

Florida Courts Technology Commission Meeting

FCTC Action Items/ Summary of Motions

February 1-2, 2011

A meeting of the Florida Courts Technology Commission was held at the Park Trammell Building in Tampa, Florida on February 1-2, 2011. The meeting convened at 1:00 P.M. on the first day, Chairman Judge Judith Kreeger presiding.

Members of the Commission in attendance

Judge Judith L. Kreeger, Chair, 11th Circuit

Judge Manuel Menendez, Jr., 13th Circuit

Ken Nelson, CTO, 6th Circuit

Ted McFetridge, Trial Court Administrator, 8th Circuit

Judge C. Alan Lawson, 5th DCA

Dennis Menendez, CTO, 12th Circuit

Mary Cay Blanks, Clerk of Court, 3rd DCA

Thomas Genung, Trial Court Administrator, 19th Circuit

Karen Rushing, Clerk of Court, Sarasota County

Judge Sheree Cunningham, Palm Beach County

Charles C. Hinnant, Ph.D., Florida State University

Paul Regensdorf, Esq., Fort Lauderdale

Murray Silverstein, Esq., Tampa

Judge Scott Stephens, 13th Circuit

Judge George S. Reynolds, 2nd Circuit

Jannet Lewis, CTO, 10th Circuit

Judge Lisa Taylor Munyon, 9th Circuit

Judge Stevan Northcutt, 2nd DCA

Laird A. Lile, Esq., Fort Myers

Judge Robert Hilliard, Santa Rosa County

James B. Jett, Clerk of Court, Clay County

Kent Spuhler, Esq., Executive Director, Florida
Legal Services

Members of the Commission not in attendance

Jim Fuller, Clerk of Court, Duval County

Dale Brill, Ph.D., Florida Chamber Foundation

Carol Ortman, Trial Court Administrator, 17th Circuit

OSCA and Supreme Court Staff in attendance

Alan Neubauer

Blan Teagle

Jenna Simms

Chris Blakeslee

Steven Hall

Denise Overstreet

Tom Hall, Clerk of the Supreme Court

Lakisha Hall

Other Attendees

Steve Shaw, CTO, 19th Circuit

Craig McLean, CTO, 20th Circuit

Sunil Nemade, CTO, 17th Circuit

Chips Shore, Clerk of Court, Manatee County

Ken Kent, Executive Director, Florida Association of
Court Clerks and Comptrollers

Melvin Cox, Director of Information Technology, Florida
Association of Court Clerks and Comptrollers

Jeff Stanford, Director of System Development,
Hillsborough County Clerk

Mark Ware, Directory of Appeal, Jury, Mental Health
and Probate, Hillsborough County Clerk

Fred Buhl, CTO, 8th Circuit

Craig Van Brussel, CTO, 1st Circuit

Bob Inzer, Clerk of Court, Leon County

Chris Corzine, Network Administrator, First
District Court of Appeal

Jim Reynolds, ePortal Administrator, Florida
Association of Court Clerks and Comptrollers

Dave Johnson, Aptitude Solutions

Dale Bohner, Legal Counsel for Pat Frank,
Hillsborough County Clerk

The meeting began with Judge Kreeger welcoming the commission members and other participants and calling the meeting to order.

Agenda Item I. Florida Appellate Courts Technology Solution (FACTS) project update and demonstration

Denise Overstreet gave a brief background on the origin of the FACTS project. A pilot for the FACTS project was approved for the Supreme Court and the 2nd District Court of Appeal. The FACTS project mimics the current Case Management System (CMS) interface.

It will be advantageous to move to the FACTS for several reasons: 1) the FACTS integrates electronic document management, 2) the current CMS is client-based, whereas the FACTS system is web-based, which allows remote access to the FACTS system 24 hours a day 7 days a week from any computer, 3) predefined and customizable electronic workflows and forms are built into FACTS, 4) a lot of interaction can happen because FACTS is built on Microsoft platform, and 5) the ability to associate a document to a docket which is an impediment of the current CMS. Another advantage of the FACTS system is the Court owns the code. The only cost Denise could think of to transfer the FACTS system to the other DCAs was licensing cost.

