



The Florida Courts E-Filing Authority Minutes

Florida Courts E-Filing Authority Board of Directors met on June 15, 2021, at 2:00 p.m., EDT, by WebEx. The following board members were present:

- X The Honorable Karen E. Rushing, Sarasota County Clerk, Chair
- ✓ The Honorable Todd Newton, Gilchrist County Clerk, Vice Chair
- ✓ The Honorable Jeff Smith, Indian River County Clerk, Secretary/Treasurer
- ✓ The Honorable Tara S. Green, Clay County Clerk
- ✓ The Honorable John Tomasino, Clerk, Supreme Court
- ✓ The Honorable Clayton O. Rooks, Jackson County Clerk
- ✓ The Honorable Steve Land, Lafayette County Clerk
- ✓ The Honorable Stacy Butterfield, Polk County Clerk
- ✓ The Honorable Kevin Madok, Monroe County Clerk

Ms. Kerry Parsons, Esq., was in attendance as Authority General Counsel.

- I. The Honorable Todd Newton, Vice Chair, presided over the meeting as the Chair in the absence of the Honorable Karen E. Rushing. Chairman Newton opened the meeting at 2:00 p.m., EDT. He welcomed those in the room and those participating by WebEx. Chairman Newton asked for a roll call. A quorum was present.

II. Adoption of the Agenda

Chairman Todd Newton asked for a motion to adopt the agenda.

The Honorable John Tomasino moved adoption of the agenda. The Honorable Stacey Butterfield seconded the motion. All voted to accept the agenda as presented.

Annual Authority Meeting

Review of Annual Authority Activities

- III. Chairman Todd Newton opened the Annual meeting of the Authority and provided an overview of the year's activities. (Chairman Newton's remarks are attached at the end of the minutes.)

IV. Election of the Vice Chair and Secretary/Treasurer

Chairman Todd Newton moved into the election of the Vice Chair and Secretary/Treasurer.

Chairman Newton thanked the Board for their continued service and commitment to the significant effort. He further thanked the Honorable Jeff Smith for serving as the Secretary/Treasurer this past year.

The Honorable Stacy Butterfield moved to nominate the Honorable Jeff Smith as Secretary/Treasurer Vice Chair for the 2021-2022 program year. The Honorable Clay Rooks seconded the nomination and all voted favorably.

Chairman Newton commented that he had enjoyed serving as the Vice Chair the past year and asked for nominations for the floor for the position.

The Honorable John Tomasino moved to re-elect the Honorable Todd Newton to serve as the Vice Chair. The Honorable Jeff Smith seconded the motion and all voted favorably.

Chairman Newton thanked the board for his nomination and congratulated the Honorable Jeff Smith on continuing as Secretary/Treasurer. Chairman Newton then concluded the Annual Meeting and opened the Annual Meeting of the Board.

Annual Meeting of the Board

V. Reading and Approval of the Minutes

Chairman Todd Newton recognized the Honorable Jeff Smith to present the April 2021 minutes as posted on the website.

Hearing no changes or corrections, the Honorable Jeff Smith moved adoption of the April 2021 minutes. The Honorable John Tomasino seconded the motion. All voted favorably.

VI. Treasurer's Report

Review of the Monthly Financial Report

Chairman Newton recognized the Honorable Jeff Smith to present the April 2021 financial statements. He reported assets at the end of April stood at \$6.2M, \$5.4M in cash and \$789,000 in accounts receivable. Liabilities stood at \$563,000. Equity stood at \$5.6 M.

Through the month of April 2021, he reported total revenues at \$789,000 for a net profit of \$221,000. The change in net assets year-to-date was \$ 1.2 M.

Directors & Officers Insurance

Chairman Newton recognized the Honorable Jeff Smith to review the quote received after the last meeting for the Directors and Officers Insurance. The Honorable Jeff Smith remarked that the quote came in for three times what had been budgeted for the expenditure, noting it was the first time the insurance had increased since the Authority was put in place. He informed the Board that he had authorized the FCCC finance team to go ahead and renew that insurance, but noted that the Board needed to ratify that action.

