

Florida Courts Technology Commission Meeting Summary November 15, 2019

A meeting of the Florida Courts Technology Commission was held at the Omni Resort in ChampionsGate, Florida on November 15, 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 Scott Stephens, 13th Circuit
Paul Silverman, TCA, 8th Circuit
Mike Smith, CTO, 4th Circuit
Christina Blakeslee, CTO, 13th Circuit
Angel Colonnese, Clerk of Court, Manatee County
David Ellspermann, Clerk of Court, Marion County
Leslie Powell-Boudreaux, Legal Services of
North Florida

Judge Ross Bilbrey, 1st DCA
Judge Robert Hilliard, Santa Rosa County
Judge Terence Perkins, 7th Circuit
Judge Stevan Northcutt, 2nd DCA
Matt Benefiel, TCA, 9th Circuit
Noel Chessman, CTO, 15th Circuit
Murray Silverstein, Esq., Tampa
Karen Rushing, Clerk of Court, Sarasota County
Craig Galley, City of Jacksonville
Lynette Gerido, Florida State University

Members not in attendance

Laird Lile, Esquire, Naples
Alfred Saikali, Esq., Miami
Lonn Weissblum, Clerk of Court, 4th DCA

Jon Lin, TCA, 5th Circuit
Judge Bertila Soto, 11th Circuit

OSCA and Supreme Court Staff in attendance

Lisa Kiel, State Courts Administrator
Roosevelt Sawyer, Jr.
Gavin Green
Jeannine Moore
James Bozik

John Tomasino, Clerk of the Supreme Court
Alan Neubauer
Lakisha Hall
Hetal Patel

Other Attendees

Robert Adelardi, 11th Circuit
Jim Weaver, Sixth Circuit
Terry Rodgers, 5th Circuit
Michael Reeves, 8th Circuit
Steve Shaw, 19th Circuit
Isaac Shuler, 2nd Circuit
Sunny Nemade, 17th Circuit
Yvan Llanes, 18th Circuit

Craig Van Brussel, 1st Circuit
Brian Franza, 10th Circuit
Robin Kelley, 7th Circuit
Dennis Menendez, 12th Circuit
Craig McLean, 20th Circuit
Josh Lazar, 18th Circuit
Judge Hunter Carroll, 12th Circuit
Melvin Cox, Florida Court Clerks and Comptrollers

Carolyn Weber, Florida Court Clerks and Comptrollers
Michael Rankin, Florida Court Clerks and Comptrollers
Laura Roth, Volusia County Clerk of Court
Tony Landry, Seminole County Clerk of Court
David Isaacson, Volusia County Clerk of Court
Jonathan Ard, Volusia County Clerk of Court
Laurie Reaves, Miami-Dade County Clerk of Court
Justin Horan, Duval County Clerk of Court
Marc Tougas, Collier County Clerk of Court
Kim Stenger, Polk County Clerk of Court
Dave Winiecki, Sarasota County Clerk
Parik Chokshi, Palm Beach County Clerk of Court
Toni Bleiweiss, Lee County Clerk of Court
Angela Gary-Austin, Hillsborough County Clerk of Court
Marti Roy, 16th Circuit
Brian Rodgers, Public Defender, 2nd Circuit
Marcia Perlin, Public Defender, 2nd Circuit
Brian Murphy, Mentis Technology
Mary Lynn Sullivan, Tyler Technologies

Tom Hall, Florida Court Clerks and Comptrollers
Harold Sample, Pasco County Clerk of Court
Antonio James, Volusia County Clerk of Court
Gerald Cates, Duval County Clerk of Court
Repps Galusha, Orange County Clerk of Court
Carol LoCicero, Thomas and LoCicero
Michelle Yodonis, Polk County Clerk of Court
Jeff Taylor, Manatee County Clerk of Court
Brent Holladay, Seminole County Clerk of Court
Michael Phelps, Polk County Clerk of Court
Chris Short, Pinellas County Clerk of Court
Alan Hebdon, Pinellas County Clerk of Court
Melissa Geist, Orange County Clerk of Court
David Lane, Charlotte County Clerk of Court
Landon Smith, State Attorney, 2nd Circuit
Shannon Peters, State Attorney, 7th Circuit
Justin Ebright, Pioneer Technology
Steve Green, Equivant
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 introduced Angel Colonnese, clerk of court for Manatee County, Craig Galley, information security officer for the City of Jacksonville, and Lynette Gerido, information science from Florida State University, as the newest members of the FCTC. Judge Munyon recognized Dennis Menendez, chief information officer for the Twelfth Judicial Circuit and former member of the Florida Courts Technology Commission (“FCTC”) on his retirement and Robin Kelley, chief technology officer for the Seventh Judicial Circuit and current member of several FCTC subcommittees on her resignation from the judicial circuit.
- B. Lakisha Hall called roll and noted a quorum was present.

