

Florida Courts Technology Commission Meeting

FCTC Action Items/Summary of Motions

February 18, 2015

A meeting of the Florida Courts Technology Commission was held at the Orange County Courthouse in Orlando, Florida on February 18, 2015. 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, 9th Circuit
Judge George S. Reynolds, 2nd Circuit
Judge Ronald Ficarrotta, 13th Circuit
Judge Scott Stephens, 13th Circuit
Murray Silverstein, Esq., Tampa
Mary Cay Blanks, Clerk of Court, 3rd DCA
Thomas Genung, Trial Court Administrator, 19th Circuit
Sandra Lonergan, Trail Court Administrator, 11th Circuit
Karen Rushing, Clerk of Court, Sarasota County
Elisa Miller, Akerman LLP

Judge Robert Hilliard, Santa Rosa County
Judge Martin Bidwill, 17th Circuit
Judge Josephine Gagliardi, 20th Circuit
Laird A. Lile, Esq., Naples
Kent Spuhler, Esq., Florida Legal Services
Dennis Menendez, CTO, 12th Circuit
Ken Nelson, CTO, 6th Circuit
Sharon Bock, Clerk of Court, Palm Beach County
Tanya Jackson, Adam Street Advocates
Jannet Lewis, CTO 10th Circuit

Members not in attendance

Judge C. Alan Lawson, 5th DCA
David Ellspermann, Clerk of Court, Marion County
Matt Benefiel, Trial Court Administrator, 9th Circuit

Judge Stevan Northcutt, 2nd DCA
John M. Stewart, Esq., Vero Beach

Supreme Court Justice in attendance

Justice Ricky Polston, Supreme Court

OSCA and Supreme Court Staff in attendance

Eric Maclure
Chris Blakeslee
Lakisha Hall

Alan Neubauer
Jeannine Moore
Tad David

Other Attendees

Terry Rodgers, CTO, 5th Circuit
Noel Chessman, CTO, 15th Circuit
Steve Shaw, CTO, 19th Circuit
Mike Smith, CTO, 4th Circuit
John Lake, CTO, 3rd Circuit
Robert Adelardi, CIO, 11th Circuit
Paul Silverman, Trial Court Administrator, 8th Circuit
Melvin Cox, Director of Information Technology,
Florida Court Clerks and Comptrollers

Isaac Shuler, CTO, 2nd Circuit
Craig McLean, CIO, 20th Circuit
Fred Buhl, CTO, 8th Circuit
Gerald Land, CTO, 16th Circuit
Robin Kelley, CTO, 7th Circuit
Jon Lin, Trial Court Administrator, 5th Circuit
Tom Hall, Florida Court Clerks and Comptrollers
Brent Holladay, Lake County Clerk of Court

Other Attendees cont'd.

Jennifer Fishback, Florida Court Clerks and Comptrollers
Carolyn Weber, Florida Court Clerks and Comptrollers
Melissa Geist, Orange County Clerk of Court
Gerald Cates, Duval County Clerk of Court
Laurie Reaves, Miami-Dade County Clerk of Court
Frank Martinez, Miami-Dade County Clerk of Court
Michelle Levar, Brevard County Clerk of Court
Harold Sample, Pasco County Clerk of Court
Jeff Taylor, Manatee County Clerk of Court
Joseph Chiusano, Sarasota County Clerk of Court
Kim Stenger, Polk County Clerk of Court
Brian Murphy, Mentis Technology
Jimmy Midyette, Florida Legal Services, Inc.
Carol LoCicero, Thomas & LoCicero

Doris Maitland, Lee County Clerk of Court
Justin Horan, Clay County Clerk of Court
Repps Galusha, Orange County Clerk of Court
Lisa DiDonato, Lee County Clerk of Court
Tyler Winik, Brevard County Clerk of Court
Laurie Rice, Brevard County Clerk of Court
Laura Roth, Volusia County Clerk of Court
Carole Pettijohn, Manatee County Clerk of Court
David Winiacki, Sarasota County Clerk of Court
Shelley Taylor, Polk County Clerk of Court
Janice Duran, 16th Judicial Circuit
Dave Johnson, Mentis Technology
Nancy Owens, Thomson Reuters

The meeting began with Judge Munyon welcoming the commission members and other participants to the meeting. She recognized Justice Polston and acknowledged the two newest commission members, Judge Ronald Ficarrotta and Sandra Lonergan. Judge Munyon called the meeting to order advising everyone the meeting was being recorded.

AGENDA ITEM II. Approval of November Minutes

Chris Blakeslee noted a change made in the minutes on page 3, under Agenda Item IV., second to last sentence should read, "court interpreters" instead of "court reporters" and said the corrected version will be posted to the website.

Motion to approve the minutes from the November 6, 2014 meeting of the Florida Court Technology Commission.

MOTION OFFERED: Judge Martin Bidwill
MOTION SECONDED: Judge Josephine Gagliardi
MOTION CARRIED UNANIMOUSLY

AGENDA ITEM III. Approval of FCTC Approved Items

Motion to approve the Florida Courts Technology Commission's Approval Items from the November 6, 2014 meeting.

