

Florida Courts Technology Commission Meeting Summary

February 8, 2019

A meeting of the Florida Courts Technology Commission was held at the Sandestin in Miramar Beach, Florida on February 8, 2019. 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
Christina Blakeslee, CTO, 13th Circuit
Sandra Lonergan, TCA, 11th Circuit
Murray Silverstein, Esq., Tampa
David Ellspermann, Clerk of Court, Marion County

Judge Ross Bilbrey, 1st DCA
Judge Robert Hilliard, Santa Rosa County
Judge Ronald Ficarrotta, 13th Circuit
Judge Scott Stephens, 13th Circuit
Lonn Weissblum, Clerk of Court, 4th DCA
Noel Chessman, CTO, 15th Circuit
Jon Lin, TCA, 5th Circuit
Matt Benefiel, TCA, 9th Circuit
Karen Rushing, Clerk of Court, Sarasota County
Leslie Powell-Boudreaux, Legal Aid Services of
North Florida

Members not in attendance

Laird Lile, Esquire, Naples
Scott Ellis, Clerk of Court, Brevard County

John M. Stewart, Esquire, Vero Beach

OSCA and Supreme Court Staff in attendance

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

Roosevelt Sawyer, Jr.
Lakisha Hall
Hetal Patel

Other Attendees

Robert Adelardi, Eleventh Circuit
Craig McLean, Twentieth Circuit
Steve Shaw, Nineteenth Circuit
Terry Rodgers, Fifth Circuit
Dennis Menendez, Twelfth Circuit
Jim Weaver, Sixth Circuit
Melvin Cox, Florida Court Clerks and Comptrollers
Tom Hall, Florida Court Clerks and Comptrollers
Patrick Estalilla, Fourth Circuit
Tony Landry, Seminole County Clerk of Court

Craig Van Brussel, First Circuit
Fred Buhl, Eighth Circuit
Brian Franza, Tenth Circuit
Robin Kelly, Seventh Circuit
Isaac Shuler, Second Circuit
Gary Hagan, Fourteenth Circuit
Carolyn Weber, Florida Court Clerks and
Comptrollers
Krys Godwin, The Florida Bar
JD Peacock, Okaloosa County Clerk of Court

Lori Ward, Walton County Bar Association
Lendy Davis, Escambia County Clerk of Court
Chris Short, Pinellas County Clerk of Court
Jeff Taylor, Manatee County Clerk of Court
Laurie Rice, Brevard County Clerk of Court
Laurie Reaves, Miami-Dade County Clerk
Dave Winiecki, Sarasota County Clerk of Court
Carol LoCicero, Thomas and LoCicero
Michelle Yodonis, Polk County Clerk of Court
Fernando Cabrera, Greenberg Traurig
Steve Green, Equivant

Repps Galusha, Orange County Clerk of Court
Jean Sperbeck, Alachua County Clerk of Court
Michael Elso, Brevard County Clerk of Court
Tyler Winik, Brevard County Clerk of Court
April Biegler, Brevard County Clerk of Court
Paul Jones, Palm Beach County Clerk of Court
Gerald Cates, Duval County Clerk of Court
Mike Murphy, Leon County Clerk of Court
Alan Hebdon, Pinellas County Clerk of Court
James Crosby, Florida Highway Patrol
Robyn Craig, Journal Technologies

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. Judge Munyon recognized the Mayor of Destin Gary Jarvis and the President of the Walton County Bar Association Lori Ward. Mayor Jarvis and Ms. Ward expressed their appreciation of the work done by the Florida Courts Technology Commission (“FCTC”) and welcomed the members to the Sandestin.

B. Jeannine Moore called roll and noted a quorum was present.

AGENDA ITEM II. Approval of November Meeting Summary

A. **Motion to approve the meeting summary from the November 2, 2018 meeting of the Florida Courts Technology Commission.**

MOTION OFFERED: Judge Josephine Gagliardi

MOTION SECONDED: Murray Silverstein

MOTION CARRIED UNANIMOUSLY

AGENDA ITEM III. FCTC Action Summary

A. **Motion to accept the action summary from the November 2, 2018 meeting of the Florida Courts Technology Commission.**

MOTION OFFERED: Jon Lin

MOTION SECONDED: Murray Silverstein

MOTION CARRIED UNANIMOUSLY

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

The Judicial E-Filing Workgroup was established 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. Judge Munyon said she attended the Chief Judge’s Quarterly meeting in December