AGENDA ITEM II. Approval of May Meeting Summary

- A. **Motion to approve the meeting summary from the August 9, 2019 meeting of the Florida Courts Technology Commission.**

MOTION OFFERED: Judge Robert Hilliard
MOTION SECONDED: Judge Josephine Gagliardi
MOTION CARRIED UNANIMOUSLY

AGENDA ITEM III. FCTC Action Summary

- A. **Motion to accept the action summary from the August 9, 2019 meeting of the Florida Courts**

Technology Commission.

MOTION OFFERED: Judge Robert Hilliard

MOTION SECONDED: Judge Josephine Gagliardi

MOTION CARRIED UNANIMOUSLY

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

Judge Munyon said the Supreme Court issued [AOSC19-74](#) mandating judicial e-filing by all judges when a circuit has a fully functional Court Application Processing System (“CAPS”), and if a trial court is not able to fully implement judicial e-filing, the chief judge of each circuit shall report their progress towards compliance with the administrative order every six months to the FCTC. Judge Munyon said there may be questions and tweaks regarding judicial e-filing as it is implemented. If so, a list of items needing clarification will be presented to the Supreme Court.

AGENDA ITEM V. Technology Initiatives

A. Roosevelt Sawyer, Jr. gave an update on the electronic fingerprint pilot. The pilot is a partnership with the courts and the Florida Department of Law Enforcement (“FDLE”) using federal grant funding to implement digital fingerprint scanners in the courtroom. The pilot has three main objectives: 1) transition from paper to electronic fingerprints, 2) improve the quality, completeness, accessibility of the criminal history record information, and 3) help avoid misidentification and reduce the legible manual fingerprints and improve the quality of fingerprints retained by FDLE. The courts in the 5th, 7th, and 17th circuits have been selected to participate in the pilot. In May 2019, site visits occurred at each pilot circuit. The attendees included local law enforcement and staff from the court, clerk of court, FDLE, and the Office of the State Courts Administrator (“OSCA”). At each visit, an overview of the project was given and the participants from FDLE got a chance to observe the local fingerprint process. There was some discussion on possible workflow scenarios on how this process would work in the court. Three main areas of focus were identified out of the site visits: 1) business workflows and not impeding court proceedings; 2) rapid ID fingerprint process sufficient with the amended statute [921.241](#), Fla. Stat, and 3) security for the devices in the courtroom being compliant with the Criminal Justice Information Services (“CJIS”) and personnel that needed to conduct the fingerprint scans being CJIS certified. Due to these areas of concern, the pilot group decided it would be best to focus on one pilot courtroom at a time. The Deland courthouse was selected for the first pilot. In September 2019, there was a second visit to the Deland courthouse to do a deeper dive into the business flow and to address any of the concerns that were raised in the initial visit. At this time, a draft workflow from that visit has been revised. The next steps include, meeting with FDLE and the vendor where the digital fingerprint scanners will be provided in December 2019. This meeting will focus on workflow concepts, data elements that will be required to interface with the fingerprint scanners, and identifying local funding needs for the local case maintenance systems to integrate with the digital fingerprint scanners. FDLE is working to identify funding for the initial pilot for the CMS integration. Additionally, a meeting with the stakeholders will take place thereafter, to discuss the results of the meeting with the vendors and discuss funding that will be required to implement digital fingerprint scanners in the courtroom. Judge Perkins asked about digitized commitment packets in relation to the pilot. Mr.

Sawyer said that has not been discussed at this point, but he will add it as a discussion item for the stakeholders.

