

Florida Courts Technology Commission Meeting Summary

February 2, 2017

A meeting of the Florida Courts Technology Commission was held at the DoubleTree Hotel in Orlando, Florida on February 2, 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 Robert Hilliard, Santa Rosa County
Judge Josephine Gagliardi, Lee County
Judge Terence Perkins, 7th Circuit
Jim Kowalski, Jr., Esq., Jacksonville Area Legal Aid
Thomas Genung, Trial Court Administrator, 19th Circuit
Sandra Lonergan, Trial Court Administrator, 11th Circuit
Matt Benefiel, Trial Court Administrator, 9th Circuit
Sharon Bock, Clerk of Court, Palm Beach County
Lonn Weissblum, Clerk of Court, 4th DCA
Elisa Miller, Akerman LLP

Judge Martin Bidwill, 17th Circuit
Judge Scott Stephens, 13th Circuit
Judge Ronald Ficarrota, 13th Circuit
Murray Silverstein, Esq., Tampa
Laird Lile, Esq., Naples
Christina Blakeslee, CTO, 13th Circuit
John M. Stewart, Esq., Vero Beach
Mike Smith, CTO, 4th Circuit
Ken Nelson, CTO, 6th Circuit
Tanya Jackson, Adam Street Advocates

Members not in attendance

Judge Stevan Northcutt, 2nd DCA
David Ellspermann, Clerk of Court, Marion County

Judge Cory Ciklin, 4th DCA
Karen Rushing, Clerk of Court, Sarasota County

OSCA and Supreme Court Staff in attendance

PK Jameson
John Tomasino, Clerk of the Supreme Court
Lakisha Hall

Roosevelt Sawyer, Jr.
Alan Neubauer
Jeannine Moore

Other Attendees

Dennis Menendez, CIO, 12th Circuit
Craig McLean, CIO, 20th Circuit
Fred Buhl, CTO, 8th Circuit
Ken Nelson, CTO, 6th Circuit
Robin Kelley, CTO, 7th Circuit
Gerald Land, CTO, 16th Circuit
Isaac Shuler, CTO, 2nd Circuit
Jon Lin, TCA, 5th Circuit
Melvin Cox, Florida Court Clerks and Comptrollers
Carolyn Weber, Florida Court Clerks and Comptrollers
Tyler Winik, Brevard County Clerk of Court
Mendi Patterson, Brevard County Clerk of Court

Noel Chessman, CTO, 15th Circuit
Robert Adelardi, CTO, 11th Circuit
Terry Rodgers, CTO, 5th Circuit
Brian Franza, CTO, 10th Circuit
Craig Van Brussel, CTO, 1st Circuit
Sunny Nemade, CTO, 17th Circuit
Jim Weaver, 6th Circuit
Paul Silverman, TCA, 8th Circuit
Tom Hall, Florida Court Clerks and Comptrollers
Gerald Cates, Duval County Clerk of Court
Harold Sample, Pasco County Clerk of Court
Brent Holladay, Lake County Clerk of Court

Carole Pettijohn, Manatee County Clerk of Court
Laurie Reaves, Miami-Dade County Clerk of Court
Angel Colonnese, Manatee County Clerk of Court
Paul Jones, Palm Beach County Clerk of Court
Heather Hollmann, Brevard County Clerk of Court
Shahid Khoja, Seminole County Clerk of Court
Tom Leighton, Thomson Reuters
Dario Diaz, Florida Bar
Rick De Maria, Florida Public Defenders Assoc.
Scott Curran, Vista Solutions Group
Steve Green, Equivant
Dave Johnson, Mentis Technology Solutions
Christopher Campbell, Florida Court Clerks and
Comptrollers

Laura Roth, Volusia County Clerk of Court
Jeff Taylor, Manatee County Clerk of Court
Linda Doggett, Lee County Clerk of Court
Mike Phelps, Polk County Clerk of Court
Matt Whyte, Manatee County Clerk of Court
Mark Ware, Hillsborough County Clerk of Court
Chris Short, Pinellas County Clerk of Court
Thomas Morris, State Attorney 8th Circuit
Frances Cox, Vista Solutions Group
Carol LoCicero, Thomas & LoCicero
Brian Murphy, Mentis Technology Solutions
Joseph George, Joseph P. George, Jr., P.A.
Larry Anderson, Hewlett Packard Enterprise