As the Directors and Officers Insurance policy had to be renewed in between meetings, the Honorable Jeff Smith made a motion asking the Board to ratify the approval of the D&O insurance and approve the increased expense. The Honorable Tara Green seconded the motion.

In discussion, the Honorable Stacy Butterfield asked if staff could make sure to look at the policy earlier next year, noting the need to shop for price. The Honorable Jeff Smith did comment that the insurance agent did shop the rate with several other carriers and the rate quoted was the lowest provided.

All voted in favor.

2021-2022 Budget, Revised

The Honorable Jeff Smith explained that, while the Board had adopted the 2021-2022 budget at the April 2021 meeting, due to the increase in the insurance costs, the budget document needed revised to be reflective of the correct amount for the upcoming year. As such, he explained, the only change to the budget was a revision to the insurance category from \$1,100 to \$3,352.

The Honorable Jeff Smith made a motion to approve the 2021 2022 budget as revised. The Honorable Stacy Butterfield seconded the motion and all voted in favor of the revised budget as presented.

Reserve Request

The Honorable Jeff Smith recognized Mr. Machek, FCCC CFO, to present this agenda item. Mr. Machek explained that in order to handle the new payment settlement process that would be coming later summer as the new payment processor would be put into lace, he told the Board that \$3 million would be needed to be taken out of reserves and placed in the Authority bank account in

order to over the payments coming through. He informed the Board this was in compliance with the reserve policy.

The Honorable Jeff Smith made a motion to accept the proposal to move \$3 million dollars out of reserves and into the operating account in order to be ready for the new payment processor. The Honorable Clay Rooks seconded the motion and all voted in favor.

Tax Exempt Status

The Honorable Jeff Smith asked Brian Macheck to explain the issue. Mr. Macheck explained that they felt the Authority should file the paperwork with the Florida Department of Revenue in the event they ever needed to purchase anything. After discussion, the Board asked that Beth Allman, Authority Administrator, sign the document and that the Finance staff file it with the department.

The Honorable Stacy Butterfield made a motion to accept the proposal to file a form with the Florida Department of Revenue registering the E-Filing Authority as a tax-exempt entity and allow Beth Allman, Authority Administrator, to sign the form on our behalf. The Honorable Jeff Smith seconded the motion and all voted in favor of the motion.

VII. Progress Reports

E-Portal Progress Report

Chairman Newton recognized Ms. Carolyn Weber, FCCC Portal Project Manager, to review the May 2021 status report and describe the variety of users, and document format submission.

Ms. Weber reported that the numbers remained high reflective of the courts beginning to open back up. In the month of May 2021 there were 1.5 million filings, representing 2.5 million documents for the month, and 12 million pages. She commented that the filing volumes for the e-filing partner agencies was still growing.

The Honorable Tara Green asked if the uptick in case filings represented any specific case types. Ms. Weber offered to provide that information.

Service Desk Report

Ms. Gia Howell, Portal Service Desk Supervisor, was recognized to present the service desk report statistics. She pointed out that the call volumes were increasing. She reported that a new module had been installed to capture

phone numbers. She felt that would be helpful to the service center being able to track and return calls.

VIII. Florida Courts Technology Commission

It was noted that the next Florida Courts Technology Commission (FCTC) meeting would be held August 19-20, 2019, in Sarasota.

Chairman Newton read the following report on the standardization project as provided by the Honorable Karen E. Rushing who was unable to attend.

Update on CMS UCR case types and subcategories for Clerks

The docket description workgroup of FCCC, while working on creating standard docket descriptions, realized that in order to develop standardized docket descriptions there needed to be standard subcategories of case types that all clerks used.

A subcategory of a case type is created by clerks when their duties require a more granular level of reporting than what is required under UCR. Example: Foreclosure fees based upon value. Clerks need subcategories of this case type to collect the correct filing fee.

