

Supreme Court of Florida

No. AOSC09-30

IN RE: STATEWIDE STANDARDS FOR ELECTRONIC
 ACCESS TO THE COURTS

ADMINISTRATIVE ORDER

The judicial branch of Florida has long embraced the use of information technologies to increase the effectiveness, efficiency, and accessibility of the courts. Technology holds great promise for both the courts and court users. Technology has and will continue to impact court operations, similar to the way in which technology has changed business practices in other organizations. This Court recognizes that the transition of Florida's courts from paper-based information management to systems that rely primarily on digital records represents a fundamental change in the internal operations of the courts. Accordingly, care must be taken to ensure that this transformation is accomplished in a deliberate and responsible manner. As this Court said with regard to electronic access by the public to court records, "these issues are not merely

technical but are central to the future functioning of the courts and to relations between citizens and their government.”¹

Section 16, Chapter 2009-61, Laws of Florida (Committee Substitute for Senate Bill 1718), provides:

The Legislature requests that, no later than July 1, 2009, the Supreme Court set statewide standards for electronic filing to be used by the clerks of court to implement electronic filing. The standards should specify the required information for the duties of the clerks of court and the judiciary for case management.

Electronic filing of court records primarily concerns the electronic transmission of records and supporting documentation from lawyers and litigants to the clerks of court, and further transmissions among first parties to an action, other parties, and clerks. This technology can make the process of submitting documents to the court and to other parties simpler, quicker, and less costly. It can also reduce the costs incurred by clerks of court for storing and transferring documents.

Electronic filing by itself does not effectuate migration of a court to a digital record system. Electronic filing is only one component, albeit perhaps the most critical component, of a comprehensive environment in which other components of the court process are also automated. This broader digital environment can be

¹ In Re: Implementation of Report and Recommendations of the Committee on Privacy and Court Records, AOSC06-20 (Fla. June 30, 2006).

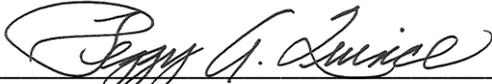
understood as electronic access to the courts, which integrates electronic filing, electronic records management, automated scheduling, electronic records access, as well as other aspects of the court process. Electronic filing systems implemented in the Florida judicial branch must be compatible with this Court's goal of migration toward a comprehensive digital environment in an orderly fashion.

Related to the implementation of electronic filing is the concept of a single statewide Internet portal for electronic access to and transmission of court records to and from all Florida courts. This Court has previously endorsed the portal concept and directed the Electronic Filing Committee of the Florida Courts Technology Commission to develop a plan for implementation of the Florida Courts E-Portal. Thus, electronic filing systems must also be compatible with the Florida Courts E-Portal.

The Florida Courts Technology Commission is charged with advising the Chief Justice and Supreme Court on matters relating to the use of technology in the Judicial Branch. The Florida Courts Technology Commission and the Electronic Filing Committee have reviewed and proposed revisions to the electronic filing standards. The attached Florida Supreme Court Statewide Standards for Electronic Access to the Courts are hereby adopted, incorporated herein by reference, and shall be effective upon the signing of this order. These standards may be revised

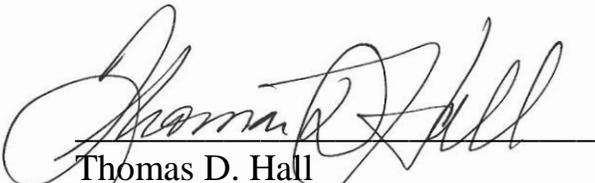
by the Court in the future, as may be necessary to achieve the mutual objectives of the judicial and legislative branches as identified in Chapter 2009-61, Laws of Florida.

DONE AND ORDERED at Tallahassee, Florida, on July 1, 2009.



Chief Justice Peggy A. Quince

ATTEST:



Thomas D. Hall
Clerk, Supreme Court



*Florida Supreme Court
Standards for Electronic Access to the Courts
June 2009*

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1.0. EXECUTIVE SUMMARY

On May 27, 2009, Chapter 2009-61, Laws of Florida (Committee Substitute for Senate Bill 1718), was signed into law and it requests that by July 1, 2009, the Court establish e-filing standards to be used by the clerks of court to implement electronic filing. This legislation requests that the standards specify the information that the clerks of court need to perform their duties and that the judiciary needs for case management, and directs the clerks of court to begin implementation no later than October 1, 2009.

The judiciary welcomes this legislative support for its constitutional operations and functions, and through the implementation of the attached Standards, will work with the Legislature in making Florida's courts fully capable of functioning in our modern electronic age.

The term "E-Filing" used in Senate Bill 1718 in a strict sense means the electronic delivery of documents to the court. In its broader and more accepted usage, however, e-filing is used to describe electronic access to the courts in the future, where the public, their judges, the clerks, lawyers, and all who participate in our judicial system can fully utilize modern technology to obtain greater efficiencies in and access to our court system. Through SB 1718 and other initiatives the Florida courts of today will be able to effectuate electronic access to the courts in the future.

The people of the State of Florida, whether through their judicial officers, the clerks of court, their representatives (state attorneys, public defenders and private attorneys) or directly themselves, will benefit greatly from electronic access to the courts. The Commission realizes that requiring all court users to file their documents electronically would be more cost-effective than requiring courts to receive and maintain paper as well as electronic records. However the Commission also recognizes that requiring e-filing may restrict access to Florida's courts for some users. The Commission will continue to study and discuss all of the ramifications of implementing e-filing and the means of effecting e-filing throughout the state so that the people's access to their courts will not be limited by a transition to this new means of transmitting records to courts.

