

Florida Courts Technology Commission Meeting

FCTC Action Items/ Summary of Motions

October 16-17, 2013

A meeting of the Florida Courts Technology Commission was held at the George Edgecomb Courthouse in Tampa, Florida on October 16-17, 2013. The meeting convened at 9:00 A.M., Chair Judge Lisa T. Munyon presiding.

Members of the Commission in attendance

Judge Lisa T. Munyon, Chair, 9 th Circuit	Judge Sheree Cunningham, Palm Beach County
Judge Stevan Northcutt, 2 nd DCA	Judge Scott Stephens, 13 th Circuit
Judge George S. Reynolds, 2 nd Circuit	Judge Robert Hilliard, Santa Rosa County
Judge Manuel Menendez, Jr., 13 th Circuit	Judge Martin Bidwill, 17 th Circuit
Judge C. Alan Lawson, 5 th DCA	Karen Rushing, Clerk of Court, Sarasota County
Ted McFetridge, Trial Court Administrator, 8 th Circuit	Jannet Lewis, CTO, 10 th Circuit
Thomas Genung, Trial Court Administrator, 19 th Circuit	Paul Regensdorf, Esq., Jacksonville
Ken Nelson, CTO, 6 th Circuit	Dennis Menendez, CTO, 12 th Circuit
Mary Cay Blanks, Clerk of Court, 3 rd DCA	Laird A. Lile, Esq., Naples
Murray Silverstein, Esq., Tampa	Sharon Bock, Clerk of Court, Palm Beach County
Charles C. Hinnant, Ph.D., Florida State University	

Members not in attendance

Barbara Dawicke, Trial Court Administrator, 15 th Circuit	Kent Spuhler, Esq., Florida Legal Services
David Ellspermann, Clerk of Court, Marion County	
Thomas Woods, Tallahassee	

OSCA and Supreme Court Staff in attendance

Alan Neubauer	Tom Hall, Clerk of the Supreme Court
Chris Blakeslee	Jeannine Moore
Lakisha Hall	Laura Rush
Jenna Simms	

Other Attendees

Judge Judith L. Kreeger, 11 th Circuit	Noel Chessman, CTO, 15 th Circuit
Steve Shaw, CTO, 19 th Circuit	Craig McLean, CIO, 20 th Circuit
Jon Lin, CTO, 5 th Circuit	Mike Smith, CTO, 4 th Circuit
Isaac Shuler, CTO, 2 nd Circuit	Sunil Nemade, CIO, 17 th Circuit
Allan Reed, CIO, 11 th Circuit	Craig Van Brussel, CTO 1 st Circuit
Gerald Land, CTO, 16 th Circuit	Charlie Cramer, CTO, 13 th Circuit
Melvin Cox, Director of Information Technology, Florida Court Clerks and Comptrollers	Ken Kent, Executive Director, Florida Court Clerks and Comptrollers
Carolyn Weber, Florida Court Clerks and Comptrollers	Tim Smith, Clerk of Court, Putnam County
Jennifer Fishback, Florida Court Clerks and Comptrollers	Dave Johnson, Mentis Technology
Brian Murphy, Mentis Technology	Jim Weaver, 6 th Circuit
Carole Pettijohn, Manatee County Clerk of Court	Jeff Taylor, Manatee County Clerk of Court

Other Attendees cont'd.

Angel Colonnese, Manatee County Clerk of Court
Akilya Drake, Palm Beach County Clerk of Court
John Tomasino, Florida Public Defenders Association
Rick Melendi, 13th Circuit
Steve Moerbe, Tyler Technologies
Tom Morris, Florida Prosecuting Attorneys Association
Suz Geeraerts, State Attorney, 5th Circuit
Brenda Van Brussel, Escambia County Clerk of Court
Cindy Guerra, Palm Beach County Clerk of Court
Holly Kapacinskas, Florida Court Reporters Association
Paulita Kundid, Florida Court Reporters Association
Donna Kanabay, Florida Court Reporters Association
Nichole Hansom, Public Defenders Association
Ramin Kouzehkanani, Hillsborough County Clerk of Court
Ana-Klara Anderson, Thomas & LoCicero

Deb Ivankow, Orange County Clerk of Court
Laura Roth, Volusia County Clerk of Court
Kristina Velez, 8th Circuit
Ernie Nardo, Broward County Clerk of Court
Harold Sample, Pasco County Clerk of Court
Victor Lee, Computing System Innovations
Brad King, State Attorney, 5th Circuit
Sadie Craig, Thomas & LoCicero
Jimmy Midyette, Florida Legal Services, Inc.
Janet McKinley, Florida Court Reporters
Association
Don Barbee, Hernando County Clerk of Court
Marco Valdez, Palm Beach County Clerk of
Court
Steve Carter, Orange County Clerk of Court

The meeting began with Judge Munyon welcoming the commission members and other participants, calling the meeting to order and advising everyone the meeting was being recorded.

AGENDA ITEM II. Approval of August Minutes

Motion to approve the minutes from the August 2, 2013 meeting of the Florida Courts Technology Commission.

MOTION OFFERED: Ted McFetridge
MOTION SECONDED: Paul Regensdorf
MOTION CARRIED UNANIMOUSLY

AGENDA ITEM III. e-Portal/e-Filing update (Authority Board, FCCC, etc)

- a. Carolyn Weber gave a demonstration of e-Service through the Florida Courts e-Filing Portal (portal). The e-service page shows all of the people who have filed at least one document electronically in the case. They have been added to the electronic service recipients list. The filer has the ability to pick and choose who they would like to serve from this list as well as add additional individuals to be served. The filer has the ability to search the registered user's list or the Florida Bar to serve individuals. The filer can specify up to three email addresses to receive email notifications. The filer receives a Notice of Electronic Filing indicating the court, case number, case style, document that was filed, filer name, phone number attached to the filer, who was notified electronically and who was not. Judge Reynolds asked about pro se filers. Carolyn said the filer could add the pro se filer to the service list and show service separately if the pro se filer does not opt in to receive electronic notifications. Paul Regensdorf asked if an attorney lists his associate and legal assistant as a secondary email address in their profile will those two email addresses show up on the service list. Carolyn said yes. Paul said AOSC13-49 says "...the Portal was updated to provide the ability for registered participants who are filing documents within the Portal to identify the name and up to three e-mail addresses of other attorneys or parties

participating in that particular case to receive service of that document electronically in conjunction with the Portal filing.” For each name the portal will serve that person can designate up to three email addresses. It is not limited to only serving three individuals. Laird Lile asked what would happen if the documents served were larger than the five megabytes (5 MB) limit. Carolyn said the portal breaks the documents down to comply with the 5 MB size limit and the filer would receive a notification saying part 1 of 2, 3, etc. Murray Silverstein asked about withdrawing from a case improperly. Rule 2.505 says there are specific rules for withdrawing from a case. Carolyn said the only person who can remove themselves from an e-service list is the attorney. She is not sure how the portal can technologically remove the attorney from the case. The portal will only remove the attorney from the e-service list. Judge Stephens said e-service was not intended to take the place of people who officially represent people in a case. Judge Stephens suggested adding some language on the service page that says this is not the formal place that lists the people who are officially appearing in a case on behalf of other people. This is only a service list and not the official list of who is in the case. Laird suggested a warning that lets the filer know the people who are on the list are not necessarily the people required to be served. It is the lawyer’s responsibility to make sure they know who needs to be served in a case. Judge Kreeger asked how a self-represented litigant gets on the e-service list. Paul Regensdorf said the person has to opt in to receive e-service.