Paul Regensdorf wanted to know when we would have a system similar to the PACER system. Denise said she does not foresee this happening for at least a few years. Tom Hall informed the Commission that redaction software is going to be built into the FACTS system.

Murray Silverstein stated we need a uniform statewide system with the functionality to satisfy the data needs of the court. Tom Hall mentioned that the Governance Study Group put together a governance report that recognizes a top-down approach. This report is scheduled for conference on February 22, 2011. A major barrier of court technology is that the funding for technology is paid for by the \$2.00 fee received by the county. This fee not only pays for court technology, but it also pays for the technological needs of the State Attorney, Public Defender and Regional Counsel. Chips Shore voiced the problem is not necessarily the judges, but instead the "outsiders", such as state attorneys and public defenders. The system needs to make the judges' job on the bench easier and not slow down the judicial process.

Agenda Item II. iDCA/eDCA project update and demonstration

Chris Corzine said the adoption of SB1718 during the 2009 legislative session which mandated the 1DCA to develop a technological approach to the appellate workflow was the basis for the iDCA system. iDCA is Internal DCA (employees of the court) and eDCA is External DCA (customers of the court). iDCA/eDCA is an electronic filing system developed for the Office of Judges of Compensation Claims.

eDCA is completely web-based. Users can sign on anywhere and anytime to view case documents. Currently there are approximately 3,100 registered eDCA users. eDCA allows attorneys to see briefs filed in all types of cases even if the attorney is not involved in the case. eDCA does not send a notification out when a document is filed; however, an email notification is sent when a document has been accepted or rejected.

In order to track which attorneys actually view the links, each attorney receives a different link to the documents. Even attorneys on the same case receive a different link.

AGENDA ITEM III. ePortal/eFiling update

Melvin Cox presented a PowerPoint presentation. He discussed the data elements that are included on the XML envelope. The data elements were presented to the Florida Courts E-Filing Authority Board (Authority Board) at their January 11, 2011 meeting. The Authority Board approved all of the data elements except six optional demographic data elements (plaintiff/defendant/petitioner/respondent race, plaintiff/defendant/petitioner/respondent gender, plaintiff/defendant/petitioner/respondent date of birth). Judge Kreeger stated the elements need to be included even as optional because sometimes a date of birth is the only way an individual can be identified. Paul Regensdorf raised the privacy rule and the issue of minimization. One of the pieces of information a filer is not required to include is date of birth. Karen Rushing stated it is common practice for someone in the clerks' office to look for a name in the database and if there are multiple names, additional identifiers are needed to identify the person.

Motion to Conform XML data elements so they are consistent with minimization rule

MOTION OFFERED: Murray Silverstein

MOTION SECONDED: Judge George Reynolds

More discussion ensued. Judge Manuel Menendez wanted to know if the time for comments on proposed rule 2.425 had passed and Paul Regensdorf said time had passed. The proposed rule is scheduled for oral argument on February 11, 2011. Tom Hall informed the Commission that on January 11, 2011, the Authority Board decided to refrain from adding additional data elements into the portal until the Authority Board knew what the Court would rule.

Murray Silverstein then withdrew his motion.

Motion to Reconsider prior vote to "Adopt all XML envelopes" at the October 19, 2010 FCTC meeting

MOTION OFFERED: Judge George Reynolds

MOTION SECONDED: Murray Silverstein

MOTION CARRIED

Motion to Delete Date of Birth, Gender, and Race from the XML data envelopes

MOTION OFFERED: Murray Silverstein

MOTION SECONDED: Judge C. Alan Lawson

MOTION OPPOSED: Judge Manuel Menendez & Judge Scott Stephens

MOTION CARRIED

Judge Manuel Menendez said we should inform the Supreme Court that Rule 2.425 contradicts the FCTC's recommendation to collect an individual's date of birth and let the Supreme Court make a decision. Then members discussed the effectiveness of collecting and using social security numbers as

identifiers for purposes of case management. Jimmy Jett said although the social security number is captured and kept by the clerks, it is not public information via Section 119.071, Florida Statutes. Judge Judith Kreeger said there are many people in Florida without a social security number, which diminishes the effectiveness of using that particular identifier. Judge Scott Stephens said there is a federal statute which provides that you cannot identify someone by his or her social security number. Judge Kreeger informed the Commission that the proposed minimization rule 2.425 allows the clerks of court to capture date of birth for case management purposes. The Commission decided to reconsider motions regarding the XML data envelope because the rule allows for the information to be captured.

