

Florida Courts Technology Commission Meeting

FCTC Action Items/Summary of Motions

February 11, 2016

A meeting of the Florida Courts Technology Commission was held at the Orange County Courthouse in Orlando, Florida on February 11, 2016. 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
Judge Stevan Northcutt, 2nd DCA
Thomas Genung, Trial Court Administrator, 19th Circuit
Matt Benefiel, Trial Court Administrator, 9th Circuit
Sandra Lonergan, Trial Court Administrator, 11th Circuit
David Ellspermann, Clerk of Court, Marion County
Sharon Bock, Clerk of Court, Palm Beach County
Karen Rushing, Clerk of Court, Sarasota County
Jim Kowalski, Jr., Esq., Jacksonville Area Legal Aid (JALA)

Judge Robert Hilliard, Santa Rosa County
Judge Ronald Ficarrota, 13th Circuit
Judge Scott Stephens, 13th Circuit
Murray Silverstein, Esq., Tampa
Laird Lile, Esq., Naples
Jannet Lewis, CTO, 10th Circuit
Mary Cay Blanks, Clerk of Court, 3rd DCA
Ken Nelson, CTO, 6th Circuit
Christina Blakeslee, CTO, 13th Circuit
John M. Stewart, Esq., Vero Beach
Elisa Miller, Akerman LLP

Members not in attendance

Judge C. Alan Lawson, 5th DCA

Tanya Jackson, Adam Street Advocates

OSCA and Supreme Court Staff in attendance

John Tomasino, Clerk of the Supreme Court
Jeannine Moore

Alan Neubauer
Lakisha Hall

Other Attendees

Steve Shaw, CTO, 19th Circuit
Dennis Menendez, CIO, 12th Circuit
Mike Smith, CTO, 4th Circuit
Robert Adelardi, CTO, 11th Circuit
Jon Lin, Trial court Administrator, 5th Circuit
Paul Regensdorf, Esq., Jacksonville
Tyler Winik, Brevard County Clerk of Court
Tom Hall, Florida Court Clerks and Comptrollers
Christopher Campbell, Florida Court Clerks and
Comptrollers
Melvin Cox, Florida Court Clerks and Comptrollers
Repps Galusha, Orange County Clerk of Court

Craig McLean, CIO, 20th Circuit
Terry Rodgers, CTO, 5th Circuit
Fred Buhl, CTO, 8th Circuit
Ernie Nardo, Broward County Clerk of Court
Thomas Morris, State Attorney, 8th Circuit
James Purdy, Public Defenders Association
Justin Horan, Clay County Clerk of Court
Douglas Bakke, Hillsborough Clerk of Court
Carolyn Weber, Florida Court Clerks and
Comptrollers
Brent Holliday, Lake County Clerk of Court
Doris Maitland, Lee County Clerk of Court

Toni Bleiweiss, Lee County Clerk of Court
Angel Colonnese, Manatee County Clerk of Court
David Winiecki, Sarasota County Clerk of Court
Laurie Reaves, Miami-Dade County Clerk of Court
Amy Borman, 15th Circuit
Nancy Owens, Thomson Reuters

Jeff Taylor, Manatee County Clerk of Court
Kim Stenger, Polk County Clerk of Court
Michael Phelps, Polk County Clerk of Court
Gerald Cates, Duval County Clerk of Court
Carol LoCicero, Thomas & LoCicero

The meeting began with Judge Munyon welcoming the commission members and other participants to the meeting. She called the meeting to order advising everyone that the meeting was being recorded. The roll was taken with a quorum present.

AGENDA ITEM II. Approval of November Minutes

Tom Hall noted throughout the minutes the Portal is referred to as “e-portal” and should be changed to reflect the “Portal.” Judge Munyon stated the change will be reflected in the minutes before posting on the court’s website and will refer to the “Portal” in the future.

Motion to approve the minutes from the November 19, 2015 meeting of the Florida Courts Technology Commission with the correction of e-portal reflected as Portal throughout summary.

