

Florida Courts Technology Commission Meeting Summary

May 18, 2017

A meeting of the Florida Courts Technology Commission was held at the Duval County Courthouse in Jacksonville, Florida on May 18, 2017. The meeting convened at 9:00 A.M., Chair Judge Lisa T. Munyon presiding.

Members of the Commission in attendance

Judge Lisa T. Munyon, Chair, 9th Circuit
Judge Martin Bidwill, 17th Circuit
Judge Josephine Gagliardi, Lee County
Judge Terence Perkins, 7th Circuit
Lonn Weissblum, Clerk of Court, 4th DCA
Jim Kowalski, Jr., Esq., Jacksonville Area Legal Aid
Thomas Genung, Trial Court Administrator, 19th Circuit
Sandra Lonergan, Trial Court Administrator, 11th Circuit
David Ellspermann, Clerk of Court, Marion County
Karen Rushing, Clerk of Court, Sarasota County
Matt Benefiel, Trial Court Administrator, 9th Circuit

Judge Stevan Northcutt, 2nd DCA
Judge Robert Hilliard, Santa Rosa County
Judge Ronald Ficarrota, 13th Circuit
Judge Scott Stephens, 13th Circuit
Laird Lile, Esquire, Naples
Murray Silverstein, Esq., Tampa
Christina Blakeslee, CTO, 13th Circuit
John M. Stewart, Esquire, Vero Beach
Ken Nelson, CTO, 6th Circuit
Mike Smith, CTO, 4th Circuit
Elisa Miller, Akerman LLP

Members not in attendance

Sharon Bock, Clerk of Court, Palm Beach County
Tanya Jackson, Adam Street Advocates

Judge Cory Ciklin, 4th DCA

Supreme Court Justice in attendance

Justice Ricky Polston, Supreme Court

OSCA and Supreme Court Staff in attendance

John Tomasino, Clerk of the Supreme Court
Alan Neubauer
Jeannine Moore

Blan Teagle
Lakisha Hall

Other Attendees

Robert Adelardi, CTO, 11th Circuit
Craig McLean, CIO, 20th Circuit
Steve Shaw, CTO, 19th Circuit
Terry Rodgers, CTO, 5th Circuit
Jim Weaver, 6th Circuit

Noel Chessman, CTO, 15th Circuit
Craig Van Brussel, CTO, 1st Circuit
Fred Buhl, CTO, 8th Circuit
Gerald Land, CTO, 16th Circuit
Amy Borman, 15th Circuit

Isaac Shuler, CTO, 2nd Circuit
Jon Lin, TCA, 5th Circuit
Melvin Cox, Director of Information Technology,
Florida Court Clerks and Comptrollers
Doug Sunshine, Florida Court Clerks and Comptrollers
Antonio James, Volusia County Clerk of Court
Laura Roth, Volusia County Clerk of Court
Jeff Taylor, Manatee County Clerk of Court
Brent Holladay, Lake County Clerk of Court
Gerald Cates, Duval County Clerk of Court
Doug Bakke, Hillsborough County Clerk of Court
Harold Sample, Pasco County Clerk of Court
Chris Short, Pinellas County Clerk of Court
Repps Galusha, Orange County Clerk of Court
Tony Landry, Seminole County Clerk of Court
Kimberly Stenger, Polk County Clerk of Court
Heather Hollmann, Brevard County Clerk of Court
Doris Maitland, Lee County Clerk of Court
Mary Lynn Sullivan, Tyler Technologies
Jess Irby, Alachua County Clerk of Court
Lewis Buzzell, Duval County Public Defender
Laurie Reaves, Miami-Dade County Clerk of Court
Paul Jones, Palm Beach County Clerk of Court
Don Johnson, Mentis Technology Solutions

Paul Silverman, TCA, 8th Circuit
Christopher Campbell, Florida Court Clerks and
Comptrollers
Tom Hall, Florida Court Clerks and Comptrollers
Thomas Morris, State Attorney 8th Circuit
Justin Horan, Clay County Clerk of Court
David Isaacson, Volusia County Clerk of
Court
Mike Phelps, Polk County Clerk of Court
Krys Godwin, The Florida Bar
Gary Blankenship, Florida Bar News
Tyler Winik, Brevard County Clerk of
Court
Carole Pettijohn, Manatee County Clerk
Court
Kevin Karnes, Lee County Clerk of Court
Joseph George, Esquire, Miami
Carol LoCicero, Thomas and LoCicero
Frances Cox, Vista Solutions Group
Jean Sperbeck, Alachua County Clerk of Court
Elizabeth Webb, Duval County Public Defender
Nancy Owens, Thomson Reuters
Kelly Barna, Thomson Reuters
Brian Murphy, Mentis Technology Solutions

AGENDA ITEM I. Welcome

- a. Judge Munyon welcomed the commission members and other participants to the meeting. She called the meeting to order and advised everyone the meeting was being recorded. She recognized Fred Buhl, Court Technology Officer for the Eighth Judicial Circuit for being the recipient of the 2017 Prudential Productivity Award, as well as the State Courts System's Agency IT Professional of the Year. Judge Munyon informed everyone that Ken Nelson was retiring and this would be his last meeting as a Florida Courts Technology Commission (FCTC) member. She thanked him for being an integral part of the FCTC and his many years of service. Judge Munyon thanked Chief Judge Mark Mahon for his hospitality in hosting the FCTC meeting in his circuit. Judge Mahon said a few words welcoming the commission members to the Duval County Courthouse and expressed sincere gratitude for the work of the commission. He thanked the Jacksonville Bar President for providing refreshments for the meet and greet that was held on May 17, 2017, and Jacksonville Chamber of Commerce for providing gift bags to the commission members.
- b. Jeannine Moore called roll and noted a quorum was present.

