

# Florida Courts Technology Commission Meeting

## FCTC Action Items/ Summary of Motions

June 15, 2009

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### Commission Members Present

Judge Judith L. Kreeger, Chair, 11<sup>th</sup> Circuit  
Judge Manuel Menendez, Jr. , 13<sup>th</sup> Circuit  
Judge Gary M. Farmer, 4<sup>th</sup> DCA  
Judge C. Alan Lawson, 5<sup>th</sup> DCA  
Judge Marci L. Goodman, 1<sup>st</sup> Circuit  
Mary Cay Blanks, Clerk of Court, 3<sup>rd</sup> DCA  
Paul Regensdorf, P.A., Fort Lauderdale

Murray Silverstein, P.A., St. Petersburg  
Jim Fuller, Duval County Clerk of Court  
Ted McFetridge, Trial Court Administrator – 8th  
Circuit  
Kent Spuhler, Executive Director, Florida Legal  
Services  
Sally Heyman, Miami-Dade Board of  
County Commissioners

### Members Not Present

Judge Angela Cox, Duval County  
Ken Nelson, CTO, 6<sup>th</sup> Circuit  
Carol Ortman, Trial Court Administrator – 17<sup>th</sup> Circuit  
Judge Charles Williams, 12<sup>th</sup> Circuit

### OSCA Staff Present

Lisa Goodner	Lakisha Hall
Chris Noel	Donna Brewer
Chris Blakeslee	P.J. Stockdale
Laura Rush	Steve Henley

### Supreme Court

Tom Hall

### Other Attendees

Judge Robert Bennett, 12<sup>th</sup> Circuit  
Karen Rushing, Sarasota County Clerk of Court  
Sharon Abrams, CTO, 11<sup>th</sup> Circuit  
Christin Gallardo, 17<sup>th</sup> Circuit  
Lydia Gardner, Orange County Clerk of Court  
  
Carolyn Weber, Orange County Clerk's Office  
Vaughn Duck, President, Tyler Technologies  
Robert Moschell, P.A., Miami  
Karl Youngs, General Counsel, Manatee County  
Clerk's Office

Jannet Lewis, CTO, 10<sup>th</sup> Circuit  
Judge Martha Warner, 4<sup>th</sup> DCA  
Craig McClean, CTO, 20<sup>th</sup> Circuit  
Mike Love, Hayes Computer Systems  
Kenneth Kent, Executive Director, Florida  
Association of Clerks and Comptrollers  
Jim Butto, Orange County Clerk's Office  
Thomas James, CIO, Miami-Dade Clerk of Court  
Sharon Bock, Palm Beach County  
Un Cha Kim, COO of Courts and Official  
Records, Palm Beach County Clerk's Office

Please Note: The following is a summary of the highlights of the proceedings and is not intended to be construed as verbatim minutes. Please contact Donna Brewer at [brewerd@flcourts.org](mailto:brewerd@flcourts.org) for instructions on obtaining an audio CD of the proceedings. For the purpose of this document, the motions were recorded in the order of the draft standards, for ease of examination.

### **Welcome/Opening Remarks**

Judge Kreeger opened the meeting by thanking everyone for all of their efforts in preparing the draft E-Courts Standards Document. She recognized the time restrictions and the complexity of the issue and very much appreciates the hard work of court staff, primarily Jannet Lewis, Ken Nelson, and Ted McFetridge. Judge Kreeger also welcomed all attendees and interested parties that were listening via conference call.

### **Review of Senate Bill 1718**

Judge Kreeger reviewed Senate Bill 1718 and noted the timeline requirements, specifically the Supreme Court's requirement to set statewide standards for electronic filing to be used by the clerks of court to implement electronic filing, no later than July 1, 2009. The standards should specify the required information for the duties of the clerks of court and the judiciary for case management. The clerks of court shall begin implementation no later than October 1, 2009.

The product of this meeting will be given to the Supreme Court for review at the Court Conference that is scheduled for June 23, 2009.

### **Discussion of Statewide E-Courts Standards Document**

#### **1.0 EXECUTIVE SUMMARY**

Considerable discussion ensued as to whether e-filing should be mandatory or an optional way for filers to file their documents. No conclusion was reached and no formal motions were made.

**Motion to Delete Sentence "However, as noted upon presentation to the Court, there are a number of technical, functional and policy issues associated with the implementation which must be clarified."**

MOTION OFFERED: Judge Manuel Menendez, Jr.

MOTION SECONDED: Judge C. Alan Lawson

**MOTION PASSED BY UNANIMOUS VOTE**

## **2.0 DEFINITIONS**

Electronic Court Records:

### **Motion to Delete the Phrase “prior to implementation to statewide e-filing according to these standards”**

MOTION OFFERED: Paul Regensdorf

MOTION SECONDED: Judge C. Alan Lawson

**MOTION PASSED BY UNANIMOUS VOTE**

### **Motion to Delete “of court actions” and Delete Rule 2.525/Add Rule 2.430**

MOTION OFFERED: Paul Regensdorf

MOTION SECONDED: Judge Manual Menendez, Jr.

**MOTION PASSED BY UNANIMOUS VOTE**

## **4.0 REQUESTS FOR ELECTRONIC TRANSMISSION AND FILING OF DOCUMENT INITIATIVES**

### **4.1.2. Document Format**

Discussion determined that per the Rules of Judicial Administration, the font is not Arial, and one option is Courier New.

