



**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, 2014

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 2013 through March 2014. As you will find documented in this report, the courts continue to make vast strides in matters related to technology. The Commission is not making any recommendations to the Court at this time. 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.

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Sincerely,



Lisa T. Munyon  
Circuit Judge

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## Florida Courts Technology Commission

### 2014 Yearly Report

April 1, 2014

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 workgroups have been created to work under the auspices of the Commission to focus on different areas of technology in our courts. Three workgroups were formed in 2013 from the e-Portal Subcommittee to include, e-Portal User Group, Subaccounts for Paralegals and Non-Attorney Access. In addition to the above referenced subcommittees and workgroups, 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 workgroups 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 workgroups, 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 (and workgroups), the

Technical Standards Subcommittee, the Certification Subcommittee, the TIMS Subcommittee and the Access Governance Board, among others.

During the course of the year, the Commission worked collaboratively with the E-Filing Authority Board 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 has also prioritized non-attorney users that will be allowed access to the portal. In addition, OSCA/ISS staff developed a power point presentation showing an overview of the structure of the FCTC, the commission's accomplishments and the activities of the subcommittees which can be found on the Florida Courts website <http://www.flcourts.org/resources-and-services/court-technology/commissions-committees.stml>.

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

## **Subcommittee and Workgroup 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 using the eFACTS solution. The 3<sup>rd</sup> DCA is testing a hybrid of both eFACTS and iDCA/eDCA. 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, correspondence/red folder management, document generation, and electronic filing management. The eFACTS solution also includes full-text searches of documents, and an OCR (Optical Character Recognition) service for making documents searchable.

The eFACTS solution is 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 and managed client-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 and is in use, in part, in that court. In January 2014, eFACTS was installed with iDCA/eDCA for the 3<sup>rd</sup> District Court of Appeal. The intent of creating a hybrid solution was to allow the 3<sup>rd</sup> District Court of Appeal to continue use of eDCA for e-filing and servicing and begin to use new functionalities available in eFACTS, such as Tasking, Notifications, and Voting. The 3<sup>rd</sup> District Court of Appeal has been testing the solution. Based on feedback from the 3<sup>rd</sup> District Court of Appeal, we are modifying portions of the case management functions in eFACTS. Work continues on the eFACTS interface with the statewide e-portal for pro se e-filings, electronic records, enhancements to task tracking, enhancements to notifications, enhancements to the voting module, enhancements to document templates, enhancements to case setup, enhancements to order generation, enhanced functionality for the District Courts of Appeal, including voting panels, file tracking, and case setup, and the move of the billing module into eFACTS. We are anticipating the imminent retirement of the old CMS interface for the Supreme Court.

On April 1, 2013, e-filing was mandatory for Supreme Court filings from attorneys; and in August 2013 e-filing was optional to the 2<sup>nd</sup> District Court of Appeal for attorneys. E-filing became mandatory for attorneys filing to the 2<sup>nd</sup> District Court of Appeal on October 1, 2013. Mandatory Clerk-to-clerk transmittals began in early February 2014 for the 2<sup>nd</sup> District Court of Appeal. As of January, 2014, a total of 18,975 filings, with a total of 22,123 documents,

have been received through the statewide e-portal. As of October, 2013, the OSCA/ISS development of the eRecord in eFACTS was suspended due to higher priority eFACTS tasks. ISS has worked with a vendor to beta test and install into production for the Supreme Court and the 2<sup>nd</sup> District Court of Appeal automated document redaction software that integrates with the Microsoft SharePoint platform. In addition, some technical tasks are ongoing, 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).

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.

Electronic filing commenced through the statewide e-portal in early January 2011. As of February 2014, all counties are capable of accepting electronically civil filed documents via the statewide e-portal, with the majority of the counties also accepting criminal filings. Thus far, almost 58,000 users have registered to file through the statewide e-portal. Statistics show that there have been 8,684,630 filings (an average of 868,463 filings per month) and 14,680,808 documents (an average of 1,468,081 documents per month) submitted through the statewide e-portal. All 67 Florida counties have been approved for electronic filing. Currently, the subcommittee only approves requests for elimination of paper follow-u

### **C. E-Service Workgroup**

The FCCC created a workgroup 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 workgroup 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.

