 th	Putnam	Complete		0
7 th	St. Johns	Complete		0



Judicial E-Filing Status

Circuit	County	Docket Codes	Judicial E-Filing Method	Judicial E-Filing Hearing Officer
7 th	Volusia			1 Filing Submitted
8 th	Alachua	Complete	Interface – “Batch”	0 Filings Submitted
8 th	Baker			0
8 th	Bradford			0
8 th	Gilchrist	Complete		0
8 th	Levy	Complete		0
8 th	Union			0
9 th	Orange	Complete	Single Session	1,836 Filings Submitted
9 th	Osceola	Complete	Single Session	0 Filings Submitted



Judicial E-Filing Status

Circuit	County	Docket Codes	Judicial E-Filing Method	Judicial E-Filing Hearing Officer
10 th	Hardee	Complete		0
10 th	Highlands	Complete		0 Filings Submitted
10 th	Polk	Complete		0 Filing Submitted
11 th	Miami-Dade			188
12 th	Desoto	Complete	Interface – “Batch”	0
12 th	Manatee		Interface – “Batch”	0
12 th	Sarasota		Interface – “Batch”	0
13 th	Hillsborough			0
14 th	Bay	Complete	Interface – “Batch”	0
14 th	Calhoun	Complete	Interface – “Batch”	0



Judicial E-Filing Status

Circuit	County	Docket Codes	Judicial E-Filing Method	Judicial E-Filing Hearing Officer
14 th	Gulf	Complete	Interface – “Batch”	0
14 th	Holmes	Complete	Interface – “Batch”	0
14 th	Jackson	Complete	Interface – “Batch”	0
14 th	Washington	Complete	Interface – “Batch”	0
15 th	Palm Beach	Complete	Interface - ”Batch”	3,856 Filings Submitted
16 th	Monroe	Complete	Single Session	0
17 th	Broward		Single Session	71 Filings Submitted
18 th	Brevard	Complete	Single Session	1,906 Filings Submitted 271 Submitted
18 th	Seminole		Single Session	0 Filings Submitted



Judicial E-Filing Status

Circuit	County	Docket Codes	Judicial E-Filing Method	Judicial E-Filing Hearing Officer
19 th	Indian River	Complete	Single Session	354 Submitted
19 th	Martin	Complete	Single Session	0
19 th	Okeechobee	Complete	Single Session	0
19 th	St. Lucie	Complete	Single Session	1,078 Filing Submitted
20 th	Charlotte	Complete	Single Session	0
20 th	Collier	Complete	Single Session	1 Filing Submitted
20 th	Glades	Complete	Single Session	0
20 th	Hendry	Complete	Single Session	0
20 th	Lee	Complete	Single Session	455 Filings Submitted
	The Florida Supreme Court	Complete	Single Session	545 Filings Submitted

**Letter from Chairman Smith to
Clerks of Court**

TAB 12

**Letter from Chairman Smith to
Clerks of Court**

Florida Courts



E-Filing Authority

HON. TIM SMITH
CHAIR

Clerk, Putnam County

HON. DON BARBEE, ESQ.
VICE CHAIR

Clerk, Hernando County
District IV

HON. TARA GREEN
SECRETARY/TREASURER

Clerk, Clay County
District III

HON. JOHN TOMASINO

Clerk of the Court
Florida Supreme Court

HON. ALEX ALFORD

Clerk, Walton County
District I

HON. BOB INZER

Clerk, Leon County
District II

HON. GAIL WADSWORTH

Clerk, Flagler County
District V

HON. KAREN RUSHING

Clerk, Sarasota County
District VI

HON. SHARON BOCK, ESQ.

Clerk,
Palm Beach County
District VII

Florida Courts

E-Filing Authority

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

<https://www.myflcourtaccess.com>

May 15, 2015

Re: Standardization and the Portal

Dear Clerks:

A common goal of both Justice Ricky Polston, the Court's technology liaison, and the Florida Courts E-Filing Authority Board has been to implement standardization in the Florida Courts E-Filing Portal in regard to what the filer sees. You will recall that Justice Polston informed us at the summer meeting in 2013 that this was one of his four major goals in improving e-filing. After lengthy and important discussion with the Authority Board of Directors, we have developed a plan for this effort.

To solidify the standardization effort, the board recently approved the recommendation to adopt standardized divisions, case types and sub-types, for both new and existing cases. These categories were developed to match the Florida Supreme Court's Summary Reporting System (SRS) reporting categories.

This will require each Clerk's Office Portal Administrator to review these three categories. In some instances, it is just a matter of re-wording a phrase or adding a sub-type.

Attached is the Standardization Project Worksheet to guide the office's portal administrator through this process. Mrs. Carolyn Weber, cweber@flclerks.com, and the portal project team can set up a WebEx training session for those who may want a demonstration of what this project entails.

I am hopeful that this project can be completed by September 1, 2015.

Thank you for your continued efforts in making the e-filing system in Florida the best in the nation.

Sincerely,

A handwritten signature in black ink that reads "Tim Smith". The signature is written in a cursive style.

Tim Smith, Chairman
Clerk of Putnam County

Florida Courts



E-Filing Authority

HON. TIM SMITH
CHAIR

Clerk, Putnam County

HON. DON BARBEE, ESQ.
VICE CHAIR

Clerk, Hernando County
District IV

HON. TARA GREEN
SECRETARY/TREASURER

Clerk, Clay County
District III

HON. JOHN TOMASINO

Clerk of the Court
Florida Supreme Court

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HON. GAIL WADSWORTH

Clerk, Flagler County
District V

HON. KAREN RUSHING

Clerk, Sarasota County
District VI

HON. SHARON BOCK, ESQ.