AGENDA ITEM I. Welcome

- a. Judge Munyon welcomed the commission members and other participants to the meeting. She thanked the Real Property, Probate and Trust Law Section of the Florida Bar for their sponsorship in providing refreshments for the meeting. Judge Munyon updated everyone on the recent resignations and new replacement of members on the FCTC. 4th DCA Chief Judge, Cory Ciklin has replaced Justice Alan Lawson; 4th DCA Clerk of Court, Lonn Weissblum has replaced Mary Cay Blanks; 4th Circuit CTO, Mike Smith has replaced Jannet Lewis. Mike Smith and Lonn Weissblum both were honored to be a part of the Commission.
- b. Roll Call was taken with a quorum present. Judge Munyon reminded everyone that the meeting was being recorded.

AGENDA ITEM II. Approval of November Minutes

Motion to approve the minutes from the November 18, 2016 meeting of the Florida Courts Technology Commission.

MOTION OFFERED: Laird Lile

MOTION SECONDED: Tom Genung

MOTION CARRIED

AGENDA ITEM III. FCTC Action Summary

Motion to accept the Florida Courts Technology Commission's Action Summary from the November 18, 2016 meeting.

MOTION OFFERED: Judge Josephine Gagliardi

MOTION SECONDED: Laird Life

MOTION CARRIED

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

- a. Alan Neubauer gave an update on the progress of implementing the CAPS viewers. Since the last meeting, there has only been one change in deployment with Nassau County deploying ICMS in December 2016 with basic functionality. Alan referred to the progress report included in the materials and noted several counties have pushed back their deployment dates.
- b. Alan continued with an update on the functionality of the CAPS viewers. Currently, Lake County is only county that has a scheduled deployment date for the viewer's ability to e-sign and file orders via the Portal. As noted on the Functionality Matrix, several circuits are working on deploying the ability for their viewer to receive orders via the Portal.

AGENDA ITEM V. Portal Progress Report

- a. Carolyn Weber discussed the Portal usage statistics. In the month of December, there were 1,118,754 filings through the Portal, of which 1,113,754 were submissions to the trial courts; 669 were submissions to the Department of Corrections (DOC); 2,781 were submissions to the Second District Court of Appeal; and 1,050 were submissions to the Florida Supreme Court. With ten counties receiving proposed orders electronically through the Portal, there were 1,785 proposed orders submitted electronically through the Portal. For the year, the monthly average for electronic submissions through the Portal was 1,194,608. Approximately 1.92% of filings were placed in the pending queue to be returned to the filer for correction. Roughly 21,490 submissions were in the correction queue for returns to the filer, of which 52% were corrected and resubmitted and 47% created new submission or abandoned the filing. Murray Silverstein inquired on the average length of time it takes before a filing is resubmitted. Carolyn explained the submission will stay in the correction queue for 7 days, then it is removed and placed into the abandoned filings queue, if the filer does not correct the filing. When the filer chooses to correct and resubmit a filing, it is usually within a day. Murray inquired on timing thereafter. Carolyn stated there is an automated ability for filings that remain in the correction queue over 7 days to be automatically moved to the abandoned filings queue and the filer is notified of such. Carolyn went on to provide the breakdown of corrected submissions by filer role as well as the percentages of filings returned. The number of self-represented litigants accounts and submissions continue to increase. Judge Munyon questioned if there is a period of time where a pro-se litigant's account is dormant that it will close the account. Carolyn stated that functionality has not been built into the system and should be looked at for a future enhancement due to the multiple user accounts that are being created. Carolyn continued on with an update on counties submitting proposed orders to the Portal via their CAPS viewer. Over 28,000 submissions have been e-filed through the CAPS viewers. These numbers should grow as the viewers are implemented and judges start using the viewers for filing to the Portal or to their CMS. Over 33,000 judicial single session filings

