

# Florida Courts Technology Commission Meeting

## FCTC Action Items / Summary of Motions

November 19, 2015

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A meeting of the Florida Courts Technology Commission was held at the Duval County Courthouse in Jacksonville, Florida on November 19, 2015. 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, 9<sup>th</sup> Circuit  
Judge Martin Bidwill, 17<sup>th</sup> Circuit  
Judge Josephine Gagliardi, Lee County  
Judge Terence Perkins, 7<sup>th</sup> Circuit  
Thomas Genung, Trial Court Administrator, 19<sup>th</sup> Circuit  
Ken Nelson, CTO, 6<sup>th</sup> Circuit  
Karen Rushing, Clerk of Court, Sarasota County  
Sharon Bock, Clerk of Court, Palm Beach County  
Jim Kowalski, Jr., Esq., Jacksonville Area Legal Aid (JALA)

Judge Robert Hilliard, Santa Rosa County  
Judge Ronald Ficarrota, 13<sup>th</sup> Circuit  
Judge Scott Stephens, 13<sup>th</sup> Circuit  
Murray Silverstein, Esq., Tampa  
Jannet Lewis, CTO, 10<sup>th</sup> Circuit  
Christina Blakeslee, CTO, 13<sup>th</sup> Circuit  
Elisa Miller, Akerman LLP  
Tanya Jackson, Adam Street Advocates

### **Members not in attendance**

David Ellspermann, Clerk of Court, Marion County  
Mary Cay Blanks, Clerk of Court, 3<sup>rd</sup> DCA  
Matt Benefiel, Trial court Administrator, 9<sup>th</sup> Circuit  
Sandra Lonergan, Trial Court Administrator, 11<sup>th</sup> Circuit

Judge C. Alan Lawson, 5<sup>th</sup> DCA  
Laird Lile, Esq., Naples  
John M. Stewart, Esq., Vero Beach  
Judge Stevan Northcutt, 2<sup>nd</sup> DCA

### **Supreme Court Justice in attendance**

Justice Ricky Polston, Supreme Court

### **OSCA and Supreme Court Staff in attendance**

Eric Maclure  
John Tomasino, Clerk of the Supreme Court  
Brian Peterson  
Jeannine Moore

Blan Teagle  
Alan Neubauer  
Lakisha Hall

### **Other Attendees**

Dennis Menendez, CIO, 12<sup>th</sup> Circuit  
Craig McLean, CIO, 20<sup>th</sup> Circuit  
Steve Shaw, CTO, 19<sup>th</sup> Circuit  
Terry Rodgers, CTO, 5<sup>th</sup> Circuit  
Mike Smith, CTO, 4<sup>th</sup> Circuit

Noel Chessman, CTO, 15<sup>th</sup> Circuit  
Robert Adelardi, CTO, 11<sup>th</sup> Circuit  
Fred Buhl, CTO, 8<sup>th</sup> Circuit  
Isaac Shuler, CTO, 2<sup>nd</sup> Circuit  
John Lake, CTO, 3<sup>rd</sup> Circuit

Gerald Land, CTO, 16<sup>th</sup> Circuit  
Jon Lin, Trial Court Administrator, 5<sup>th</sup> Circuit  
Paul Silverman, Trial Court Administrator, 8<sup>th</sup> Circuit  
Melvin Cox, Director of Information Technology,  
Florida Court Clerks and Comptrollers  
Carolyn Weber, Florida Court Clerks and Comptrollers  
Court  
Tom Hall, Florida Court Clerks and Comptrollers  
Harold Sample, Pasco County Clerk of Court  
Justin Horan, Clay County Clerk of Court  
Kimberly Stenger, Polk County Clerk of Court  
Doris Maitland, Lee County Clerk of Court  
Gary Blankenship, The Florida Bar  
Nichole Hanscom, Public Defenders Association  
Repps Galusha, Orange County Clerk of Court  
Paul Jones, Palm Beach County Clerk of Court  
Akilya Drake, Palm Beach County Clerk of Court  
Cindy Guerra, Palm Beach County Clerk of Court  
David Winiecki, Sarasota County Clerk of Court  
Laurie Reaves, Miami-Dade County Clerk of Court  
Brian Murphy, Mentis Technology Solutions  
Ernie Nardo, Broward County Clerk of Court  
Ebony Tisby, Florida Department of Law Enforcement

Mark Rivera, 4<sup>th</sup> Circuit  
Thomas Morris, State Attorney 8<sup>th</sup> Circuit  
Paul Regensdorf, Esq., Jacksonville  
Christopher Campbell, Florida Court Clerks  
and Comptrollers  
Ken Kent, Executive Director, Florida  
Court Clerks and Comptrollers  
Jennifer Fishback, Florida Court  
Clerks and Comptrollers  
Brent Holladay, Lake County Clerk of Court  
Tony Landry, Volusia County Clerk of Court  
Krys Godwin, The Florida Bar  
Amy Borman, 15<sup>th</sup> Circuit  
Gerald Cates, Duval County Clerk of Court  
Laurie Rice, Brevard County Clerk of Court  
Tyler Winik, Brevard County Clerk of Court  
Carole Pettijohn, Manatee County Clerk of  
Court  
Steve Moerbe, Tyler Technologies  
Toni Bleiweiss, Lee County Clerk of Court  
Victor Lee, Computing System Innovations  
Lee Herring, Florida Department of Law  
Enforcement

Before the meeting began Chief Judge Mark Mahon and Clerk Ronnie Fussell said a few words welcoming the commission members to the Duval County Courthouse and expressed sincere gratitude for the work of the commission.

Judge Munyon welcomed the commission members and other participants to the meeting. She recognized Justice Polston as the Supreme Court liaison to the Florida Courts Technology Commission (FCTC). Judge Munyon welcomed Chief Judge Terence Perkins from the Seventh Judicial Circuit. Judge Munyon called the meeting to order and advised everyone that the meeting was being recorded.