Clerk,
Palm Beach County
District VII

Florida Courts

E-Filing Authority

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

<https://www.myflcourtaccess.com>

May 15, 2015

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Dear Clerks:

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I am hopeful that this project can be completed by September 1, 2015.

Thank you for your continued efforts in making the e-filing system in Florida the best in the nation.

Sincerely,

A handwritten signature in black ink that reads "Tim Smith". The signature is written in a cursive, flowing style.

Tim Smith, Chairman
Clerk of Putnam County

TAB 13

Supplemental Agreement and Help Desk Policies

**SUPPLEMENTAL AGREEMENT FOR THE
IMPLEMENTATION OF EXPANDED SERVICES RELATED
TO THE STATEWIDE E-FILING COURT RECORDS PORTAL**

THIS SUPPLEMENTAL AGREEMENT is made and entered into this ____ day of _____, 2013, by and between the **FLORIDA COURTS E-FILING AUTHORITY** (“Authority”), and the **FLORIDA ASSOCIATION OF COURT CLERKS, INC.**, a.k.a. **FLORIDA COURT CLERKS & COMPTROLLERS** (“Association”).

RECITALS

WHEREAS, on September 22, 2010, the Authority and Association entered into an Agreement for the Design, Development, Implementation, Operation, Upgrading, Support and Maintenance of Statewide E-Filing Court Records Portal (the “Development Agreement”); and

WHEREAS, pursuant to SC11-399, beginning on April 1, 2013, all attorneys are required to electronically file civil case filings through the Florida Courts E-Filing Portal (“Portal”); and

WHEREAS, usage of the Portal has dramatically increased since the mandatory civil E-Filing deadline; and

WHEREAS, usage of the Portal is expected to further increase with the approaching mandatory criminal E-Filing deadline of October 1, 2013; and

WHEREAS, the Association and its wholly owned subsidiary, FACC Services Group, LLC (“Services Group”), have been providing a minimal level of Help Desk operations and training activities which are outside the scope of services to be provided under the Development Agreement at no cost or charge to the Authority; and

WHEREAS, Section 4 of the Development Agreement requires such additional services to be documented in a separate agreement or amendment to the Development Agreement, and

WHEREAS, the Authority recognizes the need to have the Association provide full-time, available, and responsive, Help Desk Services to support the increased level of usage and to meet the needs of Portal users; and

WHEREAS, the Development Agreement requires the Portal to include transmissions to and from appropriate courts; and

WHEREAS, the Development Agreement and the Statement of Work between the Authority and the Association requires the Portal to meet or exceed the requirements of the Florida Supreme Court Standards for Electronic Access to the Courts (adopted June 2009, amended May 2013) and the amendments to those standards; and

WHEREAS, the Florida Supreme Court Standards for Electronic Access to the Courts requires the Portal to accommodate bi-directional transmissions to and from the courts; and

WHEREAS, Section 2.b. and 2.b.(2), of the Development Agreement requires the Portal to allow electronic access to electronic Court Records by authorized users; and

WHEREAS, Section 2.b. (9), of the Development Agreement requires the Portal to provide for integration with existing statewide systems; and

WHEREAS, the parties desire to enter into this Supplemental Agreement to authorize the Association to perform additional Help Desk services outside the scope of services as provided in the Development Agreement and to clarify that certain services are not additional and are listed or contemplated by the Development Agreement and the Statement of Work, as more fully described in section 4.1 herein.

NOW THEREFORE, in consideration of ten dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

ARTICLE I: AMENDMENT TO THE DEVELOPMENT AGREEMENT

The recitals set forth above are true and correct and are incorporated herein as essential terms of this Supplemental Agreement which shall be considered as an amendment to and incorporated as a part of the Development Agreement.

ARTICLE II: HELP DESK SERVICES

2.1 **Purpose of the Help Desk.** The Association shall provide Help Desk services (“Help Desk”) related to the use of the Florida Courts E-Filing Court Records Portal (“Portal”), including but not limited to:

- a) Responding to inquiries from Portal users in a courteous, timely, and professional manner;
- b) Resolving Portal user questions or problems by providing timely and accurate information;
- c) Tracking and reporting on Help Desk activities and performance metrics.

2.2 **General Responsibilities.** The Help Desk shall field inquiries via electronic mail and telephone. The Association agrees to continue to use the latest technology available to improve communications with Portal users, subject to available funding. The Association shall develop and maintain manuals, procedures, scripts, and/or other materials as needed to ensure high quality customer service. A Help Desk management and tracking system shall be used by the Association to track the status of inquiries and various performance metrics, including the results of customer satisfaction surveys.

2.3 **Implementation and Operation.** The Authority shall adopt appropriate policies and procedures for the implementation and operation of the Help Desk which shall include but not be limited to:

- a) Reasonable hours of operation to best serve the needs of the Portal users.
- b) Performance metrics and goals to document the delivery of Help Desk services.
- c) Security necessary to maintain confidentiality of Portal account credentials, data and user information.

