

# **Electronic Process Submissions Application**

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## **Electronic Process Request**

**Version 6.0**

November 2012

This application was approved by the Florida Courts Electronic Filing Committee and adopted by the Florida Courts Technology Commission.

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## Process to Submit an E-Process Request

### **Step One.**

The Supreme Court and OSCA continues to monitor and coordinate all initiatives related to electronic court filing, including receipt, review and recommendation by the E-Filing Committee. To help streamline requests, the E-Filing Committee has developed a template containing a series of requirements for each Clerk of Court/Court to submit when they are in the process of developing an E-process System.

### **Step Two.**

The application for approval must be emailed to the Information Systems Services division at [e-initiatives@flcourts.org](mailto:e-initiatives@flcourts.org) to be forwarded to the E-Filing Committee for their review and recommendation. The request should be accompanied by a letter from the Circuit Court Chief Judge.

### **Step Three.**

If approved, an Administrative Order or Letter of Authorization will be issued for the Clerk of Court/Court to begin implementation.

## Florida Courts E-Process Application - 2012

### OVERVIEW

Circuit:

County:

E-Process Application Name:

Application Developer Name (Provide vendor name or designate In House):

Date:

Contact Person:

Contact Person Phone and email:

Anticipated Start Date for the Application:

### ADMINISTRATIVE

Has the Chief Judge reviewed and approved this application?

Have other stakeholders had the opportunity to review this application and accept it?

### TECHNICAL

#### Application

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1. Describe the process improvement and the associated benefits.
2. List the database platform(s).
3. List the format(s) that process improvements will be accepted, retained, and stored in the application.
4. Describe quality control procedures.
5. Describe local validation procedures for acceptance of a filing.
6. Will electronic cases be initiated as a result of this process?
7. Will this application support standard XML? (not mandatory for e-processes)
8. Describe notification processes that are in place.

9. Does that application provide for high quality printing of images and/or information?
10. Will information received in paper form be converted to an electronic format?
11. Describe the court divisions that will be impacted by the new system.
12. Describe how this system will integrate with a case management system.
13. Describe how your agency will collaborate with other stakeholders for implementation, impact analysis, gap analysis, and change management.
14. Provide written overview and diagrams of the hardware and software components of the system.

### **Access**

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1. Describe how users and the public will access the system (direct application, web based, remote).
2. Describe how Pro-se litigants will be accommodated.
3. Describe the level of access provided to judges, court staff, and other participating agencies (view, edit, add, merge, etc).
4. Describe the impact to the work processes for the judges and court staff, and if this impact will add to or reduce the workload.
5. Describe how this application integrates with other systems.

### **Security and Continuity of Operations**

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1. Attach the contingency plan that will be used if the application is unavailable during normal court operating hours.
2. Attach the disaster recovery plan that will be used in the event of a major catastrophic occurrence that may have the court closed for an undetermined amount of time.
3. Describe security processes in place to protect the confidentiality, accessibility, and integrity of the records. Include information about antivirus, firewalls, authentication, and other security methods, appliances, and software.
4. Describe the process used to backup the data, store it remotely, and test the recovery of data.
5. Describe the environment that remote backups are stored, accessed, and protected.

6. How will electronic documents and information be archived?
7. How will the application be protected from system and security failures (redundancy, alternate site, etc)?

### **Costs**

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1. Filer Costs: Describe any charges above and beyond the statutory fees. (subscriptions, convenience fees, additional services).
2. How will statutory fees be collected?
3. User Costs: Describe licensing model and associated costs. Identify any cost impact to other agencies.

### **ADA**

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1. Complete the ADA packet which includes the following:
  - a. Statement of Accessibility (Attachment A)
  - b. Certification Statement to attest to the fact that all electronic documents in this application are accessible in accordance with section 508, Florida Law and the ADA compliance requirements (Attachment B)

If you have any questions relating to E-Filing, please feel free to contact  
Jeaninne Moore  
850-617-4019  
[mooreje@flcourts.org](mailto:mooreje@flcourts.org)

**ATTACHMENT A**  
**Statement of Accessibility**  
**E-Process Improvement Initiative**

Equitable access for court participants with disabilities to automated dockets, e-filing systems, court websites, automated court forms and instructions, and other automated court materials is essential to their right of access to the courts. Some individuals with disabilities use assistive technology to compensate for their functional limitations. Examples of assistive technology include screen readers, hands-free mouse alternatives, and voice recognition software keyboards. If electronic court information and information technologies are not designed properly, those who use assistive technology as well as other individuals with disabilities may be cut off from important information.

Accessibility is not only good customer service and a necessity for managing a diverse workforce but also required by state and federal law. Courts must strive to eliminate technology barriers much the same way the courts continue to work toward the elimination of architectural obstacles and communication impediments to access.

**Federal Requirements**

The Americans with Disabilities Act of 1990 (ADA) is a federal civil rights law enacted by Congress to ensure that qualified individuals with disabilities are afforded the same opportunities that are available to persons without disabilities. Title I of the ADA requires state and local government entities to provide reasonable accommodations for qualified employees with disabilities, and this extends to technologies used in the workplace. Title II of the ADA requires state and local government entities, including the state courts, to remove communication barriers and afford accessibility for all their services, programs, or activities.<sup>1</sup> In regard to communications, “a public entity shall take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others.”<sup>2</sup>

The general prohibitions against disability-based discrimination in the federal regulations indicate that, among other things, a public entity may not:<sup>3</sup>

- Deny a qualified individual with a disability the opportunity to participate in or benefit from the service;
- Afford a qualified individual with a disability a service or an opportunity to participate that is not equal to that afforded others;
- Provide a qualified individual with a disability with a service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or reach the same level of achievement as that provided to others;
- Provide different or separate services to individual with disabilities or any class of individuals with disabilities than is provided to others (except under specific circumstances); or

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<sup>1</sup> Title II, Pub. L. 101-336 (42 U.S.C. 12131 et seq.).

