

AGENDA

Florida Courts Technology Commission (FCTC) Meeting

Tuesday, January 10, 2012 1:00 pm – 4:15 pm

Hillsborough County Courthouse

Wednesday, January 11, 2012 9:00 am – 3:00 pm

Chief Judge's Conference Room

Tampa, Florida

Day 1 – January 10th:

- I. **Welcome/Opening Remarks** – *Judge Judith L. Kreeger, FCTC Chair* (1:00-1:15pm)
- II. **Leon County Judicial Website Demonstration** – *Dr. Sene Baumann, Leon County Clerk's Office* (1:15-2:15pm)
- III. **8th Circuit ICMS (Integrated Case Management System)** – *Fred Buhl, Court Administration* (2:15-3:15pm)
- IV. **13th Circuit Calendaring System** – *Court Administration staff* (3:15-4:15pm)

Day 2 – January 11th:

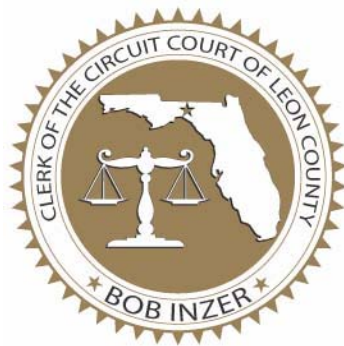
- V. **Committee updates** – (9:10 - 11:15am)
 - A. Subcommittee on Access to Court Records – *Paul Regensdorf* (5 minutes)
 - B. E-Filing Committee (EFC) – *Judge Menendez* (5 minutes)
 - C. Appellate Courts Technology Committee (ACTC) – *Judge Northcutt* (10 minutes)
 - eFACTS project update
 - D. ePortal Committee – *Judge Reynolds* (5 minutes)
 - E. Technical Standards Committee – *Jannet Lewis* (30 minutes)
 - Statewide Standards on Access to Electronic Court Records
Approve
Not Approve
Comments
 - F. Funding Committee – *Judge Northcutt* (10 minutes)
 - SJI grant update
 - G. Education and Outreach Committee – *Judge Kreeger/Murray Silverstein* (15 minutes)
 - Education needs for judges, attorneys, and others
 - H. Annual Reports – *Ken Nelson* (15 minutes)
 - Re-name committee
 - I. TIMS Committee – *Judge Stephens* (30 minutes)
 - Functional Requirements for judge access system(s)
Approve
Not Approve
Comments

- VI. **ePortal / eFiling update (Authority Board, FACC, etc.)** – *Tom Hall, Melvin Cox* (11:15-11:45am)
- VII. **SC Order requesting joint report from RJA and FCTC re SC11-399 (e-filing implementation) and SC10-2101 (e-service)** – *Judge Kreeger* (11:45am-12:05pm)
 - **LUNCH – ON YOUR OWN**** (12:05-1:30pm)
- VIII. **FLSSI (Florida Lawyers Support Services, Inc.) Forms and the statewide ePortal** – *Rohan Kelley* (1:30-2:00pm)
- IX. **Rules Updates** – *Paul Regensdorf or Judge Kreeger* (2:00-2:20pm)
- X. **Annual Report to the Supreme Court** – *Judge Kreeger* (2:20 – 2:50pm)
- XI. **Other Items/Wrap Up** (2:50-3:00pm)



A Guide to the Judicial Website

<http://judicial.clerk.leon.fl.us/>



Introduction

The Judicial Website, officially entitled “2nd Judicial Circuit: Leon County Judicial Website” at <http://judicial.clerk.leon.fl.us/>, is a webpage that pulls data from Leon County’s criminal and civil applications for display in a number of formats, for a number of different parties – the Judiciary, State Attorney’s Office, Public Defender’s Office, Department of Health, Department of Children and Family Services, law enforcement agencies, private attorneys, etc. Bottom line, the Leon County Clerk’s Office developed the site as a case management tool for the judiciary, and it has evolved over time to meet other needs as well.

This guide will review in brief the functionality that currently exists on the judicial website. The site acts as an overlay to applications, pulling data from the civil application owned by the Clerk (CourtView) and the criminal application owned by the County (JIS). The site provides both civil and criminal data in reports, and currently permits write-back of data to the Clerk’s civil application.

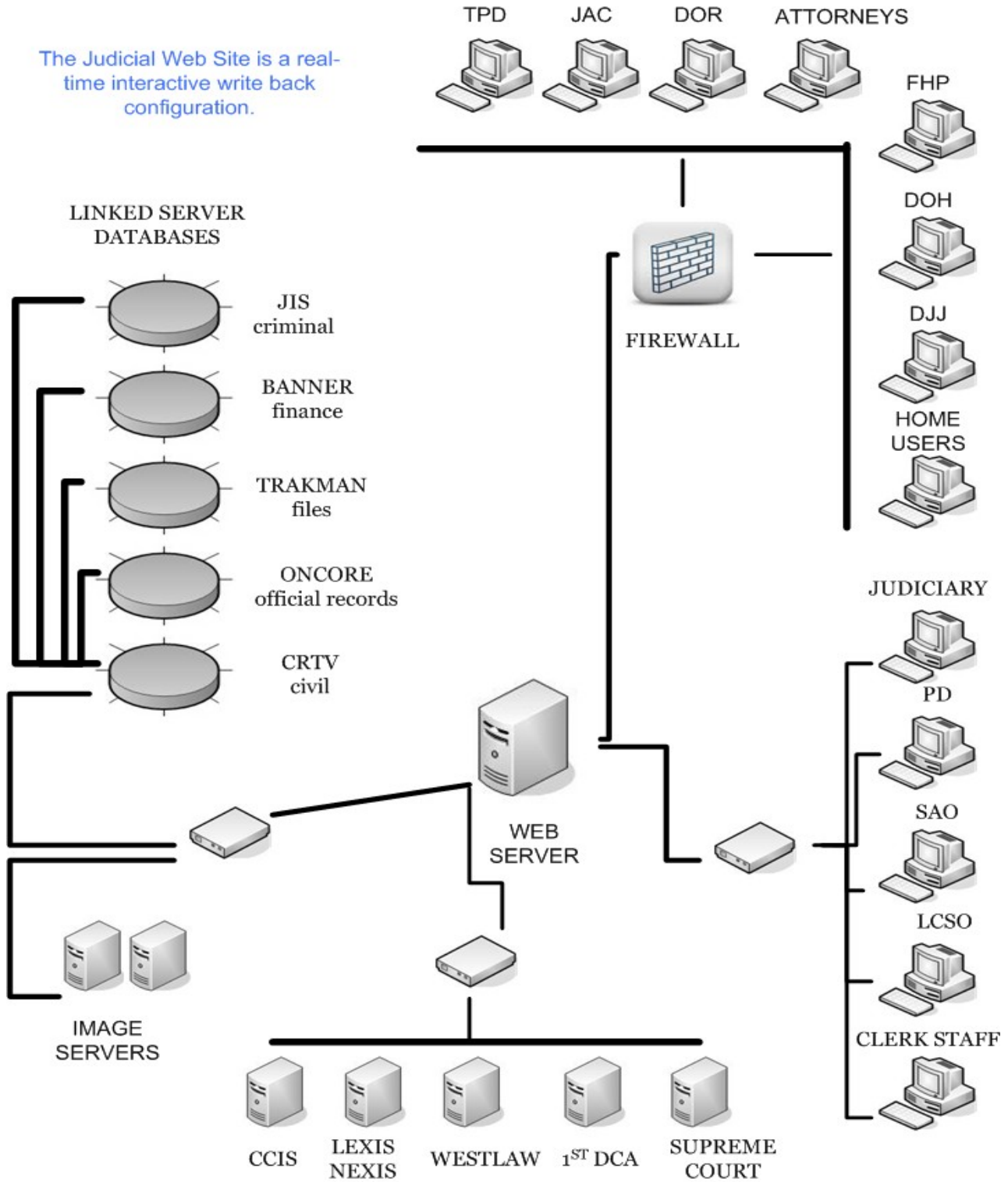
Leon County’s case maintenance systems were designed and developed more than 10 years ago to provide us with tools to input case information. These tools were developed in a “paper world” where judges used physical files to accomplish their case management activities. Now our judicial partners are using computers and working from images both in their offices and from the bench.