An electronic court file, fully accessible by all participants in the judicial system subject to the limits of Florida law and the Florida Constitution, will provide significant opportunities for increased efficiencies and ultimate cost savings to the Judicial Branch. These standards fully promote these goals through better case management, and modern electronic access to and use of an electronic record for all parties in recognition of and compliance with both the principle of public access and the legitimate right to privacy.

Electronic filing is an integral part of the Florida Courts Case Management program. Statewide standards provide for a single uniform access point, uniform standards and data elements for filing, docketing, calendaring, workflow, document development and case management. These Standards are embodied in a living document that is expected to be updated and improved as technology, business requirements, and other regulations change.

The Florida Courts E-Portal (E-Portal) is included as an essential part of these standards. The E-Portal will be a single uniform point of access for all state court electronic court filing. This E-Portal will be designed to ensure one uniform access interface throughout the state. All

electronic court filings shall be processed through the E-Portal once it is established, and any other electronic filing access methods must be approved by the FCTC E-Filing Committee. Any local e-filing or related systems that are currently operating or in the process of development must become compatible with the E-Portal when it is approved by the Florida Courts Technology Commission. Continued approvals of clerk e-filing requests are contingent upon those improvements becoming compatible with the E-Portal.

The standards provide for electronic filing of court documents and delivery of electronic data to populate the local court and clerk of court databases and the creation of an electronic court file. The electronic data elements submitted in the cover sheets that are required by rules of procedure shall be received by the management service and available to populate existing and future case management systems developed by the court and/or clerk of court.

The electronic file created by this system shall be delivered electronically by the clerk to the judiciary in a form and manner that provides an improved workflow and work environment for the judiciary. The judiciary must approve any e-filing system application or e-filing system now implemented that intends to deliver the electronic files without the hard copy to the judiciary, as well as any electronic workflow and electronic judicial work environment.

This document contains four primary sections:

Florida Courts E-Portal – On April 30, 2008, the Supreme Court, in conference, approved the “E-filing Operational Policies, Florida Statewide Electronic Filing Portal” document. The document addressed the concept for a statewide electronic access to and transmission of court records to and from all Florida courts. To enable the implementation process to move forward, the Court intends to establish competitive solicitation to obtain assistance from qualified vendors.

Standards for Electronic Filing - This updated version of the electronic filing standards has been developed and recommended by the Florida Courts Technology Commission and the Electronic Filing Committee. This updated version replaces the previous version approved in 2004 (Supreme Court Administrative Order AOSC04-11) and shall be used by any party submitting an electronic filing plan for consideration by the Supreme Court.

Case Management System Design Framework – In April 2003, Supreme Court administrative order AOSC03-16, IN RE: Adoption of Functional Requirements, Technical Standards and Strategic Plan, was executed. The order set forth certain directives to bring standardization and automation to trial court technology. These documents were created to establish certain automated/electronic criteria that would assist judges in performing their duties. Even though six years have passed since the adoption of the functional standards included in these documents, they contain considerable information that will provide a framework to move forward with a base-line for a court case management system.

Governance – As noted in Supreme Court administrative order AOSC09-23, the purpose of the Florida Courts Technology Commission is to advise the Chief Justice and the Supreme Court on matters relating to the use of technology in the Judicial Branch. In order to effectively manage the multitude of technology-related activities facing the branch, there is a critical need to establish a system of governance. This governance process will assure integration of court technology at all levels and provide oversight for compliance with established standards. The

FCTC plans to submit a recommendation for a proposed rule of judicial administration to address governance.

2.0. DEFINITIONS

Florida Courts E-Portal (E-Portal) means a statewide access point for electronic access and transmission of court records to and from the Florida courts. All filers of court records, lawyers and non-lawyers, would use the E-Portal for secure access to all courts for electronic access to the court including e-filing. The E-Portal will be capable of accepting electronic filings from multiple sources, using common data elements passing to and from each local case system.

E-filing means filing court records to a case through electronic systems and processes in compliance with Florida Rules of Judicial Administration, Rule 2.525. E-filing includes filing a court record with accompanying data elements necessary to either establish an index of records for new cases or associate the record with an existing case in the case management system. E-filing may also be referred to using the acronym ECF (Electronic Court Filing as established by The National Center for State Courts).

