

# Florida Courts Technology Commission Meeting

## FCTC Action Items/Summary of Motions

August 28, 2014

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A meeting of the Florida Courts Technology Commission was held at the George Edgecomb Courthouse in Tampa, Florida on August 28, 2014. 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<sup>th</sup> Circuit  
Judge Stevan Northcutt, 2<sup>nd</sup> DCA  
Judge George S. Reynolds, 2<sup>nd</sup> Circuit  
Judge Josephine Gagliardi, Lee County  
Judge C. Alan Lawson, 5<sup>th</sup> DCA  
Mary Cay Blanks, Clerk of Court, 3<sup>rd</sup> DCA  
Thomas Genung, Trial Court Administrator, 19<sup>th</sup> Circuit  
Matt Benefiel, Trial Court Administrator, 9<sup>th</sup> Circuit  
Tanya Jackson, Adam Street Advocates  
David Ellspermann, Clerk of Court, Marion County  
Sharon Bock, Clerk of Court, Palm Beach County  
Kent Spuhler, Esq., Florida Legal Services

Judge Scott Stephens, 13<sup>th</sup> Circuit  
Judge Robert Hilliard, Santa Rosa County  
Judge Martin Bidwill, 17<sup>th</sup> Circuit  
Judge Manuel Menendez, Jr., 13<sup>th</sup> Circuit  
Laird A. Lile, Esq., Naples  
Dennis Menendez, CTO, 12<sup>th</sup> Circuit  
Jannet Lewis, CTO, 10<sup>th</sup> Circuit  
Karen Rushing, Clerk of Court, Sarasota County  
Ken Nelson, CTO, 6<sup>th</sup> Circuit  
Elisa Miller, Akerman LLP  
John Stewart, Esq., Vero Beach

### Members not in attendance

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

Murray Silverstein, Esq., Tampa

### Supreme Court Justices in attendances

Chief Justice Jorge Labarga, Supreme Court

Justice Ricky Polston, Supreme Court

### OSCA and Supreme Court Staff in attendance

John Tomasino, Clerk of the Supreme Court  
Eric Maclure  
Susan Dawson  
Chris Blakeslee  
Jeannine Moore

PK Jameson  
Sarah Naf  
Alan Neubauer  
Lakisha Hall

### Other Attendees

Mark Van Bever, Trial Court Administrator, 18<sup>th</sup> Circuit  
Craig McLean, CIO, 20<sup>th</sup> Circuit  
Robert Adelardi, CTO, 11<sup>th</sup> Circuit  
Wayne Fountain, CTO, 18<sup>th</sup> Circuit  
Sunil Nemade, CTO, 17<sup>th</sup> Circuit  
Isaac Shuler, CTO, 2<sup>nd</sup> Circuit  
Terry Rodgers, 5<sup>th</sup> Circuit

Gerald Land, CTO, 16<sup>th</sup> Circuit  
Steve Shaw, CTO, 19<sup>th</sup> Circuit  
Jon Lin, CTO, 5<sup>th</sup> Circuit  
Fred Buhl, CTO, 8<sup>th</sup> Circuit  
Noel Chessman, CTO, 15<sup>th</sup> Circuit  
Paul Silverman, 8<sup>th</sup> Circuit  
Rick Melendi, 13<sup>th</sup> Circuit

Tonya Grimes, 13<sup>th</sup> Circuit  
Melvin Cox, Director of Information Technology,  
Florida court Clerks and Comptrollers  
Jennifer Fishback, Florida Court Clerks and Comptrollers  
Carolyn Weber, Florida Court Clerks and Comptrollers  
Tom Morris, Florida Prosecuting Attorneys Association  
Bob Inzer, Clerk of Court, Leon County  
Tim Smith, Clerk of Court, Putnam County  
Cindy Guerra, Palm Beach County Clerk of Court  
Ernie Nardo, Broward County Clerk of Court  
Repps Galusha, Orange County Clerk of Court  
Thomas James, Miami-Dade County Clerk of Court  
Lisa DiDonato, Lee County Clerk of Court  
Brent Holladay, Lake County Clerk of Court  
Laura Roth, Volusia County Clerk of Court  
Carole Pettijohn, Manatee County Clerk of Court  
Dale Bolmer, Hillsborough County Clerk of Court  
Gerald Cates, Duval County Clerk of Court  
Shelley Taylor, Polk County Clerk of Court  
Henry Sal, Computing System Innovations  
Brian Murphy, Mentis Technology

