



**Judge Lisa Taylor Munyon, Chair  
Florida Courts Technology Commission  
c/o Office of the State Courts Administrator  
500 S. Duval Street, Tallahassee, Florida 32399-1900**

April 1, 2013

The Honorable Ricky Polston  
Chief Justice, Supreme Court of Florida  
Supreme Court Building  
500 South Duval Street  
Tallahassee, Florida 32399-1900

**RE: Florida Courts Technology Commission Yearly Report**

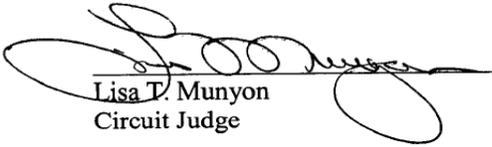
Dear Chief Justice Polston:

I write to you as Chair of the Florida Courts Technology Commission (Commission) to provide a status report on the activities of the Commission. Rule 2.236, adopted in July 2010, directs the Commission to prepare an annual report of its activities, and include recommendations for changes or additions to the technology policies or standards of Florida courts, its recommendations for setting or changing priorities among the programs within the responsibility of the Commission, changes to rules, statutes, or regulations that affect technology in Florida courts and the work of the Commission.

This report summarizes the work of the Commission from April 2012 through March 2013. As you will find documented in this report, the courts continue to make vast strides in matters related to technology. It has been an honor and a privilege to contribute to these advancements and collaborative accomplishments for the state courts system and judicial branch as a whole.

The Honorable Ricky Polston  
April 1, 2013  
Page | 2

Sincerely,



Lisa T. Munyon  
Circuit Judge

Enclosure

## Florida Courts Technology Commission

### 2013 Yearly Report

April 1, 2013

The current Florida Courts Technology Commission (the Commission) was formed pursuant to Rule 2.236, Florida Rules of Judicial Administration on July 1, 2010. The present Commission was created as a successor to the prior Florida Courts Technology Commission, whose general mission was to advise the Chief Justice and Supreme Court on matters relating to the use of technology in the judicial branch. The Commission has staggered initial membership terms of 1, 2, or 3 years, to ensure continuity and experience on the Commission. Initial terms may be extended for three year terms thereafter.

The leadership of the Commission changed in 2012; nonetheless, the Commission continued to make progress in overseeing and monitoring the development, implementation, and use of technology in the trial and appellate courts. The expectations of how information technology can benefit the courts continue to evolve quickly. Courts depend more than ever on information technology to support their day-to-day operations. Today there is not an area of court business that information technology does not touch (electronic filing, case management, document management and imaging, digital court recording, and public internet access to all of this information). Eleven subcommittees and several work groups have been created to work under the auspices of the Commission to focus on different areas of technology in our courts. Several subcommittees were formed in 2012 to oversee and ensure that adopted standards were adhered to at the local level, to develop a consistent statewide access model for access to electronic court data, and to review demonstrations of judicial viewers and certify vendors in compliance with established standards. In addition to the above referenced subcommittees and work groups, the rule specifically establishes the Appellate Courts Technology Committee as a standing committee of the Commission. In the Rule 2.236 opinion, the Court specifically directed the Commission to establish the E-Filing Committee as a subcommittee of the Commission. The Chair prioritized the work assignments of the subcommittees and work groups in order to enable the Commission and its support staff to perform them at a rate that is manageable with the existing constraints of staff and travel. Through the committees, subcommittees and work groups, the Commission has taken on a number of projects. These groups and the Commission as a whole have devoted considerable time and effort to issues related to implementing statewide e-filing and the implementation of eCourts. Those issues directly relate to the work of the E-Filing Committee, the Appellate Courts Technology Committee, the e-portal Subcommittee, the

Technical Standards Subcommittee, the Trial Court Integrated Management Solutions (TIMS) Subcommittee, and the Funding Subcommittee, among others.