Our objectives in developing the judicial website were twofold. One, we wanted to provide the judiciary and other partners all necessary tools in one location at the lowest possible cost. Clearly, given Florida’s budget situation, money is an issue for all judicial partners. And two, we wanted to improve the efficiency of judicial system participant through the use of electronic processes in a “one stop shop” at the lowest possible cost.

It is clear that different tools are needed in the electronic world than those used in the paper world. The Leon County Clerk’s Office focus has been on designing an electronic tool that is focused on workflow-oriented efficiencies, like electronic injunctions, electronic forms and judicial signatures for use in court, and electronic forms and signatures for case managers. We have worked with our partners to develop the site, and have achieved efficiency in the following simple, elegant manner:

JUDICIAL WEBSITE INTERFACE CONFIGURATION

The Judicial Web Site is a real-time interactive write back configuration.



Site Overview

The site is driven by the menu bar, which contains 8 tabs: Judicial, Clerk, Agency, Attorney, Dockets, Search, Help, and Admin.

The screenshot shows a web browser window with the title "2nd Judicial Circuit: Web Interface v1.0.1". The website header includes the title "2nd Judicial Circuit: Leon County Judicial Website" and the text "Hosted By The Leon County Clerk of Courts". A navigation menu bar contains tabs for "Judicial", "Clerk", "Agency", "Attorney", "Dockets", "Search", "Help", and "Admin". The main content area displays "2nd Judicial Circuit: Leon County Judicial Website" and "Case Maintenance and Reporting Services for Judicial Agencies:". A user profile is shown with the following details: User: gcbaily, Full Name: G BAILEY, Location: ADMIN, Title: DIRECTOR, and Group ID: CLERK. A note states "New Menu Items Are Indicated By" with a small icon. The footer of the main content area includes "Hosted By The Leon County Clerk of Courts" and "Last Updated -04/22/2010 10:35:43". Below this is a "Retrieve News:" section with buttons for "Current News", "2004" (with a dropdown arrow), and "Archived News", along with a "Tutorial: Tutorial" button. A "Close" button is visible in the top right corner of the news section. The news section is titled "JUDICIAL WEB NEWS" and contains the following text: "REVISED JUDICIAL WEBSITE MANUAL", "FROM: BAILEY GYPSY (GCBAILY)", "COURTS: ADMINISTRATION", "DATE: 4/13/2010 6:20:02 PM", "THE JUDICIAL WEBSITE MANUAL, LOCATED UNDER THE 7TH TAB TITLED 'HELP', HAS BEEN UPDATED, EFFECTIVE TOMORROW. DURING THE FIRST 2 TRAINING SESSIONS, SENE AND I IDENTIFIED A NEED TO PROVIDE ADDITIONAL INFORMATION REGARDING INTERNET EXPLORER SETUP. FURTHER, SINCE THE FIRST MANUAL WAS PREPARED, 'FILE REQUESTS', THE 4TH SELECTION UNDER THE 1ST TAB 'JUDICIAL OPTIONS', HAS BEEN FULLY IMPLEMENTED. DETAILED INSTRUCTIONS FOR REQUESTING FILES VIA THE JUDICIAL WEBSITE ARE NOW INCLUDED IN THE MANUAL.", and "I HOPE YOU FIND THIS MANUAL HELPFUL. PLEASE LET ME KNOW IF THERE IS INFORMATION YOU'D LIKE TO HAVE ADDRESSED IN FUTURE VERSIONS. THANKS!".

Ability to view cases and images under these tabs, to use electronic signatures, etc., is based on user setup and permissions. For example, private attorneys have access to the site, but their permissions level allows them to see only the Attorney tab, Dockets, Search, and Help.

Summary List of Functionality

Tabs	JUDICIAL WEBSITE FUNCTIONALITY
JUDICIAL TAB	
Open/reopen cases	Choose a judge, then choose divisions; divisions show case number, party, action type, status (O, RO), file date, active writs, referrals to GM. Other select buttons include calendar and new dockets (choose a time period to see cases in which new filings have been made)
New progress dockets	Choose a judge, choose a division, and then choose a time period to see cases in which new filings have been made.
Judge calendars	Choose a judge to view the calendar by day, week, month, and see details about the cases (link back to full case view)
Interactive forms	<p>Circuit civil</p> <ul style="list-style-type: none"> * 120 no summons activity * 10 month no activity * 10 month no activity - Judge Fulford * Order Administratively Closing Case - Suggestion of Bankruptcy * Order of Intent to Dismiss * Order Referring Case to Foreclosure Mediation Program * Order Setting Hearing on Atty Motion to Withdraw * Order Scheduling Non-Jury Trial * Order to Show Cause - Prisoner Cases <p>Family Law</p> <ul style="list-style-type: none"> * Case Mgmt Conference Notice of Hearing * 120 day no summons activity * 10 month no activity * Notice of Hearing * Notice of Hearing - H/O Pedroso * Notice of Hearing - General Magistrate * Order of Mediation * Order of Referral to Magistrate <p>1st Appearance Court</p> <ul style="list-style-type: none"> * 1st Appearance Docket * 1st Appearance Package * 1st Appearance FTP <p>Hearing officers - Traffic Motions Queue</p> <p>Small Claims</p> <ul style="list-style-type: none"> * 6/10 months no activity * In court workflow - landlord/tenant
File requests	Use this area to request files, see histories on who has requested files, who currently has files, etc. Located in judicial area, on dockets for mass request, on various reports
Reports & Statistics	<p>Attorney drop boxes – current list of attorneys using our pick up boxes</p> <p>Collections court – collections report</p> <p>Circuit civil – DOC prisoner look up and DOC prisoner tracking; foreclosure tracking and foreclosure monitoring reports</p>