Ana-Klara Anderson, Thomas & LoCicero  
Ken Kent, Executive Director, Florida Court  
Clerks and Comptrollers  
Nichole Hanscom, Public Defenders Association  
Tom Hall, Florida Court Clerks and Comptrollers  
Jimmy Midyette, Florida Legal Services, Inc.  
Paula O'Neil, Clerk of Court, Pasco County  
Akilya Drake, Palm Beach County Clerk of Court  
Toni Bleiweiss, Lee County Clerk of Court  
Melissa Geist, Orange County Clerk of Court  
Laurie Reaves, Miami-Dade County Clerk of Court  
Frank Martinez, Miami-Dade County Clerk of Court  
Doris Maitland, Lee County Clerk of Court  
Tyler Winik, Brevard County Clerk of Court  
Laurie Rice, Brevard County Clerk of Court  
Jeff Taylor, Manatee County Clerk of Court  
Justin Horan, Clary County Clerk of Court  
Michael Phelp, Polk County Clerk of Court  
Harold Sample, Pasco County Clerk of Court  
Steve Moerbe, Tyler Technologies

The meeting began with Judge Munyon welcoming the commission members and other participants to the meeting. Judge Munyon acknowledged the new commission members and advised the participants of the updated FCTC member contact information and subcommittee list. Judge Munyon called the meeting to order advising everyone the meeting was being recorded.

## **AGENDA ITEM II. Approval of May Minutes**

### **Motion to approve the minutes from the May 14, 2014 meeting of the Florida Courts Technology Commission.**

MOTION OFFERED: Laird Lile  
MOTION SECONDED: David Ellspermann  
MOTION CARRIED UNANIMOUSLY

## **AGENDA ITEM III. FCTC Approved Items**

### **Motion to approve the Florida Courts Technology Commission Approval Items from the May 14, 2014 meeting.**

MOTION OFFERED: Tom Genung  
MOTION SECONDED: David Ellspermann

## MOTION CARRIED UNANIMOUSLY

Judge Stephens pointed out a spelling error in the approval items, 2<sup>nd</sup> to last bullet that should read, “title,” instead of “tile.” Correction will be made prior to posting on the court technology website.

### **AGENDA ITEM V. Comments on SC14-569**

- a. Judge Munyon reminded the members that the FCTC submitted a proposed rule change to the Rules of Judicial Administration that would incorporate the *Access Security Matrix* as the standard for access to electronic court records. Comments on SC14-569 regarding the rule change was received from the Media for the Court to immediately consider eliminating the attorney preference and speed up the electronic records access applications. Further, the Media proposed the insertion of the term “prompt” in place of “the protection of and” in the first sentence of Rule 2.420(a). The FCTC responded to the Media’s comment disagreeing with the suggestions to the proposed rule amendments. Additionally, the Commission suggested the consideration of the Media’s amendments would require republication and an additional comment period. The Court denied their petition to supplement their submission and oral arguments. The case is before the Court for their consideration without oral argument and the Commission should hear something from the Court when the ruling is made.

### **AGENDA ITEM IV. On-Going Plan for Technology Dollars Update**

- a. Judge Munyon gave an update on the Trial Court Budget Commission Funding Workgroup regarding statewide technology funding. The workgroup developed a proposal to create a funding stream that would be managed at the state level, to assist with the current and future technology needs of the courts. The workgroup is in the process of developing statutory language to codify county versus state technology funding responsibilities.
- b. A subgroup of judges and clerks was created to explore the possibility of charging for access to electronic court records. The subgroup has decided no fee should be imposed for electronic access to court records and presented their findings to the full TCBC.
- c. Chris Blakeslee gave an update on the TCA/CTO workshop to develop a technology strategic plan to determine the scope of the trial courts technology requirements and the funding to sustain those requirements. The National Center for State Courts was employed to assist in developing the strategic plan in supporting the technology Legislative Budget Request for the fiscal year 15/16. The NCSC focused on an enterprise view of the technology and business needs of the courts. The workgroup is awaiting the draft of the strategic plan from the NCSC. In the meantime, OSCA is working with the circuits to get updated technology and due process expenses for the 15/16 LBR.