MOTION OFFERED: Judge Josephine Gagliardi
MOTION SECONDED: Ken Nelson
MOTION CARRIED UNANIMOUSLY

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

Judge Munyon gave a brief update on the Legislative Budget Request that was submitted to the legislature for approximately \$25 million dollars. The legislature is in the process of committee meetings at this time and a report on the results should be given at the next FCTC meeting. Judge Munyon referred to the *Trial Court Technology Strategic Plan Projected Costs*, showing the projected requirements over the next four years. Eric Maclure commented there has been a lot of interaction with legislative staff over how the money will be used and how methodologies were developed. The funding proposal provides for non-recurring funding for the first year as well as a funding stream to support long term technology projects.

AGENDA ITEM V. CAPS Viewer Update

a. Chris Blakeslee discussed the implementation schedule of the CAPS viewers outlined in the *CAPS Viewer Implementation by Circuit and County* chart. Ten counties have implemented their CAPS viewer since the last FCTC meeting. Currently, 48 counties have implemented their viewer in both the civil and criminal divisions. The remaining non-implemented counties are being monitored and have been reminded that any outstanding foreclosure funds will have to be expended by June 30, 2015. Chris reminded the members that Palm Beach County, Broward County, Seminole County and the Fourth Judicial Circuit have not had their systems approved by the certification subcommittee. With the exception of Seminole County, all non-certified systems are scheduled for demonstration of their viewer in May 2015. Judge Munyon asked if there was any contact with the Seminole County Clerk of Court on certification. Chris replied that she has spoken with the Clerk a couple of times and has sent her the checklist for certification but the Clerk has not responded. Chris said she will follow up with her again. Judge Reynolds asked if the vendors were cooperating with other vendors that interface with each other and keeping up with their scheduled implementation timelines. Chris said the vendors are cooperating. There were a few issues, but they have been worked out locally. As for the implementation timelines, she knows of some delays but the circuits would have more information. Judge Reynolds wanted to know if there will be any problems when the foreclosure funding is eliminated. Chris replied the foreclosure funding ends in June and the courts will have to wait to see if the legislative budget request (LBR) gets funded for any additional support. She added if there are any circuits that are in need of additional financial assistance to let her know.

AGENDA ITEM VI. e-Portal/e-Filing Progress Report

a. Carolyn Weber discussed the e-portal usage statistics. In the month of January, 1,103,312 filings were filed through the Portal and there were a total of 77,832 registered users. Of the cases that were e-filed, approximately 52,000 were new case initiations. The days to docket remains at less than one day. Approximately 2.21% of the filings were returned for correction which is minimal compared to the number of filings submitted. As for criminal e-filing, the Florida Court Clerks and Comptrollers (FCCC) is continuing to work with the few remaining state attorneys and public defenders with batch e-filing. The portal release 2015.01 has been approved by the Portal Change Advisory Board and scheduled for April 24, 2015. The next portal release 2015.02 is scheduled for September 11, 2015. Carolyn went through the judicial e-filing statistics and noted one circuit that is submitting batch filings. There are quite a few judicial officers that are submitting the single session filings as well. Mary Cay Blanks questioned the single session filings. Carolyn explained it is when the judiciary logs into the portal to file their documents electronically, not through the batch process or their CAPS viewer. Mike Smith questioned if the judicial filings stats include filings submitted on behalf of a judge. Carolyn responded that it does.

