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

February 1, 2013

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

Re: Response of the Florida Courts Technology Commission regarding issues related to transmission of the electronic record on appeal

Dear Chief Justice Polston:

In accordance with the Supreme Court's November 28, 2012, order in In re: Amendments to the Florida Rules of Civil Procedure, The Florida Rules of Judicial Administration, the Florida Rules of Criminal Procedure, the Florida Probate Rules, the Florida Small Claims Rules, The Florida Rules of Juvenile Procedure, The Florida Rules of Appellate Procedure, and the Florida Family Law Rules of Procedure – Electronic Filing, ___ So.3d ___, 2012 WL 2865998, 37 Fla. L. Weekly S423 (Fla., June 21, 2012)(No. SC11-399), and in my capacity as chair of the Florida Courts Technology Commission (FCTC), I submit this supplemental response, on behalf of FCTC, to the October 5, 2012, status report of the Florida E-Filing Authority. That report is appended to this response.

The report, in relevant part, advises that at the present time, no trial court clerks are presently compliant with the technical specification for transmission of the electronic record on appeal to the Supreme Court in death cases. The Florida Court Clerks and Comptrollers (FCCC) has reported that in the 35 counties using Clericus, application programming changes can be made that would allow the trial

courts to send electronic records based on the standard. Of the remaining vendors, only Tyler Technologies responded to the advisory bulletin with a request for clarification. FCCC and Tyler Technologies have expressed no concern with meeting the standards by the deadline mandated.

The remaining twenty-five (25) trial clerks and their vendors did not respond to the advisory bulletin, and the OSCA attempted to communicate directly with each of them. Of those, seventeen (17) clerks or their vendors have requested additional information and have indicated that they will work diligently to meet the mandated deadline, but are not certain they will be able to do so; six (6) did not express any concern with the ability to meet the standard; and two (2) did not respond with any issues or concerns with meeting the standard.

At present, , the First District Court of Appeal and the Fifth District Court of Appeal are accepting electronic filings from trial courts via iDCA/eDCA. Recently, the ACTC approved implementation of iDCA/eDCA at the Third District Court of Appeal and the Fourth District Court of Appeal on an interim basis until eFACTS is implemented statewide.

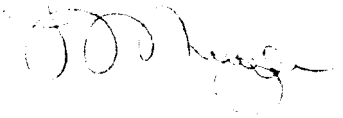
At this time, iDCA/eDCA does not comply with the technical specification for electronic records, but it can be made compliant with minimal programming enhancements. The estimated cost of these enhancements is $16,000 and they are projected to be implemented no later than June 30, 2013. Until that time, electronic transmissions sent via iDCA/eDCA to the Florida Supreme Court will exceed the size limitations of eFACTS.

In the appellate courts currently using eFACTS (Second District Court of Appeal and the Florida Supreme Court), application programming changes can be made that would allow them to accept electronic records from the trial courts based on the standard.

Because district courts of appeal have no practical ability to convert paper records to electronic records, their ability to transmit electronic records to the Supreme Court depends on the compliance of the circuit court clerks in their respective jurisdictions. Due to this limitation, the commission proposes that both electronic and paper records continue to be transmitted from the district courts of appeal to the Supreme Court in the format received at the district courts until statewide compliance is achieved.

Thank you for the opportunity to provide the response. If you have any questions, please do not hesitate to call me.