B. Roosevelt Sawyer, Jr. gave background information on the electronic notification pilot. The 2018-2019 General Appropriations Act approved funding for the development of an information technology platform to support sending reminders and information to court participants about court events. Initially, the OSCA worked with the Clerks of Court Operations Corporation (“CCOC”) and established an advisory group of judges, information technologists, and clerks of court staff. The advisory group will develop policy, technical specifications, and a competitive procurement to oversee the selected vendor in developing the platform. In addition, the advisory group collaborated with the FCCC on developing a webservice to connect to CCIS for the data exchange. The base platform was developed by the vendor and the webservices between CCIS and the vendor were completed in September 2019. A pilot release with Nassau, Okaloosa, and Orange counties started at the end of October 2019 and will last at least until the end of December 2019. Some activities taking place during the pilot phase include fine tuning the look and feel of the application, working out bugs or any languages or messages within the application, and assessing the effectiveness of the messaging used in the notifications. Additionally, the advisory group will develop and release materials to educate the public, court and clerk staff, and justice system partners. The advisory group will finalize data collection methodologies to ensure adequate reporting capabilities that will provide the updates to the courts, clerks and the Legislature, while establishing a change management process for future changes or enhancements as the system rolls out. Full statewide implementation in criminal cases will occur beginning January 2020. OSCA staff will work with justice system partners to ensure comprehensive communication tools are provided to each court and clerk as well as training provided to judges, and court and clerk staff. Moving ahead, the platform enhancements will be made for the non-criminal cases and user notifications will begin after the criminal cases have been fully implemented. Mr. Sawyer thanked Melvin Cox and his staff at FCCC for outstanding collaboration in getting the pilot up and running.

AGENDA ITEM VI. Court Application Processing System (“CAPS”) Update

A. Hetal Patel discussed the CAPS and since the last meeting, Taylor county civil division has implemented aiSmartBench version 9.4. Functionality wise, 45 counties have the capability to electronically receive proposed orders via a CAPS, and 59 counties have the capability to electronically file judicial orders to the Portal or directly to the local clerk CMS. Two counties (Palm Beach and Alachua) have the capability to receive proposed orders from the Portal. Seminole county is working on getting a CAPS implemented in 2020 when the Portal integration is complete.

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 an in-house system. Sixty-five counties have deployed a CAPS that is complaint with version 4.0 of the Court Application Processing System Functional Requirements. Taylor county has deployed CAPS 4.0 in all divisions. Additionally, Palm Beach county’s Judicial Viewer System (“JVS”) is CAPS 5.0 certified. JVS can receive orders from the Portal and file them directly to the Portal making the system compliant with judicial e-filing.

AGENDA ITEM VII. Portal Progress Report

A. Carolyn Weber gave an update on the Portal usage statistics for October 2019. The Portal has 266,914 registered users and 1,655,874 submissions were received through the Portal, which was the highest number of submissions received in a month. Judge Munyon pointed out judges e-filed 174,916 submissions and anticipates the number to increase with the mandate of judicial e-filing in [AOSC19-74](#). Four cases were initiated using the new DIY Document Interview tab. On average, it takes 1.09 days to docket a filing and roughly, 1.82% of filings were returned to the correction queue. In 2019, 863,388 new cases were created, of that, 89,742 cases were created in October. The Portal received 1,374,963 scanned documents; 883,337 text-based PDF documents; 126,171 Word documents; and 29 WordPerfect documents. Murray Silverstein asked if it would be beneficial to have information on the Portal discouraging scanned PDFs. He said the trend does not seem to be changing. Ms. Weber replied the Add Documents page includes a check box to validate a PDF. If the PDF is invalid the filer is provided with a message to click on a link and find out why the PDF is invalid. She is not sure if filers are taking the time to click on the link to learn why it is not a true PDF/A document format. Ms. Weber said the FCCC will do what it can to continue to enforce submission of PDF/A documents. Tom Hall said there is a proposed rule from the Rules of Judicial Administration that will go to the Supreme Court in February 2020 that specifies if a filer creates a document, a scanned version cannot be filed. Once the Court adopts the rule, there is a possibility it can be enforced; however, who will enforce the rule will have to be determined. Judge Perkins inquired if the State Attorney's Office Case Management System ("STAC") uses scanned PDFs versus creating the PDF and filing it. Shannon Peters from the State Attorney's Office in the Seventh Circuit indicated they have two formats to create documents. All documents that are created by their system are PDFs. If they receive documents that are not PDFs, they merge the document into their system and create the PDF. Either way, all documents filed by the 7th circuit are PDFs. Hetal Patel asked if there was a way to identify where the scanned PDFs were coming from. Ms. Weber said the FCCC will review and determine if this can be done. Ms. Weber said 139,916 born digital documents were submitted in PDF/A1-a, 180,807 scanned documents were submitted in PDF/A1-b, 5,690 born-digital documents were submitted in PDF/A2-a, and 24,019 scanned documents were submitted in PDF/A2-b. Orange and Hillsborough counties are accepting PDF documents from the Portal. This process has to be in place by June 1, 2021. The number of self-represented litigants continues to grow. Although there are 161,150 registered self-represented litigant accounts, 144,210 are active accounts; 1,439 are inactive; 14,595 are pending activation; and 906 accounts are locked. Ms. Weber noted all accounts in the pending activation status for longer than 72 hours will be deleted from the Portal regardless of filer role which will be included in the 2019.02 Release that becomes effective on December 7, 2019. Ms. Weber went on to discuss the third-party vendors, ABC Legal Services, Inc.; eFileMadeEasy; JLL Process; Turbo Court; and Ironrock are actively filing through the Portal. Judge Perkins asked if the third-party vendors are filing PDF documents, where Ms. Weber confirmed. In addition to electronically filing, the Portal has other functionalities such as a Frequently Filed Documents list. For example, on the Add/Edit Documents tab a judge can create a list of the documents that they frequently file allowing the creation of a favorites list and removing the need to search all the document descriptions for a match.