- b. Carolyn discussed the portal enhancements that will be implemented in the portal release 2015.01 and presented the *Portal Change Advisory Board Report*. Carolyn explained the Portal Change Advisory Board (PCAB) was created for all requests for changes/enhancements to the portal be reviewed by the PCAB to prioritize and make recommendations to the E-Filing Authority to be approved. On February 3, 2015, the E-filing Authority Board approved the list of recommended changes/enhancements to the portal for the 2015.01 release. Carolyn noted there were quite a few enhancements submitted by the counties that are beneficial to the counties only. The main change for the filers is a new My Fees page. This will assist with the reconciliation of their bank statement on filing fees and ability to connect a filing fee to a client. Another helpful item to the filer is the addition of a progress bar or a dynamic graphic to the file size column that shows the filer that the upload is in progress and when it is completed. Another item is for attorneys that add their law firm as Counsel of Record for the plaintiff or defendant. A warning message will be added indicating a Florida Bar number is required. Judge Munyon questioned judicial filing in reference to the circuits that have the batch interface completed but not showing any filings and thought they were being submitted directly into the Clerks CMS. Fred Buhl responded they just started this in the 8th circuit, where the CAPS system is communicating directly to the Portal, so filings should be noted in the February report. Chris added that in some circuits, judges are going directly into their viewer to file directly into the CMS and Carolyn would not have stats for those. Jennifer Fishback noted the feedback that was received when judicial filings began was to file on the portal using the batch process versus online, but have not gotten to the point of implementing and therefore statistics exclude anyone that bypasses the portal. Murray Silverstein inquired about the rejection of the code the attorneys are using for Attorney of Record and referenced agenda item XII. a. iii. Attorney of record language in the *Standards for Access to Electronic Court Records*, was the same issue and the reason for rejection. Murray also noted the Rules of Judicial Administration Committee (RJAC) is working on amendments to rule 2.505 to define the Attorney of Record. Carolyn explained the rejection referred to in the report is the rejection queue or referred back to the filer queue, not that they are rejecting the documents. Murray acknowledged the Attorney of Record needs to be an individual and not designated as a law firm. Mary Cay Blanks asked what if the party doesn't know who the designated lawyer is, at the time of filing. Carolyn explained that this is not a requirement and some counties allow you to designate an attorney of record at time of case initiation. Judge Munyon clarified it is individual lawyers that represent clients, not law firms. Elisa Miller said sometimes they have an e-service address of the law firm. Carolyn said this is fine for e-service, not for the new case initiations. Tom Hall asked if the circuits could report the number of judges that are e-filing directly into the CMS, to show judges are using an electronic system. Judge Munyon replied that OSCA will reach out and prepare a report showing how many judges are filing electronically. Judge Stephens asked if there was a provision in the Governance structure that reports on other committee projects. Tom noted the E-Filing Authority Board has a Rules Committee that has Clerk representation on it and interacts with the FCCC as the vendor of the portal. Karen Rushing said there are also attorney representatives on the Rules Committee. Murray mentioned a need for more attorneys represented on the FCTC and suggested possibly amending rule 2.236 to add (2) additional lawyers to the composition of the FCTC.
- c. Carolyn gave an update on the Portal service desk. The service desk takes calls regarding customer service, technical and system support incidents. Customer service has been expanded to the various roles on the Portal and the service desk calls can be tracked by role, including pro se filers. Typical customer service calls include: password resets, e-service issues or case number not found. The technical and system support calls mainly come from the counties and include: system configuration, code table issues and resending filings. Overall the calls have remained constant with the majority of

calls coming in by email. As for the pro se calls, there were 149 pro se calls received in the month of December 2014 and the acknowledgement time is less than a half a day. Karen questioned the 3,490 customer service support calls and what could be done to bring number down. Carolyn responded this is minimal compared to the number of filers (77,000) but more emphasis could be done on the training videos that are available. To assist with some of the calls the portal pages have been updated to add help icons that filers can access. There are specific items that cannot be addressed in the training videos or FAQ's that result in a call. Tom Hall noted the number one call is password resets.

Motion to approve the Portal Change Advisory Board list of enhancements to the portal for the scheduled release of 2015.01.

MOTION OFFERED: Judge George Reynolds

MOTION SECONDED: Karen Rushing

MOTION CARRIED UNANIMOUSLY

Judge Munyon stated a meeting was held last week with the Clerks Association in regards to technology strategy in the branch and recognized Karen Rushing to expound on the Clerks request and the latest project for the FCTC. Karen explained how standard docket descriptions is not a Clerk issue alone. Collaboration is needed with the court for identifying its requirements and the legal community on how they title their documents. Due to the combination of needs that will have to be met and the complexity of the project, this process will change the way each stakeholder does business. Judge Munyon assigned this task to the E-Portal Subcommittee which will require many subcommittees and subject matter experts from around the state. Any volunteers on a particular area of expertise on a particular type of case or set of rules to let Judge Munyon know.

AGENDA ITEM VII. CCIS 3.0 Update

Jennifer Fishback gave a brief update on CCIS, which is currently in the process of developing a pilot and building the web services that will allow users of CCIS to see real time data from the Clerks systems, as well as send new case information to CCIS. Another improvement is the increase of data elements that are sent from the Clerks systems up to CCIS. These projects are all in the development stage and specifics will be delivered to all the vendors in the beginning of May 2015.

AGENDA ITEM VIII. e-Portal Subcommittee Status

Judge Reynolds discussed searchable documents. When a document is filed as searchable, some Clerks convert the searchable document and store as a TIFF image. When the document is rendered for viewing, it is converted back to become searchable again. Each time you change a document format you increase the potential of errors. Judge Reynolds questioned if attachments have to be searchable also. The subcommittee looked at the *Standards for Electronic Access to the Courts* 3.1.2, 3.1.3 and rule 2.520, along with the ADA requirement rule 2.526. The subcommittee concluded, if the attachment is *capable* of being made into a searchable document, then it should be made searchable. Judge Reynolds raised another issue of searchable court orders and final judgments when filed through the portal. The possibility of someone obtaining and falsifying these documents exists; however, the Clerk's office will have the original document that was filed to determine authenticity.

AGENDA ITEM IX. Proposed Order Workgroup Update

Judge Bidwill discussed the workgroups efforts in evaluating the possibilities that might exist for filers to file a proposed order through the portal, route to the Court and bypass the Clerk. Currently, the workgroup is forming a smaller workgroup to work with the e-portal staff to assess the options in a test environment.

AGENDA ITEM X. Update on RJA Committee Actions

- a. Murray discussed the concerns with Rule 2.520 (b) and (d) that came from Palm Beach County on an interpretation of which documents are effected by SC14-721. Murray requested to defer this issue to allow communication with Sharon Bock, Clerk of Palm Beach County and report back.