Any document electronically transmitted to a court or clerk of the court shall also be served on all 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 reduced the urgency, but not the desirability, of deploying an institutional approach to service of documents. Rule 2.516 provided 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 security and efficiency and most observers agree the state should adopt an e-service approach as near to it as feasible. However, in the federal system the documents are immediately filed into the court file. Clerk review of the documents filed occurs after the documents have been filed and added to the official court file. 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.

The FCCC implemented eService of documents electronically filed through the Portal on September 28, 2013. When a document is filed in an existing case, the e-portal will distribute copies of that document to recipients on the service list. Anyone that files at least one document electronically to a case will automatically be added to the eService Recipient List and receive the Notification of Electronic Filing on all documents filed to that case.

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. To ensure the e-service list is complete, in February 2014 the FCTC approved an additional checkbox be added, to guarantee all participants entitled to be served, are included on the e-service list. 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, eService is being utilized by the filers and enhancements of eService will continue to be implemented in future Releases as we continue to improve the process.

#### **D. E-Portal Subcommittee**

The e-portal subcommittee works with the E-Filing Authority Board and the FCCC on the development and modifications to the statewide e-portal. At the May 2013 FCTC meeting the e-portal subcommittee proposed a rule amendment to Rule 2.520 developing time stamp standards for documents submitted through the portal. The proposed rule mandates that all filings reserve one-inch margins at the top, bottom, left and right of any filing. The e-portal time stamp would be in the upper left; the circuit clerk and county clerk time stamps would be in the bottom; the Supreme Court and two DCA's time stamps would be in the left hand margin; administrative agencies time stamps would be in the right hand margin.

The proposed rule amendment was sent to the Rules of Judicial Administration in July 2013. The FCTC sent a letter in February 2014, recommending the RJA expedite the proposed rule amendment.

In May 2013, the e-portal subcommittee created a workgroup to analyze the functionality of the e-portal and to coordinate with the E-Portal Authority on issues and concerns they encountered. The workgroup consists of Florida Bar members, Legal Assistants, and a Docket Coordinator that use the e-portal extensively and have working knowledge of the e-portal. The workgroup was directed to look at the e-portal as it applies in their daily tasks and provide insight in creating the e-portal functions. The workgroup created a website

forum to discuss the functionality issues of the e-portal. The workgroup meets quarterly with the E-Portal Subcommittee to discuss e-portal issues.

The e-portal subcommittee also created a workgroup to research allowing access to the e-portal for non-attorney groups. (pro-se, mediators, court reporters, etc.) The workgroup is currently working with the E-Filing Authority's Pro Se Workgroup and the FCCC Pro Se Committee to determine how pro se filers will access the portal. During the subcommittee's research, it was determined that A2J forms might be the most efficient way of allowing pro se filers access to the portal. All forms have been or will be approved by the Supreme Court, however, the interview questions need to be developed to meet Florida statutes. Currently, the workgroup is developing interview questions to conform to the Supreme Court approved documents.

The process of verifying credentials for non-attorney groups to gain access to the portal was referred to the Access Governance Board since they are responsible to determine who should have access to what data.

Another workgroup formed from the E-Portal Subcommittee was tasked with researching subaccounts for paralegals. The workgroup was directed to research assigning paralegals their own account/number; filing accounts to multiple users; designing the e-portal to accept multiple accounts. At the February 2014 meeting, it was discovered that lawyers can open up additional accounts with different passwords for a judicial assistants/paralegals to file on their behalf. These subaccounts will track who actually filed the document. The additional accounts will have to be manually validated through the service desk.

In the subcommittee's review of uniformity throughout the state, the area of document exhibits was in need of standardization regarding how the Portal functions for the counties. It was determined there are inconsistencies among the clerks – some require exhibits to be part of the filing and others require exhibits to be separate attachments. In February 2014, the

FCTC approved a revision of section 3.1.16 (1) Exhibits in the Standards for Electronic Access to the Courts indicating the requirement that all exhibits be separate attachments to filings. To exclude non-documentary documents of exhibits, a revision to section 3.1.16 (2) Exhibits in the Standards for Electronic Access to the Courts was approved to indicate each documentary exhibit marked for identification or admitted into evidence at trial shall be treated in accordance with Florida Rules of Judicial Administration 2.525 and then transformed by the clerk to store electronically.