- b. Tom Hall gave an update on the appellate portal interface. The 2DCA was rolled out and everything seems to be working well. The current plan is to get the 3DCA rolled out in January. The portal interface has to be able to interact with eFACTS and allow docket and the documents associated with the docket to be available on the web. The Florida Court Clerks and Comptrollers (FCCC) are also testing the capability of clerk to clerk filing. When notices of appeals are filed at the trial court level, a clerk can sign onto the portal and transfer the documents from one clerk to another as opposed to having to send paper. This does not exist for purposes of transferring the record of appeal. Tom also said there is a problem getting the fees. The portal is supposed to calculate the two fees together and then route the fees to the trial court and appellate court bank accounts.
- c. Jennifer Fishback discussed the e-portal usage statistics. In the month of September, 815,272 filings were filed through the e-portal and there are a total of 53,752 registered users. Of cases that are e-filed, 94% are on existing cases and 6% are on new cases.
- d. Jennifer Fishback updated everyone on criminal e-filing. Close to 20,000 criminal filings were done before the October 1, 2013 deadline. The support desk received 6,646 calls in September. An agreement has been reached between the executive committee of the FCCC and the E-Filing Authority Board (the Authority) to expand the service desk. The policies and procedures will be established by November 1, 2013 and implemented fully by February 1, 2014. Only a few counties requested a waiver for criminal filings. The interface between the state attorneys, the public defenders and the portal is still moving forward. Collier County went live on October 1, 2013 with the interface. A new release of enhancements is scheduled for release on November 15, 2013. Ted McFetridge wanted clarification on criminal e-filing interface and criminal e-filing. Jennifer stated that criminal e-filing is where a filer can log onto the portal and file a criminal case (such as filing a single case). Whereas, the criminal e-filing interface is programming machine to machine. The state attorneys and public defenders have their own case management systems and when they build the documentation they want to file they click a button in their system that sends the filing to the portal. The filing is then processed by the clerks. Chris Blakeslee asked how the e-service list

would work for circuits that want to add that list into their system. Jennifer said the case management system would be programmed to send the service list in real time from the portal into the judicial viewer case by case.

- e. Judge Munyon discussed AOSC13-48 with regard to criminal e-filing through the portal. In this order the court exempt Broward, Hillsborough, Lee, Miami-Dade, Pasco and Pinellas counties from criminal e-filing at this time because they are not ready. E-filing in criminal for all other counties became optional on October 1, 2013. Mandatory e-filing will begin county by county 30 days after the clerk notifies the Authority that it is ready to receive batch filing. E-filing in the above six counties will be accepted when the clerk and chief judge say they are ready to receive batch filings, but no later than February 3, 2014. The clerks and chief judges in the aforementioned counties have to submit a joint report no later than November 15, 2013, in regards to their readiness. Any clerk, court, state attorney, or public defender that determines it cannot comply with the February 3, 2014 deadline must file a report between January 1, 2014 and January 15, 2014 specifying their specific reasons for non-compliance.

AGENDA ITEM IV. e-Portal Subcommittee Status

- a. Judge Reynolds discussed dealing with attorneys who do not comply with the e-filing requirements. The e-portal subcommittee recommended the clerk of court shall notify the filer that the paper document will not be processed until the document is filed electronically according to rule 2.525. The clerks will accept the filing, but will not process it until the attorney is in compliance. Judge Munyon asked what is processed. Karen Rushing said the clerks are just notifying the courts right now that attorneys are not complying with the rule. Process means the clerks stamp the document, but do not docket the filing or respond to it. Tom Hall said at the appellate level the document is received and docketed, but no action is taken. Paul Regensdorf was curious to know the demographics of the non-compliant attorneys. Paul suggested each circuit establish a day for hearings with the chief judge or designated judge where lawyers have to appear in respect to repeated violations to rule 2.525. Murray Silverstein said sanctions at the local level never work. A violation of an administrative order is an ethical violation and should be handled by the Florida Bar and not the clerks. Judge Lawson said the rule requires attorneys to file electronically so the clerks should be able to reject filings that are not filed electronically. Mary Cay Blanks said sometimes the filings come through the mail and still requires the clerks to do something. Sharon Bock said the issue of a drop dead date is one of the easiest. The best thing to do is to put the lawyers on notice that as of a particular date the clerks will not accept paper filings. Laird Lile reminded the commission members that the clerks cannot reject a filing based on rule 2.520(f). Judge Menendez suggested posting the non-compliance in the court file.

Motion to recommend to the FCTC the clerk of the court shall notify the filer that the paper document filed will not be processed until the document is filed electronically in accordance with rule 2.525.

MOTION OFFERED: Judge George Reynolds

MOTION SECONDED: Mary Cay Blanks

Judge Menendez offered a friendly amendment and Judge Reynolds and Mary Cay Blanks accepted the friendly amendment.

Amended motion to recommend to the FCTC the Clerk of the Court is directed to notify the filer that the paper document filed will not be processed until the document is filed electronically in accordance with rule 2.525. The clerk is further directed to make an entry into the progress docket of any filing that is not being processed.

Murray Silverstein said the motion should be scrapped because the Florida Bar is there to discipline attorneys. Tom Hall said it creates a burden on the clerks' office to keep track of these. Sharon Bock requested tabling the discussion so that she can take the issue back to the Authority for their review and recommendation to the Supreme Court.

