

Florida Courts Technology Commission Meeting

FCTC Action Items/ Summary of Motions

February 19-20, 2014

A meeting of the Florida Courts Technology Commission was held at the Orange County Courthouse in Orlando, Florida on February 19-20, 2014. The meeting convened at 9:00 A.M., Chair Judge Lisa T. Munyon presiding.

Members of the Commission in attendance

Judge Lisa T. Munyon, Chair, 9th Circuit
Judge Scott Stephens, 13th Circuit
Judge Robert Hilliard, Santa Rosa County
Judge Martin Bidwill, 17th Circuit
Ted McFetridge, Trial Court Administrator, 8th Circuit
Thomas Genung, Trial Court Administrator, 19th Circuit
Ken Nelson, CTO, 6th Circuit
Mary Cay Blanks, Clerk of Court, 3rd DCA
Murray Silverstein, Esq., Tampa
Charles C. Hinnant, Ph.D., Florida State University
Kent Spuhler, Esq., Florida legal Services

Judge Stevan Northcutt, 2nd DCA
Judge George S. Reynolds, 2nd Circuit
Judge Manuel Menendez, Jr., 13th Circuit
Karen Rushing, Clerk of Court, Sarasota County
Jannet Lewis, CTO, 10th Circuit
Paul Regensdorf, Esq., Jacksonville
Dennis Menendez, CTO, 12th Circuit
Laird A. Lile, Esq., Naples
Sharon Bock, Clerk of Court, Palm Beach County
David Ellspermann, Clerk of Court, Marion County

Members not in attendance

Judge C. Alan Lawson, 5th DCA
Barbara Dawicke, Trial Court Administrator, 15th Circuit

Judge Sheree Cunningham, Palm Beach County
Thomas Woods, Tallahassee

OSCA and Supreme Court Staff in attendance

Chief Justice Ricky Polston, Supreme Court
Lisa Goodner
Alan Neubauer
Lakisha Hall

John Tomasino, Clerk of the Supreme Court
Susan Dawson
Chris Blakeslee
Jeannine Moore

Other Attendees

Judge Judith L. Kreeger, 11th Circuit
Tom Hall, Florida Court Clerks and Comptrollers
Steve Shaw, CTO, 19th Circuit
Jon Lin, CTO, 5th Circuit
Isaac Shuler, CTO, 2nd Circuit
Mark Van Bever, 18th Circuit
Melvin Cox, Director of Information Technology, Florida Court Clerks and Comptrollers
Carolyn Weber, Florida Court Clerks and Comptrollers
Jennifer Fishback, Florida Court Clerks and Comptrollers
Brian Murphy, Mentis Technology
Carole Pettijohn, Manatee County Clerk of Court

Judge Lee Haworth, 12th Circuit
Noel Chessman, CTO, 15th Circuit
Craig McLean, CIO, 20th Circuit
Craig Van Brussel, CTO, 1st Circuit
Wayne Fountain, CTO, 18th Circuit
Fred Buhl, CTO, 8th Circuit
Ken Kent, Executive Director, Florida Court Clerks and Comptrollers
Tim Smith, Clerk of Court, Putnam County
Dave Johnson, Mentis Technology
Jim Weaver, 6th Circuit
Jeff Taylor, Manatee County Clerk of Court

Other Attendees cont'd.

Angel Colonnese, Manatee County Clerk of Court
Akilya Drake, Palm Beach County Clerk of Court
Tonya Grimes, 13th Circuit
Paula O'Neil, Clerk of Court, Pasco County
Joe Sheehan, Tyler Technologies
Tom Morris, Florida Prosecuting Attorneys Association
Sandy Lonergan, 11th Circuit
Brenda Van Brussel, Escambia County Clerk of Court
Cindy Guerra, Palm Beach County Clerk of Court
Holly Kapacinkas, Florida Court Reporters Association
Repps Galuska, Orange County Clerk of Court
Kevin Farnsworthy, Orange County Clerk of Court
Nichole Hansom, Public Defenders Association
Nancy Owens, Thomson Reuters
Taylor Sakuma, Brevard County Clerk of Court
Keith Mehl, Putnam County Clerk of Court
Thomas James, Miami-Dade Clerk of Court
Toni Bleiweiss, Lee County Clerk of Court
Tonya Green, St Lucie County Clerk of Court

Deb Ivankow, Orange County Clerk of Court
Laura Roth, Volusia County Clerk of Court
Kristina Velez, 8th Circuit
Ernie Nardo, Broward County Clerk of Court
Harold Sample, Pasco County Clerk of Court
Henry Sal, Computing System Innovations
Jose Morato', 11th Circuit
Adam Conley, 11th Circuit
Jimmy Midyette, Florida Legal Services, Inc.
Colleen Reilly, Orange County Clerk of Court
Melissa Geist, Orange County Clerk of Court
Carm Miranda, 11th Circuit
Cassandra Garcia, E-Tech Services
Tony Landry, Volusia County Clerk of Court
Tyler Winik, Brevard County Clerk of Court
Frank Martinez, Miami-Dade Clerk of Court
Doris Maitland, Lee County Clerk of Court
Brent Holladay, Lake County Clerk of Court

The meeting began with Judge Munyon welcoming the commission members and other participants, calling the meeting to order and advising everyone the meeting was being recorded.

