

# Florida Courts Technology Commission Meeting

## FCTC Action Items / Summary of Motions

August 19, 2015

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A meeting of the Florida Courts Technology Commission was held at the George Edgecomb Courthouse in Tampa, Florida on August 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 Stevan Northcutt, 2<sup>nd</sup> DCA  
Judge George S. Reynolds, 2<sup>nd</sup> Circuit  
Judge Josephine Gagliardi, Lee County  
Thomas Genung, Trial Court Administrator, 19<sup>th</sup> Circuit  
Sandra Lonergan, Trial Court Administrator, 11<sup>th</sup> Circuit  
Matt Benefiel, Trial court Administrator, 9<sup>th</sup> Circuit  
Mary Cay Blanks, Clerk of Court, 3<sup>rd</sup> DCA  
Karen Rushing, Clerk of Court, Sarasota County  
Sharon Bock, Clerk of Court, Palm Beach County  
Jim Kowalski, Jr., Esq., Jacksonville Area Legal Aid (JALA)  
Tanya Jackson, Adam Street Advocates

Judge Robert Hilliard, Santa Rosa County  
Judge Martin Bidwill, 17<sup>th</sup> Circuit  
Judge Ronald Ficarrota, 13<sup>th</sup> Circuit  
Judge Scott Stephens, 13<sup>th</sup> Circuit  
Murray Silverstein, Esq., Tampa  
John M. Stewart, Esq., Vero Beach  
Laird Lile, Esq., Naples  
Ken Nelson, CTO, 6<sup>th</sup> Circuit  
Jannet Lewis, CTO, 10<sup>th</sup> Circuit  
Christina Blakeslee, CTO, 13<sup>th</sup> Circuit  
Elisa Miller, Akerman LLP

### **Members not in attendance**

David Ellspermann, Clerk of Court, Marion County

Judge C. Alan Lawson, 5<sup>th</sup> DCA

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

PK Jameson  
Tad David  
Brian Peterson  
Lakisha Hall

Eric Maclure  
Alan Neubauer  
Jeannine Moore

### **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

Noel Chessman, CTO, 15<sup>th</sup> Circuit  
Robert Adelardi, CTO, 11<sup>th</sup> Circuit  
Fred Buhl, CTO, 8<sup>th</sup> Circuit

**Other Attendees cont'd.**

Terry Rodgers, CTO, 5<sup>th</sup> Circuit

Mike Smith, CTO, 4<sup>th</sup> Circuit

Craig Van Brussel, CTO, 1<sup>st</sup> Circuit

Robin Kelley, CTO, 7<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

Harold Sample, Pasco County Clerk of Court

Kimberly Stenger, Polk County Clerk of Court

Mark Ware, Hillsborough County Clerk of Court

Deborah Mells, Pinellas County Clerk of Court

Nichole Hanscom, Public Defenders Association

Stacey Butterfield, Polk County Clerk of Court

Akilya Drake, Palm Beach County Clerk of Court

Cindy Guerra, Palm Beach County Clerk of Court

Jeff Taylor, Manatee County Clerk of Court

David Winiecki, Sarasota County Clerk of Court

Roger Eaton, Charlotte County Clerk of Court

Dave Johnson, Mentis Technology Solutions

Brian Murphy, Mentis Technology Solutions

Dale Bohner, Hillsborough County Clerk of Court

Isaac Shuler, CTO, 2<sup>nd</sup> Circuit

John Lake, CTO, 3<sup>rd</sup> Circuit

Gerald Land, CTO, 16<sup>th</sup> Circuit

Wayne Fountain, CTO, 18<sup>th</sup> Circuit

Thomas Morris, State Attorney 8<sup>th</sup> Circuit

Paul Regensdorf, Esq., Jacksonville

Christopher Campbell, Florida Court Clerks  
and Comptrollers

Paul Alessandrone, Charlotte County Judge

Justin Horan, Clay County Clerk of Court

Brent Holladay, Lake County Clerk of Court

Doris Maitland, Lee County Clerk of Court

Tony Landry, Volusia County Clerk of Court

Repps Galusha, Orange County Clerk of Court

Paul Jones, Palm Beach County Clerk of Court

Gerald Cates, Duval County Clerk of Court

Laurie Rice, Brevard County Clerk of Court

Tyler Winik, Brevard County Clerk of Court

Jon Embury, 20<sup>th</sup> Judicial Circuit

Mark Carmanica, Thomas and LoCicero

Jim Weaver, 6<sup>th</sup> Judicial Circuit

Steve Moerbe, Tyler Technologies

Toni Bleiweiss, Lee County Clerk of Court

The meeting began with Judge Munyon welcoming the commission members and other participants to the meeting. Judge Munyon called upon Dennis Menendez, CTO in the 12<sup>th</sup> Circuit, to read a tribute to the late R.B. "Chips" Shore, Manatee County Clerk of Circuit Court and Comptroller who passed away on July 29, 2015. Dennis noted comments from Chief Judge Charles Williams' letter sent to the Manatee County Commission asking that the historic courtroom be renamed in his honor. A fitting tribute to someone who dedicated his life to historic preservation and forward thinking in support of improved technology and innovation in our court system.