MOTION TABLED

- b. Judge Reynolds discussed adding pro se filers to the portal. The e-Portal subcommittee decided to put pro se filers at the end of the users list to be added to the portal. Sharon Bock gave an update on the Authority's Pro Se Workgroup. The FCCC pro se committee, the Authority pro se committee and the FCTC e-portal user group were consolidated. Looking to add pro se filers to the portal approximately one year after go live of criminal e-filing on the portal. Some of the issues are creating an environment conducive for pro se litigants to utilize the portal. How will the pro se filers get the electronic documents to complete them? Will the documents be uniform across the state? If so, how will the uniformity take place? What happens in the courtroom and possibly post judgment? The clerks did a survey about a year ago and plan on doing another one regarding pro se filers. Basically three areas that pro se filers file; family court (mostly dissolution of marriage), small claims, and evictions. The pro se workgroup will be looking at how pro se filers fill out the forms. Ted McFetridge is against adding pro se litigants to the end of the line for access to the portal. Judge Munyon said one of the issues the pro se workgroups need to look at is developing a way to verify that the person filing the document is the actual litigant as they will have access to view confidential, unredacted information. Judge Kreeger agreed with Ted McFetridge. She suggested putting kiosks in public libraries with some deputy assistant clerks to help pro se litigants file documents electronically. Florida has a comprehensive set of Supreme Court promulgated forms for domestic relation parties to use. There are software programs out there to help pro se litigants complete routine forms. Another state has a set of promulgated family law forms that are programmed so that the blanks for social security numbers, names and birthdays of minor children, and account numbers are secured blanks so that this information is redacted at the beginning for those in an automated fashion. Karen Rushing said pro se litigants are not being pushed to the bottom. There are plans that need to be in place and has to act upon that plan and that take time. While people are making recommendations some of the other items that are on the portal agenda can get done. Pro se litigants are important to everyone, but it is more than putting a little checkmark and turning the portal on for them. Pro se litigants are not a lower priority it is a matter of being realistic as to how long it would take to get them up and running on the portal. Judge Munyon asked Melvin Cox if it was possible to turn the portal on for one clerk or one county for a pilot project consisting of pro se litigants. Melvin responded the way the portal is set up now you are not limited to a jurisdiction. If someone has access to the portal they have access to file in any jurisdiction. Sharon Bock said adding pro se litigants to the portal needs to be carefully thought through. The Authority's Pro Se Workgroup is aware of the turbo access routes that can be taken by pro se litigants and they are also aware the documents (e.g. dissolution of marriage) are

extremely difficult to navigate. Tom Genung said it is important to hear from pro se litigants regarding their concerns and their wants to have access to the portal. Paul Regensdorf said it might be complicated to get the pro se litigants on the portal, but it should not be ignored because these are the public's records. The concern has always been getting the public access to their records and not judges. In order to get the public access to the records a system had to be built that created the record in an electronic format. Judge Kreeger said by not giving the self represented litigant the same kind of ability to view the record including the documents in his/her case is denying them access. The FCTC approved an access matrix that limits remote access to domestic relations. A self represented litigant will not be able to go on a clerk's website to view the documents in his/her case. The only way the self represented litigant could view electronic documents would be to have access to the portal. Judge Munyon said the portal does not store anything. A person will only have access to those records if the clerk's CMS permits that access to anyone. Sharon Bock said pro se litigants currently have the exact same capability to view the documents as an attorney does if the clerks turn the paper documents into a scanned document and get the document into the system. Sharon said the issue of the makeup of the committee, timeliness and access are issues she is going to bring to the Pro Se Workgroup for discussion and will report back at the next FCTC meeting. Chris Hinnant said libraries do provide government information and help people access government information, but the problem is it is going to take a big financial investment because the libraries are stretched thin like any other institution in the state. Judge Kreeger said there should be some upfront investment and the expectation is it is going to save money in the long run. It is consistent with the overall movement to do this in a way that would ultimately be less expensive for the state and be much more convenient for all users including the public. Judge Reynolds said there seems to be two issues: 1)can pro se litigants e-file and 2)can pro se litigants see their records. Clerks have kiosks in their office that allows public users to see unredacted documents if they are a party in a case. The problem seems to be that attorneys can see the documents over the internet while pro se litigants cannot. They have to go to the clerks' office to see the same documents. The other question seems to be when can pro se litigants e-file documents like lawyers do. Should we wait until there is a uniform statewide turbo tax like system in place, or should we try sixty-seven different varieties and see what happens? Judge Munyon suggested having each clerks' office work with the FCCC and have individuals sign up to e-file documents.

- c. Judge Reynolds discussed numbering of docket entries on the progress docket. In the federal courts, every docket entry on the progress docket has a specific number. The initial intent of the e-portal subcommittee was to recommend that the FCTC direct the clerks to have their CMS amended so they can have a number associated with each docket entry like the federal system. After some discussion with the clerks, it was decided to take the issue back to the e-portal subcommittee for further evaluation. Judge Stephens said there is currently no standardized automated way of processing documents without an index system. Murray Silverstein said the utility of having a document with a docket number makes it more searchable and more usable. There is more continuity in terms of the document. The numbering of the docket would have to be done at the clerk level. The numbering of dockets also coincides with the issue of an attachment of an exhibit to a filing. The portal has the ability to attach items to a filing. Murray said the commission needs to adopt a position and make a recommendation in regards to determining if exhibits are attached to a filing or included as part of the filing in order to have uniform practice across the state. The lack of uniformity is a problem. Paul Regensdorf said the FCTC should make a

policy statement that it is the goal of the commission to have all 67 counties number the documents in each case with unique document numbers, ultimately yielding 1, 2, 3, 4, 5, etc. Judge Munyon asked Melvin Cox to do a little research and check on the scope of numbering dockets and report back at the next FCTC meeting.

Motion for the e-portal subcommittee to do a survey to determine how many clerk's offices already assign a number to a specific docket entry and what is the proposed cost to make the changes.

MOTION OFFERED: Judge George Reynolds

MOTION SECONDED: Judge C. Alan Lawson

MOTION CARRIED

- d. Judge Bidwill said one of the big questions that need to be answered before adding pro se litigants to the portal is the issue of verification and how it is going to be done. Judge Reynolds said process servers, non-attorney mediators, mental health professionals, probation officers, and court reporters all have credentials and can be tied into certain databases; however, it was never the intention to push pro se litigants to the bottom of the list of filers to be added to the portal. Judge Munyon suggested putting pro se litigants on a parallel track with the other users. Sharon Bock said pro se litigants are a larger entity with more issues and would be looked at as a special group and would be prioritized as such. Karen Rushing said the current moratorium limiting electronic access to court records is the reason pro se litigants do not presently have access to documents online. Paul Regensdorf said the issue is whether or not pro se litigants deserve a priority.

Motion with respect to non-lawyer participants in Florida's judicial system, the FCTC establishes that its first priority in adding users to the E-Filing Portal will be pro se litigants. This priority is not to the exclusion of work done to add other non-lawyer participants, but is to confirm the importance of focusing resources on these vital users of the court system.

MOTION OFFERED: Paul Regensdorf

MOTION SECONDED: Mary Cay Blanks

MOTION CARRIED

- e. Judge Bidwill discussed prioritizing the user groups that need to be added to the portal. The following motion is subject to the prior vote taken and passed in regards to pro se litigants.

Motion for the FCTC to accept the priority list for user group's access to the portal established by the Portal Non-Attorney Access Work Group.