2.4 **Implementation Date.** The Authority shall adopt the policies and procedures referenced in 2.3 above no later than November 1, 2013 and the Association shall fully implement and begin fully operating the Help Desk in accordance with the adopted policies and procedures within 90 days thereafter.

2.5 State and Federal Law Compliance. In accordance with requirements such as those of the Americans with Disabilities Act, and the Americans with Disabilities Act Amendments Act (2008), and applicable state requirements, Help Desk services must incorporate reasonable accommodations for access by persons with disabilities, including visually impaired and hearing impaired persons. The Association shall comply with all applicable state and Federal laws as described in Section 14 of the Development Agreement in its performance under this Agreement.

2.6. Transition to New Service Provider. At the direction of the Authority, but no later than three (3) months prior to the end of the Association's contract, the Association shall work with the Authority and another vendor(s) selected by the Authority, if applicable, at the conclusion of the Agreement, to transition the Help Desk services, including training and non-proprietary knowledge transfer. The Association's activities shall include:

- a) Preparation of a transition plan that describes the activities and materials used to provide Help Desk services, and the plan for transitioning the service to a new provider.
- b) Conference call(s) and webinars to present the transition plan to the Authority and the new service provider.
- c) Hand-off transition assistance during the transfer of Help Desk services to the new service provider.

The Authority shall provide for any reasonable expenses incurred by the Association in preparing and implementing the transition plan and hand-off transition assistance required by this section.

ARTICLE III: EDUCATIONAL OUTREACH PROGRAM

3.1 General Purpose and Objectives. The Association shall implement a comprehensive educational outreach program that will inform Portal users, the legal community, the public and the Clerks of Court, of the requirements and benefits of mandatory E-Filing, as well as Help Desk services. Such outreach and training activities shall include, but not be limited to, the development of web-based training tools, on-going training workshops and educational events.

3.2 Policies and procedures. The Authority shall adopt appropriate policies and procedures for the implementation and operation of the educational outreach program.

3.3 Implementation. The Association shall provide reports of its educational outreach activities to the Authority on a quarterly basis or as requested by the Authority. The reports shall be made available on the Authority's website for the public to view.

ARTICLE IV: PORTAL SERVICES

4.1 Portal Services and Applications. The Association shall provide each of the following services or applications to the Portal as set forth and contemplated in the Development Agreement and the Statement of Work attached and made a part of the Development Agreement:

- a) The capability for Portal users to view documents online in their cases directly using the Portal.

- b) Functionality to enable the courts to send documents directly to the litigants, parties, and their attorneys through the Portal.

4.2 Additional Portal Services and Applications. The Association shall provide any of the following services or applications to the Portal in addition to those set forth in the Statement of Work attached and made a part of the Development Agreement if requested by the Authority and adequate funding is available or anticipated to develop, implement and operate the service or application:

- a) Analyze the current website to identify performance issues that may impact the website enhancements, services, and applications outlined in this Agreement. Propose a plan and budget to fix these issues in consultation with the Authority.
- b) Allow for clerk-to-clerk functionality, enabling the Clerks of Court to send documents to each other and transfer cases between courts.
- c) Improve consistency and uniformity in document descriptions, interface, functionality, and have consistent drop-down menus for filing from county to county so that a filer has the same choices except for unique jurisdictional matters where the filing is being made.
- d) Analyze the current website to identify performance issues that may impact the flow of payments to appropriate accounts to avoid delays in payment transfers.
- e) Work with the Authority to design new layouts and organize revised website content.
- f) Create applications for mobile devices (apps).

The Association shall document any claim that it may assert concerning the inadequacy of funds available or anticipated to be available to the Association.

4.3 Portal Capacity. The Association shall provide for the necessary capacity and infrastructure enhancements to accommodate usage beyond the volumes set forth in the Development Agreement, Attachment A, Statement of Work.

4.4 Implementation. The Association shall provide a report of its progress implementing the services and applications listed in Section 4.1 of this Agreement as requested by the Authority.

ARTICLE IV: AUTHORITY BOARD EXPENSES

Expenses of the Board's Governance. The Authority is governed by a Board of Directors ("Board"), which has exclusive jurisdiction, control and supervision over the Portal. In order to perform its necessary functions, the Board is required to obtain liability insurance and procure the services of attorneys and auditors. As the Board serves an essential function to the Portal, the Authority hereby authorizes the Association to fund the expenses of the Board's governance through the electronic payment processing fees collected and retained. Board expenses authorized to be paid by the Association from the fees collected and retained include, but are not limited to, staffing, Authority staff meeting and travel expenses, and other necessary Board expenses.

ARTICLE V: FUNDING

5.1 Fees: Pursuant to section 3.a of the Development Agreement and s. 215.322, Florida Statutes, the Association through the FACCSG, serving as its vending service company, is authorized to charge and collect a fee as authorized by law for processing payments through the Portal's electronic payment system. The amount of the payment processing fee shall be a fair market rate and approved by the

Authority. The Authority shall periodically review the fee and adjust to the current fair market rate as appropriate.

5.2 USE OF FUNDS. The fees referenced in section 5.1 above shall be collected and retained by the Association as provided in section 3.c.(4) of the Development Agreement for use in funding the additional duties and services required by this Agreement to be performed by the Association and such other additional enhancements to the Portal as determined by the Authority in the future. In no event shall the fees referenced in section 5.1 above be expended without the approval of the Authority.