While we are in a challenging environment dealing with the changes in technology, the fiscal setbacks, and the workplace, the Commission has managed to meet in person quarterly since the adoption of Rule 2.236 in July 2010. The Commission continues to make full use of e-mail, videoconferencing and conference calling to conduct its work. However the chair and members adamantly believe that there is no substitute for in-person discussions when trying to forge a common understanding of complex issues among members of every branch of state government and some private entities. The Commission has been able to schedule in-person subcommittee meetings during the morning immediately preceding the quarterly full Commission meetings.

During the course of the year, the Commission worked collaboratively with the Courts E-Filing Authority to make the e-portal website more accessible and understandable for filers. One specific area where commission members assisted was to improve the section of the website that implements protection of confidential information contained in court records.

The Commission's work related to tasks assigned to it is described in the section entitled Subcommittee and Work Group Activities.

## **Subcommittee and Work Group Activities**

### **A. Appellate Courts Technology Committee**

There are currently two appellate court e-filing and case management solutions in use – eFACTS and iDCA/eDCA. The Information System Services (ISS) unit within the Office of the State Courts Administrator has developed an electronic document, electronic workflow, and case management solution that will interface with the statewide e-portal. The Supreme Court and the Second District Court of Appeal are piloting the eFACTS solution. The eFACTS solution is two-fold. The cases portion closely matches the current Case Management System (CMS) interface with the addition of voting management, scanning, task tracking, notifications, and electronic filing management. The electronic voting portion closely matches the current Supreme Court eVote system, with the addition of Panels to

support the District Courts of Appeal and the addition of an overall voting group status. Task tracking has been integrated into eFACTS to allow tasking from the electronic filing (e-filing) queue, docketing screens, and batch scanning. Enhancements to task tracking are currently being made to allow tasking from the voting module. The eFACTS solution also includes full-text searches of documents and an OCR (Optical Character Recognition) service for making documents searchable.

The eFACTS solution will be advantageous for a number of reasons: 1) the eFACTS integrates electronic document management; 2) the current CMS is client-based, whereas the eFACTS solution is web-based, which allows remote access to the eFACTS solution 24 hours a day, 7 days a week; 3) predefined and customizable electronic workflows and forms are built into eFACTS; 4) eFACTS is built on the Microsoft platform, which allows for interaction between systems; 5) it has the ability to associate a document to a docket, which the current CMS does not; and 6) eFACTS integrates with the statewide e-portal.

OSCA/ISS staff continues to develop the eFACTS solution and is working closely with this committee, as well as with other subject matter experts. In July, 2012, the Supreme Court began using eFACTS. In August, 2012, eFACTS was installed for the Second District Court of Appeal. As a pilot court, it was found that eFACTS did not immediately suit their operational needs. Two major issues arose: 1) the handling of voting panels and 2) the large volume of scanning that would be required to provide electronic documents for the voting module. Work continues on the eFACTS interface with the statewide e-portal, specifically for Notice of Appeal initial filings and the District Courts of Appeal filings, electronic records, enhancements to task tracking, enhancements to notifications, enhancements to the voting module, document templates, and the move of the rest of the CMS into eFACTS.

On October 1, 2012, the ACTC approved the appellate court electronic record (eRecord) standard and on October 11, 2012, the FCTC conferred their approval. From that point forward, several milestones were completed in eFACTS; November 30, 2012, notifications and task tracking were implemented; February 16, 2013, major enhancements to the voting module were implemented, including voting group management improvements; February 17,

2013, e-filing was implemented for Supreme Court filings from attorneys; and February 27, 2013, Supreme Court filings through the statewide e-portal became optional for all attorneys. As of March 19, 2013, a total of 139 filings, with a total of 192 documents, have been received through the statewide e-portal. On February 26, 2013, additional technical information on the eRecord standard was published for use by all entities that will need to submit electronic records in the new eRecord standard. ISS is also working with a vendor to beta test automated document redaction software that integrates with the Microsoft SharePoint platform. A reusable document and data import utility has been developed to facilitate movement of both electronic documents and related data into eFACTS, including the iDCA/eDCA documents and data for the Fifth District Court of Appeal, the Third District Court of Appeal, the Fourth District Court of Appeal, and the First District Court of Appeal. In addition, several technical tasks are being completed, including installation of load balancing software and a disaster recovery exercise.