- o Process Servers
- o Non-attorney Mediators
- o Mental Health Professionals
- o Probation Officers
- o Court Reporters

MOTION OFFERED: Judge Martin Bidwill

MOTION SECONDED: Judge George Reynolds

Judge Menendez offered a friendly amendment to include law enforcement agencies. Chris Blakeslee wanted to denote updating data elements. Judge Bidwill and Judge Reynolds accepted the friendly amendment.

Motion for the FCTC to accept the priority list for user group's access to the portal established by the Portal Non-Attorney Access Work Group.

- Process Servers
- Non-attorney Mediators
- Mental Health Professionals
- Probation Officers
- Court Reporters
- Law Enforcement Agencies (update data elements)

MOTION CARRIED

- f. Judge Bidwill said the Subaccounts for Paralegals Work Group will continue discussions and come back with a more specific protocol on how this will work at the next FCTC meeting. The issue is paralegals or legal assistants receiving their own credential (dependent upon a link to the attorney) to file through the portal.

AGENDA ITEM V. Judges E-Filing Orders via the Portal

Melvin Cox said the Authority recently entered into a supplemental agreement which allows for new functionality to be added to the portal. Under the additional portal services of that agreement is the functionality that allows judges to file through the portal any number of ways and utilize the e-service functionality. Some research has been done and determined that the Florida Bar distinguishes judges from attorneys in their database with a judge code. The FCCC propose that a judge role be added to the portal and utilize the bar number to validate the judge and make sure the two are tied together. This could be done very quickly. There is some concern since the Florida Bar database is public and anyone could get in and register as a judge. To circumvent this, judges could be preregistered with the portal. Court administration could register all of the judges in their circuit. Melvin suggested holding a WebEx to show court administrators how to register judges or set up 20 organizations for 20 circuits and someone could be an administrator for each organization and all of the judge roles could sit below that. Judge Munyon suggested putting a committee together consisting of judges and court administrators to determine the best way to get judges registered on the portal. Tom Genung questioned how judges who move from a different division are no longer associated with cases. Melvin said the portal does not do the association. Ken Nelson said the sixth circuit has been looking at setting up email addresses for the division so when a judge rotates it goes to the next judge in that division. This keeps the judges and judicial assistant's email addresses private. Melvin said there are three different ways a judge can file an order: 1)log into the portal; 2)log into the judicial viewer and file directly into the CMS; or 3)expose the same machine to machine interface. In the last scenario, the judge would log onto the judicial viewer and file Orders directly in the portal without having to log into the portal. The FCCC would provide the technical specifications for the machine to machine interface. The advantage of this approach is in a circuit that has multiple CMS' would require the judge viewer to only integrate with the portal and not multiple CMS' within a circuit. A separate queue could be set up in the clerks' office for judge's Orders. A category could be put in the portal called judge filings that would filter out document codes and

immediately identify judge filings. A testing environment could be set up for the machine to machine interface. Melvin thinks the portal could be rolled out to judges in January to begin filing.

Motion for the FCCC to report the progress that it has made in regards to judges e-filing orders via the portal at the next FCTC meeting

MOTION OFFERED: Judge George Reynolds

MOTION SECONDED: Judge C. Alan Lawson

MOTION CARRIED

AGENDA ITEM VI. Pro Se Workgroup

Sharon Bock gave the Pro Se Workgroup update under Agenda Item IV b. Pro Se filing on portal. Please refer to that section for the update.

AGENDA ITEM VII. Time Requirements

Karen Rushing said there are standards relating to collections. The collection rates have been developed based upon experience. There are different time standards based on case types. In most instances, the standard for setting up a new case and docketing an existing case is 80% and between 2-3 business days. Judge Reynolds asked if documents just sit in the queue and not get processed. Karen said by law, the clerks has to redact and seal documents and that takes effort in terms of labor before they are available for view. Sharon Bock said the standards are set by Florida statute and are mandated by the Clerks of Court Operations Corporation (CCOC). The standards are for paper filings and not electronic filings. Paul said the court should be reinserted into the process of establishing electronic time standards. Judge Reynolds said the legislature gave the clerks the authority to promulgate standards. The standards should be readjusted for the electronic world. The court has to defer to the clerks to decide what those standards are because the clerks know what the workload is. Judge Munyon asked if there was any accountability for clerks not meeting the time standards. Sharon said yes through the CCOC and the legislature. Data is collected on a monthly basis and if a county is out of compliance they have to report to the CCOC as to why they are out of compliance. The CCOC then offers a myriad of ways (training, process improvements, best practices, etc.) to help the clerks' office to come into compliance. Paul Regensdorf wanted to know how many times the CCOC had to step in and monitor a clerks' office. Tim Smith said once a quarter clerks have to submit a report to the CCOC. He also said Judge McGrady from the Sixth Circuit is a member of the CCOC. Ted McFetridge said a judge should be able to view a document the same day it is electronically filed. Mary Cay Blanks responded in the paper world the documents were clocked in when they were received and they were docketed when they could get docketed. The clerks would prioritize what the judges need to see immediately, tomorrow or what could wait. In a paper world the clerks' office was open until 5:00, but in an electronic world documents are filed 24/7 and it is unrealistic to think when a document is e-filed you should be able to see it instantaneously. Judge Munyon said the CCOC should look at revising the paper standards for the portal. Karen Rushing said they are in the process of revising the standards. This year the legislature changed the standards from a unit cost approach to a work measure. Every clerk wants to move towards the idea of instantaneous or at least by close of business everything would be balanced and pushed to access. Sharon said it is hard to definitively measure the time standard because of the dual systems. Paul said the FCTC would like to see a realistic standard of the time it would take from when an electronic document comes in to the clerk from the portal to the time it is processed and accessible in an electronic court file. Karen said resource deployment should be considered when developing a standard. Tom Hall said the District Court of Appeal Performance & Accountability

Commission is in the process of determining when additional central staff is needed. The clerk staff has been put on hold because there is no way to determine how much staff is needed when dual systems are running. Mary Cay said it is premature to develop time standards for an electronic world right now.

AGENDA ITEM VIII. E-Signatures

Murray Silverstein said ethics opinion 12-2 was discussed at the May 2013 FCTC meeting and there was nothing new to report.

AGENDA ITEM IX. Status Update on CMS Standards

Karen Rushing said the standards submitted came from the National Center for State Courts. The technical standards subcommittee is going to work with Karen to review the standards and report back at the next FCTC meeting.

AGENDA ITEM X. Date for Clerks to No Longer Accept Paper

Sharon Bock said the Authority is going to examine the issue and make a recommendation to the Supreme Court as a date for clerks to no longer accept paper filings from attorneys.