AGENDA ITEM II. Approval of February Meeting Summary

Motion to approve the meeting summary from the February 2, 2017 meeting of the Florida Courts Technology Commission.

MOTION OFFERED: Judge Gagliardi

MOTION SECONDED: Ken Nelson

MOTION CARRIED UNANIMOUSLY

AGENDA ITEM III. Approval of FCTC Action Summary

Motion to accept the action summary from the February 2, 2017 meeting of the Florida Courts Technology Commission.

MOTION OFFERED: Tom Genung

MOTION SECONDED: Judge Gagliardi

MOTION CARRIED UNANIMOUSLY

AGENDA ITEM IV. Court Application Processing System (CAPS) Update

- a. Alan Neubauer gave an update on the progress of the implementation of the CAPS viewers. Sixty counties have implemented their viewer in both the civil and criminal divisions; four counties anticipate implementing a CAPS viewer by the end of 2017; three counties do not have an anticipated implementation date for either the civil or criminal divisions.
- b. Alan Neubauer gave an update on the functionality of the CAPS viewers. Forty counties have the ability to electronically sign and file orders to their CAPS viewer via the Portal, and several counties are continuing to work on having the ability to receive orders via the Portal.

AGENDA ITEM V. Portal Progress Report

a. Melvin Cox discussed the Portal usage statistics. The Portal is celebrating four years of operation. The Portal became fully operational in April 2013 when civil filings for attorneys were mandated. The filings have been pretty constant over the past four years. A record was broken in March, as the Portal surpassed more than 2 million documents filed. In the month of April, there were 1,760,652 filings through the Portal, of which 1,193,804 were submissions to the trial courts; 632 were submissions to the Department of Corrections (DOC); 1,111 were submissions to the Second District Court of Appeal; 1,184 were submissions to the Florida Supreme Court; and 1 was a submission to the Bureau of Vital Statistics. The Portal has over 150,000 registered users. Judges in Escambia, Okaloosa, Walton, Bay, Jackson, Leon, Wakulla, Jefferson, Marion, Brevard, and Lee counties are receiving proposed orders electronically through the Portal. On average, it takes less than a day to docket a filing. Laird Lile asked if statistics could be provided for each county as he has heard from practitioners that it takes days for filings to appear on the docket. Mr. Cox said he can provide docket statistics by county, but there are other processes that occurs before a document is available to the public. An example is review for redaction and security. Mr. Lile said his question was regarding the availability to the practicing lawyer. Mr. Cox said that is a function of preparing the information, meeting the security standards and putting the information online and that varies from county to county. He will get the statistics for the next FCTC meeting. Murray Silverstein asked if the report

that tracks the orders that are submitted to the Portal comes from a CAPS viewer or directly from the clerk's case maintenance system. Mr. Cox said filings can be done through the Portal, through email process, or interfaced through the CAPS viewer. Mr. Cox said he thinks most of the proposed orders are done through the Portal or through email. Mr. Cox went on to discuss the top filers of the Portal. Attorneys remain the most predominant followed by judges, process servers and self-represented litigants. Roughly, 1.79% of filings were returned to the correction queue. Approximately 51% of filings were returned to the correction queue and resubmitted by the filer, while 49% of filers created a new submission or abandoned the filing. Jim Kowalski inquired about the number of self-represented registered accounts compared to the number of filings. Mr. Cox responded, although over 65,000 self-represented users are registered with the Portal, only a little over 7,000 actually filed during April. A user has to have an account to file and the filer may create an account and only submit one filing. Mr. Cox went on to provide an update on submitting proposed orders. Counties are submitting proposed orders to the Portal via their CAPS viewer and from the CAPS viewer to their CMS. Over 35,000 submissions have been e-filed through the CAPS viewers. Over 31,000 judicial single session filings have occurred through the Portal. Mr. Silverstein said that the CAPS Update indicated 40 counties have the ability to electronically sign orders through the viewer to the Portal; however, Mr. Cox's numbers are significantly less than the 40 that have the ability. Mr. Cox said electronically signing a document is a function through the CAPS viewers. He is measuring the capability of the viewer to talk directly with the Portal once the document is ready to file. Mr. Silverstein inquired on a reasonable amount of time for counties that have the capability to electronically sign and file orders through the Portal to start doing so. Mr. Cox said one can determine the CAPS viewers that have this capability based on the CAPS viewers utilized by the identified counties that are currently filing orders from the CAPS viewer to the Portal. Any county using the same CAPS viewer should have the capability as well. Mr. Cox suggested propagating and training the other counties with the same CAPS viewer so they could electronically sign and file orders. Mr. Silverstein asked if a CAPS viewer vendor could be certified without having this capability. Chris Blakeslee said a vendor can be certified without having the capability to file directly with the Portal. Alan Neubauer said although a vendor is certified, the CAPS functional requirements have to be implemented in the counties, adopted and used by the judiciary. Mr. Silverstein inquired on making a recommendation that judicial officers in the counties that have full functionality to electronically sign and file orders should do so by a specified time. Ms. Blakeslee said in Hillsborough County the judges and attorneys use internal orders that are filed in their CAPS viewers and not through the Portal. Ms. Blakeslee said Hillsborough County has a web service that allows their CAPS viewer to pull the e-service list from the Portal to serve the parties, attorney of record and self-represented litigants.