Tom Hall discussed the proposed rule revision to SC14-721 to designate where the electronic date stamp format for paper filings were, which are still allowed by pro se filers. Proposed language creates a new section in RJA rule 2.520 to take into account paper filings.

Proposed revision language to SC14-721:

(C) Paper Filings. When a document is filed in paper form under rule 2.525(d), the clerk may stamp the paper document in ink with the date and time of filing instead of, or in addition to, placing the electronic stamp as described in subdivision (B) of this rule. The ink stamp on a paper document must be legible on the electronic version document, and not placed where it unnecessarily obscures the document's content or occupies space otherwise reserved by subdivision (B) of this rule.

Motion for FCTC to recommend the Rules of Judicial Administration submit the proposed language as an amended part of rule 2.520 under case SC14-721 to incorporate paper filings, as stated.

MOTION OFFERED: Judge George Reynolds

MOTION SECONDED: Karen Rushing

MOTION CARRIED UNANIMOUSLY

Tom clarified the FCTC originally suggested the rule and therefore, it is desired to state in the *Motion for Rehearing* that FCTC was in agreement. Judge Stephens said communication should also be directed to RJA that FCTC was in agreement.

AGENDA ITEM XI. Publicizing Technology Standards

Murray Silverstein discussed publicizing technology standards and referred to the Florida Courts technology standards web page. The webpage has a link to the *Standards for Access to Electronic Court Records* and a link to *Standards for Electronic Access to the Courts*. As stated in previous meetings, many of the standards overlap with court procedures. Murray suggested giving the technology standards greater prominence, better access, fully enforceable and with the same import as the Rules of Court. We currently have two parallel tracks that don't communicate with each other. The goal is to have a uniform singular set of standards/rules that can be referred to. Murray also suggested the *Standards for Electronic Access to the Courts* be updated by the Technical Standards Workgroup in conjunction with representatives from the Rules of Judicial Administration Committee (RJAC).

Motion to recommend updating the *Standards for Electronic Access to the Courts* in conjunction with the *Rules of Judicial Administration* that address the same subject, to become identical or referred to the other.

MOTION OFFERED: Murray Silverstein

MOTION SECONDED: Mary Cay Blanks

Murray discussed streamlining the process versus the standard three-year cycle for amending the rules and that the out of cycle rule amendments do not move along as necessary. The technology standards are amended easily by writing them and presenting them to the FCTC for recommendation to the Court for approval and adoption. This process is by far quicker than amending the Rules of Judicial Administration. Technology standards can be continually updated through an administrative order through the recommendation by the FCTC, along with participation from the Rules of Judicial Administration Committee (RJAC). It would be possible, to use the amendment of administrative orders, that approve technology standards, and incorporate that amended administrative order into the Rules of Judicial Administration. Mary Cay said there are a lot of appendices in the Rules of Court and asked if the suggestion is to add the standards as appendices or actually publishing them as part of the rule, since they are changing so often. To be in sync and to have as much prominence as the Rules of Court, would be to add it in the rule. Judge Munyon clarified the RJA recently amended the rule to add the requirement that everyone comply with the *Access Security Matrix*, although, the actual *Access Security Matrix* was not published as an appendix. The rule requires compliance with the *Access Security Matrix*, as adopted from time to time by the Supreme Court, by an administrative order. It has the import of a rule without actually requiring to go through the rules process to amend the *Access Security Matrix*. Murray agreed it can be physically attached to the administrative order. Mary Cay said if there was a hyperlink to it, the lawyers can look at the rules of judicial administration and can easily click to get to the standards. Murray said with some of the rules stated differently than the standard, a reference to a specific standard could be referred to in the Rules of Court or some variation thereof.

Murray offered a friendly amendment and Mary Cay accepted the friendly amendment.

Motion to recommend 1) Update to bring the technical standards up to date 2) FCTC designate a joint workgroup with the RJAC on reviewing the *Standards for Electronic Access to the Courts* to ensure they run concurrent and consistent to the similar rules of judicial administration. 3) Elevate the technology standards to the Rules of Court.

Justice Polston said there have been some informal discussions on this and agrees that all the standards should be harmonized with the RJA. The RJA has a goal of ensuring the substance of matters gets accomplished in accordance to the operations of the Court, for the benefit of all the users of the court and the branch to be served. At the same time, the FCTC needs to ensure the technology aspects get accomplished appropriately and correctly. This takes a joint effort between the two entities. One idea that was mentioned is having the *Security Access Matrix* be an appendix to the Rules of Court and could be approved by an administrative order to give it the dynamic ability to change more readily as opposed to the three-year cycle or even the fast tracked rule. When changes are recommended from the FCTC, the revision also needs to be consistent with the RJA. Justice Polston explained the process of OSCA submission of revisions to the Chief Justice. The revisions are sent to the rest of the Court to be reviewed, if no objections, it can be signed quickly. If there are any objections, it can be set for court conference to

be discussed. This is a relatively quick process. When it is referenced as part of the rules, the technology aspect is present in the Rules of Judicial Administration as an appendix, it then incorporates the two together, as required. Hitting a hyperlink would take you to the *current* rules/standards. Justice Polston commented the standards should be reviewed by the RJA and as such, the rules that effect the technology aspect should be reviewed by the FCTC. This process would allow the concerns by both entities to be addressed by the Court at one time. Justice Polston noted he had spoken to the other justices informally regarding the general approach and was well received.