## **AGENDA ITEM II. Approval of August Minutes**

### **Motion to approve the minutes from the August 7, 2015 meeting of the Florida Courts Technology Commission.**

MOTION OFFERED: Murray Silverstein

MOTION SECONDED: Judge Josephine Gagliardi

MOTION CARRIED UNANIMOUSLY

### **AGENDA ITEM III. Approval of FCTC Approved Items**

#### **Motion to approve the Florida Courts Technology Commission's Approval Items from the August 7, 2015 meeting.**

MOTION OFFERED: Judge Josephine Gagliardi

MOTION SECONDED: Murray Silverstein

MOTION CARRIED UNANIMOUSLY

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

a. Brian Peterson gave an update on the vendors who are certified with the *Functional Requirements Document for Court Application Processing System version 3.0* and *AOSCO9-30 version 14.0*. The Eighth Judicial Circuit, the Thirteenth Judicial Circuit, and Pioneer demonstrated compliance with all of the requirements in CAPS 3.0 and *AOSCO9-30 version 14.0* and received full recertification, while Mentis Technologies only met some of the requirements and received provisional recertification. The Seventeenth Judicial Circuit demonstrated their CAPS viewer and received provisional certification. The Fifteenth Judicial Circuit demonstrated their CAPS viewer and received full certification. The Fourth Judicial Circuit deferred their certification and will come before the certification subcommittee at a later date. Fifty counties have a CAPS viewer implemented in the civil and/or criminal divisions. Fourteen counties have reported that they will have a CAPS viewer implemented by April 1, 2016. The remaining three counties will not have a CAPS viewer implemented for either lack of funding or lack of a case management system to pull the information from. Judge Munyon stated that fully implemented does not mean everything is fully functional. A system will be fully functional when judges have the capability to electronically sign and file orders through the Portal.

### **AGENDA ITEM V. Certification Subcommittee Update**

Judge Perkins said the Fifteenth Judicial Circuit should be applauded for complying with all of the requirements and receiving full certification on its initial attempt which is something no other vendor had achieved. In the past, the Trial Court Integrated Management Solutions (TIMS) subcommittee updated the CAPS standards. Because the TIMS subcommittee has been inactive for over a year, the certification subcommittee will now be responsible for updating the CAPS standards. The Certification Subcommittee would like to include a cost/benefit analysis in the next iteration of the CAPS standards. This will allow the circuits to know in advance how much it would cost to have their judicial viewer comply with the updated standards. Tom Genung was in agreement with a cost/benefit analysis. At the circuit level, chief judges and trial court administrators grapple with how to implement the new requirements without funding. He suggested the FCTC should be cognizant of the cost impact of all directives it issues. Clerk Karen Rushing said a cost/benefit analysis would be helpful when going before the legislature to get funding for certain things. Judge Stephens said the primary reason many of the proposals got rejected in the original formulation of the standards was because the TIMS subcommittee thought it would be too costly. Justice Polston asked if a cost/benefit analysis would be done for all the individuals involved. There are a lot of different systems and the cost/benefit may vary for different people. Chris Blakeslee said in the past the proposed standards were sent to the vendors for their input. Some standards were removed based on the

cost to implement.

**Motion that a cost/benefit analysis be a part of the Certification Subcommittee's charge in making recommendations to the Florida Courts Technology Commission.**

MOTION OFFERED: Judge Terence Perkins

MOTION SECONDED: Tom Genung

MOTION CARRIED UNANIMOUSLY

**AGENDA ITEM VI. Portal/e-Filing Progress Report**

a. Carolyn Weber discussed the Portal usage statistics. In the month of October, there were 1,208,416 filings through the Portal and a total of 99,363 registered users. The day with the highest volume was October 20, 2015, with 57,919 documents submitted. It took approximately 0.95 days for a document to be approved by a clerk and reach the docket. This dropped almost a full day from September 2015 when it took approximately 1.90 days for a document to reach the docket. Tom Genung asked if there was an anomaly for the month of September as it took significantly longer for documents to be docketed. Judge Munyon said the anomaly could be due to the clerk's budget issues at the end of their fiscal year. Approximately 2.14% of filings were returned to the filer for correction. Roughly 25,809 submissions were in the pending queue for returns to the filer. Of those returns, only 1.86% were by self-represented litigants, while 94.7% were by attorneys. State and local agents, creditors, and the media were added to the Portal in October. In total, they submitted 177 filings through the Portal. The Portal was up and operational 100% of the time.

Carolyn gave an update on criminal e-filing. Extensions to implement criminal e-filing were given to circuits in AOSC13-48. Pinellas County is in production, Pasco County is in testing, and Miami-Dade County State Attorney is complete. The Portal Projects Team is continuing to implement the remaining State Attorneys and Public Defenders with bulk e-filing and working with third party vendors to allow bulk e-filing. A maintenance release is scheduled for November 20, 2015. Release of version 2016.01 is scheduled for production in April 2016.

Carolyn Weber gave a quick status update on judicial e-filing implementation. She referred everyone to the documents in the materials that outline the counties and circuits and the number of judicial filings. She pointed out that Brevard County has 100% of their judges electronically filing 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. Roughly 3,282 customer service incidents were received during October 2015. Of that total, 2 were from judges, 356 were from pro se filers, and 2,924 were from attorneys. On average it took 1 hour and 6 minutes to respond to an incident and 1 hour and 52 minutes to resolve an incident. Roughly 497 technical/system support incidents were received during October 2015. On average it took 50 minutes to respond to an incident and 4 hours and 9 minutes to resolve an incident. Carolyn showed the top 10 types of incidents the service desk receives from attorneys, judges and pro

se filers.

c. Carolyn Weber discussed Portal Release 2016.01 which is scheduled for April 15, 2016. Two big functionalities will be included in this release. The Portal will be able to accept the submission of proposed orders and route to the appropriate judicial circuit. Judges will be added to the E-service list on the Portal with an email specific for being served. Carolyn also pointed out that the Florida Court Clerks and Comptrollers (FCCC) would like to increase the file submission size from 25MB to 50MB. The FCCC is reluctant to do this until the email attachment file size is increased to 10MB. This would require a rule change, as Rule 2.516, Service of Pleadings and Documents, prohibits the email attachment file size to exceed 5MB. The FCCC will not increase the file submission size if the mail attachment size is not increased. Murray Silverstein said the Rules of Judicial Administration Committee is amending this rule. Another enhancement is the Save My Settings/Preferences tab. This allows the filer to conform the Portal to look the way they want it to upon logging in. The filer will be able to establish preferences such as case type, division, work queues, etc.

### **AGENDA ITEM VII. Appellate Portal Interface Update**

John Tomasino gave an update on the Appellate Portal Interface. The eFACTS Change Advisory Board (CAB) has approved the following three items that involve meeting with Portal staff: 1) investigate differences in eDCA filing and filing through the Portal; 2) discuss a single entry point for filers to see their documents and filings; and 3) discuss integrating the Portal e-service list into unified appellate case management system.