MOTION OFFERED: Tom Genung
MOTION SECONDED: Judge Josephine Gagliardi
MOTION CARRIED UNANIMOUSLY

AGENDA ITEM III. FCTC Approved Items from November 2015 meeting

Motion to accept the Florida Courts Technology Commission’s Approval Items from the November 19, 2015 meeting.

MOTION OFFERED: Tom Genung
MOTION SECONDED: Christina Blakeslee
MOTION CARRIED UNANIMOUSLY

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

a. Alan Neubauer gave an update on the CAPS implementation timeline. Fifty-three counties have a CAPS viewer implemented in the civil and/or criminal divisions. Ten counties have reported that they will have a CAPS viewer implemented by June 2016. The remaining four counties have reported that they will have a CAPS viewer implemented by December 2016. Alan noted the implementation dates are approximate and are subject to change due to available resources.

AGENDA ITEM V. Portal/e-Filing Progress Report

a. Carolyn Weber discussed the Portal usage statistics. In the month of January, there were 1,117,278 filings through the Portal and a total of 106,023 registered users. The day with the highest volume

was January 26, 2016, with 59,552 documents submitted. It took approximately 1.3 days for a document to be approved by a clerk and reach the docket. There was a slight increase in average days to docket for November and December 2015 with holidays in those months. Approximately 1.91% of filings were returned to the filer for correction. Attorneys embody the largest filer role on the Portal with 67,758 accounts and self-represented litigants continue to grow with 30,526 accounts. Carolyn referred everyone to the documents in the materials that outline the remaining filer accounts. Roughly 21,490 submissions were in the pending queue for returns to the filer. Of those returns, only 1.93% were by attorneys, while 8.66% were by self-represented litigants. As for criminal e-filing, the 6th Circuit in Pasco County was extended until July 1, 2016. The Portal Projects Team is continuing to implement the remaining State Attorneys and Public Defenders, as well as working with law enforcement and third party vendors to allow bulk e-filing. Release of version 2016.01 is scheduled for production on April 15, 2016 and will include submitting proposed orders, e-service to judges and third party vendors. In addition, the team is working with the Department of Corrections (DOC) to assist them with saving the documents submitted by the counties to their data management system and is adding the approved AJJ interviews to the Portal to assist the Self-Represented Litigants with creating their documents. Carolyn gave a brief update on judicial e-filing implementation and referred to the documents in the materials that outline the counties and circuits along with the number of judicial filings. Mary Cay Blanks pointed out the high percentage of submissions returned to the pending queue for State Agents. Carolyn explained they are a fairly new filer role and not familiar with the Portal. Mary Cay inquired further on capturing statistics on the reasons documents are returned to the pending queue. Carolyn explained that is a free-text field used by the Clerks and cannot be captured. Laird Lile added that it would be beneficial to capture another statistic reporting on how many returned submissions were resolved by the filer. Carolyn noted filers have requested to be able to delete submissions that go back to the pending queue. The filers prefer not to correct the document but go back and re-file the document. Allowing the filers to delete the submissions that go back to the pending queue may be a way to capture the statistics. Karen Rushing mentioned ensuring compliance with the public record requirements. If the filing takes place at the Portal, then you can't *un-file* a document. Judge Munyon referenced her signed orders, are not actually rendered until the Clerk accepts them. The pending queue documents have not been accepted by the clerk. Mary Cay brought up the previous day's discussion on pending queue documents sent for judicial review process and no public record of these documents being accounted for. Murray Silverstein pointed out the various filer roles, other than attorneys, self-represented litigants, clerks and judges that do not have a legal impact on any of their filings. Laird alerted to the pending queue documents that are considered public record. Judge Bidwill commented on the Portal subcommittee's creation of a study group that will be analyzing the routing practices of the pending queue and the judicial review process by the clerks' offices around the state, for consistency with the rule.