Judge Munyon called the meeting to order advising everyone that the meeting was being recorded. The roll was taken with a quorum present. Judge Munyon welcomed new FCTC members, Chris Blakeslee, CTO, 13<sup>th</sup> Circuit and Jim Kowalski, Attorney at Jacksonville Legal Aid. In addition, Judge Munyon introduced Brian Peterson, the new ISS Governance Manager within

the Office of the State Courts Administrator (OSCA).

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

### **Motion to approve the minutes from the May 14, 2015 meeting of the Florida Courts**

#### **Technology Commission.**

MOTION OFFERED: Judge Gagliardi

MOTION SECONDED: Mary Cay Blanks

MOTION CARRIED UNANIMOUSLY

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

### **Motion to approve the Florida Courts Technology Commission's Approval Items from the May 14, 2015 meeting.**

MOTION OFFERED: Tom Genung

MOTION SECONDED: Laird Lile

MOTION CARRIED UNANIMOUSLY

## **AGENDA ITEM IV. FCTC Accomplishments**

Judge Munyon presented an overview of the FCTC, its accomplishments and subcommittee activities; the presentation can be found on the Florida Court's technology page <http://www.flcourts.org/resources-and-services/court-technology/commissions-committees.stml>. The presentation is for informational purposes and will be updated yearly.

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

a. Alan Neubauer discussed the implementation schedule of the judicial viewers outlined in the *CAPS Viewer Implementation Timeline* chart. Currently, 51 counties have a judicial viewer implemented in the civil and/or criminal divisions; the remaining non-implemented counties are being monitored. Alan noted further implementation delays could result with the ending of foreclosure funds. Judge Munyon noted there was no funding approved in this year's budget for further implementation of judicial viewers. Any further occurrences of implementation will come from the counties or will be delayed until the next legislative session. Judge Hilliard mentioned the correction of Escambia County's implementation date, which was changed to January 2016.

## **AGENDA ITEM VI. ePortal/eFiling Progress Report**

a. Carolyn Weber discussed the ePortal usage statistics. In the month of July, there were 1,217,926 filings through the Portal and a total of 92,170 registered users. The day with the highest volume was July 14, 2015; 58,624 documents were submitted. The peak hour was at 4:00 pm on July 27; 8,288 documents were filed. It took approximately 1.06 days for a document to be

approved by a clerk and reach the docket. Approximately 2.1% of filings were returned to the filer for correction. Attorneys embody the largest filer role on the ePortal with 65,084 accounts, while law enforcement represent the smallest with

1. Self-represented litigants continue to grow with 20,366 accounts. Carolyn noted a new uptime statistic for ePortal usage was 100% with only two minutes of ePortal downtime recorded during the month of July.

Carolyn gave updates on criminal e-filing. Extensions to implement criminal e-filing were given to circuits under AOSC13-48. The Florida Court Clerks and Comptrollers Association (FCCC) continues to implement the remaining State Attorneys and Public Defenders with batch e-filing. The FCCC is working to implement batch e-filings for the judicial circuits, appellate courts, and law enforcement agencies as well as third party vendors. Release of version 2015.02 is scheduled for September 11, 2015 and a maintenance release, that will not affect the functionality, is scheduled for November 2015.

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. In addition, the ePortal Subcommittee approved the addition of the following additional filer roles to the ePortal in release version 2015.02: State Agencies, Local Agencies, Insurance Agencies, Creditors and Media.

**Motion to approve the ePortal Subcommittee's recommendation of adding new filer roles to the portal for State Agencies, Local Agencies, Insurance Agencies, Creditors and Media.**

MOTION OFFERED: Judge George Reynolds

MOTION SECONDED: Tom Genung

MOTION CARRIED UNANIMOUSLY

**b.** Carolyn Weber gave an update on the ePortal service desk. The service desk takes calls regarding customer service incidents along with technical and system support incidents. Roughly 3,764 customer service incidents were received during July 2015. Of that total, 1 was from a judge, 299 were from pro se filers, and 3,463 were from attorneys. On average it took 28 minutes to respond to an incident and 1 hour and 46 minutes to resolve an incident. Carolyn showed the top 10 types of incidents the service desk receives from attorneys, judges and pro se filers. In addition, the service desk is looking into the feasibility of Live Chat and setting up a VRU (Voice Response Unit) to automatically log voicemails into the HEAT (Helpdesk Expert Automation Tool) system. Laird Lile commented on the e-filing submissions and the average per day filing statistics and requested the month of the report be noted on those slides. John Stewart inquired as to why the increase in pro-se litigant accounts as electronic filing was not being publicized to pro-se litigants. In addition, he requested adding specific filers to the return-for-correction slide. Clerk Sharon Bock commented she could look into the pro-se litigant accounts and report back at the next meeting. Carolyn stated she would look into determining the filer role on the return-for- correction slide. Clerk Bock mentioned the latest budget cuts and that the Clerks are cutting staff; she encouraged Court staff speak to the state legislature on matters regarding delays in docketing time and to explain the importance of the employees