### **AGENDA ITEM VIII. Pro-Se Litigant Filing Update**

Sharon Bock gave background information on the Access to Justice project (A2J) over the past year. The E-Filing Authority Board approved pro se litigants to use the Portal in June 2014. Florida has a distinct advantage over other states by embedding the A2J software into the Portal allowing a pro se user to seamlessly file with the push of one button. The Florida Bar Foundation created the Justice Center. The Justice Center is creating a software program that will be an algorithm to allow a pro se user to determine whether they should complete a document, whether they need legal help, or whether they qualify for legal aid, etc. Clerk Bock said there are over 25,000 registered pro se users on the Portal and over 66,000 e-filing submissions. Approximately 1.2% of the filings are returned for correction. This indicates pro se filers understand how to use the Portal. Pro se users are e-filing in circuit civil, domestic relations, and county civil the most.

Clerk Bock went on to say one of the issues the FCCC's Pro Se Committee is dealing with is developing a process and procedure for items to be reported to the Access to Justice Commission. The previous day, the Access Governance Board (Board) discussed how long a form that has been developed and vetted by the JMC should remain in the test environment to allow everyone time to test the form and make comments on the form. The Board decided 60 days was a sufficient amount of time for the forms to remain in the test environment. Applying a timeframe for how long a form stays on the test site before being given to a specific committee is an important step. The small claims form has been on the Portal's test site for 17 months. Clerk Bock suggested OSCA, the E-Filing

Authority Board, and the Clerks advertise that the forms are available on the test site for people to test the forms. Murray Silverstein suggested disseminating the forms on the Florida Bar's website to allow attorneys to test the forms. Blan Teagle said in the currently approved *Implementation Plan* there are two parallel tracks: one for family and another for all case types other than family. Once the programming is done in the A2J and the interviews become available on the Portal's test site, there is an affirmative responsibility placed upon staff to circulate the forms to the Florida Bar entity that worked with the JMC on the decision logic, judges, and non-attorneys to provide them the opportunity to review the forms in the test environment. Afterwards, the workgroup can submit its recommendation for approval to the Supreme Court. Judge Munyon said it is important to have a time period to ensure there is enough time to vet the questions, but also people need to understand that their job needs to be done at a particular point. Chris Blakeslee said 60 days should be sufficient for the forms to remain on the test site if they are vetted on the front-end. Clerk Bock said the Bar committees do not need to get together. They can log onto the Portal test site from their office.

**Motion that once the forms have been vetted by the Judicial Management Council and are on the Portal's test site for at least 60 days, the forms should then be provided to the Supreme Court or the JMC for approval to be moved into production on the Portal.**

MOTION OFFERED: Sharon Bock

MOTION SECONDED: Chris Blakeslee

Judge Munyon suggested to recommend that the JMC update the chart in the *Implementation Plan* to include a 60-day window on the test site.

Clerk Bock amended her motion and Chris Blakeslee accepted the amendment.

**Amended motion that once the forms have been vetted by the Judicial Management Council and are on the Portal's test site for at least 60 days, the forms should then be provided to the Supreme Court or the JMC for approval to be moved into production on the Portal. Also, recommend that that the JMC update the chart in the *Implementation Plan* to include a 60-day window on the test site.**

Murray suggested asking the JMC to create a non-family law forms workgroup. Clerk Bock said it took about eight months for the Clerks to work diligently on creating the first interview forms. Blan said this is something he could take up with the JMC. Justice Polston suggested having the Florida Bar create different committees based on an individual's expertise. Judge Munyon asked who would make the recommendation to the Supreme Court that the forms go to production. Blan said the *Implementation Plan* states the appropriate group, subgroup, or entity of the Florida Bar submits a recommendation for approval to the Supreme Court in all areas except for Family Law; however, for Family Law, the Family Law Forms Workgroup submits the recommendation for approval to the Supreme Court. Blan said the FCTC could make a recommendation to the Supreme Court, or make a recommendation through the JMC to the Supreme Court. Murray proposed amending the motion for the FCTC to make a recommendation to the Supreme Court that the forms remain on the test

site for no more than 60 days before final approval is sought.

Clerk Bock and Chris Blakeslee both accepted Murray's friendly amendment.

**Second amended motion that once the forms have been vetted by the Judicial Management Council and are on the Portal's test site, the FCTC should make a recommendation to the Supreme Court that the forms remain on the test site for no more than 60 days before final approval is sought. Also, recommend that the JMC update the chart in the *Implementation Plan* to include a 60-day window on the test site.**

Tom Genung suggested copying the JMC on the letter to the Supreme Court as well. Justice Polston asked if it would be a problem if the implementation schedule was changed in the *Implementation Plan* to reflect that after the forms have been vetted by the JMC and remained on the test site for at least 60 days, the FCTC has the authority to make a recommendation to move final approval of the process to the Supreme Court as opposed to the different Florida Bar committees. Blau said as long as the Bar committees are given an opportunity to offer a critique or their opinion. Judge Munyon was concerned with the "no more than 60 days" stipulation as the FCTC meets quarterly. The issue needs to be vetted in a full commission meeting. Jannet Lewis asked if the timeframe should be changed to no more than 90 days. Clerk Bock said the FCTC could meet after the 90 day timeframe and the approval of the forms would be pushed back to the next FCTC meeting.

Clerk Bock offered a friendly amendment to Murray Silverstein's amended motion. Murray Silverstein and Chris Blakeslee accepted the friendly amendment.

**Third amended motion that once the forms have been vetted by the Judicial Management Council and are on the Portal's test site, the FCTC should make a recommendation to the Supreme Court that the forms remain on the test site for no more than 60 days and be brought back to the FCTC at its next meeting before final approval is sought. Also, recommend that the JMC update the chart in the *Implementation Plan* to include a 60-day window on the test site.**

Tom Hall asked how the issue would be brought before the Supreme Court. Judge Munyon said the FCTC normally sends a letter to the Supreme Court with their recommendation.

Clerk Bock amended her previous motion. Murray Silverstein and Chris Blakeslee accepted the friendly amendment.