B. Ms. Weber gave an update on the Portal service desk incidents for the month of September 2019. The service desk received 2,556 customer service incidents of which 1,891 were attorney

incidents; 9 were judge incidents; and 723 were self-represented litigant incidents. On average it took 15 minutes to respond to a customer service incident and 49 minutes to resolve. Ms. Weber noted at the August 9, 2019 FCTC meeting, an inquiry was made regarding the service desk receiving any requests based on confidentiality where it was determined the service desk did not receive any tickets dealing with confidentiality. Mr. Silverstein inquired if it was because confidentiality is handled at the CMS level by the clerks and Ms. Weber responded yes. A total of 405 technical/system support incidents were received. On average it took 20 minutes to respond to a technical/support incident and 3 hours and 6 minutes to resolve an incident. Ms. Weber presented the most frequent types of incidents the service desk received from attorneys, self-represented litigants, and judges. Ms. Weber said there is a more in-depth service desk report included in the materials to peruse if interested.

AGENDA ITEM VIII. Appellate Portal Interface Update

Clerk John Tomasino stated in the next Portal release, the record on appeal will increase to 2GB from 15MB. Another enhancement is the six appellate courts will have the capability to send a message to the filer if there is a problem with the filing. Tom Hall said Seminole county is working on a system that allows appellate attorneys to view and approve the record on appeal when prepared electronically, which should prevent supplements to the record. This will be demonstrated to the Appellate Practice Section of the Florida Bar.

AGENDA ITEM IX. Rules of Judicial Administration Update

Tom Hall gave background information on Marsy's Law. [Article 1, Section 16 Rights of Accused and of Victims](#) of the Florida Constitution, subsection (b)(5), known as Marsy's Law. Marsy's Law deals with the right to prevent the disclosure of information or records that could be used to locate or harass the victim or the victim's family, or which could disclose confidential or privileged information of the victim. The Rules of Judicial Administration Committee ("RJAC") received a letter from the Supreme Court via Clerk of Court, John Tomasino, directing the formation of a joint committee with the Rules of Judicial Administration, Appellate, Civil, Criminal and Juvenile committees of the Florida Bar to review how Marsy's Law would impact the court system. The joint committee is to report back to the Court on any proposed rules along with other matters of interest. The RJAC held a meeting on October 18, 2019 to discuss the proposed changes regarding Marsy's Law where numerous stakeholders were present. The Clerks of Court proposed a rule for protection of confidential information. The rule would allow the initiator of the case to file a Confidential Information In Court Records Opt In Form, when the victim chooses to have their confidential information protected in a court file, at the time the case was initiated or at a later date. Individuals from the Marsy's Law advocacy groups supported the provisional change. The proposed rule has been sent to the joint committee to begin reviewing the rule impact. The joint committee has met twice and will meet weekly until the deadline in February 2020. In November 2019, the joint committee will hear from law enforcement about their position on the proposed rule. Also, in the coming weeks, the joint committee will hear from Marsy's Law advocacy groups and the clerks. It is anticipated that the joint committee will have to request a six-month extension past the February 17, 2020 deadline.