Reconsider Motion to Leave optional data elements on envelope, contingent upon it not costing the FACCSG to make the change. Additional suggestion to have a clear indication that items are optional (i.e. footnote or disclaimer).

MOTION OFFERED: Laird Lile

MOTION SECONDED: Karen Rushing

MOTION OPPOSED: Kent Spuhler

MOTION CARRIED

Melvin Cox went back to the discussion of the portal and stated there is a new URL for the portal (www.myflcourtagency.com). On January 4, 2011, Lake County was the first county to accept an electronic filing through the portal. As of today, nine counties (Lake, Putnam, Miami-Dade, Walton, Columbia, Duval, Lee, Holmes and Gulf) are accepting electronic filings through the portal. Broward, Orange, Marion, Collier, Polk, Franklin, Jackson and Leon counties are expected to be rolled-out in Phase II. Tom Hall said two appellate courts (the Second DCA and the Supreme Court) will connect to the portal fairly soon. There were approximately 200 filings through the portal in the first month. Miami-Dade opened the portal to all attorneys on January 31, 2011. There are several major steps each county must complete before accepting electronic filings through the portal. They include: 1) having an approved electronic filing plan; 2) having an interface with the portal; 3) providing codes (i.e., division codes and statutory fees) for FACC to program; 4) successful end-to-end testing; 5) identification of pilot attorneys and 6) having a planned production roll-out.

Florida Association of Court Clerks (FACC) added a page to the portal that informs the attorneys that they must do a paper filing follow-up for 90 days. Melvin Cox said some attorneys are apprehensive about using the portal because of the 90-day paper follow-up. Paul Regensdorf asked if there was a user manual for attorneys to familiarize themselves with the portal. FACC also added a "filer documentation" link that is a manual that provides a set of instructions for using the portal. Paul Regensdorf said the FACC's communication to The Florida Bar is weak. He recommended that the FACC should contact The Florida Bar and inform them about the manual so that the Bar could send a mass email to the members.

Judge Manuel Menendez wanted to know if an attorney had the ability through the portal to view records or cases even if the attorney does not represent a party to that case. Melvin Cox said right now that attorneys cannot, but hopefully in the future that will be possible. Judge Menendez also questioned if specific case management systems are compatible with the portal. Melvin Cox said they are working with various vendors to ensure compatibility. The portal is designed to be a delivery method to local case management systems.

Melvin Cox said the Authority Board was tasked with making the portal operational. They are still working out the look and feel of the system. Tom Hall said there was a meeting this week to redesign the website and add training material. He said it is difficult to get anything done because of the limited time the Authority Board meets. Although there was not any publicity about the URL for the portal, there were 500 attorneys who tried to use the portal. Judge Kreeger asked what kind of feedback the FACC had received. Melvin Cox responded that users are saying it is a timesaver and easy to use. Unfortunately, there are not enough filers to provide a lot of feedback.

The portal now has the capability to add parties to a case after a case has been filed. Mary Cay Blanks wanted to know if the FACC received any feedback about grouping everyone together and calling them a party. The portal does not seem to have an area to indicate an interested party, i.e., attorney. Melvin Cox responded that different roles could be defined and applied. Murray Silverstein had questions about Automated Clearing House (ACH) accounts. He wanted to know about options other than ACH or credit cards. For registration purposes, he questioned whether it is possible for charges to go directly to an account established in the local county. Laird Lile suggested opening up a separate account for filing fees and not have the account tied to an escrow account. Melvin Cox said technically this can be done, but there is not a huge difference between escrow and ACH accounts. Judge Alan Lawson questioned the \$12 convenience fee. Melvin Cox explained it is a banking fee that goes back to the Authority Board. Tom Hall clarified that the convenience fee is based on mathematical projections and will probably be adjusted each year because the FACC is not allowed to earn a profit from operation of the portal.

