

# Florida Supreme Court Standards for Electronic Access to the Courts

---

Adopted June 2009

Adopted modifications February 2012

**Version 7.0**

## TABLE OF CONTENTS

1.0. DEFINITIONS.....	4
2.0. FLORIDA COURTS E-PORTAL.....	5
2.1. E-Portal Functionality .....	5
3.0 REQUESTS FOR ELECTRONIC TRANSMISSION AND FILING OF DOCUMENTS .....	5
3.1. E-Filing Standards.....	6
3.1.1. Size of Filing.....	6
3.1.2. Document Format .....	6
3.1.3. Electronic Filing Envelope - Data Accompanying Submitted Documents.....	6
3.1.4. Uniform Personal Identification .....	6
3.1.5. Electronic Notification of Receipt.....	7
3.1.6. Security .....	7
3.1.7. Filing Process and Payment .....	7
3.1.8. Web Based Application Standards.....	7
3.1.9. Legal Transmission Envelope.....	7
3.1.10. Court Control of Court Documents - Data Storage.....	8
3.1.11. Local Document Receiving Process .....	8
3.1.12. Time Stamp .....	8
3.1.13. Document Fidelity and Authenticity .....	8
3.1.14. Embedded Hyperlinks .....	9
3.1.15. Exhibits.....	9
3.1.16. Documents Exempt from Public Access.....	9
3.1.17. Emergency Filing.....	9
3.1.18. Archiving.....	10
3.1.19. Accommodation of Paper Submissions .....	10
3.1.20. Public Access.....	10
3.1.21. Self-Represented Litigants .....	10
3.1.22. Adding a Party .....	10
3.2. TECHNICAL FAILURE .....	10
3.2.1. Determination of failure and effect on due date.....	10
3.2.2. Procedure Where Notice of Electronic Filing Not Received.....	10
3.2.3. Retransmission of Electronic Filing .....	11
3.2.4. System Availability and Recovery Planning .....	11
3.3. CONSIDERATION OF RECOMMENDED COURT REQUIREMENTS .....	12

3.3.1. Access to the Public .....	12
3.3.2. Access to the Judiciary and Court Staff .....	12
3.4. ADA AND TECHNOLOGY COMPLIANCE.....	12
Accessibility Requirements.....	12
4.0. ELECTRONIC PROCESSES - JUDICIAL .....	13
4.1. Delivery of Electronic Case Files .....	13
4.2. Courtroom Delivery and Functionality.....	14
5.0. ELECTRONIC SIGNATURES.....	15
5.1. Signatures of Registered Users .....	15
5.2. Multiple Attorneys of Record Signatures.....	16
5.3. Original Documents or Handwritten Signatures.....	16
5.4. Judge Signature.....	16
6.0. CASE MANAGEMENT SYSTEM DESIGN FRAMEWORK.....	17
6.1. Overview.....	17
6.2. Appellate Case Management .....	17
6.3. Design Guidelines .....	18
6.4. Current Data Collection Systems.....	20
6.5. Security and Confidentiality .....	20
6.6. Other Standards .....	20
7.0. REPORTS .....	20
8.0. GOVERNANCE.....	21

## 1.0. DEFINITIONS

**Florida Courts E-Portal** (E-Portal or 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, whether lawyers or non-lawyers, use the E-Portal for secure electronic access to all courts. The E-Portal is capable of accepting electronic filings from multiple sources, using common data elements passing to and from each local case system.

**E-Filing** means submitting court records for a filing in a case through electronic systems and processes in compliance with Florida Rules of Judicial Administration, Rule 2.525, and all other applicable rules of procedure. 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).

**E-Filing Authority (aka Florida Courts E-Filing Authority)** is the legal entity and public body, created by agreement dated September 3, 2010, between “Various Clerks of Circuit Courts of the State of Florida” and “The Clerk of the Florida Supreme Court, as the designee of the Chief Justice of the Supreme Court”, and is subject to all applicable Florida statutes, Supreme Court rules and Administrative Orders that govern the individual clerks of court (county and appellate) in the performance of their record-keeping functions, as well as all Rules of Court relating to public records and all applicable laws and county ordinances relating to procurements by the clerks of the circuit court in their capacity as clerk of court. The Authority was created with the purpose to (i) design, develop, implement, operate, upgrade, support, and maintain the E-Filing Court Records Portal through contract with the Florida Association of Court Clerks, Inc. (FACC) and/or its wholly owned subsidiary FACC Services Group, LLC, (FACCSG); and (ii) provide the most economic and efficient method for e-filing court records.