AGENDA ITEM X. FCTC/RJA Joint Workgroup on Access to Court Records

Judge Northcutt excused himself from the meeting during the consideration of this agenda item. Tom Hall said Chief Justice Canady requested Judge Munyon and Eduardo Sanchez, chair of the RJAC, to constitute a joint workgroup to review the issue of confidentiality and the apparent delay that was specified in a report submitted by the News Media Coalition to Justice Polston. An RJAC committee that has been reviewing Fla. R. Jud. Admin. 2.420 for a couple of years has made substantial changes to the rule which will be presented to the Court in February 2020. On behalf of the subcommittee, Murray Silverstein sent a letter to Judge Munyon requesting to appoint the RJAC ad hoc subcommittee to continue working on 2.420 in which Judge Munyon agreed. Sharon Bock, president of the FCCC requested to add Marion County Clerk of Court, David Ellspermann, who had worked on the rule before. The joint subcommittee asked the FCTC to approve the report on Rule 2.420. The request is not to support the minority or majority decision, but to approve the report where it can be submitted to the Court by December 31, 2019. The joint committee submitted the report to the FCTC for consideration and will also go before the Board of Governors. No specific rule language was considered by the subcommittee; however, there were three concepts proposed. The first concept was the removal of the clerks' responsibility of identifying and keeping the automatic confidential items listed in Fla. R. Jud. Admin. 2.420(d)(B)(1). This failed 6-4 based on the composition of the committee at that time. In July 2019, the Honorable Jeffrey Kuntz was appointed as the new chair of the ad hoc subcommittee. At that point, two other additional proposals were made. The second concept was employing a hybrid system in which the clerks would review the confidential items identified in Fla. R. Jud. Admin. 2.420(d)(B)(1) whereby noting filings that were submitted by non-attorney filers. This failed 6-5. The third concept was to have a public portal where documents in civil cases submitted by attorneys could be viewed by the public immediately upon submission to the Florida Courts E-Filing Portal. This also failed 6-5. Judge Gagliardi added the discussions were long, and the votes were not done haphazardly.

Motion to approve the Ad Hoc Joint Subcommittee on Rule 2.420 Report for submission to the Supreme Court.

MOTION OFFERED: Clerk David Ellspermann

MOTION SECONDED: Judge Ross Bilbrey

MOTION CARRIED with four opposing

Carol LoCicero asked the FCTC to consider the ability to view newly filed traditional civil complaints (i.e., contract disputes and personal injury cases, etc.). A reporter who toured the state was unable to view civil complaints the day they were filed in 14 of 19 courthouses. Ms. LoCicero stated the Court had concerns and appears very little recommendations are being presented. Although the FCTC already voted on the issue, Ms. LoCicero requested the FCTC to reconsider providing information to the Court about the concept, if not the actual rule language. It would be nice to see cooperative work towards solutions to the issues the justices were troubled about. Mr. Silverstein agreed with Ms. LoCicero and said the Court concluded there was an apparent delay in receiving records. The referral the FCTC is recommending approving to the Court is basically a series of well-articulated meeting minutes and will not be providing any remedies for the Court to consider. Mr. Silverstein said the Court put in its March 2010 opinion, the underlying policy of consideration of

