

Florida Courts Technology Commission Meeting Summary

November 2, 2018

A meeting of the Florida Courts Technology Commission was held at the Tradewinds Resort in St. Pete Beach, Florida on November 2, 2018. The meeting convened at 9:00 A.M., Chair Judge Lisa T. Munyon presiding.

Members of the Commission in attendance

Judge Lisa T. Munyon, Chair, 9th Circuit
Judge Martin Bidwill, 17th Circuit
Judge Josephine Gagliardi, Lee County
Judge Terence Perkins, 7th Circuit
Judge Stevan Northcutt, 2nd DCA
Mike Smith, CTO, 4th Circuit
Jon Lin, Trial Court Administrator, 5th Circuit
Administrator, 11th Circuit
Matt Benefiel, Trial Court Administrator, 9th Circuit
David Ellspermann, Clerk of Court, Marion County

Judge Ross Bilbrey, 1st DCA
Judge Robert Hilliard, Santa Rosa County
Judge Ronald Ficarrota, 13th Circuit
Judge Scott Stephens, 13th Circuit
Lonn Weissblum, Clerk of Court, 4th DCA
Noel Chessman, CTO, 15th Circuit
Sandra Lonergan, Trial Court
John M. Stewart, Esquire, Vero Beach
Laird Lile, Esquire, Naples
Scott Ellis, Clerk of Court, Brevard County

Members not in attendance

Christina Blakeslee, CTO, 13th Circuit
Karen Rushing, Clerk of Court, Sarasota County
Leslie Powell-Boudreaux, Legal Aid Services of
North Florida

Murray Silverstein, Esq., Tampa
Tanya Jackson, PinPoint Results

OSCA and Supreme Court Staff in attendance

John Tomasino, Clerk of the Supreme Court
Alan Neubauer
Jeannine Moore

Roosevelt Sawyer, Jr.
Lakisha Hall
Hetal Patel

Other Attendees

Robert Adelardi, Eleventh Circuit
Craig McLean, Twentieth Circuit
Steve Shaw, CTO, 19th Circuit
Terry Rodgers, Fifth Circuit
Dennis Menendez, Twelfth Circuit
Jim Weaver, Sixth Circuit
Gerald Land, Sixteenth Circuit
Melvin Cox, Florida Court Clerks and Comptrollers
Tom Hall, Florida Court Clerks and Comptrollers

Craig Van Brussel, First Circuit
Fred Buhl, Eighth Circuit
Brian Franza, Tenth Circuit
Robin Kelly, Seventh Circuit
Yvan Llanes, Eighteenth Circuit
Isaac Shuler, Second Circuit
John Lake, Fifth Circuit
Carolyn Weber, Florida Court Clerks and
Comptrollers

Krys Godwin, The Florida Bar
Tony Landry, Seminole County Clerk of Court
Carolyn Colvin, Public Defender, Sixth Circuit
Dathan Stacy, State Attorney, Sixth Circuit
Laura Roth, Volusia County Clerk of Court
Jeff Taylor, Manatee County Clerk of Court
Matt Whyte, Manatee County Clerk of Court
Justin Horan, Clay County Clerk of Court
Laurie Rice, Brevard County Clerk of Court
Dave Winiecki, Sarasota County Clerk of Court
Carol LoCicero, Thomas and LoCicero
Brent Holladay, Lake County Clerk of Court
Chris Short, Pinellas County Clerk of Court
Teresa Del Rio, Pinellas County Clerk of Court
Mike Murphy, Leon County Clerk of Court
David Isaacson, Volusia County Clerk of Court
Kimberly Stenger, Polk County Clerk of Court
Paul Jones, Palm Beach County Clerk of Court
April Biegler, Brevard County Clerk of Court
Mary Lynn Sullivan, Tyler Technologies
Alan Hebdon, Pinellas County Clerk of Court

Thomas Morris, State Attorney Eighth Circuit
Audra Nail, Public Defender, Sixth Circuit
Mark Patterson, State Attorney, Sixth Circuit
Michael Elso, Brevard County Clerk of Court
Shannon Ramsey-Chessman, Palm Beach County Clerk
Laurie Reaves, Miami-Dade County Clerk of Court
Mike Phelps, Polk County Clerk of Court
Gerald Cates, Duval County Clerk of Court
Melissa Grist, Orange County Clerk of Court
David Lane, Charlotte County Clerk of Court
Jean Sperbeck, Alachua County Clerk of Court
Mary Lynn Sullivan, Tyler Technologies
Doris Maitland, Lee County Clerk of Court

AGENDA ITEM I. Welcome

- A. Judge Munyon welcomed the commission members and other participants to the meeting. She called the meeting to order and advised everyone the meeting was being recorded.
- B. Jeannine Moore called roll and noted a quorum was present.

