

## Florida Courts Technology Commission Meeting

### FCTC Action Items/ Summary of Motions

January 27-28, 2009

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#### Commission Members Present

Judge Judith L. Kreeger, Chair, 11<sup>th</sup> Circuit

Mary Cay Blanks, Clerk of Court, 3<sup>rd</sup> DCA

Judge Gary M. Farmer, 4<sup>th</sup> DCA

Judge Marci L. Goodman, 1<sup>st</sup> Circuit

Judge C. Alan Lawson, 5<sup>th</sup> DCA

Ted McFetridge, Trial Court Administrator – 8<sup>th</sup> Circuit

Judge Manuel Menendez, Jr. , 13<sup>th</sup> Circuit

Ken Nelson, Court Technology Officer – 6<sup>th</sup> Circuit

Carol Ortman, Trial Court Administrator – 17<sup>th</sup> Circuit

Paul R. Regensdorf, P.A., Ft. Lauderdale, FL

Judge Charles E. Williams, 12<sup>th</sup> Circuit

#### Other Attendees

Doug Isabelle, FACC

#### Supreme Court

Justice Barbara Pariente

#### OSCA Staff Present

Lisa Goodner

Lakisha Hall

Laura Rush

Greg Youchock

Chris Noel

Merica Granger

Greg Smith

James Ledbetter

Chris Blakeslee

Maria Arnold

Steve Henley

Sharon Buckingham

Donna Brewer

Beth Schwartz

Debbie Howells

Blan Teagle

### Day 1 - FCTC Action Items/ Summary of Motions

1. Review and adoption of FCTC Long Range Plan Workgroup – Draft Report [Day 1 - Agenda Item III. 1.] The report recommendations addressed the technology areas of access, performance and accountability, security for court records, and governance for the Judicial Branch 2020 Long Range Strategic Plan.

#### Motion to Adopt the FCTC Long Range Plan Workgroup draft report recommendations:

MOTION OFFERED: Ted McFetridge

MOTION SECONDED: Paul Regensdorf

Member discussion continued with regard to language revisions to paragraph (a) specifically to strike references to access to court events including “past audio and video recordings”. The “Security” language in paragraph (f) was completely revised and clarified to reference “Security for court records”. Also changes to the language related to defining court technology as a state court element.

#### Motion to Amend:

MOTION OFFERED: Judge C. Alan Lawson

MOTION SECONDED: Judge Marci Goodman

Member discussion continued with regard to changing the word “should” to “must or shall” throughout the report. Members agreed to change it to “must”.

**Motion to Amend:**

MOTION OFFERED: Judge Marci Goodman

**MOTION PASSED BY UNANIMOUS VOTE**

Below is the Final Long Range Plan Workgroup Draft Report Recommendations as adopted:

***Long Range Plan Workgroup - Draft Report “2020 Plan” – January 27, 2009***

***Draft Recommendations:***

***Access***

- (a) Court technology must provide *uniform* electronic access for the public) to court records, court services and court programs throughout the state.
- (b) Court technology must provide a *uniform* electronic filing process throughout the state.
- (c) Court technology must enable *uniform* electronic attendance by attorneys, parties, litigants and the public.
- (d) Court technology must provide open, integrated and shared data with justice partners subject to the limitations of the law.

***Performance and Accountability***

- (e) Court technology must provide *uniform* electronic reporting of the performance and accountability of the courts throughout the state.

***Security for Court Records***

- (f) In maximizing public access, technology must preserve the integrity of all court records and protect those records containing confidential information as provided by law.

***Governance***

- (g) The Supreme Court of Florida must *directly* control all court technology, including case maintenance and case management functions, in all courts to ensure that the judicial branch functions in accordance with technical and other standards and procedures established and approved by the Court.
- (h) Technology must be deemed an essential element of court system infrastructure adequately and dependably funded by the state.

2. Review and adoption of FCTC Governance Structure Workgroup – Draft Report [Day 1 - Agenda Item III. 3.] The report recommendations addressed ownership of the court record, development of an integrated information system, channels of communication, sequence of priorities, and development/maintenance of a court technology website.

Member discussion regarding paragraphs “b”, “c” and “d” specific to changing the word “must” to “should”.

**Motion to Adopt the FCTC Governance Structure Workgroup draft report recommendations with amended language:**

MOTION OFFERED: Judge C. Alan Lawson  
MOTION SECONDED: Carol Ortman

Further member discussion regarding changing references to the “judicial branch of government” to “courts” throughout the document.

**Motion - 2<sup>nd</sup> Amendment of report:**

MOTION OFFERED: Paul Regensdorf  
MOTION SECONDED: Carol Ortman

Further member discussion regarding changes to the recommended membership of the FCTC as referenced in paragraph “e”.

**Motion – 3<sup>rd</sup> Amendment of report:**

MOTION OFFERED: Ted McFetridge  
MOTION SECONDED: Judge C. Alan Lawson

Further member discussion regarding adjustments to the language associated with funding, and the need to enhance existing systems to account for budgets and transmit revenue, which resulted in elimination of paragraph “d” and new language being added to paragraph “c”.

**Motion – 4<sup>th</sup> Amendment of report:**

MOTION OFFERED: Ted McFetridge  
MOTION SECONDED: Judge Manual Menendez, Jr.