- have occurred through the Portal.
- b. Carolyn Weber gave an update on the Portal service desk. The service desk takes calls regarding customer service incidents along with technical and system support incidents. Customer service incidents decreased from November. Roughly 2,136 customer service incidents were received during December 2016. On average it took 17 minutes to respond to an incident and 48 minutes to resolve an incident. While the total number of customer service incidents decreased for judges and attorneys, pro se litigants increased slightly. A total of 329 technical/system support incidents were received during December 2016. On average it took 25 minutes to respond to an incident and 3 hours and 45 minutes to resolve an incident. Carolyn showed the top 10 types of incidents the service desk received based on filer role.
 - c. Carolyn briefly discussed the Portal Release 2017.01 that is set to go into production on April 28, 2017. Most of the enhancements in this release are focused on the clerk's side with fee restructuring. A couple of enhancements on the filer side will be the introduction of the proposed probation warrant filing path into the Portal, similar to the proposed order filing path and adding the ability for clerks to submit reports electronically to the Bureau of Vital Statistics.
 - d. Carolyn gave a brief update on the third party batch filing. The end of the testing time has been extended to February 28, 2017. The FCCC is working with six vendors that are pursuing becoming certified in providing the third party access to the Portal. The vendors are working on their applications and doing testing in the quality assurance (QA) environment with all of the different filing paths and divisions that they are going to be filing to. With the vendors going into production at the same time and depending on when they all complete their testing, the end of the testing date could be extended out further.
 - e. Carolyn referred to the letter in the materials that was sent regarding the additional Portal security measures that will be implemented in the next release scheduled for April 28, 2017. The security measures were approved at the last FCTC meeting and the letter serves as the 90-day notice of Portal modifications to the FCTC. The filers were notified of the modification last week.

AGENDA ITEM VI. Appellate Portal Interface Update

Alan Neubauer gave a brief update on the progress of the appellate portal interface. The Information Systems Services (ISS) staff at OSCA is working with the FCCC and currently waiting on the Portal configuration extract from the 2nd DCA and the response to OSCA's Office of Information Technology (OIT) docket code consolidation questions to move forward. These items are due at the end of February 2017. An additional change in the notification service is being considered to alert OIT when filings are stuck in the Portal beyond an agreed on length of time. There is an anticipated integration schedule for the 1st, 3rd, 4th and 5th DCAs in September 2018. The Portal e-service integration is scheduled for November 2018, with the attorney/party web Portal scheduled for December 2018. Alan commented on the 2nd DCA implementation of iDCA/eDCA, which is anticipated for the end of February 2017. This is an interim solution that will provide some functionality until it can be developed in eFACTS. Judge Munyon questioned the anticipation of the Portal integration for the 1st, 3rd, 4th and 5th DCA being done at one time or staggered. Alan replied most likely in a staggered schedule, that

way refinement processes can be done at intervals and not have a statewide impact. Judge Stephens questioned the target date of all DCA's utilizing the Portal for mandatory rulemaking purposes. Alan confirmed the end of 2018 is the target date. Clerk Weissblum noted one issue with appellate records is the size of documents that the Portal will accept. Alan replied the megabyte issue is being included in the discussions with the appellate record being so large. Carolyn stated the concern with e-service is the breakdown of documents for multiple e-service recipients. Tom Hall stated the eDCA system does not serve documents and questioned the attorney/party web Portal. Alan replied it is the ability for the attorneys/parties to view the documents. Judge Munyon questioned the need to serve the record on appeal if it is available for viewing in the iDCA/eDCA system with regard to the rule requirement. Tom replied currently there is no requirement that the record on appeal be served. Clerk Bock realizing the technical issues with this subject, will request it to be placed on the E-Filing Authority's next agenda. She will provide a response at the next FCTC meeting in May.

AGENDA ITEM VII. Portal Subcommittee Update

- a. Judge Bidwill gave a brief update on the Criminal Case Initiation workgroup. The preliminary workgroup has been established and will be meeting in the near future to begin the process of establishing criminal case initiation through the Portal.
- b. Judge Bidwill discussed the policy of allowing attorneys to opt out of e-service. The subcommittee concluded that this was not a Portal issue but that of the Florida Bar. No further action was required from the subcommittee and it would be referred over to the Bar for appropriate action.
- c. Judge Bidwill referred to the Document Storage Update that will be speaking on this issue later in the meeting.
- d. Judge Bidwill discussed the request for adding an Arbitrator filer role to the Portal. The subcommittee concluded with the following motion:

Motion to expand the role currently labeled mediator to include arbitrators and rename as mediator/arbitrator.

MOTION OFFERED: Judge Martin Bidwill

MOTION SECONDED: Judge Robert Hilliard

MOTION CARRIED

- e. Judge Bidwill explained the issue of attorneys not in good standing with the Florida Bar and the suggestion of not allowing them to file with the Portal. The subcommittee concluded that the Florida Bar would be taking further action on this by referring the issue to the Board of Governors Technology Committee to determine the parameters. Follow-up information will be provided at the next FCTC meeting in May.
- f. Judge Bidwill referenced the example of the e-filed orders in the materials and the placement of the judge's signature. Judge Bidwill explained the manner of which the 17th circuit's viewer affixes the electronic signature on the bottom of the document and not on the signature line

already on the document. The concern of displacement could easily be missed and assume that the order is a proposed order as opposed to a fully executed one. The subcommittee concluded with the following two part motion.

