April 1, 2018

The Honorable Jorge Labarga
Chief Justice, Supreme Court of Florida
Supreme Court Building
500 South Duval Street
Tallahassee, Florida 32399-1900

RE: Florida Courts Technology Commission Yearly Report

Dear Chief Justice Labarga:

Under the direction of the Supreme Court, the Florida Courts Technology Commission (FCTC/Commission) oversees, manages, and directs the development and use of technology within the judicial branch. In performing its responsibilities prescribed in the Rules of Judicial Administration, the FCTC shall be guided by the objectives of the 2016-2021 Long-Range Strategic Plan for the Florida Judicial Branch. One of the primary goals of the Commission is to modernize court processes through automation and expand self-service options for court users by enhancing technology solutions to create a compatible technology infrastructure that provides timely, consistent, and useful information in improving case management and efficiencies that meet the needs of the judicial branch and court users.

As Chair of the Commission, I respectfully submit this report on the Commission’s work from April 2017 through March 2018. As you will find documented in this report, the Commission and its subcommittees as a whole, continue to enhance the broad range of court services and technology solutions designed to meet the needs of court users by improving transparency, interconnectivity, innovation, and accessibility to all.

The Commission is not making any recommendations to the Court at this time. It has been an honor and a privilege to contribute to these advancements and collaborative accomplishments for the judicial branch as a whole.

Sincerely,

Lisa T. Munyon
Circuit Judge

Enclosure
Florida Courts Technology Commission

2018 Yearly Report

April 1, 2018
On July 1, 2010, the Florida Courts Technology Commission was formed pursuant to Rule 2.236, Florida Rules of Judicial Administration (RJA). The Commission was established to advise the Chief Justice and Supreme Court on matters relating to the use of technology in the judicial branch. To ensure continuity and experience on the Commission, the Commission has staggered, three-year terms of membership. The FCTC is responsible for ensuring technology initiatives, specific to the Trial Courts, are aligned with the 2016-2021 Long-Range Strategic Plan for the Florida Judicial Branch while complying with technology policies established by the Supreme Court.

To align with the State Court System’s goal of having a statewide information technology system to adequately support effective and efficient case management and management of caseloads and court resources, the FCTC continues to collaborate with justice system partners to deliver electronic access to court records and provide a single statewide point of access for filing court records, and to continue enhancing the electronic filing systems to allow additional access to the judicial process by all stakeholders.

Florida continues to be a leader in developing and embracing technology, we must lead by example and set new standards for innovation, transparency, productivity, and accessibility for all. As technology advances, the Florida court system strives to achieve affordability, modernization, and interconnectivity by using data to drive the most efficient use of resources, invest resources wisely, and deliver the best outcomes for the citizens of Florida by improving data sharing and data integration with justice system partners. The Commission strives to expand the use of existing and emerging technologies to enhance access to information and services and deploy technology to facilitate the effective, efficient, and fair disposition of cases in a timely manner. Today, the courts are dependent on information technology in almost every area of court business including electronic filing, case management, electronic document management and imaging, workflow management and public access to court-related documents, materials, and information.

Currently, there are five committees and four workgroups working under the auspices of the Commission to focus on different areas of technology in our courts. Several workgroups were deactivated due to inactivity or no current tasks. Through the committees, and workgroups, the Commission has taken on a number of projects. These groups and the Commission as a whole have
devoted considerable time and effort to improving technology in the courts.

During the course of the year, the Commission has continued collaborative work with the RJA to establish, combine, and modernize all the technology standards of the court into a consolidated technology standard document, as well as removing the technology standards from the rules. In addition, the Commission continues to work collaboratively with the Florida Court Clerks and Comptrollers (FCCC) to establish a single statewide point of access for filing court records and allow additional access to all stakeholders for statewide uniformity as well as moving towards a statewide electronic court system. The Commission’s work, related to tasks assigned to each group, is described in the following Subcommittee and Workgroup Activities section.

Subcommittee and Workgroup Activities

A. Appellate Courts Technology Committee

The purpose of the Appellate Courts Technology Committee (ACTC), which is a standing committee of the FCTC and reports its technology based activities to the FCTC, is to provide technical guidance and consultation to the Commission and the Office of the State Courts Administrator regarding information systems development and operational policies and procedures related to automation in Florida’s Districts Courts of Appeal (DCA). The ACTC is responsible for ensuring technology initiatives, specific to the appellate courts, are aligned with the 2016-2021 Long-Range Strategic Plan for the Florida Judicial Branch, and comply with standards developed by the FCTC.