AGENDA ITEM XI. Florida Court Reporters Association Access (FCRA) to Portal

Paulita Kundid gave a brief background on what FCRA does. The FCRA does not believe court reporters should have access to the portal unless they are required. If court reporters need to upload transcripts to local clerks' offices through a web-based interface with a login and password that would be different than having access to the portal and filing through the portal. Each county clerk office regarding appellate transcripts may be at a different point on a curve in terms of uploading transcripts. Some counties still provide a paper transcript and a CD like rule 9.200 states. Eventually reporters will be uploading those transcripts to the local clerks' office unless court reporters are required to go through the portal. When a transcript is ordered litigants have relied on a reporter's cost-sharing model in order to keep costs down. Rule 1.310(g) requires a party or witness to obtain a copy of the deposition from the court reporter. That is a safeguard put in place that attorneys and reporters have relied on to keep costs down. With e-filing transcripts there may be a potential unintended consequence of shifting cost to the ordering party because there are no safeguards or protections in place once the transcript is uploaded into the public domain. The cost of the reporter producing the transcript is not the pages it is printed on, however, the work that puts the words on the page and how quickly that work can be distributed and delivered. It is the education, skill, training and equipment of the court reporter to perform that function. Judge Lawson asked Paulita if she had heard of anyone contemplating a rule requiring all deposition transcripts be filed. She responded that she had not and that is a concern of the FCRA. The FCRA would like the FCTC to help provide a layer of protection. In the federal courts, the court reporters have a rule that participants must purchase the transcript from the court reporter within 90 days. After 90 days the transcript goes into Pacer and anyone can download it. In speaking with the local clerks' office a question was asked when a deposition transcript is filed what is considered as the original transcript as the equivalent of paper. The rule in the clerks' office is to treat all e-images as originals. A PDF transcript is an e-image. Once the transcript is e-filed it is considered an original document. What happens when two attorneys e-file the same transcript? How would court reporters certify and authenticate the original transcript in the electronic record? Court reporters have been handling e-signatures in a variety of ways. FCRA would like to serve on any subcommittee to help facilitate their role in the process and provide input as to when

efiling would be mandatory for non-attorney access. FCRA will educate their membership once rules change to accommodate the e-record. Judge Munyon asked when do court reporters by and large file directly into the record as opposed to providing the transcript to the attorney and the attorney does the notice of filing. Paulita responded by saying it depends on the county the filer is in. Some counties are only asking for the paper and the electronic record, some counties are allowing the court reporter to upload the appellate record to the clerks' office and some counties are still providing paper. Judge Munyon asked if the court reporter generally directly files the appellate record as opposed to providing the record to an attorney who then files it. Paulita said in the criminal appellate record the court reporter provides the record directly to the clerks' office, however, in the civil appellate record the court reporter provides just the original to the clerks' office and the attorneys get copies. With depositions the originals are provided to the attorneys and they can file it if they want. Murray Silverstein suggested the FCRA make a presentation on the certification program to the Florida Bar and the Legislature. He asked if Paulita thought court reporters would need filing credentials to file through the portal. Holly Kapacinskis said if the FCTC decides that court reporters have to go through the portal and then the filing is routed to the clerks the court reporters would do that. Currently the court reporters just file directly with the clerks. She also said court reporters do not have a license number for credentials. Mary Cay Blanks said she currently allow court reporters to file through the eDCA portal and asked what would court reporters do about filing Motions for Extensions of Time. Paulita said it would be different in each county and that is why they would like to be on a subcommittee to share their viewpoint. Tom Hall said in death cases attorneys have been filing through the portal on behalf of the court reporters. Judge Reynolds said he will take the issue of court reporters filing through the portal back to the ePortal subcommittee and work with the FCRA to formulate a recommendation to the FCTC. Tom Hall said the E-Filing Authority Board also has a rules committee that can make recommendations to all of the Florida Bar rules committees about things that particularly affect the court as it goes electronic and court reporting would definitely be an issue. Tom is going to invite the FCRA to participate in the next meeting.

AGENDA ITEM XII. Broward County Response to Judge Munyon's letter

Judge Munyon informed the FCTC that she extended an invitation to Judge Weinstein and Howard Forman to come before the FCTC to discuss the issue of hybrid files and neither accepted her invitation to attend in person or via video. Judge Kreeger said the compliance subcommittee recommends sending the matter up to the Supreme Court pursuant to the rule. Paul Regensdorf said rule 2.236 gives the FCTC the authority to require people who are having difficulty complying with directives to appear before the FCTC. Paul said the FCTC should send another letter to Judge Weinstein and Howard Forman informing them of the next FCTC meeting and directing them to attend in person if they have not sent a joint letter to the FCTC stating they have solved the problem they will appear before the FCTC to state their position and the FCTC will act accordingly. Judge Kreeger said the legal advice obtained from Laura Rush said the FCTC does not have the power to enforce the issue, therefore, the matter should be sent to the Supreme Court who has the ultimate enforcement power. Judge Kreeger said Judge Weinstein entered an administrative order requiring files be all paper or all electronic and not hybrid. Judge Menendez said the compliance committee should be more interested in finding out what the problem is before requiring the chief judge and the clerk to appear before the FCTC. Judge Kreeger said the authorization letter states that the clerk is not allowed to discontinue the use of paper until the chief judge says yes. Karen Rushing said the court recognizes hybrid files in its administrative orders and it would make sense for the chief justice to be involved in the process. Laird Lile said the FCTC should make a recommendation to the chief justice as opposed to just allowing the chief justice to sort the issue out between the chief judge and the clerk in

Broward County. Judge Reynolds said this is a complex issue and is probably not clear in all of the administrative orders. Can a chief judge order a clerk to provide paper even if there is a complete electronic system in place? Whether or not a judicial viewer is in place to view the files electronically should also be taken into consideration. There are going to be times when people want electronic files and times when people want paper files. This tie into the issue of a date that clerks are no longer required to accept paper filings as well as time requirements to process electronic filings. This is a transitional issue and should eventually go away. Judge Kreeger said the Seventeenth Circuit has Odyssey but they do not have a full CMS. They do have the capability to electronically deliver the paper documents if they are back scanned into the system so the judge has an electronic file. Sunny Nemade said the Seventeenth Circuit has a judicial viewer in place; however, the judicial viewer is not CAPS compliant at this time. Paul said rule 2.236(c)(6) gives the FCTC the power to require any operator of a program, system, or application to appear before the FCTC for examination into whether the program, system, or application complies with the technology policies and standards.

Motion to direct the Clerk of the Court in Broward County and the Chief Judge of the Seventeenth Judicial Circuit to appear personally before the FCTC at its next meeting or sign a joint statement directed to Judge Munyon's attention that concedes that all problems in this area have been resolved. Otherwise they will appear at the next FCTC meeting. Absent that it will be a part of the FCTC's recommendation to the Supreme Court.

MOTION OFFERED: Paul Regensdorf

MOTION SECONDED: Judge C. Alan Lawson

Judge Lawson said the issue is time sensitive and should not wait until the next meeting of the FCTC. He offered a friendly amendment and Paul Regensdorf accepted the friendly amendment.