Sincerely,



Lisa T. Munyon
Circuit Judge
Ninth Judicial Circuit

RE: Issues Related to Transmission of the Electronic Record on Appeal
Response to SC11-399 Order dated November 28, 2012

2013 FEB -1 AM 11:12
BY

ISSUE 1: Transmissions from the trial courts to the district courts of appeal and the Florida Supreme Court (Death Cases):

At this time, no counties are compliant with the technical specification for transmission of electronic record on appeal. The status of each vendor and the number of counties using its system is as follows:

Vendor	Number of Counties	2012 Appellate Filings	Implementation Date
Clericus	35	11.84%	June 30, 2013
Pioneer/Benchmark	12	14.19%	*June 30, 2013
Tyler/Odessey	7	31.73%	June 30, 2013
Courtview	2	2.78%	June 30, 2013
Aptitude/Showcase	4	13.84%	June 30, 2013
Creative Data Solutions	1	0.41%	*June 30, 2013
Tiburon-FACTS	2	4.99%	**June 30, 2013
New Vision	1	3.38%	*June 30, 2013
In House System	3	16.84%	*June 30, 2013

The Florida Court Clerks and Comptrollers (FCCC) has reported that in the 35 counties using Clericus, application programming changes can be made that would allow the trial courts to send electronic records based on the standard. The FCCC sent out an advisory bulletin to all counties specifying the new standard and asking for feedback on capabilities of trial courts in meeting the standard. They received and forwarded to the Office of the State Courts Administrator (OSCA) one response from Tyler Technologies, a technology vendor for seven trial courts. Tyler had questions regarding the method of transmission and the Portable Document Format (PDF) standards. OSCA/ISS has responded to the FCCC and Tyler Technologies that in the short term there will be some flexibility regarding the method of transmission, but the PDF submissions must follow standards already specified by the court.

The FCCC had no other responses to the advisory bulletin. Therefore, the OSCA communicated directly with the remaining 25 counties to inquire about their readiness, and to advise that if no issues were identified, this report to the Supreme Court would indicate those counties would be compliant with the standard by the date mandated. The counties/vendors that have responded with requests for additional information or concerns are denoted above as *June 30, 2013. Those vendors have indicated they will work diligently to meet the mandated date, but cannot guarantee they will be able to do so. Pioneer Technology Group (Pioneer) specifically expressed concerns with implementation for all twelve counties by June 30, 2013, as testing will be conducted within one county (test site). Pioneer does not plan to deploy to multiple test sites due to the time constraints associated with the established deadline. Production deployment will only occur after the product has gone through all cycles (State and Pilot) and is deemed Production worthy. The remaining vendor denoted above as **June 30, 2013 did not respond with issues or concerns about meeting the standards.

Some vendors expressed reluctance to modify their products to comply with the technical standards, based on a perceived inconsistency between the standards and the Rules of Appellate Procedure.

Numerous Executive Branch agencies that transmit electronic records to the district courts of appeal (Department of Children and Families, Department of Administrative Hearings, Department of Financial Services, etc.) are not mandated to transmit electronically to the appellate courts. Therefore, any agency that does not elect to adhere to these standards will continue to submit transmissions via paper. However, OSCA staff is reaching out to these agencies and other administrative offices to offer assistance and encourage compliance. We note, however, that the First and Fifth District Courts of Appeal require all records on appeal to be filed with those courts electronically pursuant to administrative order, including records from state agencies, and both courts currently receive all records electronically from state agencies appearing before those courts.

ISSUE 2: Transmissions from the district courts of appeal to the Florida Supreme Court:

Currently, the First District Court of Appeal and the Fifth District Court of Appeal are accepting electronic filings from trial courts via iDCA/eDCA. Recently, the ACTC approved implementation of iDCA/eDCA at the Third District Court of Appeal and the Fourth District Court of Appeal on an interim basis until eFACTS is implemented statewide.

At this time, iDCA/eDCA does not comply with the technical specification for electronic records, but it can be made compliant with minimal programming enhancements. The estimated cost of these enhancements is $16,000 and they are projected to be implemented no later than June 30, 2013. Until that time, electronic transmissions sent via iDCA/eDCA to the Florida Supreme Court will exceed the size limitations of eFACTS.