Lastly, in August 2013, the FCTC made a recommendation to the Court mandating judges' orders be filed through the portal by July 1, 2014. In February 2014, to satisfy security concerns, the FCTC approved a judicial role be added onto the portal, so judges can log on and file cases through the portal from any of their judicial viewers systems. For security purposes, the judicial role will only be added by a court administrator in each circuit, who will maintain the judge's role in the portal. Furthermore, the Clerk's will need to process judge's filings in a higher priority manner. To accomplish this, the clerk's would set up different queues in their CMS. This was an interim solution for circuits who want to utilize electronic filing of order until their judicial viewers are connected to the portal.

Currently, the e-portal Subcommittee is establishing and recommending a process for dealing with attorneys who are not in compliance with e-filing requirements and working with the CMS Standards committee in developing a standard for uniformity of docket entries. The e-portal subcommittee continues to look at changes that are needed to the e-portal.

#### **E. Trial Court Integrated Management Solution (TIMS) Subcommittee**

The TIMS subcommittee worked in conjunction with the Certification subcommittee to update the Functional Requirements Document for Court Application Processing System (CAPS). 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 CAPS standards were updated to version 3.0 to include, among other things, automated data reporting, calendaring export, performance measures, and automated tasks for case management. The CAPS standards were preliminary approved by the FCTC on February 20, 2014 and disseminated to vendors to garner feedback. The vendors will have 180 days to comply with the newly adopted standards once they are finally approved by the FCTC. The FCTC is mindful that increased functionality could result in increased cost and is committed to insuring that the branch obtains any needed functionality at the lowest cost.

#### **F. 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 and receive certification. There are two types of certification; full certification and provisional certification. Full certification is when a vendor has fully complied with all of the CAPS standards and the current version of the Florida Supreme Court Standards for Electronic Access to the Courts. To date, two vendors (Mentis Technologies and Pioneer Technology Group), and two internally developed systems (the Eighth and Thirteenth Judicial Circuits) have received full certification. Provisional certification is granted when a vendor's system meets only a part of the CAPS standards and the current version of the Florida Supreme Court Standards for Electronic Access to the Courts. Provisional certification is for six months and maybe renewed at the discretion of the FCTC. New Dawn Technologies was provisionally certified in February 2013, however, due to non-compliance with the CAPS standards and the current version of AOSC09-30 before the provisional certification period expired on August 20, 2013, New Dawn Technologies provisional certification was revoked on August 23, 2013. Tyler Technologies 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.

#### **G. Technical Standards Subcommittee**

Over the past year, the technical standards subcommittee updated the Integration & Interoperability (I&I) document which was previously 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. There were two substantial changes to the I&I document which included adding an archival storage of electronic documents section and an access to court data and documents section. The archival storage section basically states systems must accommodate the need to archive electronic images in a manner that will guarantee high fidelity rendering of images into the future as technology changes and the access section covers local access and statewide access to court data and images.

The subcommittee regularly updates the Standards for Electronic Access to the Courts. The subcommittee added section 3.1.3. Document Binary File Name Standards and deleted sections 3.2.1. Determination of Failure and Effect on Due Date and 3.2.2. Procedure Where Notice of Electronic Filing Not Received. The subcommittee also strengthened the judge's signature standard to include the date, time stamp and case number appearing as a watermark through the signature.

The subcommittee is continuing to work on one of the NCSC recommendations of mandating PDF as a document standard for storage in the clerks' case maintenance systems. The subcommittee developed a short survey and distributed to the clerks regarding storing searchable PDF documents. The survey revealed that the majority of the clerks are storing images as TIFFs and the cost associated with implementing and maintaining PDF as a storage standard varied from \$50,000 to \$1,000,000. The subcommittee will work in conjunction with the FCCC's Technology Workgroup to do an in depth study of available technology options especially for new emerging formats such as XPS (XML Paper Specification), costs to mandate a requirement, storage issues and a date certain when compliance with uniform

storage standards will be required.