2018 to discuss judicial e-filing and presented the workgroup's report. The report essentially says judicial e-filing should commence as soon as each individual circuit or judge is able to do so with the resources they currently have. The workgroup is waiting for the Supreme Court to decide on whether they are going to act on the FCTC's recommendation requiring judges to file orders electronically. Judge Munyon will let the FCTC know once the Supreme Court makes a decision. Murray Silverstein asked if the availability of CAPS in the circuits is included in the timeline. Judge Munyon said the Supreme Court recognizes there are some counties that do not have a CAPS in all divisions and some counties cannot afford to purchase a CAPS on a county level. The Supreme Court is looking at these issues. However, e-filing can begin in the circuits that have the technology. Mr. Silverstein said even without CAPS judges are still able to file orders directly through the Portal. Judge Munyon said single session filing can be done through the Portal; though, this might be difficult for a judicial assistant to do in a high-volume court. The workgroup looked at a comprehensive approach, i.e., what do judges do with orders that are created in court by the clerk, what do judges do with orders that come to their chambers in paper or otherwise from attorneys, and what do judges do with orders they create. There are many different facets of being completely paperless.

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

A. Hetal Patel said there were no new developments from the last FCTC meeting to the pending CAPS status. Clay, Monroe, and Pasco counties are still in the process of deploying a CAPS. Sixty-three counties have deployed a CAPS in one or both the civil and criminal divisions. Currently, 14 counties can electronically receive proposed orders via CAPS and 53 counties can electronically file judicial orders to the Portal or directly to the local clerk CMS.

B. Hetal Patel discussed the CAPS Functionality Map which shows the CAPS deployed by vendors throughout the state. At this time, 30 counties use aiSmartBench; 26 counties use the Integrated Case Management System (ICMS); 5 counties use Benchmark; 3 counties use JAWS; and 3 counties have in-house systems.

AGENDA ITEM VI. Portal Progress Report

A. Carolyn Weber gave an update on the Portal usage statistics. In December 2018, there were 1,197,853 submissions through the Portal, of which 1,194,062 were submissions to the trial courts; 589 were submissions to the Department of Corrections (DOC); 1,320 were submissions to the Second District Court of Appeal; 1,196 were submissions to the Florida Supreme Court; and 686 were submissions to the Bureau of Vital Statistics. The Portal has over 222,000 registered users. The Portal received 1,066,255 scanned documents; 646,100 text-based PDF documents; 90,991 Word documents; and 26 WordPerfect documents. On average, it takes 1.5 days to docket a filing. Roughly, 1.82% 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. Although there are 124,503 registered self-represented litigant accounts, 112,015 are active accounts; 1,113 are inactive; 10,690 are pending activation; and 685 accounts are locked. Ms. Weber said inactive accounts are those that have been marked inactive by the service desk for various reasons, e.g., an individual called and said they no longer want their account. She wanted to clarify that although there are 112,015 active accounts, that does not mean 112,015 self-represented litigants are actively filing. Additionally, Ms. Weber gave statistics for the year 2018. There were 16,478,433 e-filing submissions for the year; 916,837 new cases were initiated; December 18, 2018 was the highest volume day; and there was a total of 222,754 Portal accounts. Ms.

Weber went on to discuss the third-party vendors. 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) tenant eviction interviews are in production, reviewing small claims interviews, and 104 additional interviews are in process; 4) working to clean up bad email addresses in the Portal; 5) working on Release 2018.02MR; 6) working with DOC, pilot counties, and the local sheriffs to send Commitment Packets to the Reception Centers through the Portal; and working with the Change Advisory Board to discuss Portal enhancements.

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 December 2018, the service desk received 2,376 customer service incidents of which 1,938 were attorney incidents; 16 were judge incidents; and 422 were self-represented litigant incidents. On average it took 11 minutes to respond to a customer service incident and 32 minutes to resolve. A total of 266 technical/system support incidents were received. On average it took 19 minutes to respond to a technical/support incident and 5 hours and 39 minutes to resolve an incident. Ms. Weber showed the top 10 types of incidents the service desk received from attorneys, self-represented litigants and judges. She said they have remained static over the years, but this might change once PDF/A training is added to the Portal. The service desk continues to work on cleaning up pending filings and performing site visits to provide training and support. Ms. Weber said there is a more in-depth service desk report included in the materials to peruse if interested.