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Florida Courts E-Filing Authority Board

October eFiling Update

Levi Owens, ePortal Project Manager

myflcourtaccess.com

Florida Courts

E-Filing Authority

ePortal Usage Statistics

myflcourtaccess.com

The Florida Courts ePortal

2012 Usage Statistics

Current through September 30

Filings		Documents	
YTD Total	Avg / Month	YTD Total	Avg / Month
168,845	18,761	232,993	25,888

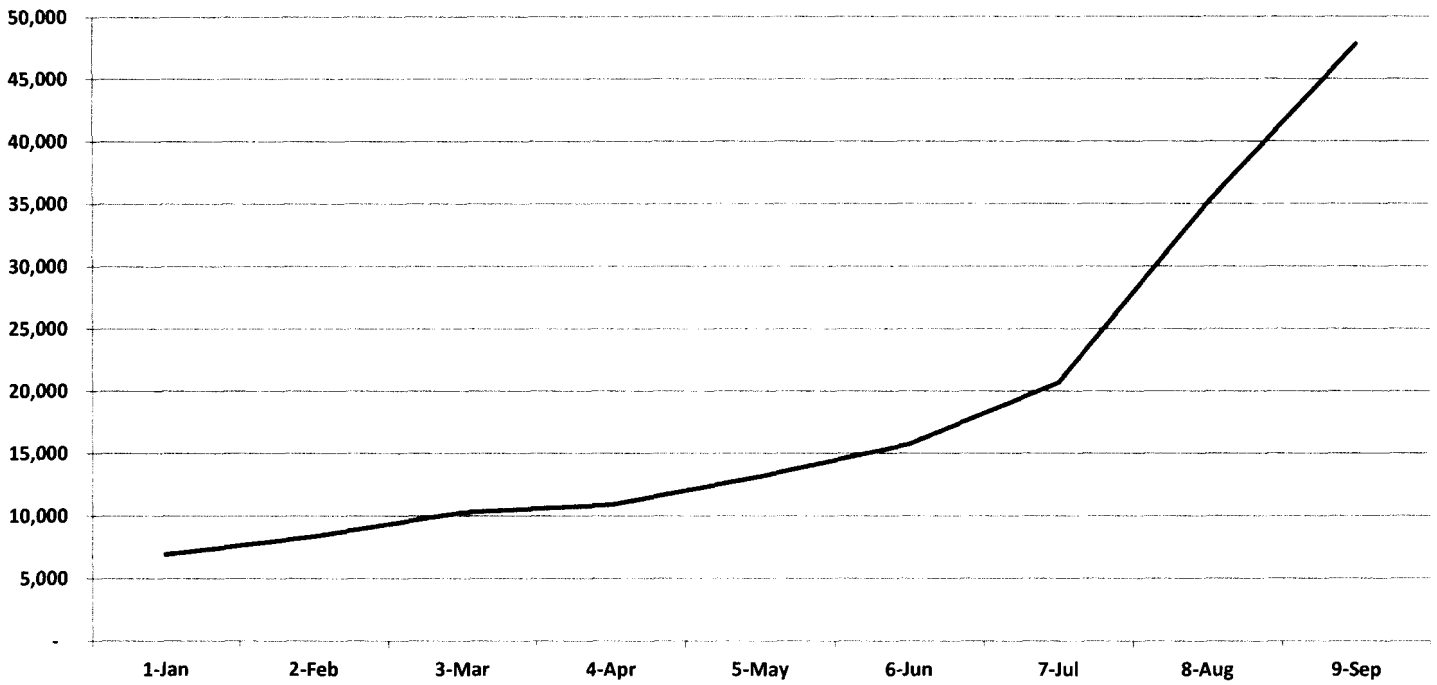
Total Registered ePortal Users	Total Active eFilers
15,449	6,142