AGENDA ITEM V. Committee Updates

Appellate Court Technology Commission (ACTC)

Judge Stevan Northcutt reported that he received a letter from Chief Justice Charles Canady requesting the committee compile a list of work-related software applications used by smartphones and iPads that should be eligible for reimbursement. The committee will work with OSCA staff and submit the list to the Court by March 28th.

ePortal Committee

Judge George Reynolds led the discussion about the Authority Board having exclusive jurisdiction over the portal and the FCTC's role as an advisory group. He also discussed the reasons a filing can be rejected. It is the judiciary's belief that a clerk should not reject a filing. Laird Lile reported about a decision from the Fourth District Court of Appeal, Tanner v. State, 744 So.2d 1017 (Fla. 4th DCA 1997).

“...we take this opportunity to make clear to the clerks of the circuit courts in this district that it is not proper to refuse to accept papers for filing merely because they contain, as here, scrivener's errors in the captions. ...the courts have generally concluded that the clerk's duties with regard to accepting papers for filing are ministerial.”

Workgroups will be created to begin working on the XML data elements envelope for the remaining five divisions of court (Circuit Criminal, County Criminal, Juvenile Delinquency, Criminal Traffic, and Civil Traffic).

Funding Committee

Judge Stevan Northcutt spoke about the multi-system model in the state courts system. There are roughly 1,344 systems in Florida's 67 counties. Due to fiscal frugality, finding funding for any project is

almost impracticable. He mentioned that identifying the cost for the Trial Court Integrated Management Solution (TIMS) project is a huge task. This has not been done in any other state. He suggested hiring a consultant to help with this undertaking. Grant sources are currently being identified and a workgroup will be established to help the Office of the State Courts Administrator with the grant writing process.

TIMS Committee

Judge Scott Stephens said the TIMS project is a multi-year, multi-phase project. The managerial aspect of the project will be done by the Commission on Trial Court Performance & Accountability and the Court Statistics & Workload Committee. These two groups are trying to develop recommendations regarding the standardized information that needs to be accessed and tracked by judges, case managers, and other staff in order to move cases efficiently and effectively through the trial court process and the standardized caseload and workload information needed at the circuit and statewide reporting levels essential for performance monitoring and resource management. They will also study what is currently in the trial courts. Those two groups are to present a report to the Supreme Court by June 30, 2012.

Technical Standards Committee

Jannet Lewis advised that the committee is updating the Integration and Interoperability document in conjunction with reviewing PDF/A as a potential standard file type. The federal government will use this standard for the next version of the PACER application. Not only is this standard heavily adopted in Europe, but the Library of Congress has also adopted this standard. PDF/A holds fonts, colors, digital signatures and is 508 compliant. Jannet reached out to Stephen Levenson, IT Specialist for Policy and Planning with the Administrative Office of the United States Courts to arrange a conference call to discuss the process they went through to evaluate this standard and what challenges they faced in implementing it into their PACER application. Jannet will communicate with Judge Kreeger to determine which committees should be involved in the conference call with Mr. Levenson.

Manatee Oversight Committee

Judge Manuel Menendez gave a brief background on the Manatee project. Phase I of the project allowed Manatee County to put certain documents on-line. Phase II allowed Manatee County to put all documents on-line. A contract has been signed with the National Center for State Courts to evaluate Phase II of the project. The results of this evaluation are expected to be reported to the FCTC at the May meeting. Every document that comes into the clerks' office is redacted by law or by rule, except for Visible on Request (VOR) documents, which are documents known to contain information that should be redacted before being available for public view (e.g. deposition transcripts). When a request is made to view a VOR document, the document is redacted before being provided to the requestor. Upon scanning, the redaction software searches for known confidential information and redacts it. The redacted documents are then put into a queue for human review of confidential information that is not detected by the software. This is also done by classification of the document. For the month of October, approximately 131,000 documents were accessed in Manatee County. About 1,900 of those were VOR documents. Chips Shore did not have any problems or complaints regarding the Manatee project to report.

Education & Outreach

Judge Sheree Cunningham reported that 1 ½ hours have been allotted for technology related issues to be presented at a plenary session of the Florida Conference of Circuit Judges meeting August 14-17 in Marco Island, Florida. The Florida Bar is offering a free on-line course relating to rule 2.420 entitled

Redacting Confidential Information. Judge Kreeger encouraged all members to assist in outreach to all groups.