how best to balance the different constitutional provisions in [Article 1, Section 23 and 24, Right of Privacy and Access to Public Records and Meetings](#), respectively to protect the sensitive information of the filer against the public's right to access. Mr. Silverstein said the issue is, if the clerks should continue to review and redact filings in the absence of a Notice of Confidential Information. The rule describes a procedure for identifying confidential information; however, it does not state that clerks shall review and redact filings on their own. Basically, no notice means no review and no redaction by the clerk. Fundamentally, it is the filers responsibility. Since the lift of the moratoria, the clerk's role has been a continuing expansion of independent function of reviewing all filings even in the absence of a notice. The proposed amendments identify three different methods in which independent clerk redaction could be relaxed to some extent while still being sensitive and mindful to the need to protect confidential information; unfortunately, there was opposition to anything proposed. Judge Munyon said there might be two cases in controversy in the Second District Court of Appeal that might resolve some of these issues. Judge Perkins said there is a problem between filing and docketing. Albeit redaction is a major part, but it is not the only part. Essentially, the majority of the joint subcommittee wants to tell the Court they do not think there is a problem and if there is, they do not think there is a solution. Do not change the rule as it addresses it appropriately. Mr. Silverstein wants to give the Court more information and options, as the Court would not have requested the joint subcommittee to review, if they didn't feel there was an issue. Judge Perkins said it is a complicated problem and the FCTC can only pass along the decision of the majority and minority of the joint subcommittee. Mr. Silverstein responded the Court will review the report and see there is not a resounding majority as the vote was 6-5. These are not traditional proposed rule amendments as they came from the Court and not the RJAC. Clerk Colonneso said the judicial system is the largest repository of personal information and to pass the three proposed rules as written is a bad public policy. Clerks are charged with maintaining court files and keeping information confidential. The clerks believe it is an affirmative and independent duty under the rule. Thousands of hours and years of subcommittees have dealt with striking the balance between confidential information being in court records. Clerks get numerous notices of confidential information when confidential information is not included in the file. As the clerks go through this process, nothing has changed since the Privacy Committee recommended in 2005 extensive training for confidential information for all users of the court system. That has not happened, but what has changed is cybercrime and misuse of information has improved tenfold since then. It might be different if the attorneys filing the information were subjected to fines or some type of violation with the Court. The 2005 privacy study said people need to trust their justice system and the public need to have faith in the justice system. There would be a lack of trust if confidential information is exposed by misfeasance or malfeasance.

AGENDA ITEM XI. Cybersecurity Subcommittee Update

Judge Stephens discussed the different phases of the cybersecurity subcommittee's recommendations. Phase one is research and report, phase two is classify and select, and phase three is education and outreach. Phase one is almost complete with the subcommittee subgroup developing recommendations for cybersecurity policies that can be traceable to something that is in use and evaluated in context. The subcommittee is refining the language and will present a preliminary document at the March 6, 2020 FCTC meeting.

AGENDA ITEM XII. Criminal Case Initiation Workgroup Update

Judge Bidwill said the workgroup completed phase one which consisted of defining a uniform set of criminal data elements for criminal case initiation submitted electronically. The next phase is defining the workflow process to implement electronic criminal case initiation. This phase depends upon the determination of the uniform arrest affidavit. For that reason, the workgroup is waiting on a final product before proceeding forward. Seminole County developed a website to allow users to make submissions to test and validate against the data elements. Tony Landry from Seminole County Clerk's Office said Seminole is in development and will go live with the sheriff's office on January 1, 2020. The main goal is to have a fully electronic first appearance system.

AGENDA ITEM XIII. FDC Joint Workgroup Update

Judge Bidwill said the workgroup was created to work on matters of mutual concern between the courts and the Florida Department of Corrections ("FDC"). FDC has made tremendous strides in filing electronic documents through the Portal to various counties. Approximately, 10 counties are filing probation orders and termination documents through the Portal. In some parts of the state, violation of probation ("VOP") warrants are docketed and becoming available for public view even though they have not been executed. This is a concern for law enforcement. At the November 14, 2019 meeting the workgroup decided to proceed with a small group of RJAC members and other volunteers to develop proposing rule language regarding affidavits and warrants to remain confidential until executed. There was further discussion after the meeting and ultimately it was decided this was a legislative solution for law enforcement. The FCTC will discuss with the state courts administrator to determine how to move forward with the initiative. Judge Bidwill went on to discuss the digitization of the sentencing guideline scoresheet. The workgroup was tasked with making a recommendation to the Supreme Court on the FDC's efforts of digitizing the sentencing scoresheet. The workgroup disapproved the digitized scoresheet proposal from FDC as an inadequate first step. FDC is interested in working with the state attorney's offices who are ultimately tasked with preparing the scoresheet. The workgroup will have a collaborative meeting the beginning of next year with technical staff from the state attorney, FDC, and the courts to develop an approach for a complete digital process.