Family Law – New docket activity & DOR enforcement cases
 Felony – postconviction motion report
 Juvenile – restitution report
 Probate - Guardianship judicial case review
 Judicial Case Statistics -
 * Case management activity report
 * Case management current pending report
 * Current pending magistrate report
 * Judicial case statistics – family law
 * Judicial State Trust Fund Revenue Summaries
 * Judicial County Additional CT Cost Revenue Summaries - \$65
 * Open & reopen statistics summary
 * PD case assignment activity report
 Warrants/Pickup Orders – active warrants, pickup orders and served/canceled pickup orders. Can be accessed by judges, SAO, LEO

Judicial staff Select staff attorneys, and then select prisoner cases or postconviction motions
 Jury application Allows the CJ to access the application to deal with excusals, postponements, etc.

CLERK TAB

Admin reports Help center court calendar
 Monthly caseloads
 Monthly caseloads by action code
 Court revenue summaries
 Family law monthly caseload stats
 Local ordinance billing - FS 34.045 billing to county and city for cases filed
 Parental notification stats - ch. 390 report

CCOC Performance Reports Performance projections; performance procedure manual; case tracking report; case timeliness report; papers docketed report; juror payment timeliness report; collection rate; appeals

Court Services Reports: Collections courts; civil payment plan late letters; civil/final judgment satisfactions queue; Linebarger civil judgment queue; payment priorities for current docket codes

Efiling queue
 Efiling reports

E-citations queue - Citations
 TPD & FHP citation Paper citations
 data sent to FTP site Citations report
 Finance reports Daily closeout report
 Court Registry queue
 Escrow case and non-case receipts report
 Juror payment report
 Linebarger remittance file
 Receipt account tracking
 Registry account balances
 Voided receipts report

Injunction Monitor Report for monitoring whether/when LCSO is processing electronic injunctions

Internal SpeedPay - Online payment of citations; internal use for service charges; reports
 send and post-back
 Interactive Forms Evictions
 Family Law

	1st Appearance
	Hearing officer motions
	Infractions hearings court-side
	Infractions hearings event queue
	Public request satisfier
JIS Automated Case Creation	JIS CT-MM-CF case creation
Jury Reports & Functions	Juror address change report Juror payment timeliness report Jury deceased file upload Jury DHSMV file upload Jury process check file
Probate case reviews	2 separate queues for reviewing (1) conservatorship cases and (2) GA cases
Public Website Maintenance	For Clerk staff's public website administrative functions. AOs pull from OR; other 2 - Sealed Case Orders and High Profile Cases - pull from CV.
SRS reports	Monthly SRS reports to OSCA
Traffic reports	CT JIS-CV discrepancies Duplicate & missing sequence numbers DUI impound report Infraction hearing forms Serious bodily injury w/ no court events Traffic monitoring reports
Change Tender Type on Receipts	Permits receipt to be modified w/o voiding
High Profile Case Monitoring	Permits review of high profile cases on public website for completeness
Judicial County Additional CT Cost Revenue Summaries	\$65 fee - monitored by Court Admin
Judicial State Trust Fund Revenue Summaries	Formerly Mediation Report, now tracks revenues to the State Courts TF

AGENCY TAB

DOH	Report of felony drug convictions
DJJ	Document management (gets its own images) and reports
LEO	Electronic injunctions (LCSO picks up electronic injunctions from queue to serve) and reports
PD	Document management, records requests, and reports
County Probation	Receipt reports
SAO	Diversion fee report, document management, records requests, and reports
Tallahassee Bar	Residential mortgage foreclosure monitoring report

ATTORNEYS TAB

Attorneys: Event schedules	Events in cases assigned by attorney
Attorneys: Cases	Cases assigned by attorney

DOCKETS TAB

Dockets: Event Search	Search by event
Dockets: Division Search	Search by division: CA, FL, CF, CJ, DP, MM, CP, SC, TR, CT

SEARCH TAB

Search court databases	Pulls from both CV and JIS, name and case number search, can limit by dates, case types. Same as public search function at www.clerk.leon.fl.us , but based on rights/roles
Search official records	Same as OR search on public website
Search public website	Same as public website search, but w/ greater features here due to security
Provide links to:	CCIS FS Court rules 1st DCA dockets Clerk public site 2nd judicial circuit site DOC inmates FSC dockets Lexis-Nexis Westlaw

ADMIN TAB

Admin / Assistance	Training manuals Change password Send Help Desk Request List of contacts in Clerk's Office View web attorney agreements and list of active external users
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STATEWIDE STANDARDS FOR ACCESS TO ELECTRONIC COURT RECORDS

As of 11/3/11

The purpose of these standards is to provide standards related to electronic access to court documents. There are different means to access electronic data.

1. Direct access via application to internal live data
2. Web based application replicated or live data with security
3. Web based portal for public viewing: replicated data and variable levels of security based on user role

Direct or web access to live production data is generally limited to Court and Clerk officials and staff. Most users may access replicated data to protect the integrity and availability of the official court record maintained by the Clerk.

ACCESS LEVELS TO RECORDS

Access to records is differentiated by the user's role in accordance with the statutes, rules, and administrative policy. Access may be restricted to certain classes of users based on case type, document type, and information contained within the documents.