The subcommittee is also developing a Data Exchange Workgroup to begin developing technical interface standards for standardized data exchange between the clerk case maintenance system and judicial viewers. This workgroup will also work on additional standardized exchanges as they are identified. The exchanges will follow the National Information Exchange Model (NIEM) Global Justice XML Data Model to ensure standardized exchanges will be viable on a national scale if necessary.

Moreover, the subcommittee recognizes there must be a secure method for transmitting court orders to the portal or to the clerk case maintenance system. As such, the subcommittee is developing security measures for these electronic transmissions. The subcommittee recommends following existing transmission standards currently being used by the portal for the transmission of files by the State Attorneys and Public Defenders as well as complying with section 3.1.3. Security Requirements outlined in the “Agreement for the Design, Development, Implementation, Operation, Upgrading, Support and Maintenance of the Statewide E-Filing Court Records Portal”.

#### **H. 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 matrix to define specific levels of access based on user roles and an on-line records access application that has to be completed when a clerk of court/court applies for approval of their electronic records access system. Each system will be required to go through a 90- day pilot period and audit, which the Access Governance Board will monitor. The access security matrix and the on-line application were included in the statewide standards that were sent for the Court’s approval in February 2014. As a result of the development of the access security

matrix, the FCTC anticipates requesting the Court to approve amendments to rule 2.420 stating that access to electronic and other court records will be governed by the standards and matrix, and remote access to court records shall be permitted in counties where the Court's conditions for release of such records are met.

### **I. Reports Subcommittee**

In order to be aware of system changes/modifications that affect the judiciary, the reports subcommittee developed a Notification of System Modification form. Over the past year, several counties have completed the notification form advising of modifications being made to their systems.

In the coming year, the subcommittee will focus on developing a survey to assess the court's 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.

### **J. Rules Subcommittee**

The FCTC recognizes the public's right to access court documents while simultaneously protecting confidential information. Over the past year, the FCTC Rules Subcommittee worked with the Florida Bar Rules of Judicial Administration Committee to update Rules 2.420 and 2.425, 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. Access to these records must be conditioned on the effective identification and protection of the confidential information. It is the duty of the filer to identify if confidential information is contained within the filing and submit a certification of confidentiality. The responsibility of protecting the information extends to the clerks as custodians of the court record, but the burden is on the filer to identify the confidential information.

In August 2013, the FCTC approved to add two certification statements in red with check-

boxes at the top of the filing page of the portal. These checkboxes will indicate the filer has *no* confidential information or there *is* confidential information in the submission of the document. This forces lawyers to undergo an intellectual thought process and comply with rule 2.420.

Rule 2.425 deals with limitation of sensitive information filed with the court. The previous approval of confidentiality checkboxes originally had two checkboxes to ensure there is no confidential information or there is confidential information and has been redacted in accordance with the rule. Because the checkboxes referenced both rules 2.420 and 2.425, the boxes did not adequately deal the sensitive, but not confidential, information covered by rule 2.425. Rule 2.425 has no confidential information and no court or clerk participation. Rather, it is a rule that has the filer redact the documents of sensitive information before the documents are filed. Sensitive information is not barred from being publically available in court files by any legislative or rule exception. As a result, it was determined there is no procedure in Rule 2.425 for either the clerk or the court to address the issue of sensitive information. In February 2014, the FCTC approved a notice to be placed on the first page of the portal indicating the filer is required to redact/remove any sensitive personal information, pursuant to Rule 2.425, Rules of Judicial Administration and hyperlinking the Rule, before filing any document.

This subcommittee continues to work with the RJA on changes and updates to rules as e-filing and e-service become a customary way to file documents through the portal. The undersigned does have concern that the Bar rule-making process is ill-suited to the fast-moving changes in technology.

#### **K. Judicial Viewers**

Judicial viewers are a software application that allow court files to be displayed electronically. Judicial viewers are used by trial judges or their staff to access and use electronic case files in the course of managing cases, scheduling and conducting hearings, adjudicating disputed issues and recording and reporting judicial activity on the bench or remotely. The judicial

viewer is capable of separately displaying the documents so the judge can refer back and forth to them as the lawyers make their arguments and permit the judge to search for multiple documents in a file.