AGENDA ITEM II. Opening Remarks

Chief Justice Ricky Polston thanked the Commission for their dedication and Judge Munyon's leadership. Justice Polston advised how important technology is in the courts and how far the courts have come.

AGENDA ITEM III. Approval of October Minutes

Motion to approve the minutes from the October 19-20, 2013 meeting of the Florida Courts Technology Commission.

MOTION OFFERED: Laird Lile

MOTION SECONDED: Paul Regensdorf

MOTION CARRIED

AGENDA ITEM IV. FCTC Overview

Judge Munyon informed the members that an overview of the structure of the FCTC, its accomplishments and activities on the subcommittees can be found on the Florida Court's technology page <http://www.flcourts.org/resources/docs/FloridaCourtsTechnologyCommission.pdf>. The power point is for informational purposes and will be updated yearly.

AGENDA ITEM V. Judicial Viewer Update

Chris Blakeslee discussed the implementation schedule of the judicial viewers and the delays in some counties. The implementation dates will be updated periodically. The Trial Court Budget Commission (TCBC) Funding Workgroup submitted a Supplemental Legislative Budget Request (LBR) for FY 14-15. The LBR requested \$4.7 million for implementation of criminal viewers, secure transmission of documents, costs for connecting directly to the portal through the judicial viewer, additional bandwidth and maintenance costs. Chris stated that in certain counties, criminal implementation is based on receiving funding. If the funding is approved it would not be available until the next fiscal year. Paul Regensdorf wanted to know when all counties will have judicial viewers implemented. Chris said at this time the latest date is September 2014. Chris informed the FCTC members that there are in-house systems that are not compliant with the court application processing system (CAPS) standards, but they are working towards being compliant by the end of June. .

AGENDA ITEM VI. Certification Subcommittee Update

Judge Reynolds stated Pioneer and the 8th circuit are scheduled to come before the certification subcommittee in March 2014 for full certification. There are four in-house systems (Seminole County, the 4th, 15th and 17th circuits) that are working towards becoming CAPS compliant. He anticipates review for provisional certification for these systems by the end of June. Judge Reynolds explained there have been changes made to the CAPS standards and Judge Stephens will go over the changes in the TIMS certification subcommittee report.

AGENDA ITEM VII. Secure Transmission of Documents

Alan Neubauer discussed enhancing the security of electronic documents. With the implementation of the portal, the FCCC and court staff are looking at ways to ensure documents remain secure. The main focus of providing secure transmission is using industry standard encryption. Other ways are storing information regarding where documents originate to augment firewalls to prevent unauthorized public access to the interfaces. The security model will evolve to meet the needs of the court. Laird Lile wanted to know if there was going to be focus on lawyer security when filing. Alan responded the focus is not on the lawyer participant right now but on IP addresses and servers. We cannot identify and protect the integrity of the lawyer's document at this time.

AGENDA ITEM VIII. Time Stamp Issue

Judge Munyon informed the FCTC that she requested the Rules of Judicial Administration committee (RJA) to amend the present rule that governs time stamps. The RJA approved the FCTC's recommendation and would include it in their next three year report. Judge Munyon felt this issue could not wait three years. David Ellspermann asked for consideration of the FCTC to take technology issues out of the rule making process and establish another process of authorizing changes to rules. Paul Regensdorf agreed, but noted that a majority of items going through RJA have been completed quickly and few technical items remain with the RJA. Judge Reynolds said the FCTC should make a recommendation that the time stamp issue be expedited. Murray Silverstein suggested coordinating with the RJA as this is a technical standard and should be addressed as such.

Motion for the FCTC to recommend to the Rules of Judicial Administration that the amendment to Rule 2.520 be expedited

MOTION OFFERED: Judge George Reynolds

MOTION SECONDED: Murray Silverstein

MOTION CARRIED

Tom Hall agreed the FCTC should look into another expedited process for technology changes to be made. Judge Munyon suggested a small committee be established to work with Dave Ellspermann and Tom Hall to define if technology processes need to go through RJA.

AGENDA ITEM IX. e-Portal/e-Filing update (Authority Board, FCCC, etc.)