GROUP	USERS	CONTENT	IDENTIFICATION
Judicial	Judges, court staff, clerk staff	All Court records with discretionary limits based on local security policy	In-house secure network
Litigant	Parties	All records in subject case not sealed by court. Access to Adoptions, Sexual or Domestic Violence cases, criminal cases, guardianships, incapacity, Jimmy Ryce and Juvenile cases is limited to Public Level access.	Secure access on case-by case basis - access by notarized request to insure identity of party
Public	General Public	Access to all records except those records listed in Rule 2.420(d)(1) or by court order under Rule 2.420(c)(8), Rule 2.420(e), (f) or (g), or any record sealed or expunged by court order. No access is provided to images of records in cases governed by the Florida Rules of Family Law, the Florida Rules of Juvenile Procedure, or the Florida Probate Rules per F.S. 28.2221(5)(a).	None - Anonymous Internet access

Subscriber	Individuals registered for Subscriber service (open to Anyone)	Access to all records except those records listed in Rule 2.420(d)(1) or by court order under Rule 2.420(c)(8), Rule 2.420(e), (f) or (g), or any record sealed or expunged by court order.	Secure access through user name and password by written notarized agreement.
Attorney	Members of the Florida Bar in good standing, <i>pro hac vice</i> counsel	When attorney of record or with written permission from a party, access to all records except those records sealed or expunged by court order, unless access is granted by court order. To all other court records, access to all records except those records listed in Rule 2.420(d)(1) or by court order under Rule 2.420(c)(8), Rule 2.420(e), (f) or (g), or any record sealed or expunged by court order.	Secure access through user name and password by written notarized agreement.
Government	Authorized state or local government agencies	Access to all records except those records listed in Rule 2.420(d)(1) or by court order under Rule 2.420(c)(8), Rule 2.420(e), (f) or (g), or any record sealed or expunged by court order. Access to social security numbers is permitted under F.S. 119.071(6)(b).	Secure access through user name and password by written notarized agreement with the agency with a gatekeeper responsible for adding and removing users.
Law Enforcement	Certified Law Enforcement Officers of Federal or State Law Enforcement Agencies, including the State Attorney and Attorney General	Access to all records except those records listed in Rule 2.420(d)(1) or by court order under Rule 2.420(c)(8), Rule 2.420(e), (f) or (g), or any record sealed or expunged by court order. Access to social security numbers is permitted under F.S. 119.071(6)(b). Access to HIV test results under F.S. 775.0877, 951.27, and 960.003. Access to sexually transmitted disease results under F.S. 775.0877. Access to birth certificates under F.S. 382(1)(a)(5). Access to mental health records of a person found incompetent to stand trial or not guilty by reason of insanity	Secure access through user name and password by written notarized agreement with the agency with a gatekeeper responsible for adding and removing users.

		<p>under F.S. 916.107(8)(d)(1). Access to address of domestic violence victims, sexual and child abuse identities (these originate from law enforcement). Access to Ch 984 Children and Families in Need of Services under F.S. 984.06(3). Access to Ch 39 Juvenile actions under F.S. 39.0132(4)(a)(1). Access to Juvenile Delinquency actions under F.S. 985.04(1).</p>	
<p>Department of Children And Families</p>	<p>Employees of the Department.</p>	<p>Access to all records except those records listed in Rule 2.420(d)(1) or by court order under Rule 2.420(c)(8), Rule 2.420(e), (f) or (g), or any record sealed or expunged by court order. Access to social security numbers is permitted under F.S. 119.071(6)(b). Access to birth certificates under F.S. 382(1)(a)(6). Access to Ch 984 Children and Families in Need of Services under F.S. 984.06(3). Access to Ch 39 Juvenile actions under F.S. 39.0132(3). Access to Juvenile Delinquency actions under F.S. 985.04(1).</p>	<p>Secure access through user name and password by written notarized agreement with the agency with a gatekeeper responsible for adding and removing users.</p>
<p>Commercial</p>	<p>Commercial purchases of bulk records.</p>	<p>Access to all records except those records listed in Rule 2.420(d)(1) order by court order under Rule 2.420(c)(8), Rule 2.420(e), (f) or (g), or any record sealed or expunged by court order. Access to social security numbers is permitted under F.S. 119.071(6)(e). No bulk access to any images of court records provided.</p>	<p>Secure access through user name and password by written notarized agreement with the agency with a gatekeeper responsible for adding and removing users.</p>
<p>Gatekeeper</p>	<p>Administrative</p>	<p>Access for administrative purposes only to manage accounts for an organization with multiple users</p>	<p>Secure access to request/update the addition, changes, or removal of user accounts. A</p>

			gatekeeper can represent an agency under a single notarized agreement.
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Levels of System Access

- A. All but expunged (Expunged/sealed under Ch 943)
- B. No expunged or Sealed (Civil sealing under Rule 2.420 and includes redactions)
- C. No expunged, sealed or confidential
- D. No expunged, sealed, confidential, or viewable on demand*
- E. Case Number, Name, Dockets only
- F. Case Number and Name
- G. Case Number only
- H. No Records

*Viewable on demand is for documents that contain confidential information that needs to be redacted and requires an additional examination by a clerk to redact the information before the document is made accessible to the public.

Security

The Florida Constitution states that records of the judicial branch of government are accessible by the public unless a Statute, Court Rule or Court Order prohibits public access. No sensitive security information should be presented on the user interface. Sensitive data shall be exchanged over trusted paths, or using adequate encryption between users, between users and systems, and between systems. The system shall employ appropriate security and encryption measures to prevent the exposure of confidential data to unauthorized persons.

Minimum Technical Requirements:

1. Encryption (general public and authenticated)**
2. No cut and paste of workable links
3. No access to live data. Replicated records will be used for public access
4. Authenticated access for access beyond general public access
5. Monitor data transfers to identify and mitigate abuses of the system by way of bulk data transfers by utilizing access programs using automated methods.

**Encryption protects the integrity of the record and prevents exposure to potential security risks. It also prevents authenticated users with higher access from sending links to information to non-authorized users.

Integrity of the Court Record

To protect the integrity and availability of the court record, public access to records shall not be to the original record, but to a replicated and redacted version.

Links on-line shall be encrypted where a user may not be able to cut and paste a URL and get back to a page. Link refresh times shall be limited and time out.

Confidentiality

The role of the individual accessing court information will define the level of access that is allowed by law. Statutes, Court Rules or Court Orders can make records confidential, seal records, and expunge records.

A confidential record is prohibited from view by the public. There are four ways in which a Court Record may be made confidential; 1) By having a Case Type that is legally defined as confidential 2) By the Document Type being legally defined as confidential 3) By not yet having confidential portions of the document redacted, and 4) by court order sealing all or portions of the record.

Confidential Case Types

Certain case types are confidential. These include:

1. Adoption (while open and pending)
2. Gestational surrogacy actions
3. Tuberculosis actions
4. All juvenile actions, including Chapter 39, Children and Families in need of services cases, all juvenile delinquency actions and petitions by a minor to waive parental notice of termination of pregnancy

Confidential Document Types

Certain document types are confidential. The clerk inputs the docket code when a document is filed and that code determines if the document is confidential. Confidential documents include:

1. Accountings in guardianships and estates
2. Inventories and accountings in probate and guardianships
3. Guardianship plans
4. Adoption petitions, consents and final orders not in adoption cases
5. All juvenile
6. Death Certificates
7. Birth certificates
8. Civil child protection services reports
9. Demographic information sheets
10. Department of Corrections (confidential) violation reports filed
11. Final judgments terminating parental rights
12. Fingerprints of defendant
13. Mental Health Clinical records
14. Substance abuse provider records
15. Notices of social security number
16. Reports of guardian ad litem
17. Unexecuted arrest and search warrants
18. Court Ordered: For other court records not included in the document types that the clerk protects, parties are required to file a motion and obtain a court order requiring the clerk to keep them confidential.