**E-Filing Authority Board of Directors** refers to the governing body of the E-Filing Authority. The Board consists of the Chair of the Authority, seven clerks of the circuit court, and the Clerk of the Supreme Court.

**Electronic Court Records** means those records as defined in Florida Rules of Judicial Administration, Rule 2.430 filed with or maintained by the clerks of court 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 of court who maintain them using electronic case maintenance systems. Court records that have been filed in paper format may be converted to searchable electronic records using scanning technology. Electronic court records shall constitute the official record and are the equivalent to court records filed in paper. A filing with a clerk of court 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 that permits e-filing, electronic access to documents, electronic calendaring, case management systems, records management systems, statistics, resource management systems, and e-commerce.

## **2.0. FLORIDA COURTS E-PORTAL**

The E-Portal shall provide capability for a single uniform access point for all court e-filings. The E-Portal shall be developed in compliance with all current 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 Florida Courts Technology Commission (FCTC) or the Supreme Court. The E-Portal shall be developed to maintain interfaces with other existing statewide information systems.

### **2.1. E-Portal Functionality**

The E-Portal shall have 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 statewide systems
11. Accept electronic forms of payment

## **3.0 REQUESTS FOR ELECTRONIC TRANSMISSION AND FILING OF DOCUMENTS**

In accordance with Rule 2.525, Florida Rules of Judicial Administration, any clerk of court, with input and approval from the chief judge, must apply to the Supreme Court for authorization to accept the electronic transmission of documents. 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 may be conducted to verify that the electronic system meets all testing criteria, and then the clerk of court, with approval from the chief judge, may apply for authorization to continue e-filing, eliminating the follow-up paper filing. (Rule 2.525 (2))

Requests to implement electronic filing shall include approval from the chief judge, including agreement by the court and the clerk which divisions will implement e-filing first. This will give

both the court and the clerks of court adequate time to update the e-filing envelope as specified in Section 3.1.3. Electronic Filing Envelope - Data Accompanying Submitted Documents.

### **3.1. E-Filing Standards**

#### **3.1.1. Size of Filing**

A single submission, whether consisting of a single document or multiple documents, shall not exceed 25 megabytes (25 MB) in size.

#### **3.1.2. 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.

#### **3.1.3. Electronic Filing Envelope - Data Accompanying Submitted Documents**

Filers 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.

This required information will be submitted in a uniform e-filing envelope, in compliance with current rules of procedure. The Florida Courts Technology Commission (FCTC) has established, and shall update as necessary, the requirements for the e-filing envelopes for each division and court type. The e-filing envelope will be maintained on the e-filing system of each court.

The e-filing envelope 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.

#### **3.1.4. Uniform Personal Identification**

Uniform personal identification standards are necessary to promote electronic filing. Each person provided with a unique identifier for purposes of filing documents electronically must use that identifier when e-filing. Submissions filed will be presumed

to have been filed by the person assigned to the unique identifier provided with the submission.

All electronic filing information systems must support the use of a uniform personal identifier. Existing systems must convert to, and comply with, the E-Portal's unique identifier requirement.

### **3.1.5. Electronic Notification of Receipt**

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

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

### **3.1.6. 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 must be isolated from other court networks or applications. Software and security devices such as antivirus software, firewalls, access control lists, and other filters must be utilized. Media capable of carrying viruses into court and clerk of court computers (e.g., computer networks and electronic media) must be scanned for viruses prior to processing.

### **3.1.7. Filing Process and Payment**

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

### **3.1.8. 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
- 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)

### **3.1.9. Legal Transmission Envelope**

Any electronic document or information submitted to a court with an initial filing or any subsequent case action must be transmitted using a data structure that provides universal

access at any court. A submission, whether consisting of a single document or multiple documents, shall not exceed 25 megabytes (25 MB) in size.