- a. Jennifer Fishback discussed the e-portal usage statistics. In the month of January, 1,062,516 filings were filed through the e-portal and there were a total of 57,769 registered users. Of cases that were e-filed, 95% were on existing cases and 5% were on new cases. Jennifer advised e-filings sent to pending queue and for judicial review has remained consistent at 2.5% but should decrease with future enhancements.
- b. As for criminal e-filing, 168,000 filings were completed in the month of January. Judge Munyon said the Clerks have made a uniform drop down menu for criminal e-filing and are working on civil. Murray Silverstein asked if inconsistencies in circuits, as with exhibits, could be in the pending queue. Melvin Cox said the inconsistencies among circuits in how they each require exhibits to be filed can be one of the reasons they are held in the pending queue. Melvin informed the FCTC that they currently have a redundant internet provider to prevent down time of the portal. Jennifer continued with criminal e-filing indicating that the interface between the state attorneys, the public defenders and the portal is still moving forward. A new release of enhancements is scheduled for release on March 28, 2014. Judge Reynolds asked about the last date to bring the last county on to criminal e-filing. John Tomasino responded with Miami-Dade in November 2014. Melvin Cox gave an update on the service desk. The support desk received 3,015 customer service calls and 1,035 technical support calls in January. Melvin explained the different type of calls. Customer service calls are generally from filers and the general public. Technical and system support calls are usually from clerks and other stakeholders and usually take longer to process. Melvin said staff training is continuing and the figures should trend downward once staff becomes comfortable with the process.
- c. John Tomasino gave an update on the appellate portal interface. The county courts are utilizing the portal to file to the 2DCA and it seems to be working well. The 3DCA rolled out in January and is being tested, however, they are still on track to be rolled out by June 30, 2014.
- d. Tom Hall gave a summary on adding non-attorney users to the portal. The FCCC was directed to develop non-attorney users to the portal. The FCCC needed further direction and presented the issue to the e-portal subcommittee. Tom indicated there are (2) issues needing clarification from the FCTC. 1.) For this group of people do we need to validate their identity? 2.) Should this group of people have access to the entire case file? During the e-portal subcommittee meeting, it was voted that non-attorney filers would only get access to the documents they filed. In regard to validation of identity, the subcommittee's vote was tied. Tom said with the questions on verification and how it would be done, the e-portal subcommittee determined the non-attorney access should be researched by the Access Governance Board subcommittee. Paul Regensdorf commented that these groups should only have public access to case files as there is no reason they should be accessing the case files with potential confidential information. Murray Silverstein said there needs to be a uniform system of registration in place for these groups of filers. Judge

Munyon directed the Access Governance Board Subcommittee to research the non-attorney filer's access to the portal and report back at next FCTC meeting.

AGENDA ITEM X. e-Portal Subcommittee Status

- a. Judge Reynolds discussed dealing with attorneys not complying with e-filing requirements. The clerks feel they should have input in attorneys who continue to file in paper. Ken Kent suggested bringing the issue up at the next FCCC executive board committee to discuss and will report back to the e-portal subcommittee. Judge Reynolds will defer issue to next FCTC meeting to allow the FCCC to recommend a resolution.
- b. The Pro-Se Filing issue is addressed under the following A2J forms for Pro-Se update.
- c. Sharon Bock discussed the A2J forms for pro-se filers. The A2J forms have been an industry standard since 2004 and the software application was created by a law school in Chicago. The forms are used throughout the US in thirty states. The forms are basically a tutorial and similar to Turbo Tax. The forms are approved by the Supreme Court, however, the interview questions are not Florida compliant. The consolidated Pro-Se Workgroup has been developing questions to conform to the document. The consolidated Pro-Se Workgroup is consisted of: The FCCC Pro-Se Committee, the E-Filing Authority Pro-Se Committee and the FCTC Pro-Se Committee. Sharon said the workgroup would like to consolidate the Judicial Management Council to this workgroup so their research can be contributed to the group. Sharon said the issue of verification/authentication of pro-se filers has not been deliberated however, the workgroup felt this should be brought to the Access Governance Board to address. Sharon explained there is a tutorial already built into the portal. To view the tutorial and report any comments, an email needs to be sent to: support@flclerks.com. Judge Kreeger wanted to know if the workgroup has included the Steering Committee to review their previous efforts on pro-se filers. Judge Reynolds advised they have not included the Steering Committee in the workgroup, however, there have been various committees in the past reviewing pro-se filers. He explained this is the biggest step towards pro-se filers on the portal and the workgroup will notify the chair of the Steering Committee and the Family Law Rules Committee for participation. Judge Munyon requested the workgroup reach out to the Judicial Management Council through OSCA staff liaison to ensure their involvement in the process. Sharon clarified that the workgroup is only developing interview questions for the software, not creating any forms. Ted McFetridge wanted to know a timeframe of implementation for pro-se filers. Judge Munyon confirmed there will be no costs associated to the filers. Sharon suggested there should not be a mandatory requirement for pro-se filers to file on the portal. The pro-se filer can print the form from the tutorial in the portal and file directly with the clerk. Sharon said the delay in pro-se filing is the issue of verification and when the Access Governance Board resolves the verification process, the workgroup will move forward. Ted wanted to move forward in piloting the pro-se filing with the verification through driver license, social security, etc. Judge Munyon confirmed there is not a way to limit the portal to one jurisdiction. The real issue is access, if we can't verify the pro-se filer we cannot give access to the confidential information as the lawyers have. Sharon explained we are not denying access to the pro-se filer, only the delivery method of the filing. Susan Dawson wanted to ensure there was a disclaimer indicating this is not a substitute for legal advice. Sharon explained the software will guide pro se filers which will notify them if there is something incorrect on the form. Furthermore, the clerks will continue to assist pro-se filers through a service center/service desk with filing on the portal. Mary Cay Blanks

suggested separating the forms and access/verification process to not delay pro-se filers filing through the portal. Sharon agreed that the access/verification of pro-se filers should be referred to the Access Governance Board and the workgroup to continue developing the interview questions for the A2J forms.

