

Report of the Probate Data Elements Workgroup to the Florida Courts Technology Commission

Summary

Legislative History. Committee Substitute for Senate Bill 1718 was signed into law on May 27, 2009, becoming Florida Law Chapter 2009-61. Section 16 of this law:

- (i) requests the Supreme Court (“Court”) to set statewide standards for electronic filing (“e-filing”) by July 1, 2009 to be used by the clerks of court to implement electronic filing. The standards are to specify the required information for the duties of the clerks of court and the judiciary for case management.
- (ii) requires the clerks of court to begin, no later than October 1, 2009, implementing e-filing; and
- (iii) requires the Florida Clerks of Court Operations Corporation (CCOC) to report, by March 1, 2010, on the status of implementing e-filing. The CCOC report is to include the detailed status of each clerk office’s implementation of an e-filing process, and, for those clerks who have not fully implemented e-filing by March 1, 2010, a description of the additional steps needed and a projected timeline for full implementation.

Electronic Filing Committee. To meet the July 1, 2009 deadline, the Court, through its Florida Courts Technology Commission (“FCTC”), tasked the Electronic Filing Committee (“Committee”) to review current e-filing standards and recommend new standards. In addition to recommending standards, the Committee considered other issues related to e-filing.

The Committee advanced the concept of establishing a uniform electronic gateway to be governed by the Florida State Courts, referred to as an e-portal or portal (“Portal”). The Portal would provide for uniform e-filing and access of court documents in all of Florida’s State Courts, consisting of the Florida Supreme Court, five District Courts of Appeal, 20 Circuit Courts and 67 County Courts.¹ The Committee also considered the use of LegalXML Electronic Court Filing 4.0 (“ECF 4.0”) specifications based on eXtensible Markup Language (“XML”) and the delivery of electronic information to the judiciary.

On June 15, 2009, the FCTC received the recommendations of the Committee and presented its report to the Supreme Court. On July 1, 2009, Chief Justice Quince issued Administrative Order AOSC09-30, which adopted the report from the FCTC and set statewide standards for the clerks to implement e-filing.

The FCTC determined that e-filing should commence in the Probate Division² of the Circuit Courts.

Probate Data Elements Workgroup. The FCTC created the Probate Data Elements Workgroup (the “Workgroup”)³ for the purpose of identifying the necessary general data elements, specific functional standards, and other aspects of implementing e-filing in the Probate Division. The meetings of the Workgroup were attended by judges, clerks, court staff, clerks’

¹ The Portal would provide a common, electronic entry point for filing and viewing court documents and uniformly deliver to the clerks of court statutorily mandated filing fees and electronic filings in a form that clerks could immediately receive, review, accept, docket, file and maintain. The Portal would also provide the clerks and the court with immediate case-related data for automatically populating respective local databases. The Portal would also allow litigants, viewers and subscribers to view case management data.

² The Probate Division includes matters involving probate estates, guardianships, trusts and mental health proceedings.

³ The members of the Workgroup are set forth on an attachment to this Report.

staff, court technology officers, attorneys, Office of State Court Administration (“OSCA”) staff and other interested parties such as representatives from the Florida Association of Court Clerks and Comptrollers.

The Workgroup met for two consecutive days in each of August, September and October of 2009.⁴ During its first meeting, the Workgroup identified multiple sources to utilize when identifying data elements, including (i) Florida Probate Rules promulgated by the Supreme Court, (ii) Florida Statutes, (iii) the Probate Joint Application Development Sessions document initially developed in 2002, (iv) the existing e-filing systems in the 17th Judicial Circuit for Broward County and the 6th Judicial Circuit for Pasco County and the standardized forms developed by those circuits, (v) standardized forms developed for Mental Health proceedings by the Department of Children and Families and (vi) Probate and Guardianship forms developed by the Florida Lawyers Support Services (“FLSSI”).

The Workgroup reviewed certain forms from the 17th Circuit. Prior to the formation of the Workgroup, the 6th and 17th Judicial Circuits collaborated on the substantive content of several extensive Guardianship reporting forms. The 17th Circuit created the XML and e-filing portions for those forms and certain other FLSSI forms (collectively the “17th Circuit Forms”). These forms, which total 49 in number and are ECF 4.0 compliant, were reviewed in detail by the Workgroup.⁵

⁴ The Florida Bar (the “Bar”) and the Real Property, Probate and Trust Law Section (“Section”) of the Bar graciously paid for travel expenses of the Workgroup members for these meetings. The Bar and the Section provided this financial assistance in recognition of the importance of efficiently defining the necessary data elements for this project.