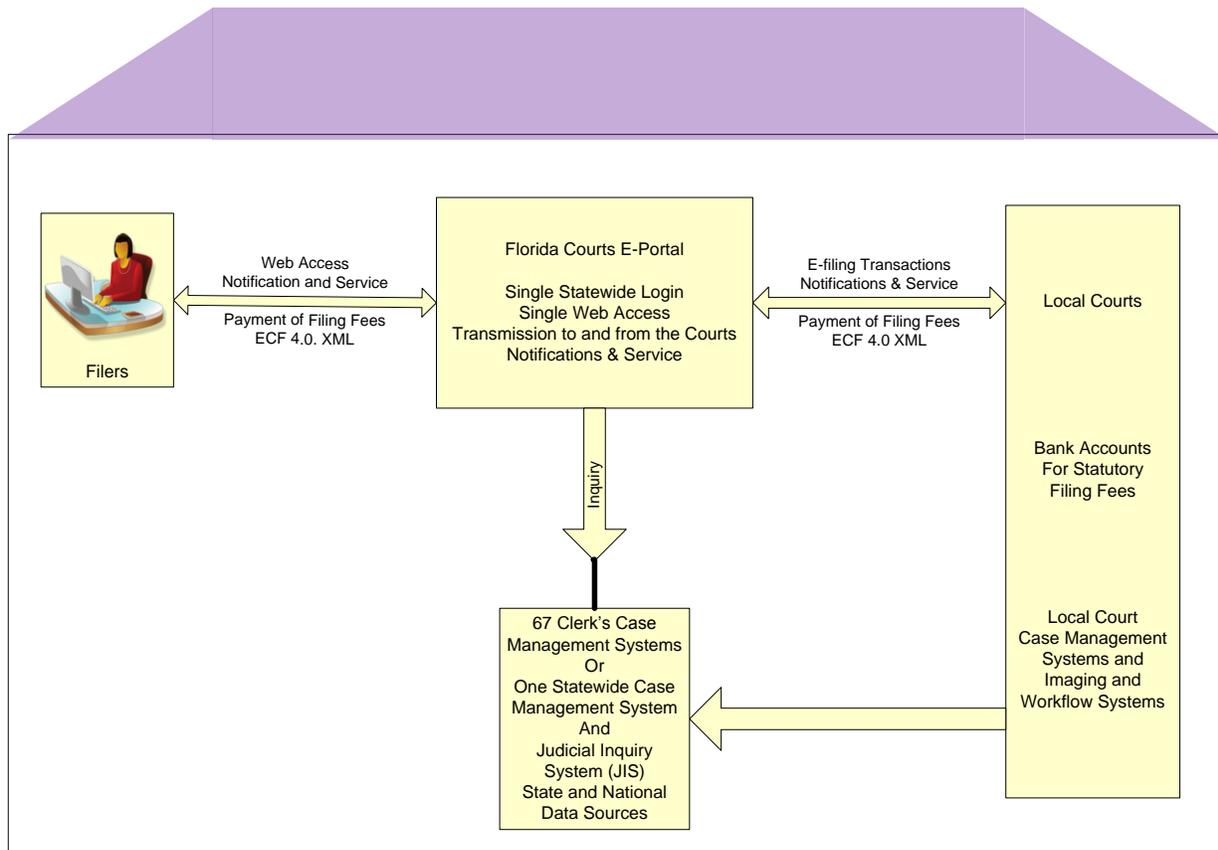
Electronic Court Records means those records as defined in Florida Rules of Judicial Administration, Rule 2.430 filed with and/or maintained by the clerk in electronic format. Electronic court records are electronic records created, generated, sent, communicated, received, or stored by electronic means which are capable of being printed as paper, or transferred to archival media, without loss of content or material alteration of appearance. Court records may be created or converted to electronic formats by the filer and electronically filed with clerks who maintain them using electronic case maintenance systems. Court records that have been filed in paper format may be converted to electronic records using scanning technology. Electronic court records shall constitute the official record and are the equivalent to court records filed in paper. Filing with the clerk shall be accomplished by electronic transmission as stated in Florida Rules of Judicial Administration, Rule 2.525.

Electronic Access to the Courts encompasses many levels of information, functionality, and case processing conducted in the judicial branch that may be completed by electronic means. Electronic access to the courts may include technology such as e-filing, electronic access to documents, electronic calendaring, case management systems, records management systems, statistics, resource management systems, and e-commerce.

3.0. FLORIDA COURTS E-PORTAL

The E-Portal will provide capability for a common entry point for all court e-filings in the State of Florida. The E-Portal will be developed in compliance with all existing and new e-filing rules as set forth in Rule 2.525, Florida Rules of Judicial Administration, and developed by the Supreme Court’s Electronic Filing Committee and subsequently approved by the Supreme Court. The Court will solicit vendors through a competitive process in accordance with Florida Law. The E-Portal will be built to maintain interfaces with other existing statewide information systems. The following diagram represents the current conceptual model of the proposed Florida Courts E-Portal:

Florida Courts E-Portal



3.1. E-Portal Functionality

The E-Portal has the following minimum functionality:

1. Single statewide login
2. Process for non-attorneys and for self-represented users to access the system
3. Uniform authentication method
4. Single point of access
5. Consolidated electronic notification section
6. Process for local validation
7. Automated interface with other e-filing systems
8. Utilize XML ECF 4.0. Standards.
9. Accommodate bi-directional transmissions to/from Courts
10. Integrate with other established state-wide systems
11. Accept electronic forms of payment

4.0 REQUESTS FOR ELECTRONIC TRANSMISSION AND FILING OF DOCUMENT INITIATIVES

In accordance with Rule 2.525, Florida Rules of Judicial Administration, a court of general or limited jurisdiction must apply to the Supreme Court for an Interim Order approving the acceptance of electronic transmission of documents for filing. Specific testing criteria must be put into place and reported during a 90 day period. After an initial period of testing the e-filing system, a site review will be conducted to verify that the electronic system meets all testing criteria, and the clerk may apply for a final order permitting e-filing with no follow-up paper filing. (Rule 2.525 (2))

The courts have been extremely flexible in allowing different types of e-filing requests to be approved. We are now at the point where there must be a standard approach to e-filing requests which should include the courts and the clerks agreeing which divisions should first implement e-filing. This will give both the court and the clerks time to update the cover sheets as specified in Section 4.1.3 Electronic Cover Sheets - Data Accompanying Submitted Documents.