Motion for the FCTC to refer the access/verification of pro-se filers to the Access Governance Board to research further.

MOTION OFFERED: Judge George Reynolds

MOTION SECONDED: Sharon Bock

MOTION CARRIED

Mary Cay requested the Access Governance Board notify FCTC members and consolidated pro-se workgroups of their meetings.

- d. Murray Silverstein discussed local document standards and the lack of uniformity in the state. Standard 3.1.16 has two parts, one is exhibits as attachments to filings and the other is evidentiary exhibits.

Motion to adopt the uniformity of exhibits. All exhibits shall be separate attachments to filings.

MOTION OFFERED: Murray Silverstein

MOTION SECONDED: Judge George Reynolds

MOTION CARRIED

Murray clarified each exhibit will be a separate part of the filing and not exceed the size limit. This will allow easier search capabilities in the progress docket as the exhibits will be subparts of the filing. Karen Rushing advised in order for exhibits to be reviewed it will need to be docketed separately. Murray said the portal can assign a universal number to communicate with the CMS. If the CMS will allow the incorporation of the universal number we could have a federal style filing system. Laird clarified the motion: you would use your current CMS and separately attach each exhibit not one attachment for all exhibits. Melvin Cox gave a demonstration of filing an exhibit through the portal as separate documents, however, currently the portal does not indicate where the exhibit goes to and does not link exhibits to filings, on the docket. Murray said the objective is to have an attachment, i.e. exhibit to the document appear on the docket before the next docket entry or document. Mary Cay indicated to perform this action, the clerk would have to go in to the CMS system and specify what each exhibit is and it would be very complex. The CMS should allow the lawyer free text to specify the exhibit. Murray indicated when the attachment screen is added as part of the document upload, to specify exhibit, the filer fills in the blank with exhibit specifications. It is then linked and filed through the portal. The CMS will docket based on the naming features of the exhibit by the filer. Judge Reynolds said the goal is to have exhibits show up on the progress docket with an exhibit description that is provided by the attorney. The description can be the top standard exhibits as a drop down menu or as a free text entry. Judge Stephens wanted to ensure this complies with Electronic Court Filing Standards (ECF) 4.0. This standard gives the concept of the lead document and attachments which requires the lead document be the main document indexed or to be regularized. The exhibits would be titled as necessary and show they are attached to the lead document. Melvin said to have uniformity, standard text fields would be the solution. Tom Hall commented on the appellate side it allows the

filer to file the main document and attach to *it*, an appendix. It has a combination of a drop down menu and a free text field to add additional descriptions. Mary Cay noted the appendix is bookmarked or hyperlinked and the clerk has to type in free text to transfer over to the CMS for searching on the progress docket. Murray said the point of the motion is for exhibits to be part of one filing. Carolyn Weber presented the appellate portal to show the free text field is limited to certain amount of characters. Judge Stephens said the lead document is the main title and others are subtitles, which can vary, without affecting the uniform nature of the lead document. Judge Munyon said there are two issues, having the portal being able to link attachments to the main document and the various CMSs being able to capture the information from the portal. Murray said the language in ECF 4.0 needs to be reviewed to determine if it accomplishes the separateness of the filing.

Judge Reynolds offered a friendly amendment to the motion

Amended motion in regard to section 1 of Rule 3.1.16, to strike language “separately attached and” also adding, “Descriptive” before the word, “title.”

Murray did not accept the friendly amendment.

Melvin indicated the docket description is in the drop down menu and that docket description is then transmitted to the local clerk for inclusion in the CMS docket. A check would have to be done with all counties to determine if their CMS would consume any language that comes down from the portal. Chief Justice Polston asked if it would be helpful to have one document called an “exhibit index” from which you could then search the other exhibits. Mary Cay explained the problem is that the documents that are coming in are being converted to TIFF documents and cannot be hyperlinked or indexed. Judge Stephens suggested forming a small committee to draft language for the ECF 4.0 to conform the separateness of filings. Judge Munyon created a small committee with Judge Stephens, Judge Bidwill Karen Rushing and Murray Silverstein to draft language for Electronic Court Filing Standard 4.0 to ensure standards conform to the suggested filings. Murray continued with the exhibit language in section 2 of 3.1.16 in adding the word, “documentary” instead of “paper” exhibit. Therefore, to exclude non-documentary exhibits.