running the system. Clerk Bock added that the delays could increase if the Clerks are cut another 10% in October. Jim Kowalski asked if there could be a frequency of the technical issue details on the county vs. the circuit regarding pro se filing issues. Carolyn responded that most of the questions are from the trial court level, as only the 2DCA and the Supreme Court are electronically filing through the portal at this time. Jim also commented on being able to disseminate any pro se litigant information through the Legal Aid office. Judge Reynolds inquired on the anticipated impact on the portal when A2J forms come online. Carolyn said helping pro se litigants generate their documents by going through the interview process will lead to an impact on the ePortal since the document generation will require a robust roll out. Judge Reynolds inquired with Sharon as to whether there was coordination between the Florida Bar and the A2J roll out. Sharon said the Judicial Management Council (JMC) is heading the project coordination. PK Jameson responded they are working with the Bar who is currently reviewing the interview questions. Judge Munyon asked where the Bar committees were at in this process. PK said the Chairs of the Bar committees that have contacted OSCA appear to be concerned with the mechanics and the filings being in compliance. Judge Reynolds requested that at the next FCTC meeting the Bar report where they are at with their current review of the interview questions.

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

Alan Neubauer gave a brief update on the Appellate ePortal interface. Documents that are flowing through the Appellate ePortal interface which are destined for the Supreme Court and the 2<sup>nd</sup> District Courts of Appeal are flowing with little problems. Clerk Mary Cay Blanks added the DCA Clerks are filing through the ePortal and the exchange allows for the DCA Clerks to be served electronically through the ePortal.

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

Melvin Cox reminded everyone that the Comprehensive Case Information System (CCIS) is a statewide repository of case data and in essence connects all 67 case maintenance systems into a single system where searching and viewing of court records can be done. Melvin discussed version 3.0 and the method in which data will be sent to CCIS, it will be more real-time and the quality of the data will be improved. The web service that allows real-time communication was designed through the Volusia County data exchange pilot and can be used for other data sharing initiatives. The interface has been provided to all the Clerks and CMS vendors for uniformity. The infrastructure has been upgraded to ensure the system can handle the additional load. The counties will have an opportunity to implement CCIS 3.0 in a phased in approach. In October 2015, CCIS will be moved to the new environment and begin moving into production. The goal is to have all the counties upgraded, refreshed and implemented by March 2016. In addition, new security roles have been established and aligned with the security matrix. Chris Blakeslee inquired about the security roles regarding judges not having access to juvenile records. Melvin stated the security roles will be more defined. Chris inquired further on how CCIS will affect the Judicial Inquiry System (JIS). Melvin explained coordination has been done with all internal and external stakeholders. Judge Reynolds suggested creating a subcommittee to work

together with the Clerks to stay abreast of all the changes that are occurring.

**Motion to create a CCIS Subcommittee of the FCTC to work together with the FCCC on changes that are occurring with CCIS 3.0.**

MOTION OFFERED: Judge George

Reynolds MOTION SECONDED:

Clerk Karen Rushing

Clerk Karen Rushing inquired regarding the system's capability to protect confidential information from external users that have a need for CCIS as well. Tony Landry recommended tasking the FCTC Data Exchange Workgroup which is already doing a lot of coordination with the CCIS project. Judge Munyon explained this workgroup will not be as technical as the data exchange workgroup. Murray inquired about the statewide standards for CCIS. Melvin explained the main standard for an inquiry system is the viewer security role which permits access to the records and ensure the data is secure. It doesn't replace any current system, it is another option to view records. Sandra Lonergan wanted to know how CCIS will link the juveniles to cases. Melvin explained it mirrors how the CMS system performs this action and it will only capture data that is captured by the local clerk system.

MOTION PASSED UNANIMOUSLY

Judge Munyon requested volunteers for the new subcommittee and the chair, Judge Reynolds coordinate with the data exchange workgroup to ensure there is no duplication of work.