C. Carolyn Weber discussed the Portal Release 2018.02 that went out to production on December 22, 2018. The list of enhancements included the ability for the filer to file multiple documents to multiple cases in one submission. Ms. Weber noted there were some enhancements that were not able to be included in this release. A hotfix is being implemented on February 11, 2019 which includes a proposed order enhancement; increasing the record on appeal file size; and the PDF/A enhancement.

D. Carolyn Weber said the Change Advisory Board ("CAB") met in early January and considered enhancement requests received. The following enhancements deal with clerk review in the Portal when it goes into the clerk queue. The clerks wanted to have the ability to turn filings red or highlight filings three days after filing, a cover sheet to show both main and sub category of case type filed, immediately send a corrupt document to the Correction Queue and notify the filer as opposed to sending the document to the county and having them notify the filer, add a CMS confirmation number to the audit trail for DOR submissions, bypass Clerk Review option for a case type so that the submission goes straight into the CMS, and when no e-service is selected show the NEF and show no e-service recipient was selected. Judge Munyon asked if other counties could take advantage of having submissions go straight to their CMS or was it only available to the county that requested it. Ms. Weber said it would be available to all counties; however, it would be on a county by county basis. Murray Silverstein asked if this would speed up having access to the filings. Ms. Weber said it would go immediately into the clerk's CMS, but redaction would still have to take place. Mr. Silverstein asked who makes the determination if a document is viewable on request. Chris Blakeslee said the clerk makes the decision. Some clerks do redaction up front while others do it based on the request. Mike Smith asked if this was to streamline the process to allow docketing to occur quickly. Judge Munyon said the envelope information is used to port the submission directly into the correct file without human intervention. Mr. Smith asked if the Portal will ever allow a case manager to e-file through the Portal. Currently, case managers are e-filing, but they are filing as a judicial assistant. In the long-term, the judiciary may want to know how many filings were done by a judicial assistant or another

role. Ms. Weber said that is not on the FCCC's radar because the case manager role is created as part of the judicial circuit using the judge's Florida Bar number and is linked to the judicial officer. However, it is something that could be done if a request is made and the CAB approves it. Mr. Silverstein asked if it was possible to create an enhancement that allows a docket number to be added when a document is filed through the CMS. Ms. Weber said that would have to be done by the CMS and not the Portal. Melvin Cox said that requirement was passed a few years ago by the FCTC. He believes all of the CMS' are doing that. Ms. Blakeslee said it is in the progress docket, but it is not on the filed document. Ms. Weber said the CMS would have to take the document that comes from the Portal and put the number somewhere on the document. Laurie Reaves from Miami-Dade County Clerk's Office said this issue was to allow the CAPS to ingest, present, and reference the documents by the same docket number in the CMS. It was not to render a number on the document. The legal counsel in the courtroom would be able to reference the same number the judge is looking at. Mr. Silverstein said the counsel does not have access to the CAPS; therefore, a docket number is not presented to them. Tyler Winik from Brevard County Clerk's Office said stamps on a document are governed by the Rules of Judicial Administration ("RJA"). For that reason, this issue might need to go before the RJA. Mr. Silverstein said Florida Rule of Judicial Administration 2.520(d) deals with the requirements for recording. This is not in the domain of the RJA. Judge Munyon said any enhancement to the docket code would have to go in the trial court clerk of the court space on the document. Mr. Smith said there is a three-day lapse in when a document goes through the Portal and is docketed so the document that is e-served will not have the docket number on it until it hits the clerks docket line. Judge Munyon said she will refer the issue to the CMS Functional Standards subcommittee.

E. Carolyn Weber said the 2019.01 release is scheduled for May 18, 2019. This release is primarily driven by the legislative requirement that driver school certificates must be filed electronically through the Portal. A few smaller items include: additional fields on the Associated Participate Roles tab for last four digits of social security number, allowing the Search for Filings report to list DOR submissions filing status as well as Portal submissions, and adding confirmation number to the audit trail for DOR submissions, to name a few.

F. Carolyn Weber went over a request received from an attorney to change the service list to default to all recipients being selected on the service list. Currently, everyone is deselected in the default, and the filer is responsible for selecting the individuals who need to be served; however, a "select all" button is available on the Portal for ease of use. On February 7, 2019, the Portal Subcommittee decided to leave the service list as is and require the filer to select those who need to be served.