**Motion that once the forms have been vetted by the Judicial Management Council and are on the Portal's test site, the FCTC should make a recommendation to the Supreme Court that the forms remain on the test site for no more than 60 days and be brought back to the FCTC at its next meeting before final approval is sought. Also, recommend that the JMC update the chart in the *Implementation Plan* to include a 60-day window on the test site. Once approved by the FCTC, the FCTC would ask the Supreme Court to review and approve the recommendation through an administrative process.**

## MOTION CARRIED

Clerk Bock discussed moving the landlord complaint forms off of the test site and into production as the forms have been on the test site for 17 months. Although having a complete set of landlord and tenant documents would be fair, it is possible to allow the landlord to file the complaint through the A2J document builder because statistics in the Clerk's office have shown about 70% of tenants do not file an answer and the case proceeds to a default judgment. Judge Munyon asked if an existing form answer was in the Rules of Civil Procedure. Judge Hilliard said there was not. Blan Teagle said by the end of 2015, the Housing Umbrella Group (HUG) should have a complete landlord/tenant packet developed. The approach that the JMC Access Workgroup and the Bar committees have taken in the development of these forms is that Family, Small Claims, and Landlord/Tenant forms should not be released until a pleading for both the plaintiff and respondent are available. Judge Munyon said she could understand that approach if the Supreme Court forms contained both; however, the Supreme Court only published one form and it could take upwards to a year and a half to get another form approved through the rules process. James Kowalski said the forms for landlords exist, but the forms for tenants do not. There is a statewide perception of inequity in the forms. Judge Munyon said she did not see a form answer in the Rules of Civil Procedure. Clerk Bock said there are a lot of forms used at the local level that have been created by administrative order as a result of the lack of Supreme Court forms. Judge Munyon pointed out an answer form does not exist for small claims either. It appears rules work needs to be done before the forms are incorporated into the A2J software if approved Supreme Court forms do not already exist. Tom Hall said the approval of the forms is a much longer process. Judge Munyon stated the approval of the forms should be done ahead of the interview questions. Tom stated there are certain forms that the Florida Bar does not consider as approved, for example, the forms attached at the end of the Rules of Civil Procedure. Judge Gagliardi said the summons tell people to file a response and answers to the petitions come in regardless if there is an answer form or not.

### **Motion to move the landlord complaint forms currently on the test site into production on the Portal.**

MOTION OFFERED: Sharon Bock

MOTION SECONDED: Karen Rushing

MOTION CARRIED

Judge Munyon clarified that the motion immediately above was subject to the previous motion regarding the FCTC's recommendation to the Supreme Court about the forms. The Court ultimately has final approval on that issue. In the letter to the Court, Judge Munyon will indicate the FCTC's recommendation to proceed with adding the landlord complaint forms to the Portal and additionally present the minority view that landlord and tenant forms should be available on the Portal simultaneously.

## **AGENDA ITEM IX. A2J Forms Update**

Blan Teagle gave an update on the Do It Yourself (DIY) Florida Project. The project provides self-represented litigants access to web-based interactive document assembly software that allows them to build their own customized pleadings and documents suitable for filing in court throughout the pendency of a lawsuit. This project was an initiative of the Judicial Management Council (JMC) Access Workgroup. It was recommended by the full JMC, under then Chief Justice Polston's leadership, to the Supreme Court and approved by the Supreme Court in the spring of 2014. An *Implementation Plan* was approved by the Supreme Court in the summer of 2014. The JMC learned the FCCC already had A2J software. A2J is the software that allows self-represented litigants the ability to do the document assembly. The JMC collaborated with the FCCC to work on the project. The *Implementation Plan* that was approved by the Supreme Court required the JMC to immediately begin work on family law pleadings. The JMC was also allowed to simultaneously work on small claims and landlord/tenant forms as long as this did not impede the progress of the family work. This was able to be accomplished because the Supreme Court has a Family Law Forms workgroup. This workgroup developed an entire packet for dissolution of marriage with no dependent or minor child(ren) or property for self-represented litigants to file and complete. At the beginning of November, the JMC submitted a complete family law package to the FCCC for programming. The FCCC had made a tremendous amount of progress in developing initial pleadings in Small Claims-Money Lent. Per the *Implementation Plan*, the JMC worked with the Florida Bar's Small Claims Rules Committee and reviewed the existing documents that the FCCC already had. The JMC provided critiques, suggestions, and directions on how those documents could be completed and instructions on how to complete documents for both a plaintiff and a defendant. The JMC worked with the Florida Bar's Public Interest Law Section, the Florida Bar's Consumer Protection Law Committee, and the Housing Umbrella Group (HUG) to develop a complete packet for landlords and tenants. The JMC is expecting to have a complete packet for review from the Consumer Protection Law Committee and the HUG by the end of December. This will provide pleadings and document assembly capabilities for both the landlord and the tenant. Currently, pleadings only exist for a landlord. The HUG is completing document assembly capability for the tenant. Two sets of materials could potentially be ready for self-represented litigants to use in both family law and small claims. Judge Munyon asked how long programming would take to implement this on the Portal. Blan indicated that programming has begun on family, but the JMC needs to get with the FCCC to clarify suggested edits before programming can begin for small claims. Melvin Cox said the FCCC will have something on the test site for review in mid-January. Murray Silverstein asked if the forms have to be approved by the Supreme Court. Blan said there is an approval process identified in the *Implementation Plan*. There are small groups looking at the logic of the decision tree flowcharts. The questions should be asked in specific sequence. Murray asked where the documents would reside for ease of access. Blan said the ultimate goal is to have the documents available on the Portal. Murray said the Florida Bar may want the documents to be included in the Rules of Court, Rules of Judicial Administration, Small Claims, Civil, Family etc. because the documents are currently in those locations. Tom Hall asked if these would be the only approved interactive documents. There are numerous private vendors who offer these forms. Clerk Bock said maintaining the forms on the Portal will allow seamless filing as opposed to other interactive forms available on the internet that would require downloading, printing, and conforming the document to meet Supreme Court rules. These forms will be interactively filled out by the pro se filer, usable by the judge, and be able to file the form seamlessly in one action. Blan said the idea of the project was never to say the A2J forms

would be the only legally sufficient way to file documents. There are multiple case types where there are not Supreme Court approved forms. This will assure self-represented litigants that they are building the proper pleading to be filed. Murray asked if the interactive process only applies to existing forms or will there be an interactive process for new causes of action. Blan said the goal is that eventually there will be. Clerk Bock said to keep in mind these are not forms, but instead an interactive process where logic is applied. It is a long and difficult process that will not take the place of the forms. Blan said the *Implementation Plan* allows the FCTC to decide which case type will follow the already approved interactive process for simplified dissolution of marriage, small claims, and landlord/tenant. Judge Munyon suggested that the Supreme Court approved forms will be worked on first and new forms will be vetted by the appropriate Florida Bar committee.