Murray offered another friendly amendment and again Mary Cay accepted the friendly amendment.

Motion to recommend 1) the Technical Standards Subcommittee update the technology standards 2) create a committee jointly comprised of FCTC and RJA to review the *Standards for Electronic Access to the Courts* and the e-filing rule sets to ensure consistency, to determine a recommendation of providing rules/standards identical to each other or if one should refer to the other 3) elevate the standards to the same enforceability as the Rules of Court by referring to the administrative order, incorporating the administrative order by reference or attaching the standards as an appendix to the Rules of Judicial Administration.

Laird Lile questioned which standards are to be updated as he understood the standards to be current. Chris responded the standards are reviewed yearly and the last update was in May 2014. Updating the technology standards would consist of reviewing for any new evolving technology and reflect as such. Ken Nelson further added reviewing standards for contradictions with the rules will ensure uniformity. Jannet Lewis noted the *Standards for Electronic Access to the Courts* are specifically for e-filing, which are updated by the e-Portal Subcommittee, chaired by Judge Reynolds and he would need to be involved in the review process. Judge Stephens pointed out the updating of standards is a matter of reconciliation and the structure of the proposal is more in sync with what the federal courts did. Judge Reynolds also noted the *I&I Document* that has been adopted and has aspects of the technology standards and rule sets. Judge Reynolds said he understands the current organizational structure can be made clearer. He also understands by making an appendix in the rule or incorporate by referencing the standard, would simplify for the attorneys and can be changed by an administrative order. Tom Hall said this process will assist in determining the authority in changing rules. Chris noted another aspect is making minor revisions to the rule and retention changes. Justice Polston said if it is in the appendix and approved by the Court with an administrative order, then FCTC should not be able to change without approval of the Court with a separate administrative order. There may be matters that the FCTC may want to handle without having to go through the Court that may need to be separated out in some way. Justice Polston further noted, if approved by an administrative order and part of the rule then it should only be approved by the Court. Murray commented that the RJA is currently working on its own internal structure and desires to be actively involved in the process of harmonizing technology standards. With the confusion among the members in regards to which standards are to be reviewed and which overlap, Mary Cay clarified Murray's intention was to review the standards and rule sets that refer to e-filing only. The other technical standards need to be reviewed and incorporated at a later date. Judge Munyon suggested setting up a small subcommittee to report back to the FCTC on a more simplistic recommendation. Judge Munyon will work with Murray to form a joint committee and will add to the agenda for the next meeting in May.

Murray withdrew the motion.

Judge Munyon noted a change in the order of the agenda and would be hearing the Access Governance Board update after lunch.

AGENDA ITEM XIII. Data Exchange Workgroup Update

Robert Adelardi discussed the objectives of the Data Exchange Workgroup. The workgroup was formed to standardize the exchange of information between the CMS, the Clerks and the Court. The workgroup is made up of several court and clerk representatives. The workgroup began identifying the exchange of data between the CMS and the judicial viewers and create a standard connection for the communication to happen. The idea is to create a standard to be used whenever data is exchanged with similar systems and govern how the information will be transmitted back and forth. The pilot project in Volusia County to implement CCIS 3.0 is underway and once completed the technical documentation will be made available to incorporate into the standards for approval by FCTC.

AGENDA ITEM XIV. Document Storage Workgroup Update

Steve Shaw discussed the objectives of the Document Storage Workgroup. The workgroup was formed to standardize how documents are stored. The workgroup is comprised of court technology officers, clerk staff and attorneys. Judge Munyon thought it would be beneficial to add a judge to the workgroup. With the many discussions on TIFF and PDF documents and the conversion process, it is essential to review our technology to determine if we are currently meeting the demands of today. As systems are designed to better support the judiciary and different entities, future and current goals need to be determined on how documents are created. There are less than 27% of documents that come into the portal that are suitable to maneuver. More so, attorneys are not aware of the standards to know how to create a useful electronic document. Standards need to be reviewed to determine if any requirements have changed over time and updated as necessary. Identifying the users and the requirements for electronic documents would assist in documents being more functional. The workgroup began creating objectives for the workgroup to develop for future discussions.