The pilot e-filing system, "iDCA/eDCA," is fully deployed at the First, Fourth, and Fifth District Courts of Appeal. Presently, the First and Fifth District Courts of Appeal require all attorneys to file documents exclusively through the eDCA filing portal. The active caseloads of both the First and Fifth District Courts of Appeal are now digitized. This represents millions of pages of digital documents available internally through the iDCA portal and externally to registered users of eDCA (an eDCA user can only view documents for cases in which that user is an attorney or party).

Installation at the Fourth District Court of Appeal took place in February 2013. That court anticipates requiring e-filing from all attorneys beginning on May 1, 2013 while already allowing optional e-filing which began on March 1, 2013. The Third District Court of Appeal will also implement the iDCA/eDCA system. Planning of that installation is ongoing and completion of deployment should be realized by the second week of April 2013.

All of the iDCA/eDCA courts are taking advantage of the document generation component which allows for true electronic service in the iDCA/eDCA courts.

Historically, Order generation had been accomplished using the legacy case management application which is designed only to generate paper orders for postal mailing. Integration of order creation into iDCA/eDCA on March 1, 2012, allowed the court to cease mailing paper copies of orders to registered users of eDCA. The court is already experiencing substantial postage and supply costs savings. These modifications should be complete within the coming months.

### **B. E-Filing Committee**

The current E-Filing subcommittee is the successor to the E-Filing Committee that was established in 2007 (AOSC07-63). The membership term was extended in 2009 (AOSC09-50), and most recently in 2011 (AOSC11-42). The E-Filing Subcommittee is charged with:

- 1) Reviewing the proposed processes to ensure compliance with established standards (see Administrative Order No. AOSC09-30 (Fla. July 1, 2009) and compatibility with other courts of this state, and to ensure that attorneys, self-represented litigants, and members of the public do not have to purchase multiple software programs in order to file documents electronically from county to county and from court to court.
- 2) Reviewing the control processes and procedures being proposed to ensure adequate integrity, security, and confidentiality; and to ensure compliance with specific directives established by the Supreme Court in April 2007.
- 3) Reviewing whether the proposal will provide adequate public access to electronically-filed documents and ensure adherence to the privacy requirements as outlined in In re: Revised Interim Policy on Electronic Release of Court Records, No. AOSC07-49 (Fla. Sept. 7, 2007), and any subsequent applicable orders of the Supreme Court.
- 4) Reviewing any other issues relating to the implementation of electronic filing systems that this Commission or the Committee deem appropriate.
- 5) Reviewing any request from a clerk of court or chief judge for permission to discontinue follow-up filing of documents in paper form.

The committee continues to work with court staff to update the e-access standards and recommend revisions to be adopted by the Commission. The previous version of the standards was adopted in 2009 and with the expectation of statewide e-filing through the statewide e-portal, updating the document has continued to be a critical priority. The

Statewide Standards for Electronic Access to the Courts is currently in its ninth version, most recently updated in March 2013. The committee plans to continue to work closely with court and clerk staff, as well as judicial branch partners to update the standards as needed, and recognizes that this will continue to be an evolving document as e-filing is fully implemented.

Electronic filing commenced through the statewide e-portal in early January 2011. As of February 2013, 58 counties are capable of accepting electronically filed documents via the statewide e-portal; nine counties are working to connect to the statewide e-portal and accept filings electronically in the civil divisions by April 1, 2013. Thus far, almost 22,000 users have registered to file through the statewide e-portal. Statistics show that there have been 4,282,172 filings (an average of 70,792 filings per month) and 418,887 documents (an average of 104,722 documents per month) submitted through the statewide e-portal. As of January 2013, all 67 Florida counties have submitted their plans and have been approved for electronic filing in some or all of their divisions and courts; OSCA staff is working with the Florida Court Clerks and Comptrollers (FCCC) and the local clerk's offices to ensure that all counties are approved for all court divisions by the end of 2013. Over the past year, the 90-day follow-up filing of documents in paper form filed by electronic transmission previously required in Rule 2.525, was omitted in revised opinion SC11-399, dated October 18, 2012. However, those counties that were approved prior to the rule change will still need to submit their 90 day reports and seek approval from the FCTC to discontinue the paper follow-up. The E-Filing Committee also continues to monitor technology projects in courts statewide.