- b.** Carolyn gave an update on the Portal service desk statistics. The service desk takes calls regarding customer service incidents along with technical and system support incidents. Roughly 2,852 customer service incidents were received during January 2016. Of that total, 9 were from judges, 274 were from pro se filers and 2,569 were from attorneys. On average, it took 48 minutes to respond to an incident and 1 hour and 28 minutes to resolve an incident. Roughly 542 technical/system support incidents were received during January 2016. On average it took 20

minutes to respond to an incident and 3 hours and 11 minutes to resolve an incident. Carolyn displayed the top 10 types of incidents the service desk received from attorneys, judges and pro se filers.

AGENDA ITEM VI. Appellate Portal Interface Update

John Tomasino gave a brief update on the Appellate Portal Interface. OSCA staff have begun discussions with the 1st District Court of Appeal and FCCC staff. Meetings are on-going and further updates will be provided at the next FCTC meeting.

AGENDA ITEM VII. DIY Florida Update (informational item)

Judge Munyon gave an informational report on the Do It Yourself (DIY) Florida Project, on behalf of Blan Teagle. DIY Florida is a Supreme Court approved initiative, currently monitored by the Access Workgroup of the Judicial Management Council (JMC). The purpose is to provide self-represented litigants the ability to create their own pleadings and other court documents for certain limited case types using A2J document assembly software. OSCA staff was tasked by the Court with an *Implementation Plan* and asked to work with relevant Florida Bar groups, who have substantive expertise as well as the FCCC, which has the software and programming capability to complete and program the automated interviews. The A2J document assembly software is somewhat like TurboTax for courts that enables self-represented litigants to construct documents suitable for filing. On November 5, 2015, OSCA provided the FCCC with programming instructions for the Small Claims (money lent) process and the process for Dissolution of Marriage with no minor children and no property. Programming instructions for the Landlord Tenant process were held back because tenant interviews were being developed by the Housing Umbrella Group (HUG) and the Public Interest Law Section (PILS) of The Florida Bar. On January 22, 2016, OSCA staff and FCCC staff met via WebEx to walk through the Small Claims (money lent) interview process. A few additional programming changes were identified and some clarification was requested by the FCCC. On February 1, 2016, OSCA staff received the interview process developed by the HUG and PILS for the tenant response. This interview process is now under review by a group of county judges with subject matter expertise. On February 8, 2016, OSCA staff and the FCCC staff met via WebEx, along with the chair of the family law forms workgroup, to walk through the interview for a dissolution of marriage with no minor children and no property. Again, a few additional programming changes were identified and OSCA and FCCC staff plan to meet again next week to revisit the interview. They anticipate that in the near future the Supreme Court will consider the three FCTC recommendations that were made at the November FCTC meeting. Sharon Bock inquired on the JMC *Implementation Plan* that was discussed at the November FCTC meeting. Sharon reminded everyone that the *Implementation Plan* is how the creation of the interview questions is moved to actual implementation. Judge Munyon responded that the FCTC recommended the changes to the *Implementation Plan* via a letter to the Court and action from the Court is still pending regarding those recommendations. Sharon referenced the Consolidated Pro Se Committee and questioned the FCTC's role in the *Implementation Plan*. Judge Munyon explained one of the FCTC recommendations to the Court was after the interview questions have been vetted by the JMC, all requests to move the interview questions into production should be submitted to the FCTC for technical review and final approval of the process to the Supreme Court. The FCTC will await the Court's decision on the recommendation to determine FCTC's role. Sharon stated some of the

interview questions are expanding beyond the Supreme Court approved forms. Judge Munyon stated this concern was pointed out in her letter to the Court, and she requested direction from the Court to determine if these system generated documents should go through the same rules process as traditional forms. Murray encouraged the Consolidated Pro Se Committee to reach out to the Florida Bar rule committees on the expansion of the Supreme Court forms.