### **AGENDA ITEM X. CCIS 3.0 Update**

Linda Doggett said the Comprehensive Case Information System (CCIS) is the statewide comprehensive database for Florida. There are approximately 38,000 users. The upgrade to CCIS 3.0 will be completed by October 31, 2016. Additional data fields, AOSC15-18, access security, and real time court case information have been incorporated in CCIS 3.0. The quality of data will be verified through new validation processes. Clerks will eventually have the capability to run and verify reports using CCIS as a data source. The CCIS subcommittee will be examining the capabilities within CCIS to identify related cases across the state of Florida. CCIS has a party matching algorithm to relate criminal cases. Clerk Doggett suggested making a policy decision to have more joint IT strategic planning conversations with CCIS as a foundational part of the technology strategies. This enables the Courts and the Clerks to set priorities for scarce resources that are managed daily. Murray Silverstein asked if CCIS 3.0 would include a statewide uniform system with a single source login for all filers to access their local CMS database through the Portal. Clerk Doggett said CCIS has this capability and should be part of the discussion. Judge Perkins said this is not a part of CCIS 3.0, but perhaps it could be included in CCIS 4.0. At this time, CCIS is a state agency user system and is not for attorneys, but hopefully once access and security is improved, attorneys could be added as a user to CCIS. Melvin Cox said some time ago one of the issues before the Access Governance Board was whether there would be a single statewide login to access all counties in Florida, or would every county have their own site. It was decided that every county would have their own site and this issue would be readdressed in the future. Judge Munyon asked if Clerk Doggett wanted the collaboration between the CCIS subcommittee to continue or if formal joint IT strategic planning be done between the FCCC and the Court. Judge Perkins said the context of the CCIS subcommittee came from a request received from Justice Pariente asking if there was a way to identify related cases. The first step of the CCIS subcommittee is to figure out what information is available in CCIS. Algorithms will need to be developed to get that information and incorporate it into the judicial viewers and the Clerk's systems. The CCIS subcommittee will develop recommendations for the FCTC to consider.

### **AGENDA ITEM XI. Portal Subcommittee Status**

a. Judge Bidwill said a request from the Supreme Court was received to take up the issue of electronic service of judges. Carolyn Weber touched on this in her Portal release 2016.01 update earlier. Basically, a filer will be able to add a judge to each individual pleading for e-Service. The judge will not be permanently

added to the service list and the filer will not have access to the judge's email address.

**b.** Judge Bidwill said a couple of years ago the legislature authorized the electronic application and issuance of search and arrest warrants. The Seventeenth Judicial Circuit has been doing this for a couple of years. There is a dedicated secure line with all of the police agencies that allows them to electronically submit the application for search and arrest warrants. The judge reviews the warrant, and, if approved, signs it and submits it back electronically. Even after this electronic process, the search warrant return has to be printed and filed in the Clerk's office. In most of these matters there is not a case initiation so that is a problem with the Portal. Judge Bidwill plans to sit down with his Clerk and law enforcement to see how this could be done and develop a schematic if it can be done.

**c.** Judge Bidwill said there are a lot of things the Court could be doing electronically with the Department of Corrections (DOC). The Portal has a dedicated line that allows the Clerks to send release documents directly to DOC. Judge Bidwill would like to look into electronically filing VOP warrants and post-conviction matters to DOC. Judge Munyon authorized Judge Bidwill to contact them to discuss ways to improve efficiencies with DOC.

### **AGENDA ITEM XII. Private Attorney Batch Filing Presentation**

Melvin Cox said a number of large law firms have requested the ability to batch file directly to the Portal from their local computer system. This type of filing is needed for large volume operations to increase efficiencies. In 2013, batch filing was implemented on the Portal for State Attorneys and Public Defenders. If added for civil cases, this would be considered an "added value" service provided to private attorneys. Several things have to be considered to develop batch filing for private attorneys: development work would have to be done on the interface; new case initiation would have to be added; e-Commerce component would have to be added; and mapping and processes for docket codes. The FCCC would have to come up with resources to work on this and provide technical support to assist large law firms who would be interested in implementing batch filing. The FCCC proposes the following to address civil batch filing: develop interface standards; publish the standards for the law firms or vendors to test against; allow private vendors (via a Memorandum of Understanding (MOU) between the vendor and the Portal) to offer this service with a standard pre-defined fee to connect with the Portal; the E-Filing Authority Board would approve each vendor based upon successful compliance with the interface standards. This is optional and takes place on the filer's side. Regardless of how a document is filed in the Portal, it looks the same once it is received in the Clerk's office. Judge Stephens asked how authentication is maintained between the third party provider and the attorney. Melvin said the transaction has to include the Florida Bar number and the credentials of the filer which has to be maintained throughout the process. Amy Borman asked would the provider or the attorney do the actual filing of the document. There was a Florida Bar ethics opinion stating only an attorney who has signed the document can actually file the document. Melvin said the original source of the filing would reside with the filer. The provider would provide software and assistance. Amy said some providers may sell filing the documents as a service. Melvin said the MOU would indicate the limits of what the third party provider could do.

### **AGENDA ITEM XIII. Proposed Order Workgroup Update**

Judge Bidwill said the proposed order functionality will be included in the April 2016 Portal release. The specifications will be forthcoming for any circuit wishing to utilize this functionality.

#### **AGENDA ITEM XIV. Interpreter Data Workgroup Update**

Tom Genung discussed a survey that was sent to the Clerks of Court and Court Administrators inquiring if they have the ability to capture this information at the CMS level in their judicial viewers. Forty-eight clerks have a field available for interpreter data information and nine counties do not have a field available. Forty-eight counties also have staff available to input foreign language interpreter data into their CMS and ten of the counties do not. After the Interpreter Data Workgroup meeting on November 17, 2015, it was determined that some Clerks may have the ability to capture that information but did not know they had the ability because the fields are hidden. Six Court Administrators have a field in their judicial viewer to capture the interpreter data information and fourteen circuits did not have the field available. Eleven circuits felt the best way to obtain the information was when the judicial viewers pulled the information from the CMS. Three circuits felt the best way to obtain the information was for Court Administration staff to input the data directly. The workgroup will find out if the Clerks are able to capture this information in their CMS for different divisions. Although the Court is only responsible for providing interpreters in certain types of proceedings, the Florida Rules for Certification and Regulation of Spoken Language Court Interpreters applies to all court events and court related events. There is some indication from the Department of Justice (DOJ) that they would like the Court to provide interpreters in all proceedings, but that is cost prohibitive at this time. Tom said modifications would need to be made to the CMS and judicial viewers in order to capture the information and move it to the courts. Tom offered the following motion for data gathering.