First Reading: Motion to recommend to the Supreme Court that all counties that have the capability to have orders entered electronically and filed through the Portal shall do so by July 1, 2018.

MOTION OFFERED: Murray Silverstein

MOTION SECONDED: Jim Kowalski

Judge Perkins wanted clarification if Mr. Silverstein's motion was to set a deadline in which orders are going to have to be electronically filed and signed or a deadline to specifically file through the Portal.

He went on to say filing through the Portal is only one way the CAPS viewers allow the judges to file documents. Mr. Silverstein said his motion is just to have orders filed and signed electronically.

First Reading: Amended motion to recommend to the Supreme Court that judicial officers that have the capability to electronically file and serve their orders shall do so through an electronic means by July 1, 2018.

Judge Perkins said he thinks there would be a financial responsibility to implement this. Judge Stephens said the motion is to require judges to file and serve orders electronically by a specific date. The Rules of Judicial Administration Committee (RJAC) would be grateful for the issue to be resolved as they were thinking about imposing a rule to that effect. Ken Nelson said there is a continual issue of funding the CAPS viewers. Judge Munyon said an exception should be made for orders that are signed in court. The clerk scans the orders and imports them into their case maintenance system. The parties get paper copies in the courtroom. Judge Munyon said it is more realistic to have chambers orders electronically filed and served as opposed to orders done in open court. Judge Perkins said the CAPS viewers currently have the technology to electronically file and serve orders, it is just a matter of turning the functionality on and implementing it. He said in Volusia County, all documents that are received in open court in criminal cases are transferred from the clerks to the judges in the courtroom electronically, signed electronically, returned and distributed electronically. Judge Munyon said July 1, 2018 might be an aggressive deadline for court orders as opposed to chambers orders. Judge Gagliardi expressed procedural concerns. She does not think the motion should be made yet because the proposed rules have not been finalized. Mr. Silverstein said this is an example of the difficulty of Revision 7. The circuits rely on county funding for technology. Different counties are able to move forward at a varying rate. If there was a state funding model the counties could move forward simultaneously. Mr. Silverstein said there is a difference in having the technology to do it and just a matter of flipping the switch so to say, and the desire to do it but lacking the funding. Judge Munyon said the courts legislative budget request for technology was not funded for the third year in a row. Judge Stephens said the risk in moving too quickly might cement in place the process by which the judges file their orders using the least desirable electronic documents (e.g., scanned pictures of handwritten or paper documents). If a little more time is given to build structures around the veteran class of electronic documents that are created electronically, the documents would be superior in every way and provide better quality electronic documents. Judge Munyon called the question and took a hand vote. This was the first reading of the issue and will be placed on the FCTC's August 2017 agenda.

MOTION CARRIED WITH (7) OPPOSING

Tom Genung requested that the approved motion be disseminated to the circuits so they are aware of the FCTC's recommendation. Judge Munyon said this is only a recommendation to the Supreme Court, but if they approve the recommendation an administrative order will be issued and the circuits will be notified. Judge Bidwill suggested the counties that file orders from their CAPS viewers directly to their case management system should provide statistical reports to the FCTC in the same manner as the Florida Court Clerks and Comptrollers (FCCC) reports the orders filed via the CAPS viewers to the Portal. Mr. Cox continued his update on the Portal. The FCCC is currently working on the

following projects: providing technical support to third party vendors to help them implement system-to-system e-filing; a maintenance release is scheduled for July 2017; working with the FCTC Portal Subcommittee to scope out the process for criminal case initiation; assisting the Department of Corrections (DOC) with saving documents to their data management system; adding Access to Justice (A2J) interviews to the Portal to assist self-represented litigants; providing technical support to the CAPS viewer vendors to receive proposed orders and proposed violation of probation (VOP) warrants from the Portal; providing training to the judiciary regarding proposed orders and VOP warrants; and analyzing HEAT tickets to formulate the October Release 2017.02.

b. Melvin Cox gave an update on the Portal service desk. The service desk takes calls regarding customer service incidents along with technical and system support incidents. In April 2017, the service desk received 3,278 customer service incidents of which 2,667 were attorney incidents; 6 were judge incidents; and 605 were self-represented litigant incidents. On average it took 15 minutes to respond to a customer service incident and 47 minutes to resolve. A total of 576 technical/system support incidents were received during April 2017. On average it took 20 minutes to respond to a technical/support incident and 3 hours and 28 minutes to resolve an incident. Mr. Cox showed the top 10 types of incidents the service desk received from attorneys, self-represented litigants and judges. The service desk worked on cleaning up the pending filings. On November 1, 2015, there were 78,000 pending filings; however, as of March 31, 2017, that number is down to 1,749. The service desk did onsite visits to provide training and support to Dixie and Escambia counties.

c. Melvin Cox discussed third party batch filing. The E-Filing Authority Board developed a process that certifies third party filers. Nine vendors went through the certification process of which eight were fully certified and one received provisional certification. This functionality was put into production on April 28, 2017. One vendor is actually batch filing through the Portal and the FCCC is working with the other vendors to get them started as well.

d. Melvin Cox said the Second District Court of Appeal (DCA) requested to remove the capability for filers to file from the Portal to the Second DCA. That functionality was removed from the Portal on April 28, 2017.