AGENDA ITEM II. Approval of Meeting Summaries

- A. **Motion to approve the meeting summary from the August 3, 2018 meeting of the Florida Courts Technology Commission.**

MOTION OFFERED: Judge Terence Perkins

MOTION SECONDED: Sandra Lonergan

MOTION CARRIED UNANIMOUSLY

- B. **Motion to approve the meeting summary from the September 17, 2018 teleconference of the Florida Courts Technology Commission.**

MOTION OFFERED: Judge Josephine Gagliardi

MOTION SECONDED: Judge Terence Perkins

MOTION CARRIED UNANIMIOUSLY

AGENDA ITEM III. Approval of August FCTC Action Summary

A. Motion to accept the action summary from the August 3, 2018 meeting of the Florida Courts Technology Commission.

MOTION OFFERED: Judge Ronald Ficarrota

MOTION SECONDED: Judge Scott Stephens

MOTION CARRIED UNANIMOUSLY

AGENDA ITEM IV. Judicial E-Filing of Orders by Judges

Judge Munyon said at the August 3, 2017 FCTC meeting, the Commission approved on second reading a motion to recommend to the Supreme Court that judicial officers electronically file and serve orders through an electronic means by September 1, 2018. The recommendation was sent to the Supreme Court on September 30, 2018. Judge Munyon was invited by then-Chief Justice Labarga to discuss the issue at the Chief Judge's Quarterly meeting in December 2017. After that discussion, Justice Labarga established the Judicial E-Filing Workgroup to recommend the process by which orders prepared in court by clerks will be handled; identify the strengths and weaknesses of filing proposed orders through the Portal versus a Court Application Processing System (CAPS); and develop a report on anticipated resources needed to implement judicial e-filing and submit it to the Trial Court Budget Commission (TCBC) for cost estimations. On September 17, 2018 the FCTC held a teleconference and approved the Judicial E-Filing Workgroup Report which was due to the Court by September 30, 2018. Judge Munyon was again invited to the Chief Judge's Quarterly meeting on October 26, 2018 to present the findings of the workgroup. The chief judges seemed receptive to ultimately understanding that they will have to file their orders electronically. The product of the workgroup required additional resources from the Legislature because not all circuits have a fully functional CAPS in every division. Currently, three counties do not have a CAPS implemented. The recommendations from the workgroup were to 1) make judicial e-filing a top priority, 2) try to secure the funding through the Trial Court Budget Commission (TCBC) and 3) implement judicial e-filing in all circuits and all divisions within twenty-four months.

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

A. Alan Neubauer said Clay, Monroe, and Pasco counties are in the process of deploying a CAPS. Clay and Pasco anticipate having a CAPS deployed in the next three months. Mr. Neubauer discussed the CAPS deployed across the state. Sixty-three counties have deployed a CAPS in one or both the civil and criminal divisions. Currently, 19 counties can receive proposed orders via CAPS and 36 counties can file orders to the Portal or directly to the local clerk CMS.

B. Alan Neubauer discussed the CAPS Functionality Map which shows the CAPS deployed by vendors throughout the state. At this time, 30 counties use aiSmartBench; 25 counties use the Integrated Case Management System (ICMS); 5 counties use Benchmark; 4 counties use JAWS; and 3 counties have in-house systems. Mr. Neubauer went on to discuss the statistics of the version of CAPS deployed in each county. Currently, 1.5 counties have CAPS version 2.0 deployed, 43.5 counties have CAPS version 3.0 deployed, and 18 counties have CAPS version 4.0 deployed. Justice Polston asked if Clay, Pasco and

Monroe counties were the only counties unable to file orders via CAPS. Mr. Neubauer said no. The CAPS Progress Report document shows the functionality by circuit, but for future presentations, OSCA staff will breakdown the functionality by county to give more precise information.