- Establish a document storage strategy for court documents that satisfies the functional requirements of the judiciary and other stakeholders
- Establish the end user (e.g., judiciary, attorney, case party and public) document requirements
- Establish filer document standards
- Establish tools to measure and analyze document submissions into the portal
- Educate filers, including attorneys, on how to create appropriately authored documents
- Study implications on current record management systems by the judicial partners
- Analyze performance issues associated with multi-page documents
- Identify specific solutions, efficiencies, costs and timelines
- Identify technologies that need to be watched for the future of document technology
- Research other options for long-term document storage

The goal of the workgroup is to move from storing TIFF documents to a more useful stored document. Murray questioned if the Clerks have been informed on the preference of not storing documents in TIFF. Steve replied they do not know what each Clerk's ability is, on storing documents. We know clerks can store documents in TIFF but there are some clerks that can store in multiple formats. The objective for the future, is to have all Clerks the ability to store in PDF or some other useful format. Although, with any technology change, there is a financial cost. Mary Cay questioned if the judicial viewers convert the document to a PDF where the judges can manipulate the documents, what is the concern with how the Clerks store the documents. Steve explained the Clerks have to render the document searchable and when

the document is converted back to a PDF, it loses the original functionality, i.e., bookmarking, hyperlinking that cannot be re-created. Tom Hall noted the appellant rule is being amended to state that all appendices filed, have to be bookmarked. Alan Neubauer commented that TIFF and PDF software are 20 year old technology and the workgroup is looking into other current software, such as Microsoft XPS. When a particular format is recommended, we want to ensure it is not superseded within the next few years. Tom Genung stated there have been a lot of topics that have been discussed and asked if the workgroup needs further direction from the FCTC on what to concentrate on for the short term. Steve said he would like to know how the Commission would like for the workgroup to proceed and he believes the main objective is to be able to explain to users on how to create appropriate documents. No matter what direction of formatting is determined in the future, if the users are accustomed to creating functioning documents, a lot of the concerns would be resolved. Mary Cay said with the cost of change in technology, take on a smaller segment, set a minimum standard and move towards a longer term format in the future. Karen Rushing suggested to focus on the functionality that can be accomplished today. Tom Hall suggested working with the Florida Bar and their newly created Florida Bar Practice Institute, which is a great system to get information out to the lawyers. Judge Reynolds noted one functionality should be document storage must preserve the original intelligence. Justice Polston asked if CCIS will resolve the storage issue. Melvin Cox replied CCIS accesses documents directly from the Clerks document management system and will produce as a PDF document when viewing the documents; however, if it is not stored as a PDF, it will convert to a PDF document and the conversion process is where you lose the functionality. The issue is how the document is stored at the Clerk level, so the functionality that the document originally comes into the portal with, is not lost. Judge Stephens said many of the vendors that have built the Clerk systems, constructed them around the TIFF model and would require some time to make the transition. The sooner a standard and a timeframe can be set, a transition can be accomplished. Judge Hilliard commented on a longer term goal of transitioning to a field based system. Steve commented a field based system would be the best way as well as, standardized forms. Karen noted it is important for the vendors and the clerks to establish a standard now, to pave the way business changes are decided upon in the future.

Motion for the Document Storage Workgroup to recommend a statewide standard on the electronic format of how Clerks are to store documents.

MOTION OFFERED: Tom Genung
MOTION SECONDED: Judge Scott Stephens
MOTION CARRIED UNANIMOUSLY

AGENDA ITEM XV. Operational Procedure Review Workgroup Update

Chris Blakeslee discussed the proposed Operational Procedures for Portal Modifications. The workgroup reviewed the E-Filing Authority's procedures for communicating portal modification to the FCTC and revised them for the FCTC's process in reporting to the E-Filing Authority on portal modifications.

Motion to approve recommendation from the Operational Procedure Review Workgroup to adopt the proposed Operational Procedures on Portal Modifications and incorporate into the FCTC Operational Procedures.

MOTION OFFERED: Tom Genung
MOTION SECONDED: Judge George Reynolds

MOTION CARRIED UNANIMOUSLY

AGENDA ITEM XII. Access Governance Board Update

- a. Judge Hilliard discussed the action items that have been referred to the Access Governance Board. One of the items that the FCCC AOSC14-19 Task Force discussed was having a subscription level role if general public access is the only access level required during the pilot.

Motion for the FCTC to recommend to the Supreme Court to accept the following changes to the Monthly Status Reporting Requirements that are not related to online remote viewing:

- Removal of questions 1, 2, 3, 7, 10 and 11.
- Adding the word “known” to question 12 and 13 and having a specific date for when the monthly status reports would be due.

In addition, accept the following changes to the Online Electronic Records Access Request Application:

- Removal of “During the pilot period, all access will be subscription level including general public access.” from Step One.

MOTION OFFERED: Judge Robert Hilliard

MOTION SECONDED: Judge George Reynolds

MOTION CARRIED UNANIMOUSLY

Judge Hilliard discussed the clerks concern with the metadata language in the *Standards for Access to Electronic Court Records*. The clerks feel stripping of metadata should be done by the submitter of the document as opposed to the clerks altering the document.

Motion for the FCTC to recommend to the Supreme Court that metadata be stripped by the filer.

MOTION OFFERED: Judge Robert Hilliard

MOTION SECONDED: Laird Lile

Kent Spuhler asked if consideration was given to pro se users and the tools for stripping of metadata. Melvin Cox explained the concern of the clerks altering the document, when turning documents into TIFFs. Kent asked what the consequences were, if the filer doesn't comply. Judge Hilliard clarified it would be acceptable to file a document with metadata in it, just not the clerks responsibility to strip the metadata from the document, if the filer desires such. Judge Munyon noted four categories of metadata that had to be stripped and that all metadata is stripped when it is converted to a TIFF. Laird Lile said there's an ethics opinion that metadata cannot be used inappropriately. Judge Hilliard withdrew his motion.