Carolyn Weber presented a demonstration of the A2J software. The software can be tested at <https://test.myflcourtagency.com>. To generate a DIY document, the link will bring up the three different interviews that the FCCC has been working on. For demonstration purposes, Carolyn went through the small claims complaint interview. Carolyn explained the questions and the links for the filers at each step. The links throughout the interview process assist the filers with more information. The links will open in a separate tab so the filer can return to their place in the application. The responses to the questions and party information will populate the information on the form, as well as create all the data elements the Portal needs for a new case initiation. When the form is generated and submitted to the Portal, all the information will be pre-populated on the screens, prior to the filing process. Carolyn added that the Portal will have links to a self-represented user manual as well as training videos. The self-represented filers will be able to save and exit throughout the interview process and their workbench will house their filings so they can resume the process. Tom Hall noted the save and exit feature was an improvement that the FCCC added, as this functionality could not be performed in the original A2J software.

AGENDA ITEM VIII. CCIS Subcommittee Update

Judge Perkins discussed the objective of the CCIS Subcommittee. The subcommittee was assigned with configuring a way to use the court's current technology to identify related parties in Unified Family Court litigation. Judge Perkins noted the broader application of related party alerts beyond Unified Family Court, as well as on a statewide level. The subcommittee determined CCIS 3.0 has the greatest potential to provide the related party information on a statewide basis. A Related Party workgroup was formed to determine what is currently being captured on forms or filings of any type and what is required to provide the related case information. The workgroup is currently working with the Clerks to determine how the required data elements can be captured in the various CMS. Judge Perkins explained once this information is obtained the subcommittee will look at how to get the information into CCIS 3.0 and bring the information to the CAPS viewers for the judge or case manager to view the related case information. Tom Genung said some time ago the FCTC Data Elements Workgroup developed the approved electronic filing data elements for civil, criminal, and traffic divisions. These data elements are captured in the XML (Extensible Markup Language) envelope. You can find a list of the approved data elements on the Florida Courts E-filing page <http://flcourts.org/resources-and-services/court-technology/efiling/>. These data elements may assist the subcommittee in their research of related case information.

AGENDA ITEM IX. Portal Subcommittee Update

- a. Judge Bidwill discussed the progress of law enforcement agencies submitting search warrant returns electronically. A local workgroup in Broward County met to determine if electronic issuance of search warrants can be expanded around the state for a statewide approach. The

challenge is there is not a uniform case number in the Portal to file to an existing case. An initiation of a separate type of case number for warrants would have to be done. The subcommittee formed a workgroup consisting of clerks, law enforcement and court representatives to develop a uniform approach to submitting search warrants electronically.

- b. Judge Bidwill explained the request from the public defenders and state attorneys to establish a method of utilizing a web service to download the documents from the Portal they receive by e-service, instead of via email. Tom Morris and Nichole Hanscom will draft a proposed rule change and present at the next subcommittee meeting.
- c. This agenda item was discussed earlier under the e-filing progress report. (Agenda Item V. a.) Judge Bidwill added that the judicial review workgroup will be proposing a revised standard on the process if necessary.

AGENDA ITEM X. DOC Portal Workgroup Update

Judge Bidwill explained the formation of this workgroup was to determine any benefits of improving efficiencies between the Department of Corrections and the Court. An in-person meeting is scheduled for April 19, 2016 in Tallahassee. The subcommittee will discuss submitting electronic proposed violation of probation affidavits and warrants; the subsequent return of any approved warrants electronically sent back to the DOC and the Clerk; and the possibility of setting up some type of system in the facilities to allow pro se filers to submit filings electronically.

AGENDA ITEM XI. Standards for Third Party Vendors

Carolyn Weber advised the standards are currently in draft format to permit third party vendors to write their application to connect to the Portal.. The functionality is currently available in the Q&A environment and they are working with two vendors to ensure the standards are sufficient. Once the standards are finalized they will be presented to the E-Filing Authority Board for approval and the functionality will be included in the Portal 2016.01 release. The standards will be posted and available on the Board's webpage prior to the April 2016 release.

