

E-Service, E-Filing and When to Respond



THE PROBATE TEAM 2014
OCTOBER 10, 2014

LAIRD A. LILE
NAPLES, FLORIDA

Overview



RULES
ADMINISTRATIVE ORDERS
STATUTES

A Retrospective



E-Mail Service: SC10-2101

Originally issued on June 21, 2012; amended on August 14, August 30, and October 9; withdrawn and revised as of October 18, 2012

Electronic Filing: SC11-399

Originally issued on June 21, 2012; amended on August 14, and October 9; withdrawn and revised as of October 18, 2012; supplemented on November 28, 2012 and February 18, 2013

Something New



E-Service
Through the E-Portal

Something Even Newer



E-Publication

CS/HB 781

Chapter No. 2014-210

The Players



- The Court
- The Legislature
- Florida Court Technology Commission
- Florida Courts E-Filing Authority

The Court

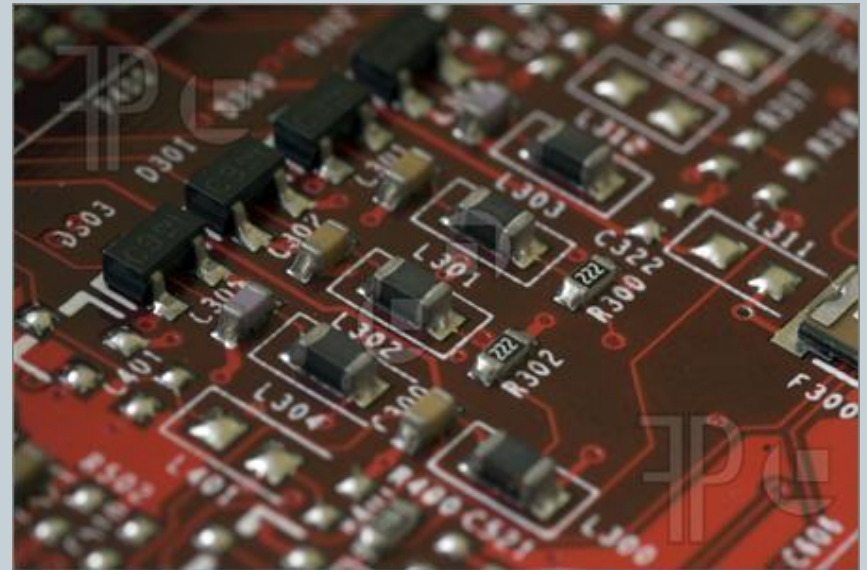


The Legislature



Florida Courts Technology Commission

- Responsible for overseeing, managing, and directing the development and use of technology within judicial branch under direction of the Court

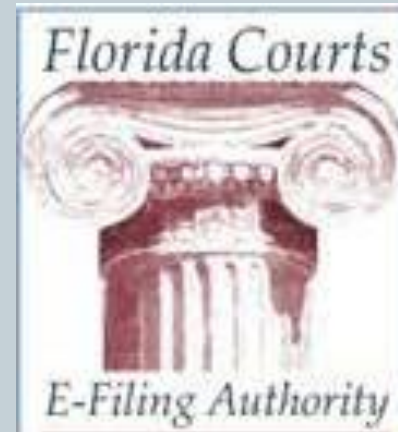


Florida Courts Technology Commission



✦ Membership includes:

- 2 district court judges;
- 5 circuit court judges
 - 1 of whom must be a chief judge;
- 2 county court judges;
- 3 court administrators;
- 3 court technology officers;
- 4 clerks of court
 - 1 of whom must be a clerk of an appellate court;
- 4 members of The Florida Bar (1 of whom must be a member of the Board of Governors of The Florida Bar); and
- 2 members of the public at large



Florida Courts E-Filing Authority



- A rulemaking body created in 2010 responsible for governing the E-Portal's development and implementation
- Membership includes:
 - 8 circuit court clerks
 - The clerk of the Florida Supreme Court