AGENDA ITEM VI. Portal Progress Report

A. Carolyn Weber discussed the Portal usage statistics. In September 2018, there were 1,271,834 submissions through the Portal, of which 1,269,504 were submissions to the trial courts; 645 were submissions to the Department of Corrections (DOC); 64 were submissions to the Second District Court of Appeal; 1,010 were submissions to the Florida Supreme Court; and 611 were submissions to the Bureau of Vital Statistics. A couple of records were set in September: 1,891,522 total individual documents were submitted through the Portal; 8,711 filings were submitted during the peak hour of 3:00-4:00; and 68,431 new cases were initiated. The Portal has over 211,000 registered users. The Portal received 1,139,449 scanned documents; 653,054 text-based PDF documents; 99,062 Word documents; and 35 WordPerfect documents. On average, it takes 1.5 days to docket a filing. Roughly, 1.83% of filings were returned to the correction queue. Attorneys, judges, process servers, and self-represented litigants were the top filer roles in the Portal. The number of self-represented litigants continues to grow. There are 115,438 registered self-represented litigant accounts. ABC Legal Services, Inc.; eFileMadeEasy; TSI Legal; Turbo Court; and Ironrock are third-party vendors actively filing through the Portal. Ms. Weber noted the following projects that the Florida Court Clerks & Comptrollers (FCCC) is working on: 1) providing technical support to third-party vendors to help them implement system-to-system e-filing; 2) working with the FCTC Portal Subcommittee to scope out the process for criminal case initiation; 3) completing 90 day proof of concept for tenant eviction interviews and reviewing small claims interviews; 4) working to clean up bad email addresses in the Portal; 5) working on Release 2018.02; and 6) working with DOC, pilot counties, and the local sheriffs to send Commitment Packets to the Reception Centers through the Portal. Judge Munyon asked about deactivating inactive self-represented litigant accounts. Ms. Weber said at the next FCTC meeting she will report on the active versus inactive self-represented litigant accounts to give a better breakdown of the number of accounts being used to file documents. Unfortunately, the accounts cannot be deleted because of the audit trail. Judge Munyon asked if any other state e-filing portal take in the volume of electronic files as the Portal in Florida does. Ms. Weber said not that she is aware of and there is not a portal that takes in all jurisdictions as the Portal in Florida does. Justice Polston asked Ms. Weber to address recent issues of the Portal not accepting filings. Ms. Weber said the FCCC worked with its vendors to get the Portal back to normal operations. Currently, the FCCC is working on a communication plan to get notifications out to filers quickly. Mr. Cox said the FCCC will provide an escalation and communication plan to the Authority Board at their December 6, 2018 meeting.

B. Carolyn Weber gave an update on the Portal service desk. The service desk takes calls regarding customer service incidents along with technical and system support incidents. In September 2018, the service desk received 2,685 customer service incidents of which 2,331 were attorney incidents; 6 were judge incidents; and 348 were self-represented litigant incidents. On average it took 10 minutes to respond to a customer service incident and 36 minutes to resolve. The number of technical/system incidents increased in September. A total of 467 technical/system support incidents were received. On average it took 23 minutes to respond to a technical/support incident and 2 days and 2 minutes to resolve an incident. These types of issues are not always easily resolved and sometimes the resolution

may have to be put in a release or a maintenance release. Ms. Weber showed the top 10 types of incidents the service desk received from attorneys, self-represented litigants and judges. The service desk continues to work on cleaning up pending filings and performing site visits to provide training and support.

C. Ms. Weber explained the change in release dates with 2018.02. The original release date was set for October 27, 2018. With the issues surrounding the Portal, development time was lost, and an extension was granted to delay until December 1, 2018. This is a big release where the PDF/A format will be included as well as the multiple case filing path. Filers will be able to create a submission and file to multiple cases in one submission. The release notes will be available on the Portal by November 5, 2018.

AGENDA ITEM VII. E-Filing Authority Board

Judge Munyon tabled this discussion until the February 8, 2019 FCTC meeting.

AGENDA ITEM VIII. Appellate Portal Interface Update

John Tomasino gave a brief update on the Appellate Portal Interface. Clerk Tomasino said the appellate portal interface is on schedule to be in place by February 2019. The appellate courts will be moved over to the Portal in December and January. Related to this, testing continues with allowing the clerks of court to transmit large records on appeal through the Portal. The court has been successful in transmitting 100 MB files. It is anticipated the court will be able to receive records on appeal up to 500 MB through the Portal by February 2019.