The Florida Courts ePortal

2012 Usage Statistics

Current through September 30

2012 YTD eFilings by Month

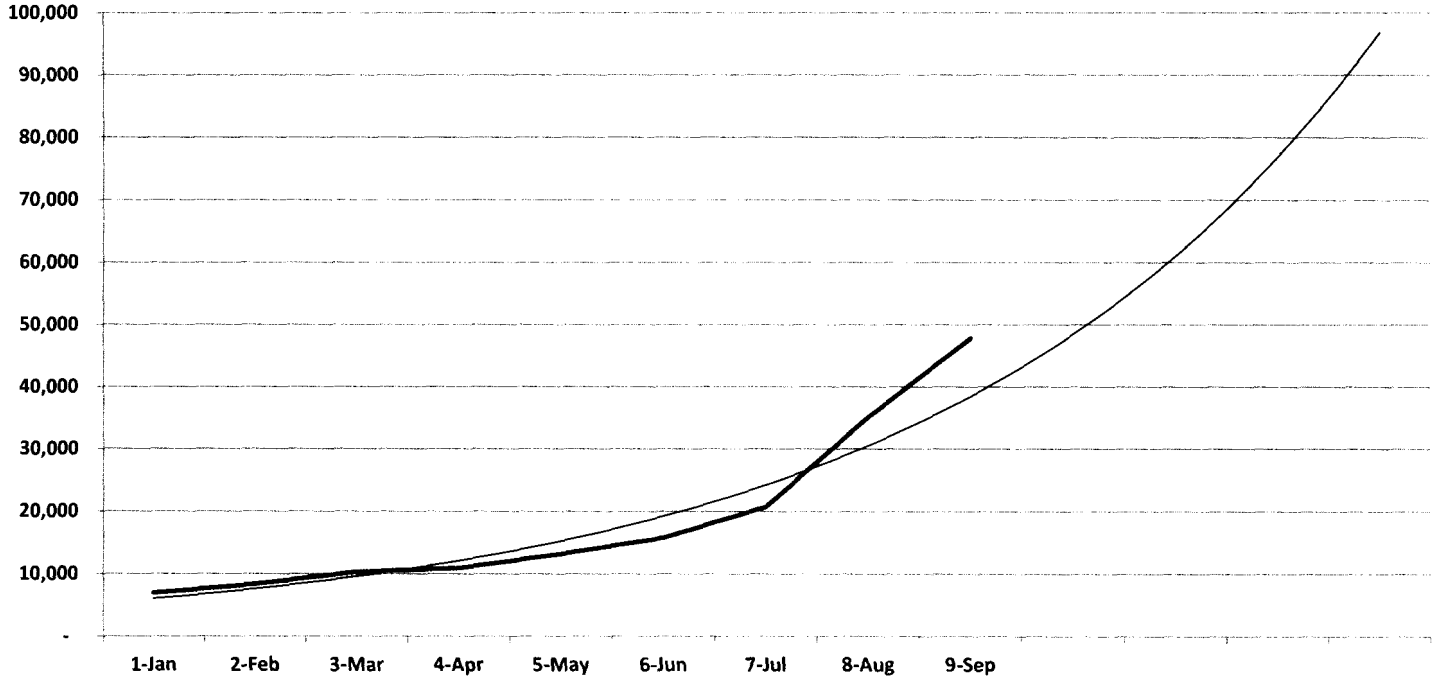


The Florida Courts ePortal

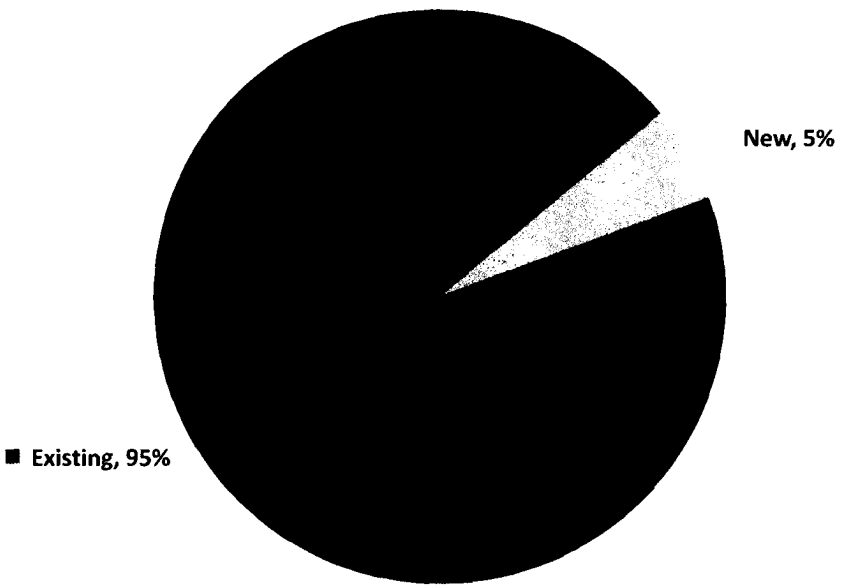
2012 Usage Statistics

Current through September 30

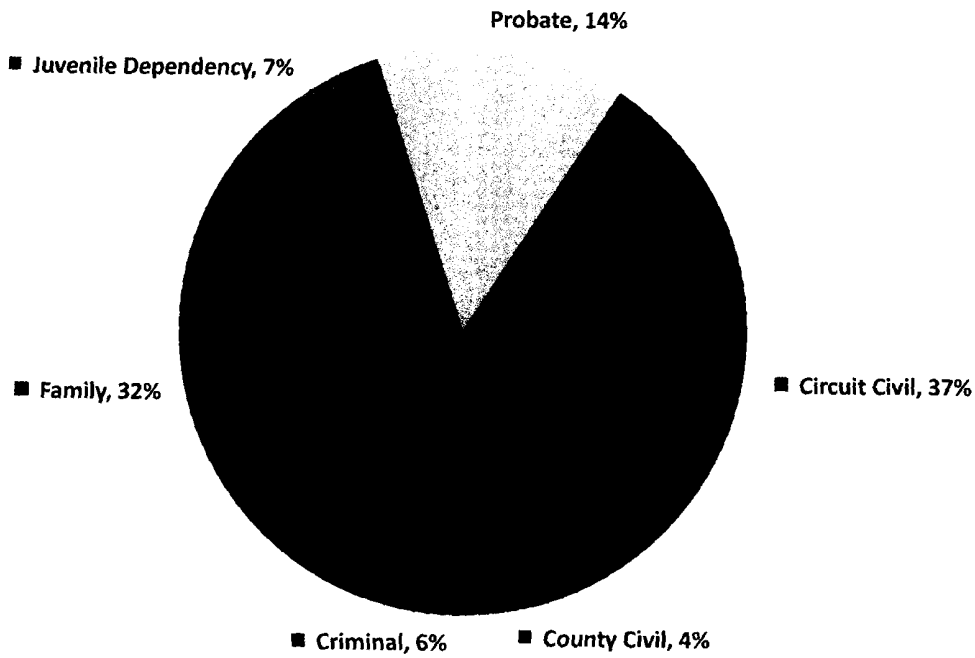
Projections Through January 2013



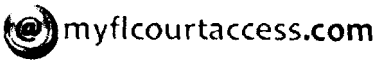
eFilings by Type of Case



eFilings by Division



Civil Readiness Report



Civil Readiness Report

Current as of: October 1, 2012

Capability Established for Civil eFiling (52 Counties)

- Alachua
- Baker
- Bay
- Bradford
- Brevard
- Calhoun
- Charlotte
- Clay (via Local System)
- Collier
- Columbia
- Duval
- DeSoto
- Escambia
- Flagler
- Franklin
- Gadsden
- Gilchrist
- Glades
- Gulf
- Hamilton
- Hardee
- Hendry
- Hernando
- Highlands
- Holmes
- Indian River
- Jackson
- Jefferson
- Lafayette
- Lake
- Lee
- Leon
- Liberty
- Madison
- Manatee
- Marion
- Martin
- Monroe
- Okaloosa
- Okeechobee
- Palm Beach
- Putnam
- Santa Rosa
- Sarasota
- St. John's
- St. Lucie
- Suwannee
- Union
- Volusia
- Wakulla
- Walton
- Washington