Motion for the FCTC to recommend to the RJAC adoption of a rule authorizing electronic signatures by judicial officers, staff, and clerks, and the creation of a concurrent standard addressing uniform placement of signatures.

MOTION OFFERED: Judge Martin Bidwill

MOTION SECONDED: Murray Silverstein

Murray Silverstein referenced the current standard on electronic signatures. Laird Lile questioned the two part motion and the RJAC currently working with electronic judicial signatures. Murray agreed and moved to amend the motion.

Motion for the FCTC to recommend to the RJAC adoption of a rule authorizing electronic signatures by judicial officers, staff, and clerks; and, for the FCTC create a concurrent standard addressing uniform placement of signatures.

Judge Bidwill accepted the modification to the motion, however proposed the motions separately.

Motion for the FCTC to recommend to the RJAC adoption of a rule authorizing electronic signatures by judicial officers, staff, and clerks.

Murray accepted the amendment. Judge Stephens commented on RJAC timeframes and requested prompt action by the RJAC.

Motion for the FCTC to recommend to the RJAC's prompt adoption of a rule authorizing electronic signatures by judicial officers, staff, and clerks.

Judge Bidwill and Murray both accepted the amendment. Tom Hall questioned the "staff" and who this will include. Judge Munyon responded that is referred to judicial assistants who sign on behalf of judges. John Stewart suggested keeping with the standard language and include authorized users instead. Murray agreed and referenced the standard language including judicial officers and clerks signatures only and recommended amending the motion to delete "staff".

Motion for the FCTC to recommend to the RJAC's prompt adoption of a rule authorizing electronic signatures by judicial officers and clerks.

Judge Bidwill and Murray both accepted the amendment.

MOTION CARRIED

Judge Bidwill continued with the second motion regarding the uniform placement of electronic signatures.

Motion for the FCTC to evaluate the need for a standard addressing uniform placement of judicial signatures.

MOTION OFFERED: Judge Martin Bidwill

MOTION SECONDED: Murray Silverstein

Laird Lile commented on the necessity of the motion and that the chair could appropriately assign tasks. Judge Munyon agreed, stating that reflecting such could lead to prioritization. Jim Kowalski questioned the previous motion including judicial officers and clerks recommended both be included in the standard evaluation for uniformity. Judge Bidwill agreed and amended the motion to include clerks.

Motion for the FCTC to evaluate the need for a standard addressing uniform placement of judicial officers and clerks signatures.

Murray accepted the amendment. Clerk Bock discussed the constant issue of identity theft and making judges aware that their signature will be published on the internet. Clerk Bock requested consideration of avoiding identity theft in the evaluation.

MOTION CARRIED

Judge Bidwill brought up a further matter pertaining to sealed arbitration reports that was discussed at the subcommittee meeting.

Motion for the FCTC to recommend to the RJA-Civil Rules of Procedure be amended to allow for sealed documents in the Portal.

MOTION OFFERED: Judge Martin Bidwill

MOTION SECONDED: Murray Silverstein

Murray referred to the *Rules of Civil Procedure* 1.820 and the reference of the 1994 Amendment regarding the Supreme Court Committee on Mediation and Arbitration Rules and suggested an amendment to the motion.

Motion for the FCTC to recommend to the RJAC, the Committee on Rules of Civil Procedure and to the Supreme Court Committee on Mediation and Arbitration Rules, the consideration of a rule amendment to address the electronic submission of sealed arbitration reports.

Judge Bidwill and Murray both accepted the amendment. Tom Hall stated currently there is no requirement in the standards for the Portal and no way of designating a document as sealed. John Tomasino clarified for the motion, the Supreme Court committee is called Alternate Dispute Resolution Rules and Policy. John further stated the Supreme Court does accept sealed Pre-Sentence Investigations (PSI's) on capital cases with a cover letter page indicating such.

Motion for the FCTC to recommend to the RJAC, the Committee on Rules of Civil Procedure and to the Supreme Court Committee on Alternative Dispute Resolution Rules and Policy, the consideration of a rule amendment to address the electronic submission of sealed arbitration reports.