Redaction

Some information in a public document is confidential and requires the clerk to redact or black out the confidential information. These include:

1. Social Security Numbers
2. Bank account, debit and credit card numbers
3. Identity of victims of sexual or child abuse cases including criminal actions, sexual abuse domestic actions and civil actions alleging sexual or child abuse
4. Victims' addresses in domestic violence cases where requested
5. Identifying information in Baker Act and Substance Abuse cases
6. Exemptions from Public Record as listed under FS 119.071

Security Matrix

A security matrix shall be established and maintained to define specific levels of access based on role. The matrix does the following:

1. Establish user levels
2. Establish levels of access
3. Assign access level for each user group based on case type
4. Assign access level for all docket codes

Redaction

Redaction is the process of obscuring confidential information contained within a public document from view. Redacted portions of the document are blacked out. Redaction may be accomplished manually or through use of technology such as redaction software. Redaction software is used for this purpose when the information is in electronic form. In accordance with F.S. 119.0714(2)(e), if redaction software is in use it must have a process to identify and protect confidential records and to redact confidential content.

There are generally two levels of redaction:

Level 1 -The system reads the images and uses the Knowledge Base to auto-redact suspect regions

Level 2 -Redacted images are presented to a first reviewer to accept or decline to redact the selected data on the image

In some instances there are limitations with redaction software such as with handwritten text on an image or a poor quality image. There shall be a process to properly review documents that cannot be properly redacted by software. It is recommended that these documents be made available upon request, so a proper review and redaction can be completed before it is provided on-line for viewing.

Quality Assurance

Clerks shall employ redaction processes through human review, the use of redaction software or a combination of both. Clerks shall audit the process adopted at least annually for quality assurance and shall ensure any legislative or court rules affecting the protection of confidential information are incorporated into the processes employed.

Performance

Search Parameters

For internet access of electronic documents, search parameters provided shall be limited to the following:

Public User

1. Case Type
2. Case Number
3. Party Name
4. Citation Number
5. Date Range

Authenticated Users may have more robust search features.

Non confidential data or data that is allowed through an authenticated user may be viewed immediately. Some images may be "viewable on demand" to allow time for the redaction process.

Images are view only. No search of images shall be allowed for internet public access. This type of search would invite bots and overburden the system. It also weakens the security systems in place to protect confidential information. Internal users may search images provided they are legally authorized to do so.

Archive

Electronic records shall be archived in a manner that allows for presenting the information in the future without degradation, loss of content, or issues with software compatibility relative to the proper rendering of electronic documents.

Authentication

The general public does not require a username or password to access information that is generally available to the public. For information that is available to certain parties that are beyond general public access, the user must be authenticated to verify their role and associated access levels. The user must subscribe to the access system, and provide identifier information to verify their identity. The user is then assigned a login account. At a minimum, the user accessing the information shall have a user name and password, and have the ability to change their password using self service within the access portal.

User Maintenance

Each agency and law firm that has employees that access electronic information in a role that must be authenticated will be required to assign a gatekeeper to give notice of employment changes such as terminations. It is each agency's responsibility to remove terminated employees and they must accept responsibility for any unauthorized access. An agreement that clearly

defines the responsibility for user maintenance shall be developed and maintained, especially in respect to removing accounts for terminated employees.

When the Florida Bar or Chief Judge has provided the clerk of court a notice of disbarment, there shall be a process to change the status of the attorney to a public subscriber, and review cases assigned to the disbarred member.

DRAFT

Supreme Court of Florida

TUESDAY, DECEMBER 6, 2011

CASE NOS.: SC10-2101 & SC11-399

IN RE: AMENDMENTS TO THE FLORIDA RULES OF CIVIL PROCEDURE, THE FLORIDA RULES OF JUDICIAL ADMINISTRATION, THE FLORIDA RULES OF CRIMINAL PROCEDURE, THE FLORIDA PROBATE RULES, THE FLORIDA SMALL CLAIMS RULES, THE FLORIDA RULES OF JUVENILE PROCEDURE, THE FLORIDA RULES OF APPELLATE PROCEDURE, AND THE FLORIDA FAMILY LAW RULES OF PROCEDURE -- ELECTRONIC FILING

IN RE: AMENDMENTS TO THE FLORIDA RULES OF JUDICIAL ADMINISTRATION, THE FLORIDA RULES OF CIVIL PROCEDURE, THE FLORIDA RULES OF CRIMINAL PROCEDURE, THE FLORIDA PROBATE RULES, THE FLORIDA RULES OF TRAFFIC COURT, THE FLORIDA SMALL CLAIMS RULES, THE FLORIDA RULES OF JUVENILE PROCEDURE, THE FLORIDA RULES OF APPELLATE PROCEDURE, AND THE FLORIDA FAMILY LAW RULES OF PROCEDURE -- EMAIL SERVICE RULE

Petitioner(s)

Respondent(s)

After considering the rule and form amendments proposed in case no. SC11-399, as well as the comments addressed to the proposals, the supplemental comment from the Florida Courts Technology Commission (FCTC), and the issues discussed at the oral argument, the Court is pleased with the progress that has been made in developing rules and a phased-in implementation schedule for the mandatory electronic filing of documents in Florida courts. However, the Court has determined that certain aspects of the proposals need additional work.

Accordingly, the Rules of Judicial Administration Committee (RJA Committee) and the FCTC are directed to convene a joint workgroup to address several issues of concern to the Court. The workgroup should also include, but not be limited to, representatives from the Criminal Procedure Rules Committee, the Florida Prosecuting Attorneys Association, the Florida Public Defender Association, and the Florida Association of Court Clerks and Comptrollers. The workgroup is charged as follows:

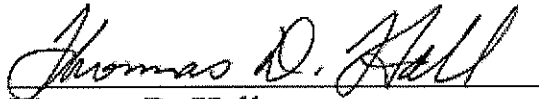
1. The Court has determined that the list of proposed exemptions from electronic filing in criminal cases is too broad. The workgroup should develop a revised proposal narrowing that list. In light of the fact that any document required by a Florida Statute to be filed in paper format will be exempted under proposed Rule of Judicial Administration 2.525(d), the workgroup also should address whether specific exemptions in criminal cases are, in fact, necessary.
2. The workgroup should address whether non-parties, especially "institutional" non-parties such as the Florida Department of Law Enforcement and the Florida Department of Corrections, should be required to file documents electronically. If it is determined that electronic filing by certain non-parties should be required at this time, the workgroup should propose appropriate rule amendments.
3. The workgroup should address how the phase-in schedule for electronic filing suggested by FCTC in case no. SC11-399, will impact the implementation of the mandatory electronic service rules proposed in case no. SC10-2101. In particular, the workgroup should consider whether the deadlines set out in the proposed phase-in schedule for mandatory electronic filing also should apply in implementing mandatory electronic service.