AGENDA ITEM VI. Appellate Portal Interface Update

Alan Neubauer said the only update he had was the change requested by the Second DCA and Melvin Cox already gave that update. Judge Munyon said although the Second DCA was disabled from the Portal, they are electronically filing through eDCA.

AGENDA ITEM VII. CCIS 3.0 Update

Melvin Cox gave an update on CCIS 3.0. CCIS is an existing system that is fully integrated with the Portal and Judicial Inquiry System (JIS). Currently, there are 42,931 active users. Mr. Cox said he hopes to add an attorney role to CCIS 3.0 by the end of 2017. The benefits of CCIS 3.0 are: local CMS sends new or changed data to CCIS immediately; court documents are retrieved from local CMS in real-time; additional data in local databases is retrieved in real-time; and additional data elements were added to enhance search capabilities. CCIS 3.0 utilizes the National Information Exchange Model (NIEM) and the FCTC Data Exchange Standards. The FCCC is in the process of enhancing CCIS 3.0 by updating the CCIS security model to align with the current version of the Access Security Matrix; implementing a CCIS data quality process; and developing new reporting and notification

functionality. A CCIS Data Quality Workgroup was established to advance continuous process improvement and to audit CCIS data quality. The workgroup's focus includes: judge code maintenance; CCIS report integrity; CMS programming for web services and batch feeds; and audit checking (automated and ad hoc).

AGENDA ITEM VIII. Florida Do it Yourself (DIY) Project Update

Judge Stephens said DIY is a Supreme Court approved initiative staffed by the Office of the State Courts Administrator (OSCA) and monitored by the Access Workgroup of the Judicial Management Council (JMC). DIY is a way to give court access to people who do not have an attorney. The program asks questions and assembles documents based on the answers given. This project started in 2015 and the JMC formulated a plan to implement the project. The JMC worked with the FCCC to program the interview questions and complete the pleadings and other documents that the parties had to file in court. The project commenced with landlord/tenant, small claims and simplified dissolution of marriage (with no minor child(ren) or property). In December 2016, the FCCC staff presented a demonstration of the progress that was made. There were 22 different interviews in varying stages of development. The interviews will go through a 90-day testing process once completed. The JMC felt the eviction should be tested and deployed first. In February 2017, the JMC was notified the lead staff attorney from FCCC was no longer working on the project. Because of this, there has not been any forward progress on the project. The interview questions are still in progress, but the coding is at a standstill. Murray Silverstein asked what the relationship was with the DIY project and Florida Commission on Access to Civil Justice project. Judge Munyon said Jim Kowalski can address that in his Gateway Portal Update.

AGENDA ITEM IX. Gateway Portal Update

Jim Kowalski gave an update on the Gateway Portal project. The goal of the Gateway is to provide self-represented litigants digital access to the courthouse in family law and landlord tenant law. The project went live in Clay County in October 2016. Since the project's inception, there has been 1,172 visitors to [Florida Legal Access Gateway](#) (FLAG); 2,044 sessions were initiated; and 4,877 pages were viewed. Clay County Clerk's office refers the most visitors to the Gateway website. DIY was turned on to some extent in the Gateway; however, they are more reliant on the Bar Foundation's version of DIY which is available at [Florida Law Help](#). This site uses the Supreme Court approved forms for family law and have developed separate user group forms for evictions and other commonly used forms. Of the 1,172 visitors to FLAG, 297 of them went on to access [Florida Law Help](#). There is a high level of engagement once the users get to [Florida Law Help](#). Exit interview questions are being added to the FLAG site to get an understanding if the filer is really ready to file. Currently, there are four users who accessed the FLAG site and are going through the court process. These users can be tracked from the beginning of the process to the end by using their distinct user ID's. John Stewart asked if there was an income verification process for participants. Mr. Kowalski said there is not an income verification at FLAG because the system does not collect biographical or identifying information. Once the applicant confirms either eviction or family law, they are notified that there are income eligible services that might be able to assist them, but they will have to qualify. They are directed to Three Rivers Legal Services (TRLS) for private evictions and Jacksonville Area Legal Aid (JALA) for public housing evictions. For evictions,

those who fall within 0-200% of the federal poverty line go to either TRLS or JALA. For family law, those who fall within 0-200% of the federal poverty line utilize either DIY or [Florida Law Help](#) as there are no resources for family law throughout the region, and those who fall within 200-400% of the federal poverty line are directed to Clay County Clerk Low Bono program for family law. The next [Florida Commission on Access to Civil Justice](#) meeting is June 2, 2017.