ARTICLE VI: MISCELLANEOUS

6.1 The term and termination provisions of this Agreement shall be the same as provided in Section 21 of the Development Agreement.

6.2 This Agreement may be amended only upon the written agreement of the Authority and the Association.

6.3 The validity, construction, and performance of this Agreement shall be governed by the laws of the State of Florida.

6.4 If any portion of the Agreement, the deletion of which would not adversely affect the receipt of any material benefit by either party, is for any reason held or declared to be invalid or unenforceable, such determination shall not affect the remaining portions of this Agreement.

6.5 This Agreement shall become effective upon its complete execution.

IN WITNESS WHEREOF, IN WITNESS WHEREOF, the parties have executed this Agreement by the signature of their duly authorized representatives below.

FLORIDA COURTS E-FILING AUTHORITY

BY: 
Tim Smith, Chair

DATE: 9-27-13

FLORIDA COURT CLERKS & COMPTROLLERS

BY: _____
Paula O'Neil, PhD, President

DATE: _____

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BY: _____
Tim Smith, Chair

DATE: _____

FLORIDA COURT CLERKS & COMPTROLLERS

BY: Paula O'Neil
Paula O'Neil, PhD, President

DATE: 9/26/13

FLORIDA COURTS E-FILING AUTHORITY HELP DESK POLICIES & PROCEDURES

Introduction

The Florida Courts E-Filing Authority (“Authority”) was created and established in order to: (1) design, develop, implement, operate, upgrade, support and maintain the E-Filing Portal (“Portal”) through contract with the Florida Association of Court Clerks, Inc., a.k.a. Florida Court Clerks & Comptrollers (“Association”) and/or its wholly owned subsidiary FACC Services Group, LLC (“Services Group”); and (2) provide the most economic and efficient method for e-filing Court Records. To that end, the Authority finds it necessary to provide full-time, available, and responsive Help Desk Services to support Portal Users.

Purpose

The primary purpose of the Help Desk Policies and Procedures (“Policy”) is to ensure that Portal Users receive prompt, accurate, and professional service.

To meet the service support requirements of Portal Users, the Association shall implement a central point of contact for handling all customer support. The Help Desk is the key functional area that is responsible for managing, coordinating, resolving, and maintaining Portal User service support.

The Policy identifies the process flow which shall be utilized by the Help Desk to ensure that no request is lost, forgotten, or ignored and that each request is handled expeditiously. This Policy shall apply to all individuals who provide services on behalf of the Association to Portal Users.

Policy

This Policy focuses on a commitment to customer service by ensuring the recording of the life-cycle of incidents, problems, software and hardware release/deployment, and configuration management. The objective of this Policy is to improve and extend the overall service to customers and users.

The Policy is separated into two sections: 1) Customer Service Support; and 2) Technical and System Support. Customer Service Support is assistance provided to Portal users, whereas Technical and System Support is assistance provided to various Clerks’ offices.

SECTION 1: CUSTOMER SERVICE SUPPORT
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Functions:

-

Support Technologies:

- Telephone system
- Electronic mail (Internet and email system)

Availability:

- The Association shall provide Customer Service Support Monday – Friday, excluding holidays. The hours of operation shall be from 8:00 a.m. to 5:00 p.m. Eastern Time.
- Portal users shall have the ability to leave a voicemail after hours. Voicemails shall be checked the morning of the following business day and calls shall be returned promptly.
- Hours of operation may be adjusted based on demand from Portal users and any other operational consideration by mutual agreement between the Authority and the Association.

Intake Process:

-

Acknowledgment Requirements:

-

Reports:

- The Association shall maintain the capability to document all Customer Service Support services in a management and tracking system that enables the services to be assessed.
- Monthly reports shall be provided to the Authority that include the following:
 - Number of calls/emails received.
 - Number of calls/emails closed.
 - Number of outstanding calls/emails.
 - Average resolution time for calls/emails.

Security:

- The Association shall protect all personal information collected in the course of performing Help Desk services by utilizing a combination of security technologies, secure-information handling procedures, and organization measures to help protect personal information from unauthorized access, use or disclosure.
- The Association shall secure all data when transferring over the Internet or internally at each Association site. All Help Desk personnel shall comply with the Association’s Security Policies and Procedures, dated October 2009, as amended from time to time.
- Confidentiality. The Association shall ensure that all Help Desk personnel comply with the confidentiality requirements set forth in Sections 16 and 17 of the Agreement for Design, Development, Implementation, Operation, Upgrading, Support and Maintenance of Statewide E-Filing Court Records Portal.

SECTION 2: TECHNICAL AND SYSTEM SUPPORT

The Help Desk is the customer support team that supports the entire portfolio of applications.