Florida Courts E-Filing Portal
www.myflcourtaccess.com

E-Filing Submission Statistics

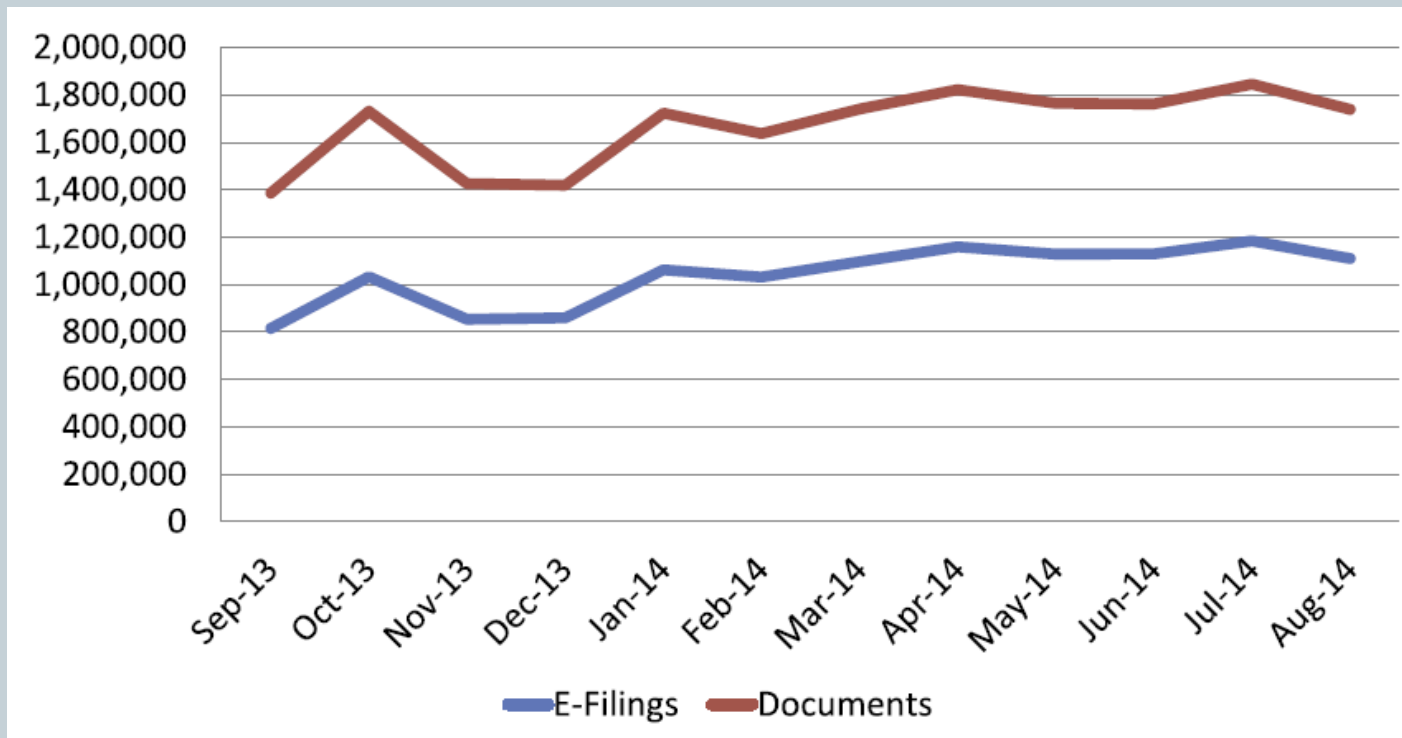


Category	Number
E-Filing Submissions	1,110,009
Individual Documents Submitted	1,739,018
Average Submissions per Weekday	52,128
Highest Volume Day 8/26	55,251
New Case Initiation	4.8%
Portal Users	66,912