**AGENDA ITEM IX. ePortal Subcommittee Status**

- a. Judge Reynolds discussed the concern of ex parte motions and a motion for a writ of garnishment appearing on the case docket before the writ is actually issued and served by the process server. To alleviate this, Carolyn explained the writ can be filed as a proposed writ through the ePortal at the same time as the motion. Judge Reynolds explained this is not an issue for the ePortal subcommittee and Elisa Miller withdrew her concerns.
- b. The additional filer roles were approved under agenda item VI.
- c. Judge Reynolds called upon Dale Bohner, General Counsel to Pat Frank, Clerk of Hillsborough County to discuss accessibility of e-filed records. Mr. Bohner explained the purpose of the letter from Ms. Frank was to apprise the FCTC of the issues with accessibility. The Clerks have to provide access to electronic court records on their website for the records to be accessible to the public. The content on the website is being provided by a third party and filers are not compliant with Rule 2.526. Clerks providing access to electronic court records through their websites must insure that the contents are compliant with the accessibility requirements of Section 508 of the Rehabilitation Act of 1973. Clerks cannot add tags or otherwise alter any document that is third party "content" on the Clerk's website to make it accessible under Section 508. In Hillsborough County, approximately 80% of electronic documents filed did not

comply with Rule 2.526. The Clerks need a statewide, uniform solution for this problem. Mr. Bohner noted a new PDF/UA (Universal Accessibility) which provides definitive terms and requirements for accessibility in PDF documents and applications. Judge Munyon mentioned that a few of the representatives from the Board of Governors were present, and commented on the issue of educating lawyers. John Stewart noted the Bar has passed a requirement for an additional 3 hours of Continuing Legal Education (CLE) on technology. The rule amendment still has to be filed and approved by the Supreme Court which cannot be filed until the summer of 2016. Judge Munyon stated one of the components of the education curriculum should include electronic compliance with the ADA rule, as required by the Rules of Judicial Administration (RJA). Murray stated it could be possible to add an additional rule requirement in the lawyer's certification to be compliant with ADA provisions.

**Motion for FCTC refer to the Rules of Judicial Administration Committee (RJAC) to consider adding an additional certification to the attorney signature rule 2.515 that the filer certify compliance with the ADA requirements of Rule 2.526.**

MOTION OFFERED: Murray Silverstein

MOTION SECONDED: Judge Ronald Ficarrotta

Judge Reynolds discussed conversion to TIFF documents. Steve Shaw, chair of the Document Storage Workgroup, stated there is a requirement for documents coming into the portal to be Word or PDF searchable, which meets most of the ADA requirements. In some instances filers will scan a document into the ePortal. Even if the Clerks system were able to store documents correctly, a scanned document converted to a PDF is sent in as a PDF picture. There is no intelligence with a PDF picture and a screen reader cannot read it. The educational component will require filers to understand the significance of appropriate filing; however, it will take time to achieve. Judge Munyon noted her concern regarding another certification where attorneys still do not adhere to the current checkbox certifications on the ePortal. She feels the educational component is more substantial than willful non-compliance. Judge Munyon will send a formal letter to the RJAC. Judge Reynolds noted he will keep this issue on the ePortal Subcommittee agenda for progress updates.

MOTION PASSED UNANIMOUSLY

**AGENDA ITEM X. E-Serving Judges**

In John Tomasino's absence, Judge Reynolds explained the e-serving of judges. A request from the Supreme Court was received to take up the issue of electronic service of judges. The appellate courts and a limited number of petitioners are required to serve judges in certain circumstances, but there are no mechanisms or procedures for electronic service on judges. The issue was addressed in the ePortal Subcommittee meeting and the following motion was recommended.

**Motion to approve recommendation from the ePortal Subcommittee that each trial judge shall provide an e-service address with the ePortal which shall be maintained and kept current by court administration of each circuit. The trial judge's e-service address may be either an individual or a divisional address.**

MOTION OFFERED: Judge George

Reynolds MOTION SECONDED:

Judge Josephine Gagliardi

Judge Munyon stated that when the ePortal was implemented a gatekeeper was established in each circuit's Court Administration for responsibility of keeping an accurate list of email addresses of judges signed up in the ePortal and the removal of any non-active judges. Judges Reynolds noted this would provide a way that service could be accomplished upon the judge. The designated address would be for purposes of service and would be unreplyable. Laird Lile inquired as to whether the email address would show up in every service list that a judge is involved with. Carolyn responded that she will write it up based on the specifications that the name be viewable but not the email address. They would appear on the service list as being served however, the email address would not be available/viewable. In addition, the service would be a single use and would not stay on the portal, the filer would have to add them each time they wanted the judge served. Paul Regensdorf inquired on how the attorney will access the list of names to serve a trial judge. Carolyn advised that currently they can do a search by portal users and the judges have not been added to that list. The write up will include adding them to that list (not showing their email address) so they can be served on the designated documents. Judge Stephens agreed on a well-defined way of service to judges documented properly but felt building it into the portal was unnecessary. Clerk Blanks explained the concept was to have e-service on the ePortal. Carolyn further added that the request was to be able to serve the District Courts of Appeal (DCA) Clerks as well as the trial court judges. Murray stated that a simple solution would be to require all judges list their email address under their Florida bar number, as attorneys are required to do. Paul said the benefit of this will be automation of registering every judge as a participant in the ePortal, whether he/she uses it or not. This registration process might encourage judges that are not currently utilizing the ePortal to serve others through the ePortal.