In keeping with the 2016-2021 Long-Range Strategic Plan for the Florida Judicial Branch, the eFACTS project under the successful direction of the eFACTS Change Advisory Board (CAB) is scheduled for completion of the following list of goals anticipated to be accomplished at the end of 2019.

1. **Transition to maintenance mode:** This includes key components necessary for efficient case management in the Supreme Court and five DCA’s with a focus on sustainability by being stable; serviceable; recoverable; affordable and provide good performance.

2. **Transition to the statewide e-filing portal:** This will move all appellate courts from eDCA to the statewide e-filing portal and continue accessing the attorney/party web portal via
eDCA.
3. **The retirement of all legacy applications** that are associated with the Supreme Court and DCA case management systems.
4. **Unification of eFACTS & iDCA/eDCA**, while retaining the benefits of all applications.
5. **Uniform case management system** provided to the Supreme Court and all five DCAs when feasible.
6. **Distributed administration** for local user management, role-based access control, and court-specific configuration settings.
7. **Mobile friendly** case searches, tasking, and voting.
8. **An agile approach to identify and capitalize on opportunities** for system improvements.

Over the past year, the eFACTS CAB has been able to accomplish the following tasks consistent with the listed goals above.

- **Technology refresh**: Major database platform migration and server hardware upgrades for the supreme court and all five DCAs;
- **DCA CMS application retirement**: Ported remaining appellate court Case Management System (CMS) functionality into the eFACTS application to facilitate the retirement of the CMS application in the DCAs;
- **Development of an enhanced recusal tracking module**: Judicial recusals in the Supreme Court and the five DCAs are maintained in paper logbooks, electronic word processing documents and spreadsheets. The recusal module automatically alerts the user when a judge is assigned to a case on which they are recused. The module is designed to:
  1. Reduce the amount of time and effort required to lookup a recusal.
  2. Reduce the likelihood of inadvertently overlooking recusals due to human error.
  3. Minimize the amount of additional effort, time and data entry required to setup and maintain electronic recusals in the eFACTS system.
- **Development of an iDCA tasking plug-in for eFACTS**: This plug-in allows the DCAs to use iDCA-style tasking and voting within eFACTS;
- **File storage unification**: Provides standardized file storage for eFACTS and iDCA/eDCA so that each system can now directly access the other’s documents.
The appellate courts continue to work with the Florida Court Clerks and Comptrollers (FCCC) on the integrated Portal for appellate filings and anticipate bringing the DCAs onto the statewide e-filing Portal by the end of 2019.

B. Portal Subcommittee

As the statewide access point for electronic transmission of court records, the E-Filing Portal continues to provide a simple and secure digital solution for Florida’s court system users while saving filers thousands of dollars in related expenses. As of February 2018, electronic filings have increased to an average of 62,000 a day and over 1.3 million submissions per month. With judges, process servers, self-represented litigants, mediators, law enforcement, court reporters, and mental health professionals now able to file through the Portal, the number of registered filers has increased to over 182,000 by the end of February 2018.

In May 2017, the Portal Subcommittee worked with the Florida Bar (The Bar) to address the filing privileges on attorneys that are not in good standing with the Bar. The subcommittee considered whether the Portal should act to prevent an attorney from e-filing, if the attorney is not in good standing. However, the Bar advised that attorneys fall out of good standing for many reasons. As a result, the subcommittee determined that it would be too burdensome for the Portal to bear the responsibility for individualized evaluations, and that terminating the filing privilege of an attorney maybe harmful to a client of the attorney where the reason the attorney is not in good standing is benign. The Bar will work with the E-Filing Authority on developing an alert process that notifies the Bar and the filer that the filer is not currently a member in good standing. This alert process will allow follow-up action to be taken by the Bar or the filer, but the Portal will not prohibit an attorney from e-filing to avoid improper prejudice to the attorney’s client.

As part of the judicial branch technology strategies, the FCTC has approved PDF/A as the preferred file format for long-term electronic storage within Florida courts based on its security and archival features. The Portal Subcommittee was assigned the task of determining where, and by whom, the conversion of filings to PDF/A will commence. A sub-group was formed (Conversion of Filings to PDF/A) to analyze document storage concerns and recommend a resolution. Based on the conclusions reached by the subgroup, the subcommittee recommended the Portal begin the process
of converting documents to PDF/A, understanding that the Portal will still continue to provide the
documents to each individual clerk in the format that the clerk can process. In support of this
process, the Portal will educate the filers as to the requirement of filing documents in PDF/A. The
Commission approved the recommendation at the February 2018 meeting.