Updated as of August 2014

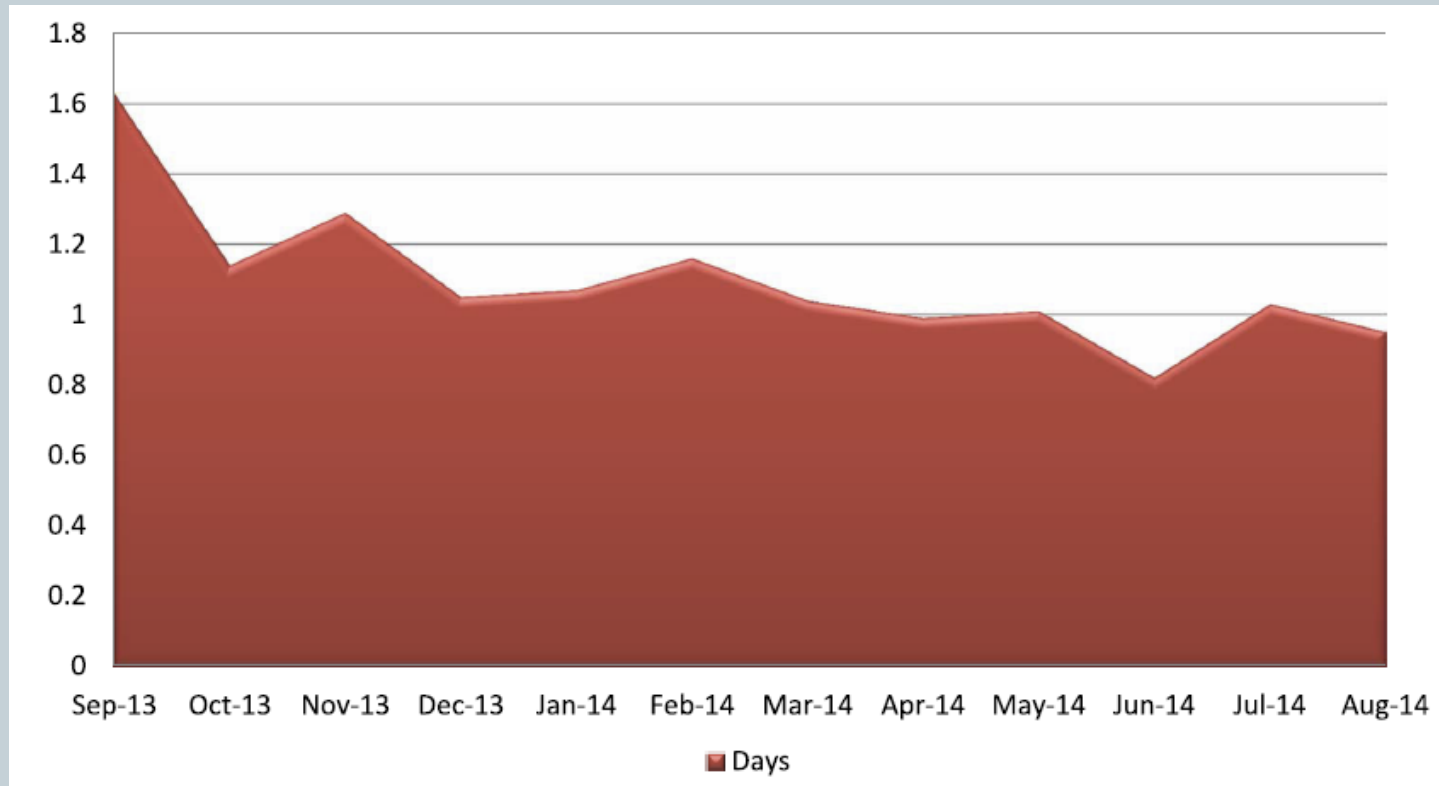


Documents Filed Within E-Filing Submissions



Updated as of August 2014

Average Days to Docket



Updated as of August 2014

E-Service Competency

- *Matte v. Caplan*, 39 Fla. L. Weekly D1237 (Fla. 4th DCA 2014)
 - E-mail reading, “6277 Caplan, Stacey vs. Quepasa Corporation, Inc.: Defendants’ Motion for 57.105 Sanctions.doc.”
 - Holding: The court **denied** to grant sanctions



E-Service Competency



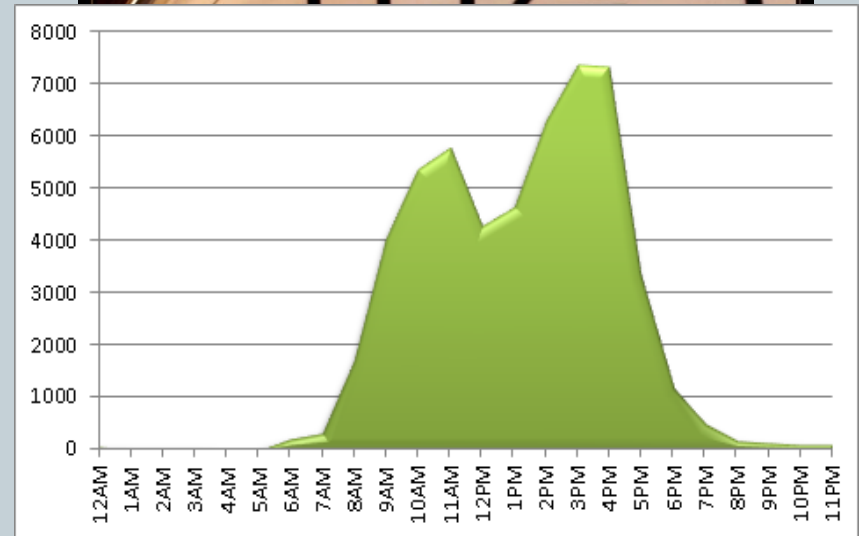
- **Why?**

- E-service did not comply with Fla. R. Jud. Admin., Rule 2.156, requiring that the email:
 - ✦ Provide a PDF or a link to the motion on a website maintained by the clerk
 - ✦ Contain, in the subject line, “SERVICE OF COURT DOCUMENT,” followed by the case number
 - ✦ State the court, the case number, name of the initial parties, title of each document served with that email, and the name and telephone number of the person serving the document.