AGENDA ITEM X. Duval County Post Judgement System

Mike Smith gave a demonstration of Duval County Post Judgment System. He said the system was only a proof of concept which plays off of the DIY project and the concept of A2J. Mr. Smith demonstrated post-judgment motions where the individual has already filed an injunction and been to court. The process will result in a digital born document. Mr. Smith said Duval County uses a signature pad that allows self-represented litigants to sign documents as opposed to using /s as a signature. The documents in Duval still require affirmation. The forms can be completed online; however, the litigant still has to go to the courthouse to actually sign the forms. The software used by Duval County matches the software that is going to be implemented at the state level with the A2J project. This allows familiarity. There are a few advantages to using this system: alleviates the amount of time the litigant spends in the courthouse; creates searchable documents; and creates legible documents. Murray Silverstein asked about e-notarization. Mr. Smith said he is having an issue with e-notarization. Florida Statute 117.021 refers to the Florida Department of State rule. The rule says documents can be electronically notarized by using a Public Key Infrastructure (PKI) or by an electronic notary system. Duval is trying not to incorporate PKI because it does not work throughout the entire process from the Portal to the local CMS. Mr. Smith has contacted the Department of State to get a clear definition of electronic notary system to no avail. Justice Polston asked if the pilot is simply to facilitate the completion of forms or does it go through a decision tree process similar to the forms in the DIY project in family law and landlord tenant. Mr. Smith said it is just to facilitate the completion of forms. The litigant chooses the document they want to use. Justice Polston asked if the litigant puts in certain information and then the software tells the litigant what form they need to complete. Mr. Smith said Duval's pilot lists the definition of what each document is and an explanation that is already on the cover sheet of the documents from the Supreme Court. They are careful not to guide the litigant in any way. They hope the definitions will help the litigant file the correct document. John Stewart asked if there were any income requirements. Mr. Smith said there is not an income requirement. Mr. Stewart asked if the clerk staff refer the litigant to legal aid, low bono or a private attorney. Mr. Smith said legal aid information is available. Jim Kowalski said income is not taken into consideration for domestic violence cases. Tom Hall asked if the A2J trademark was the same as the state's A2J, and if so, did Duval go through the same vetting process. Mr. Smith said it is the same trademark, but Duval did not go through the same vetting process because they are only asking the same questions the litigant would see if they were filling out the piece of paper. There is absolutely no legal guidance whatsoever.

AGENDA ITEM XI. Criminal Case Initiation Workgroup Update

Judge Bidwill gave an update on the ability to initiate criminal cases through the Portal. The workgroup evaluated the way criminal cases are currently being initiated and discovered there is a lot of disparity statewide. The stakeholders appear to be receptive to further evaluate implementing a

uniform process within the Portal. There is also disparity in statute tables that are being utilized. Carolyn Weber is going to talk with people who offered ideas and put together a schematic of how this uniformity could be accomplished. After figuring out what can be done, the workgroup will have to consider the cost of implementing such a system.

AGENDA ITEM XII. Portal Subcommittee Update

- a. John Stewart gave an update on the Florida Bar attorney status validation. Subsequent to an attorney registering to file through the Portal and is verified as a member in good standing, there is no specific recommendation or rule in process to verify or check that the attorney status has not changed since first registering with the Portal. The Bar's member in good standing exception list has about fifty different qualifications as to why an attorney might not be a member in good standing. These range from being disbarred or suspended, late paying dues, delinquent in continuing legal education hours, etc. The Bar is trying to figure out if all fifty reasons should prohibit an attorney from filing through the Portal, or if a process should be developed to parse the list of fifty and determine if there are specific reasons an attorney should not be allowed to file. Mr. Stewart will have a recommendation from the Board of Governors at the August FCTC meeting.
- b. Judge Bidwill discussed converting filings to PDF/A. Melvin Cox said the Portal would be interested in having a recommendation from the FCTC that the Portal actually engage in a conversion process. Mr. Cox believes this will allow him to start the process to implement the infrastructure. The issue was tabled to develop specific language. Judge Bidwill will have a recommendation at the August FCTC meeting.

AGENDA ITEM XIII. Abandoned Filings Workgroup Update

Judge Gagliardi said the workgroup developed a proposed standard list of reasons for clerks to use when something is placed in the abandoned filing queue. After several meetings and phone calls, it was determined what the workgroup was working on was not a standard, but more of a procedure and needed to be discussed by the Rules of Judicial Administration (RJA). Judge Gagliardi requested to withdraw the drafted standard for review that was presented at the February FCTC meeting for first reading. The approved standard was:

3.1.8. Review by Clerk of Court - Clerks, via the Florida Courts E-Filing Portal, will review filings and determine whether the required information for placement into the clerk's case maintenance system is present. Filings which cannot be placed into the clerk's case maintenance system due to the following reasons shall be placed in the correction queue:

- (1) Incorrect or missing case number or case style;
- (2) Multiple pleadings filed as one document;
- (3) Multi-page document filed as separate documents;
- (4) Submission filed in wrong county;
- (5) proposed/unsigned order or correspondence to court;
- (6) Document illegible/corrupt/blank; or
- (7) Other: (insert county specific reason why the filing cannot be accepted into the clerk's case maintenance system).

When a filing is placed in the correction queue, the clerk will notify the filer to correct the identified issue(s) through the automated Portal correction queue process. Electronic

notification will be effectuated upon all originally e-serviced recipients when a submission is:

- (1) Placed in the correction queue by clerk;
- (2) Resubmitted after correction by filer; or
- (3) Placed in the abandoned filings queue by clerk.

Filings will remain in the correction queue for at least 5 (five) business days, after which time filings will be sent to the local clerk as unfiled and marked as abandoned. Thereafter, the filings shall be retained by the local clerk in compliance with current retention standards under RJA.

Motion to withdraw the drafted standard 3.1.8 Review by Clerks of Court that was approved as a first reading at the February 2, 2017 FCTC meeting.