Amended motion to require the Clerk of the Court in Broward County and the Chief Judge of the Seventeenth Judicial Circuit to appear personally before the compliance subcommittee or sign a joint statement directed to Judge Munyon's attention that concedes that all problems in this area have been resolved. Absent that it will be a part of the FCTC's recommendation to the Supreme Court.

Judge Munyon said the authority to require the clerk and chief judge to personally appear was at the commission level and not the subcommittee level. Laird Lile stated rule 2.236(c)(6) states that the FCTC can request and not mandate that someone appear before the commission. Lisa Goodner said the chief justice would welcome a recommendation. The chief justice has expressed after a certain period of time when the judicial viewers are fully compliant, clerks will no longer be required to provide paper. The chief justice wants a recommendation of what a reasonable standard would be (county by county) where clerks could say they have met all of these standards and is no longer required to provide paper.

MOTION FAILED

Judge Reynolds offered a two part motion

Motion in regards to compliance, the FCTC should report to the chief justice that the FCTC made its best effort and invited both parties to attend the FCTC meeting and present their respective issue to the commission so that the FCTC might make a recommendation to the chief justice. Neither party accepted

the invitation and the FCTC does not believe it has any other authority; therefore, the FCTC is reporting to the chief justice that now it is in the chief justice's ballpark. In respect to hybrid files, the FCTC does not believe it can exercise any requirements to compel their attendance. The FCTC is reporting to the chief justice that the FCTC has done its best and it is the administrative responsibility as the chief justice to decide what should be done.

Judge Lawson wanted to know what format the notice should be communicated in. He stated there needs to be a rule or administrative order communicated statewide that says hybrid files are only going to be allowed under these circumstances. The notice needs to be formally communicated. Judge Reynolds said it is already listed in rule 2.525(c)(2) in the definition of a court file. Tom Hall said the court has been entering administrative orders clarifying some of the rules, but technically the Rules of Judicial Administration would have to be amended, but the original opinion recognized the court was going to have to enter administrative orders in the interim because getting rules change take a while. Judge Lawson wanted an amended motion to address the hybrid files.

Motion in regards to hybrid files, if a court has a CAPS approved viewer in place for at least 90 days the clerk is no longer required to provide a paper file in that particular case

MOTION OFFERED: Judge George Reynolds

MOTION SECONDED: Mary Cay Blanks

Ken Nelson said AOSC09-30 and the Standards for Electronic Access to the Courts would need to be changed because of the language about the chief judge having the authority to approve when to make the conversion. If a hybrid file is going to require a judge to look in multiple places for case information another impact is being put on the judge's work. A hybrid file is not really going to work. If the information is contained in paper and is scanned in the system so that the judge can look in one place to see everything, but if the judge wants to physically touch a sheet of paper he/she would call the clerk for the paper. Sharon Bock said in the Fifteenth Circuit they have a phased in approach. Although they do not have a certified judicial viewer, they allow the judges to view the documents in court without having a judicial viewer. By adding the word viewer to the motion is narrowing it too much because the viewers may not be available, whereas, there may be interim solutions that both the clerk and chief judge can agree on.

Judge Reynolds offered a friendly amendment to his motion and Mary Cay Blanks accepted the friendly amendment.

Amended motion in regards to hybrid files, the clerk is required to provide all paper or all electronic files to a judge unless otherwise agreed by the chief judge, but once a court has a CAPS approved viewer in place for at least 90 days the clerk is no longer required to provide a paper file in that particular case.

Judge Stephens said this issue is more complicated than the FCTC can fully grasp in a short period of time. The Rules of Judicial Administration are intended to prevail over an administrative order. Rule 2.525(c)(2) defines what constitutes an official court file. Rule 2.525(c)(2)(D) states "documents filed in paper form before the effective date of this rule...unless such documents are converted into electronic form by the clerk." This does not specifically say the clerk has to back scan, but the FCTC needs to carefully consider the RJA wisely did not try to make that decision. If the FCTC is going to make that decision it needs to

consider how it is going to relate to the other bodies of rules and the administrative orders. The FCTC does not need to drive a big policy decision because of what is going on in Broward County. Judge Menendez suggested requesting the clerks to begin a back scanning process while in the transition from paper to electronic by a certain date. Judge Lawson said hybrid systems were authorized during a time when electronic files could not be used effectively by judges; however, today there are systems that allow judges to effectively use electronic files. Jannet Lewis said sometimes the clerk may start with an electronic file, but there can be issues with the electronic file such as image quality or a part of the record may be missing so there is not total confidence that the file is complete; therefore, at times there are reasons that a chief judge can want a paper file.

MOTION FAILED

Motion in regards to compliance, where the counties have a CAPS approved judicial viewer in place, or where there is a system that provides the equivalent practical functionality that will allow judges to use the electronic documents of records that exist, the chief judge cannot by administrative order require the clerks to print and supply paper in lieu of that electronic record

MOTION OFFERED: Judge C. Alan Lawson

MOTION SECONDED: Paul Regensdorf

Murray Silverstein wanted to know if there are current policies or standards in place in order to make an informed decision regarding hybrid systems in place. Paul Regensdorf said the court is currently in a hybrid world and has to utilize limited resources to get through this. Clerks should not have to produce paper if the file is viewable electronically and clerks should not be required to back scan documents. Judge Stephens said the reason the standards are called CAPS standards and not judicial viewer is because the standards outline other automated functionalities (such as calendaring, tickler, work queue, etc.). The CAPS standards were written with an exception if the clerks make a program available that could be used to view the documents, the standards would not prevent use of that system. Judge Reynolds asked why write CAPS standards, approve CAPS viewers and try to get everyone an approved CAPS viewer. The point was so that electronic information could be manipulated to allow judges to carry out judicial responsibilities to process data and issue a reasonable judgment. To abandon the CAPS viewer at this stage is a significant issue that the FCTC needs to be vigilant about. The clerks have valid issues and so does the judiciary. A functional viewer in the eyes of the clerk may be very different than a functional viewer in the eyes of a judge. Judge Reynolds contended the CAPS standards define what a court approved viewer must do. To discard the CAPS standards and use any other definition will be a step backwards. Paul Regensdorf said so long as the viewer is equivalent to a CAPS viewer it should be fine. We are currently living in a gray world with limited funds. Judge Reynolds said the chief judge should be the one to decide what a functional viewer is. Ted McFetridge said the FCTC needs to stick with the standards. They are in place and need to be used and nothing in between. Tom Genung said people have spent a tremendous amount of time developing the CAPS standards and they have been hashed out meeting after meeting and it is disheartening to him that the standards could be shot down at the spur of the moment and all of this work could have been for nothing. This is a complex issue and needs to be thoroughly thought out. Lisa Goodner said every circuit has been provided funds to develop a judicial viewer and the funds have been allocated. There is a plan in place for every county in the state to have a compliant judicial viewer. These funds are for the civil. There are a couple of counties that have indicated

they are having problems getting funding for criminal, but the vast majority have received funding to expand the viewer product that has been made CAPS compliant into the criminal divisions.