MOTION CARRIES WITH ONE OPPOSING

**AGENDA ITEM XI. Docket Code Workgroup Update**

Clerk Rushing stated the Chair of the Eportal Filing Authority has asked all Clerks be compliant with all case types and sub-categories designated through the Summary Reporting System (SRS) by September 1, 2015. In addition, Clerks are to have standardized docket descriptions out for the filers.

**AGENDA ITEM XII. Proposed Order Workgroup Update**

Judge Bidwill said the proposed order workgroup was tasked with evaluating the possibility of creating an option on the ePortal for a filer to upload a proposed order directly to the judiciary

and bypassing the Clerk. Carolyn Weber put together a *Proposed Order Change Order* document. The concerns over utilization in certain jurisdictions lead to the request of a survey to determine interest before the change order is approved. The results of the survey were shown to the members with fourteen circuits in favor and six circuits opposed. Each circuit, at their own pace and in the manner they prefer, would choose whether to use the ePortal's option to submit proposed orders. The change order does not mandate all circuits to submit proposed orders through the portal, they can utilize it when they are ready. If approved, the change order would be implemented in the next release in April 2016.

**Motion to approve the ePortal Subcommittee's recommendation to send the proposed order survey results and the *Proposed Order Change Order* to the E-Filing Authority for review and submission of a proposed implementation date.**

MOTION OFFERED: Judge George  
Reynolds MOTION SECONDED:  
Judge Martin Bidwill

John Stewart inquired on each circuit's uniformity. Judge Bidwill explained each circuit will have the *option* to link up to the functionality on the ePortal to allow filers to submit orders in the specified circuit. Judge Munyon reminded everyone that the phased-in approach of e-filing prior to mandating it had proved to be successful. Judge Reynolds stated once the e-service email addresses are implemented, he feels that judges will evolve to utilize for proposed orders. Paul was in favor of the proposal to have a statewide uniform way of submitting proposed orders and emphasized the importance of the orders being part of the official record. Chris stated in the 13<sup>th</sup> circuit proposed orders are processed through the JAWS system and judicial staff are satisfied with the process. The order is not docketed until the judge signs, executing the order. Chris disagrees with a mandate at this time.

MOTION CARRIED WITH THREE OPPOSING

**AGENDA ITEM XIII. Interpreter Data Workgroup Update**

Tom Genung discussed interpreter data being captured upon filing. The workgroup met and learned the Clerks are adding data fields to the CMS to capture interpreter data related to the need, language and usage of interpreters. Tom added that there is a mechanism to capture this information so the issue is how it will be captured. Tom explained that when remote interpreting is implemented throughout the state there will be no need for the information upfront. In the interim, more research needs to be done to determine how this information will be put into the CMS system.

**AGENDA ITEM XIV. Florida Bar Vision 2016 Technology Committee Update**

John Stewart discussed the Board of Governors approval of the recommendation to increase components in attorney CLE hours for technology-related education. The Bar is working on determining which areas should be covered in this component and is open to suggestions prior

to Supreme Court approval. John explained the Vision 2016 Commission is wrapping up their review of the areas that will impact the future practice of law in Florida. The Florida Bar Journal's January 2016 edition will be dedicated to the area of technology for lawyer awareness. The Committee concluded in June, however, there are outstanding projects which were rolled into a standing Committee on Technology. Judge Reynolds inquired on coordination and communication of overlapping committees. John agreed there needs to be more communication with similar committees from other entities. Judge Munyon suggested that the FCCC would be a good informational resource for the lawyer's educational component.

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

Murray Silverstein discussed the rule of procedure that requires original signatures and documents be retained by Clerks offices. There are two rules that cover retention of paper documents, rule 3.030 and rule 5.043. Murray referred to the list of documents covered in rule 3.030 and suggested the list be reviewed to determine if it can be pruned. In addition, rule 5.043 should be reviewed to determine if wills and codicils should be retained in their original form and how long they should be retained thereafter.

Laird Lile suggested expanding this to also cover which documents attorneys have to retain. Chris inquired about affidavits and the Clerks having to retain them in a paper file. Paul said the Clerks should not be retaining any paper files except for criminal cases. Judge Bidwill commented the list should be reevaluated to decrease the paper filings. Tom Morris noted the primary concern of State Attorney Offices was going paperless, as in fingerprint cards being the same in electronic format. As long as the electronic format of the paper copy is going to be as valid as the original paper copy, he didn't see why the list could not be decreased.