4.1. E-Filing Standards

4.1.1. Size of Filing

Submissions shall not exceed 25 megabytes (25 MB) in size. No combination of files in one transmission may exceed more than 25 megabytes (25 MB) in size.

4.1.2. Document Format

Any information that will become part of, or is related to, a court case file, and which is being transmitted electronically to the clerk of court must be described in a format that can be rendered with high fidelity to originals and is searchable, tagged and complies with accessibility requirements in Chapter 282.601-606.

Appellate Court document formats will be adopted to improve the readability of the document image, improve the redaction process by providing standard fonts and font sizes, and provide consistency of appearance for images. Appellate court standards include Times New Roman font size 14 or Courier New font size 12.

4.1.3. Electronic Cover Sheets - Data Accompanying Submitted Documents

Filing entities are required to transmit data identifying a submitted document, the filing party and sufficient other information for entry in the court's docket or register of actions. In the case of a document initiating a new case, sufficient other information must be included to provide data to support the creation of a new case in the court's case management information system.

Filers are required to complete and transmit with any e-filing uniform cover sheets that comply with current rules of procedure. The court shall develop, define and continuously update the uniform electronic cover sheets. The cover sheets will be maintained on the e-filing system.

The cover sheets shall be designed to collect the data elements in .XML format that support the filing, indexing, docketing, calendaring, accounting, reporting, document development, case management and other necessary functions of the court.

In an effort to reduce redundant data entry, emphasis is placed on providing the ability to extract text from the electronic submission. For this process, word processing, .PDF or .XML file formats created by text based processors are required. Facsimile transmissions will not be allowed because they do not allow for automatic extraction of data.

4.1.4. Uniform Personal Identification

Uniform personal identification standards are necessary to promote electronic filing throughout the State of Florida. Each person provided with a unique identifier for purposes of filing documents electronically must use that identifier when submitting any documents. Documents filed with the unique identifier will be presumed to have been filed by that person.

All electronic filing information systems must support the use of a uniform personal identifier.

4.1.5. Electronic Notification of Receipt

All electronic document submissions must generate an acknowledgment message that is transmitted to the filer to indicate that the clerk received the document.

At a minimum the acknowledgment should include the date and time the document was received (which should be a court's official date/time stamp), and a court assigned case number, if available, or document reference number.

4.1.6. Security

Any computer utilized to accept e-filings, particularly from sources external to the court, must be protected from unauthorized network intrusions, viruses, and worms and isolated from other court networks or applications. Software and security devices such as antivirus, firewalls, access control lists, and other filters must be utilized. Media capable of carrying viruses into court computers (e.g., computer networks and electronic media) must be scanned for computer viruses prior to processing.

4.1.7. Filing Process and Payment

E-filing systems shall support an interactive filing process and/or a batch (non interactive) process. E-filing systems shall support electronic payment methods.

4.1.8. Web Based Application Standards

All court based e-filing processes will use Internet based open standards architecture as defined in the following:

- Rule 2.525, Florida Rules of Judicial Administration
- Supreme Court Administrative Order - AOSC03-16

- ECF 4.0 (National Center for State Courts (NCSC) – Electronic Court Filing Standard)
- Standards as defined in this document

Other reference sources of information may include:

Consolidated Case Management System Functional Standard V.0.20 (NCSC)

4.1.9. Legal Transmission Envelope

Any electronic document or information submitted to a court with a filing or subsequent case action must be transmitted using a data structure that provides universal access at any court. Submissions shall not exceed 25 megabytes (25 MB) in size. No combination of files in one transmission may accumulate to more than 25 megabytes in size.

The e-filing system shall perform a validation of the documents filed to insure that any discrepancies (such as incomplete data or viruses) are detected prior to the filing being submitted to the courts. Where possible, the user will be notified immediately if the e-filing system detects errors in the filing process. There will be different validation rules based upon the type of filing (for example: new case initiation as opposed to filings in an existing case).

4.1.10. Court Control of Court Documents - Data Storage

Original court data must reside in Florida with the intent to ensure that the original court record will reside within the State of Florida on technology which is under the direct control of the Court and in the custody of the clerks. This does not preclude additional copies to be stored within or outside the State of Florida for the purposes of disaster recovery/business continuity.

4.1.11. Local Validation

When information has been filed electronically to the clerk, the clerk will perform a local validation to examine the filing and determine that it complies with e-filing requirements and is otherwise acceptable. This local validation process will be similar for each clerk's office.

4.1.12. Document Fidelity and Authenticity

All documents filed electronically must be printable as paper documents without loss of content or appearance. A mechanism must be provided to ensure the authenticity of the electronically filed document. This requires the ability to verify the identity of the filing entity and the ability to verify that a document has not been altered after the time it was transmitted by the filing entity.

4.1.13. Embedded Hyperlinks

Hyperlinks embedded within an e-filing should refer only to information within the same document, or to external documents or information sources that are known to be trustworthy and stable over long periods of time. Hyperlinks should not be used to refer to external documents or information sources that are likely to change.