Judge Bidwill and Murray both accepted the amendment. John Tomasino suggested to address Judge Stephens comment earlier and include an out of cycle rule amendment.

Motion for the FCTC to recommend to the RJAC, the Committee on Rules of Civil Procedure and to the Supreme Court Committee on Alternative Dispute Resolution Rules and Policy, the consideration of an out of cycle rule amendment to address the electronic submission of sealed arbitration reports.

Judge Bidwill and Murray both accepted the amendment.

MOTION CARRIED

Judge Bidwill moved forward with a motion for the standards committee.

Motion for the FCTC to recommend the Standards committee consider the method by which the Portal could receive sealed documents.

MOTION OFFERED: Judge Martin Bidwill

MOTION SECONDED: Murray Silverstein

Murray discussed sealed filings that are not usually filed through the Portal and feels this is not a Portal issue. The issue is more of a policy change and determining if there is still a need for sealed arbitrator reports. Laird stated the policy change is asking the standards committee to determine the method, as attorneys are required by rule to file through the Portal. Judge Stephens agreed on reviewing as the RJA is moving forward to make the use of the Portal mandatory for filing. Mike Smith questioned which standards committee would be performing the evaluation. Judge Bidwill amended the motion to include Technical Standards committee.

Motion for the FCTC to recommend the Technical Standards committee consider the method by which the Portal could receive sealed documents.

Judge Bidwill and Murray both accepted the amendment. Tyler Winik discussed that the electronic marking of sealed documents is not the same as in the paper world. Changing the standard wouldn't necessarily mean changing what clerks are doing in their case management or document management systems and the processes will vary.

MOTION CARRIED

AGENDA ITEM VIII. CCIS 3.0 Update

Linda Doggett gave an update on CCIS 3.0. CCIS is outlined in Florida Statutes section 28.24 and provides controlled access to court records for governmental agencies. Over the years, CCIS has been upgraded and in 2013 a strategic plan was developed by the clerks to move forward with technology on a statewide basis for court clerks. One of the clerks' objectives was to ensure we were aligning the goals for technology with the courts as well as other judicial partners. The most foundational technology goal was upgrading CCIS to 3.0. Upgrades have been completed in 63 counties with the remaining counties anticipating implementation by the end of the quarter. The four additional benefits for partnering agencies in 3.0 is the 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 retrieved in real-time; and additional data elements were added to improve search capabilities. In evaluating the clerk systems, realization of pulling that data from every CMS into the CCIS Portal is very valuable to the nineteen government organizations. Murray questioned viewing the progress docket in different counties. Melvin explained for someone viewing cases across counties or circuits, a common view is set up in CCIS that pulls the requested case information by data exchanges and web services that are tied to all of the 67 counties. Laird questioned when this statewide viewing capability can be accessed. Melvin replied that it is available now. Clerk Sharon Bock further explained that currently it is limited to access within the nineteen different governmental agencies. The concept of a statewide uniform application of documents that is comprehensive throughout all 67 counties exists today. The concern is should the FCTC and the Florida Bar examine for efficiency and expand the user groups for a central viewing platform. Judge Munyon questioned the statute defining the nineteen governmental agencies. Clerk Doggett replied the statute refers to statewide and does not specify the governmental agencies. Laird commented that lawyers would love access to this for uniformity and potentially be the largest stakeholder in accessing cases around the state. Judge Munyon inquired on the information being transferred from *or* to the e-filing Portal. Clerk Doggett explained when you file through the e-filing Portal, you are able to view the docket with a standard interface for presentation of the data. Melvin added the CCIS Portal is used for case validation as well as integration with the e-filing Portal. Clerk Doggett continued with the update and noted the clerks' goal was to improve the quality, efficiency and expediency of the data on the services the clerks' provide to the judicial partners. Clerk Doggett referred to Melvin to discuss the search screens. Melvin displayed a screen shot of what the statewide person search and case search interface looks like. Murray inquired on the CCIS access expansion to lawyers and if they should participate in the next E-Filing Authority meeting regarding this subject. Melvin explained CCIS was built before the opening of records to the public/lawyers. Although the security model is very similar

