Judge Lisa Taylor Munyon, Chair
Florida Courts Technology Commission
c/o Office of the State Courts Administrator
500 S. Duval Street, Tallahassee, Florida 32399-1900

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BY

October 26, 2012

The Honorable Ricky L. Polston
Chief Justice, Florida Supreme Court
Supreme Court Building
500 South Duval Street
Tallahassee, FL 32399-1900

Re: Response of the Florida Courts Technology Commission to the Status Report of the Florida Courts E-Filing Authority

Dear Chief Justice Polston:

In accordance with the Supreme Court's September 19, 2012, order in 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, ___ So.3d ___, 2012 WL 2865998, 37 Fla. L. Weekly S423 (Fla., June 21, 2012, revised Oct. 18, 2012)(No. SC11-399), and in my capacity as chair of the Florida Courts Technology Commission (FCTC), I submit this response, on behalf of FCTC, to the October 5, 2012, status report of the Florida Courts E-Filing Authority. That report is appended to this response.

The report, in relevant part, advised that the ePortal is fully deployed and capable of accepting electronic filings in all trial court divisions; the clerks of circuit and county courts are progressing in their development of efiling capability, with delays in implementation occurring due to migration to new case maintenance systems; and progress is being made in developing and implementing bulk efiling through the ePortal for the state attorney and public defender offices. With respect to efiling in the appellate courts, the report advised that functionality for efiling cases through the ePortal to the Supreme Court and district courts of appeal has not been implemented, and ePortal functionality for these cases will be implemented in a phased-in approach spanning a time frame of December 1, 2012 to December 1, 2013.

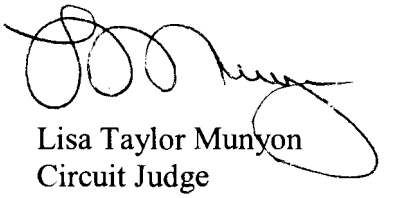
FCTC has no objection to the E-Filing Authority's proposal for a phased-in approach to implementation of e-filing in the appellate courts, but recommends that chief judges of the district courts be permitted to mandate e-filing in their court at any earlier time through administrative order. FCTC requests the Court to allow it an opportunity to later respond to issues relating to transmittal of the electronic record on appeal.

Given that the report states that the clerks of court will meet the April 1, 2013, deadline for implementation of efiling in the civil divisions and the clerks advised FCTC that they will meet the October 1, 2013, deadline for implementation of efiling in the criminal divisions, FCTC sees no need to propose new implementation dates for the trial courts.

The Florida Court Clerks and Comptroller (FCCC) advised FCTC at its October meeting that FCCC cannot develop e-service capability for the ePortal without a source of funding. Under terms of the September 9, 2010, contract between the Florida Courts E-Filing Authority and FCCC (formerly FACC), FCCC is required to design, develop, implement, operate, upgrade, support and maintain a statewide e-filing court records portal at no cost to the E-Filing Authority or the courts. A statement of work incorporated into that contract includes e-service as a component of the ePortal required to be provided by FCCC.

FCCC representatives stated at the meeting that the association will develop and implement e-service functionality for the ePortal, but when that functionality will be provided remains unresolved. FCCC agreed to provide FCTC with a list of ePortal services it believes are outside the scope of the contract. The FCTC Funding Subcommittee is scheduled to meet with FCCC and the E-Filing Authority on November 19, 2012, to address funding issues for the ePortal.

Sincerely,



Lisa Taylor Munyon
Circuit Judge
Ninth Judicial Circuit

Attachment

LTM: cb

cc: Lisa Goodner, State Courts Administrator
Laura Rush, General Council, State Courts Administrator
Christina Blakeslee, Office of the State Courts Administrator

October 5, 2012

Chief Justice Rickey Polston
Florida Supreme Court
500 S Duval St.
Tallahassee, FL 32399

Dear Chief Justice Polston,

I am writing to you as the chair of the Florida Courts E-Filing Authority Board of Directors. The purpose of this letter is to communicate the status of the Florida Courts ePortal, for both trial and appellate courts, as directed in Administrative Order SC11-399, dated September 19, 2012.