G. Carolyn Weber discussed the efforts in cleaning up the Portal user list to obtain a more accurate number of active filers. A recommendation will be made to the E-Filing Authority Board on the ability to delete accounts that are in Pending Activation status longer than one day. Ms. Weber explained pending activation status is when users have not activated their request for a Portal account by clicking on the activation link when it is emailed to them. These accounts do not have an audit trail and can be deleted. This will not prevent the user from receiving an account. They would have to register again with the Portal. In addition, when accounts have had no activity for more than ninety days, there is the ability to mark an account dormant. This would require the user to contact the service desk and request the account be reactivated.

H. Carolyn Weber discussed the PDF/A language on the documents tab for filers. The PDF/A change order will be included in the February 11, 2019 hotfix. If a document is not a properly formatted PDF/A document, a message will be presented to the filer. However, the message will not prevent the filer from filing their document. The message will tell the filer that their document is not in PDF/A format and present them with a link that shows the reason why it is not in compliance. Moreover, under the Confidentiality

Warning, a PDF/A advisory will be added as well as a PDF/A FAQ's link and an online video that demonstrates how to create a properly formatted PDF/A document. Judge Munyon said this will begin the education process for filers and get them accustomed to PDF/A documents.

First Reading: Motion to add the following language on the Documents page in the Portal:
Your document ([name of document](#)) has been added to the submission. However, your document was not submitted as a PDF/A document. PDF/A is the preferred filing document format. For more information click here: ([reasons not comply](#)). See the PDF/A advisory below.

PDF/A ADVISORY: PDF/A is the preferred filing format. ([Links to PDF/A FAQ's and video](#))

MOTION OFFERED: Judge Josephine Gagliardi

MOTION SECONDED: Chris Blakeslee

MOTION CARRIED UNANIMOUSLY

AGENDA ITEM VII. Judicial Signature Concerns

A. Carolyn Weber said the proposed order filing path was implemented with limited functionality. If an order was submitted to a judge it would go to that judge's work queue and that judge was assumed to be the final judicial officer who would sign the order. When a new judge took over another judge's division and work queue, the orders were signed using the prior judge's signature in the Portal. A hotfix was created to take the judicial signature and link it to the credentials of the judge that is logged into the Portal. The judicial signature will follow the judge regardless of what division the judge is in. This fix will be implemented on February 11, 2019.

AGENDA ITEM VIII. Portal Service Interruption Plan

A. Melvin Cox discussed a Service Disruption Communications Policy that was developed for the operation of the Portal. In September 2018, the Portal experienced some technical issues that caused some problems. While the Portal was up and operational, it was affecting the CAPS filings and some of the clerk operations. At that time, the FCCC did not have a defined communication policy for a service interruption of that kind. Staff at FCCC developed a policy that defines all the aspects of a communication policy. The policy includes: identifying what areas could impact service interruptions, what users would be impacted, the scope of the disruption, reporting a service disruption, follow-up reporting, and a board escalation process. This will keep the Portal stakeholders up to date on the issues that occur. Once a problem has been escalated, information is received every hour on how the problem is being resolved. This policy is for the non-technical people to carry out while the technical staff work on resolving the problem. Beth Allman has been identified as the FCCC E-Filing Authority Administrator. She will lead this effort with the technical staff. The service desk will still be the hub and will know first when the problem is occurring. The E-Filing Authority Board approved the policy on December 6, 2018.

AGENDA ITEM IX. E-Filing Authority Board

Murray Silverstein discussed having a more formal relationship between the FCTC and the E-Filing Authority Board. In practice, there is already a good cross-representation from several FCCC and

Authority Board members who regularly attend the FCTC meetings. He wanted to ensure the collaborative relationship is not lost. He said it might be a good augment to have a FCTC liaison attend the meetings even if they are not a voting member. Judge Munyon said Tim Smith, chair of the E-Filing Authority Board has been receptive of FCTC members attending the Authority Board meetings and appreciates the collaboration. Judge Munyon will speak with Mr. Smith and see if a formal designee is necessary to attend the Authority Board meetings.

AGENDA ITEM X. Appellate Portal Interface Update

Ms. Weber said the Fourth and Fifth DCAs were transitioned over to the Portal. The filing path for the Notice of Appeal and the Record on Appeal was increased to 200 MB and will be increased to 500 MB in the February 11, 2019 release. Additionally, the First and Third DCAs will be moved over to the Portal on February 11, 2019. All five DCAs and the Supreme Court will be electronically filing through the Portal. After this move, all jurisdictions in Florida will be filing through one statewide Portal. Clerk John Tomasino echoed Ms. Weber's update. He gave accolades to OSCA's Office of Information Technology and Ms. Weber for assisting in the endeavor. Clerk Lonn Weissblum said the Fourth DCA had a smooth transition accepting e-filings through the Portal. Judge Munyon said electronic filing is an important initiative to the court and she thanked Ms. Weber and the FCCC for their hard work on the unqualified success of the Portal.