The e-filing system shall perform a validation of the submission to detect any discrepancies (such as incomplete data) or other problems (viruses) prior to being submitted to the courts. Where possible, the filer will be notified immediately if the e-filing system detects discrepancies or other problems with the submission. The validation rules will be specific to the type of submission (for example: new case initiation as opposed to filings in an existing case).

### **3.1.10. Court Control of Court Documents - Data Storage**

Original court data must be physically located in Florida to ensure that the original court record will be within the State of Florida on technology which is under the direct control of the Supreme Court and in the custody of the clerks of court. Copies of data may be stored within or outside the State of Florida for the purposes of disaster recovery/business continuity.

### **3.1.11. Local Document Receiving**

When information has been submitted electronically to the Clerk of Court's Office, via the Florida Courts E-Portal, the Clerk of Court will review the filed document and determine whether it contains the required information for placement into the clerk's case maintenance system. If, during the local document receiving process a determination is made that the filed document conflicts with any court rules or standards, then the clerk shall place the filed document into a pending queue. A filing may be placed in a pending queue for any reason that prevents the filing from being accepted into the clerk's case maintenance system, e.g. documents that cannot be associated with a pending case; a corrupt file<sup>1</sup>; or an incorrect filing fee.

Once placed in a pending queue, the clerk shall attempt to contact the filer and correct the identified issue(s). The filing will remain in a pending queue for no more than 5 (five) business days, after which time the filing will be docketed, as filed, and processed for judicial review.

### **3.1.12. Time Stamp**

For purposes of determining timeliness, a filing shall be deemed filed on the date and time the electronic filing is received at the portal. An electronic filing may be submitted to the portal at any time of the day or night, twenty four (24) hours a day seven days a week; the portal shall place a time/date stamp<sup>2</sup>. However, the filing will not be official information of record until it has been stored on the clerk's case maintenance system.

### **3.1.13. 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

---

<sup>1</sup> Document(s) that cannot be open or read

<sup>2</sup> The portal shall accommodate for multiple time zones (i.e. EST and CST)

electronically filed document. This requires the ability to verify the identity of the filer and the ability to verify that a document has not been altered after it was transmitted.

#### **3.1.14. Embedded Hyperlinks**

Hyperlinks embedded within a submission should refer only to information within the same document, or to external documents or information sources that are reasonably believed to be trustworthy and stable over long periods of time. Hyperlinks should not be used to refer to external documents or information sources likely to change.

#### **3.1.15. Exhibits**

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

Each exhibit that is admitted into evidence 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.

#### **3.1.16. Documents Exempt from Public Access**

All filers must comply with the privacy/confidentiality provisions of Florida Rules of Judicial Administration 2.420, and the prevention of unauthorized filings (minimization) provisions of Rule 2.425. These requirements apply to all documents, including attachments.

If a filer who electronically files a document containing information identified as exempt from public access pursuant to Rules 2.420 and 2.425, Florida Rules of Judicial Administration, the filer shall indicate that the document contains confidential or sensitive information. Documents that are exempt or claimed to be exempt from public access shall be processed pursuant to Rules 2.420 and 2.425.

The filer will be required to certify that either

- a. the filing transmitted through the portal, including all attachments, contains no confidential or sensitive information; **or**
- b. the filing transmitted through the portal, including all attachments, contains confidential or sensitive information and the filing has been properly protected by complying with the provisions of Rules 2.420 and 2.425, Florida Rules of Judicial Administration.

#### **3.1.17. Emergency Filing**

If a filer electronically files a document that is considered an emergency, the filer shall indicate that the filing is an emergency.

### **3.1.18. Archiving**

Electronic documents shall be archived in a manner that allows for presenting the information in the future without degradation, loss of content, or issues with software compatibility relative to the proper rendering of electronic documents.

### **3.1.19. Accommodation of Paper Submissions**

If permitted by the court, documents that are submitted in paper form shall be converted to an electronic format (i.e. a searchable document) to facilitate the creation of a single electronic case file.

### **3.1.20. 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 3.4 of this document.

### **3.1.21. Self-Represented Litigants**

Self-represented litigants shall be provided a means to file documents electronically (i.e. public computers available at clerks of court offices).