### **Motion to refer the paper filing requirements set forth in rule 3.030 to the Rules of Judicial Administration Committee be revised to require electronic filing. Also, to address the propriety of the record retention schedule attached as an appendix to the Florida Rules of Judicial Administration.**

MOTION OFFERED: Judge George Reynolds

MOTION SECONDED: Karen Rushing

Clerk Blanks noted the records retention schedule in the appendix was based on a standing committee of the Supreme Court and suggested the appendix be reevaluated as well. Judge Munyon proposed that she send the request to Clerk Tomasino instead of RJAC, where it can be determined whether it's necessary to refer the records retention issue to the Supreme Court committee.

MOTION CARRIED UNANIMOUSLY

### **AGENDA ITEM XVI. Indemnification**

a. Murray discussed the indemnification issue brought up at the May 2015 FCTC meeting and

the moratorium that was lifted last year. With court dockets going on-line, there were concerns raised in regards to attorneys fulfilling their function of redaction and pointing out confidential information. Murray referred to the FCCC proposal in the materials. The Clerks requested a proposed rule amendment to Rule 2.515 to include an obligation by lawyers to indemnify the Clerk of Court for damages, to the extent there were any inadvertent disclosure of confidential information. Subcommittee C of the RJAC conducted an analysis of the ability to provide sovereign immunity through a court rule. The analysis and case law did not support providing indemnification in a court rule. Clerks that are performing a judicial function are already covered with protection of judicial immunity and if not, they are exposed to a lawsuit. There were concerns, and the subcommittee noted the requirements found in Rule 2.425 failed to reference Rule 2.425 and addresses a matter that attorneys already certify compliance with in Rule 2.515. The RJAC recognized the concern of the Clerks and advised the Clerks to pursue statutory immunity for their work in this area with the Legislature.

b. Murray commented on *The Florida Bar News* article in the materials. *The Florida Bar News* is a great resource on information affecting attorneys, court staff and technology; and now there is an app where it can be viewed on a mobile device.

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

a. Judge Hilliard discussed the Access Governance Board (Board) meeting yesterday. Monthly status reports were received from several counties and no areas of concern were found. At the next meeting the Board will take into consideration issues that came up with process servers, as well as the Public Defenders concerns regarding access. In addition, the Public Defenders Association is proposing statutory changes for accessing Baker Act cases and the Board will continue to review monthly status reports.

b. Judge Hilliard informed the members that the Board received six extension requests for delayed implementation guidelines under AO14-19. The Clerks whose initial applications for on-line access were approved in the Spring, began their pilots in July of this year in order to avoid having attorney and client access removed. The reasons for the extensions were carefully considered and approved by the Board.

**Motion to approve the recommendation from the Access Governance Board that the following clerks be granted a delay 90 days from the FCTC's approval, to fully implement their pilot and thereby avoid the need to remove attorney access to records. If the clerk cannot meet the deadline they can request another 90-day extension. Brevard, Clay, Lake, Palm Beach, Wakulla and Holmes County.**

MOTION OFFERED: Judge Robert Hilliard

MOTION SECONDED: Judge Josephine Gagliardi

Mark Caramanica who represents the media groups from Thomas & LoCicero's office objected to the extension requests granted to the counties citing the extensions as attorney preference. The firm feels the attorney preference is unconstitutional and that online access to records should be shut off during the extension periods. Tyler Winik from the Brevard County Clerk of Court

commented that they are not in a pilot stage at this point; this is a viewing issue not an access concern. The concern of attorney preferential treatment is understood; however, they do not have the manpower to implement by September 1, 2015. As soon as their system can be tested and they are assured that no confidential information will be released, it will be implemented. Judge Munyon emphasized that not all the Clerks listed on this list have an attorney preference. Paul questioned the *anti*-attorney preferential rule being an established constitutional problem. Judge Munyon said there has not been a case in controversy where the Court has adjudicated that issue. Mark responded that the media is requesting the same speedy access that attorneys have. Paul feels the constitutional difference is that the attorney has a license to practice law and the general public does not.

MOTION CARRIED UNANIMOUSLY

c. Judge Hilliard discussed providing searchable images online. Current language in the *Standards for Access to Electronic Court Records* prohibit the search of images through internet public access. The Board made a recommendation to strike the prohibited language and provide new language, in essence, if documents are stored in a searchable format they should be provided to the public in a searchable format.