to the matrix, it only extended the access to governmental agencies that were statutorily allowed to view certain records online. When the moratorium was lifted, the clerks implemented local solutions for accessing court records. The data exchanges in CCIS have been built-in for a security model that could be developed statewide. Carol LoCicero inquired on moving towards electronic access to outside internal system users and confirmed it would open up to the public or a registered user category which would include more than just lawyers. Judge Munyon replied once that path is determined, it would have to abide by the administrative order of the Supreme Court and the Security Matrix as well. Melvin continued with the person search and demonstrated that CCIS can perform a statewide search of all cases. When the data is changed in the CMS, it is pushed to CCIS instantaneous for real time data. CCIS 3.0 utilizes national and statewide standards and currently working to implement the *Electronic Records Security Matrix* standard in 2017. Clerk Doggett continued with the strategic plan being focused on adding enhancements and features to CCIS which will implement a data quality process for the assurance of accurate data. These enhancements will be able to provide data services through integration with justice partners to promote collaboration, partnerships, transparency and information sharing. Tom Hall inquired on adding the appellant courts to the system. Melvin responded that the standard data exchanges are already built-in to CCIS and in order to implement the appellant courts a data exchange would have to be configured with eFACTS. Clerk Doggett added they are open to partnering with any entity that would add value to the existing system. Judge Munyon inquired on who and how often the audit process was being performed and when will it be shared. Clerk Doggett responded the details have not been worked out on who will be performing the audits but it is on this year's agenda to work out the specifics. The Clerks of Court Operations Corporation (CCOC) has requested to be a part of the audit process. Clerk Bock added that in technology there are worldwide audit standards and as CCIS begins applying the audit practices, recommendations will be requested by the CCOC for CCIS to apply more international standards.

AGENDA ITEM IX. Abandoned Filings Workgroup Update

- a. Judge Gagliardi said the workgroup drafted a proposed standard for the *Electronic Access to the Courts* for documents reviewed by the Clerk of Court. The proposed standard includes some minor revisions as well as the reasons that documents shall be placed in the correction queue.

2.3.8. 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 for the FCTC to accept the standard as drafted for review as a first reading.

MOTION OFFERED: Josephine Gagliardi

MOTION SECONDED: Murray Silverstein

Laird Lile stressed the integrity of the Portal where the original time stamp filing should continue on the filings that are corrected through this queue process and suggested an amendment to the motion, to include the following language.

Filings in the correction queue that are resubmitted will retain the original portal filing date if replaced. Documents that are added to a resubmitted filing will have the portal filing date at the time of the re-submission.

Judge Gagliardi requested attorney input before adding additional language and did not accept the amendment. Tom Hall commented on the legality of the original time stamp date and does not feel it is automatic. Clerk Bock requested language to make it clear to the lawyers on what corrections are allowed in keeping the original filing date. Murray noted rule 2.520(f) on noncomplying documents which does not include an original filing date, therefore the requested language is not necessary. The original motion is for review as a first reading.

MOTION CARRIED

Judge Gagliardi continued with the update and discussed retention periods on abandoned filings. The workgroup determined clarification was required and moved for the following motion.

Motion for the FCTC requesting clarification from RJA regarding retention periods for abandoned filings.

MOTION OFFERED: Josephine Gagliardi

MOTION SECONDED: Murray Silverstein

Judge Stephens inquired on what action is needed by the RJA. Judge Munyon explained the abandoned filings could be considered as administrative records of the Court and would retain their public records status as long as they are administratively useful. Murray said the judicial branch retention schedule coincides in the appendix of the rules of judicial administration. Judge Munyon said the FCTC will draft the letter and can expound on the action in the correspondence.

MOTION CARRIED

AGENDA ITEM X. Operational Procedure Review Workgroup Update

- a. Judge Munyon discussed the current operational procedures of the FCTC and how some processes are outdated. In the past, FCTC meetings necessitated one to two days of convening and now the meetings are less than one day. As the Commission has matured there is concern over important matters not being fully vetted. The workgroup was reactivated to review the FCTC Operational Procedures as well as the operational procedures of the Florida Bar committees, in adopting similar procedures for a more formal institutionalized process for appropriate vetting of action items. Judge Gagliardi discussed the organizational session and the workgroup will be looking at internal operating procedures of the RJA, Appellate and Civil Rules Committee of the Florida Bar. Tom Hall added a suggestion to clearly define each of the FCTC standing subcommittee responsibilities to have a better understanding on which group the items should be referred to. The workgroups first telephonic conference is scheduled for Friday, February 10, 2017 at 8:00 am.