⁵ The Workgroup made suggestions as to substantive changes it would like to see in future versions of the forms developed by the 17th and 6th Judicial Circuits.

After extensively reviewing the source materials, including the 17th Circuit Forms, the Workgroup identified the data elements for the following types of matters typically filed in the Probate Division: (i) Probate, (ii) Guardianship, (iii) Mental/Medical Health proceedings pursuant to Florida Statute Chapter 394, referred to as “Baker Act” proceedings, (iv) Marchman proceedings pursuant to Florida Statute Chapter 397, (v) Adult Protective Services proceedings pursuant to Florida Statute Chapter 415 and (vi) Trust proceedings. Standardized forms for all of these types of matters, other than for Trust⁶, were available. The Workgroup agreed that standardization is critical for effective and efficient e-filing and recognized the functionality of data capture by XML is dependent on standard schemas and associated user interfaces, i.e., the standardized form. When considering standardization, the Workgroup determined that standard forms with accompanying XML schema will allow consistent data tags and terms even if the clerks of court implement different e-filing systems in each county.

The Workgroup undertook to identify all possible data elements for matters in the Probate Division. However, the Workgroup also realized that each Circuit may not store and use all possible data elements.

The data elements identified by the Workgroup are voluminous because of the extensive nature of the possible proceedings filed in the Probate Division. The data elements are grouped logically and listed in twenty attachments (“Attachments”) to this Report.

The first twenty-one attachments consist of six groups with three documents in each group. The six groups relate to the six types of proceedings identified above: (i) Probate, (ii)

⁶ Trust proceedings are often similar to circuit civil proceedings and often dissimilar to routine Probate and Guardianship proceedings. Therefore, the process for identifying data elements in Trust matters was significantly different than for Probate matters and Guardianship matters.

Guardianship, (iii) Mental/Medical Health proceedings pursuant to Florida Statute Chapter 394, referred to as “Baker Act” proceedings, (iv) Marchman proceedings pursuant to Florida Statute Chapter 397, (v) Adult Protective Services proceedings pursuant to Florida Statute Chapter 415 and (vi) Trust proceedings. For each of these six groups, three documents are provided. These three documents are identified as: (i) Data Elements Alphabetically (“Alpha”), (ii) Data Elements Detailed (“Detailed”) and (iii) Description of Group of Elements (“Group”). The Alpha documents list all of the data elements identified in alphabetical order. The Detailed documents set forth a detailed listing of the identified data elements with source information, the format of each element and other relevant comments for certain elements. The Group documents describe blocks of certain data elements which include multiple fields.

The remaining three documents are (i) five 17th Circuit Forms for guardianship reporting, (ii) a list of ECF 4.0 compliant schemas for the remaining forty-four 17th Circuit Forms and (iii) the envelope. The envelope commonly referred to as an XML envelope is a list of relatively few data elements identified that transmits information for each electronic filing transaction including the initial and each subsequent filing.

Recommendations

The Workgroup recommends⁷:

1. Adopting the data elements set forth in the Attachments as the elements for e-filing in the Probate Division.
2. Utilizing the schemas associated with the 17th Circuit forms.⁸ These forms result from substantial effort and are already successfully deployed.⁹ This resource should be utilized in a standardized statewide e-filing system.

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Respectfully submitted,

Tom Genung, Chair

⁷ Although not rising to the level of a recommendation, the Workgroup believes that certain efficiencies would be realized by next identifying the data elements for circuit civil matters. Because Trust matters are governed by the Rules of Civil Procedure, data elements identified by the Workgroup for Trust matters should be relevant for circuit civil matters. To the extent individual members are willing and available, the dynamic established since its inception in August 2009 within the Workgroup should be capitalized upon by requesting members to serve on the next data elements workgroup.

⁸ Eight of these forms, which were created by the 17th Circuit, and the schemas for all of these forms are available to be incorporated into any e-filing system.

⁹ The recommendation is not to utilize the e-filing system presently in the 17th Circuit. Rather, the recommendation pertains only to the already existing forms and schemas.