AGENDA ITEM XIV. Portal Subcommittee Update

A. Judge Bidwill said at the Portal Subcommittee's November 14, 2019 meeting, Carol LoCicero demonstrated how the [New York State Courts Electronic Filing System \("NYSCEF"\)](#) allows access to newly filed civil actions. Judge Bidwill said access to court records was discussed substantially under [Agenda Item X](#) and did not think further discussion was necessary.

B. The subcommittee discussed the issue of sequential docket numbers appearing on documents filed with the court. At this time, when the filer files a document through the Portal, the document is served on the parties in the case and it is then routed to the CMS. Attorneys are using the documents they are served to create their own internal case file. Sometimes these documents may not be the same as those approved by the clerk. Several options were presented to the Portal subcommittee for implementing docket numbering. Trying to put a docket number on at the

Portal level is a bigger task than having a docket number entered by the clerk through the CMS. The subcommittee decided to recommend modifying the docket numbering standard. Judge Bidwill would like the FCTC to vote on the motion in concept with the understanding that the CMS Functional Standards subcommittee will draft a docket numbering standard and allow the clerks to give feedback on the time and money involved in implementing docket numbering through the CMS.

Motion to approve in concept to modify the current docket numbering standard to require clerks of court to stamp the docket number on all new filings at time of docketing until the CMS Functional Standards subcommittee drafts a docket numbering standard. Additionally, allow clerks of court to provide feedback on the time and money involved in implementing docket numbering through the CMS.

MOTION OFFERED: Judge Martin Bidwill

MOTION SECONDED: Clerk Karen Rushing

Murray Silverstein offered a friendly amendment and requested to include access to a web-based service system that would permit service of the stamped numbered court file. Tom Hall said the FCTC should address that the motion is not a standard, instead it is a directive to do something. Once a standard is adopted and the clerks are directed on how to do something is an ongoing issue. The current technical standards are full of directives. Normally, a directive has to come from an order from the Supreme Court, rules of procedure, etc. The FCTC should look at adopting a policy addressing this issue. Mr. Hall said for some time, the clerks have been working on a webservice. In the future, the E-Filing Authority Board is going to propose that the Portal offer added services which would include Mr. Silverstein's request as well as other services. Clerk Rushing said the clerks understand the concept of what is being proposed and knows Mr. Silverstein's goal is to have the docket number affixed through the Portal at the time of service. The clerk's efforts will include how that can take place. Judge Bidwill declined the friendly amendment. Mr. Silverstein would like a timeframe for the cost and date by which this will occur. Judge Munyon said she believes that will be researched during the CMS Functional Standards subcommittee. Chris Blakeslee said part of the discussion was the clerks would have to provide a timeline and cost before the March FCTC meeting.

MOTION CARRIED UNANIMIOUSLY

Mr. Silverstein wanted to ensure research would be done on the Portal affixing a document number. Judge Hunter Carroll from the Twelfth Judicial Circuit said the point of having a document identification number is to have common language that the judges, litigants, and clerks use. The question is do you tell the litigants about the common language, which is the document identification number at the Portal or at the CMS. Telling them at the Portal level is the most beneficial; however, it appears adding a document identification number at the CMS level is more attainable in the near future. Hopefully, adding the document identification number at the Portal will be integrated into future development. Mr. Silverstein would like a lawyer and/or judge to be involved in researching the process of adding a document

identification number to court files. Mr. Silverstein said the documents provided does not show what was provided to the vendors as to the viability of the technology, the responses received from the vendors, or which vendors were contacted. There needs to be more transparency in the process moving forward. Clerk Rushing said the clerk lawyers are involved in the process. Although they are clerk attorneys, they file motions to the court, they work with private Florida Bar members, and respond to the court's needs and directives. Mr. Silverstein said he would like an attorney who does not support just the clerks. He would prefer a lawyer who is in government or private practice and preferably a member of the FCTC. He did not mean to imply that clerk lawyers were not real lawyers. He would simply like a different point of view. Judge Perkins was unsure how affixing a document number via the CMS would help judges. Currently, if a judge is using their CAPS the documents already have a docket number affixed. Judge Carroll said for instance, when he opens multiple documents and flip back and forth between documents, he does not know which one he is in. His CAPS does not tell him what page number he is on so having a physical image on a document would be helpful.