AGENDA ITEM XI. Access Governance Board Update

- a. Judge Hilliard discussed draft Gatekeeper and Registered User Agreement forms that outlines clerk and agency responsibilities, gatekeeper administration, and limitations and liabilities. The Board proposed both drafted forms as a first reading. Additional input can be directed to Lakisha Hall for dissemination to the Board. Sandra Lonergan inquired on the expiration date of the gatekeeper form. Judge Hilliard replied it will determine on when the role of the gatekeeper expires. The Board will look at revisions and expirations of the gatekeeper form at the second reading.
- b. Judge Hilliard discussed the requests received on proposing changes to the Access Security Matrix (matrix).
 - ii. Judge Hilliard called upon Mr. Joseph George to explain concerns with the parents caring for disabled children request. Mr. George said in the past, attorneys in Miami-Dade County could view documents of incapacitated individuals. When a developmental disabled child becomes 18, a petition to become a guardian advocate is

filed to allow parents' access to these case types and continue caring for the child. After the matrix took control of accessing court records that access has been blocked. Mr. George referenced Florida Statute Chapter 393 for developmental disabilities and requested a line item for these case types or a review of the matrix for placement in an existing category. Judge Hilliard stated the Board will look into modifying the matrix appropriately.

- c. Judge Hilliard explained how requests are received from various entities seeking access to court records via the *Access Security Matrix*. With these different requests, the Board has developed a form to be submitted to the Board, when a request is made to change the standards or matrix. The Board proposed the drafted form for review as first reading. Jim Kowalski inquired on the timing of adoption of the drafted forms. Judge Hilliard replied the Board will seek FCTC approval at the next meeting in May.

AGENDA ITEM XII. A2J Update

Jim Kowalski provided a brief overview of the [Florida Commission on Access to Civil Justice](#) website and the administrative order [AOSC16-71](#) that reconstructed the members to serve staggered terms. The primary committees are the Service Options Committee and the Resources Evaluation Committee. The Gateway Portal pilot project has been extended an additional six months to obtain further data. A report will be released tomorrow at the Commission meeting. During the testing period of the pilot there were 1262 triage interview sessions. Of those, 238 resulted in referrals to either online self-help materials, the Clay County Clerk Low Bono Program, Jacksonville Area Legal Aid, or Three Rivers Legal Services. The interface between the forms and the low bono component is the most interesting of the pilot. Two primary recommendations will be submitted in the report tomorrow. The first is the on-going efforts to be better integrated with other efforts within the civil justice system. The second is the focus on self represented litigant issues which are more ominous as initially perceived. Judge Munyon added the DIY project of the Judicial Management Council will be requested for an update at the next FCTC meeting.

AGENDA ITEM XIII. Certification Subcommittee Update

Judge Perkins said the subcommittee met last week and viewed the Seventeenth Judicial Circuit's CAPS viewer. The viewer met all of the requirements outlined in the Functional Requirements for Court Application Processing System and received full certification. Judge Perkins commented on the progress of the viewers and in his circuit not only are they viewing the files but interacting with them and orders are being distributed. As a judge, he gave appreciation of the viewers and the value of utilizing them. Judge Perkins discussed the request from the Court Statistics and Workload Committee to evaluate the five recommended functionalities be included in the CAPS requirements. The first two were an option for a judge or case manager to be able to designate/correct a files classification as either open or closed. The subcommittee determined regardless of the files classification change, it should be handled by a priority message system. The subcommittee is working with the vendors on how the priority message system would work. The third request was the capability to request and retrieve performance statistics from the JDMS dashboard. The

subcommittee determined that the viewers should receive information from other databases and the architect is already set up to accept the additional information. The subcommittee will defer this request until a JDMS dashboard is developed to interface with. The fourth request was the removal of the requirements for computing clearance rate, time to disposition, and pending performance metrics within the CAPS viewer. The subcommittee felt the program is already designed to capture this information and did not want to remove the requested requirements from the viewer. The final request was the transfer of calendaring information to JDMS. Again, the subcommittee felt the specification requirements for calendaring is currently set up in the viewers and therefore already exists.