Functions of the Help Desk:

- Ensure customer satisfaction
- Operate on the principle that customer satisfaction and perception is critical
- Blending people, processes, and technology to deliver quality customer service
- Managing the incident (requests) lifecycle
- Making the initial assessment of requests and attempting to resolve them
- Keeping the customer informed of request status and progress
- Managing known errors – problem management
- Coordinating functional escalation
- Identifying customer training and education needs

Help Desk support technologies include (but are not limited to) the following:

- HEAT
 - BPAM
 - HEAT Voice
 - ATG
 - HSS (pending implementation)
- Electronic mail (Internet and email system)
- Telephone system

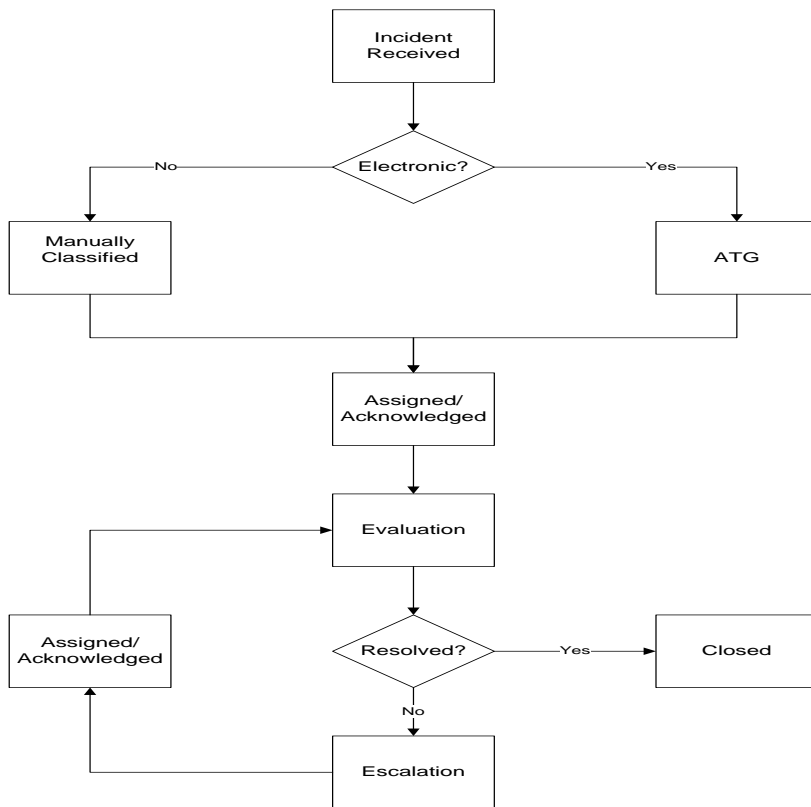
Help Desk availability

Customers may submit incidents electronically or via voice message to the Help Desk 24 hours a day, 7 days a week. Currently incidents submitted electronically are automatically logged into the HEAT system.

- The Help Desk staff is available Monday through Friday from 8:00 a.m. to 5:00 p.m. Eastern Time. The Association shall monitor the call volume, which shall be included in the monthly reports to the Authority.
- After hours Help Desk system support will be provided upon request and a minimum of seven (7) days' notice. The after-hours support is limited to system/technical support, which does not include customer service support.
- After hours 24/7 technical on-call support shall be provided to ensure that no unscheduled technical interruptions occur for the Portal.

Incident Escalation Process

- Incident
 - Electronic – automatically logged and categorized through ATG
 - Phone call - manually logged and categorized through Tier I
- Evaluated
- Assigned to a functional group or service area
- Acknowledged by staff
- Worked
- Resolved or Escalated



Based on the information provided by the customer, first-line support shall determine the following:

- Budget Area – Application type, e.g. E-Filing or E-Recording
- Category – e.g. software, hardware
- Call Type – e.g. financial, imaging
- Source – e.g. phone, e-mail
- Status – e.g. open, closed
- Priority level
 - Level 1 - Critical incident
 - Level 2 – Urgent incident
 - Level 3 – Standard incident
 - Level 4 - Scheduled incident

Help Desk support levels:

- First-line support – Support Specialist I
- Second-line support – Tier I, Application Specialist I
- Third-line support – Tier II, Application Specialist II

Acknowledgement Requirements

The following acknowledgement requirements are not based on hard realistic data at this time. The Authority and the Association shall review these requirements on a monthly basis for the first year in order to complete a trend analysis. The Authority recognizes that during Early Life Support (ELS) of new system enhancements, and as new functionality is added, the intake of incidents will likely spike and the normal acknowledgment requirements may vary.

Normal E-Portal acknowledgement requirements:

- Within a minimum of five (5) business days – required to be acknowledged by first-line support
- Within a minimum of six (6) business days – if incident is not acknowledged by first-line support an automated e-mail is sent to second-line support notifying them of the incident.
- Within a minimum of seven (7) days – if incident is not acknowledged by second-line support an automated e-mail is sent to the third-line support
- Within a minimum of eight (8) days – if incident is not acknowledged by third-line support an automated e-mail is sent to the Support Administrator and the Help Desk Manager.

ELS E-Portal acknowledgement requirements:

- Within a minimum of ten (10) business days – required to be acknowledged by first-line support
- Within a minimum of twelve (12) business days – if incident is not acknowledged by first-line support an automated e-mail is sent to second-line support notifying them of the incident.
- Within a minimum of fourteen (14) days – if incident is not acknowledged by second-line support an automated e-mail is sent to the third-line support
- Within a minimum of sixteen (16) days – if incident is not acknowledged by third-line support an automated e-mail is sent to the Support Administrator and the Help Desk Manager

The Help Desk shall not be responsible for supporting the test environments. Anything that is not a live production issue shall be logged into the HEAT system. The incident shall then be transferred directly to the E-Portal Project Team for these types of issues that do not fall under Normal E-Portal acknowledgement requirements or ELS E-Portal acknowledgement requirements.

Help Desk personnel are not officers of the court and are not attorneys licensed to practice law in the State of Florida, therefore, they shall not provide any type of legal advice concerning any case or funds.