Privacy & Access to Court Records Committee

Paul Regensdorf gave a brief history on the access to court records. In 2007 the Supreme Court formed committees to study court rules and propose changes of rules to prepare courts for electronic filing and to handle confidential information. Court committees proposed amendments to Rule 2.420 and the Court then amended the rule. Minimization was another issue. Murray Silverstein and Judge Melanie May were instrumental in leading this major initiative. The access committee and the rules of judicial administration committee recommended omnibus rules, or one standard set of principles for all divisions. All rules committees were asked to review their rules in an effort to minimize the information filed with the court to that which was then necessary for the court to determine an issue.

Proposed Rule 2.425 is pending with the Court and is scheduled for oral argument on February 11, 2011. There may be some inconsistencies between rule 2.420 and proposed rule 2.425 (i.e., including social security numbers and bank account numbers). Sanction provisions are not really clear in the proposed rule. Rules committees are working on a “glitch” amendment to cover additional items that were not included in the enumerated list of confidential information and documents, such as pre-sentence investigations and mental health evaluations, among other things. A form notice was created for a filer to designate the filing that contained confidential information. Karen Rushing asked if the court would be dealing with the issue of certifying copies. Is the redacted copy certified or is the original unredacted document copied and certified? There is not a description in the rule that indicates who can have access to confidential information and this is something we need to think of in the electronic world. Judge Kreeger stated an ongoing educational process is needed.

Annual Reports Committee

Ken Nelson informed the Commission that the annual reports committee will undertake the Technology Operation Plan as one of its first initiatives. The Technology Operation Plan should change from a report to an inventory of sorts that would tie into the Integration & Interoperability document. Ken Nelson is seeking volunteers to assist with this committee.

Electronic Filing Committee

Judge Manuel Menendez said the committee has continued to receive and review electronic filing plans. With the help of OSCA staff, he presented a chart that shows which counties have been approved and for which divisions, county by county. Jefferson and Indian River counties are the only counties that have not applied for some type of approval. Judge Reynolds wanted to know if OSCA had notified the clerks of this. He would like to see all counties applied or approved for an electronic initiative in order to report to the Legislature. Jenna Simms said OSCA has worked with the FACC to let them know which counties have not applied. FACC stated they will contact the local clerks in those counties and assist as needed with the application process.

AGENDA ITEM VI. E-Filing Committee – Expand responsibilities and membership

Judge Kreeger discussed aligning the responsibilities of the e-Filing committee with Rule 2.236(b)(6) and (c)(3) and asked the Commission how to proceed.

Motion to Expand the roles and responsibilities of the E-Filing Committee, and appropriately re-name to accurately reflect the additional responsibilities

MOTION OFFERED: Judge Manuel Menendez

MOTION SECOND: Laird Lile

MOTION CARRIED UNANIMOUSLY

Jannet Lewis suggested expanding the membership of the as yet to be named committee as well. Judge Kreeger will work with OSCA on necessary paperwork to facilitate the change.

AGENDA ITEM VII. Operational Procedures

Tom Hall reviewed the operational procedures document and noted the changes. Judge Robert Hilliard questioned if there was a difference between an unexcused and an excused absence. Paul Regensdorf said the intent was to cover both types of absences. If a member chooses not to attend, or on the other hand if the member is too busy to attend, he/she may be removed from the Commission.

The Commission discussed how long to give a county to respond to a request for additional information. Karen Rushing suggested allowing the submitter to have 60 days to respond to a request for additional information. Section IX – Approval Process for Technology Programs, Systems, and Applications – was revised to include a deadline for the submitter to provide complete additional information to the OSCA.