**Motion for the FCTC to encourage the Clerks to modify their CMS and associated integration to capture interpreter needs and specific language; Clerks contact vendors and report on costs required and time required to make modification; and encourage justice partners to cooperate in the gathering of interpreter needs for inclusion in the case party documentation.**

MOTION OFFERED: Tom Genung

MOTION SECONDED: Judge Scott Stephens

Kim Stenger asked if a field would be added to ask if the individual needs an interpreter and would a second field be added to identify the language. She said the clerks would need to know what is being asked to be added to their CMS for standardization. Tom said two fields would need to be added. Judge Perkins asked if there needs to be a designation for the exact type of proceeding for which an interpreter is required. Tom said Florida law only requires interpreters to be provided in certain types of proceedings and right now it is case type driven. The DOJ thinks state courts should be providing language access to everyone and by not doing so means the Court is excluding access. Florida has an active plan to provide language access, but that is limited to specific proceedings and cannot be provided across all case types. Judge Perkins said the Court is recording this information to determine if the Court at its own cost has to provide an interpreter for that proceeding. In order to

make that determination, the Court needs to know if an interpreter is needed, the type of interpreter needed, and the type of proceeding the interpreter is needed for. If this is not currently being recorded it may need to be added. Tom said if the information is captured in all of the court proceedings the Court would be ahead of the game, but on the other hand it may be determined if the Court is capturing that information they should be responsible for providing interpreters in all of the proceedings, because the Court is already capturing all of the information. Tom stated it is up to the FCTC to decide if the interpreter information should be limited to the case types that are currently required by law, or make it more expansive and capture that information for all court proceedings. Tom said a report can be run listing the case types for which interpreters are needed as long as the data is there.

MOTION CARRIED

### **AGENDA ITEM XV. Docket Code Workgroup Update**

Clerk Rushing said there were two phases in standardization that relates to docket descriptions. On September 7, 2015 the Clerks implemented standardized subdivisions of the case types promulgated through the Summary Reporting System (SRS) on the Portal. Filers should see the same dropdown selection process regardless of which county they are filing in. In addition, Clerks have put in a uniform approach on criminal cases, but not for civil cases. The Clerks have initiated an effort to standardize the civil docket descriptions. There are 327 document description types on the Portal. A Best Practice workgroup has been created. A final phase of the docket descriptions will be implemented in December. The Clerks are providing a minimum standard on the Portal for the filer. There are different docket descriptions being used inside the CMS which is driven by the work processes in the Clerk's office as well as preferences from the judiciary about how certain things should be titled for the judiciary review and use. Clerk Rushing said standardization is there and the Clerks are continuing to work on refining it.

### **AGENDA ITEM XVI. Access Governance Board Update**

a. Judge Hilliard briefly discussed Lee County's Amended application for Online Electronic Records Access.

#### **Motion to approve Lee County's Amended Online Electronic Records Access application.**

MOTION OFFERED: Judge Robert Hilliard

MOTION SECONDED: Judge Josephine Gagliardi

b. Brian Peterson said the Access Governance Board received 13 requests from Clerks of Court to move their online electronic records access system from the pilot phase into production. OSCA is working with the FCCC to develop an audit process for Clerks to comply with the administrative order.

c. Judge Hilliard provided a list of the 13 counties wishing to move their online electronic records access system from the pilot phase into production.

**Motion to approve Alachua, Broward, Citrus, Duval, Leon, Pinellas, Charlotte, St. Johns, Gadsden, Miami-Dade, Okaloosa, Bay, and Sarasota counties to move their online electronic records access system from the pilot phase into production.**

MOTION OFFERED: Judge Robert Hilliard

MOTION SECONDED: Judge Josephine Gagliardi

Judge Munyon asked how the Access Governance Board envisioned the 13 counties fitting into the audit process to comply with amended AOSC14-19 and AOSC15-18. Brian Peterson said these are the counties that submitted a letter to move forward and the counties can be approved to do so, but the Clerks still need to comply with the quality assurance aspect of the administrative orders. Clerk Rushing asked what is the next step. Brian said an audit process has to be developed before a county can be approved to end its pilot. Brian would like for OSCA and FCCC to collaborate and develop a process that meets the needs of the Court and the Clerks. Judge Munyon asked if the audit process could be disseminated to the FCTC via email in order to accelerate approval of the process prior to the next FCTC. There was agreement with this approach. Judge Munyon reminded everyone that the Supreme Court would have to approve a system before it can move into production. Clerk Rushing said some Clerks have provided access in a broader manner than what the current AO prescribes and the Supreme Court had interest in Clerks not providing that broad access. Are Clerks supposed to terminate the broader access and operate on the pilot access? Judge Munyon said the Supreme Court's approval is what will permit a Clerk to move into production.

MOTION CARRIED

d. Judge Hilliard informed the members that the Board received two requests from Holmes and Wakulla counties to withdraw their Online Electronic Records Access application.

**Motion for the FCTC to accept the letters from Holmes and Wakulla counties to withdraw their Online Electronic Records Access applications.**

MOTION OFFERED: Judge Robert Hilliard

MOTION SECONDED: Tom Genung

MOTION CARRIED UNANIMIOUSLY

e. Judge Hilliard informed the members that the Board received correspondences from the Public Defenders Association and the Department of Corrections asking to include a user group for each entity in the *Access Security Matrix* and the *Standards for Access to Electronic Court Records*. The Board will review the proposals and have a recommendation at the next FCTC meeting.

**AGENDA ITEM XVII. Data Exchange Workgroup Update**

Robert Adelardi said the Data Exchange Workgroup has been developing data exchange standards for interaction between the Clerk CMS, the judicial viewers, and the state level Judicial Data Management

Services system. The standards will be shared with vendors to receive feedback. After such time, the workgroup will bring the updated standards to the FCTC for approval. Judge Munyon encouraged all members to carefully review the draft standards and be prepared to make a recommendation at the FCTC meeting in February.

### **AGENDA ITEM XVIII. Document Storage Workgroup Update**

Steve Shaw said while attending the Court Technology Conference (CTC) in September he had the opportunity to attend a presentation by Steve Levenson an IT Specialist who works in the Policy and Planning Division with the U.S. Government. He was active in the development of Pacer. The federal system is using PDF. The workgroup has recommended and the FCTC has approved PDF/A as a storage standard. As the Court emerges down the path from TIFF to PDF, the workgroup is trying to model many systems that are already in place as opposed to reinventing the wheel. PDF/A is the direction a lot of people are moving towards. The reason the federal courts have not moved towards PDF/A is the education of the attorneys. On November 10, 2015 Mr. Levenson and a representative from Adobe participated in a Document Storage Workgroup meeting via conference call. Although there are a lot of paper processes that are important for authenticating a document, Mr. Levenson recommended that the Court steer clear of modeling the paper world. Different hurdles have been identified as the workgroup goes through some workflow processes. The workgroup realizes there are several parallel tracks that need to take place while the workgroup is moving towards PDF/A as a storage standard: differentiate between digital and electronic signatures; educate attorneys and the judiciary on what a PDF is and how to produce a PDF document; and creating ADA compliant documents. By the middle of 2016, the Florida Bar anticipates offering an audio/video presentation educating attorneys on PDF's and producing PDF's. A 20-page document survey to help determine potential implementation timeframes and costs associated with storing and using PDF's was sent to the Clerks. The Clerk Technology Subcommittee did a significant review on the responses received from the Clerk's offices. A second survey will be sent to the Clerks as well. By the end of November, a survey will be sent to the judicial viewer vendors to establish how they will use PDF documents. Currently, judicial viewers do conversion on TIFF documents and will have to do conversion on PDF documents. There are some programming and work processes that have to be changed. The judicial viewer has to be able to use different types of formatted documents to provide records to judges. The workgroup is continuing further research and evaluation of obstacles: potential rule changes that may occur along the way; eSignature and eNotary may cause PDF/A document corruption; internal and external distribution of ADA compliant documents; and funding resources available and the justification for PDF/A.