### **C. e-Service Work Group**

The FCCC created a work group to analyze e-service as it applies to Clerks, Public Defenders, State Attorneys, local attorneys and Clerk's Office employees. In October 2012, at the FCTC meeting the e-service work group was formed wherein it was decided that the e-portal was to provide e-service of documents filed through the e-portal. A group of diverse people was selected to look at e-service as it applies to this specific group of users and provide insight in the creation of the e-service application. The first meeting was held on

December 19, 2012 in Tampa. The e-service work group continues to hold weekly conference calls to discuss the design, functionality and implementation of e-service through the e-portal.

Any document electronically transmitted to a court or clerk of the court shall also be served on all parties and interested parties in accordance with the applicable rules of court. In September 2012, the Court adopted Florida Rules of Judicial Administration, Rule 2.516 (Service of Pleadings and Documents) which mandated e-mail service for all cases in Florida. This reduces the urgency, but not the desirability, of deploying an institutional approach to service of documents. Rule 2.516 realize a large portion of the efficiency gained by electronic transmission of documents over paper mailing, with speed much faster and cost much lower.

In the federal courts, receipt of a filing triggers the clerk's system to notify the other parties by email, sending a link to the document on the clerk's server rather than attaching the document itself. The federal model has an excellent track record for safety and efficiency and most observers agree the state should adopt an e-service approach as near to it as feasible. In the Florida trial courts, however, technology costs are funded at the county level and there is an independent and elected clerk in each county. Adoption of a federal-style system will require a degree of consensus and coordination that has not materialized to date. There are numerous approaches short of full centralized federal style e-service that could be effective, but a policy directive emanating from FCTC's October 2012 meeting affords a specific direction.

The FCCC is moving to add e-service to the functions of the e-portal in the near future. When a document is filed in an existing case, the e-portal will distribute copies of that document to recipients on the service list. The e-portal stores and uses the service list, but the list is created and maintained by the users. The first party to file through the e-portal in an existing case bears responsibility for entering the email addresses into the e-portal. Each process will result in large efficiency advantages over paper practice, with instantaneous transmission and mechanical attestation of the data and time of service. Its gains over the interim email service rule are more modest, eliminating some exposure to risks inherent in opening emails from unknown senders. Moreover, it can be accomplished in the near term.

Implementation of an e-service approach more analogous to the federal court system remains a longer-term goal and work toward that end will continue.

To date, the design documents are complete and the committee has presented the specifications to the vendor to achieve a time line for development and implementation of the e-service portion. While the committee will not have e-service in place by April 1, 2013, it is hopeful to have it available soon thereafter.

#### **D. e-Portal Subcommittee**

The previous Commission recommended as part of the implementation of e-filing that the chair of the successor Commission reconstitute the data elements work group, with continued collaboration with the clerks of court. That work group was to continue the work of defining the data elements that should be captured and those that should be stored. Its tasks were assumed by the newly created e-portal subcommittee of this Commission.

The e-portal subcommittee works with the E-Filing Authority Board and the FCCC on the development of and modifications to the statewide e-portal. The data elements work group of the previous Commission identified envelope data elements for the five named civil divisions – Probate, Circuit Civil, County Civil, Family, and Juvenile Dependency – which are currently being captured by the e-portal. The subcommittee determined it necessary to create a separate work group, comprised of law enforcement, state attorney and public defender representatives, private attorneys, and other agency stakeholders, to identify the envelope data elements for the criminal and traffic divisions – Circuit Criminal, County Criminal, Criminal Traffic, Civil Traffic, and Juvenile Delinquency. With initial and ongoing assistance from the Leon County Clerk's office, the work group identified the minimum number of data elements required for the clerk to receive and accurately process initial and subsequent filings. The work group also identified data elements that were required, those that were optional, those generated by the e-portal, or not applicable, based on the case type and the filer role. The data elements were presented to the FCTC at its September 2011 meeting and adopted unanimously. The envelope data elements are considered a living document and will be modified as needed.