Help Desk personnel are not sworn deputy clerks and, therefore, any incidents relating to local procedures and county operations shall be directed to the local Clerk's office.

Incident Closure:

- Upon resolution of the incident the customer is notified.
- If resolution requires a change the Help Desk will perform a functional escalation to one of the following areas:
 - Problem Management
 - E-Portal Project Team
 - Application Development Team

- TAP Team
- Systems Engineering
- Release/Deployment
- Change Management

The initial incident record shall be closed and a problem record shall be created. The problem record shall be linked to the initial incident record by the control number. Once the problem record is resolved the Help Desk shall notify the customer. The CAB shall be notified of the pending change request and the release/deployment process shall be utilized.

Early Life Support:

Early Life Support (ELS) provides the opportunity to transition a new or changed service to Service Operations in a controlled manner to set customer and service support expectations. The Association shall determine the entry and exit criteria from early life support.

During the ELS period, the incident acknowledgement requirements shall be as follows:

When the incident is reported, it shall be logged into the HEAT system. The incident shall then be transferred directly to a Help Desk Support Analyst. The Analyst shall gather more information from the customer and shall attempt to resolve the issue. If further assistance/escalation is required in order to resolve the incident; the Analyst shall immediately escalate the incident to the next level of support.

- The duration shall be established as a two (2) week period. ELS shall be reviewed by the Association each week to determine if ELS should be continued.

Roles and Responsibilities

Help Desk activities include:

- Service Support
- Incident and problem escalation
 - Customer change request (service request)
 - Identify customer training needs
 - Identify service deficiencies
- Software release/deployment
 - Rollout planning
 - Sign-off of the release for implementation
 - Installation of new or upgraded hardware
 - Release, distribution and the installation of the software
- Tracking of configuration items

The roles of Service Support:

- IT Management Staff – responsible for the oversight of all service support processes
- Service Center Manager – manages the daily operations of all service center functions
- Support Administrator I – acts as a liaison between the various groups to facilitate a smooth and timely delivery of the support.
- Support Specialist – responsible for first-line support
- Application Support Analyst I – responsible for second-line support
- Application Support Analyst II – responsible for third-line support
- TAP Team – responsible for on-site hardware and software support
- E-Portal Project Team – responsible for business analysis, requirements gathering, training, and documentation
- Application Development Team – performs all required changes to the software
- Quality Assurance Team – ensures that the release has been tested and meets all specifications and requirements
- System Engineering and Operations – ensures that any necessary network and hardware changes are identified
- Change Advisory Board – ensure that all changes are done in accordance with release/deployment and change management policies
- Service Support
- Incident and problem escalation
- Customer change request (service request)
- Identify customer training needs

Reports

Reports shall be provided to the Authority on a monthly basis. Below is a list of reporting information that shall be provided monthly after the Association fully implements and has begun fully operating the Help Desk.

Reporting Information:

Help Desk information:

1. How many incidents were received during that month.
2. How many incidents were closed during that month.
3. How many incidents are still open at the end of the month.
4. Average resolution time for incidents in that month.
5. Average acknowledgement time for incident in that month.

E-Portal Project Team information:

1. How many incidents & problem management tickets were received during that month.
2. How many incidents & problem management tickets were closed during that month.
3. How many incidents & problem management tickets are still open at the end of the month.
4. Average resolution time for incidents & problem management in that month.
5. Average acknowledgement time for incident & problem management in that month.

From time to time, the Authority and the Association shall analyze the normal E-Portal acknowledgement requirements and ELS E-Portal acknowledgement requirements to determine if they should updated and revised.

Security

The Association shall protect all personal information collected in the course of performing Help Desk services by utilizing a combination of security technologies, secure-information handling procedures, and organization measures to help protect personal information from unauthorized access, use or disclosure.

The Association shall secure all data when transferring over the Internet or internally at each Association site. All Help Desk personnel shall comply with the Association's Security Policies and Procedures, dated October 2009, as amended from time to time.

Confidentiality

The Association shall ensure that all Help Desk personnel comply with the confidentiality requirements set forth in Sections 16 and 17 of the Agreement for Design, Development, Implementation, Operation, Upgrading, Support and Maintenance of Statewide E-Filing Court Records Portal.

Definitions

Acceptance: Formal agreement that an IT service, process, plan or other deliverable is complete, accurate, reliable and meets its specified requirements.

Application: Software that provides functions that are required by an IT service. Each application may be part of more than one IT service. An application may run on one or more servers or clients.

Auto Ticket Generator (ATG): A module of HEAT that creates and modifies call records directly from email system and ASCII text files.

Beta: A limited release to selected customers for user acceptance testing. The beta testing time varies depending on the complexity of the release.

Business Process Automation Module (BPAM): A HEAT module created to monitor call record business rules and perform related actions.

Call Type: A Category that is used to distinguish incoming requests to a Help Desk. Common call types are incidents and service requests.

Category: Categories are used to group similar incident, types, things together.

Change: The addition, modification or removal of anything that could have an effect on IT Services.

Change Advisory Board (CAB): The board appointed by the Association. Meets regularly to review Requests for Change (RFC), to monitor the effectiveness of the Change Management Policy (CMP) and consists of two representatives (i.e. primary and secondary) from each of the departments with the Association. Additionally a CAB librarian is appointed to maintain a record of the CAB's activities, document meeting minutes, generate reports from HEAT of the submitted RFCs, and manage a calendar of scheduled changes.