4.1.14. Exhibits

Every implementation of e-filing must accommodate the submission of non-electronic documents or exhibits. Examples of articles include such documentary evidence as court approved forms, executed wills, and non-documentary items such as cassettes, video tapes, weapons, drugs, etc.

Each exhibit that is filed in a proceeding before the Court shall be in its original form or such form as permitted under Florida Statutes or court rules pertaining to the admission of evidence, except for copies of exhibits that are submitted as attachments to pleadings, unless otherwise agreed by the parties of record,.

4.1.15. Documents Exempt from Public Access

If a filer who electronically files a document containing information identified as exempt from public access pursuant to Rule 2.420, Florida Rules of Judicial Administration and applicable statute, the filer shall indicate that the document contains confidential information by placing the notation “confidential” in the comments section. Documents that are exempt or claimed to be exempt from public access shall be processed pursuant to Rule 2.420.

4.1.16. Archiving

Electronic documents must be stored in, or convertible to a format that maintains content appearance and can be archived in accordance with standards adopted by the Supreme Court of Florida.

4.1.17. Accommodation of Paper Submissions

Documents submitted to the court in paper form shall be converted to an electronic format to facilitate the creation of a single electronic case file.

4.1.18. Public Access

Public access to electronically filed documents must be provided in accordance with the judicial branch policy on access to court records. Electronic documents must comply with Section 4.4 of this document.

4.1.19. Self-Represented Litigants

Self-represented litigants shall be provided a means to file documents electronically

4.1.20. Adding a Party

The e-filing system will accept additional parties after the initial pleading is filed.

4.2. TECHNICAL FAILURE

4.2.1. Determination of failure and effect on due date

The clerk shall deem the E-Filing System to be subject to a technical failure on a given day if the clerk's server is unable to receive and accept filings in accordance with these e-filing operational policies, either continuously or intermittently over the course of any period of time after 12:00 noon that amounts in the aggregate to more than one hour on that day. In the event of a technical failure, filings due that day which were not filed due solely to such technical failures shall be considered as due the next business day.

Delayed filings shall be rejected unless they are accompanied by a declaration or affidavit attesting to the filer's attempts to file electronically that failed after 12:00 P.M. on at least two occasions that are separated by at least one hour due to such technical failure.

4.2.2. Procedure Where Notice of Electronic Filing Not Received

If a Notice of Electronic Filing is not received from the clerk in response to a transmission of a document for filing, the document will not be deemed filed. The person making the filing must attempt to refile the information electronically until such a Notice is received. Persons who file electronically bear the responsibility of ensuring that documents and other filings are electronically filed and received.

4.2.3. Retransmission of Electronic Filing

If, within 24 hours after filing information electronically, any filer discovers that the version of the document available for viewing through the Electronic Case Filing System is incomplete, garbled or otherwise does not conform to the document as transmitted when it was filed, that filer shall notify the clerk immediately and retransmit the filing if necessary.

4.2.4. System Availability and Recovery Planning

Computer systems that are used for e-filings must protect electronically filed documents against system and security failures during periods of system availability. Additionally, contingencies for system failures and disaster recovery mechanisms must be established. Scheduled downtime for maintenance and updates should be planned, and a notification shall be provided to filers in advance of the outage. Planned outages shall occur outside normal business hours as determined by the Chief Judicial Administrative Officer of the Court. E-filing systems shall comply with the security and backup policies created by the Florida Courts Technology Commission.

Plan 1: Contingency Plan

Timeframe: Immediate - during normal working hours.

Scope: Localized system failures while court is still open and operational. This plan will also be put into operation while COOP and Disaster Plans are under way.

Operational Levels: Levels of operation will be temporarily limited and may be conducted in electronic or manual processes. Since court will still be open, this plan must address how documents will be received while the system is down.

Objectives:

- Allow the Court to continue with minimum delays by providing a temporary alternate solution for access to court files.
- Conduct tests to verify the restoration process.
- Have local and local off site backup of the operating system, application software, and user data available for immediate recovery operations.
- Identify areas where redundancy is required to reduce downtime, and provide for hot standby equipment that can be utilized in the event the Contingency Plan is activated.

Plan 2: Business Continuity/Disaster Recovery

Timeframe: Disaster dependent, varies.

Scope: Declared disasters either local or regional that impact the geographic area.

Operational Levels: Temporarily unavailable or limited until facilities are deemed functional or alternate facilities can be established. Mission Essential Functions defined the Court's COOP for the affected area must be addressed in the designated priorities and timeframes.

Objectives:

- Allow court operations to recover in the existing location or alternate facility
- Provide cooperative efforts with impacted entities to establish access to court files and allow for the continuance of court proceedings
- Provide in the Contingency Plan a temporary method to meet or exceed Mission Essential Functions identified in the Court's COOP.
- Provide another tier level of recoverability by having a backup copy of the operating system, application software, and user data in a protected environment outside of the local area not subject to the same risks as the primary location for purposes of recovery according to standards approved by the FCTC.
- This plan may provide another out-of-state tier for data backup provided that the non-local in-state tier is established.

4.3. CONSIDERATION OF RECOMMENDED COURT REQUIREMENTS

4.3.1. Access

The clerk will provide free public access to court records as authorized in state statutes and in Rule 2.420, Florida Rules of Judicial Administration to the electronic case file according to statute or rule of court or Administrative Order of the Supreme Court.