At the FCTC meeting on January 30, 2013, the e-portal subcommittee made a motion for the FCTC to recommend to the Court that initial criminal filings initiated by law enforcement agencies not be mandated to be filed through the statewide e-portal if all required data elements are captured by the clerk's CMS and reported to the state. In addition, judges should be allowed to directly file through the clerk's local CMS system and not required to file through the statewide e-portal. Currently, this recommendation is awaiting approval from this court

The e-portal subcommittee resolved the waiver process for counties that already have an approved local e-filing system and would be migrating to the e-portal. A motion was made at the FCTC meeting on January 30, 2013 to recommend that the clerks in Sarasota and Clay counties be permitted to continue to accept e-filings through their systems, until October 1, 2013, provided their systems are linked to the statewide e-portal.

The e-portal subcommittee continues to look at changes that are needed to the e-portal. Currently, tests are being run on font size to determine how much space would be needed to affix the date and time stamp on the portal's interface.

#### **E. Funding Subcommittee**

The chair of the Commission created the funding subcommittee to identify presently available and potential funding sources for current and future technology projects. The charge to this subcommittee is two-fold: 1) determine the cost of a statewide integrated computer system and 2) identify the presently available and potential income streams and other resources to pay for such a system. In September 2011, the State Justice Institute (SJI) awarded the OSCA a \$50,000 technical assistance grant. With matched funds, the total grant allotment is \$75,000. The OSCA then entered into an agreement with the National Center for State Courts (NCSC) in November 2011 to conduct the research and analysis to identify available and potential funding sources for e-Courts and associated projects. The consultants completed a thorough analysis of the current structure of local funding for technology projects, the cost of maintaining projects that are presently planned, such as TIMS, appellate courts solution, and the statewide e-portal, and the total anticipated cost of fully

implementing a statewide integrated computer system that enables the judicial branch to acquire, maintain and distribute court records electronically.

Last year, OSCA staff worked with two consultants from the NCSC gathering and analyzing information on developing the NCSC final report, "Florida Statewide Case Management System Implementation and Funding Strategies," which was submitted in December 2012 and recommendations were presented at the FCTC meeting in January 2013 as listed below.

*General:*

- Trace progress on statewide court system back to legislative goals.
- Adopt the current design for statewide system integration.

*Complexity and Consolidation:*

- Consolidate local systems strategically to reduce system complexity and cost.
- Gradually converge and standardize on a few solutions for the clerk CMS and the judicial viewer.
- Consider future consolidation of the clerk case maintenance systems.
- Identify a target set of judicial viewer solutions that would be used with the target set of clerk CMS solutions. Migrate toward those more consolidated solutions over time.

*Standards:*

- Specify statewide technical interface standards for the clerk CMS and judicial viewer solutions.
- Establish document type and document metadata standards where there is a business need.
- Interface certified judicial viewers and clerk case maintenance systems using a single statewide open technical standard to reduce cost and complexity.
- Prefer searchable PDF and tagged smart document formats to TIFF.
- Leverage the statewide data model to standardize forms as smart documents for document types where that is appropriate.

*Funding:*

- Identify an adequate lifecycle funding source for statewide system integration.
- Identify a lifecycle funding source for the judicial viewer as soon as possible to lower implementation risk from a statewide perspective.
- Fund on-going statewide technology capabilities with new online electronic data and document access fees.
- Allocate the new revenue generated by online data and document access fees between the county clerks and OSCA in proportion to the implementation costs of the new technology capabilities being implemented.

The funding subcommittee is currently estimating refresh costs and will work with the Trial Court Budget Commission to pursue funding revenues to ensure funds for technology are maintained. The recommendations will be presented to the Court once they are identified by the TCBC.