Change Management: The process responsible for controlling the lifecycle of all changes. The primary objective of change management is to enable beneficial changes to be made with minimum disruption to IT services.

Configuration: A generic term used to describe a group of configuration items that work together to deliver an IT service or a recognizable part of IT service.

Configuration Item (CI): Any component that needs to be managed in order to deliver an IT service. Information about each CI is recorded in a Configuration Record within a Configuration Management System and is maintained throughout its lifecycle by Configuration Management.

Configuration Management: The process responsible for maintaining information about configuration items required to deliver an IT service, including their relationships.

Configuration Management Database (CMDB): A database used to store configuration records throughout their lifecycle.

Configuration Record: A record containing the details of a configuration item.

Critical Incident: The highest level of impact. A critical incident results in significant disruption to the customer.

Customer: Any authorized Portal user as of the date of this Policy.

Deployment: The activity responsible for movement of new or changed hardware, software, documentation, process, etc. to the live environment. Deployment is part of the Release and Deployment Management process.

Development: The process responsible for creating or modifying an IT service or application. Also used to mean the role or group that carries out development work.

Diagnostic Script: A structured set of questions used by Help Desk staff to ensure they ask the correct questions and to help them classify, resolve, and assign incidents. Diagnostic scripts may also be made available to users to help them diagnose and resolve their own incidents.

Early Life Support (ELS): Support provided for a new or changed IT service for a period of time after it is released. During the ELS period, the Association may provide additional resources for Incident and Problem Management.

Effectiveness: A measure of whether the objects of a process, service or activity have been achieved.

Escalation: An activity that obtains additional resources when these are needed to meet service level targets or Customer expectations.

First-line Support: The first level in a hierarchy of the support groups involved in the resolution of incidents.

Functional Escalation: Transferring an incident, problem or change to a technical team with a higher level of expertise to assist in an Escalation.

HEAT: An out-of-the-box service and support call ticket and call logging solution, which enables organizations to streamline employee and customer support interactions.

HEAT Self Service (HSS): employees or customers can submit service requests, subscribe to problems, or get status updates over the web.

HEAT Voice: allows the delivery of a better customer experience by phone-enabling the service management solution.

Incident: An unplanned interruption to an IT Service or a reduction in quality of an IT Service.

Incident Management: The process responsible for managing the lifecycle of all incidents.

Incident Record: A record containing the details of an incident.

IT Infrastructure Library (ITIL): A set of best practice guidance of IT service management. ITIL is owned by the British Office of Government Commerce (OGC) and consists of a series of publications giving guidance on the provisions of quality IT services, and on the processes and facilities needed to support them.

Known Error: A problem that has a documented root cause and a workaround. Known errors are created and managed throughout their lifecycle by Problem Management.

Lifecycle: The various stages in the life of an IT service, configuration item, incident, problem, change etc. The lifecycle defines the categories for status and the status transitions that are permitted.

Manual Workaround: A workaround that requires manual intervention. Manual workaround is also used as the name of a recovery option in which the business process operates without the use of IT services. This is a temporary measure and is usually combined with another recovery option.

Operation: Day-to-day management of an IT service, system or other configuration item. Operation is also used to mean any predefined activity or transaction.

Problem: A cause of one or more incidents. The cause is not usually known at the time a problem record is created, and the Problem Management process is responsible for further investigation.

Problem Management: The process responsible for managing the lifecycle of all problems. The primary objective of problem management is to prevent incidents from happening, and to minimize the impact of incidents that cannot be prevented.

Problem Record: A record containing the details of a Problem.

Process: A structured set of activities designed to accomplish a specific objective. A process takes one or more defined inputs and turns them into defined outputs. A process may include any of the roles, responsibilities, tools and management controls required to reliably deliver the outputs. A process may define policies, standards, guidelines, activities, and work instructions if they are needed.

Release: A collection of hardware, software, documentation, processes or other components required to implement one or more approved changes to IT Services. The contents of each Release are managed, tested and deployed as a single entity.

Release and Deployment Management: The process that is responsible for both the policy and planning of building and releasing software. Release Management is a proactive technical support focused on planning, preparation and deployment of services

Release Management: The process responsible for planning, scheduling and controlling the movement of releases to test and live environments. The primary objective of Release Management is to ensure that

the integrity of the live environment is protected and that the correct components are released. Release Management is part of the Release and Deployment Management Process.

Request for Change (RFC): A formal process for a change to be made. A RFC includes details of the proposed changes, and may be recorded on paper or electronically.

Rollout: Synonym for Deployment. Most often used to refer to complex or phased deployments or deployments to multiple locations.

Second-line Support: The second level in a hierarchy of support groups involved in the resolution of incidents and investigation of problems.

Service Desk: A single point of contact between the service provider and the users. A typical service desk manages incidents and service requests, and also handles communication with the users. The terms “Help Desk” and “Service Desk” are used interchangeably.

Service Request: A request from a user for information, advice, a standard change or for access to an IT service.

Scheduled Incident: The fourth and lowest level of impact. A scheduled incident is an incident that is being worked based upon an agreed to schedule.

Standard Incident: The third level of impact. A standard incident is a routine incident and has no impact to the customers operations.

Single Point of Contact: Providing a single consistent way to communicate with an organization or business unit.