AGENDA ITEM XII. Proposed Order Workgroup Update

Judge Bidwill stated the proposed order functionality is included in the upcoming release and called on Carolyn Weber to explain how a circuit would request to utilize this functionality. Carolyn explained they are currently working with the 8th Circuit and Mentis on technical standards to ensure the flow process and statuses are returned. Once specifications are completed and finalized they will be available to all the vendors who want to pull that information into their viewers. This functionality will allow the circuits to process the proposed orders through the CAPS viewers and then send the proposed orders back to the Portal or CMS. Again, these specifications will be finalized and available prior to the April 2016 release. Judge Munyon requested a demo of the proposed order process at the next FCTC meeting. Carolyn stated she can give a demo in a test environment if a circuit or county has requested to utilize the functionality. Karen Rushing expressed the Florida Bar's concern on the policies set by the court as it relates to these proposed orders and inquired on the Court's encouragement to utilize this functionality for statewide uniformity. Judge Munyon replied that she does not feel the Court will require judges to process proposed orders this way until the CAPS viewers

are fully implemented and have the ability to e-file orders. Murray concurred with Karen on statewide uniformity.

AGENDA ITEM XIII. Interpreter Data Workgroup Update

Tom Genung discussed the importance of capturing interpreter language up front and the current civil litigation in the 7th circuit regarding providing language services in court proceedings. The workgroup is currently gathering survey responses from the Clerks to determine if the CMS currently capture the interpreter data information in all case types. Of the 67 counties, 35 counties are currently capturing the interpreter data in all case types; 3 counties are capturing the interpreter data in some case types and 17 counties are not capturing the interpreter data at all. We are awaiting responses from 12 counties and working with the chief judges and court administrators to assist with submitting responses. Benchmark, Odyssey and Showcase capture if an interpreter is required. Clericus can capture the spoken language on each demographic record and has the ability to add a party to the case entitled, "Interpreter." Once the responses have been finalized, the workgroup will begin to analyze the systems to determine the modifications necessary to capture the interpreter data and the costs involved. The CAPS viewers would require modifications on the ability to pull the information from the CMS for court administrators to run reports on language needs prior to court proceedings. Tom further added, long term solutions would require Criminal Justice Information Services (CJIS) integration with the Clerks CMS to capture the interpreter data up front.

AGENDA ITEM XIV. Docket Code Workgroup Update

Karen Rushing gave a brief report on the Court Clerks Best Practices Workgroup that issued a best practice report on December 8, 2015 and was adopted by the Executive Committee of the FCCC on December 10, 2015. A timeline was not imposed on the clerks to implement because the Clerks are currently focusing on implementing their online electronic records access systems and upgrading to CCIS 3.0. Karen said changes made to the Portal that no longer require the drop down menus, along with the added search box, has minimized the concern with standardized docket codes.

AGENDA ITEM XV. Access Governance Board Update

- Judge Hilliard referred to the documents in the meeting materials on the approval of counties to begin implementation of their online electronic records access system.

Motion to approve the Access Governance Board's recommendation that the forty-eight Clerks of Court who submitted a certification request to the Office of the State Courts Administrator move their online electronic records access system from the pilot phase into production and to discontinue the submission of monthly progress reports be approved. Within 90 days from the Court's approval, the clerk must implement their access system in accordance with AOSC14-19 (amended May 23, 2014) and AOSC15-18.

MOTION OFFERED: Judge Robert Hilliard

MOTION SECONDED: Tom Genung

MOTION CARRIED UNANIMOUSLY

- Judge Hilliard stated Monroe County submitted a letter requesting an extension to begin the 90-day public access pilot project.

Motion to approve the recommendation from the Access Governance Board to grant Monroe County's extension request for an additional 120 days to begin their 90-day public access pilot program.

MOTION OFFERED: David Ellspermann

MOTION SECONDED: Tom Genung

MOTION CARRIED UNANIMOUSLY

- Judge Hilliard informed the members that the Public Defenders Association and the Department of Corrections have requested to have a user role added to the *Standards for Access to Electronic Court Records* and the *Access Security Matrix*. Nichole Hanscom discussed the public defenders role on access to electronic records for clients that they are expected to counsel and provide guidance to. The proposed public defenders *Access Security Matrix* is supported by the Rules of Judicial Administration as well as Florida Statutes.