**F. Trial Court Integrated Management Solution (TIMS) Subcommittee**

The TIMS project is a long term systematic effort by the FCTC and the Commission on Trial Court Performance and Accountability (TCP&A), as well as the Court Statistics and Workload Committee (CSWC), to define a meaningful framework for the development of a court case management system. The FCTC has constituted its own TIMS subcommittee which during the past year has been working on planning and preparing for electronic filing in the trial courts. Early in its process, the subcommittee concluded that there was not an existing market offering software packages that could serve the needs of courts, but there were numerous potential vendors who expressed interest in offering judge viewer modules that would meet some or all of the courts' needs. In order to ensure that the judge viewer modules have a degree of regularity across the state, the subcommittee developed the Court Application Processing System (CAPS) standards. These standards identify the specific requirements of a judicial viewer utilized by judges or their staff to access and use electronic case files and other data sources in the course of managing cases, scheduling and conducting hearings, adjudicating disputed issues, and recording and reporting judicial activity.

The TCP&A developed a data model which establishes uniform and standardized data definitions and provides uniform language which all jurisdictions can use to effectively communicate key caseload and workload information. As the court model was being developed, the TIMS subcommittee developed the Integrated Trial Court Adjudicatory System (ITCAS) solution. This solution identifies the processes which must be included in an adjudicatory subsystem to allow judges to effectively use electronic documents to perform adjudicatory functions. The ITCAS identifies the various components that interface between the courts and clerks to allow the sharing of court information. With the approval of the ITCAS solution and the receipt of the mortgage foreclose funds, the FCTC is working on an implementation strategy to employ judicial viewers in all Florida counties.

#### **G. Certification Subcommittee**

The Certification Subcommittee is tasked with viewing demonstrations of judicial viewers and certifying vendors in compliance with the established CAPS standards. A judicial viewer provides judges rapid and reliable access on the bench to cases scheduled to be heard and also allows judges the ability to prepare, electronically sign, file and serve Orders in court and have them immediately entered into the clerks' system. Any vendor wishing to sell their judge viewer module to the Florida Courts must meet the CAPS standards. To date, two vendors (Mentis Technologies and New Dawn), and one internally developed system (the Thirteenth Judicial Circuit) have received provisional certification. Pioneer, is a vendor that did not meet the requirements for provisional certification, but was encouraged to continue to strive to meet the requirements and present to the subcommittee at a later date to become certified.

#### **H. Technical Standards Subcommittee**

Over the past year, the Technical Standards Subcommittee developed Standards for Access to Electronic Court Documents. The purpose of the standards is to provide electronic access to court documents, dependent upon user role in accordance with statutes, rules, and administrative policy. There is presently a moratorium in place restricting access to electronic court records in all counties except for Manatee. The subcommittee decided it was imperative that access to electronic court data be managed and secured in a consistent

manner throughout the state of Florida. The subcommittee lacked the subject matter experts to tackle this task. As a result, the Access Governance Board was established.

One of the NCSC recommendations was to make documents formatted in PDF the standard for storage in the clerks' case maintenance systems. The subcommittee will develop a short survey to distribute to the clerks regarding storing searchable PDF documents. Another recommendation was to task the technical standards subcommittee to develop technical interface standards for the clerk case maintenance system and judicial viewers. Therefore, in the coming year, the subcommittee will be working on these two issues and any other standards that need to be developed as mentioned in the NCSC recommendations.

The subcommittee also plans to update the Integration & Interoperability (I&I) document which was last updated May 2011. The I&I document is essentially a technical document that court technology officers use which identifies best practices and existing standards regarding hardware and software platforms, network infrastructure, and methods for data exchange.