In conjunction with the FCCC, the subcommittee continues to explore additional Portal
innovations to provide more efficient utilization of the Portal throughout the state, as well as review
proposed Portal enhancements.

C. Criminal Case Initiation Workgroup (CCIW)

This workgroup was formed to begin the prospect of establishing criminal case initiation through the
Portal. The workgroup first met in May 2017 and discussed current processes of criminal case initiation
statewide. The workgroup was tasked with investigating whether there is a path for uniformity
regarding criminal case initiation. Because of the wide disparity in current criminal case initiation
processes, a survey was submitted to stakeholders to evaluate the interest in implementing criminal
case initiation through the Portal. The survey was designed to assess need and costs.

While the workgroup is evaluating the utility of a more comprehensive process for criminal case
initiation, the FCCC implemented functionality within the Portal that provides a simplified method for
some criminal case initiation. Currently, anyone is free to utilize this functionality if desired.

In the wake of the survey results, the workgroup membership was expanded to allow for a broad base
of stakeholder input at the next workgroup meeting in May 2018.

D. Operational Procedure Review Workgroup

In January 2017, the Operational Procedure Review workgroup was reactivated. The workgroup was
tasked with reviewing the current FCTC Operational Procedures and update for assurance that proper
modern processes are being governed. The workgroup first met in February 2017 where several
operating procedures from committees of the Florida Bar were reviewed, to adopt a more formal
institutionalized process for the appropriate vetting of action items.

The workgroup began modifying the Operational Procedures by combining the Authority and
Purpose segment to rename as the Introduction section. The workgroup went through each section of the Operational Procedures to reorganize and differentiate the obligations at Commission meetings than for subcommittee meetings. Additions were added for a second reading requirement; provisions for designating an acting Chair; and inclusion of other approved e-filing systems in governing modifications. In addition, language was cleaned up to clearly define substance where applicable and minor formatting changes were made to remain consistent throughout the document.

The workgroup is currently exploring forms for submitting requests to appear before the Commission and developing procedures for such. The workgroup anticipates a final draft recommendation to the FCTC at the May 2018 meeting.

E. RJA Joint Workgroup

The Joint FCTC/RJA Workgroup worked in conjunction with the Technical Standards Subcommittee to update standard 3.5.3 Original Documents or Handwritten Signatures in the Standards for Electronic Access to the Courts which provides that, “Original documents, such as death certificates, or those that contain original signatures such as affidavits, deeds, mortgages and wills must be filed manually until further standards have been adopted.” The clerks interpreted this as a requirement for paper filings and the retention of paper documents. After much discussion, the workgroup decided to delete standard 3.5.3 from the Standards for Electronic Access to the Courts as proposed rule 2.525 Filing, defines the official court file as a set of electronic documents docketed and stored in a computer system maintained by the clerk under this rule. In addition, documents in the official court file are considered originals for all purposes except as otherwise provided by statute or rule.

The workgroup assisted members of the Rules of Judicial Administration Subcommittee B on updating the following rules to match the reality that has emerged since the Portal is now the central filing facility: 2.345 Electronic Signature of Court Official; 2.511 Florida Courts E-Filing Portal; 2.514 Computing and Extending Time; 2.516 Service; 2.520 Documents; and 2.525 Filing. These rules were rewritten to match current practices of electronic filing. The report that Subcommittee B is working on to update the above-mentioned rules will be presented to the Supreme Court in the near future.

Currently, the workgroup is working on making a recommendation to the Florida Rules of Judicial
Administration Committee to consider amending the court records retention rule 2.430 to: Clarify the retention schedule for electronic court records that have been permanently recorded; Require that prospective court records that have been permanently recorded be retained in the PDF/A format; and, Consider and include a date by which permanently recorded court records shall be maintained in the PDF/A format. Additionally, the workgroup will recommend the creation of a Florida Courts Technology Standard that would provide guidance and technical information on the retention and storage of permanently recorded court records under amended rule 2.420. The workgroup continues to work with the Technical Standards Subcommittee in updating the consolidated standards and reviewing RJA rule sets.

F. Certification Subcommittee
The Certification Subcommittee was established to view demonstrations and certify vendors in compliance with the Functional Requirements for Court Application Processing System (CAPS). CAPS is a software application that allows court files to be displayed electronically. These standards identify the specific requirements of a CAPS system utilized by judges or their staff to access and use electronic case files and other data sources in the course of managing cases, scheduling and conducting hearings, adjudicating disputed issues, and recording and reporting judicial activity on the bench or remotely. In 2018, the subcommittee plans to update the Functional Requirements for CAPS document, as well as recertify the current six vendors, which includes: Mentis Technology Solutions; Pioneer Technology Group; Eighth; Thirteenth; Fifteenth; and Seventeenth Judicial Circuits. All six vendors are up for recertification before June 1, 2018.