AGENDA ITEM XI. CCIS 3.0 Update

Melvin Cox discussed the metrics measuring CCIS use. In December 2018, there were 53,313 active users; 169 agencies were using CCIS; 175,401 case searches were executed; 461,719 person searches were executed; and 832,416 document images were requested. Mr. Cox said two CCIS initiatives have been completed. SB1392 Criminal Justice Data Collection and Transparency Bill defined an Adult Diversion Program. As part of the implementation, a statewide database for criminal citations will be available via CCIS. The clerks and the FCCC collect and report data to the Florida Department of Law Enforcement ("FDLE"). In lieu of going through the court system, the Adult Diversion Program allows the adult to be given a citation. These are not court cases and are in a separate part of CCIS. Law enforcement can look up the citation. In the future as the diversion programs are developed, the FCCC will work with local entities and provide access as needed. Mr. Cox went on to say the clerk's strategic plan is primarily focused on utilizing CCIS data for reporting purposes. A lot of the initiatives involve around the quality of the data. In December 2018, a new CCIS data audit site was deployed. It improves the clerk's ability to track and analyze errors and warnings. As far as initiatives in progress, the FCCC is continuing to implement AOSC18-16 Access Security Matrix and 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 FCCC is working on a VOR process with all the CMS vendors. The new web service will allow CCIS to push a notification to the CMS when a CCIS user has asked to see a VOR document. Additionally, the clerks are working on reporting through CCIS and trying to streamline 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. Moreover, the FCCC is continually putting processes in place to ensure data quality. Mr. Cox went on to discuss judge name normalization. The new solution normalizes the judge name and provides for single, consistent name for every judge. Also, the Data Quality Management Workgroup is working to improve standardization. They developed a Judicial Case Status table which defines case

statuses and how they are changed from open to reopen and closed. Lastly, the CCIS is working with the Florida Clerks of Court Operations Corporation (“CCOC”) to integrate several reports that the clerks are reporting individually.

AGENDA ITEM XII. Rules of Judicial Administration Update

Tom Hall said at the November 2, 2018 FCTC meeting, there was discussion on the definition of rendition, which defines when a notice of appeal is due. Judges are issuing orders after 5 p.m. on Friday evenings and those orders do not get docketed until the following week. Attorneys were concerned this delay was factored into the time they must file a notice of appeal. There was some dialogue on changing the rendition rule. Ultimately, the committee decided the definition should remain status quo because the Supreme Court adopted Florida Rules of Judicial Administration 2.514. The rule basically says when computing time, begin counting from the next day that is not a Saturday, Sunday, or legal holiday. Under no circumstance if a judge issues an order after 5 p.m. on a Friday, the time for filing anything related to the case does not start until the following day the court is open. Mr. Hall went on to say there are two proposed rules that potentially affect the Access Security Matrix and the Portal. The RJA submitted a report to the Supreme Court redefining the role of attorneys; however, it was rejected by the Court and sent back to the RJA for further work. The RJA updated Florida Rules of Judicial Administration 2.505 and added (g) Stand-In Counsel. This allows an attorney to stand in for another attorney to cover a proceeding or hearing only by filing a notice of stand-in counsel or announcing on the record an appearance as stand-in counsel. This will affect the matrix because the stand-in counsel may need access to the court record while standing in court. Mr. Hall also discussed 2.505(e)(5) Notice of Limited Appearance. This allows an attorney to represent a client at a certain hearing. Once the motion is decided the attorney is out of the case. This type of case will require access to the court record. Stand-in counsel and limited appearance counsel both define counsel of record. Furthermore, Mr. Hall said in Fla. R. Jud. Admin. 2.515 a person ends up as counsel based on the way a document is signed. 2.515(d) Representations to Court basically says a person is considered counsel based on whose credentials are used to file the pleading regardless if the pleading is filed by the attorney or the paralegal. That person is responsible for what transpires in the case. Similarly, Fla. R. Jud. Admin. 2.515(c) Form of Signature Block identifies a person as a signer within an electronic document by including the electronic signature indicator s/, /s or /s/ for each signer. If the attorney’s name is on the pleading, but s/, /s or /s/ is not by it, the attorney is not counsel of record for that purpose and is not responsible for what occurs in the case. Several people on the subcommittee who was making the recommendation wanted the rule to be changed to allow attorneys to use an electronic signature. That recommendation was rejected by the subcommittee; however, when it went before the RJAC, it was decided this was a technical standard and should be referred to the FCTC to develop standards on what the signature would have to do. Judge Munyon asked if Fla. R. Jud. Admin. 2.515(c) would prohibit a digitized signature. Mr. Hall said the subcommittee felt the digitized signatures were not authorized under the current rule; therefore, the abovementioned signature indicators would prohibit this. If a technical standard that allows a digitized signature is approved, a rule would need to be changed to allow such signatures. Murray Silverstein asked if the members of the subcommittee viewed the proposed rule as a forward-thinking rule. The proposed changes are a limitation and the rule would have to be amended if a technology standard was approved. This could take another three years to allow a digitized signature. Mr. Hall said the limitation was discussed in the subcommittee meeting. A few of the members wanted to add the authorization and ask for the technical standard after the fact, but it was

