

March 19, 2010

Hon. Judith L. Kreeger
Eleventh Judicial circuit
Lawson E. Thomas Courthouse Center
175 N.W. 1st Avenue, Suite 2114
Miami, Florida 33128-1845

Re.: FACC comments on proposed Rule of Judicial Administration 2.236, Case No. SC10-241

Dear Judge Kreeger,

Thank you for the opportunity to comment on proposed Rule of Judicial Administration 2.236, creating a Florida Courts Technology Commission to oversee, manage, and direct the development and use of technology within the judicial branch under the direction of the Supreme Court.

The Florida Association of Court Clerks and Comptrollers (FACC) concurs that a compelling need exists for a permanent body to oversee and monitor the development, maintenance, management, and implementation of technology in the Florida justice systems and to provide its partners a forum for discussion. This need is underscored by the expansion of electronic court records throughout the state and the future implementation of a statewide electronic filing portal.

We agree with the Technology Review Work Group's (TRW) recommendations published in its final Court System Interim Project Report, March 2, 2010. The report was mandated by Chapter 2009-61, Laws of Florida. In the report TRW identified options and approaches for implementing the integrated computer system called for in s. 29.008(1)(f)(2), F.S.

After extensive research and information gathering, the TRW developed six recommendations for the Legislature. Referenced below is TRW recommendation number two describing a state and circuit level governance structure:

“2. A permanent state - and circuit-level governance structure should be established in law to provide needed policy and operational decision-making authority and coordination of court technology related to the integrated computer system.

As described in the 2004 Senate Interim Study on the Implementation of an Integrated Computer System for the State Court System, such a structure is necessary to ensure that state and local government needs are met in an efficient, pragmatic, and cost-effective manner.

The governance structure is necessary to make decisions that in many cases are not made today because of incomplete policy direction, constitutional or statutory limitations, financial constraints, or disagreements over funding or responsibilities. The governance structure must specify decision-making authority for policy, investment, business applications, architecture, and infrastructure decisions in the planning, implementation, and operation of the integrated computer system. Responsibilities of state, circuit, and county-level officials in this governance structure also must be clearly defined.

The basic governance structure for the integrated computer system should be established in statute and should include a State Court Technology Board and a Circuit Technology Steering Committee in each judicial circuit. Although specific responsibilities of these entities will depend on the implementation option(s) selected by the Legislature, overall responsibilities include those required to successfully plan for, implement, manage, and operate the integrated computer system.”

(Additional recommended responsibilities for a state Court Technology Board and a Circuit Technology Steering Committee are outlined in pages 56-58 of the report.)

In early February 2010, FACC provided comment to the TRW’s draft Court System Interim Project Report. We addressed the governance recommendation by noting that throughout the TRW report the need for stakeholder coordination was well documented. FACC agreed that recognizing the justice system stakeholders’ strategic role in a governance structure was critical for creating the necessary long-term participation and trust needed for resource allocations and time commitments.

FACC believes the creation of permanent state and circuit-level governance boards should include all justice system stakeholders, to ensure solutions are developed that fit the needs of all judges, OSCA, public defenders, state attorneys, guardians ad litem, criminal conflict and civil regional counsels, and Clerks of Court. We believe broad participation among justice system stakeholders is the best way to achieve future success.

In addition, to ensure governance boards have the advantage of the knowledge, skills, and abilities of the best members, each stakeholder group should select their own representative to participate. Clerks of Court, and other stakeholders, should choose representatives to serve who have the technical knowledge and stakeholder expertise to provide operational perspective and guidance. Further, we believe governance board chairs should be elected by the members and rotate according to developed bylaws. This approach ensures a chartered group of stakeholders is authorized to make decisions, and has ownership in their outcomes.

Thank you for the opportunity to comment on the proposed Rule of Judicial Administration 2.236.

Sincerely yours,

Jim Fuller, President
Florida Association of Court Clerks and Comptrollers