### **AGENDA ITEM VI. Judicial Viewer Update**

- a. Chris Blakeslee referred to the updated judicial viewer implementation chart. Currently, there are thirty-eight counties that are fully implemented however, some implementation is based on funding and for that reason the implementation dates will change. Chris gave credit to the circuits for expending all the foreclosure funding in fiscal year 12/13 that was appropriated for implementing the civil judicial viewers.
- b. Judge Munyon discussed the name change request referring to “judicial viewer.” The viewers encompass a great deal i.e., document management, electronic signing and electronic service. The

viewers have been referred to as CAPS (Court Application Processing Systems) however, several have indicated it is not descriptive enough. Judge Munyon referenced the proposed name changes and requested any discussion on naming the judicial viewers. Judge Stephens said he had purchased a domain name for a website to teach his kids web development and named the website, eJudication. He would suggest the name, "Florida eJudication System." Sharon Bock commented on the liking of the "Florida eJudication System" name as it allows for flexibility and electronic branding. The members agreed to deliberate the name and settle at the next FCTC meeting. Judge Munyon advised members to send any other suggested names to the commission in the appropriate time for members to review in the next meeting materials. Chris wanted the members to consider the "CAPS" name that defines the viewer as assisting judges in processing cases interactively.

### **AGENDA ITEM VII. E-Warrants Update**

Judge Munyon deferred agenda item to the November FCTC meeting.

### **AGENDA ITEM VIII. E-Portal/E-Filing Update (Authority Board, FCCC, etc.)**

- a. Jennifer Fishback discussed the e-portal usage statistics. In the month of July, 1,183,329 filings were filed through the Portal and there are a total of 64,886 registered users. Of cases that are e-filed, approximately 95% are on existing cases and 5% are on new cases.
- b. Jennifer Fishback updated everyone on criminal e-filing. In the month of July, 276,745 criminal filings were completed. All 67 counties are accepting criminal filings, of which, 59% are submitted using the batch process and 41% are submitted using single session. Seventeen circuits are using batch e-filing in production. The circuits are continuing to implement per the extensions granted in AOSC13-48. In the month of July, 1,099 filings were submitted by pro-se litigants. Of the pro-se filings, 11% were returned for correction. Mary Cay Blanks questioned the reasons of returned filings for pro-se filers. Jennifer responded they currently do not have a list of reasons as counties report this in as free text and there is no code to gather the data. Karen Rushing said she is experiencing processing issues that pro-se litigants have to work through. Sharon Bock said she would like to go ahead and give report on pro-se, since the question was posed on these filings. The Consolidated Pro-Se Workgroup is currently reviewing all pro-se filings in each county to gather statistics, to include reasons filings are being returned and will summarize findings at the next FCTC meeting. Melvin Cox clarified that filings are not being rejected, they are sent to a review process until corrected and then continued on as filed. Mary Cay questioned if there was any thought in putting in pre-designated reasons of returned to collect the data. Jennifer responded filings are not reviewed the same way, some are evaluated at the portal level and some are evaluated at the local county level. Melvin clarified there is a selection of portal review and local review and it could be coded to collect the data; however, one of the efficiencies of the portal is allowing the Clerk to be very specific in typing instructions on correcting the filing. These instructions are put in the email that gets sent to the filer. Jennifer continued with the e-filing report, it takes about 1.03 days to get a filing to "filed" status. E-filings sent to the pending queue is at 2.3%. The slight increase is due to the addition of new filer roles added to the portal. The FCCC has several projects underway including; working with the A2J (Access to Justice) software to build interviews; working to implement batch e-filing with Judicial Circuits and Appellate Courts; and planning releases for September 20, 2014, October 24, 2014 and April 24, 2015. The September 20, 2014 release includes enabling the approved new filer