<sup>2</sup> 28 C.F.R. Section 35.160.

<sup>3</sup> 28 C.F.R. Section 35.130.

- Otherwise limit a qualified individual with a disability in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving the service.

In 2004 the United States Supreme Court upheld the constitutionality of the ADA and its requirement that states provide access to the courts for persons with disabilities.<sup>4</sup> The Court held that states were not immune from suit under Title II of the ADA. The Court also held that access to the judicial process is a constitutional guarantee and that Congress, when it enacted the ADA, had before it an extensive record of discrimination against persons with disabilities and denial of access to courts and other public facilities.

With the explosion of personal computers, the advent of the Internet, and the rapid growth of other technologies, the concept of accessibility has taken on a new meaning since the enactment of the ADA. For example, the United States Department of Justice has articulated its position that Title II of the ADA extends to state and local government Websites as follows:<sup>5</sup>

Covered entities under the ADA are required to provide effective communication, regardless of whether they generally communicate through telecommunication devices, print media, audio media, or computerized media such as the Internet. Covered entities that use the Internet for communications regarding their programs, goods, or services must be prepared to offer those communications through accessible means as well.

And, on May 7, 2007, the United States Department of Justice released *Chapter 5, Website Accessibility Under Title II of the ADA*, as a component of its ADA Best Practices Tool Kit for State and Local Governments.<sup>6</sup>

Additionally, any entity that accepts federal funds is subject to the provisions of Section 504 of the Rehabilitation Act of 1973, as amended,<sup>7</sup> which prohibits discrimination on the basis of handicap in federally assisted programs and activities.

### **Florida Requirements**

The Florida Accessible Electronic and Information Technology Act<sup>8</sup> require that all three branches of state government make their electronic information and data accessible. The law provides that state entities shall develop, procure, maintain, and use accessible electronic information and information technology acquired on or after July 1, 2006, that conform to Section 508 standards. The Florida act became effective July 1, 2006, and applies prospectively to software applications and operating systems, Web-based Intranet and Internet information and applications, telecommunications products, video and multimedia products, self-contained closed products, and desktop and portable computers. For example, if a court provides information in multimedia formats – streaming media, CD-ROMs, etc. – this information must be accessible: videos should include captioning and video descriptions and a text transcript should be available and assistive technology should be able to navigate the multimedia application without using a mouse.

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<sup>4</sup> Tennessee vs. Lane, 541 US 509 (2004).

<sup>5</sup> 10 NDLR 240.

<sup>6</sup> Available online at <http://www.ada.gov/pcatoolkit/toolkitmain.htm>.

<sup>7</sup> 29 U.S.C. 794.

<sup>8</sup> Sections 282.601 – 282.606, Fla.Stat.



The Florida law provided the Department of Management Services with rulemaking authority,<sup>9</sup> and the Department's final rule<sup>10</sup> basically adopts the federal 508 standards.<sup>11</sup> Thus, Florida law now specifically requires the judicial branch to adhere to the Section 508 standards. Furthermore, the 508 standards also serve as a means by which the Florida state courts can ensure compliance with the ADA as it relates to effective communication via electronic formats.

## **Closing**

The Florida Constitution promises that "the courts shall be open to every person...." According to the United States Census Bureau, approximately 18 percent of our nation's population has some level of disability and 12 percent have a severe disability. Technology holds tremendous promise for increasing access to the courts. While these advances offer great potential, citizens with disabilities may encounter insurmountable obstacles if courts do not use proper techniques that ensure accessibility.

The Americans with Disabilities Act prohibits discrimination on the basis of disability, and Florida law now requires the judicial branch to adhere to the Section 508 standards. Given the acceleration of court information that is distributed through technology, it is incumbent upon the Florida state courts to ensure that electronic court information and court information technologies are accessible. Implementation of automated court processes and other electronic information that meet the Section 508 standards helps afford access to the courts for all Floridians.

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<sup>9</sup> Section 282.604, Fla.Stat.

<sup>10</sup> Rules 60EE-1.001 through 1.004, Florida Administrative Code.

<sup>11</sup> In 1998 Congress enacted the Workforce Investment Act, which contained new language in Section 508 of the Rehabilitation Act of 1973, as amended. Section 508 applies to all Federal agencies when they develop, procure, maintain, or use electronic and information technology. Federal agencies must ensure that technology is accessible to employees and members of the public with disabilities to the extent it does not pose an undue burden. The United States Architectural and Transportation Barriers Compliance Board subsequently developed standards for complying with Section 508. Those standards are set forth in 36 CFR Part 1194. Section 508 applies only to the Federal government, and unlike Section 504 of the Rehabilitation Act (see above), does not extend to entities that receive federal funding.

**ATTACHMENT B**  
**Certification Statement**

I hereby certify that the attached e-process application complies with the Americans with Disabilities Act of 1990 and the Section 508 accessibility standards, as incorporated into Florida law by section 282.603(1), Florida Statutes. I further certify that if this process is amended, updated, or improved in the future, such revisions will continue to assure that it complies with the Americans with Disabilities Act and Section 508 standards, as incorporated into Florida law, and is accessible to users with disabilities.

The Certification Statement must be signed by either the Clerk of Court or his/her appointed designee for a Clerk submission, or the Circuit Court Administrator or his/her appointed designee for a Court submission.

Signature \_\_\_\_\_

Name \_\_\_\_\_

Title \_\_\_\_\_

Organization \_\_\_\_\_

Street \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Date \_\_\_\_\_