Judge Reynolds offered a substitute motion and Judge C. Alan Lawson accepted the substitute motion.

Substitute motion unless otherwise agreed by the clerk and chief judge, the clerk may provide a “hybrid file” (part paper/part electronic) to a court that has a CAPS approved viewer in place for more than 90 days.

MOTION SECONDED: Karen Rushing

MOTION CARRIED

Motion to send the Broward County issue to the chief justice with the acknowledgement that the FCTC has requested Judge Weinstein and Howard Forman’s attendance at the FCTC meeting. They responded in writing, but declined to appear before the commission. This limits the commission’s ability to make a recommendation to the chief justice and to enforce the FCTC’s compliance. The FCTC recommends the chief justice consider amending rule 2.236 to compel attendance of parties before the FCTC.

MOTION OFFERED: Judge George Reynolds

MOTION DIED for lack of a second

Paul Regensdorf recommended Judge Munyon request the rules subcommittee to make a recommended change to rule 2.236 that gives the FCTC the authority to require people to appear before the FCTC and examine them. Paul will draft language to send to the Supreme Court that gives the FCTC more clear enforcement authority so the recommendation can be made to the Supreme Court based on that authority. Judge Kreeger said this is a transition problem of relative short duration. The commission should have a formal position and consider a transition period that would allow viewers that are not CAPS compliant but the judges can work with as they can work with a paper file for a limited period of time.

AGENDA ITEM III. Hybrid Systems – Clerks Plan to Back Scan Old Cases

This topic was discussed under Agenda Item XII. Broward County Clerk Response to Judge Munyon’s Letter. Please refer to that section for commentary.

AGENDA ITEM XIV. New Language for Exhibits

Judge Bidwill discussed the exhibit language change for standard 3.1.16 Exhibits in the Standards for Electronic Access to the Courts. The objective is to find uniformity in dealing with exhibits. Murray Silverstein said there are inconsistencies among the clerks if exhibits are part of the filing or separate attachments. Mary Cay Blanks wanted to know if the appellate court attorneys would have to follow this standard. Currently, the appellate courts get the documents attached as hyperlinks or bookmarks.

Motion as part of the e-portal subcommittee’s reconsideration and possible redraft of standard 3.1.16 Exhibits in the Standards for Electronic Access to the Courts, the FCTC would recommend the Court mandate that exhibits filed through the portal be separate attachments to the main document as part of the same filing

MOTION OFFERED: Murray Silverstein

MOTION SECONDED: Judge George Reynolds

MOTION CARRIED

AGENDA ITEM XV. Misuse of the Portal

Judge Munyon said the security of the portal is an important issue that has been discussed along with potential abuse of the portal and criminal activity through the portal. Brad King of the Florida Prosecuting Association (FPA) said the FPA will do their constitutional duty and prosecute any crime of fraud or forgery that uses the portal. Mr. King said there is going to be a problem where you have to prove who used the portal to file a document. Need to develop some kind of security to prevent the filings or to enable the portal to identify conclusively the filer. Judge Munyon said the issue of security with judges filing through the portal has been paramount. Without sufficient security in a /s/ world it is extraordinarily easy to forge a judge's signature. The portal needs to have the appropriate security protocols built into it for judge's signatures rather they go through the portal or directly to the CMS. Judge Reynolds said maybe the judge's signature with the date, time stamp, and case number watermark through it should be on all of the copies instead of /s/. Judge Munyon asked the technical standards subcommittee to review the standards to see if there needs to be some additional security measures incorporated in the standards for the judicial signatures.

AGENDA ITEM XVI. Access Governance Board

Judge Munyon said there is a petition to change rule 2.420 to ultimately allow access to the public with regard to the access security matrix. The petition was filed on October 14, 2013 and the FCTC is going to voluntarily dismiss the petition and refile after the RJA has their second reading of the rule. Judge Munyon will have more to report at the next FCTC meeting.

AGENDA ITEM XVII. Technical Standards Subcommittee

- a. Jannet Lewis discussed the changes made to the Integration & Interoperability (I&I) document. It is one of the oldest technical standards documents that is used by court technology officers. Jannet highlighted two substantial changes that were made to the I&I document. The first change was the addition of section 3.3.4 Archival Storage of Electronic Documents. An archival standard was developed that basically states systems must accommodate the need to archive electronic images in a manner that will guarantee high fidelity rendering of that image in the present system as well as into the future as systems and technology change. Requirements for archival storage range from one to ten years. The technical standards subcommittee strongly recommend PDF/A as the storage format. Section 3.3.5 Access to Court Data and Documents was also added to the I&I document. This section covers what was removed out of the Memorandum of Understanding between the OSCA and the FCCC dealing with local access and statewide access to court data and images.

Motion to adopt the changes in the I&I document

MOTION OFFERED: Judge George Reynolds

MOTION SECOND: Mary Cay Blanks

Ted McFetridge discussed removal of language regarding access to court data shall not be prohibited. This would allow the court access to its data through CCIS or some other system. Judge Reynolds offered a friendly amendment to the motion.

Amended motion to add the following sentence to section 3.3.5, “In order to maximize the reliability and performance of judicial applications, access to court data and document images shall not be prohibited at the county and circuit level.”

Judge Stephens said the language should be clear as to what is expected and offered a second amended motion.

Second amended motion to add the following sentence to section 3.3.5, “The clerk shall provide to the court access to local data and local document images.”

Judge Reynolds and Mary Cay Blanks both accepted the second amended motion.

MOTION CARRIED

- b. Jannet Lewis discussed the changes to the Standards for Electronic Access to the Courts document. Adjustments were made to Section 3.1.13 Time Stamp. Clear language was added indicating the portal will affix a file stamp in the upper left hand corner of the document and send a filing received receipt to the filer. The date and time stamp placed on the document by the portal is the official date and time stamp. Paul Regensdorf said the lawyer needs to know when his/her document has been filed. A filing should be considered filed rather a Notice of Electronic Filing is received or not. Laird Lile stated a filing shall be deemed filed on the date and time the filing is received at the portal. Melvin Cox indicated there are three different proofs that a document has been filed. Once a filer hits submit a verification of filing appears on the screen; an email is also sent to the filer; and once the filer logs into the portal and the verification is online under the filer’s account. All three of these notifications have the same date and time and gives the filer the assurance that the filing has been accepted at the portal.

Motion to delete section 3.2.2 Procedure Where Notice of Electronic Filing Not Received in the Standards for Electronic Access to the Courts.