Motion to approve the Access Governance Board's recommendation that the Office of the Public Defender have a defined role added to the AO 15-18 Access Security Matrix. The public defender's office would be added to the matrix as User Role 12, designating them as attorney of record by default in specific case types allowed by statutes until such time as they are no longer counsel of record or other counsel is assigned.

Standards submitted by the public defender will be adopted with the following changes. Public defenders will be granted access, as the Attorney of Record, to all defined case types where the statute defines them and grants them party access where the public defender is specifically assigned or no attorney has been assigned. As cases are newly created, the Public Defender will be granted access as an Attorney of Record by default on all statutorily defined case types. Access will then be changed to General Government and Constitutional Officers when the public defender is no longer counsel of record or another attorney is assigned. Each public defender's office must establish policies to ensure that access to confidential records and information is limited to those individuals who require access in performance of their official duties.

MOTION OFFERED: David Ellspermann

MOTION SECONDED: Tom Genung

MOTION CARRIED UNANIMOUSLY

Judge Munyon commented that the FCTC will prepare a letter to the Supreme Court requesting approval of the forty-eight clerks to implement their online electronic records access system, as well as adding a public defender user role to the *Standards for Access to Electronic Court Records* and the *Access Security Matrix*.

The DOC request is under consideration by the Access Governance Board and will be deferred until the next FCTC meeting.

AGENDA ITEM XVI. Data Exchange Workgroup Update

Robert Adelardi stated the proposed data exchange standards as well as the CCIS documentation is available for review on the Florida Courts Technology Standards webpage <http://flcourts.org/resources-and-services/court-technology/technology-standards.stml>. Robert reached out to vendors and interested parties to provide feedback on the proposed standards by March 18, 2016. Once feedback has been summarized and concerns addressed, the workgroup should be ready to move forward with the presentation of the proposed standards at the next FCTC meeting.

AGENDA ITEM XVII. Document Storage Workgroup Update

Steve Shaw discussed the previous meetings with Mentis to acquire their view of PDF redaction. As the Court emerges down the path from TIFF to PDF, the workgroup has identified different hurdles in the workflow processes as with signatures and timestamps. In addition, the workgroup has met with Creative Solutions Inc. (CSI), Adobe's engineering staff and Steve Levenson, to address some of the technologies that the workgroup is trying to develop solutions for. In March 2016, the workgroup will be meeting to discuss redefining the cost of moving from TIFF storage to PDF storage and should be able to propose some standard changes to simplify the process. The Florida Bar is continuing to move forward on their initiative of educating attorneys on PDF's.

AGENDA ITEM XVIII. Standards Consolidation Workgroup Update

Jannet Lewis said the workgroup is making progress and is continuing to review the portions of the Florida Bar rules that deal with technology standards. Presently, many sections of the standards are being updated; therefore, there are no requested changes at this time. One of the benefits of having the consolidated standards was to have the ability to search the document and the use of discreet hyperlinks. In order for the hyperlinks to be maintained properly, official repositories will need to be established for the referenced materials.

Motion to approve the Standards Consolidation Workgroup recommendation that official repositories of referenced information in the *Consolidated Standards* be established for consistency, reliability, and accuracy. Whereby: The master copy of the standards shall be hosted and maintained by the OSCA; The master copy of the Supreme Court Orders shall be hosted and maintained by the Supreme Court Clerk of Court; Request that the Florida Bar host the master copy of the court rules; Establish that the master copy of the statutes shall be referenced on the Legislature's On-Line Sunshine website.

MOTION OFFERED: Jannet Lewis

MOTION SECONDED: Murray Silverstein

MOTION CARRIED UNANIMOUSLY

AGENDA ITEM XIX. FCTC/RJA Joint Workgroup Update

Murray Silverstein referenced the report sent to the members via email that included current actions and recommendations from the joint workgroup. The role of the workgroup has expanded beyond the comparison of the technology standards and the Rules of Judicial Administration. The workgroup was created to enhance greater collaboration in areas in which the Rules of Judicial Administration overlap technology standards in order to promote the full and effective implementation of a uniform, statewide digital court system, inclusive of electronic filing, e-service, document retention, and full access to judicial branch records free of confidential, exempt or sensitive information. Murray gave a high-level overview of the workgroup's recommendations.