When the CAPS systems were initially established, a fundamental decision was made that the CAPS would be used to view court files, receive and access information through the system, and be able to manage and work on the file through the CAPS system. The Portal has a new functionality that allows the judiciary to receive, sign, and distribute orders via the Portal. With the CAPS having a distribution capability built into them, the subcommittee was tasked with determining what benefits the judiciary would gain by incorporating this functionality into the CAPS systems. A small technical subgroup was created to evaluate the strengths and weaknesses of filing proposed orders through the Portal and make recommendations on how best to incorporate that functionality into the CAPS. The workgroup began working on this task, but along with other tasks was transitioned to
the newly created Judicial E-Filing Workgroup.

G. Court Application Processing System (CAPS)

The court application processing systems are developed by internal staff as well as external vendor products. This web-based processing system is a vital component to the adjudicatory function of Florida’s trial court judges and has the potential to serve as the framework for a fully automated trial court case management system. As of February 2018, sixty-four counties have deployed their CAPS systems in one or more divisions that allow the judiciary to have online access to their cases. Although, initial installation of this technology is almost complete in all divisions across the state; however, full system functioning status is achieved when judges have the capability to electronically prepare, sign, and file orders through the CAPS. Currently, there are only fourteen counties that have an integrated proposed order functionality in their CAPS system.

Securing the funding needed to make the CAPS fully functional has been challenging. With requests for state funding for the comprehensive technology plan unsuccessful for the previous three years, OSCA staff, under guidance of the Trial Court Budget Commission (TCBC), updated the previously submitted technology legislative budget requests, which address technology necessities in transitioning to a statewide implementation of uniform electronic case files to maximize the benefits of the statewide electronic filing system. In addition, OSCA staff worked with Trial Court Administrators and Court Technology Officers to update the other costs estimates and transfer elected technology initiatives to out-years that support the comprehensive Florida Trial Court Technology Strategic Plan 2015-2019, for on-going technology needs for CAPS, Digital Court Reporting and Support for Minimum Level of Technology. In August 2017, the TCBC recommended and the Supreme Court approved a comprehensive FY 18-19 Legislative Budget Request (LBR) to fund a multi-year comprehensive strategy for addressing statewide technology needs of the trial courts; in September 2017, the Trial Court Technology LBR was submitted to the Legislature that provided detailed information and analysis of the many technology projects included in the comprehensive plan.

H. Access Governance Board

The Access Governance Board (Board) continues to certify clerks of court online electronic records
access systems. The clerks must submit an Online Electronic Records Access application; conduct a pilot program of at least 90 days to test compliance with the current version of the standards and matrix; and submit at least three-monthly status reports to the Office of the State Courts Administrator. After completing the pilot, the clerk of court is required to submit a certification letter to the Board certifying he/she is in compliance with the most recent version of the standards and matrix; provide a written description of the steps, processes, or tools used to validate compliance with the administrative orders; report all incidents of inadvertent release of unauthorized access to confidential information, if any occurred; certify that the clerk took the appropriate corrective actions necessary to address all reported incidents related to confidential information; and agree to incorporate changes to the standards and/or matrix into their existing online electronic records access system. As of March 2018, fifty-seven counties have their online electronic records access system in production; three counties remain in their pilot phase (Lee, Pasco, and Seminole); three counties submitted a request to move from pilot to production (Brevard, Monroe, and Wakulla); and three counties do not provide online access (Holmes, Suwannee, and Taylor).

The Supreme Court issued Administrative Order AOSC14-19, In re: Standards for Access to Electronic Court Records (amended May 23, 2014). In February 2017, the Board received a request to modify the matrix to allow parents caring for disabled children, their attorney, and any court appointed counsel for the alleged incapacitated person online access to the court record after the parent petition to become Guardian Advocate for their child. Based on statute, the Board modified the matrix and provided the correct level of access. The Court approved the recommended changes to the matrix and issued Administrative Orders AOSC17-47, In re: Access Security Matrix (September 22, 2017).