not discussed by the RJAC. Mr. Silverstein also stated the proposal to the signature block which says a person who is not identified by one of the signature indicators is not the signer of the document, is a fundamental policy change that may be a substantive issue of law. He said this may be rejected by the Supreme Court immediately. Mr. Hall said there was some discussion in the subcommittee meeting and they felt the substantiality was more of the rules regulating the Florida Bar issue. Lastly, Mr. Hall said the full technology packet of electronic changes to the RJA will be filed in January 2020. Mr. Silverstein asked if the proposed changes to Fla. R. Jud. Admin. 2.420 were included in the technology packet. Mr. Hall said it is not a part of those changes. At the most recent RJAC meeting, the subcommittee took a vote to approve the changes that were procedural and later make any substantive changes. The main issue is whether clerks have a role in identifying the twenty-two confidential items in Fla. R. Jud. Admin. 2.420. The role of the filer versus the role of the clerks of court need to be clearly defined. There is a suggested change that the rule would say the responsibility is solely on the filer and a change now that says if the filer does not identify the document as confidential, the clerk has to find the twenty-two to keep it confidential. This issue is back before the subcommittee and there was some language drafted at a meeting held in early February. As an aside, Judge Munyon said she and Eduardo Sanchez, chair of the RJAC, received a letter from Clerk Tomasino requesting the FCTC and the RJAC to form a joint workgroup to look at issues regarding access to court records. This will impact Fla. R. Jud. Admin. 2.420. Judge Munyon is scheduled to have a call with Mr. Sanchez to identify a subcommittee to look at the referral. Judge Munyon will give an update at the May 3, 2019 FCTC meeting. The Supreme Court wants the report filed by June 3, 2019.

AGENDA ITEM XIII. Cybersecurity Subcommittee Update

Judge Stephens said the subcommittee is tasked with recommending minimum security measure standards, and education and training protocols. A subgroup was assigned to look at security materials already in existence for the judicial branch. Due to the passage of time, the development of new technology, and additional cybersecurity education, the subgroup decided it would be best to start from scratch. Judge Stephens hopes to have an outline for the FCTC to review at the May 3, 2019 meeting.

AGENDA ITEM XIV. Criminal Case Initiation Workgroup Update

A. Tony Landry from Seminole County Clerk's Office said the Data Element subgroup was established to compile potential data elements to provide a uniform set of criminal data elements for criminal case initiation. Since the November 2, 2018 FCTC meeting, the subgroup has had nine workshops to review the draft list of data elements. Florida Department of Law Enforcement and Florida Highway Patrol have been participating in the meetings. Mr. Landry met with the sheriff's office in Seminole county to ensure the standards provide their needs as well. Miami-Dade participated in three of the workshops. Mr. Landry hopes to include Orange County in the discussions very soon. An arrest form ("A-form") initiative may be getting underway. The subgroup wants to interface with this form to make sure the two are compatible. Miami-Dade has the largest A-form requirements of any of the jurisdictions. Mr. Landry hopes satisfying Miami-Dade's requirements will get the subgroup a long way in satisfying the statewide requirements.

AGENDA ITEM XV. DOC Joint Workgroup Update

Jeannine Moore said the workgroup is scheduled to meet on February 28, 2019. Judge Bidwill will provide an update at the May 3, 2019 FCTC meeting.