Motion to Adopt the amended operational procedures

MOTION OFFERED: James Jett

MOTION SECOND: Laird Lile

MOTION CARRIED UNANIMOUSLY

AGENDA ITEM VIII. E-Access Standards: v3.0

Judge Manuel Menendez reminded the members that the E-Access Standards are a living document and will be changed as needed. All changes that were discussed at the October 2010 FCTC meeting have been incorporated. Under section 3.1.12 (Time Stamp/Acceptance of Filing), Laird Lile, on behalf of the ePortal Committee, suggested deleting “accepted locally and” from paragraph two. The sentence will now read, “However, the filing will not be official information of record until it has been stored on the Clerks’ case maintenance system.” Judge Alan Lawson had concerns about rejecting a filing. Laird Lile said in Tanner v. State the Court said that the clerks could not reject a filing. Mary Cay agreed and said the clerk usually contacts the filer to correct the issue. Paul Regensdorf said filers needed to be certain of the time of filing. Does the filing occur at receipt of the portal or when the filing is accepted by the local clerk? It was determined that the filing occurs when it is received at the portal. Paul was hesitant to approve the standards without having thoroughly reviewed them. Chris Blakeslee stated the standards are a living document and can be changed as needed, but the Commission needs to get standards in place for the clerks to follow. Karen Rushing questioned whether when a clerk receives a document from the portal, is the clerk receiving a document that was filed or is the clerk filing a

document. Mary Cay Blanks said the clerks currently use two time stamps: received in the office and filed. Judge Manuel Menendez said the critical date is the date the document was filed. Judge George Reynolds said a filer should have the same comfort level of electronically filing a document as the filer has when handing a paper copy to the clerk. Melvin Cox said a stamp on the document after it has been accepted into the clerks' case maintenance system can have additional information such as case number. Melvin also said it is not clear which electronic time stamp will be affixed to the document.

Several members had suggestions to modify the standards. Murray Silverstein suggested leaving section 3.1.12 as is. Paul Regensdorf suggested changing "for each clerk of courts' office" to "for all clerks of court" in section 3.1.11. Paul also remarked referencing Rule 2.520(c) was irrelevant in section 3.1.12. Judge Kreeger suggested modifying the sentence in section 3.1.12, which read, "When information has been submitted electronically to the clerk of court, the clerk of court will perform a local validation to examine the submission and determine...". She wanted to remove "perform a local validation to". It was also suggested to rename section 3.1.11 from Local Validation to Local Examination Process. Tom Hall observed the E-Access Standards as a mix of policies, standards and rules. Murray said section 3.1.11 needs to be reworked, but it is not really an issue the Commission should be concerned with in a standards document. This is more of a local clerk issue.

Motion to Adopt Judge Kreeger's edits to section 3.1.11, rename section 3.1.11 to Local Examination Process and to delete reference to rule 2.520(c) in section 3.1.12

MOTION OFFERED: Paul Regensdorf

MOTION SECOND: Laird Lile

MOTION CARRIED UNANIMOUSLY

Amend Motion to Delete the second sentence of the first paragraph in section 3.1.12

MOTION OFFERED: Paul Regensdorf

MOTION SECOND: Laird Lile

MOTION CARRIED UNANIMOUSLY

Before the deletion, the paragraph read, "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. All submissions shall be in accordance with Rule 2.520, Florida Rules of Judicial Administration.

Motion to Refer Rule 2.520 to Rules of Judicial Administration for purposes of modernizing provisions of the rule

MOTION OFFERED: Murray Silverstein

MOTION SECOND: Paul Regensdorf

MOTION CARRIED UNANIMOUSLY

Ted McFetridge had questions about searchable documents. He said a document comes into the clerks' office as a searchable PDF, but the clerk converts the document to a TIFF for storage purposes and then converts the document back to a searchable PDF. Fred Buhl said scanning PDFs is still a problem. Chris Blakeslee said this is addressed in section 3.1.2 Document Format. Tom Genung said the standards do

not state if the document has to be searchable at the portal or the local level. Judge Reynolds said the document must be searchable if the clerks are going to eliminate paper, as stipulated in the FCTC Letter of Authorization for e-filing. Chris Blakeslee said clerks cannot eliminate paper until documents are in a searchable format.