roles on the Portal: court reporters, law enforcement agencies, mediators, mental health professionals, process servers and state agencies. The October 24, 2014 release includes Clerk enhancements of: Clerk filing to the Florida Department of Corrections; adding review queue configuration parameters by case type and docket code; and create polling service to obtain filing status on initial filing transmission. The filer enhancements in the October 24, 2014 release includes increase appellate filing size limit to 25MB; systematically include state attorneys to e-service list on all criminal cases; and reformat the Documents filing tab. Judge Munyon requested a visual of the portal enhancements. Carolyn Weber demonstrated the new Document tab that removes the drop down lists for Document Category and Type. The filer will now select document name using existing search features and thus will streamline the data entry by removing pop-up windows to eliminate clicks. Carolyn continued with the addition of a Manage My E-service screen. This will allow filers to update service lists on some or all of their cases, will be able to remove themselves from service lists and update their alternate E-service email addresses.

- c. Melvin Cox gave an update on the Portal service desk. The service desk takes in calls regarding customer service incidents and technical and system support incidents. With the new portal release in June 2014, there was a spike in the number of incidents received. The service desk receives most of their incident reports via email (63% for customer service incidents and 92% for technical and system support).
- d. Melvin commented on the pro-se calls being consistent with the volume of pro-se filers. The highest number of calls continue to be from attorneys. Another note, was a great deal of calls on the service component of the portal. (i.e., why did I get served, why didn't I get served, etc.) The FCCC will continue to monitor the portal for any resolutions and service desk training on new releases.
- e. John Tomasino said there was no update on the appellate portal interface, at this time.

Judge Munyon noted the specific changes to the portal and the management process change discussions originating from Paul Regensdorf, who is no longer on the Commission. Laird Lile commented on Paul's tenure with FCTC and his unique level of service to the Commission. Laird proposed an appropriate recognition to present to him at the next FCTC meeting.

**Motion to purchase plaque in recognition of Paul Regensdorf's tenure on the Florida Courts Technology Commission.**

MOTION OFFERED: Laird Lile

MOTION SECONDED: Judge George Reynolds

MOTION CARRIED UNANIMOUSLY

For presentation purposes, an invite will be extended to Paul Regensdorf for the next FCTC meeting.

**AGENDA ITEM IX. Timeframe for Eliminating Paper Filings**

John Tomasino updated the Commission on the interim adoption of an administrative order until the RJA completed the rule change. With rule 2.520 conflicting on the elimination of paper filings, the Court determined no action would be taken until the RJA amends the rule. Laird Lile said non-compliant attorneys should be handled through the disciplinary process of the Board of Governors and rule 2.520 should not be changed. Karen Rushing said she was keeping track of attorneys filing in non-compliance and the numbers have decreased. Kent Spuhler requested the Commission communicate formally to the Florida Bar on the reoccurring problem of non-

compliant attorneys and request the Florida Bar to direct attorneys to comply with the rules. Sharon Bock reminded the members the cost in having a dual filing system and the efficiency of electronic filing. Laird suggested requesting the Florida Bar take immediate action in the disciplinary process on these specific attorneys. Most local Clerks know their Board of Governor member and communication can be performed between the two. Judge Stephens suggested the names of non-compliant attorneys be referred to the Florida Bar, not to invoke disciplinary but as a deterrence. Judge Menendez suggested the Clerks advise Chief Judges on the names of non-compliant attorneys; thereafter, Chief Judges can make the decision of instructing the attorneys to file properly.

**Motion for the FCTC to communicate formally with the leadership of the Florida Bar describing the reoccurring problem of attorneys filing in non-compliance with mandatory e-filing procedures and the Florida Bar manage the attorneys as them deem appropriate.**

MOTION OFFERED: Kent Spuhler

MOTION SECONDED: Sharon Bock

MOTION CARRIED

Judge Menendez motioned for a different approach.