AGENDA ITEM IX. CCIS 3.0 Update

Melvin Cox discussed the metrics measuring CCIS use. Presently, there are 51,939 active users; 167 agencies are using CCIS; 199,972 case searches have been executed; 504,021 person searches have been executed; and 917,022 document image requests. Mr. Cox said about twelve counties were affected by Hurricane Michael, but the Portal and CCIS remained functional during the storm. Filers and governmental agencies were still able to file documents and access cases, dockets, and court events, etc. Mr. Cox said currently there are three CCIS initiatives in progress: 1) implementing AOSC18-16 Access Security Matrix; 2) SB1392 Adult Diversion Program; and 3) CCIS Reporting via Docket Mapping. Eventually, CCIS will provide access to all government user roles defined in the matrix. A lot of work has been done to add attorneys of record and registered users to CCIS. The next step is to develop a viewable on request (VOR) process in CCIS that will work with all CMS vendors. The CMS VOR notification web service is required to allow CCIS to push a notification to the CMS when a CCIS user has asked to see a VOR document. SB 1392, which is the Criminal Justice Data Collection and Transparency Bill, requires Clerks and the FCCC to collect and report to the Florida Department of Law Enforcement (FDLE) approximately 60 data elements for each criminal case beginning January 1, 2019. Also, to comply with the Adult Diversion Programs, clerks will be required to maintain personal identifying information as a confidential non-court record in a statewide data base, which must provide a single point of access. The participant's information will be secure within CCIS and only accessible by clerks and law enforcement personnel. Additionally, the clerks are working on reporting through CCIS and trying to consolidate some of the reporting requirements. The FCCC is working with FDLE on Mental Competency (MECOM) reporting. MECOM is a database that

receives and stores mental health court orders which disqualifies someone from purchasing firearms.

The FCCC is continually putting processes in place to ensure data quality. Mr. Cox went on to discuss the CCIS business analytics project. The FCCC is working on beta testing the dashboard with some of the clerk's offices.

Paul Jones discussed the quality of data from two aspects, inquiry data and report data. The first phase is inquiry data which includes accuracy, timeliness, completeness, and consistency. Consistency will be a big part of phase two. Some of the accomplishments of phase one includes: sustaining CCIS error and warning reduction, establishing a statewide support team, reporting validation, standardizing data, and documenting and training. Innovative Architects, a third-party vendor suggested looking at a data management framework. A Master Data Management (MDM) was implemented. This includes fixing problems with multiple versions of a judge's name, designing a new CCIS audit website, and providing recommendations for sustaining improvements and for growing clerks' MDM capabilities. The second phase is report data. This phase includes MDM technology advancement, change management, training and support, standardizing data definitions, and developing best practices and policies. Judge Munyon asked who has access to the business analytics dashboard. Mr. Cox said this will be available initially to clerk staff to help beta test and then super users of CCIS. Judge Munyon said the quality of the data in CCIS is dependent upon the quality of the data in the local CMS. Judge Munyon also inquired on standardization of data when a judge moves from divisions. When a judge moves to another division their name gets associated with all of the cases in the division they are rotating to as well as all cases that existed in the division. A judge could be associated with a case from when he/she was a lawyer. She wanted to know if there was any move to correct that situation to know when a judge had the case and at what stage. Mr. Cox said in CCIS there is a tab for judge history. This tab keeps track of when a judge is assigned to a case and the date. This tab also reflects how a clerk puts a judge on and off a case. Roosevelt Sawyer, Jr. asked who would be a superuser. Mr. Cox said superusers really have not been defined beyond clerk's staff at this point. A superuser will be a subset of current CCIS users. Hetal Patel asked if there is a process to correct the source once an error is corrected in CCIS. Mr. Cox said the CMS is the data master. The error is first corrected in the local CMS and then those changes are reflected up to CCIS. Mr. Jones echoed because there are real-time updates, the changes are automatic once they are changed in the local CMS.

AGENDA ITEM X. Appellate Court Technology Commission (ACTC) Update

Judge Northcutt deferred the ACTC update as there was nothing to report at this time.