2. Each documentary exhibit marked for identification or admitted into evidence at trial shall be treated in accordance with Florida Rule of Judicial Administration 2.525(d)(4) or (6), and then transformed by the clerk and stored electronically in accordance with rule 2.525(a)

Motion to adopt the new language in section 2 of 3.1.16 Exhibits in the Standards for Electronic Access to the Courts.

MOTION OFFERED: Murray Silverstein

MOTION SECOND: Judge Stephens

MOTION CARRIED UNANIMOUSLY

- e. Judge Bidwill said there were fewer issues during the e-portal user group meeting and credits the e-Portal employees responding to their concerns. The user group will continue to meet and discuss any future concerns.

- f. Judge Reynolds explained the committee has resolved the issue of subaccounts with the portal allowing lawyers to open up more than one account with different passwords for paralegals/legal assistants to file on behalf of. These subaccounts will track who actually filed the document. Melvin Cox said the account information is on the FAQ page of the portal site. The first account is set up with a bar number and subsequent accounts will need to be manually validated through the service desk.

AGENDA ITEM XI. Judges E-Filing Orders via the Portal

Melvin Cox discussed adding a judicial role onto the portal to enable judges to log on and file cases through the portal. The ability for judges to file through the portal from any of their judicial viewers systems will be accomplished through integration between the CMS' and the portal. The process utilizes the same interface as offered to the State Attorney and Public Defender's offices. There are technical specifications that the Technical Standards Subcommittee is working on for security purposes. The concerns in adding judges to the portal are:

- Ensure that no one can register as a judge that is not a judge. The proposal to resolve this issue is to have a court administrator in each circuit add judges to the portal in a secured manner. The administrators would be the only ones that will have this functionality and also maintain their judge's role into the portal. This functionality already exists in the portal and adding a judicial role would be a minimal modification.
- When judges do file through the portal, the clerks will need to process the judge's filings in a higher priority manner. The clerks have the capability to set up different queues to accomplish this.

Judge Munyon commented that she received positive responses from each circuit's Chief Judge and the TCA's in determining if role of administering accounts would be overly burdensome. Chris Blakeslee noted that this could be an interim solution for judges who want to file via the portal until the judicial viewers are connected to the portal.

Motion to accept adding and maintaining a judicial role onto the portal by circuit administrators. To have clerks set up different queues in their systems to be able to process judge's filings in a high priority manner.

MOTION OFFERED: Judge George Reynolds

MOTION SECOND: Murray Silverstein

MOTION CARRIED

AGENDA ITEM XI. E-Service List vs. Official List of Case Participants

Paul Regensdorf explained when e-service was created, the system did not guarantee that everyone legally entitled to service, gets that provision. The e-portal e-service system keeps a list of every attorney who has filed a document on each case. The attorney's name and email addresses is captured on the portal's e-service list. However, for those that have not filed through the portal, the ability to keep track of who *should* be on the e-service list is not captured. Paul suggested an extra step be added for attorneys to look at portal list and compare to the e-service list to ensure e-service list is complete. Paul proposed a solution of adding a check box with red bold language on the news and information page for attorneys to check to ensure e-service list is complete. Proposed check boxes are:

- "Check this list to ensure all persons entitled to be served are listed" or
- "By checking the box, you certify that all persons entitled to be served are included on this list"

The second checkbox language would require more programming. The checkbox would be a function for the filer to perform before moving on to next page. Mary Cay wanted clarification regarding whether this was an additional certification than what the attorney does in the actual document. Paul responded yes, it is a separate certification, however different language could replace "certification." The concern is that lawyers may not be adding participants to e-service for filings not filed through the portal. Judge Stephens commented he would oppose any kind of measures that are predicated on the idea that lawyers will not follow the rules of procedure. The rules are written with sufficient clarity that lawyers know what their obligation is and should be held responsible for not complying. Murray Silverstein noted that the process should be minimally invasive to the filer. Judge Bidwill wanted clarification on what the source of disconnect between the two was. Paul responded that the only way to get into the e-service list is to file on a case. Mary Cay noted the majority of this function is done by the paralegals with the attorney's authority. Paul said the issue is getting the list of mandatory participants who need to be served matched up with the list that is on the portal. Laird Lile said he would like to see some language in red on the portal to remind lawyers that this provided for assistance and not necessarily verified as correct. The lawyer filing has to put in those three separate email addresses; if not, the portal goes out and grabs the bar number and could potentially not be one of the three email addresses.

Motion to add an additional checkbox with the concept language in red, "By checking the box, you certify that all persons entitled to be served are included on this list."

MOTION OFFERED: Paul Regensdorf

MOTION SECOND: Judge Manuel Menendez

MOTION CARRIED

Judge Stephens requested looking at any cost factors to filers in adding an additional checkbox.