**Motion for the FCTC to communicate formally with clerks requesting notification to their Chief Judge on attorneys not filing in compliance with mandatory e-filing procedures.**

MOTION OFFERED: Judge Manuel Menendez

MOTION SECONDED: Judge C. Alan Lawson

MOTION CARRIED

Karen Rushing requested the letter to have knowledge of previous FCTC discussions on this issue so Chief Judges will be anticipating the non-compliant information from the Clerks. Judge Munyon responded she will include FCTC material in the letter and will send a copy to the Chief Judges.

Tom Hall requested a friendly amendment to the second motion and Judge Menendez and Judge Lawson accepted the amendment.

**Motion for the FCTC to communicate formally with Chief Judges requesting notification from their clerk on attorneys not filing in compliance with mandatory e-filing procedures and Clerks to be copied on the written communication.**

Kent Spuhler said this was not an issue for the Commission and the formal communication should be directed to the Florida Bar who are responsible for the decision making process regarding non-compliant lawyers. Judge Munyon asked if the Commission should wait to hear back from the Board of Governors before proceeding with communication to the Chief Judges. Further discussion led to supporting the distribution of the formal letters to speed the process up.

MOTION CARRIED

### **AGENDA ITEM X. Change Management Process**

Tim Smith discussed the management process change that originated from the June 2014 release relating to e-service. There was a lot of discussion on insufficient notice of changes being made to the portal when the June 2014 release was delivered. Tim noted it could not be concluded that a sufficient notice was given to the Commission of the upcoming changes. The rule was reviewed and nothing could be located regarding governing changes to the portal. A plan was developed to ensure proper consultation with the FCTC was accomplished. The proposed plan includes proper consultation with FCTC on any proposed changes/enhancements to the portal within 30 days of implementation and 10 days for the FCTC to consult with the E-Filing Authority on any concerns of the proposed changes. The plan was adopted by the E-Filing Authority Board on August 7, 2014. During and after plan was adopted, John Tomasino petitioned the timeframe notification be a 45 day notice to consult with FCTC and a 20 day notice of consult to the E-Filing Authority on any proposed revisions to the portal. After further discussion with Judge Munyon, Tim proposed John's timeframes as stated, by way of an amendment to the plan. The revision was passed on August 26, 2014 by the E-filing Authority Board. As the E-filing Authority Chair, Tim wanted to ensure a process was established and that no future opportunity was missed in consulting with the FCTC. Tim commented with the evolution and progress of the portal, future discussions of the e-filing process should be minimized. As chair of the FCTC E-Portal Subcommittee, Judge Reynolds appreciated being advised of the enhancements as it will assist to facilitate the process. Judge Munyon stated when the notifications of changes are received, information will be delivered to the members of the Commission by email and referred to the E-Portal Subcommittee who will then provide an update at the regularly scheduled meetings. If there are any matters that suggest an immediate discussion, a conference call can be scheduled in between quarterly meetings. Judge Stephens asked if the Portal Authority recognized any role of the FCTC making policy on how the portal should be configured on moving forward or is the FCTC an advisory role in the process. Tim Smith referred to the *Interlocal Agreement*, indicating the E-Filing Authority as manager of the e-portal, in consultation with FCTC. To carry out the goal of the Authority it is essential to recognize the FCTC's concerns and to ensure the filers receive the most benefit from the portal. Judge Stephens questioned the validity of the agreement in light of the Rules of Judicial Administration that gives specific authority to the FCTC. Susan Dawson stated she is familiar with the *Interlocal Agreement* and would bring a summary of the agreement to the next scheduled FCTC meeting. Mary Cay said it appears the enhancements are being programmed prior to consult/approval with FCTC and if so, could programming cease if the suggested enhancement was not recommended by the FCTC. Tim responded by explaining some programming can take months to implement; therefore, it does begin at the time of approval by the Authority Board, however, appropriate time for consultation on the concerns is warranted. Judge Munyon clarified it appears there is no approval in concept to be discussed and suggest it would be clearer if the FCTC was included in the vetting process to avoid any future conflicts and before time and money is spent on programming. Smith confirmed that there was no hidden agenda by the Authority and will continue to communicate with the FCTC in the future.