Motion for the FCTC to recommend to the Supreme Court to remove the security standard that requires stripping of metadata from the Standards for Access to Electronic Court Records.

MOTION OFFERED: Karen Rushing

MOTION SECONDED: Laird Lile

MOTION CARRIED UNANIMOUSLY

Judge Reynolds said not everyone understands that metadata contains every change made to a document. Justice Polston said if you take out the requirement that the metadata is to be stripped, suggest putting filers on notice prior to filing a document and word the language as such that the attorneys have a responsibility to do the metadata stripping themselves. Judge Munyon suggested a warning on the portal. Tom Hall questioned if this was a technical requirement or a rule requirement.

Karen offered a friendly amendment to include a notice on the portal. Laird Lile did not accept the friendly amendment.

Motion for the FCTC to recommend to the Supreme Court to remove number 6 of the Security section of the Standards for Access to Electronic Court Records and include notice on the portal the filer's responsibility of stripping the metadata.

Melvin Cox referred to the Security section of the *Standards for Access to Electronic Court Records*, number 6, of the Minimum Technical Requirements that reads, "All metadata related to creator, editor and contributor must be stripped from the document." Ken Nelson said if someone uses Microsoft Word, as the creator of the document, they would have the ability to clear out any metadata in the document they desired. Melvin said this will have a direct impact on the access systems that have been applied for. There has to be an automated process to remove metadata before being displayed to the requestor. The thought of removing number 6 of the security standards would be problematic and slow down access. Tom Hall said the question becomes why the Court requests for the metadata to be removed. Alan replied at some point, a document had gotten published that included who the creator was and caused internal confusion. Therefore, to ensure no one got information on who created, edited or modified a document that would impugn the integrity of the document itself. Ken noted the metadata can also carry the entire path to where the file was located and for security reasons could be giving away information on the structure of the network. Judge Stephens said given what the goal was, it is much more efficient to prevent the metadata at the filing point then trying to prevent it at the display point. Mary Cay questioned the concern of lawyers and pro se litigants and how they file their documents. The concern should be internally on how we file documents and the confidentiality of them. Justice Polston added there is certain information that people can file in documents that can harm them and we have a responsibility, as the judicial branch to make sure they can be protected in some way. Alan clarified the concern was the creator and modifier of the document, not the confidential or personal identifying information *in* the document. Kent Spuhler said it appears to be a barrier to access and would be difficult to educate the public on how metadata could harm them. Suggests putting educational information out to warn people what could happen if the metadata is not stripped and let them decide if they will strip the metadata or not. Murray Silverstein said the general redaction requirements of rule 2.425 applies to all filers and questioned if this rule should address the metadata issue.

Motion to recommend to RJA to draft an appropriate amendment to Rule 2.425 and educate filers about the hazards of metadata and the responsibilities of the filer.

MOTION OFFERED: Judge Scott Stephens

MOTION SECONDED: Murray Silverstein

Murray offered a friendly amendment to the motion and Judge Stephens accepted the friendly amendment.

Motion to recommend to the RJA for consideration of an appropriate amendment to Rule 2.425 along with any redaction requirements, regarding the elimination of metadata by the filer. In addition, educate filers about the hazards of metadata and the responsibilities of the filer.

MOTION CARRIED UNANIMOUSLY

Judge Munyon asked if the Commission should wait until there is action by the RJA, to send the previous motion to the Court regarding moving the metadata from the standards.

Motion to withdraw recommending to the Supreme Court removal of security standard that requires stripping of metadata from the *Standards for Access to Electronic Court Records*, until there is action from the RJA.

MOTION OFFERED: Mary Cay Blanks
MOTION SECONDED: Judge George Reynolds
MOTION CARRIED UNANIMOUSLY

Motion for the metadata warning issue and notification to potential filers be referred to the e-Portal Subcommittee.

MOTION OFFERED: Judge George Reynolds
MOTION SECONDED: Kent Spuhler
MOTION CARRIED UNANIMOUSLY

Murray suggested working in conjunction with the Florida Bar's Technology Committee. Carolyn Weber said the FCCC could do a video about stripping metadata from documents and put in on the portal.

Judge Hilliard continued with discussing the proposed attorney of record language that would be incorporated into the *Standards for Access to Electronic Court Records*.

- Secure access through user name and password by written notarized agreement. The gatekeeper is responsible for maintaining authorized user list.

Motion to adopt the proposed attorney of record language recommended by the Access Governance Board, as stated.

MOTION OFFERED: Judge Robert Hilliard
MOTION SECONDED: Sharon Bock
MOTION CARRIED UNANIMOUSLY

Judge Hilliard noted another discussion of the Board was to review the security of the judicial signatures. This issue was tabled to do more research on the redaction of digital signatures in collaboration with the FCCC AOSC14-19 Task Force to determine a resolution. Tom Hall commented on including Clerks signatures at the appellant level.

b. Judge Hilliard gave an update on the FCCC AOSC14-19 Task Force items.