AGENDA ITEM XVI. Operational Procedure Review Workgroup Update

Judge Gagliardi presented the Operational Procedures for approval noting there may be little tweaks in the future.

First Reading: Motion to approve the Operational Procedures.

MOTION OFFERED: Judge Robert Hilliard

MOTION SECONDED: Sandra Lonergan

MOTION CARRIED

AGENDA ITEM XVII. Certification Subcommittee

A. Judge Perkins said at the February 8, 2019 FCTC meeting, the proposed changes to the Functional Requirements Document for Court Application Processing System was debated at length. He presented the functional requirements for final adoption as required by the operational procedures. Once the functional requirements are adopted, they will be posted on the [Technology Standards](#) webpage and promulgated to the vendors.

Second 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 system (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.

Second Reading: Motion to update 8.1. Order Generation and Processing Required requirement to 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 filing the signed final order in PDF/A format.

Second Reading: Motion to update 8.3 Portal Integration to read:

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.

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

MOTION OFFERED: Judge Terence Perkins

MOTION SECONDED: Mike Smith

MOTION CARRIED UNANIMIOUSLY

AGENDA ITEM XVIII. Clerk's Case Maintenance System (CMS) Functional Standards Subcommittee

Judge Gagliardi said the subcommittee has had several telephone meetings and are reviewing a document with excerpts from the National Center for State Courts ("NCSC") as well as a Judicial Case Status table. The subcommittee will continue reviewing the documents and will hopefully have a draft set of standards in the near future.

AGENDA ITEM XIX. Access Governance Board Update

A. Judge Hilliard discussed agencies having multiple gatekeepers. He offered two motions for final approval on this issue.

Second Reading: Motion to approve the Agency Supplemental Request Form with the understanding that the signature block will be updated to read:

Agency Head/Gatekeeper Signature

Second 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, or a designee 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 Ross Bilbrey

MOTION CARRIED

B. Judge Hilliard went on to discuss requests to update the Standards for Access to Electronic Court Records and the Access Security Matrix.

i. Judge Hilliard offered the following motion for final approval.

Second 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.

ii. Judge Hilliard said as the matrix evolves it also grows. The consolidation of certain case types aids in the manageability of the matrix. Judge Hilliard asked Jeff Taylor from Manatee County Clerk's Office to speak on the request to collapse some case types in the matrix. Mr. Taylor said after reviewing the matrix he and Matt Whyte, Manatee County general counsel, realized some of the case types could be collapsed as they had the same access levels. The proposal is to collapse the similar case types into one row and add the applicable rules and statutes.

First Reading: Motion to collapse Administrative Support Proceeding, Delayed Birth Certificate, Dissolution, Domestic Relations-Paternity, URESA/UIFSA, and Name Change into Domestic Relations; and collapse County Foreclosure into County Civil for simplicity.

MOTION OFFERED: Judge Robert Hilliard

MOTION SECONDED: Mike Smith

MOTION CARRIED

Judge Hilliard said although this issue is not on the FCTC's agenda, at the Board's February 7, 2019 meeting, the Guardian ad Litem's request to update the standards and matrix was discussed as there were some concerns on certain aspects of the motion previously approved at the November 2, 2018 FCTC meeting. The Board was notified that the request might not be in a form that is acceptable by the Supreme Court. The Board discussed this issue at length and was able to come to a consensus. The criticality of the situation appears to have been attenuated and the concerns can be addressed administratively; however, in the event that some action might be needed by the FCTC, the Board prepared a motion to reconsider.

First Reading: Motion to ask the FCTC to reconsider Guardian ad Litem's request and have the Access Governance Board work with the Guardian ad Litem on some legislative language to move the request forward.

MOTION OFFERED: Judge Robert Hilliard

Clerk David Ellspermann asked the FCTC to acknowledge the vote that was approved at the November 2, 2018 FCTC meeting and move the request forward to the Supreme Court without any modification.

Without a second, the motion was not considered.

For informational purposes, below are the motions that were passed at the November 2, 2018 FCTC meeting:

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.

AGENDA ITEM XX. Other Items/Wrap Up

A. Judge Munyon advised everyone the next FCTC meeting is scheduled for May 2-3, 2019. The location has

not been determined.

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: Sandra Lonergan

MOTION CARRIED UNANIMOUSLY

DRAFT