When to E-File?

- Time of Service – Fla. R. Jud. Admin., Rule 2.516(b)(1)(D)
 - Service by e-mail is complete on the date it is *sent*
 - If the e-mail is sent by the E-Portal or other e-Service system, service is complete on the date the served document is *electronically filed*

When are filings occurring?



Updated as of June 2014

@ myflcourtaccess.com



**SENSITIVE INFORMATION
V.
CONFIDENTIAL INFORMATION**

Sensitive Information v. Confidential Information



Sensitive Information – Fla. R. Jud. Admin 2.425

- *In re Implementation of Committee on Privacy & Court Records Recommendations*, 78 So.3d 1045 (Fla. 2011)
 - The Florida Supreme Court adopted the amended Fla. R. Jud. Admin., Rule 2.425, to minimize the amount of sensitive information filed with the courts

Sensitive Information v. Confidential Information



Sensitive Information – Fla. R. Jud. Admin 2.425(a)

- Must be limited to:
 - Minor's initials
 - Year of birth
 - No portion of any:
 - ✦ Social security number;
 - ✦ Bank, credit, charge, or debit account number;

Sensitive Information v. Confidential Information



Sensitive Information – Fla. R. Jud. Admin 2.425(a)

- Must be limited to:
 - The last four digits of any:
 - ✦ TIN or EIN;
 - ✦ Driver's license number;
 - ✦ Passport number;
 - ✦ Telephone number;
 - ✦ Financial account number;
 - ✦ Brokerage account number;
 - ✦ Insurance policy account number;
 - ✦ Loan account number;
 - ✦ Customer account number; or
 - ✦ Patient or health care number



Sensitive Information v. Confidential Information

Sensitive Information – Fla. R. Jud. Admin 2.425(a)

- Must be limited to:
 - A truncated version of any:
 - ✦ Email address;
 - ✦ Computer user name;
 - ✦ Password; or
 - ✦ PIN
 - A truncated version of any other sensitive information as provided by court order



Sensitive Information v. Confidential Information



Sensitive Information – Fla. R. Jud. Admin 2.425(b)

- Exceptions:
 - An account number indentifying the subject property
 - The birth date of a minor if the birth date is necessary to establish or maintain subject matter jurisdiction
 - The name of a minor in any document or order affecting the minor's ownership of real property

See Fla. R. Jud. Admin 2.425(b) for additional exceptions.

Sensitive Information v. Confidential Information



Confidential Information – Fla. R. Jud. Admin., Rule 2.420

- The following information shall be maintained as confidential:
 - Social Security, bank account, charge, debit, and credit card numbers
 - Birth records and *portions* of death records
 - Estate inventories and accountings



Sensitive Information v. Confidential Information



Confidential Information – Fla. R. Jud. Admin., Rule 2.420

- The following information shall be maintained as confidential:
 - Guardianship reports
 - Orders relating to findings of no probable cause in guardianship cases

See Fla. R. Jud. Admin., Rule 2.420 (d)(1), for additional forms of confidential information.

- Must file “Notice of Confidential Information within Court Filing” to indicate that confidential information is included within the filing. Fla. R. Jud. Admin., Rule 2.420(d)(2)

E-PUBLICATION



E-PUBLICATION
CS/HB 781 - CHAPTER NO. 2014-210
HOUSE OF REPRESENTATIVES FINAL BILL ANALYSIS



- **Former Law Regarding Publication of Notice:**
 - Publication in newspaper required once a week for four consecutive weeks
 - ✦ § 49.10(1)(a), Fla. Stat.
 - Notice placed on newspaper's website on same day published in print
 - ✦ § 50.0211(2), Fla. Stat.
 - Newspaper must place notice on statewide website maintained by the Florida Press Association
 - ✦ § 50.0211(3), Fla. Stat.

E-PUBLICATION
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- **Current law under CS/HB 781:**
 - Notice posted on newspaper's website in a separate webpage titled "Legal Notices," "Legal Advertising," or comparable language
 - Notices are the dominant and leading subject matter of the webpage
 - No fee nor registration may be required for viewing or searching notices on the statewide site

E-PUBLICATION
CS/HB 781 - CHAPTER NO. 2014-210
HOUSE OF REPRESENTATIVES FINAL BILL ANALYSIS



- **Current law under CS/HB 781:**
 - Notice placed on statewide website must be:
 - ✦ Searchable by party and case number;
 - ✦ Posted for 90 consecutive dates following the first publication; and
 - ✦ Maintained in a searchable archive on the website for 18 months.
 - Effective date: **October 1, 2014**

And now something for the
Judges



Judicial E-Filing
Implementation Status



CONCLUSION