#### **I. Access Governance Board**

The Access Governance Board was established to develop and maintain a consistent statewide access model and policy which would reduce redundant work on access models throughout the state that may lead to different legal interpretations on access. In conjunction with the development of the Standards for Access to Electronic Court Documents by the Technical Standards Subcommittee, the Access Governance Board developed an access security model to define specific levels of access based on user roles. This access model was included in the statewide standards that were sent for the Court's approval in February 2013. In re: Implementation of Report and Recommendations of the Committee on Privacy and Court Records, No. AOSC06-20 (Fla. June 30, 2006), states "The Florida Courts Technology Commission is requested, with the assistance of the Office of the State Courts Administrator, to review Recommendations Twenty (Automated Search Technology), Twenty-One (Replacement of Commercial Court Records Databases), and Twenty-Three (User Identification) and to advise the Chief Justice on the implications and advisability of

available policy options.” In doing so, the Commission should be mindful that any access systems in Florida should be designed to minimize irresponsible use of court records. The Commission is requested to study other access systems, including the PACER system used in federal courts. In consideration of lifting the current moratorium on remote access to court records, in January 2013, the Access Governance Board surveyed the clerks of court regarding the sale of bulk data. The survey yielded that more counties do not sell bulk data than counties that do. In light of this, the Access Governance Board proposed that the FCTC recommend the Court adopt a policy permitting clerks of court to provide bulk images to commercial and other users of court records, as well as lifting the moratorium and allowing counties to provide court documents electronically.

#### **J. Reports Subcommittee**

In order to assess what was happening with electronic filing in the trial courts, the Reports Subcommittee developed the Standards for Electronic Access to the Courts survey. The survey was distributed to the Clerks of Court and the Trial Court Technology Officers in each county. The goal of the survey was to identify the counties that were in compliance with the Standards for Electronic Access to the Courts, identify the counties that need attention, and strengthen the bond between the court and the clerks.

A Notification of System Modification form was created for the counties/circuits to complete if new systems are acquired or substantial changes/modifications are made to an existing system.

In the coming year, the subcommittee will develop a survey to assess the courts’ statewide technology needs. This assessment will assist the Court in reporting to the legislature what the judicial branch needs in order to stay abreast of current technology so that courts can work most effectively and efficiently.

#### **K. Compliance Subcommittee**

The purpose of the Compliance Subcommittee is to provide the needed oversight and ensure that standards and policies are being followed, and to develop a process whereby programs, systems or applications that appear not to be in compliance with technology standards are

brought to the attention of the Commission for further action. The subcommittee will work in conjunction with the Report Subcommittee, which has developed a survey to determine the varying levels of compliance with e-access, specifically focusing on new systems and/or substantial changes/modifications to an existing system(s). Because case maintenance standards have not been approved, the FCTC made a decision to develop a notification modification form for use with any changes to a case maintenance system. This form was approved at the FCTC meeting in January 2013. As indicated earlier in this report, these CMS standards are being developed.

#### **L. Education and Outreach Subcommittee**

The Education and Outreach subcommittee has been tasked with developing outreach and educational programs that provide information regarding new procedures and court rules that are adopted in the course of implementing statewide e-filing and the use of the statewide e-portal. The subcommittee's focus this year has been mainly e-filing, e-service, and the mandate of utilizing the e-portal. OSCA staff has worked with FCTC bar members to develop a training presentation to assist with moving forward with e-filing. OSCA staff continues to work with the FCCC and clerk staff on e-filing and e-service. As e-filing becomes more widely used across the state, the subcommittee will expand its outreach efforts surrounding new rules of court, standards, and other directives. Finally, the chair and members of the subcommittee have actively promoted and participated in various local continuing education programs concerning Rules 2.420 and 2.415 in different parts of the State.