AGENDA ITEM XIII. Certify compliance with Rules 2.420 and 2.425 through the portal

Paul Regensdorf discussed the check box choices with which attorneys had to comply regarding Rule 2.420 and 2.425. Originally, two checkboxes were in place to ensure that the document contains no confidential information or that confidential information has been redacted in accordance with the rule. The second checkbox gave you two choices: 1.) A notice of filing of confidential information or 2.) A motion to determine confidentiality. The concern is that there is a third type of case that is virtually always confidential. The workgroup determined that the function of Rule 2.425 is different from the function of Rule 2.420. Rule 2.420 recognizes that confidential information cannot be made public without a court order. This rule establishes different procedures that filers can use to get that confidential information into the court file and protected appropriately by action of the clerk or trial court. Rule 2.425 has no confidential information and no court or clerk participation. Rather, it is a rule that requires the filer to exclude *sensitive* information from documents before they are filed. This information is not barred from being publically available in court files by any legislative or rule exception. As a result, there is no procedure in Rule 2.425 for either the clerk or the court to address the issue of sensitive information. Paul said the Florida Bar sent out a survey to active lawyers asking about sensitive information and collecting data in regards to Rule 2.425.

Motion to eliminate, “or sensitive,” “and 2.425” and “s” on Rules from checkbox language in 2nd checkbox filing button.

MOTION OFFERED: Paul Regensdorf

MOTION SECONDED: Judge George Reynolds

MOTION CARRIED

Murray discussed the elimination of language is not necessary and does not have a contradiction in the language that lumps them together. Kent Spuhler said there should be a third checkbox indicating the lawyer has redacted sensitive information prior to filing and can continue to move forward. Kent offered a friendly amendment.

Amended motion to add a third checkbox and to amend concept language that lawyer has previously redacted sensitive information prior to submitting a filing.

Paul rejected the amendment and explained the 3rd checkbox would require further programming. Paul suggested a notice to the filer on top of page indicating, documents should not be filed through portal without being scrubbed for sensitive information first, pursuant to Rule 2.425 but location should not be close to the Rule 2.420 checkbox language.

Motion to require certification of compliance with Rule 2.425 by the filer, as part of the filing through the portal and a checkbox required to ensure filers have met redaction requirements.

MOTION OFFERED: Murray Silverstein

MOTION SECONDED: Kent Spuhler

MOTION CARRIED

Further discussion of this topic led to the following proposed language. Murray said he would like to see similar language regarding the Rule 2.420.

Proposed language:

Notice: The filer is required to redact/remove any sensitive personal information, pursuant to Rule 2.425, Rules of Judicial Administration, [\[hyperlink to Rule\]](#), before filing any document.

Motion to accept proposed language in red and add to the first page of the portal

MOTION OFFERED: Paul Regensdorf

MOTION SECONDED: Judge George Reynolds

MOTION CARRIED

AGENDA ITEM XVI. Strengthening Rule 2.236 Giving the FCTC Authority to Require People to Appear before the Commission

Paul Regensdorf gave background information on a situation between a chief judge and a clerk dealing with the obligation of providing paper. Pursuant to Rule 2.236, the Chair of FCTC sent a letter requesting their attendance at the next FCTC meeting that was met with rejection from both parties. The rule provides a process by which the commission would review the actions of people who are acting under the FCTC’s scope of responsibility. In the above scenario, the question became should we request the Court to

give FCTC authority to “ask” interested parties to appear before it. Chief Justice Polston said as he became aware of the problem, he subsequently met with the Clerk and Chief Judge and got it resolved. The Court has the constitutional power to enter an administrative order on whatever needs to be done. This is the appropriate way of handling these issues structurally and does not feel the FCTC should have subpoena power.

AGENDA ITEM XIV. Jurors Access to Public Information

Judge Hayworth discussed public access to court records during jury trials. With the advancement of technology, it is becoming difficult to protect the constitutional right of the accused and safeguard jurors from obtaining case information during trial. He proposed in every criminal case for clerks to configure their on-line access to court records be temporarily suspended from the time jurors are called for the selection process until the verdict is rendered/resolved. Judge Hayworth explained that jurors do not always comply with judge’s instructions, especially in notorious cases, nor do jurors restrain themselves from social media. With internet public access to the case file during pendency of the case, knowledge of a juror’s transgressions could go unnoticed. The fact that a defendant may be convicted on matters outside the record is a concern of the judiciary. Judge Munyon clarified the clerk’s offices would still have the ability to provide those records to the public at their office as they do in the paper world, however, only the internet portion of that particular record for that period of time would be suspended. Tom Genung posed the question of access to case files for the media. Judge Hayworth explained at the point of jury selection it would be too late to review case information on-line, however, media could go to the clerk’s office to review record. Mary Cay questioned search engines on the internet. Judge Hayworth said anything in the public domain, we cannot impede. Judge Menendez suggested toughening the consequences for jurors accessing case files during trial. Paul Regensdorf suggested gathering media lawyers together to explore if anyone requesting access to case files during that time needs special identification. Chief Justice Polston said the Criminal Courts Steering Committee would be more appropriate to resolve this issue, as it is more of a policy issue than technologically. Judge Hayworth explained this is for criminal cases only however, it could affect civil cases also. Judge Munyon said she would send a request for referral to the Chief Justice, to refer the issue to the Criminal Courts Steering Committee.