- **Website** - The FCTC does not have an actual website, but instead a series of pages on the Court Technology portion of the Florida Courts website. The Joint Workgroup recommends that the FCTC have and maintain its own website.
 - **Hyperlink to Official Locations** – In conjunction with the Consolidated Standards Workgroup recommendation on an established repository for referenced materials in the consolidated standards, the Joint Workgroup further recommends an established repository location for Rules of Court, Technology Standards, and Administrative Orders. In addition, the official repository also bear responsibility to ensure the information is kept current and reliable.
 - **Service by the Portal** – With rule 2.516 being amended by the Rules of Judicial Administration Committee (RJAC), the workgroup suggests that the technology standard 3.1.7 Electronic Notification of Receipt be updated and revised to reflect that the Portal's "notification" of receipt now actually effects service of process, under rule 2.516.
 - **CAPS** – The Joint Workgroup has not recommended any substantive changes to this part, although the workgroup suggests that the CAPS provisions be streamlined, revised for greater understanding and readability, while also being brought current with other changes presently being considered.
- a) Murray continued with the current confidentiality certifications on the Portal that are based on Standard 3.1.18, Documents Exempt from Public Access. This provision was created for the purpose of attempting to effect compliance with rules 2.420 (confidentiality) and 2.425 (minimization). Rule 2.515 is currently being amended so that lawyers and self-represented filers are held to the same certifications of the rule, that contains no confidential or sensitive information, as well as certifications for ADA compliance.

Motion to approve the Joint Workgroup's recommendation for the elimination of the 3 "radio buttons" as part of the filing through the Portal and instead propose the suggested Portal warning language to include hyperlinking to the noted rules and confidential form. WARNING: As an attorney or self-represented filer, you are responsible to protect confidential information under Florida Rules of Judicial Administration 2.420 and 2.425. Before you file, please ensure that you have complied with these rules, including the need to complete a Notice of Confidential Information form or motion required under Rule 2.420 regarding confidential information. Your failure to comply with these rules may subject you to sanctions.

MOTION OFFERED: Laird Lile

MOTION SECONDED: Judge Josephine Gagliardi

Paul Regensdorf had concerns with removing the certification buttons and did not feel it would enhance attorney compliance with filing the Notice of Confidential Information form.

MOTION CARRIED

- **Portal Attachment Size** – Rules 2.515 (service) and 2.525 (e-filing) include limitations on the megabyte (MB) size of attachments. The e-service rule does not technically interface with filings through the Portal but contains technical limitations in rule 2.525, of 5 MB. Carolyn explained on the current submission file size, a request to increase it from the current 25 MB per filing submission to 50 MB. The second file size limitation has to do with providing service through the Portal. Rule 2.516 limits the PDF that can be attached to provide service, to no more than 5 MB in size, including the email. Therefore, increasing the file size of the document attached to the email, from 5 MB to 10 MB is requested.

Motion to approve the Joint Workgroup’s recommendation on the following process regarding filing and service size limitations:

- **RJAC present for committee approval, on an expedited basis effective prior to the Portal’s next April 2016 release, a rule amendment to rules 2.516 and 2.525 to eliminate any reference to filing or service size limitations for documents or attachments, with the rule referring expressly to the applicable standards;**
- **Florida Supreme Court Technology Standards 3.1.1 (size of filing) and 3.1.17 (Exhibits) be amended immediately, in anticipation of favorable action by the RJAC, Board of Governors (BOG) and the Supreme Court, to increase the “single submission/single session” filing size limitation to 50 MB;**
- **On an interim basis, that the Florida Supreme Court enter an administrative order making this change until a full rule amendment can be effectuated.**