#### **M. Rules Subcommittee**

The Rules and Access Subcommittee has focused on three rules this past year – Rules 2.420, 2.516 and 2.525, Florida Rules of Judicial Administration. Rule 2.420 deals with Public Access to Judicial Branch Records. This rule codifies how people will file documents electronically and the confidentiality of the records. The subcommittee was concerned with the confidential mental health records being published on the internet. The FCTC was requested to assist the Court with assembling a packet of existing laws that protect mental health records. This issue is still pending in the Court. At the same time, Florida Bar

members of the commission were asked to write a letter to the Rules of Judicial Administration (RJA) Committee asking them to address the issue of unredacted access to information contained in a court file. Rule 2.516 deals with Service of Pleadings and Documents. This rule has been amended with a new report in the process of going to the Court. Rule 2.525 deals with e-filing and the electronic transmission of documents. As e-filing has become more widely used across the state, it was necessary for the Supreme Court to amend SC11-399 to reflect the mandatory e-filing dates of the civil and criminal divisions in the trial courts. This subcommittee continues to work with the RJA on changes and updates to rules as e-filing and e-service becomes more available through the e-portal.

#### **N. SC11-399 Workgroup**

Upon receipt of the Supreme Court's August 8, 2011 Order, the Chair of the FCTC constituted a workgroup established that was designed to represent significant groups of users of court technology. Members of the work group included clerks, representatives from the Florida Public Defenders Association and the Florida Prosecuting Attorneys Association, regional conflict counsel, private criminal defense counsel, the private civil bar, and members of the FCTC. The workgroup was to develop a phased in implementation plan for mandatory e-filing by attorneys, as recommended by this Commission in its 2011 yearly report. The workgroup sought and received a status report from the county and appellate court clerks on their local technological readiness to receive documents e-filed through the statewide portal. The work group identified that counties vary in their availability of resources for system conversions, which is a challenge for some county clerks. It was reported that to implement e-filing in an orderly, secure manner, county clerks would need between three to six months to pilot and test their systems, train their staff and users of the system, build that portion of their websites, and develop the appropriate business processes. The chair of the FCTC, who also served as chair of the workgroup, specifically asked members of the workgroup who practice in the criminal field to identify resource issues that may impede their ability to file documents electronically, legal issues that may have to be resolved if they are required to file electronically, and challenges that would confront their attorneys working in the courtroom. The workgroup met prior to the FCTC's scheduled September 2011 meeting to discuss the first draft of the approach for phased in

implementation of statewide e-filing. The criminal practice members also reported on their discussions with members of their respective statewide organizations, and the clerks reported on their additional progress. Issues regarding the ability to file similar documents in multiple cases, i.e. “batch filing”, raised by the prosecuting attorneys association and public defenders association, were directed to the FCCC and the Courts E-Filing Authority Board for a technological solution. The attorneys associations have been productively working with the FCCC to ensure that the e-portal is configured in a manner that will accommodate the specific needs of agencies that file large quantities of documents.

After considerable discussion, the FCTC unanimously passed a series of resolutions that constitute its plan for phased in mandatory e-filing by all attorneys in Florida courts. The FCCC and Courts E-Filing Authority Board worked collaboratively with the FCTC and support the plan.

Additionally, in accordance with Supreme Court’s November 28, 2012 revision to SC11-399, a status report was presented to FCTC at the January 2013 meeting to advise members of the readiness of the trial courts related to transmission of the electronic record on appeal. At the time of the report, no trial court clerks were compliant the technical specifications for transmission of the electronic record on appeal to the Supreme Court in death cases. However, the FCCC has reported that for the 35 counties using Clericus, application programming changes will be made to accommodate the electronic records based on the standard. The remaining vendors have contacted OSCA ISS staff and have indicated they will work diligently to meet the mandated deadline.

Also, at the January 2013, it was recommend that initial criminal filings initiated by law enforcement not be required to be filed via the E-portal and well as judges having the ability to file orders, etc through their local case maintenance systems.

To date, the FCTC has not received any waivers from any attorney or clerk of court who cannot comply with mandatory e-filing. However, at the FCTC meeting in January, it was

The Honorable Ricky Polston

April 1, 2013

Page | **21**

requested that two clerks offices (Clay and Sarasota) be granted an extension to continue to accept e-filings via their local system until October 1, 2013. This will allow them to migrate over to their new case maintenance systems and begin utilizing both civil and criminal via the E-portal together.

These recommendations were approved by the court and an Administrative Order was issued March 25, 2013.