MOTION OFFERED: Judge Josephine Gagliardi

MOTION SECONDED: Judge Robert Hilliard

MOTION CARRIED UNANIMIOUSLY

AGENDA ITEM XIV. Operational Procedure Review Workgroup Update

Judge Gagliardi said the workgroup is diligently working on updating the Operational Procedures, but is not ready to make a recommendation to the FCTC as of yet.

AGENDA ITEM XV. ACTC Update

Judge Northcutt said the Second DCA has joined the other DCAs. As of May 1, 2017, the Second DCA is using a hybrid system of eFACTS and eDCA. There are approximately 1,900 registered users. eFACTS has a change advisory board that meets regularly. eFACTS is currently on version 3. All of the DCAs are projected to be integrated to version 4 by the fall of 2018.

AGENDA ITEM XIII. Access Governance Board Update

a. Judge Hilliard briefly discussed Seminole County's online electronic records access application.

Motion to approve Seminole County's Online Electronic Records Access application for Public Internet (Anonymous).

MOTION OFFERED: Judge Robert Hilliard

MOTION SECONDED: Chris Blakeslee

MOTION CARRIED UNANIMIOUSLY

b. Judge Hilliard said the Board received a letter from Joseph George, an attorney in Miami-Dade County requesting to modify the Access Security Matrix to allow parents caring for disabled children to have access to court files. The Board reviewed the request and decided to examine the matrix in detail to determine if the issue of parents caring for disabled children would fit in a category already identified on the matrix, and if not, the Board would add a category to accommodate this case type.

Second Reading: Motion to modify the Access Security Matrix to add Guardian Advocacy (Developmental Disabilities) to the Guardianship case type, add the appropriate statute of 393.12 to the applicable rules and statutes, and change the Party Access level from C to B.

MOTION OFFERED: Judge Robert Hilliard

MOTION SECONDED: Chris Blakeslee

MOTION CARRIED UNANIMIOUSLY

c. Judge Hilliard discussed the draft Agency Agreement, Registered User Agreement and Gatekeeper Agreement that was composed to create uniformity statewide. The agreements outline clerk, agency and registered users responsibilities, gatekeeper administration, and limitations and liabilities. These agreements were presented to the FCTC on February 2, 2017; however, after discussion at the Board's May 17, 2017 meeting, Judge Hilliard requested permission to defer voting on these agreements as areas that need additional research were identified. The Board will have a recommendation at the August FCTC meeting.

d. Judge Hilliard discussed a proposed form to be submitted to the Board when a request is made to change the standards or matrix.

Second Reading: Motion to approve the Request Form to Amend the Standards for Access to Electronic Court Records or the Access Security Matrix.

MOTION OFFERED: Judge Robert Hilliard

MOTION SECONDED: Judge Josephine Gagliardi

MOTION CARRIED UNANIMIOUSLY

e. Judge Hilliard discussed the continuing project of aligning the *Access Security Matrix* and the *Standards for Access to Electronic Court Records*. A small workgroup consisting of Board members and clerk representatives from Brevard, Manatee, and Polk counties is trying to rectify the discrepancies in the two documents. This is an ongoing project and Judge Hilliard will have an update at the August FCTC meeting.

f. Chris Blakeslee said Hillsborough County Clerk of Court asked if there was a standard to backup online records similar to that for electronic filing. It was determined that this is an issue that should be referred to the Technical Standards Subcommittee. The subcommittee will develop language to cover all electronic systems.

AGENDA ITEM XVII. Technical Standards Subcommittee Update

a. Mike Smith said the Document Storage Workgroup referred the use of color; digital signatures; and form fields to the Technical Standards Subcommittee for further review. The subcommittee needs to work with the clerks on the use of color. Adding color to documents will change the size of documents. In regards to true digital signatures, there is no way a clerk can store those right now. The subcommittee is thinking about recommending not to use digital signatures. The subcommittee is going to work with the RJAC to look at all of the forms that use electronic signatures. The subcommittee wants to make sure the use of keypads is researched as well. In the

future, the subcommittee will review the use of smart devices for signing documents. This will probably have to go to the RJAC. Mr. Smith is doing some research locally on form fields and will report his findings back to the group. The subcommittee is also going to look into developing a standard on how parties are e-served documents once a filing is placed in the correction queue. Judge Stephens said the RJAC is taking up the abandoned filing issue as well as the corrected filings issue so the subcommittee does not have to do anything with this issue.

b. Mike Smith said Murray Silverstein is going to discuss standard 3.5.3 Original Documents or Handwritten Signatures in more detail during the Joint FCTC/RJA Workgroup update.