In November 2016, the Realigning of the Matrix and Standards subgroup was established to revise and edit the standards and matrix to ensure the documents aligned with one another and reduced the need for interpretation. Previously in the standards, several user groups were lumped into similar categories by statutory citations for access to specific types of records; however, the workgroup separated those user groups and made sure the user groups on the matrix and standards were identical. Throughout 2017 and into 2018, the workgroup clarified legal citations regarding access between the standards and matrix. Relevant rules and statutes were added to indicate access and
certain rules and statutes were made more specific as they relate to that role, while others that did not grant access to a specific user role were removed. In October 2017, the workgroup identified changes necessary to clarify electronic access processes, user agreements, and gatekeeper language. A gatekeeper was defined to clarify the role of an administrator. The User Maintenance section of the standards was updated to allow clerks who currently use an online process to register users to use their online electronic records access system as opposed to registered user agreements (which will be discussed in the succeeding paragraph).

The Board created a standardized Agency Agreement, Registered User Agreement, and Gatekeeper Management Request Form to create uniformity statewide. The agreements outline clerk, agency, and registered user’s responsibilities, gatekeeper administration, and limitations and liabilities. These agreements were approved by the FCTC in October 2017. Additionally, in May 2017, the Board developed a Request Form to Change the Standards for Access to Electronic Court Records or the Access Security Matrix. The form allows the requestor to provide in detail the change(s) they are requesting, how access was gained prior to the implementation of the matrix, the statute or rule which authorizes or prohibits the access they are requesting, and the opportunity to provide a markup copy of the changes they are proposing to the standards or matrix. The form has all the required information the Board will need to make an informed decision.

I. Document Storage Workgroup
The Document Storage Workgroup was created to review long-term goals and standards for storing electronic documents. There are multiple document storage methods available; however, after much research and discussion with many local, state, and federal governments to determine what would be the best storage format, the workgroup decided to recommend PDF/A as the long-term document storage format to be used for court records. In 2016, the workgroup soon learned that saved a document to PDF is simple, but using a PDF is more complicated. The workgroup developed Standards for Electronic Court Documents which includes four categories of workflows that they thought would be affected the most: document creation and format; document filing; document workflow and processing; and document delivery. During the development of the standards, outstanding storage related issues were identified concerning document creation guidelines and standards. The issue list assigns the task of resolving the subject matter to the various primary
governance group to develop standards, rules, and guidelines related to the PDF/A format. Once the resolutions have been approved, it can be incorporated into the Standards for Electronic Court Documents.

J. Technical Standards Subcommittee

The Technical Standards Subcommittee is comprised of court and clerk information technology experts who work on updating the technical standards. Several issues were brought before the subcommittee to include: development of the PDF/A storage related issue; development of standards for backup of electronic court records; and review of the original documents or handwritten signatures standards.

The Document Storage Workgroup referred the following PDF/A storage related issues to the Technical Standards subcommittee for further review on the use of color; use of form fields; and digital signatures. The subcommittee decided the use of color was not an issue; form fields would be prohibited; and digital signatures would not be required. The subcommittee had several meetings with clerk court technology staff and PDF vendors to discuss mandating PDF/A as the preferred document storage format. The subcommittee plans on recommending to the Supreme Court to allow clerks two years to implement PDF/A storage of court documents after the Supreme Court approves the technical standards. Most clerks should be able to implement storing documents in PDF/A format within two years if this mandate is combined with the initiative stated above for the Portal to begin converting received documents to PDF/A. If a clerk cannot meet the stated deadline, an extension request can be submitted for good cause shown to the Supreme Court. Clerks who have the capability to begin implementing PDF/A can move forward as some clerks have already started the process to allow PDF/A storage. The subcommittee developed standards for Backup of Electronic Records similar to electronic filing. The workgroup consulted with a leading information technology research consulting firm, to review the standards and provide feedback. To name a few, the standards define the responsibilities of the custodians of the electronic court records; who should have access to the encryption key; where production data, backup copy, and tertiary copy of the data should reside; require random sample testing to be performed annually to verify the data is accessible and recoverable; and physical and electronic data transfer processes should conform to the confidentiality and security guidelines set forth in the Data Exchange Standards.
The subcommittee worked with the Joint FCTC/RJA Workgroup to review standard 3.5.3 Original Documents or Handwritten Signatures in the *Standards for Electronic Access to the Courts*.

**The Year Ahead**

In the coming year, the Commission will continue to achieve strategies on technology initiatives including: collaboration with all stakeholders in supporting the multilayered PDF/A initiative in managing advancing technology in the judicial branch; support the newly created Judicial E-Filing Workgroup in promulgating court policies and procedures in assisting with the framework for a fully automated trial court case management system; consult with the Clerks of Court in developing technical and functional standards for the clerks case maintenance systems to ensure a standardized technology infrastructure meets the needs of all stakeholders; and partner with the Florida Bar in reviewing RJA rule sets and court technology standards to reconcile inconsistencies and modernize court processes through automation.