## **AGENDA ITEM XI. E-portal Subcommittee Status**

- a. Judge Reynolds discussed subaccounts for judicial assistants and case managers. The subaccounts will not allow judicial assistants and case managers to electronically sign a document for the judges. Mary Cay asked if there could be a program where the judicial viewers automate orders and electronically file them. Chris Blakeslee explained for now the process is to sign directly onto the portal and electronically file. When the judicial viewers are all connected to the portal, the process will be automated. Tom Genung brought up the issue of staff attorneys filing on behalf of judges. Tom Hall said staff attorneys could be sworn in as a deputy clerk.

### **Motion to adopt the recommendation of the e-Portal subcommittee to create subaccounts for judicial assistants and case managers.**

MOTION OFFERED: Judge George Reynolds

MOTION SECONDED: Karen Rushing

MOTION CARRIED UNANIMOUSLY

Judge Reynolds continued the discussion with the implementation of suggested portal enhancements that have been approved by the E-Filing Authority.

- **New Filer User Groups** - Additional filer roles have been added for the following users to electronically file beginning 9/21/14:
  - Court Reporter
  - Mediator
  - Mental Health Professional
  - Process Server
  - Law Enforcement

Judge Reynolds noted the Law Enforcement category would be credentialed/validated by the administrator of the entity that facilitates the enrollment (i.e., Sheriff's Office, etc.) and would not be a publicly accessible role.

- **Systematically Include State Attorney to the E-Service List** - Systematically add the State Attorney designated e-service email address to the e-service list on criminal division cases. Effective 10/24/14.
- **Add Manage My E-Service Screen** – An e-service list maintenance screen was created to allow a filer to apply e-service designations and remove multiple lists at once. This only manipulates what the filer has filed on and there is no functionality change. Effective 10/24/14.
- **Reformat Document Filing Tab** –The Documents Tab has been enhanced to allow the document size limited to 25 MB for appellant filings to be consistent with Trial Court filings. Effective 10/24/14.
- **Clerk Filing to the Florida DOC** – The Florida Department of Corrections will be added to the portal to receive filings from the Clerks of Court. Effective 10/24/14.

### **Motion to adopt the recommendation of the e-Portal subcommittee on the stated enhancements to the Portal.**

MOTION OFFERED: Karen Rushing

MOTION SECONDED: Judge Stevan Northcutt

MOTION CARRIED UNANIMOUSLY

- b. Agenda item, E-filing Ex Parte Motions was deferred to the next portal subcommittee meeting.
- c. Jennifer Fishback discussed the maximum filing size of 25 megabytes and the e-service email breaking up a filing into 5 megabyte attachments. If a filer has a 25 megabyte filing, there are five emails that are sent. Judge Munyon said this is to comport to the RJA rule that requires e-service to be no more than 5 megabytes. Judge Reynolds said this is an RJA rule change and there is no action from the e-portal subcommittee.
- d. Judge Reynolds discussed filer roles for general magistrates and hearing officers. A filer role is suggested to be added for the various types of general magistrates and hearing officers that would have the ability to file their documents through the portal. The filer role would have same access as judges and credentialing will be done by court administration.

**Motion to adopt the recommendation of the e-Portal subcommittee to create a filer role for general magistrates and hearing officers with same access as judges and credentialing will be done by court administration.**

MOTION OFFERED: Tom Genung  
MOTIN SECONDED: Judge Manuel Menendez  
MOTION CARRIED UNANMIOUSLY

- e. Agenda item, Roles of Newspaper filers added to the Portal was deferred to the next portal subcommittee meeting.