MOTION OFFERED: Murray Silverstein

MOTION SECONDED: Mary Cay Blanks

Paul commented on the proposed email attachment limitation change from 5 MB to 10 MB. He believes the FCTC should ensure attorney’s email servers can handle the increased limitation. Paul further inquired on eliminating the filing and service size limitation. In the interim, will lawyers know where to go to find the size limit. Murray stated once the rule is amended and the size limitation is deleted, attorneys will be referred to the *Florida Supreme Court Technology Standards*, 3.1.1 and 3.1.17. The various websites that will include rules and standards on them will be multi-directional and point practitioners back and forth. Paul suggested referencing the Florida Courts Technology Standards webpage if the rule is going to tell attorneys what to look for. Alan explained how the FCTC website can be given its own URL address i.e., www.FCTC.flcourts.org, and can be linked directly to the FCTC webpage. This would allow direct access to the FCTC webpage instead of navigating the FLCOURTS webpages. Chris Blakeslee commented that the FLCOURTS website was set up to include all the commissions of the Supreme Court, per the direction of the Court. Alan Neubauer spoke on the email component of documents and attachments being increased to 10 MB. A survey was done on the

publically available and private email systems as well as their configuration, and 10 MB was within the realm of acceptable sizes.

MOTION CARRIED

- b) Murray discussed Florida Bar Ethics Opinion 12-2. The Professional Ethics Committee was asked by the Board of Governors to issue a formal opinion on whether lawyers may permit supervised nonlawyers to use the lawyer's access credentials, for filing documents to the court via the Portal. Currently, the Portal permits only lawyers to obtain a user name and password for filing and allows nonlawyers, who are supervised by the lawyer, to file documents electronically on the lawyer's behalf. Murray inquired as to the third-party vendors now having rights to file through the Portal, can you delegate the authority to a third-party service provider, without using your credentials. It has been determined through a series of interfaces, signals are transmitted from the attorney's server to the third-party server. The third-party server takes the embedded security information, within the documents and flips it to the Portal. With numerous concerns and questions over legalities, the lawyer remains responsible for entrusting their credentials to a third-party vendor. Laird commented on behalf of John Stewart, the BOG will be addressing Ethics Opinion 12-2.
- c) For informational purposes, Murray summarized the previous FCTC referrals and gave a highlighted overview on the current actions of the RJAC.
- **ADA Compliance Certification** - the RJAC adopted their Subcommittee C's recommendation that rule 2.515 be amended to include the added certification by the attorney. The approved amendment must now be approved by the BOG and then presented to the Court as part of the Bar's 3-year cycle amendments.
 - **Judicial E-Signatures** – the RJAC's Subcommittee C presented its report on the use of electronic signatures by judges, as well as the FCTC's concern over Standard 5.4.1 without an authorizing court rule. As a result, the Subcommittee recommended creation of a new rule 2.455 (Judicial Signatures). Due to rule 2.515 undergoing analysis and possible amendment, new consideration is being given to include judicial e-signatures in the revised rule 2.515, rather than creation of a separate rule.
 - **Retention of Paper Documents** – This referral was to determine whether the list of documents required to be retained in paper, in rule 3.030 could be reduced, with a similar consideration given to the list of documents to be retained in paper, in rule 5.043. The RJAC determined the need to elicit the expertise of those criminal law and estate/probate law practitioners to analyze the ability to dramatically reduce or eliminate the retention of any paper documents.

AGENDA ITEM XX. Retention of Paper Documents

Tom Genung pointed out concerns by the Clerks that many of the rules dealing with the retention of court records are for paper documents. He was tasked with assessing the court administrators to determine if a revision of the retention schedule is required for digitized format. The TCA's overwhelmingly agreed that the records retention schedule did not need any changes, in light of electronic documents, and it was clear that retention periods should not be increased.

AGENDA ITEM XXI. Other Items/Wrap Up

Judge Munyon advised everyone the next FCTC meeting is scheduled for May 5-6, 2016 in Tallahassee. She noted, with Judge George Reynolds retirement in June and his many years contributing to the Commission, she would like to recognize him at the May meeting.

Motion to adjourn the FCTC meeting.

MOTION OFFERED: Murray Silverstein

MOTION SECONDED: Laird Lile

MOTION CARRIED UNANIMOUSLY