The RJA Committee and the FCTC are directed to file a joint supplemental report of the workgroup's findings and recommendations on the above issues. The joint supplemental report must be filed on or before February 6, 2012. Any interested parties who filed comments in case no. SC11-399 or case no. SC10-2101 may file comments on or before February 21, 2012. Comments should be limited to the issues addressed in the supplemental report. It is not the intent of the Court to revisit issues raised in prior submissions or to entertain additional comments on matters other than the three issues identified above. The RJA Committee and FCTC may file a response on or before March 2, 2012.

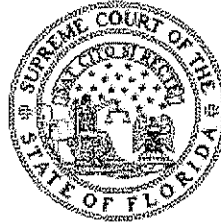
An original and nine copies of the supplemental report, any comments, and the response must be filed. In accordance with Administrative Order In Re: Mandatory Submission of Electronic Copies of Documents, Fla. Admin. Order No. AOSC04-84 (September 13, 2004), a copy also must be transmitted in an electronic format, as required by that order.

A True Copy

Test:



Thomas D. Hall
Clerk, Supreme Court



ab

Served:

JOHN CHRISTOPHER MORAN
ARTHUR IVAN JACOBS
JILL MARIE HAMPTON
GEORGE JOSEPH MEYER
TASHA K. PEPPER-DICKINSON
JAMIE BILLOTTE MOSES
ROBERT RIVAS
HON. RICHARD B. SHORE, CLERK
HON. JUDITH L. KREEGER, JUDGE
ALICIA M. MENENDEZ
JUDSON LEE COHEN
SUSAN DAWSON
KEVIN DAVID JOHNSON
ASHLEY MCCORVEY MYERS
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KATHERINE EASTMOORE GIDDINGS
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MATTHEW BURNS CAPSTRAW
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HON. NANCY DANIELS
LYNN WILLYERD RHODES
WALTER C. JONES, IV
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ELLEN H. SLOYER
JOEL M. SILVERSHEIN
DIANE M. KIRIGIN
JODI BETH JENNINGS
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JOHN ANTHONY TOMASINO
JOHN EDDY MORRISON
CHARLES E. RAY

IN THE SUPREME COURT OF FLORIDA

**IN RE: AMENDMENTS TO THE FLORIDA
RULES OF CIVIL PROCEDURE, FLORIDA
RULES OF JUDICIAL ADMINISTRATION,
FLORIDA RULES OF CRIMINAL
PROCEDURE, FLORIDA PROBATE RULES,
FLORIDA SMALL CLAIMS RULES, FLORIDA
RULES OF JUVENILE PROCEDURE, FLORIDA
RULES OF APPELLATE PROCEDURE, FLORIDA
FAMILY LAW RULES OF PROCEDURE**

CASE NO. SC11-399

**SUPPLEMENTAL COMMENT OF THE FLORIDA COURTS
TECHNOLOGY COMMISSION**

The Florida Courts Technology Commission ("FCTC"), by and through its Chair, the Honorable Judith L. Kreeger, files this supplemental comment on the implementation of mandatory e-filing by attorneys in accordance with this Court's Order dated August 8, 2011, as extended by the Court's Order dated August 18, 2011. As the Court directed, the FCTC consulted with the Board of Directors of the State Wide E-filing Authority and with the Florida Association of Court Clerks (FACC) in formulating a proposed plan for phased in implementation of mandatory e-filing by attorneys.

PROCESS OF FORMULATING THE PLAN

Upon receipt of the Court's August 8, 2011 order, the Chair of the FCTC constituted a work group that was designed to represent significant groups of users of court technology. Members of the work group included the Clerk of the Supreme Court (Thomas D. Hall), two clerks of court designated by the FACC (Harvey Ruvin, Clerk of Miami-Dade County, representing densely populated urban counties and Tim Smith, Clerk of Putnam County, representing less populous counties), a representative of prosecuting attorneys (Chet Zerlin, assistant state attorney, 11th circuit), a representative of public defenders (John Tomasino, administrative director, 2nd circuit), regional conflict counsel (Jeffrey E. Lewis, executive director, 1st DCA region), private criminal defense counsel (George Tragos, Clearwater), a chief judge who chairs the FCTC E-Filing Committee (Judge Manuel Menendez, Jr., 13th circuit), the private civil bar (Paul Regensdorf, Jacksonville), and a trial court judge who chairs the TIMS Committee of the FCTC (Judge Scott Stephens, 13th circuit). The Chair also added a half day to the scheduled September meeting of the FCTC, to provide ample time on the agenda for the Commission to respond to the Court's directive.

Before the scheduled first meeting of the work group, the FCTC chair asked the FACC to canvas its members to ascertain the status of their technological readiness to commence receiving documents e-filed through the statewide portal.

At that time, all 67 counties had sought and received FCTC approval of their plans for e-filing in some or all divisions of their trial courts, and the clerks of sixteen counties had begun to receive some documents that were e-filed through the statewide portal. Forty-seven county clerks were not yet equipped to receive documents filed through the statewide portal. One-half of those clerks were in the process of performing testing procedures in preparation for e-filing readiness. The only District Court of Appeal that is presently accepting documents by electronic filing is the First District Court of Appeal.

On September 8, 2011, when the work group held its first meeting (by video conference), the clerks of twenty counties had connected to receive some filings through the statewide e-portal. In addition, the clerks of five counties were receiving documents electronically through their local portals, and were technologically capable of receiving documents through the statewide portal. The issues that challenge county clerks are primarily lack of resources and the requirements for system conversions, which vary from county to county. To implement e-filing in an orderly, secure manner, county clerks need between three to six months to pilot and test their systems, train their staff and users of the system, to build that portion of their websites, and to develop their business processes.

The chair called the work group's attention to the Court's direction to identify any unique issues regarding implementation of mandatory e-filing in the criminal divisions of the circuit court and for criminal appellate matters. The chair specifically asked those members of the work group from the criminal practice to identify resource issues that may impede their offices' ability to file their documents electronically, legal issues (whether by court rules or statutes) that may have to be resolved if they are to be required to file electronically, and challenges that would confront their attorneys working in the courtroom.