The statewide implementation of judicial viewers provides numerous benefits to the trial courts and provides for a system-wide standard level of capability, as defined by the CAPS standards. Statewide implementation of judicial viewers will also serve a valuable public interest by providing a means for secure electronic transmission of documents among the courts and the clerks of court offices. By providing secure methods, potential threats to public safety can be reduced.

The complexities of getting judicial viewers installed around the state are an economic challenge with the timing of implementation of electronic filing occurring in the courts. One unexpected benefit for the courts came when the Legislature directed money to the courts to attack the backlog in foreclosure cases. Some of that funding was used to purchase judicial viewers which then became available for other cases.

In FY 2012-13, with the Legislature providing state funding for certain special-purpose technology needs related to trial courts, the Legislature appropriated approximately \$5 million from Florida's share of the National Mortgage Settlement to the State Courts System. A portion of this funding is being used for technology to help facilitate the management and disposition of foreclosure cases. For use during fiscal year 2013-2014 and 2014-2015, the Legislature appropriated an additional \$5.3 million from the National Mortgage Settlement funds to continue development of the same technology. The funding supports the use of judicial viewers to enable judges and court staff to view documents and manage cases electronically.

In June 2013, Chief Justice Polston directed the Trial Court Budget Commission (TCBC) to review potential funding sources to support technology in the trial courts and submit its recommendations to the Supreme Court when they are developed. The TCBC established the TCBC Trial Court Technology Funding Strategies Workgroup (which four FCTC members sit

on) and charged the Workgroup with developing recommendations responsive to the Court's request. The Workgroup determined that judicial viewers in the criminal division of court were instrumental to ensuring that court orders could be securely transmitted to the clerks in an electronic format. The Workgroup developed a supplemental legislative budget request (LBR) for FY 2014/15 and approved a local approach for identifying resources needed to implement criminal judicial viewers.

#### **L. E-Filing**

On October 18, 2012 the Court set April 1, 2013 (AOSC12-) as the date e-filing would become mandatory in civil divisions and in addition, the Court set October 1, 2013 (AOSC13-48) as the date that e-filing would become mandatory in criminal divisions, pursuant to rule 2.525. This would require attorneys to file documents with the trial and appellate courts by electronic transmission and will operate in tandem with the mandatory e-mail service requirements for pleadings and documents.

The Florida Courts E-Filing Authority Board submitted a report to the Court detailing the readiness of all divisions of the circuit criminal courts for mandatory electronic filing through the portal. Due to each county being at a different stage of readiness to participate in e-filing, the Court extended the date for mandatory e-filing in criminal divisions to February 3, 2014 in an administrative order (AOSC13-48) issued on September 27, 2013. The administrative order (AOSC13-48) also required any "clerk, court, state attorney or public defender that determines it cannot comply with the February 3, 2014 mandatory e-filing deadline to file an individual request for an extension of time." Certain entities have requested extensions of time to meet the deadline.

To date, the Supreme Court has received waivers from eight circuits. These waivers were approved by the Court in an administrative order (AOSC14-1) that was issued on January 24, 2014 establishing new deadlines for the following entities:

- The Fourth Judicial Circuit State Attorney – Tuesday, April 1, 2014.
- The Sixth Judicial Circuit State Attorney, Public Defender, Chief Judge and Pasco County Clerk of Court – Tuesday, July 1, 2014.
- The Tenth Judicial Circuit State Attorney – Monday, March 3, 2014,
  - Highlands County – Thursday, May 1, 2014
  - Polk County – Tuesday, July 1, 2014.
- The Eleventh Circuit Judicial Circuit Public Defender, Chief Judge and the Miami-Dade Clerk of Court along with the Criminal Conflict and Civil Regional Counsel of the Third Region of Florida – Monday, November 3, 2014.
- The Thirteenth Judicial Circuit State Attorney, Public Defender, Chief Judge and Hillsborough County Clerk of Court – Monday, April 14, 2014
  - Traffic cases - Monday, July 21, 2014.
- The Fifteenth Judicial Circuit State Attorney – Monday, February 17, 2014.
- The Monroe County Clerk of Court – Wednesday, April 30, 2014.
- The Nineteenth Judicial Circuit State Attorney – Tuesday, April 1, 2014.

This will allow them to migrate over to their new case maintenance systems and begin utilizing both civil and criminal e-filing via the E-portal together.