**NO MOTION OFFERED ON THIS CHANGE**

### **4.1.4 Authentication**

Discussion produced the following:

- In the first sentence change “authentication” to “personal identification”
- Change the title of 4.1.4 from “Authentication” to “Uniform Personal Identification”
- Delete “lawyer or other” from section

**NO MOTION OFFERED ON THESE CHANGES**

#### **4.1.5. Uniform Personal Identifier**

This section was deleted.

**NO MOTION OFFERED ON THIS CHANGE**

#### **4.1.12. Local Validation**

**Motion to Delete sentence “The filing will not be considered official information of record until it has been accepted by the Clerk”.**

MOTION OFFERED: Murray Silverstein

MOTION SECONDED: Mary Cay Blanks

**MOTION PASSED BY UNANIMOUS VOTE**

#### **4.1.16. Documents Exempt Public Access**

**Motion to Delete the following language: “If after reviewing a document that a filer marks “confidential” the Clerk determines that the document or case is not exempt from public access pursuant to Florida Rules of Judicial Administration, Rule 2.420 or statute, the Clerk shall remove the indication of confidentiality and accept the entire document. The Clerk will electronically notify the filer of that the Clerk has changed the confidential status of the document or data” and replace it with “Documents that are exempt or claimed to be exempt from public access shall be processed pursuant to Rule 2.420.” Also, the second paragraph will be deleted in its entirety.**

MOTION OFFERED: Judge Judith Kreeger

MOTION SECONDED: Judge Gary Farmer

**MOTION PASSED BY UNANIMOUS VOTE**

#### **4.1.17. Archiving**

**Motion to Delete the following language: “specifications established by the Department of State, Division of Library and Information Services and Rule 2.430 Retention of Court Records” and replace with “standards adopted by the Supreme Court of Florida.”**

MOTION OFFERED: Paul Regensdorf

MOTION SECONDED: Murray Silverstein

**MOTION PASSED BY UNANIMOUS VOTE**

#### **4.1.19. Public Access**

**Motion to Delete the following language: “Section 508, Florida law and the ADA” and replace it with “comply with Section 4.4 of this document”.**

MOTION OFFERED: Judge Martha Warner

MOTION SECONDED: Judge C. Alan Lawson

**MOTION PASSED BY UNANIMOUS VOTE**

#### **4.1.22. Ease of Use**

This language was moved from Section 4.1 and placed into Section 6.0.

#### **Motion to Adopt all Changes to Section 4.1**

MOTION OFFERED: Judge Gary Farmer

MOTION SECONDED: Judge Martha Warner

**MOTION PASSED BY UNANIMOUS VOTE**

**NOTE: Due to some sections being moved or deleted, the numbering of Section 4.1 will change in the final document.**

#### **4.2 TECHNICAL FAILURE**

##### **4.2.4. System Availability of Recovery Planning**

Plan 2: Business Continuity/Disaster Recovery – Objectives (4<sup>th</sup> Bullet): Discussion to delete phrase “make facility recommendations here as well as distance guidelines” and replace with “as approved by the FCTC”.

**NO MOTION OFFERED ON THIS CHANGE**

#### **4.3.1. Access**

#### **Motion to Delete Phrase “through the Internet”**

MOTION OFFERED: Judge Martha Warner

MOTION SECONDED: Judge C. Alan Lawson

**MOTION PASSED BY UNANIMOUS VOTE**

#### **7.0 ELECTRONIC SIGNATURES**

#### **7.1. Attorney of Record**

#### **Motion to Change “Attorney of Record” to “Registered Users” in title and change “attorney” to “filer” throughout Section 7.1. Delete the last sentence “Attorney of record includes state attorneys and public defenders”.**

MOTION OFFERED: Kent Spuhler

MOTION SECONDED: Judge Gary Farmer

**MOTION PASSED BY UNANIMOUS VOTE**

#### **8.0. CASE MANAGEMENT SYSTEM DESIGN FRAMEWORK**

Judge Kreeger requested Judge Warner and Judge Farmer draft a paragraph for inclusion in regards to Appellate Case Management. This language has been incorporated into AOSC09-30 in Section 8.0 of the Order.

#### **Motion to Approve Florida Supreme Court Statewide E-Court Standards**

MOTION OFFERED: Judge C. Alan Lawson

MOTION SECONDED: Judge Gary Farmer

**MOTION PASSED BY UNANIMOUS VOTE**

**REVIEW OF DRAFT ADMINISTRATIVE ORDER**

**Motion to Approve Draft Administrative Order for Submission to the Supreme Court along with the Statewide E-Court Standards**

MOTION OFFERED: Judge C. Alan Lawson

MOTION SECONDED: Judge Gary Farmer

**MOTION PASSED BY UNANIMOUS VOTE**

**MANATEE COUNTY PILOT PROJECT – ADVANCEMENT TO PHASE 2**

**Motion to Approve Advancement to Phase 2**

MOTION OFFERED: Paul Regensdorf

MOTION SECONDED: Judge C. Alan Lawson

**MOTION PASSED BY UNANIMOUS VOTE**

Meeting adjourned at 5:08 p.m.

To review the final version of Standards for Electronic Access to the Courts, please see AOSC09-30 at <http://www.floridasupremecourt.org/clerk/adminorders/2009/AOSC09-30.pdf>. Please be aware when the FCTC's recommendations were presented to the Supreme Court, modifications were made based on the Supreme Court's direction.