AGENDA ITEM XI. Cybersecurity Subcommittee Update

Judge Stephens said administrative staff met to discuss the goals of the Cybersecurity subcommittee. The subcommittee is tasked with recommending minimum security measure standards, and education and training protocols. The subcommittee will be formed and meet in the coming weeks. Judge Stephens will provide an update at the February 2019 FCTC meeting.

AGENDA ITEM XII. Criminal Case Initiation Workgroup Update

Judge Bidwill said the workgroup was tasked with evaluating the viability of using the Portal to initiate criminal cases. The Data Element subgroup was established to compile potential data elements to provide a uniform set of criminal data elements for criminal case initiation. A draft list of data elements was broken down into required, optional, and conditional required if known. The subgroup is working on obtaining more input from law enforcement to ensure a uniform set of data elements works for all stakeholders.

AGENDA ITEM XIII. FDC Joint Workgroup Update

Judge Bidwill said the FDC workgroup was re-established a year ago to discuss the feasibility of establishing a secure conduit for the DOC to submit proposed violation of probation (VOP) warrants and utilizing the Portal for the filing and service of prisoner post-conviction motions, orders, and appellate documents. Judge Perkins said he is getting DOC probation orders through the Portal to sign electronically. Carolyn Weber said the functionality is available in the Portal, but no one is using it. Judge Ficarrota said the Judicial Automated Workflow System (JAWS) is filing VOP warrants electronically and they go directly to the clerk's CMS. Judge Bidwill stated the FDC joint workgroup meeting in October was delayed due to Hurricane Michael and anticipates rescheduling the meeting after the first of the year. Judge Bidwill extended an invite to Judge Perkins to allow for his input regarding the CAPS and VOP orders process.

AGENDA ITEM XIV. Operational Procedure Review Workgroup Update

Judge Gagliardi deferred discussion on the operational procedures and will provide an update at the February 2019 FCTC meeting.

AGENDA ITEM XV. Certification Subcommittee

A. Judge Perkins recognized the Certification Subcommittee members and briefly went over the history and responsibilities of the subcommittee. The subcommittee is responsible for developing specifications for the CAPS, figuring out how to implement those specifications, providing guidance to vendors to develop a product, and auditing vendor's compliance to those specifications through presentations. CAPS has fundamentally changed every process that is done daily within the courts. Judge Perkins said the changes that started all those years ago have implications that have benefited the court. For example, forms are being developed on a circuit-wide basis which makes it more convenient and efficient for judges to do their job. By use of those forms, the court can incorporate best practices. The more information the judge receives, the more informed decisions can be made and allow for an improved case management process. Unfortunately, some counties are being left out of the discussion. At some point in time, all court users will be trained on how to use technology and interact with court files digitally. Although a lot of work has been done by the subcommittee, presently there is not a mandate that each county implement a CAPS. The subcommittee would like to update the *CAPS Functional Requirements* to require a CAPS be made available to the trial courts. This will allow the courts to benefit from an efficient electronic system. Everything is going digital and counties with resource challenges should be afforded the same opportunity to work with electronic files. The subcommittee deliberately did not put a timeline on the mandate to have a CAPS in every county. The subcommittee also did not discuss resources that would need to be allocated. Judge Perkins thinks the same resources used for judicial e-filing could also be used for having CAPS

statewide. Having this mandate will complete the subcommittee's commitment that was started years ago to offer the technology and benefits to all counties.

First Reading: Motion to recommend the adoption of section 1.4 of the Functional Requirements Document for Court Application Processing System which states,

1.4 A CAPS shall be made available to the trial courts of this state, in every division, county and circuit. The CAPS shall accept and display case information from the clerk's case maintenance (CMS) in form and function consistent with these functional requirements.

MOTION OFFERED: Judge Terence Perkins

MOTION SECONDED: Mike Smith

Judge Stephens asked what happens if the mandate is not obeyed. Judge Munyon said that would be a matter for the Supreme Court to decide. Judge Munyon asked if there was an interest in putting a timeframe on the mandate. Judge Perkins was fine with adding a timeframe, as there are only three counties who do not have a CAPS. There are several CAPS that have the capability for judicial e-filing; however, they have not implemented that functionality. Judge Perkins amended his motion and Mike Smith accepted the friendly amendment.