AGENDA ITEM XVIII. RJA Update

Judge Stephens discussed proposed changes to several rules. The rules were rewritten to match current practices of electronic filing. New rule 2.511 Florida Courts E-Filing Portal, establishes the Portal as the central electronic court filing facility that accepts court documents for filing in Florida courts and transmits them to the clerks who maintain the case files. The rule proposes to make use of the Portal mandatory. An attorney from Tampa said the proposed language concerns him because the language requires attorneys to file for themselves. Judge Stephens said the attorney can either file themselves or provide their login credentials to someone to file on their behalf. Mr. Hughes said he has a third party filing company and attorney credentials are not needed for batch filing as the attorneys batch file directly through the third party company. Judge Stephens said he does not know how an attorney can be authenticated without their credentials. Mr. Hughes said the company uses the attorney's username to log in. Judge Stephens said the fact that your login credentials identify you uniquely to the system has not changed; therefore, he does not think the proposed rule will affect batch filing. Murray Silverstein said [Ethics Opinion 12-2](#) addresses this issue and was created to delegate authority to a trusted employee specifically within the office of an attorney. Batch filing deals with volume so there is a disconnect that has to be addressed between the certification of the filer and delegating that authority to a third party to batch file. Mr. Hughes said the last paragraph of [Ethics Opinion 12-2](#) uses the term "ministerial task" and not "employee". He spoke with the Bar about four years ago and the Bar said they cannot exclude hired employees from third party agencies. They are not employees of the attorney as they work for the employment agency and they cannot exclude temporary employees. Mr. Hughes said this is akin to him picking up the paper from an attorney's office, driving down to the courthouse and filing the document for the attorney. The opinion seems to indicate it is okay as long as the party filing the document is authorized by the attorney. Mr. Hughes said he was under the impression that the proposed new rule indicated that the attorney signing the document had to process the document themselves. Mr. Silverstein said the FCTC is not the body that promulgates the rules, that is done by the RJAC. He reminded Mr. Hughes that the proposed rule is in draft format. Mr. Silverstein also stated that the Bar is looking at [Ethics Opinion 12-2](#). Judge Munyon advised Mr. Hughes that he may want to attend the meetings of the RJAC. Tom Hall said when batch filing originally came up he contacted the Bar on behalf of the E-Filing Authority Board as the Authority Board was concerned about violating ethics rules. Mr. Hall was told the Authority Board did not have to worry about that. He does not think the Bar feels batch filing is a problem. Jon Lin asked if proposed rule 2.511(a)(1) affect CAPS viewers that electronically file directly with the clerks and does not go through the Portal and those same counties may have alternate electronic filing through the clerk's CMS. Judge

Stephens said the exceptions are addressed in rule 2.525(c). Jim Kowalski asked about the Authority Board's requirement to give a 45 day notice before implementing any changes to the Portal. He asked if there was a reason to make that longer. Judge Munyon said the Authority Board sends her a letter outlining the proposed changes and she sends the changes to the FCTC for comments or concerns. Judge Stephens also stated the 45 day requirement is in the interlocal agreement between the trial court clerks of court and the clerk of the Florida Supreme Court. He said that is a mechanism by which the FCTC indirectly governs the Portal if needed without micromanaging.

Motion to approve in concept the path the Rules of Judicial Administration Committee is proceeding with in updating electronic filing rules 2.515-2.525.

MOTION OFFERED: Tom Genung

MOTION SECONDED: Judge Ron Ficarrota

Mr. Silverstein wanted to let the FCTC know there are some ancillary rules that will go along with the proposed rules.

MOTION CARRIED UNANIMOUSLY

Judge Stephens said one of the proposed changes to Rule 2.515 Signature and Certificates of Attorneys and Parties include changing the name to Signature and Representations to Court. If a person files the document the filer is representing that everyone who is identified as a signer on the document has consented to be a signer on the document and gave the filer the authority represent to the court that they are a signer on that document. The RJAC tried to follow the model in [Federal Rule 11](#). The RJAC has explicitly authorized electronic signatures and most documents are signed electronically. The RJAC is not trying to define the general law of signature, instead the RJAC is only defining signature for the purpose of signing a pleading or other documents to be filed and served in a pending action. The RJAC added a subsection for paper documents and proposed to use the term "submit to the clerk for filing". The RJAC is also going to propose that, going forward, the electronic file is the court file. Mr. Silverstein will discuss this further during the FCTC/RJA Joint Workgroup update. Judge Stephens said although the RJAC followed [Federal Rule 11](#), the RJAC opted to omit sanction provisions. Judge Stephens went on to discuss changes to Rule 2.516 Service. He said the proposed changes require things that are being served follow the same requirements of things that are being filed. The rule discusses service by the Portal. This rule also relegates the technical aspects to the FCTC. Additionally, electronic service on judges was added to this rule. A judge cannot be served unless it is required by statute, rule, administrative order, or court order. Lastly, Judge Stephens discussed proposed changes to Rule 2.525 Electronic Filing. The RJAC changed the name to just Filing as almost all filings will be electronic. This rule recognizes the official court file as an all electronic file. Documents in the file come through the Portal to the local clerk or directly to the local clerk. Self-represented litigants can submit paper to the clerk and the clerk can convert that to an electronic document and put it in an electronic file. The clerk can dispose of documents unless there is a reason the document needs to be kept (i.e., evidentiary value, certain documents that are required to be kept). This rule also discuss notarized documents. If a document is notarized in paper, a picture can be taken of the document and put in the file electronically. Judge Munyon asked if a

paper document is submitted by judges in open court would go hand in hand with any revisions to the rendition rule. Judge Stephens said the RJAC wants to see what the appellate court does with the rendition rule before addressing that.