AGENDA ITEM XVII. Technical Standards Subcommittee

- a. Jannet Lewis discussed data sharing and the language proposed to be added to the Integration and Interoperability document.

Proposed language:

3.3.1.2 Data Sharing. The system must provide for the programmatic export and transmission of both individual record and bulk case and related court activity data to the state level using standard delimited text file format (CSV, pipe, tab, etc.) as defined by the user or standard court XML data structures as defined. State level data sharing should be available through basic, secure data transfer technologies such as sFTP and SOAP.

Judge Stephens opposed the recommended language and proposed working with the Technical Standards Subcommittee on data sharing language and have draft language at the next FCTC meeting.

- b. Jannet discussed developing case maintenance standards and the need for a standard data exchange. As needs change, the value in having a standard data exchange, will require everyone to program to that standard and improve the integrity and availability of the data that is exchanged. Jannet suggested developing a small workgroup to work on standardized data exchanges between the judicial viewer and the CMS. Judge Munyon will establish a subcommittee with various clerk's IT personnel, trial court IT and OSCA-ISS staff.
- c. Jannet discussed adding security to Judge's signature on electronic documents. Security measures for electronic transmission of court orders use an IP address from the judicial viewer or clerks' system for the computer to authenticate credentials. Jannet suggested a private connection through the clerk's system to the portal and not a public one. Currently, the Electronic Access Standards authorizes judges to electronically sign all orders and judgments with a /s. Strengthening the judge's signature standard to include the date, time stamp and case number appearing as a watermark through the signature will prevent copying the signature to another document.

Proposed language:

5.4. Judge Signature

Judges are authorized to electronically sign all orders and judgments. If digitized signatures of Judges are stored, they are to be placed a minimum 256 bit encryption and protected by user authentication.

5.4.1 Security

An electronic signature of a judge shall be accompanied by a date, time stamp, and case number. The date, time stamp, and case number shall appear as a watermark through the signature to prevent copying the signature to another document. The date, time stamp, and case number shall also appear below the signature and not be obscured by the signature.

Motion to adopt the new language in section 5.4. Judge Signature and a new section 5.4.1. Security in the Standards for Electronic Access to the Courts

MOTION OFFERED: Jannet Lewis

MOTION SECONDED: Judge George Reynolds

MOTION CARRIED

- d. Jannet discussed that TIFF and PDF technology are over 20 years old and is not considered *new* technology. The subcommittee is continuing to look at PDF as well as new emerging formats such as XPS. The main goal for functionality of the portal is to have a searchable document. Currently, it would take a lot of re-programming and costs to accommodate indexing PDF's from TIFF images. In discussions with the clerks it was determined to render PDF's and not store or index them in the systems. The subcommittee felt before moving forward with rendering PDF's a more in depth study was needed on all new formats to ensure best technology for viewers. Jannet reminded the commission the ultimate goal is eventually to get to smart documents where there is not an electronic document, but a database for performing searches. Jannet recommended prioritizing documents to be searchable due to financial costs. Murray Silverstein clarified the searchable process of uploading a native format document (searchable PDF) to the portal, which is downloaded to the clerks CMS then converted to a TIFF to be

stored. Jannet reminded everyone that not every document that comes to the portal is searchable, majority are PDF images. Murray questioned why it has to be stored into a TIFF. Jannet explain how the application indexes those documents, the programming has to be changed to include PDF's. Another area of concern is redaction. The clerks current licensing is based on TIFF technology. Although, vendors have the ability to redact PDF documents, it is a separate licensing cost. Jannet discussed the commercial quality scanning in the clerk's offices compared to the consumer quality scanning the lawyers do. Commercial grade produces a better quality image. Murray said the first step would be to set the standard for all filers to file only searchable PDF's through the portal. Tom Genung said the Trial Court Performance and Accountability Commission (TCP&A) would be the most appropriate venue to identify the divisions of documents that need to be searchable. Judge Reynolds said a determination must be made regarding how pro-se filers comply with filing searchable documents onto the portal. John Tomasino said according to Rule 3.1.12 the standard is already set for documents coming into the portal and must be rendered in a searchable format. If documents are not compliant with this rule, how will they be rejected at the portal level? Judge Munyon said there will always be some documents that will have to be scanned. Tom Hall said when the standard is set, a decision on who is going to do the screening will need to be determined, as it will be an enormous workload and pending queue figures will go up tremendously. The documents that are coming in the wrong format are causing an enormous storage problem for the clerks and also financial burdens. Kent Sphuler suggested a notice back to the filer on non-compliant documents and a link to resources/instructions in correcting documents. Ken Nelson said when someone files an imaged PDF they can run text recognition for the document to become searchable, however, it does become a larger format than the original document. Dennis Menendez commented on attorney obtaining credits through CLE classes and would it be possible to offer classes on these type of changes as an incentive. Laird Lile said currently there is a requirement in place for attorneys to take a certain number of ethics hours. The Commission may want to request the Florida Bar to include this component in the ethics presentation to promote lawyers to file searchable PDF's instead of images. Fred Buhl commented on Microsoft having the option to save a file as a PDF document. Jannet said the storage and indexing of PDF's will have some programming costs and there is no current timeframe in how long it will take. Chris Blakeslee said the standards are being worked on by the Technical Standards Committee to ensure other standards are incorporated and ISS is working on combining all the standards on the Courts website.