First Reading: Amended motion to recommend the adoption of section 1.4 of the Functional Requirements Document for Court Application Processing System which states,

1.4. A CAPS shall be made available to the trial courts of this state, in every division, county and circuit. The CAPS shall accept and display case information from the clerk's case maintenance (CMS) in form and function consistent with these functional requirements. All counties must have a CAPS implemented within twenty-four months of the Supreme Court's adoption.

MOTION CARRIED UNANIMOUSLY

B. Judge Perkins gave a brief update on the proposed changes to the CAPS functional requirements. He went over the new requirement regarding E-Notification of Data Issues to the Clerk. This requirement sends a notice to the clerk to review a certain case in question. This could include closing a case or issues with a case. Sandra Lonergan asked if there will be an area to describe the issue and Judge Perkins responded yes.

First Reading: Motion to approve the Court Application Processing System Functional Requirements document version 5.0.

MOTION OFFERED: Judge Terence Perkins

MOTION SECONDED: Judge Josephine Gagliardi

Kim Stenger from Polk County Clerk's Office said dropdown areas should be included for the notification to the clerks. Judge Perkins said the request is to setup the notification and refrain from telling the vendor how to do it. Judge Stephens would like to amend requirement 8.1 Order Generation and Processing Required and 8.3 Portal Integration by removing the word "final".

8.1 Order Generation and Processing Required. The system shall have the capacity to generate court orders by merging information from the accessible databases and runtime user input into a bank of forms. ~~It shall also have the ability to process proposed orders submitted as PDF or word processor documents by internal and external users.~~ The CAPS shall permit editing of the proposed order and file the signed final order in PDF/A format.

8.3 Portal Integration. The CAPS shall permit proposed orders to be received through the Portal and shall permit final orders to be filed directly to the clerk's CMS or the Portal and served through the Portal, CMS, or CAPS.

Judge Perkins and Judge Gagliardi accepted the friendly amendment.

First Reading: Amended motion to approve the Court Application Processing System Functional Requirements document version 5.0 with the understanding that "final" will be deleted from 8.1. Order Generation and Processing Required and 8.3. Portal Integration requirements.

The amended standards will now read:

8.1 Order Generation and Processing Required. The system shall have the capacity to generate court orders by merging information from the accessible databases and runtime user input into a bank of forms. ~~It shall also have the ability to process proposed orders submitted as PDF or word processor documents by internal and external users.~~ The CAPS shall permit editing of the proposed order and file the signed final order in PDF/A format.

8.3 Portal Integration. The CAPS shall permit proposed orders to be received through the Portal and shall permit ~~final~~ signed orders to be filed directly to the clerk's CMS or the Portal and served through the Portal, CMS, or CAPS.

Sandra Lonergan said it would be easier if self-represented litigants could be required to receive service through the Portal. Judge Munyon said under the Rules of Judicial Administration, self-represented litigants cannot be required to receive service via email. Mike Smith said in the Duval County family law department some filers are putting in emails to serve the other party and the party did not opt-in to receive emails. Judge Munyon said at some point the RJA may want to address this issue. Judge Stephens said approximately nineteen months ago the Rules of Judicial Administration Committee (RJAC) addressed this issue and packaged a proposed set of rules that would explicitly address the status of people who were not represented. The package was approved in final form to go to the Supreme Court, but he is unsure as to why the issue has not moved forward. Tom Hall addressed this under Agenda Item XIX. RJA Update.

MOTION CARRIED

AGENDA ITEM XVI. Clerk’s Case Maintenance System (CMS) Functional Standards Subcommittee

Judge Gagliardi said the task for the CMS functional standards subcommittee is a complex initiative. The subcommittee has had several telephone meetings and reviewed documents that were previously submitted by Clerk Karen Rushing. The subcommittee anticipates meeting in-person in the coming months. Judge Gagliardi will provide an update at the February 2019 FCTC meeting.

AGENDA ITEM XVII. Access Governance Board Update

A. Judge Hilliard discussed the Agency Supplemental Request Form. This form allows for an agency to assign multiple gatekeepers. Additionally, Judge Hilliard said with the proposal to allow an agency to have multiple gatekeepers, the gatekeeper language in the *Standards for Access to Electronic Court Records* would need to be updated as well. Judge Hilliard offered two motions on this issue.