Melvin Cox presented the PDF/A survey results from the Clerks of Court. In September, the FCCC held a number of regional workshops with Clerks and their staff. One of the purposes of those workshops was to let the Clerks know PDF/A is going to be a standard and the Clerks need to get prepared for that. The survey help get the word out about PDF/A and got a lot of people involved in the process. The FCCC emphasized that PDF/A will help with ADA compliance; help retain original intelligence of documents as they are filed; move towards a true paperless court; and the archiving process allows long-term archival of records. The next step is to evaluate some of the issues that arose. For example, the Portal places a stamp on all documents that are received. Just placing that

stamp on the document actually alters the document and makes the document invalid. The workgroup has to determine a technical way to put the stamp on the document without invalidating the PDF or maybe eliminate stamps in the digital world. The Clerks reviewed what it would take to intake PDF documents, process PDF documents, view PDF documents, and the infrastructure needed to store and backup PDF documents. From the Clerks perspective, redaction and interaction between the courts and official records systems are two interfaces that are impacted by this change. Redaction vendors gave the Clerks a quote and where they are in relation to that technology. A lot of the documents in the court get passed back and forth and filed as official records. All of the vendors are on notice that this standard is coming. It will take on average three years to implement PDF/A. The FCCC grouped counties together by their size and referred to them as Similarly Situated Clerks (SSC). It will cost approximately \$17 million to implement this change statewide. The average cost per county ranges from \$30,594 for small counties to \$724,995 for mega counties. Roughly half of the estimated \$17 million is for infrastructure and the other half is for software. The FCCC will continue to work with the Document Storage Workgroup to figure out specifications on dealing with some of the technology obstacles. Some counties can move forward with this implementation quicker than others and the FCCC will encourage those counties to do so once the specifications are in place. The Portal is a big part of this implementation. Once the standard is implemented, the Portal will only send PDF/A documents to the Clerk's case maintenance systems. The Portal needs to be in place so counties will have the ability to test these documents by receiving the documents, running the documents through their CMS, and take the documents through their workflow. There will probably be a discussion on how the Portal can be positioned to process and support PDF/A at the E-Authority Board meeting in January. Murray Silverstein asked if state funds were available to help pay for this project. Judge Munyon said a three to five year timeline could allow the Clerks time to request funding from the Legislature to get this accomplished in order to comply with Florida statute.

### **AGENDA ITEM XIX. E-Warrants Update**

Judge Munyon reminded everyone that FDLE gave a presentation to the FCTC over a year ago. FDLE had received a grant from the Department of Justice to put together an electronic warrants (e-Warrants) pilot project. Lee Herring gave an overview of the e-Warrants system. The project started in 2011 with a grant from the National Instant Criminal Background Check System. FDLE received the grant to build the system with the key factors of success being timeliness of entering warrants, accuracy and volume. Timeliness included automating a paper process, accuracy allowed the information to only be entered once, and volume would increase by allowing more warrants to be entered into the Florida Crime Information Center (FCIC) and National Crime Information Center (NCIC) system so the information could be used to disqualify purchases of firearms. FDLE started with workgroup counties in Alachua, Lee, Miami-Dade, Okaloosa, Palm Beach, and St. Lucie counties. FDLE met with each county and discussed their current process for entering warrants. A web-based application was developed. This application will be accessible to any law enforcement or criminal justice agency through the Criminal Justice Network or CJNet. FDLE defined how the system would work through roles and permissions. FDLE built functionality into the system to allow agencies to control their workflows through the use of queues and user permissions. There are five roles in the e-Warrants system: a requester is an authorized user that initiates the warrant affidavit;

a screener is an authorized user (usually someone from the State Attorney's Office) that reviews the charges and probable cause of the warrant; an approver reviews the warrant affidavit for approval (usually a judge or an authorized user acting on behalf of the judge); an issuer (usually someone working for the Clerk of Court) is the recording agency or authorized user responsible for assigning a court case number to the warrant affidavit; and an owner (usually someone from the Sheriff's Office or another authorized criminal justice agency) is the authorized user responsible for entering the warrant into state and local systems, maintaining the warrant, and responding to any hit confirmations when the individual is arrested. There are three levels of permissions: a user has minimum functionality assigned to their duties in the warrant process; a supervisor assigns warrant requests to users and manage queues in the warrant process; and an administrator is responsible for user management, managing user account requests, and editing user information. Ebony Tisby demonstrated the e-Warrants system from creating an affidavit to submitting the affidavit to FCIC. Judge Perkins asked if anyone is administering or attesting to the affidavit when the affidavit is sworn, or does an officer only acknowledge that they are giving the affidavit under oath. Ebony said at this time it is only the officer acknowledging the affidavit under oath. Judge Munyon asked if any live pilots are in Florida. Lee said user acceptance testing has been done in St. Lucie County. FDLE plans to create a test environment in the next few months and have a group of people test the system. Judge Bidwill said in the Seventeenth Judicial Circuit's warrant system, the law enforcement agency sends the warrant application which is sworn to in front of another police officer. Judge Bidwill asked if FDLE had a legal opinion on swearing to affidavits. Lee said there is functionality built within the system at the requestor role that allows the requestor to forward the affidavit to a chain of command to get approval to request the warrant. Judge Bidwill said F.S. 901.02(3)(b) states, "is supported by an oath or affirmation administered by the judge or other person authorized by law to administer oaths." Lee said they will take this information back to FDLE's general counsel. Judge Bidwill asked if discussions have been had with DOC for violation of probation warrants. Lee said FDLE has not had discussions with DOC, but any criminal justice agency could be set up as a requestor. There should not be any limitations in the functionality of the system to set those entities up within the e-Warrants system and forwarding it through. At this point, FDLE is trying to get the person's warrant standard process up and running and expand on the functionality from there. There are a lot of moving parts with a lot of different players.