**Motion to approve the recommendation from the Access Governance Board that if documents are stored in a searchable format, documents should be provided to the public in a searchable format.**

MOTION OFFERED: Judge Robert Hilliard

MOTION SECONDED: Clerk Sharon Bock

MOTION CARRIED UNANIMOUSLY

d. Judge Hilliard informed the members that the Board received and reviewed the Online Electronic Records Access Applications from Levy, Monroe and Miami-Dade to continue implementation of their online electronic records access system. In addition, the Board received applications from Hillsborough and Polk County that did not get included in the electronic materials for the FCTC members to view. Members will receive those applications via email to vote on them later in the meeting.

**Motion to approve the recommendation from the Access Governance Board to approve the Online Electronic Records Access Applications received from Levy County (contingency), Monroe County (new), and Miami-Dade County (phase II).**

MOTION OFFERED: Judge Robert Hilliard

MOTION SECONDED: Judge George Reynolds

MOTION CARRIED UNANIMOUSLY

Judge Hilliard noted the recent meeting in Duval County regarding attorney access. Access to court records in Duval County were previously available to attorneys in the Clerk's old legacy system.

The current *Security Matrix* provides a different level of access for attorney preference, which has promulgated some concerns in the field. Judge Munyon mentioned that she attended the meeting and lawyers were upset because many of the documents are now only viewable on request compared to previously having had instant access to all records. It appeared the previous Clerk had not fully implemented the limited moratorium and was allowing lawyers to access confidential information, even when the attorney was not the attorney of record. The present Clerk had an obligation under the recent Administrative Order to correct the issue and comply with the security matrix. This correction caused consternation among many members of the Bar and clarification was essential to resolve some of the reactions to the change.

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

Jannet Lewis discussed the technical standards that are being reviewed for consolidation. The Workgroup is working on developing a draft format to combine the standards, but still separate them into parts, and renumber them in a more user friendly way for reference purposes. One of the tasks the Workgroup was assigned with was getting the standards up to date and in as best shape as possible. The Workgroup began with the e-access standards and noted the modifications that were ready for review by the FCTC. Jannet went through the document and summarized the changes. When these standards were first developed there were multiple e-filing systems. With mandatory e-filing and the ePortal functional, the language was updated throughout the document to reflect the Florida Courts E-Filing Portal where it had previously referenced e-filing systems. With all Clerks being approved for the ePortal, the language on the approval process for Clerk's e-filing systems was eliminated. The definitions were updated to reflect some of these changes as well. The workgroup did identify some overlap with other standards that were developed later. Sections 3.1.22, 3.3.1 and 3.3.2 regarding access were stricken; now the Access Governance documents and the Security Matrix cover these areas more thoroughly. The docket numbering language that was approved by the FCTC at the August 2014 meeting was added. The language for the judges' electronic signature was strengthened and requires a case number in the watermark. In addition, the signatures must meet encryption compliance requirements when stored. A new section was added to recognize Clerk signatures. The Workgroup also looked at sections of the document that may be outdated or replaced by other standards. Section 6.0 Case Management System Design Framework was conceptual language prior to the Trial Court Integrated Management Solution (TIMS). The Court Application Processing System (CAPS) standards are a subset of TIMS and cover these areas more thoroughly. There was conceptual language in Section 8.0 Governance as well, and now there is a rule to reflect governance by the FCTC. Jannet explained that once the full consolidated document is done an introduction will expand on the various governance entities.

### **Motion to approve the recommendation from the Standards Consolidation Workgroup to approve this series of updates within the *Standards for Electronic Access to the Courts*.**

MOTION OFFERED: Jannet Lewis

MOTION SECONDED: Judge Robert Hilliard

Jannet pointed out the Chairs of the other standards committees are on the FCTC Standards Consolidation Workgroup. When there is overlap those sections will be referred back to the specific standards committee to be updated. Judge Stephens questioned the Time Stamp section 3.1.14, and the notation that the section had been moved. Jannet responded in some sections, the order was changed to improve the workflow and logic. Jannet noted the Workgroup is working in conjunction with the FCTC/RJA Workgroup for sections that should be noted in the rule sets.

MOTION PASSED UNANIMOUSLY

### **AGENDA ITEM XIX. Data Exchange Workgroup Update**

Robert Adelardi said the pilot project in Volusia County to implement CCIS 3.0 is underway; the Data Exchange Workgroup received the technical documentation from Volusia County. The Workgroup met in July to review the documentation and they are continuing to consolidate all the information to present it to the internal and external stakeholders for feedback. The Workgroup will incorporate any feedback and present it at the next FCTC meeting in November.

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

Steve Shaw said the Document Storage Workgroup was asked by the FCTC to make a recommendation concerning the future direction of e-filing document formats and storage. The Workgroup has met several times and continues to find new items to research. Steve presented some changes the Workgroup will be recommending in the near future related to proposed standards for electronic document submissions.