Motion to Adopt the standards as amended

MOTION OFFERED: Judge C. Alan Lawson

MOTION SECOND: Paul Regensdorf

MOTION CARRIED UNANIMOUSLY

AGENDA ITEM IX. E-Service Petition (Rule 2.516)

Murray Silverstein said the Email Service Petition Rule 2.516 should be mandatory for all attorneys. This rule will allow the practitioner to be more efficient. All communication between parties can be done electronically. There will be a uniform email standard for all attorneys throughout the state. Pro se filers will be excluded from this requirement. The Florida Bar is going to recommend that e-Filing and e-Service be mandatory for all attorneys when a system is up and running. Paul Regensdorf said he had some concerns because consensus is wavering a bit at the end of the comment period. There are a lot of "what ifs". One issue is funding. The Public Defender Association says they can't afford this. Another issue is the technical challenges. Some lawyers have concerns about spam. Rule 2.516 is pending before the Supreme Court.

AGENDA ITEM X. Legislative Update

Chris Blakeslee informed the Commission that OSCA is tracking SB 170 which requires the State Attorneys and Public Defenders to submit a plan to the legislature by March 2012, as to how they would implement systems to e-file with the clerks of court. Blan Teagle spoke about the funding issues. The legislative session is scheduled to begin March 8, 2011. Chief Justice Canady and Lisa Goodner have both presented and testified at committee meetings over the past few weeks. At the request of the legislature, the state courts system participated in the 15% budget reduction exercise. Over the past three years there has been a 10.61% decrease in the state court system (SCS) budget. During 2007-2008 and 2008-2009, the SCS was reduced by 290.5 full time employees. The judicial branch has taken its cut and asked the legislature to be cognizant of that fact. Some major issues are pension and DROP reform. Judge Manuel Menendez added that the Speaker of the House has referred to a potential proposal which would take away the rule making process from the Court.

AGENDA ITEM XI. Judicial Inquiry System (JIS) Update

Chris Blakeslee gave the history of JIS. JIS goes to 13 different data sources to extract information. Using JIS, the First Appearance calendar flags high risk sex offenders, violent felony offenders of special concern, federal alerts, and if someone standing before a judge has a warrant. In September 2010, Metatomix was purchased by a different vendor and either terminated employment or reduced employees' pay by 50%. Since September 2010, OSCA has not had anyone from Metatomix dedicated to support the JIS. OSCA has been in contact with DataMaxx to review the current JIS and to seek other

opportunities to rewrite JIS. It is legislatively mandated to provide the JLA (Jessica Lunsford Act) calendar. The AWACS (Active Warrant Alert Calendaring System) was developed for Lee County after an individual who had a warrant and appeared before the court, was released on bond and later killed a police officer.

AGENDA ITEM XII. Commission's Yearly Report to Supreme Court

A report is due to the Supreme Court on April 1, 2011. Judge Kreeger asked if the FCTC should make a recommendation to the Supreme Court that electronic filing be mandatory. Murray Silverstein said the FCTC should make a recommendation; otherwise attorneys will not use the portal. Kent Spuhler said the federal system mandates all lawyers use the PACER system, but pro se litigants are not required to do so. Ted McFetridge said pro se litigants could be helped to use the electronic system and ultimately should be a part of the process. Judge Kreeger said there a number of barriers that the Court would have to consider such as language and location. Paul Regensdorf does not think it is a good idea to make Pro se and prisoners use e-filing at this time. It could cause substantial problems.

Motion to Recommend to the Supreme Court to phase in electronic filing and make it mandatory for all attorneys

MOTION OFFERED: Judge Manuel Menendez

MOTION SECOND: Judge C. Alan Lawson

MOTION CARRIED UNANIMOUSLY

AGENDA ITEM XIII. Other items/Wrap-up

Ted McFetridge discussed Open Court, which is a court reporting system that was developed in-house in the 8th circuit. Fred Buhl is going to bring Open Court before the Digital Court Recording committee for review and compliance with the Technical and Functional Standards for Digital Court Recording. The 8th circuit expects to be completely off of the vendor system by October 2011. Fred asked the FCTC if a recommendation could be made to the Trial Court Budget Commission (TCBC) to continue funding for the Open Court project. Judge Kreeger did not think it was appropriate for the FCTC to make that recommendation, as the Commission does not make such individual recommendations. Ted is going to write a letter to the TCBC to request that they continue funding the Open Court project.

Judge Kreeger thanked everyone for coming. There being no further business, the meeting was adjourned. The next Commission meeting is scheduled for May 3-4, 2011 in Tallahassee, Florida.