The clerk will provide access to dockets, calendars and other electronic court records as authorized by statute or rule of court or Administrative Order of the Supreme Court.

4.4. ADA AND TECHNOLOGY COMPLIANCE

Accessibility Requirements

Accessibility standards for electronic and information technology are covered by federal law, known as Section 508 of the Rehabilitation Act of 1973 (as amended), which lists standards necessary to make electronic and information technology accessible to persons with disabilities. These standards, together with the requirements of the Americans with Disabilities Act and Florida law, must be met. References to these requirements throughout this document will be noted as “Section 508, Florida law and the ADA”.

The following list provides reference information for understanding the requirements of Section 508, Florida law and the ADA:

- Chapters 282.601-282.606, Fla. Stat. – The Florida Accessible Electronic and Information Technology Act
- Section 508 of the Rehabilitation Act of 1973 (as amended) – United States Federal Access Board: Electronic & Information Technology Accessibility Standards (<http://www.access-board.gov/gs.htm>)
- The Americans with Disabilities Act of 1990 (ADA)

Other reference sources of information may include:

- World Wide Web Consortium (W3C) Web Access Initiative Guidelines (<http://www.w3.org/>)
- ADA Best Practices Tool Kit for State and Local Governments – Chapter 5, Website accessibility Under Title II of the ADA: <http://www.ada.gov/pcatoolkit/chap5toolkit.htm>
- Section 508 – (<http://www.section508.gov>)

All technology and information used to support creation of an electronic case file and to provide access to court records will comply with court technology standards, and the Florida AeIT Bill [Accessible Electronic and Information Technology], s. 282.601-282.606. Fla. Stat.

Additionally, all e-filing applications submitted for approval include a “Statement of Accessibility/Certification.”

5.0. ELECTRONIC SERVICE

By signing the Electronic Filing Registration Form, a filer consents to receive notice electronically, and waives the right to receive notice by personal service or first class mail of any document filed electronically, except with regard to service of a complaint or summons or other filing that requires personal service. This registration form does not constitute consent to electronic service of a document that is not filed with the Court. However, written consent to electronic service of such documents may be given separately.

There may be a need to later define a process by which the clerk's office can address "an emergency" e-filing.

5.1. Computation of Time

The Court should adopt a standard that establishes when an e-filing is accomplished for purposes of the court record.

6.0. DELIVERY OF ELECTRONIC CASE FILES

An electronic case file being utilized by the court should meet or exceed the capabilities and ease of use currently provided by a paper case file. Electronic documents shall be available to court officers and personnel in a manner that provides timely and easy access. In addition, the electronic display should present information to courtroom participants that enables any person to immediately retrieve docket and case-specific information in a manner that is no more difficult than paging through a paper file. The application shall not have a negative operational impact on the court. Therefore the court shall have the opportunity to review and approve any changes to the current business process before the system may be implemented.

To meet the basic requirements of timeliness in a court environment, access to electronic court records should be almost instantaneous with a retrieval time of one to three seconds for cases on the daily calendar, five to eight seconds for cases that have had activity during the past 60 days, and 30 seconds for closed or inactive cases. The system should provide some method to notify the requesting entity if a longer time delay will occur, such as when a case has been archived.

Simultaneous access for multiple courtroom participants to view the same case file and/or document shall be provided.

Monitors shall be of sufficient size to allow comfortable viewing of electronic documents. There shall be a method to search for and select specific documents for viewing. Regardless of the document retrieval techniques employed, a viewer should have the ability to quickly page through an electronic document or a case file.

Forms and documents that a judge or other courtroom personnel normally prepare during a particular proceeding should be electronically prepared, reviewed, signed, printed, and distributed as another function supported by the automated electronic case management system.

Any system that intends to deliver electronic files instead of paper files to the judiciary must have the electronic workflow, functionality, and electronic judicial document management service approved by the judiciary before paper may be discontinued. The electronic file created by the clerk shall be made available and delivered to the judiciary in a manner that provides improved workflow and document management service to the judiciary and court staff. Filings in an electronic file that is created or updated by any system shall be available for viewing by the court immediately upon acceptance by the clerk.

According to the NCSC document Standards for Electronic Filing Processes (Technical and Business Approaches) -

“to avoid the unintended connotation associated with the term “electronic filing” that may be interpreted as referring only to the process by which documents are submitted to a court for filing.

That is only one part of a mature, full blown electronic documents process. Focusing only upon the initial filing aspect runs the risk of losing most of the potential benefits of electronic filing. At the extreme, the failure to look at electronic filing as part of a much larger process can result in an expensive system that is of little utility to court users such as judges, lawyers, litigants, and court staff. *Electronic Filing Processes* is also preferable to “Electronic Court Documents” which might apply simply to court imaging systems that create electronic documents by scanning paper filings.

“Electronic Court documents” would also include standards for document management systems, which are not within the scope of these standards. *Electronic Filing Processes* incorporate scanning of paper documents, but only as an ancillary process for capturing historical documents not created for the purpose of litigation and for converting paper documents submitted by parties incapable of using electronic filing means. An *Electronic Filing Process* relies upon submission of the great bulk of documents in electronic form without requiring the routine use of paper at any step in the process.