**MOTION PASSED BY UNANIMOUS VOTE**

Below is the Final Governance Structure Workgroup Recommendations as adopted:

***Governance Structure Workgroup Recommendations***

- a. The Court “owns” court records and the information contained within those records. The clerk of the court serves as custodian of the records.

- b. The courts must develop an integrated information system to share critical statistics, documents, images and key transactions in a timely manner. The Supreme Court must control and direct development of that system.
- c. The courts must develop an information system that captures data and information by which they (a) are accountable for performance of their responsibilities; (b) manage the timely and efficient processing and disposition of their cases. Currently, courts have systems to account for their budgets and transmit revenue, but these systems must be enhanced. The information system must also enable multiple users to electronically exchange over secure networks judicial case background data, sentencing scoresheets, and video evidence information stored in integrated case management systems.
- d. The courts should direct and control development of the court's information system through the Florida Courts Technology Commission. Judicial officers and courts staff, including trial and appellate court judges, court technology officers, and court administrators should constitute the majority of the FCTC.
- f. Channels of communication should be established with other Supreme Court committees and commissions whose work relates to the responsibilities of the FCTC, and with the clerks. This objective may be accomplished at the OSCA staff level.
- g. The Supreme Court, through the FCTC, should establish a sequence of priorities for technology innovations and projects to be accomplished within the judicial branch, based upon available funding for technology. Requests for approval of technology projects should be submitted through a clearly defined path. Requests for approval of e-process projects should be subject to approval at the FCTC level and need not be approved by the Supreme Court.
- h. OSCA should develop and maintain a court technology website, which would contain, among other things:
  - (1) copies of all county and circuit applications for approval of technology projects, their status, and all available data for each project;

- (2) forms required for applications for approval, annual reports, and all other forms required by the Supreme Court and OSCA concerning technology projects
  - (3) uniform standards (established by the Supreme Court through the FCTC) for technology projects
  - (4) all administrative orders and committee and commission reports that relate to technology in the judicial branch
3. Request by Ted McFetridge to “go on the record” stating that the FCTC does not meet often enough and there is a need to request additional funding to enable the Commission to meet more frequently to be effective. This request is based on the fact that technology is a high priority in many on-going activities throughout the branch. All members concurred.

## **Day 2 - FCTC Action Items/ Summary of Motions**

1. Review and discussion of the enforcement of Supreme Court administrative orders, specifically administrative order AOSC07-49 [Day 2 - Agenda Item IV.]. The enforcement of this order was directed to the FCTC by Chief Justice Quince, through correspondence dated December 3, 2008, from Mr. Thomas D. Hall, Supreme Court Clerk. The Chief Justice’s directive states:

“It is readily apparent that AOSC07-49 makes no provision for auditing for compliance with the order nor enforcement of it if a violation occurs. Chief Justice Quince requests that the Florida Courts Technology Commission make a recommendation within sixty days from the date of this letter on whether AOSC07-49 should be amended to include such provisions and, if so, what the provision should provide.”

Paul Regensdorf offered a motion that the FCTC respond indicating that this is not a technology issue, but may fall under the oversight of another Supreme Court Committee or Commission.

MOTION OFFERED: Paul Regensdorf  
MOTION SECONDED: Judge Marci Goodman

### **MOTION PASSED BY UNANIMOUS VOTE**

2. Judge Gary Farmer addressed the group requesting permission for all of the appellate courts to accept the record on appeal in lower tribunal proceedings in an electronic format.

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MOTION OFFERED: Judge Gary Farmer  
MOTION SECONDED: Judge C. Alan Lawson

**MOTION PASSED BY UNANIMOUS VOTE**

[Members requested that Judge Farmer draft the “motion” language and provide it to OSCA/ISS/FCTC staff for inclusion in the meeting summary. Below is the Resolution provided by Judge Farmer for final review by the FCTC, which has been modified and approved by the members.]

**FLORIDA COURTS TECHNOLOGY COMMISSION**

Whereas: The Florida Court Technology Commission has approved various applications of electronic technology for use in the trial and appellate courts of this State;

Whereas: The approved applications of electronic technology in various trial courts have led the Clerks of these tribunals to make and maintain some court records in electronic form:

Whereas: These electronic court records may be used in the appellate courts to the great advantage of the litigants and their counsel, as well as appellate court personnel, and result in saving the expense of using the court records in paper form;

Whereas: Current rules of procedure do not authorize appellate courts to make use of electronic court records made and maintained in trial courts as the sufficient Record on Appeal, thereby requiring the duplicative transmission and use of both paper and electronic records;

*Now therefore be it Resolved that:*

*Any court record as defined in Rule 2.430(a)(1) of proceedings in a Lower Tribunal made or maintained in electronic digital form should be accepted and deemed sufficient by an appellate court of this State when transmitted to it by the clerk of the lower tribunal to satisfy the requirements of Rule 9.200(d).*

The Florida Court Technology Commission hereby adopts the foregoing resolution as a principle of state-wide technology policy and recommends that the Supreme Court adopt, approve and implement the principle at the earliest possible time. Specifically the Committee recommends that the Court direct appropriate Rules Committees to formulate and adopt appropriate additions or modifications codifying this principle in all applicable rules of procedure and judicial administration.

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Hon. Judith L. Kreeger, Chair  
Florida Courts Technology Commission  
Tallahassee, Florida  
January 28, 2009

Arnold: FCTC DRAFT Action Items-Motions Summary January 2009 Meeting JK final.doc – JK emailed version 3-18-09