## **AGENDA ITEM XX. Standards Consolidation Workgroup Update**

The Standards Consolidation Workgroup combined all of the technology standards into one document. Jannet Lewis gave a high-level overview of the consolidated technology standards. The standards are formatted in a way that they can expand and contract to allow the combining of all of the standards, but at the same allows distinct separation for major parts. This new format allows easy review and cite sections that specifically reference rules. Although retired, Jannet wanted to acknowledge Judge Reynolds for taking the lead on the final format. The *Technology* Standards are renumbered in a more user-friendly way for reference purposes. Part 2 deals with e-filing, Part 3 deals with access to court records, Part 4 deals with CAPS, Part 5 deals with integration and interoperability, and Part 6 deals with notifications by Clerks for system modifications. For example, any standard beginning with the number 2 relates to e-filing. The workgroup added an appendix at the end of each related part. In addition, the workgroup plans to add footnotes at the end of the standards to track historical changes. Jannet

commended Lakisha Hall for combining all of the technology standards into one standards document with the new format. Once the standards are approved by the Supreme Court, all of the administrative orders that reference the separate discrete standards will have to be addressed.

**Motion to approve the consolidated version of the technology standards in the new format.**

MOTION OFFERED: Jannet Lewis

MOTION SECONDED: Murray Silverstein

MOTION CARRIED UNANIMIOUSLY

Jannet continued discussing future changes to the standards: develop a method to have discrete hyperlinking to maximize available technology; focus on eliminating duplication; clean up the language; decide where the master document would reside; and develop an archival process to keep track of historical versions. Jannet pointed out the proposed changes the workgroup made to the standards thus far. Justin Horan went over section 2.4.15.3 Confidentiality and Sensitive Information. He said this section refers to the second button on the Portal. The language on the Portal does not take into account Rule 2.420 Public Access to and Protection of Judicial Branch Records and Rule 2.425 Minimization of the Filing of Sensitive Information. Currently if a filer chooses button 2, they would not be allowed to file a motion, instead they would have to file a notice of confidentiality which is against the Rules of Judicial Administration. Carolyn Weber is going to add the capability for a filer to file a motion. Justin and Murray Silverstein are working on developing language for the Portal and the standards. The language on the Portal needs to mirror the language in the standards. Murray said the standards document is dynamic and evolving. The document will be updated as the FCTC/RJA Joint Workgroup review the rules and omit technology standards from the rules. Judge Munyon asked that once the final document is ready for the FCTC's vote, the workgroup gives the FCTC at least two weeks to delve all of the changes because there is a lot of information to absorb in the document.

**Motion to approve the changes to the consolidated document minus section 2.4.15.3 Confidentiality and Sensitive Information.**

MOTION OFFERED: Jannet Lewis

MOTION SECONDED: Judge Robert Hilliard

MOTION CARRIED UNANIMIOUSLY

**AGENDA ITEM XXI. FCTC/RJA Joint Workgroup Update**

Murray Silverstein gave an update on the work of the FCTC/RJA Joint Workgroup. The workgroup's objectives were to look at the E-Filing standards and the Rules of Judicial Administration that particularly dealt with e-filing (rule 2.525) and e-service (rule 2.516) and identify overlapping issues and eliminate the duplication. A subgroup of the workgroup was formed to begin the challenging process of drafting amendments to the RJA and the standards. The workgroup is going to propose

adding a new section 2.415 called Electronic Standards. This rule will essentially say all electronic filings must comply with the technology standards.

### **AGENDA ITEM XXII. RJA Committee Actions Update**

Amy Borman discussed the four referrals the RJA Committee received from the FCTC. Two of the referrals, service list origination and deletion of the filing and service size of documents within Rules 2.525 and 2.516, have essentially been put on hold as the RJA/FCTC Joint Committee have been going through the RJA rules. The RJA Committee is in the process of working on the other two referrals; studying the creation of a rule authorizing electronic judicial signatures and adding additional certification to the attorney signature Rule 2.515 that the filer certify compliance with the ADA requirements of Rule 2.526. The next RJA meeting will be held in January at the Florida Bar meeting.

### **AGENDA ITEM XXIII. Retention of Paper Documents**

John Tomasino discussed a letter received from the FCTC regarding the retention of court records. The preference of the Judicial Records Committee is to not do a top to bottom review of the records retention schedule that is appended to the RJA. This appendix only deals with the records that are in possession of Court Administration. Rule 2.430 Records Retention deals with records that are in possession of the Clerks of Court. The Supreme Court would like the FCTC to make specific suggestions regarding what changes that might be needed to the records retention schedule that deals with the court administrative records. The Supreme Court may be able to get those changes done expeditiously as opposed to doing a top to bottom review of the entire appendix. Judge Munyon said the FCTC had some concern that many of the rules that deals with the retention of court records by the Clerks are for paper documents. Chris Blakeslee said Clerks have to keep paper copies of affidavits. The rule needs to be looked at to identify what could be kept electronically versus paper. Judge Munyon said the FCTC referred things to the RJA, the Probate Rules Committee, and the Criminal Rules Committee because they all have specific requirements for the retention of paper documents in their rule sets. Murray Silverstein said the hope is to add the technology standards as an appendix to the RJA. The records retention schedule could be updated to cover the remaining paper documents and the new retention schedule for digitized records. The retention schedule could be eliminated and a standard for court records maintained by the Court could be added. Judge Munyon said the current retention schedule is only for court administration records and does capture electronic data in addition to paper records. John Tomasino said the retention schedule does not address what happens once a paper record is digitized. Tom Hall said the original set was drafted using the Secretary of State standards as a model. Tom said under the current definition of court records, all of the records in the Portal are not court records. The Portal is a local agency that is governed by the Secretary of State's retention schedule. Their retention schedule has nothing in it that resembles a court record retention schedule. Tom Genung will get with the Court Administrators to look at the retention schedule and develop a list of changes that could be made in the interim until a complete revision of the retention schedule is appropriate and look at adding language that addresses what happens once a record is converted into digital format. Clerk Bock said there are several issues for electronic storage: a tremendous cost; determining what needs to be kept indefinitely; and security to maintain the records for an indefinite

amount of time. Tom Hall said at one point there was a committee that dealt with these types of issues. Tom Genung said the committee still exists. Tom Genung will report his findings from the Court Administrators at the next FCTC meeting.

**AGENDA ITEM XXIV. Other Items/Wrap Up**

Judge Munyon advised everyone the next FCTC meeting is scheduled for February 10-11, 2016 in Orlando.

**Motion to adjourn the FCTC meeting**

MOTION OFFERED: Judge Terence Perkins

MOTION SECOND: Chris Blakeslee

MOTION CARRIED UNANMIOUSLY