AGENDA ITEM XIX. FCTC/RJA Joint Workgroup Update

Murray Silverstein said the question of whether clerks' offices are required to retain paper documents as part of the court file after they have been digitally imaged for permanent retention was referred to the joint workgroup. There are different interpretations of standard 3.5.3 Original Documents or Handwritten Signatures in the *Standards for Electronic Access to the Courts*. The clerks are looking at court rules, administrative orders, and technical standards trying to determine what an original document is and what has to be kept in a court file. Mr. Silverstein said there are very few pronouncements of legal stature that require paper. Wills and codicils are required to be kept for 20 years in their original form according to Probate Rule 5.043 and Florida Statute Section 732.901. This may change with the advent of the [Florida Electronic Wills Act](#). Adoptions are not required to be electronically filed. Florida Rule of Civil Procedure 1.115(c) requires a certification by counsel for the claimant that may have possession of the original note, but the promissory note does not have to be filed until the party is ready for judgment. This is creating some misinterpretation. Is the note being filed because it has to be a permanent part of the court file or for evidentiary purposes? This is something that will be referred to the Civil Rules Committee. Florida Rule of Criminal Procedure 3.030(c) has some language that is antiquated. The joint workgroup is finessing the issue with the Criminal Rules Committee, the Florida Prosecuting Attorneys Association, and the Florida Public Defender Association to discuss another workaround so that paper will not be kept in the file. To answer the original question, the joint workgroup does not think clerks should be required to keep paper except in only the most limited circumstances identified. Mr. Silverstein referenced a report prepared by the joint workgroup and the lengthy [Appendix to Original Documents Report of the Joint FCTC/RJAC Workgroup](#). He said Rule 2.525 Filing generally says the official court file is a set of electronic documents stored in a computer system maintained by the clerk. This makes the court file digital. Ancillary language, "together with any supplemental non-electronic documents and materials authorized by this rule" will be removed. The documents in the official court file are deemed originals for all purposes except as otherwise provided by statute or rule. This includes the exceptions that were mentioned earlier (i.e., probate, family, certain criminal, and maybe a promissory note in foreclosure). Mr. Silverstein discussed the retention schedule. Once a document is permanently recorded (i.e., microfilmed, optically imaged, or recorded onto an electronic record keeping system) it may be destroyed or otherwise disposed of by the clerk at any time after a judgment has become final. A retention schedule needs to be updated for documents that are not permanently recorded. Mr. Silverstein went on to discuss Florida Rule of Criminal Procedure 3.030(c) which states, "Deposit with Clerk: Any paper document that is a judgment and sentence or required by statute or rule to be sworn to or notarized shall be filed and deposited with the clerk immediately thereafter. The clerk shall maintain deposited original paper documents in accordance with Florida Rule of Judicial Administration 2.430, unless otherwise ordered by the court." There is no requirement that says documents "sworn to or notarized" have to be in paper. Until the technological process of electronic notarization is perfected, paper will be the original source for notarization. Once a notarized paper document is scanned and converted to an image, that file is digital and is part of the court file. There is no need

to keep the paper. For evidentiary purposes, where there may be a need to challenge the veracity or the methodology in which the signature was affixed, paper has to be kept to analyze the ink. Who is required to maintain that paper? The proposed rule that is being considered will have the original paper go to the person who created it. The clerks are required to maintain evidence, but the evidence is not required to be maintained in a court file. Mr. Silverstein said the RJA is going to handle the rules mentioned above, but the FCTC needs to make a decision on standard 3.5.3 Original Documents or Handwritten Signatures in the *Standards for Electronic Access to the Courts*. This standard states, "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." This language is old and archaic. The standard was created in 2009 after the legislature mandated statewide electronic filing. As stated earlier, there are different interpretations of this standard. Mr. Silverstein asked if there needs to be a standard that addresses original documents. If not, he thinks the standard needs to be deleted.

First Reading: Motion to delete standard 3.5.3 Original Documents or Handwritten Signatures in the Standards for Electronic Access to the Courts, which states "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."

MOTION OFFERED: Murray Silverstein

MOTION SECONDED: Chris Blakeslee

Judge Munyon asked if this standard should be deleted before the proposed changes to Rule 2.525 is adopted by the court. Mr. Silverstein said from a sense of organization, 3.5.3 should no longer be given any authority. If this standard is obliterated, should additional language be added to the standards that address original documents? Laird Lile asked what happens to original wills if this standard is obliterated. Mr. Silverstein said the statute and rules of procedure govern wills. He said this should never be elevated to the stature of the Rules of Procedure or Rules of Court. Tom Hall said he was in favor of getting rid of the standard because it is a procedural standard and not a technical standard. Carol LoCicero from Thomas & LoCicero said she does not think the constitutional issues are being considered in deciding what is appropriate to do with eliminating paper when paper is what is filed with the court. The constitution provision talks about whatever is made or received in paper will be what is in the court file. Judge Munyon said the RJAC will have to look at that issue.

MOTION CARRIED UNANIMIOUSLY

AGENDA ITEM XX. Other Items/Wrap Up

Joseph George, Esquire from Miami thanked Judge Hilliard for his efforts in bringing the simplified access to parents caring for disabled children to the attention of the Access Governance Board. He also thanked the Access Governance Board members and the FCTC for moving forward on the initiative and voting to update the Access Security Matrix to provide this access.

Judge Munyon advised everyone the next FCTC meeting is scheduled for August 2-3, 2017 in

Tallahassee.

Motion to adjourn the FCTC meeting

MOTION OFFERED: Judge Josephine Gagliardi

MOTION SECOND: Judge Terence Perkins

MOTION CARRIED UNANIMIOUSLY