- Limit document file size to 50MB (which increases the portal submission size from 25MB to 50MB) to be more usable in the future.
- Embedded images should not exceed a resolution of 600 dpi for practical purposes.
- Discourage scanning of documents. If necessary, the document should be scanned in monochrome (black and white) mode with a resolution of 300 dpi.

Steve discussed the different PDF/A formats, PDF/A-1a (accessible) and PDF/A-1b (basic). PDF/A-1a is when you create a document using a word processing application and a PDF creation tool to generate a PDF/A document. This allows the finalized document to be searchable and will meet the majority of the Section 508 requirements for ADA. The Workgroup would like to continue researching PDF formats and provide a questionnaire to survey the Clerks on requirements for storing PDF/A documents in their document management systems. In addition, they would like to survey the judicial viewer vendors and other entities that would be using the PDF/A documents to determine costs associated with utilizing this format. The PDF/A format is determined by the federal government as the best long term solution.

**Motion to approve the Document Storage Workgroup recommendation of PDF/A as the storage standard.**

MOTION OFFERED: Steve Shaw

MOTION SECONDED: Clerk Sharon Bock

MOTION PASSED UNANIMOUSLY

Clerk Bock discussed the cost factors associated with PDF/A formats and how much it would cost the Clerks to convert the data. To do a thorough evaluation and determine costs associated with the standard, Clerk Bock recommended having the Clerk's offices just convert data moving forward instead of converting all historic data. With the lack of funding and Clerks are not able to determine costs unless a starting point is defined, a second motion was presented.

**Motion to approve the document storage workgroup recommendation that PDF/A storage be done date forward, due to no funding for conversion.**

MOTION OFFERED: Clerk Sharon Bock

MOTION SECONDED: Judge Robert Hilliard

MOTION PASSED UNANIMOUSLY

Lisa Lott suggests the workgroup review notarizing documents electronically. Various documents require notarization and are the most likely reasons why attorneys scan documents. Tony Landry said scanning documents is basically a hybrid document which is comprised of both PDF/A formats. The Workgroup is looking at all the issues that would require someone to scan a document and developing proposals that would avoid this need in the future. Tad David commented on the statute that governs notary and there are protocols in place that permit notarizing documents electronically. Mike Smith added that the 4<sup>th</sup> Circuit is developing a pilot for electronic processes, including electronic notarization. The Duval County Clerk is currently using an electronic notary process to register attorney access.

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

Judge Munyon inquired on Hillsborough and Polk counties online access application that was previously emailed to the members for review and approved at the Access Governance Board meeting.

**Motion to approve the recommendation from the Access Governance Board to approve the Online Electronic Records Access Applications received from Polk (new) and Hillsborough County (amended).**

MOTION OFFERED: Judge Robert Hilliard

MOTION SECONDED: Judge George Reynolds

MOTION PASSED UNANIMOUSLY

Murray Silverstein discussed the FCTC/RJA Workgroup tasks in recognizing inconsistencies between the technical standards and rule sets. One inconsistency is in the *Standards for Electronic Access to the Courts* 5.4 section that authorizes electronic judicial signatures; the Rules of Judicial Administration do not state this.

**Motion to approve the recommendation from the FCTC/RJA Joint Workgroup recommending the Rules of Judicial Administration Committee to study the creation of a rule authorizing electronic judicial signatures at the next available opportunity.**

MOTION OFFERED: Murray Silverstein

MOTION SECONDED: Judge George Reynolds

MOTION PASSED UNANIMOUSLY

Murray further added the workgroup would like to move forward with increasing the filing size to 50 megabytes. The Rules of Judicial Administration has a megabyte limitation that would require amendment. The Workgroup suggested RJA consider eliminating any megabyte limitations in its rules of procedure and incorporate them as a reference to the technology standard.

**Motion to approve the recommendation from the FCTC/RJA Joint Workgroup recommending the Rules of Judicial Administration Committee delete the filing and service size from the RJA rules and incorporate by reference the filing and service size as set forth in the *Standards for Electronic Access to the Courts* adopted by the FCTC at the next available opportunity.**

MOTION OFFERED: Murray Silverstein

MOTION SECONDED: Judge George Reynolds

MOTION CARRIED UNANIMOUSLY

Paul emphasized the need for both this Workgroup and OSCA to make the finalized standards more accessible to lawyers.

Judge Munyon said she will be sending an email to the members for an electronic vote. The FCTC has to respond to a request to change the appellate rules. The Appellate Courts Technology Commission will be sending their comments to FCTC to incorporate and respond to the Court. Judge Munyon reminded members to *reply-to-all* when responding to an electronic vote by email.

**Motion to adjourn the FCTC meeting**

MOTION OFFERED: Laird Lile

MOTION SECOND: Judge George Reynolds

MOTION CARRIED UNANIMOUSLY

The next meeting will be November 18-19, 2015 in Jacksonville.