System Management: The part of the Association that focuses on the management of IT infrastructure rather than process.

Technical Management: The function responsible for providing technical skill in support of IT services and management of the IT Infrastructure. Technical Management defines the roles of support groups, as well as the tools, processes and procedures required.

Technology Assistance Program (TAP): TAP is a technical support team responsible for supporting customers onsite.

Test Environment: A controlled environment used to test configuration items, builds, IT services, processes, etc.

Third-line Support: The third level in a hierarchy of support groups involved in the resolution of incidents and investigation of problems.

Urgent Incident: The second level of impact. An urgent incident has an impact on one or more users but has a minimal impact to the customer’s operations.

Version: A version is used to identify a specific baseline of a configuration item. Versioning typically uses a naming convention that enables the sequence or date of each baseline to be identified. For example Traffic Application Version 3 contains updated functions from Version 2.

Workaround: Reducing or eliminating the impact of an incident or problem for which a full resolution is not yet available.

Service Desk Report June 2015

TAB 14

Service Desk Report June 2015



Florida Courts E-Filing Authority Board

Service Desk Report June 2015



E-Portal Service Desk

Types of Incidents

- **Customer Service Incidents (Section 2)**

- Attorneys Process Servers Mental Health Professionals
- Pro Se Mediators Law Enforcement
- Judges Court Reporters

- Typical calls include: password resets, E-Service Issues, case number not found

- **Technical and System Support Incidents (Section 3)**

- Clerks Other Stakeholders
- Typical calls include: system configuration, code table issues, and resending filings



Customer Service Incidents

June 2015 Statistics

Policies and Procedures Page 5

	April 2015	May 2015	June 2015
Incidents Received	3,215	3,421	3,549
Incidents Closed	3,141	3,266	3,445
Incidents Open at End of Month	129	167	116
Average Acknowledgement Time per Incident	.22 Days 1 Hour 58 Minutes	.25 Days 2 Hours 18 Minutes	.06 Days 31 Minutes
Average Resolution Time per Incident	.55 Days 4 Hours 55 Minutes	.67 Days 5 Hours 59 Minutes	.24 Days 2 Hours 10 Minutes
# of Filings	1,190,303	1,115,774	1,244,140
# of Documents	1,822,944	1,696,656	1,879,839



Judge Incidents

June 2015 Statistics

Policies and Procedures Page 5

	April 2015	May 2015	June 2015
Incidents Received	1	0	0
Incidents Closed	1	0	0
Incidents Open at End of Month	0	0	0
Average Acknowledgement Time per Incident	.01 Days 8 Minutes	.0 Days 0 Minutes	.0 Days 0 Minutes
Average Resolution Time per Incident	.01 Days 8 Minutes	.0 Days 0 Minutes	.0 Days 0 Minutes
# of Filings	9,450	11,372	23,957
# of Documents	10,698	12,852	29,952



Pro Se Incidents June 2015 Statistics Policies and Procedures Page 5

	April 2015	May 2015	June 2015
Incidents Received	191	258	274
Incidents Closed	187	246	283
Incidents Open at End of Month	10	12	15
Average Acknowledgement Time per Incident	.19 Days 1 Hour 43 Minutes	.30 Days 2 Hours 40 Minutes	.07 Days 36 Minutes
Average Resolution Time per Incident	.54 Days 4 Hours 54 Minutes	.68 Days 6 Hours 8 Minutes	.28 Days 2 Hours 30 Minutes
# of Filings	4,167	4,018	4,407
# of Documents	6,386	6,191	6,841



Attorney Incidents June 2015 Statistics Policies and Procedures Page 5

	April 2015	May 2015	June 2015
Incidents Received	3,023	3,163	3,275
Incidents Closed	2,952	3,020	3,314
Incidents Open at End of Month	123	122	155
Average Acknowledgement Time per Incident	.22 Days 1 Hours 59 Minutes	.25 Days 2 Hours 14 Minutes	.06 Days 30 Minutes
Average Resolution Time per Incident	.55 Days 4 Hours 56 Minutes	.66 Days 5 Hours 57 Minutes	.24 Days 2 Hours 7 Minutes
# of Filings	1,151,198	1,075,980	1,182,772
# of Documents	1,769,108	1,643,296	1,799,641



Technical/System Support Incidents

June 2015 Statistics

Policies and Procedures Page 5

	April 2015	May 2015	June 2015
Incidents Received	499	606	583
Incidents Closed	495	578	603
Incidents Open at End of Month	98	99	14
Average Acknowledgement Time per Incident	.18 Days 1 Hour 39 Minutes	.15 Days 1 Hour 22 Minutes	.88 Days 44 Minutes
Average Resolution Time per Incident	1.01 Days 9 Hours 5 Minutes	.56 Days 5 Hours 2 Minutes	.42 Days 3 Hours 45 Minutes
# of Filings	6,015	5,172	5,764
# of Documents	6,906	6,115	6,769



Top 10 Types of Incidents For:

- **Attorneys**

Account Set-Up

E-Service Issue

Password Reset

Referred To County

Case Question

Filing Status Check

Payment Question

Case Number Not Found

Login Issues

Pending Queue Problem

- **Self-Represented Litigant/Pro Se**

Account Set-Up

Document Tab

Login Issues

Referred To County

Case Question

E-Service Issue

Password Reset

Create New Filing

General Question

Pending Queue Problem

- **Judges**