The ePortal began transmitting court documents in January 2011 and is fully deployed and fully capable of accepting electronic filings in all of the trial court divisions (Circuit Criminal, County Criminal, Juvenile Delinquency, Criminal Traffic, Civil Traffic, Circuit Civil, County Civil, Probate, Family, and Juvenile Dependency). In 2012 more than one hundred fifty thousand (150,000) cases with more than two hundred thousand (200,000) associated documents have been filed through the ePortal.

As of October 1, 2012, fifty-two (52) Clerks of Court have established live eFiling capability for civil cases in the trial courts. The remaining fifteen (15) are progressing with implementing eFiling capability (please see attached Readiness Report). The delay in implementing these remaining counties is due to migration to new Case Management Systems (CMS) or implementing new CMS features to accommodate eFiling through the ePortal. Additionally, many of the remaining counties have established eFiling capability in one or more divisions and are working to complete the implementation for all five (5) designated civil trial court divisions.

There are presently four (4) Clerks of Court who have established eFiling capability in the criminal trial court divisions. Work is also progressing with State Attorney and Public Defender offices to develop and implement bulk eFiling through the ePortal. This work is being coordinated by the Florida Court Clerks & Comptrollers (FCCC) between the Clerks of Court, State Attorney, and Public Defender offices and their vendors.

The development of new functionality for eFiling cases on appeal to the Supreme Court and District Courts of Appeal continues, but has not yet been implemented. This ePortal work is being coordinated between the FCCC and the Office of State Courts Administrator (OSCA) to finalize and implement the

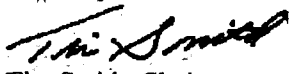
required functionality for the ePortal to transmit, and for the Electronic Florida Appellate Courts Technology Solution (eFACTS) system to receive, eFiled appellate cases. Testing to receive appellate court eFilings from the portal into eFACTS has been successful. End-to-end testing of all functionality has not yet been conducted since additional coding is required in eFACTS, as well as in the portal. This new ePortal appellate functionality will be implemented in a phased-in approach, beginning with the Supreme Court in December 2012 and each District Court of Appeal following in 2013 (please see attached Readiness Report). In December 2012, the Supreme Court will be able to accept eFilings for Original Proceedings and both Appeal and Discretionary jurisdiction (except for the actual notice of appeal and notice to invoke discretionary jurisdiction), and subsequent eFilings for Original Proceedings, Discretionary jurisdiction, and Appeal jurisdiction. As with the rollout of eFiling at the trial court level, it will be on a voluntary basis, with a limited number of attorneys filing, for at least 90 days.

In summary, the Florida Courts ePortal is fully implemented and fully capable of transmitting electronically filed court documents for each of the trial courts. This capability will be extended to the appellate courts, in a phased approach, from December 2012 to December 2013.

Please note that the Florida Courts E-Filing Authority Board of Directors will meet next Friday, October 12, 2012. As such, this report is on our agenda for review and consideration. In the event that any amendment to this report is required, I will send it at that time.

On behalf of the Florida Courts E-Filing Authority Board of Directors, I wish to acknowledge all of the collaborative efforts between the courts, the clerks, and partnering organizations that have made the ePortal successful.

Sincerely,



Tim Smith, Chair
Florida Courts E-Filing Authority
Putnam County Clerk of the Circuit Court

CC: Florida Courts E-Filing Authority Board of Directors
Hon. Lisa T. Munyon, Chair, Florida Courts Technology
Hon. Thomas D. Hall, Clerk of the Supreme Court
Ms. Lisa Goodner, the State Courts Administrator
Hon. Becky Norris, President, Florida Court Clerks & Comptrollers
Mr. Kenneth A. Kent, Executive Director, Florida Court Clerks & Comptrollers