Motion to adopt the Technical Standards Subcommittee recommendation where the judicial viewer does not already provide searchable documents, the clerk shall be able to render document images in searchable PDF format for viewer interfaces.

MOTION OFFERED: Jannet Lewis

MOTION SECONDED: Sharon Bock

MOTION CARRIED

AGENDA ITEM XVIII. Trial Court Integrated Management Solution (TIMS) update

- a. Judge Stephens gave a background on TIMS and discussed the suggested changes to the Functional Requirements Document for CAPS version 3.0. The most significant changes were to

the specifications of the display of the judicial viewer. There were some concerns that the implementations were not meeting the usefulness of the criteria previously set. The changes were written to express more clearly the specifications in the use of information technology and electronic case files by trial court judges and staff. In addition, the subcommittee determined a need for an owner of a production unit to specify permission levels to view their documents. There were changes made to the permission levels in section 4 System Design and Performance Standards of the Functional Requirements Document for CAPS. The TIMS subcommittee is looking for preliminary approval from the FCTC and then the standards will be sent to the vendors for comments.

Motion for preliminary approval of changes made to the Functional Requirement Document for CAPS version 3.0 and submit to vendors for comments on any suggested changes

MOTION OFFERED: Murray Silverstein

MOTION SECONDED: Paul Regensdorf

MOTION CARRIED

Judge Reynolds suggested considering coordinating user levels between the clerks and chief judge so there is consistency in viewing court records. Judge Munyon said most elected clerks have already set up user permissions within their office that define roles and user permissions have been defined in the Matrix.

AGENDA ITEM XIX. Florida Bar Ethics Opinion 87-11

Laird Lile reported that the Florida Bar Ethics Committee met and asked staff to reconsider the issuance of 87-11. Ethic Opinion 87-11 existed prior to the current rules regarding signatures of lawyers. Presently, the rule 2.515 Rules of Judicial Administration regarding the /s formats can be authorized by the attorney to be affixed. This will allow the assistants to type documents using this format. The inconsistencies with Rule 2.515 and Ethics Opinion 87-11 determined a reevaluation of this opinion was needed.

AGENDA ITEM XX. Date for Clerks to No Longer Accept Paper

Ken Kent said the FCCC is working on language to provide notification to the filer that the clerks are no longer accepting paper. This issue was tabled to the next FCTC meeting to allow the FCCC to work on the language.

AGENDA ITEM XXI. Time Standards for Processing Electronic Filings

Paula O'Neil discussed the time standards for processing electronic filings. Time standards are established by the Clerk of Courts Operation Corporation (CCOC) by statute. The CCOC judicial representative is Chief Judge J. Thomas McGrady of the sixth circuit. Performance standards are reviewed quarterly by the Performance Improvement and Efficiency Committee of the CCOC. The Committee reviewed the current time standards in November 2013 and January 2014. The current time standard for docketing and processing new cases is 2-4 days. In review of the current performance standards there was no distinction between paper and electronic files. Paula continued that the portal is reporting items going through the portal are docketed a little more than a day and well within the current time standards. Due to many of the counties still in transition of electronic formats, it was determined to be unwise to define new time standards for electronic filings at this time.

AGENDA ITEM XXII. List of Clerks Using Hybrid Systems

Paula O'Neil said a survey was sent out to all clerks to determine which system formats they are utilizing. Currently, there are 35 clerks using electronic and paper systems. There are 11 clerks using electronic records only. For the remaining hybrid systems, 12 clerks have partial electronic records and partial paper records.

AGENDA ITEM XXIII. Other Items/Wrap Up

Judge Reynolds brought up docketing number formats. He suggested the docketing number issue be referred to Karen Rushing with the CMS Standards and would like to participate in this committee. Judge Munyon appointed Judge Reynolds and Murray Silverstein to Karen's committee to research a timeframe to implement numbering docket entries, along with financial costs.

Motion to adjourn the FCTC meeting

MOTION OFFERED: Tom Genung

MOTION SECONDED: Karen Rushing

MOTION CARRIED

Meeting was adjourned at 12:00 noon. The next Commission meeting is scheduled for May 14-15, 2014 at a location to be determined.