Mike Smith discussed the proposal for the implementation of a statewide e-portal user authentication. The authentication would be based on the e-portal credential store. This would allow both Court and Clerk systems throughout the state to offer access based on a filer's e-portal account. The filer would only need one log-in regardless of which county they file in. The local Clerks would still maintain their authentication at the local level. Karen Rushing said there are different complexity levels of access and there is a concern in losing those levels of access. Mike explained the portal is allowing the filer to log-in, not granting permissions. Tyler Winik asked if the other filer roles would have mass ability other than attorneys. Melvin Cox commented this is the early stages and the concept will have to be thought through. This issue will be deferred to the Access Governance Board committee to research.

Judge Bidwill thanked the members of the e-Portal user group and will continue to facilitate dialogue between the user group and portal staff.

**AGENDA ITEM XII. Update on RJA Actions**

- a. Judge Stephens said this agenda item was discussed earlier under eliminating paper filings; however, he would like to note that the Chair and the constitution of the RJA Committee has changed. Murray Silverstein is now the Chair and the subcommittee that is responsible for technology issues will be accepting this item for a vote. No action at this time has been reported from the RJA.
- b. Judge Munyon discussed the letter sent to the RJA regarding technology standards in court rules. Judge Stephens commented the RJA did assign a liaison committee to research and determine if technology standards should be better served in another location. Laird Lile asked if the letter to the RJA included information on the attorneys filing in paper. Judge Munyon said Murray Silverstein was discussing the issue of non-compliant attorneys to the RJA.

### **AGENDA ITEM XIII. Consolidated Pro-Se Workgroup Update**

Sharon Bock gave an update on the pro-se workgroup. As previously stated, a summary report on each county's effects on pro-se filings will be presented at the next FCTC meeting.

### **AGENDA ITEM XIV. Access Governance Board Update**

- a. Judge Hilliard discussed the agreement of the court and clerks to not charge fees for electronic remote viewing of court records. As such, the access definitions were limited to Clerk's office electronic viewing and remote electronic viewing.
  - **Clerk's Office Electronic Viewing** – The ability to view court records as defined in rule 2.420(b)(1)(A) from a clerk-provided device located in the clerk's office.
  - **Remote Electronic Viewing** – The ability to view court records as defined in rule 2.420(b)(1)(A) from an external location via a public network.

### **Motion to adopt the Access Governance Board recommendation defining clerk's office electronic viewing and remote electronic viewing as stated.**

MOTION OFFERED: Judge Robert Hilliard

MOTION SECONDED: Judge George Reynolds

MOTION PASSED UNANIMOUSLY

- b. Judge Hilliard discussed the *On-line Electronic Records Access Application* and stated approximately fifty-seven applications have been received to date. A meeting has been scheduled in October to review the applications and summarize the findings to the FCTC for approval. There was a concern on clerks embedding attorney preference in their system therefore verification will be done when reviewing the applications.
- c. Judge Hilliard discussed the letter received from the Public Defender's Association requesting to have a special designation for public defenders in the *Access Security Matrix*. Public defenders cannot review a file until they are appointed to a case and then do not gain immediate access. The board will research to determine if the public defender is treated generically when appointed.

### **AGENDA ITEM XVI. Technical Standards Subcommittee Update**

- a. Robert Adelardi discussed the draft data exchange standards. The workgroup has previously submitted a draft version of the standards to the Commission and will continue to work on finalizing for presentation at the next FCTC meeting.
- b. Jannet Lewis discussed the original docket numbering motion approved at the previous meeting. The clerks did a feasibility study and the findings necessitated interpretation of the language. The technical standards subcommittee is proposing new language that gives more detail and specificity to have statewide uniformity. Judge Stephens commented the point is to allow the docket to have a unique number to identify documents. The proposed language would be incorporated into the *Standards for Electronic Access to the Courts*.
  - At a minimum, the local clerk CMS would assign and store a sequence number for each docket that contains a document on each case. The sequence number would be unique only within each case. For example, each case could have a document #1, #2, etc., and increment by 1.