First Reading: Motion to approve the Agency Supplemental Request Form.

First Reading: Motion to update the gatekeeper language in the *Standards for Access to Electronic Court Records* to read:

In an effort to effectively manage access and ensure security, an agency may utilize a one or more gatekeepers authorized by an agency head or an authorized gatekeeper, who shall be an employee of that agency, for the purpose of adding, updating, and deleting user or agency information.

MOTION OFFERED: Judge Robert Hilliard

MOTION SECONDED: Judge Terence Perkins

Justice Polston questioned having more than one gatekeeper and inquired if it would be problematic. Judge Hilliard said some counties allow multiple gatekeepers and have not reported any issues. Judge Munyon asked if this change was contemplated for large agencies that might need more than one person to update information. Judge Hilliard said yes as well as for people leaving for a little while and unable to fulfill their duties while out. Sandra Lonergan asked about having a designee instead of a gatekeeper. Judge Munyon asked the clerks if agencies have too many gatekeepers can they still be defined as a gatekeeper. Laurie Reaves from Miami-Dade County Clerk’s Office said they have a primary gatekeeper who can designate other gatekeepers to ensure the appropriate level of access is granted throughout the agency. They have not experienced any issues with multiple gatekeepers. Ms. Lonergan asked if someone in the agency has the ultimate responsibility for access that is granted for their users and Ms. Reaves said yes. Judge Munyon asked if each designee signs a separate gatekeeper agreement. Ms. Reaves said in Miami-Dade, the agency head delegates the primary gatekeeper and the primary gatekeeper is responsible for all security across the organization. Miami-Dade has an audit trail of all access granted and the level of access that is granted. The onerous of granting access should be on the agency. Judge Munyon asked if it would be better to use the term designee. Judge Hilliard said the

Board will present the language for first reading but consider the FCTC's comments and bring a revision for second reading at the February 2019 FCTC meeting.

MOTION CARRIED

B. Judge Hilliard said although this issue is not on the FCTC's agenda, at the Board's November 1, 2018 meeting, it was brought to the Board's attention that there was a discrepancy in the standards relating to sworn notarized agreements. To rectify the situation, the Board would like to update the *Standards for Access to Electronic Court Records*.

First Reading: Motion to update user role 5 Public in Clerks' offices and registered users in the User Security Requirements column in the *Standards for Access to Electronic Court Records* to read:

Secure access through username and password ~~by written notarized agreement~~ or in public at Clerk's offices.

MOTION OFFERED: Judge Robert Hilliard

MOTION SECONDED: Mike Smith

MOTION CARRIED

i. Judge Hilliard discussed a request received from the Guardian ad Litem (GAL) to update the *Standards for Access to Electronic Court Records* and the *Access Security Matrix*. The GAL articulated the challenges they face in obtaining electronic access to confidential court records. GAL's are appointed differently on dissimilar time schedules and have different reporting requirements. The statewide GAL program submitted a proposal to the Board to update the standards and matrix to allow access to confidential court records pertaining to juvenile dependency cases. After a great deal of effort on this issue the Board is ready to submit its proposal to the FCTC for consideration.

First Reading: Motion to add Guardian ad Litem to user role 9 on the *Access Security Matrix* and update user role 9 in the *Standards for Access to Electronic Court Records*.

User role 9 on the matrix will read 9. Florida Attorney General's Office, ~~and the Florida Department of Children and Families,~~ and Guardian ad Litem

Matrix User Role column in the standards will read User Role 9 Florida Attorney General's Office, ~~and the Florida Department of Children and Families,~~ and Guardian ad Litem. Access Permitted column will read Access for guardian ad litem appointed under Chapter 39 as permitted by ss. 39.0132 and 39.822, F.S.

MOTION OFFERED: Judge Robert Hilliard

MOTION SECONDED: Judge Terence Perkins

MOTION CARRIED

Clerk Ellspermann requested to waive a second reading and move forward with updating the standards and matrix for the protection of children.

Motion requesting the FCTC to expedite the approval of the changes to the Standards for Access to Electronic Court Records and the Access Security Matrix and waive the requirement of a second reading.