A matrix of subcategories was submitted to the FCTC, from there it was reviewed by the OSCA and now, after a little tweaking, it is ready to go back to the FCTC for approval.

Once approved, the docket description workgroup will begin building the standard docket descriptions for civil case types.

At some point, the portal authority will need to address how both the subcategories and docket descriptions are implemented. One optimal option is for those standards for both subcategories and docket descriptions to be established at the portal and pushed own to the CMS. This approach will ensure standardization. At some point this subject will come before the portal authority for an implementation strategy.

IX. Old Business

eCommerce Update

Mr. Melvin Cox, FCCC Director of IT, informed the Board that the FCCC technical team was still working on the implementation of the new payment processor, Adyen. He reported that more information would be presented to the Board later in the summer.

Mr. Melvin Cox was recognized to update the Board on a security issue that had been put in place the previous week to bring Portal security in line with the Access Security Matrix. He explained that the new process would validate the Florida Bar ID for a filer. He noted that there were FAQs being sent out explaining the new change.

X. New Business

Communications Committee Report

The Honorable Todd Newton, Chair, recognize the Honorable Tara S. Green to present the communication tools the committee had been working on.

Request for Approval of 10-year Celebration Video

The Honorable Tara S. Green reminded the Board of the animated video that had been provided at the April meeting and was posted on the Authority website. She then informed them of the newest video displaying the great collaboration that has taken place over the years to build the portal to what it is today. Mr. Kyle Dunaway, FCCC, showed the video.

The Honorable Tara S. Green moved approval of the newest video. The Honorable Jeff Smith seconded the motion and all voted favorably on the motion.

Communications Plan Update

The Honorable Tara S. Green provided a draft press release touting the 10-years of e-filing to the Board for approval. She explained that it went hand in hand with the video and the 10-year anniversary efforts.

The Honorable Tara S. Green moved to approve the press release. The Honorable John Tomasino seconded the motion and all voted in favor of the motion.

E-Filing Authority and Portal Logo Rebranding Efforts

The Honorable Tara S. Green presented a new logo and brand from the Communications Committee.

She explained that the Communications Committee could not decide between two of the examples, so she showed the Board both and allowed them to debate the two.

After discussion of both logos, the Honorable Tara S. Green made a motion to approve logo # 1 based on the preference of the Board members and ask Kyle to move forward with the branding using that logo and style. The Honorable John Tomasino seconded the motion and all voted in favor.

XI. General Counsel Report

Contract with KMA for Website Redesign

Ms. Kerry Parsons, Esq., presented the contract that had been negotiated with Kerigan Marketing and Associates for website redesign services. She explained the contract included the original RFP, the KMA response and an addendum to clarify several options. She noted that the contract had a one year term that renewed annually. Additionally, she commented that there were two options

provided in the contract that the Board would need to vote on, how to pay for regular site maintenance and ADA maintenance.

The Honorable Tara S. Green made a motion to approve the contract with KMA to provide website redesign services and to approve payment of an annual amount of \$1,500 for regular maintenance and \$1,500 for the ADA maintenance. The Honorable John Tomasino seconded the motion and all voted in favor.

Rules Report

As Mr. Tom Hall was unable to join the meeting, Ms. Beth Allman, Authority Administrator, was recognized to provide a rules report. She reported that recently a rules case had been filed by the Florida Supreme Court amending rule 2.420 to remove the requirement that the Clerk redact confidential information found in certain civil cases. While it was felt it may not impact the Portal at this time, the staff was monitoring the rule and would report back if needed. Additionally, she reported that there had been a rules case previously filed that codified some provisions of the Interlocal Agreement. That case was rejected by the Florida Supreme Court and sent back to the committee. Ms. Allman commented that if that rule is sent back to the court, the Board will be kept apprised of that as well.

Public Comment

There were no public comments.

XII. Adjourn

The Honorable Jeff Smith moved to adjourn the meeting. The Honorable Steve Land seconded the motion. All voted in favor.

The Honorable Todd Newton, Chair, thanked everyone for attending.

The meeting was adjourned at 3:10 p.m.