- The sequence number would be displayed on each document/docket display screen in the local clerk CMS and any associated access systems (websites, etc.)
- Each assigned document/docket sequence number would need to remain static for each case once assigned. If documents/dockets are inserted, then the sequence numbers would not necessarily align with the dates for the documents/docket. As long as they are unique within each case this would be allowed.
- The sequence number may be implemented on a “go-forward” basis if necessary; sequence numbers are not required for historical documents/dockets.
- The sequence numbers are only assigned and stored in the local clerk CMS. The sequence numbers would not be included in the interface between the E-Portal and the local clerk CMS and would not be provided to the filer as part of the e-filing notification process.
- This requirement does not apply to legacy CMS applications which have a known end date.
- Time frame for implementation is two years from FCTC adoption.

**Motion to adopt proposed language recommended by the Technical Standards Subcommittee for docket numbering, as stated.**

MOTION OFFERED: Judge Scott Stephens

MOTION SECONDED: Judge Manuel Menendez

Laird Lile offered a friendly amendment to the motion. Judge Stephens and Judge Menendez accepted the friendly amendment.

**Amended motion in the proposed language to include each case will start with a number one and to increment by one.**

MOTION CARRIED UNANIMIOUSLY

Carolyn Weber clarified when cases are consolidated the lower case number is usually referenced and the sequence numbering would continue in that case.

- c. Jannet discussed staffing issues for direct user support and the subcommittee presently updating the *Integration and Interoperability* document to clarify staffing needs. Work continues on developing a staffing ratio for supporting internal and external users. At the strategic planning session with the CTO’s and TCA’s, it was discussed to draft specific technology job descriptions for potential IT staff that would be funded at the state level. The subcommittee proposed job descriptions for a Deputy Trial Court Technology Officer and a Systems Analyst, to the TCBC Funding Workgroup.

Jannet discussed the security of digital signatures and the updates in the CAPS standards. In reviewing all the technology standards to ensure they align, the *Standards for Electronic Access to the Courts* did not. There is a challenge with the ink signatures that are scanned in by attorneys, having quality image issues. The subcommittee submitted proposed digital signature language. Case number was not included because some cases do not have a case number; therefore, a footnote would be included to reference the CAPS standard that requires the case number. Jannet pointed out a date of December 31, 2015 for implementation.

**Motion to adopt proposed language recommended by the Technical Standards Subcommittee for digital signatures. At a minimum, the digitized signature of a judicial officer and the appellate court clerk shall be accompanied by a date and time stamp. The date and time stamp shall appear as a watermark through the signature to prevent copying the signature to another document. The date and time stamp shall also appear below the signature and not be obscured by the signature. When possible or required<sup>1</sup> the case number should be included also. Applications that store digitized signatures must store the signatures in compliance with FIPS 140-2. The implementation timeline would be December 31, 2015. <sup>1</sup>CAPS Functional Requirements**

MOTION OFFERED: Jannet Lewis

MOTION SECONDED: Judge George Reynolds

MOTION PASSED UNANIMOUSLY

### **AGENDA ITEM XV. Subscriber Agreements for On-line Access**

Laird Lile explained the issue of attorneys having to complete a subscriber agreement. Susan Dawson said the indemnification could be prohibited under RJA 2.236(b)(2); however, further review is warranted. Tom Hall suggested one agreement that would fulfill all counties and DCA's. David Ellspermann did not think there should be subscriber agreements, as public is public. A subscriber should not have different access than the general public. Susan asked if someone refuses to sign the subscriber agreement are they denied access to the records. Karen Rushing said they would fall under the general public role and have limited access. Tom Hall asked if this violates public records law. Laird asked if the AO permits the requirement of indemnification. Judge Munyon responded that the AO does not reference indemnification for access over the internet. Judge Munyon requested the Access Governance Board to review the on-line access applications for any indemnification clauses.

### **AGENDA ITEM XVII. Other Items/Wrap up**

Judge Munyon informed the commission members the next FCTC meeting is scheduled for November 7, with subcommittee meetings on November 6, 2014. The location has been set at the Orange County Courthouse in Orlando, FL.

### **Motion to adjourn the FCTC meeting**

MOTION OFFERED: Judge Stevan Northcutt

MOTION SECONDED: Judge Alan Lawson

MOTION PASSED UNANIMOUSLY

Meeting was adjourned.