Recognizing that Florida courts are not the first to transition towards receiving, maintaining and distributing their records electronically, the Chair requested that the Office of State Courts Administrator's staff counsel for the FCTC, Susan Dawson, research how other states have confronted these challenges.

The research revealed that courts around the nation are at various stages of implementing e-filing requirements and necessary rules, mandatory or permissive. For example, the Alabama Supreme Court, by order dated April 20, 2011, authorized a pilot project that allows for electronic filing of pleadings and other documents in criminal cases in the district courts and the circuit courts. The Supreme Court of Hawaii allowed for the establishment of a pilot project for submitting criminal complaints in several district courts of that state by electronic mail. During the pilot project county prosecutors and the attorney general were

allowed to submit written criminal Adobe PDF complaints by email attachment. Texas is moving toward mandatory e-filing as well.

In Texas, the e-filing subcommittee of the Judicial Committee on Information Technology is exploring a timeline for implementing required e-filing and exploring an implementation process based on population beginning with the ten most populous counties. Texas is looking at a suggested initial implementation in December 31, 2012. Criminal case filings are in the scope for Texas' statewide e-filing plan. The e-filing rules for Travis County (Austin), Texas although pertaining to civil matters, require documents that must be notarized, acknowledged, sworn to, or made under oath to be filed only as a scanned image. Thus the document is required to be e-filed even though it has authenticity requirements.

The work group convened for its second video conference meeting on September 21, 2011, a few days before the FCTC was scheduled to meet and a few days after the Chair received a first draft of the FACC's approach for phased in implementation of statewide e-filing. The criminal practice members reported on their discussions with members of their statewide organizations, the clerks reported on their additional progress.

One of the issues that the present configuration of the statewide portal presents for prosecutors and public defenders is that documents must be

individually filed, by using a series of drop-down menus. In order to do their work efficiently, their offices need the ability to “batch file” similar documents in multiple cases. The Chair suggested that they contact a member of the portal authority to discuss the issue and seek a technological solution.

The FCTC meeting on September 27, 2011, opened with Thomas D. Hall, Clerk of the Florida Supreme Court, and Melvin Cox from the FACC reporting on behalf of the Board of Directors of the Florida Courts E-Filing Authority the status of use of the statewide portal for e-filing. They reported that since January 1, 2011, approximately 15,000 documents have been filed electronically through the statewide portal, primarily some filings in some civil divisions throughout the state. Considering the many millions of documents filed in Florida courts each year, this represents a very small proportion of filings. However, the e-filings are increasing at a more substantial pace as technical staff of county clerks offices program and configure their systems to accept them.

Directing his attention to some of the issues that confront prosecutors, Mr. Cox reported that he had started discussions with prosecutors and public defenders about configuring the portal system so that they could “batch file”. Those discussions are productive and ongoing. Mr. Hall also reported that they are now testing appellate filings to the Supreme Court, and that process appears to be smooth.

Mr. Cox then reported to the FCTC that all county clerks of court will be ready to receive mandatory e-filing by all attorneys in all civil cases by July 1, 2012. Civil case types include circuit civil, county civil, probate, family, and juvenile dependency. All county clerks of court will be ready to receive mandatory e-filing by all attorneys in all other case types by December 31, 2012. Those case types include circuit criminal, county criminal, criminal traffic, civil traffic, and juvenile delinquency.

The FCTC then discussed additional aspects of the transition that should accompany e-filing. Recognizing that the economies and benefits of e-filing would only be achieved when court staff and judges can perform their responsibilities through the use of electronic technology, the FCTC considered the need for clerks and court administrators to purchase and develop programs and acquire hardware and be trained to use that technology to enable them to perform the various functions and aspects of their work effectively and efficiently.

The FCTC is, of course, aware that in August 2010 the Court directed the Commission on Trial Court Performance and Accountability (TCP&A) to “identify the information, by case type, that needs to be accessed and tracked by judges, case managers, and other court staff in order to move cases efficiently and effectively through the trial court process. Additionally, identify the key caseload and workload information needed at the circuit and statewide reporting levels essential

for performance monitoring and resource management.” The Court directed the TCP&A to collaborate with the FCTC in its work, and to file its report with related recommendations by July 1, 2012.¹ The product of that work, and then the FCTC using that work to establish functional standards for case management systems, will better enable trial courts to measure their performance and accountability and to allocate their resources. However, since individual counties are already developing and/or acquiring technological means of electronically managing their cases and fulfilling reporting requirements, and since the chief judge of each county must approve proposed e-filing plans, the FCTC voted that implementation of mandatory e-filing should not await the establishment of those statewide standards.²

The FCTC directed its attention to the issues raised in the criminal practice area, and recognized that some rules and statutory changes may be necessary. For example, the Response of the Criminal Procedure Rules Committee to Comments of Interested Persons highlights the statutory elements of certain crimes of perjury which include definitions of “documents”, requirements of “signing or execution”, and the like, which suggest that paper format is a necessary element of the crime.

¹ AOSC 10-48.

² When TCP&A and the FCTC establish functional standards for case management systems, court technology will then be required to comply with those standards.

Similarly the best evidence rule³ requires that the “original” of a document be offered in evidence in many instances, and prosecutors expressed concern that when a verified or notarized document is filed electronically, secure preservation of that document on paper then should be assured so that it would be available later in the event it became the basis for a prosecution for perjury. The language of the rule suggests that the rule requires that the “document” be in paper format. That Response discusses issues about how documents in paper format should be preserved and safeguarded, and the need for appropriate rules. For that reason, the FCTC recommends additional time for the implementation of mandatory e-filing in the criminal law practice areas.

The FCTC also considered newly enacted Fla. Stat. 27.341, which requires all Florida prosecutors to electronically file certain types of court documents and receive court documents from the clerk. Public defenders are likewise required to implement e-filing and receive court documents electronically, according to Fla. Stat. 27.5112. The effective date of this legislation was July 1, 2011, and it directs the Florida Prosecutors Association and the Florida Public Defenders Association to fully report to the legislature by March 1, 2012 their progress towards implementation. Interestingly, the Senate Bill Analysis and Impact Statement notes that the counties are required to fund information technology, and in the

³ Fla. Stat. 90.953 and Fla. Stat. 90.954.

fiscal impact section, suggests that if any office is unable to implement e-filing because of the burden on county resources, it should include that information in its March 1, 2012 report.⁴ No new funding has been made available yet for implementation of e-filing. It appears that when the legislature enacted this new legislation, it did not have the benefit of an economic analysis that would measure the cost of implementation. The Office of the State Courts Administrator recently learned that the State Justice Institute approved its application for grant funding to engage the services of a consultant who will perform a cost/benefit analysis for Florida courts to receive, maintain and distribute court records electronically, to process cases using electronic records, and to perform their accountability functions utilizing electronic data.