AGENDA ITEM XV. Technical Standards Subcommittee

Chris Blakeslee said at the August 9, 2019 FCTC meeting, the Technical Standards Subcommittee presented proposed changes to the Florida Courts E-Filing Portal Standards. It was recommended to allow multiple exhibits to be filed in one submission as long as each exhibit is accompanied by a cover page and does not exceed the submission file size. Standard as a time was removed from the Portal Time Stamp and Clerk Time Stamp standard. A detailed list of the proposed changes to the standards can be found in the [Summary of Changes](#). Ms. Blakeslee presented three motions for second reading.

Second Reading: Motion to accept the proposed changes in the Florida Courts E-Filing Portal Standards with the understanding that language will be added requiring each exhibit to have a footer with page numbers and "Standard" will be removed from the Portal and Clerk's Time Stamp.

MOTION OFFERED: Chris Blakeslee
MOTION SECONDED: Judge Robert Hilliard
MOTION CARRIED

Second Reading: Motion to accept the proposed Electronic Court Records Custodian Standards with the understanding that the Court Records Redaction standard will include "as defined by Rule 2.420".

MOTION OFFERED: Chris Blakeslee
MOTION SECONDED: Judge Robert Hilliard
MOTION CARRIED

Second Reading: Motion to move Document Rendering and Docket Numbering to the Clerk Case Maintenance System Standards and add Electronic Filing Envelope and Clerk's Time Stamp to the Clerk Case Maintenance System Standards.

	1. Judges and authorized court and clerk's office personnel (Internal access by authorization)	2. Florida State Attorney's Offices	3. Attorneys of Record	4. Parties	5. Public in Clerks' offices and registered users	6. General Gov't and Const Officers	7. General public (without registration agreement)	8. Certified law enforcement officers of federal and Florida state and local law enforcement agencies, Florida Department of Corrections, and their authorized users	9. Florida Attorney General's Office and the Florida-Department of Children and Families	10. Florida School Districts (Truancy)	11. Commercial purchasers of bulk records	12. Florida Public Defender's Offices (institutional access only)
<u>Before Service</u>	A	B	B	G	G	G	G	D	G	G	G	G
<u>After Service</u>	A	B	B	D	D	C	E	B	C	C	E	B

<u>DR Violence Injunctions (all) Before Service</u>	Rule 2.420(d)(1)(B)(xxiii); §§119.0714(1)(k)3 & 28.2221(5)(a), F.S.
<u>DR Repeat Violence Injunctions (all but Sexual) After Service</u>	Rule 2.420(d)(1)(B)(xii); §741.30(8)(c)5b, F.S. & §28.2221(5)(a), F.S.
<u>Sexual Violence After Service</u>	Rule 2.420(d)(1)(B)(xiii) & (f), Chapter 119.071(2)(h)1 (b) or (c), F.S. & §784.046(4), F.S.

MOTION OFFERED: Judge Robert Hilliard

MOTION SECONDED: Judge Josephine Gagliardi

MOTION CARRIED

B. Judge Hilliard said Pasco County would like to end their pilot and move their online electronic records access system into production.

Second Reading: Motion for the FCTC to make a recommendation to the Supreme Court that Pasco County move its online electronic records access system from the pilot phase into

production and to discontinue the submission of monthly progress reports be approved. Within 90 days from the Court's approval, the clerk must implement their access system in accordance with AOSC19-20.

MOTION OFFERED: Judge Robert Hilliard

MOTION SECONDED: Chris Blakeslee

MOTION CARRIED

C. Judge Hilliard said a request was received from the Regional Conflict Counsel ("RCC") to update the standards and matrix to include a separate user role for the Florida Office of Criminal Conflict and Civil Regional Counsel. Several questions arose in the Board's November 14, 2019 meeting; thus, the Board will meet in the interim and make a recommendation at the March 6, 2020 FCTC meeting.

AGENDA ITEM XVIII. Other Items/Wrap Up

A. Judge Munyon advised everyone the next FCTC meeting is scheduled for March 5-6, 2020 in Jacksonville.

There being no further business, Judge Munyon asked for a motion to adjourn the FCTC meeting.

Motion to adjourn the FCTC meeting

MOTION OFFERED: Judge Josephine Gagliardi

MOTION SECOND: Judge Robert Hilliard

MOTION CARRIED UNANIMIOUSLY