MOTION OFFERED: Judge C. Alan Lawson

MOTION SECOND: Mary Cay Blanks

Laird Lile offered a friendly amendment to the motion.

Amended motion to keep the section number the same and make a note that section 3.2.2 Procedure Where Notice of Electronic Filing Not Received in the Standards for Electronic Access to the Courts was deleted at the FCTC October 17, 2013 meeting.

Judge C. Alan Lawson and Mary Cay Blanks both accepted the amended motion.

MOTION CARRIED

Motion to adopt the new language in section 3.1.13 Time Stamp in the Standards for Electronic Access to the Courts

MOTION OFFERED: Judge George Reynolds

MOTION SECOND: Laird Lile

MOTION CARRIED UNANIMIOUSLY

Jannet discussed section 3.2 Technical Failure which deals with the portal being down for an extended period of time. Paul Regensdorf said there is not anything in the rules for failure of filings in the paper world. The RJA has written a rule that incorporates AOSC09-30 that says if the portal is unavailable for more than two hours over a period of time then an attorney can seek relief until the next business day.

Motion to delete leading paragraph in section 3.2 Technical Failure and also section 3.2.1 Determination of Failure and Effect on Due Date in the Standards for Electronic Access to the Courts and make a note that the language was deleted at the FCTC October 17, 2013 meeting.

MOTION OFFERED: Judge Scott Stephens

MOTION SECOND: Judge C. Alan Lawson

MOTION CARRIED

AGENDA ITEM XVIII. Searchable PDF Report from Clerks

Melvin Cox said the FCCC surveyed the clerks to find out if their CMS already store and use searchable PDFs natively and if not where the clerks are in relation to implementing and maintaining searchable PDFs as a standard. The survey revealed most if not all of the clerks' CMS stores the documents natively as TIFFs. The clerks would like to move to storing searchable documents as resources become available. The judicial viewers take the documents that are stored in the clerks' system and render them as searchable in the judge viewer. This functionality of a searchable document is provided for most if not all of the judge viewers. In this scenario the requirement for a searchable document is satisfied. As e-filing becomes totally electronic and a searchable document is provided it can be stored as a searchable document without any manipulation. When an attorney scans a document into the portal it is a PDF but it is not a searchable PDF. The portal will allow the document to be e-filed. The portal can be programmed to not allow scanned documents and that would require all of the filers to file searchable documents. All of the judicial viewers, with the exception of JAWS, render the documents searchable within the judge viewer. There needs to be a plan to look at the counties in which JAWS will be implemented and develop a strategy to make the documents searchable. JAWS grab the document in the format it is stored in the clerks' system and that is the way the document will be presented in the judicial viewer. The portal can receive the document as a TIFF and store the version of the document that was e-filed as a TIFF or as a searchable document and if the searchable document is available it can be provided to the judicial viewer. Judge Munyon asked if there was a timeline when the clerks would be comfortable having a PDF only storage. Melvin said he would want to know as an example, would the clerks who are using Mentis need to make it an immediate priority to make everything searchable when the documents are provided searchable in the judicial viewer. Judge Munyon asked if the FCCC had any discussion on receiving and storing the documents as a PDF from a date forward. Melvin said the FCCC would need to determine what needs to be accomplished by the date forward and what business requirement is driving the date. Ted McFetridge said it would be good to start now with documents that are created in PDF and when the clerks are ready to store as a PDF they would have already started the process. Melvin asked if the FCTC wanted a date that the judicial viewers would no longer have to OCR documents. Ted said the clerks are expected to maintain the documents as a PDF and the judicial viewers can convert the documents, but the expectation was not for the judicial viewers to do the conversion long-term. Melvin said he was under the impression the functionality that was established in the judicial viewers would be on-going and he did not

realize the judicial viewers would not do something that it started doing. Judge Stephens said the accessibility issue and searchability issue went hand in hand and wanted to know how the accessibility issue would be addressed. Melvin said each clerk would have to meet the ADA requirements and the document could be made searchable on request when needed. Judge Stephens also asked if it would be helpful to the FCCC if the FCTC would recommend a rule to the RJA to require the attorneys to file documents in a clean PDF and not photographs of paper at some future time. Melvin said that would help make more documents searchable. It helps the searchability issue but puts the requirement on the filer to have a more complex scanning program. Judge Lawson said the DCAs have a program that goes in the background of the system and converts the PDF documents that are not searchable into searchable PDFs. Melvin said some of the clerks are looking at converting the documents into searchable PDFs in the local CMS as opposed to at the portal. Laird Lile asked why not at the portal level as opposed to the CMS. Judge Lawson said the program works on whatever server the document resides on and the portal does not store the documents. John Tomasino said the Florida Public Defenders Association is relying on getting searchable PDFs because they do not have judicial viewers and do not have conversion software; therefore, they are hoping to have access to searchable PDF documents. Melvin said the clerks are trying to move forward with searchable PDFs, but he does not have a timeline of when this would happen. The FCCC would like to focus on getting the judicial viewers up and having the documents searchable within the judicial viewers. Judge Munyon tasked the technical standards subcommittee to come back to the next FCTC meeting with a recommendation regarding searchable PDFs.

AGENDA ITEM XIX. Certification subcommittee

Chris Blakeslee discussed the implementation schedule for the judicial viewers through June 2014. Every county will have a judicial viewer installed. Approximately 8.9 million dollars will be received to implement the judicial viewers. Each circuit had to submit a detailed proposal outlining how the funds were going to be expunged (programmers, making an in-house system CAPS compliant, hardware, software, etc.). Before any money was allocated the proposals were reviewed and approved by the Trial Court Budget Commission. There are about seven different systems in Florida. Mentis Technologies AiSmartBench and the 13th circuit's Judicial Automated Workflow System (JAWS) have received full certification. Pioneer's Benchmark and the 8th circuit's Integrated Case Management Solution (ICMS) have received provisional certification. Provisional certification is good for six months. The majority of the systems will encompass both civil and criminal. The 4th, 15th, 17th, and 18th circuits are working on getting their internally developed systems certified. The 15th circuit implemented ICMS, but made some changes and has to have their system certified.

AGENDA ITEM XX. Other Items/Wrap up

Tom Genung raised the issue of electronic access to public records. There is a concern about prospective jurors on criminal cases being able to access the particular case in which they are sitting as a juror. It is significantly different because in a paper world the juror cannot go down and get the file and look at it. Tom Hall said there is a proposed rule to take away all of the juror's electronic devices while they are serving. Judge Munyon decided to put the issue on the next FCTC agenda.

Motion to adjourn the FCTC meeting

MOTION OFFERED: Judge Manuel Menendez

MOTION SECOND: Jannet Lewis

MOTION CARRIED UNANMIOUSLY

Meeting was adjourned at 1:30 P.M. The next Commission meeting is scheduled for February 19-20, 2014 in Orlando.