After considerable discussion, the FCTC unanimously passed a series of resolutions that constitute its plan for phased in mandatory e-filing by all attorneys in Florida courts. The FCTC was advised that the FACC and the Board of Directors of the Florida Courts E-Filing Authority support this plan.

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<http://www.flsenate.gov/Session/Bill/2011/0170/Analyses/k/uHQWz2rQ2pk=PL=G5W7K1yd2=PL=KeE=%7C7/Public/Bills/0100-0199/0170/Analysis/2011s0170.pre.ju.PDF>

THE FCTC PLAN FOR MANDATORY E-FILING BY ATTORNEYS

1. The FCTC accepts the statement of the FACC that on or before July 1, 2012 all clerks will be prepared to accept e-filings through the statewide e-portal, in the civil divisions (defined as circuit civil, county civil, probate, family, and juvenile dependency) and by December 31, 2012 for criminal divisions (defined as circuit criminal, county criminal, criminal traffic, civil traffic, and juvenile delinquency).

2. Based upon those dates, e-filing by attorneys in each division of the trial courts in each county shall be mandatory, effective no later than nine months from the date the clerk, with the approval of the chief judge, begins to accept e-filings for that division through the statewide e-Portal. **Thus mandatory e-filing would become effective no later than March 1, 2013 for all civil divisions of the trial courts and no later than September 30, 2013 for all criminal divisions of the trial courts.**

3. All appellate court clerks shall be ready to accept all filings electronically from attorneys by July 1, 2012. E-filing in appellate cases shall become mandatory for all attorneys by October 1, 2012.

4. No later than December 31, 2012, all clerks shall organize and transmit all records on appeal electronically, which shall be electronically indexed and searchable by the appellate court. This requirement applies to records on appeal at

any level in Florida courts (i.e., from the county court to the circuit court, from the circuit court to the district court of appeal, and from the district court of appeal to the Supreme Court.)

5. Nothing in these resolutions is intended to prevent any clerk of court from implementing electronic filing before the above deadlines.

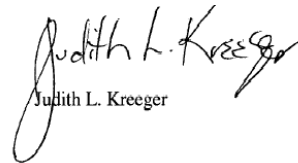
6. A limited waiver process should be established for any attorney or clerk of court who cannot comply with mandatory e-filing for good cause shown.

The process for implementation of mandatory e-filing that is contemplated by these resolutions is for each clerk to prepare for mandatory e-filing in conjunction with the chief judge of that court. Readiness to implement mandatory e-filing must consider that when e-filing is implemented, judges of that court will be provided with adequate electronic data and processes to discharge their responsibilities for processing the cases assigned to them, and that judges who have administrative responsibilities will be provided with adequate data, processes and reports to discharge their oversight and reporting responsibilities.

Notwithstanding the dates provided in these resolutions, the FCTC continues to encourage the clerks of court to implement their plans for e-filing through the statewide portal and their electronic systems and processes to do their work and enable judges to perform their responsibilities at the earliest practicable time, and

to share with each other the knowledge and expertise that they are developing as they implement those systems.

Respectfully submitted,



Handwritten signature of Judith L. Kreeger in black ink. The signature is cursive and stylized, with the first name 'Judith' being the most prominent. Below the signature, the name 'Judith L. Kreeger' is printed in a small, black, sans-serif font.

Hon. Judith L. Kreeger, Chair
Florida Courts Technology
Commission

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and nine copies of the foregoing have been filed with the Clerk of the Florida Supreme Court; and that a true and correct copy of the foregoing has been furnished to those listed below, this 7th day of October 2011, by U.S. Mail:

John F. Harkness, Jr.
Executive Director
The Florida Bar
651 E. Jefferson Street
Tallahassee, Florida 32399-2300

Alicia M. Menendez, Chair
Code and Rules of Evidence Committee
Shook, Hardy & Bacon, L.L.P.
201 S. Biscayne Blvd. Suite 2400
Miami, Florida 33131-4339
amenendez@shb.com

Jamie Billotte Moses, Chair
Appellate Court Rules Committee
Fisher Rushmer et al., P.A.
P.O. Box 712
Orlando, Florida 32802-0712
jmoses@fisherlawfirm.com

Joel M. Silvershein, Chair
Juvenile Court Rules Committee
State Attorney's Office
201 SE 6th Street, Suite 660
Fort Lauderdale, Florida 33301-3334
jsilvershein@sao17.state.fl.us

Ashley J. McCorvey Myers, Chair
Family Law Rules Committee
McCorvey & Myers
1912 Hamilton St., Suite 204
Jacksonville, Florida 32210-2078
ashleymyers.law@verizon.net

Keith H. Park, Chair
Rules of Judicial Administration
Committee
P.O. Box 3563
West Palm Beach, Florida 33402-3563
kparkpa@bellsouth.net

Kevin David Johnson, Chair
Civil Procedure Rules Committee
Thompson Sizemore Gonzalez
& Hearing, P.A.
201 N Franklin St Ste 1600
Tampa, Florida 33602-5110
kjohnson@tsghlaw.com

Hon. Donald Eugene Scaglione, Chair
Criminal Procedure Rules Committee
20 N Main St, Rm 359
Brooksville, Florida 34601-2817

Judson Lee Cohen, Chair
Small Claims Rules Committee
Cohen Law Offices
1 SE 3rd Ave, Suite 2900
Miami, Florida 33131-1711
judsoncohen@cohenlawoffices.com

Jill Marie Hampton, Chair
Traffic Court Rules Committee
Private Counsel LLC
733 W. Colonial Dr.
Orlando, Florida 32804-7343
JH@AttorneyHampton.com

John C. Moran, Chair
Probate Rules Committee
Gunster Yoakley & Steward, P.A.
777 S. Flagler Dr., Suite 500 E
West Palm Beach, Florida 33401-6121
jmoran@gunster.com

s/ Susan Dawson

Susan Dawson, Esq.

CERTIFICATE OF COMPLIANCE

I certify that the foregoing has been submitted in compliance with the requirements of *Fla. R. App. P. 9.210(a)(2)*.

s/ Susan Dawson

Susan Dawson, Esq.
Office of the State Courts Administrator
Supreme Court Building
500 South Duval Street
Tallahassee, Florida 32399-1900
Telephone: 850-487-9383
Facsimile: 850-487-4988
Email: dawsons@flcourts.org
Florida Bar No.: 0076848