7.0. ELECTRONIC SIGNATURES

7.1. Signatures of Registered Users

A pleading or other document is not required to bear the electronic image of the handwritten signature or an encrypted signature of the filer, but may be signed in the following manner when electronically filed through a registered user’s login and password.

s/ John Doe

John Doe (e-mail address)

Bar Number 12345

Attorney for (Plaintiff/Defendant) XYZ Company

ABC Law Firm

123 South Street

Orlando, FL 32800

Telephone: (407) 123-4567

7.2. Multiple Attorneys of Record Signatures

The following procedure applies when a stipulation or other document (*e.g.*, a joint motion) requires the signatures of two or more attorneys of record:

The filing attorney shall initially confirm that the content of the document is acceptable to all attorneys required to sign the document and shall obtain the signatures of all attorneys on the document. For purposes of this procedure, physical, facsimile, or electronic signatures are permitted.

The filing attorney then shall file the document electronically, indicating the signatories, (*e.g.*, “s/ Jane Doe,” “s/ John Smith,” etc.) for each attorney’s signature.

7.3. Original Documents and/or Handwritten Signatures

Original documents (Death Certificates, etc.) or those that contain original signatures such as affidavits, deeds, mortgages and wills must be filed manually until the court has determined the digital format by which these issues are addressed.

7.4. Judge Signature

Judges are authorized to electronically sign all orders and judgments indicating the signature as (s/ Jane Doe, Circuit Court Judge).

8.0. CASE MANAGEMENT SYSTEM DESIGN FRAMEWORK

Overview

In pursuit of the mission and vision of the Florida Judicial Branch, the courts are committed to an effective, responsive and accountable judicial system. While understanding that the quality of justice cannot be measured solely by statistics and reports, the court believes that case information is critical to its efficient management of judicial cases and it should form one cornerstone of sound court management. To that end, the Florida court system must establish a uniform statewide case management system that will provide reliable and accurate case data.

Section 16 of Senate Bill 1718 requests that the court establish standards for electronic filing including the “... duties of the clerks of court and the judiciary for case management.” This section addresses case management.

A case management system can broadly be considered the set of functional standards and requirements and the resultant collection of programs, utilities, and protocols that collectively provide for initiation, processing, tracking management and reporting of cases through the judicial system. In addition to enabling the efficient flow of day to day operations, an effective case management system must provide for comprehensive and uniform reporting of case level and court activity data as required for overall court management. This critical collection and reporting component ensures fundamental accountability for efficient and effective management of court activity at all levels of the courts.

This case management system framework design contains sufficient detail to provide immediate guidance to clerks of court and other stakeholders with respect to their duties and responsibilities to the court while remaining general enough to provide for the incremental development required for this complex project. The framework builds upon existing case management work and strives to present a consistent method for system development. It presents a standard definition for a case management system and outlines the guiding design principles to be applied at all levels. Applying these principles will ensure a viable case management system that encapsulates flexibility, modularity, consistency, quality, reporting and accountability, and accessibility. This case management system is expected to incorporate case maintenance as well as case management functionality.

Appellate Case Management

Although the legislature did not specifically direct the clerks of the appellate courts to commence electronic filing by October 1, 2009, providing the appellate courts with electronic courts capability is equally important. The appellate courts and the Supreme Court cannot accept electronic records from appeals from the trial courts if they do not have the capacity to receive and store documents electronically. In any appellate electronic filing and case management system, additional functionality must be included. Particularly, collaboration elements are essential to any appellate court system, as all decisions require review by at least three judges in the appellate courts and more in the Supreme Court. The appellate courts have already attempted to design a system but funding issues prevented further development. They are currently exploring other systems. Additional funding will be necessary to make the appellate courts and the Supreme Court electronic, but the investment will save operational costs just as it will in the trial courts.

Design Guidelines

The case management system design shall be based upon the work of the Florida Courts Technology Commission as codified in Supreme Court Administrative Order AOSC03-16, IN RE: Adoption of Functional Requirement, Technical Standards and Strategic Plan. Clerks of court and court administration should submit design and implementation plans to the Florida Courts Technology Commission for review and approval before software or hardware is purchased or system development begins.

Key concepts in the design of this uniform case management system are flexibility, modularity, consistency and quality. The complexity of a uniform system dictates that it be developed as an

interoperable suite of component modules such as e-filing or civil case management, rather than as one monolithic application. To ensure that users obtain the most benefit from this system as quickly as possible, design managers must ensure that each component provides significant, if not full, functionality without critical dependence on other, as yet undeveloped, components. Interoperability and independence require that each component include the intrinsic capability to share data and other common resources in a consistent manner across all components of the system.

Such interoperability is a challenge, given that the case management needs of the various divisions of court and of court programs differ significantly. However, every effort should be made to define a common framework upon which the case processing components for each division of court and court program can be based. For example, existing standards define a cross divisional case flow with the following common functional components:

- Case Initiation and Indexing
- Docketing and Related Record Keeping Function
- Schedule and Case Management
- Ticklers, User Alerts & Automated Workflow and Forms Generation
- Document Processing
- Calendaring
- Hearings
- Disposition
- Case Closure
- Accounting
- Audit Trail Management
- File Archival and Destruction
- Document Management
- Exhibit Management
- Statistical Reports
- Management Reports
- Electronic Designation of Appellate Records

The technical standards and plan described in Administrative Order AOSC03-16 is a solid starting point for the development work ahead. However, like all systems which serve the public, court processes and court needs evolve over time in response to changes in statutes, other law, court rules and best practices. As each component of the overall case management system is developed, systems design managers should review the above standards for applicability and update requirements and standards as necessary. Also, as the functional requirements and technical standards encapsulated in AOSC03-16 were developed in 2003, the system design managers should, as a first planning step, conduct a complete review and update of the cross functional requirements to ensure that they have a comprehensive, up-to-date picture of common elements upon which to base a uniform system design.