AGENDA ITEM XIV. Document Storage Workgroup Update

Brent Holladay gave the report of the workgroup on behalf of Steve Shaw. In establishing the previously approved PDF/A-2 standard file format, the workgroup has developed the *Standards for Electronic Court Documents*. These proposed standards are ready to be sent out for a 30-day review before being submitted to the FCTC for approval. During the development of the standards, outstanding issues were identified concerning document creation guidelines and standards. These outstanding issues are identified in the storage related issue list presented in the meeting materials. The issue list assigns the task of resolving the subject matter to the various primary governance group. Once the resolution has been approved, it can be incorporated into the *Standards for Electronic Court Documents*. At some point, when the standards are finalized, funding for both the Clerks CMS and the Courts CAPS will need to be determined to implement these standards. Judge Munyon questioned two issues on the matrix regarding the retaining of certificates on digital signatures and how judges sign documents not using the viewer. She felt these issues were best governed by the Standards Committee of the FCTC and not the Clerks CMS. Brent explained the thought process of technical logistics that have to take place in the clerks CMS as to what can and cannot be obtained on certificates with digital signatures. The workgroup will go back and review the primary governance groups to ensure accuracy of each storage related issue. Jim inquired on the role of the Commission on targeting the costs factors. Judge Munyon replied when proposing standards they are put out for public comment. This allows the stakeholders to determine financial costs and how long to obtain funding from the legislature before implementation can occur. The Commission will then set the standards and guidelines accordingly. Mike Smith noted the original task assigned to the DSW which was coming up with the best long term storage solution for court documents and not the funding aspect of the solution. Judge Munyon recognized that clerks are continuing to update their CMS' and requested future direction to target their budgets on updates to their systems. Murray stated the other costs factor is document creation in the standard PDF/A-2 for self-represented litigants with possibly the Florida Bar assisting in this financial costs. Murray questioned the conversion of Word documents to the PDF/A-2 standard. Judge Munyon responded most recent versions of Word will convert the document to the standard PDF/A-2 with a few simple steps. Brent recognized the acceptance of PDF/A-1 until the standard format is more readily available.

Motion to the FCTC to send out the proposed *Standards for Electronic Court Documents* as drafted

for public comment.

MOTION OFFERED: Brent Holladay

MOTION SECONDED: Judge Scott Stephens

MOTION CARRIED

Judge Munyon added she will review the storage related issues and assign to the appropriate primary governance group. Once public comments are vetted, further follow up on determination of costs and timeframe will be required. Jim questioned a role for the Commission in continuing to maintain the best standard for an operating court system, with the understanding that it cannot be implemented because of funding. Brent stated the workgroup did develop a maturity model to help guide in moving in the right direction based on different variables.

AGENDA ITEM XV. FCTC/RJA Joint Workgroup Update

Murray Silverstein gave a brief update and referred to standard 3.5.3. Original Documents or Handwritten Signatures. The standard contains a list of documents with original signatures that must be filed manually. The 13th Circuit proposed condensing the list to the following: Original Notes, Wills, Codicils, and Separate Writings. Murray referred to the RJA rule 2.520 regarding Documents. The RJAC is currently reviewing the rule to update and align with the standard accordingly. The workgroup has been reviewing different rule sets for the retention of original documents and determining the necessity of keeping such. Murray requested recommended suggestions on expediting. Judge Stephens stated the RJAC is currently working on the concept of having documents in the electronic file, to know where to go to find the document, as well as how long to keep the document when someone questions the authenticity. Filings that are required by statute in paper format are not being reviewed. Clerk Bock reported across the United States, there are several clerks' office and programs in which Wills are electronically deposited, stored, and retrieved at clerks' offices. She has been looking at these systems and reviewing to determine if replicating that service can be done in Florida. These systems are stand alone and allows the attorneys to have a place to deposit/store them. These records are not considered a public document and are for official records only. Tom noted biggest problem by far for clerks is criminal documents. Judge Bidwill commented the utility in keeping those records should be evaluated.

AGENDA ITEM XVI. Other Items/Wrap Up

Mike Smith discussed electronic notary and presented a brief overview of the National Notary Association (NNA) that assisted in the drafting of the rule with the Department of State. The final rule 1N-5.002 allows a Notary to use PKI technology (public key certificate) for affixing an electronic signature and the information from a Notary's official seal or an "electronic notary system,"--- *a technology-neutral term embracing many different processes*. He has sent an email to the Florida Department of State requesting information on defining the term an "electronic notary system." Mike also requested assistance in defining from the FCTC to determine rules and standards on electronic notary. Judge Munyon said she will have to research as the statute that governs notaries is given to

the Department of State and the FCTC would be outside its role. Judge Munyon advised everyone the next FCTC meeting will be at the Jacksonville courthouse on May 18, 2017.

Motion to adjourn the FCTC meeting.

MOTION OFFERED: Judge Josephine Gagliardi

MOTION SECONDED: Sandra Lonergan

MOTION CARRIED UNANIMOUSLY