Civil Readiness Report

Current as of: October 1, 2012

Continuing Civil Implementation (15 counties)

County	Circuit Civil	County Civil	Probate	Family	Juvenile Dependency
Broward	COMPLETE	10/31/2012	COMPLETE	COMPLETE	3/1/2013
Citrus	11/15/2012	11/15/2012	11/15/2012	11/15/2012	11/15/2012
Dixie	10/22/2012	10/22/2012	10/22/2012	10/22/2012	10/22/2012
Hillsborough	Subsequent Filings Complete Initial Filings by 10/26/2012	Subsequent Filings Complete Initial Filings by 10/26/2012	COMPLETE	Subsequent Filings Complete Initial Filings by 10/26/2012	5/31/2013
Levy	10/20/2012	10/20/2012	10/20/2012	10/20/2012	10/20/2012
Miami-Dade	Subsequent Filings Complete Initial Filings by 3/1/2013	Subsequent Filings Complete Initial Filings by 3/1/2013	Subsequent Filings Complete Initial Filings by 3/1/2013	Subsequent Filings Complete Initial Filings by 3/1/2013	Subsequent Filings Complete Initial Filings by 3/1/2013
Nassau	11/13/2012	11/13/2012	11/13/2012	11/13/2012	11/13/2012

Civil Readiness Report

Current as of: October 1, 2012

Continuing Civil Implementation (15 counties)

County	Circuit Civil	County Civil	Probate	Family	Juvenile Dependency
Orange	Current Capability via Local System 3/1/2013	3/1/2013	Current Capability via Local System 3/1/2013	3/1/2013	3/1/2013
Osceola	12/3/2012	12/3/2012	12/3/2012	12/3/2012	1/6/2013
Pasco	3/1/2013	3/1/2013	Current Capability via Local System 3/1/2013	3/1/2013	3/1/2013
Pinellas	10/31/2012	10/31/2012	COMPLETE	10/31/2012	COMPLETE
Polk	COMPLETE	COMPLETE	COMPLETE	COMPLETE	11/1/2012
Seminole	Subsequent Filings Complete Initial Filings by 12/3/2012	Subsequent Filings Complete Initial Filings by 12/3/2012	Subsequent Filings Complete Initial Filings by 12/3/2012	Subsequent Filings Complete Initial Filings by 12/3/2012	4/1/2013
Sumter	10/29/2012	10/29/2012	10/29/2012	10/29/2012	10/29/2012
Taylor	11/2/2012	10/15/2012	10/15/2012	11/2/2012	11/2/2012

Appellate Readiness Report

myflcourtaccess.com

Appellate Readiness Report

Current as of: October 1, 2012

Appellate Courts

Court	eFiling	Scanning	Automated Redaction
Supreme Court	December 2012	Yes	No
First District Court of Appeal	December 2013	Yes	No
Second District Court of Appeal	April 2013	Yes	No
Third District Court of Appeal	June 2013	June 2013	No
Fourth District Court of Appeal	August 2013	August 2013	No
Fifth District Court of Appeal	October 2013	Yes	No

Criminal Update

myflcourtaccess.com

Criminal Update

- The ePortal is fully implemented and capable of receiving eFilings on Existing Criminal cases
- Collier, Lake, Santa Rosa, and Walton are currently accepting Single Session Criminal eFilings through the ePortal
- Progress continues in the collaborative effort between the State Attorneys, Public Defenders, and the FCCC to develop, test, and implement bulk eFiling via the Criminal Batch Interface
- 12 prospective county clerks offices have been identified for the Criminal Pilot Program and are currently determining if State Attorney and Public Defender counterparts in their circuit will be able to participate in testing and live eFiling verification for Existing Criminal cases