Actual implementation of the uniform case management system components may require additions or deletions to these specifications to ensure that the final system is relevant to the case and data management issues facing court managers today and in the future. However, frequent

changes, even those that are considered necessary, can negatively impact systems development and usability leading to inefficient or ineffective systems. The development plan for each component should provide for periodic expansion cycles to ensure that the case management system remains responsive to evolving court needs and to changes in statutes or rules of court.

One purpose of any case management system is to facilitate the administration of case activity within the courts and to provide court managers with the supporting information that is necessary to effectively manage that activity. Consequently, it is critical that the system remain relevant to its users at all levels of court. This is achieved by recognizing the information needs of the users and by facilitating the addition of new elements as required through a well defined and responsive expansion process. Data that is collected should be available in a timeframe that best fits the needs of the users. The system should provide the capability for case management users to easily extract data or perform non-standard query actions as required by emerging needs.

As an integral aspect of general design, system development should incorporate quality elements such as specific input data validations and mechanisms for monitoring and correcting data that fail validation as close to the input level as possible. Data should be checked for inadmissible data combinations, incompatible data, and missing data. The system should provide for the straightforward correction of data at the level closest to origination which includes the point of document submission. This will increase the likelihood that data will be accurate and reliable and reduce the amount of effort that must be expended to ensure that accuracy. Additionally, the case management system should provide for macro level quality evaluation including audit trails, automated checks and reasonableness reviews by subject matter experts. System design should ensure that conducting these evaluations on a regular basis is a simple and straightforward process.

All case management system components should be designed to easily allow for two-way sharing of data with other internal system components and with external sources at the state or national level. Wherever possible, the case management system should implement statewide and national standard concepts and classifications and a common methodology for data representation and transfer. This would allow data from multiple sources both within and without the court system to interoperate seamlessly within the context of case management and reporting.

Current Data Collection Systems

Existing data collection systems provide critical management data to the courts at all levels. The modular nature of the development process for a case management system requires the careful consideration of existing reporting requirements to ensure that completion of one component of the system does not inadvertently reduce the quality or quantity of data currently collected. The court has several critical data collection and reporting mechanisms currently in place, such as are detailed in Florida Rules of Judicial Administration 2.240, 2.245 and 2.250 and §25.075, Florida Statutes and other relevant rules and statutes. These reporting mechanisms cannot and should not be abandoned prematurely. Although every effort will be made to consolidate data collection and reporting mechanisms during the development process, clerks of court, circuit court administration and other reporting entities should expect to continue data collection and reporting under the appropriate guidelines until directed otherwise by the courts.

Security and Confidentiality

All case management components should employ the utmost care in ensuring the confidentiality of case records as appropriate and at all levels of case and data processing. Redaction software should be deployed as appropriate to ensure that confidentiality is protected on display or archive. Appropriate security and encryption measures should be built into the system so that the transfer and storage of data within the system does not expose sensitive data to unauthorized access. Statutory requirements for retention, availability, display and purging of cases that are sealed or expunged or otherwise restricted should be strictly and programmatically enforced. System design should provide for the secure deletion of case records as necessary across separate system components.

Other Standards

As individual case management components are developed, similar work at the national level should be considered. For example, the National Center for State Courts (NCSC) has identified the general movement of a case through the judicial system as presented in their “Introduction to Function Standards, Draft February 2, 2001.” The NCSC has also provided a series of general Case Management Standards which may serve as a resource in the development process. However, no uniformly accepted national standards exist. Consequently, systems design methodology managers should review the standards articulated by the National Center for State Courts in their Case Management Standards (http://www.ncsconline.org/d_tech/standards/default.asp) for applicability to individual case management components and incorporate those standards which are determined to be relevant to an efficient and effective Florida case management system.

9.0. GOVERNANCE

A Governance Structure shall be established to make certain that initiatives regarding electronic access to the court meet established standards, maximize and/or improve workflow processes, improve accessibility to the court, and allow stakeholders to communicate in a manner that allows for effective integration of systems. Governance shall be established by the Court once recommendations by the Florida Courts Technology Commission have been received.

Efforts to integrate systems such as e-filing and case management offer many opportunities to be more cost effective and efficient. Integration brings with it the critical need to have collaboration among stakeholders who share an interest in using the information, content of information, and the functionality of software applications. The introduction of new systems or changes to existing systems with the goal to improve processes may also bring with it unintended negative impact upon others who have a shared interest or need.

The goals of governance are the following:

1. Governance provides a process whereby new systems or major changes to existing systems may be vetted to maximize workflow and to reduce potential negative impact and implementation issues.

2. Governance provides a process to verify that at all times the system meets required standards and rules, so that the person who seeks to acquire new systems or change an existing system may seek and receive approval to do so.
3. Governance provides a means for needed changes in business workflow to be accepted and implemented into the organizational culture.

The FCTC will draft a proposed rule of judicial administration to address how governance will be implemented within the judicial branch.