### **3.1.22. Adding a Party**

The e-filing system shall facilitate the addition of parties after the initial pleading is filed.

## **3.2. TECHNICAL FAILURE**

In accordance with Rule 2.525(e), Florida Rules of Judicial Administration, any attorney, party, or other person who elects to file any document by electronic transmission shall be responsible for any delay, disruption, interruption of the electronic signals, and readability of the document, and accepts the full risk that the document may not be properly filed with the clerk as a result.

### **3.2.1. 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 of court 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.

### **3.2.2. Procedure Where Notice of Electronic Filing Not Received**

If a Notice of Electronic Filing is not received from the ePortal 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 re-file the document electronically until such a Notice

is received. The filer has the responsibility of ensuring that submissions are electronically filed and received.

### **3.2.3. Retransmission of Electronic Filing**

If, within 24 hours after filing information electronically, the filer discovers that the version of the document available for viewing through the Electronic Case Filing System is incomplete, garbled or otherwise does not depict the document as transmitted, the filer shall notify the Clerk of Court immediately and retransmit the filing if necessary.

### **3.2.4. 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 Supreme 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 Supreme 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.

### **3.3. CONSIDERATION OF RECOMMENDED COURT REQUIREMENTS**

#### **3.3.1. Access to the Public**

The Clerk of Court shall provide to the public free access to local court records, which are not confidential, in paper or electronic format, as authorized by statute, court rule or Administrative Order of the Supreme Court.

#### **3.3.2. Access to the Judiciary and Court Staff**

The Clerk of Court shall provide to the judiciary and court staff electronic access to local dockets, calendars and other electronic court records as authorized by statute, court rule or Administrative Order of the Supreme Court.

### **3.4. 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 statutes (federal and state), court rule, Administrative Order issued by the Supreme Court, 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.”

## **4.0. ELECTRONIC PROCESSES - JUDICIAL**

The integrity of and efficient delivery of information to the judiciary are primary goals. Any electronic processes that involve the judiciary must be approved by the judiciary prior to implementation.

### **4.1. Delivery of Electronic Case Files**

An electronic case file being provided to the court should meet or exceed the capabilities and ease of use 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, and shall not have a negative operational impact on the court. The court shall have the opportunity to review and approve any changes to the current business process before the system may be implemented.

Any system that intends to deliver electronic files instead of paper files in part or in total that impacts the judiciary, that involves electronic workflow, functionality, and electronic document management service must be approved by the judiciary before the paper files may be discontinued. The Clerk of Court must be able to deliver paper case files upon request until the electronic case file delivery system is fully accepted by the judiciary.

The electronic file created by the Clerk of Court 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. At a minimum, the system must have search capability to find cases, have the ability to incorporate digital signatures, the ability to attach notes to cases, and be able to print specific portions or all pages of a document. The system must have logging capabilities for events such as failures, outages, correction of case file numbers, deletion of documents, and rejections due to incorrect filing or unusable documents due to poor quality images. Documents in an electronic file shall be available for viewing by the court immediately upon acceptance and validation by the clerk of court.

The court must validate that the electronic case file is accurate, reliable, timely, and provides needed reporting information, and is otherwise acceptable as part of its review and acceptance process.

#### **4.2. Courtroom Delivery and Functionality**

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.

Additionally, the system shall be capable of printing on demand. The system shall be able to print selected pages within a file, print excerpts from pages, etc. within a reasonable amount of time.

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

There shall be a method to word search for and select specific documents for viewing. Regardless of the document retrieval techniques employed, a viewer shall have the ability to quickly page, in horizontal and vertical format, through an electronic document or a case file. Word search capabilities shall be provided within the documents at various levels of functionality as defined by the judiciary.

Forms and documents that a judge or other courtroom personnel normally prepare during a particular proceeding shall be electronically prepared, reviewed, signed, printed, and distributed as another function supported by the electronic case management system. As these newly created electronic documents are created, they shall be simultaneously filed within the case.

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.”