MOTION OFFERED: Clerk David Ellspermann

MOTION SECONDED: Judge Martin Bidwill

Judge Munyon said the FCTC tries to limit the number of times the matrix is sent to the Supreme Court for amendments in any given year. Clerk Ellspermann said the issue of concern provides judicial protection to children and is important for the Commission to consider expediting. Judge Hilliard said the Board has looked at this issue for months, certainly not without controversy. The Board reviewed and scrutinized a great deal of documentation before granting the access requested by GAL. Justice Polston would like the packet that will be submitted to the Supreme Court amending the standards and matrix to include the pros and cons of granting GAL the requested access.

MOTION CARRIED

Before moving on to the next agenda item, Judge Hilliard asked Deborah Lacombe, special counsel for the Guardian ad Litem Program to give background information on GAL's request. Ms. Lacombe said GAL is a small state agency, but they represent every kid that comes into dependency court that is abused and neglected. Although parts of the statute grant the GAL program access to confidential information, this access has not been applied uniformly across the state. This will be a consequential improvement to the advocacy the GAL can provide for children and the information they can make available to judges as part of GAL's statutory responsibility to have an independent investigation and make recommendations throughout the dependency proceedings. Ms. Lacombe expressed her sincere appreciation to the Board and the FCTC for recognizing the necessity for GAL's to have this access. Clerk Ellspermann stated at the Board's November 1, 2018 meeting, the Board discussed at length to recognize the *appointment* of the GAL. There are cases where GAL would be involved in, but they would not have access unless they are appointed by the court. The GAL would be required to have policies in place to ensure that unauthorized users do not access information improperly and disciplinary actions for accessing information improperly.

ii. Judge Hilliard said the Board has more work to do on Legal Aid Services' request to update the standards and matrix. He requested this issue be tabled until the February 2019 FCTC meeting.

AGENDA ITEM XVIII. Technical Standards Subcommittee Update

a. Mike Smith said the Technical Standards Subcommittee developed standards for Backup of Electronic Records, Document Filing, and Document Storage which were approved for second reading at the August 3, 2018 FCTC meeting. Roosevelt Sawyer said OSCA is reviewing a packet that will be submitted to the Supreme Court for adoption of the standards through an administrative order.

AGENDA ITEM XIX. Rules of Judicial Administration Update

Tom Hall said the rules package dealing with electronic filing and service was passed, but there was one rule pertaining to signing documents that did not get passed. The RJAC chair decided to hold off on sending a packet to the Supreme Court until the electronic signature rule is passed; therefore, allowing the Supreme Court to receive one packet of proposed rule changes. Additionally, the chair wanted to wait for proposed rule changes from other committees as well. Mr. Hall went on to say if the RJAC passes the electronic signature rule in January 2019, there are other rules committees who have some electronic rule changes. The RJAC will put a packet together and file all the proposed rules out of cycle. Judge Munyon inquired if any rules have recently been passed that deals with what the FCTC does. Mr. Hall said the five-day rule for electronic service was passed and removes the five extra days allowed for service by regular U.S. mail. Judge Munyon asked if the RJA discussed how to deal with documents that are filed after normal working hours. Mr. Hall said there is discussion in the appellate rules about redefining rendition. Rendition used to be the filing of the signed written order with the clerk of court. Although, no rule to reference, there was case law that said that date was the date stamp. Now judges issue orders electronically after close of business, so the question is when does the clock start to run. The clerk's office does not look at the orders until the next business day. There is ongoing discussion on how to rewrite that rule. The rule that did pass dealt with documents filed after hours on a Friday, in terms of calculation, the weekend will not be included in the number of days until the next document is due. Judge Munyon said the issue eventually needs to be addressed because the courts nor the clerk's offices conduct business on a 24-hour basis.

AGENDA ITEM XX. Other Items/Wrap Up

Justice Polston expressed his appreciation for the work of the FCTC and Judge Munyon's leadership. He mentioned Justice Pariente's great contribution to technology and the groundwork she laid for technology issues that the FCTC is currently working on.

Judge Munyon advised everyone the next FCTC meeting is scheduled for February 7-8, 2019 in Destin. There being no further business, Judge Munyon asked for a motion to adjourn the FCTC meeting.

Motion to adjourn the FCTC meeting

MOTION OFFERED: Judge Josephine Gagliardi

MOTION SECOND: Judge Terence Perkins

MOTION CARRIED UNANIMIOUSLY