- i. The proposed answer key provided by the FCCC AOSC14-19 to assist the Board when reviewing the Online Records Access applications was approved and adopted.
 - ii. As for the notarized forms for on-line access, the Task Force is trying to come up with a standard that all clerks would use.
 - iii. The Task Force researched the issue of user authentication and determined it is possible to have a single login; however, to enforce this now would prolong implementing AOSC14-19. The Board agreed with the Task Force recommendation of moving forward with a single login for each county having their own authentication, with a long term goal of an approach that would allow a single login statewide.
 - iv. Judge Hilliard said in addition to the five search parameters identified in the *Standards for Access to Electronic Court Records*, the Task Force would like to allow for the use of additional filters to narrow the search results. However, this search would not be for confidential records.
 - v. The Task Force studied the turnaround time for Viewable on Request (VOR) and the subcommittee members agreed to require the turnaround time for request to VOR documents be made within a *reasonable* timeframe.
 - vi. There are certain documents in dependency and adoption cases that one parent can see and the other parent cannot. It is hard to come up with a programmatic way to do this. This goes against standardization and each clerk will have to come up with a local operational process. More than likely these types of records will not be readily available for online viewing.
 - vii. Attorneys of record generally appear as an attorney for a party in a case. In a probate case a creditor can appear, file a claim and have their attorney file an appearance for them. They become the attorney of record but they are not entitled to see the inventory. There should be a requirement to separate these types of cases, in regards to which party is entitled to see this type of record, and to distinguish them from other attorneys of record in the case. The Best Practices committee is discussing what the opposing party is allowed to see versus the attorney for the filing party. The RJA is redefining what attorney of record means. This issue was tabled until the RJA defines attorney of record.
 - viii. Commercial purchasers of bulk records are not listed on the *Access Security Matrix*, but it is listed in the *Standards for Access to Electronic Court Records*. Due to the inconsistency, it was decided to add commercial purchasers of bulk records to the *Access Security Matrix* with access equal to the general public.
- c. Melvin Cox said indemnification is still under review by the FCCC legal counsel and will provide an update at a later date.
 - d. Judge Hilliard referenced the letter from the Eleventh Judicial Circuit detailing the concerns regarding the level of access given to the general public through the internet in Baker Act, Substance Abuse and Incapacity proceedings. Due to the sensitivity of these cases and the difficulty in defining clinical records within the file, some clerks do not put these types of cases on the internet. The Board will continue to work on proposed language to submit to FCTC for approval and later to the Legislature on amending Florida Statute. 28.2221(5)(a) to include Baker Acts, Mental Health and Marchman Act from remote viewing by the general public and to include identity.
 - e. Judge Hilliard said all (59) On-line Electronic Records Access Applications that were received, met the *Standards for Access to Electronic Court Records* and the *Access Security Matrix* with very few contingencies.

Motion from the Access Governance Board to recommend approval of the (59) On-line Electronic Records Access Applications that were received. In addition, a letter of approval be sent to each county with the noted contingencies and to begin their pilot of allowing access to on-line electronic records.

MOTION OFFERED: Judge Robert Hilliard

MOTION SECONDED: Judge George Reynolds

MOTION CARRIED UNANIMOUSLY

Judge Hilliard explained that the FCCC AOSC14-19 Task Force wanted to ensure the FCTC was acceptable with a phased in approach and to acknowledge that the pilot systems will not be the same from the beginning. He further added, not all divisions of court will come online immediately and uniformity will not happen instantly, but the clerks are working toward it.

- f. Judge Munyon said the comments received from the Media were made prior to the rules petition case. The FCTC responded to those comments and the rules petition has been decided by the Supreme Court. Judge Munyon received a letter from John Tomasino to provide additional comments to the court on the concerns raised by the Media and the 1st Amendment Foundation over attorney preference. With the On-line Electronic Records Access Applications being approved and pilots beginning, we will be able to present proposed comments to the FCTC for consideration to the Court in May. These applications recognize that there should not be an attorney preference and will provide the same access to pro se litigants that are provided to the attorneys on those cases. Carol LoCicero explained under AOSC07-49 one of the exceptions to the moratorium indicated attorneys could be provided access to court records that other user groups could not have. Another issue that was raised was the timeliness of access and delays in docketing court documents.

AGENDA ITEM XVI. Other Items/Wrap UP

Judge Munyon acknowledged Chris Blakeslee's departure from OSCA to a position in the 13th judicial circuit. Chris was recognized for all of her years of dedication to the FCTC and the Courts as a whole and was provided a plaque to commemorate her years of service. Judge Reynolds commented on the pleasure it has been working with her and how much she will be missed.

Judge Munyon noted the next Commission meeting is scheduled for May 13-14 in Tallahassee.

Motion to adjourn the FCTC meeting

MOTION OFFERED: Judge George Reynolds

MOTION SECONDED: Judge Marty Bidwill

MOTION CARRIED UNANIMOUSLY