The submission process is only one part of a comprehensive electronic documents system. Focusing only upon the initial filing de-emphasizes most of the potential benefits of electronic filing. The failure to consider electronic filing as one part of a much larger process will result in an expensive system with limited utility to court users such as judges, lawyers, litigants, and court staff. The term “Electronic Filing Processes” is preferable to “Electronic Court Documents” which might apply only to court imaging systems that create electronic documents by scanning paper filings. (The term “Electronic Court documents” includes standards for document management systems, which are not within the scope of these standards.) The term “Electronic Filing Processes” incorporates converting paper documents to electronic images, 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.

## **5.0. ELECTRONIC SIGNATURES**

### **5.1. Signatures of Registered Users**

A submission by a registered user is not required to bear the electronic image of the handwritten signature or an encrypted signature of the filer. Electronic signatures may be used in place of a handwritten signature unless otherwise prohibited by law. The information contained in the signature block shall meet the following required elements defined in Rule 2.515(a) and (b), Florida Rules of Judicial Administration. Additional information is optional.

#### **Attorney Example**

s/ John Doe  
Bar Number 12345  
123 South Street  
City, FL 12345  
Telephone: (123) 123-4567

#### **ProSe Example**

s/ Jane Doe  
123 North Street  
City, FL 12345

Telephone: (123) 123-4567

## **5.2. Multiple Attorneys of Record Signatures**

When a filing 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 this purpose, 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.

## **5.3. Original Documents or Handwritten Signatures**

Original documents, such as death certificates, or those that contain original signatures such as affidavits, deeds, mortgages and wills must be filed manually until further standards have been adopted.

## **5.4. Judge Signature**

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

### **5.4.1. Security**

An electronic signature of a judge shall be accompanied by a date and time stamp and the case number, to reduce unauthorized usage.

### **5.4.2. Functionality**

The ability to affix a judicial signature on documents must include functionality that would improve the process. This functionality at a minimum should include the following:

1. The ability to prioritize documents for signature.
2. Allow multiple documents to be reviewed and signed in a batch in addition to individually.
3. The judge must have the ability to review and edit, reject, sign and file documents.
4. Have a standard signature block size on the document.
5. Allow forwarding of queued documents to another judge for signature if the primary judge is unavailable.
6. After documents are signed or rejected, they should be removed from the queue.
7. Have the ability to electronically file the signed documents into the case management system to be electronically distributed to all appropriate parties.

## **6.0. CASE MANAGEMENT SYSTEM DESIGN FRAMEWORK**

### **6.1. Overview**

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.

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.

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.

### **6.2. 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.

### **6.3. Design Guidelines**

The case management system design will be based upon the work of the Commission on Trial Court Performance and Accountability (TCP&A), in collaboration with the Florida Courts Technology Commission (FCTC) as outlined in Supreme Court Administrative Order AOSC10-48, IN RE: Commission on Trial Court Performance and Accountability, specially through the Trial Court Integrated Management Solution (TIMS) project.

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

Technical standards will be updated in conjunction with the Trial Court Integrated Management Solution (TIMS) project, directed by the Commission on Trial Court Performance and Accountability. The FCTC has established a technical standards committee to work with the TCP&A on appropriate updates.

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.

#### **6.4. 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.

#### **6.5. 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.

#### **6.6. 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](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.

### **7.0. REPORTS**

Electronic systems must provide reports that can provide information to the judiciary regarding case management and administration, and be flexible enough to provide custom queries and reports as needed.

At a minimum, court case management systems (CMS) must have the ability to produce immediate access to online, electronic performance statistics. The performance statistics shall include but not be limited to printed monthly reports by judge, docket and division on cases filed and disposed by case type, up to date listing and count of cases pending by case type, case track and age from date of complaint, active/inactive and scheduling status, date and type of next scheduled event, case disposed by type of disposition, time to disposition of cases disposed during the reporting period.

## **8.0. GOVERNANCE**

A Governance Structure shall be established to make certain that initiatives regarding electronic access to the court meet established standards, maximize or improve workflow processes, improve accessibility to the court, and allow stakeholders to communicate in a manner that allows for effective integration of systems.

Integration of systems, such as e-filing and case management, offers many opportunities to be more cost effective and efficient. Integration brings with it the critical need for 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 to provide the following:

1. 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. 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. A means for needed changes in business workflow to be accepted and implemented into the organizational culture.