

Supreme Court of Florida

No. AOSC09-29

IN RE: ELECTRONIC TRANSMISSION AND FILING OF
DOCUMENTS UNDER FLORIDA RULE OF JUDICIAL
ADMINISTRATION 2.525 FOR HILLSBOROUGH
COUNTY, IN THE THIRTEENTH JUDICIAL CIRCUIT

ADMINISTRATIVE ORDER

Pursuant to rule 2.525, Florida Rules of Judicial Administration, “[a]ny court or clerk of court may accept electronic transmission of documents for filing after the clerk, with input from the chief judge of the circuit, has obtained approval of the procedures and program for doing so from the Supreme Court of Florida.”

In In re: Electronic Transmission and Filing of Documents under Florida Rule of Judicial Administration 2.525 for Hillsborough County, No. AOSC08-12 (Fla. April 21, 2008), Hillsborough County was authorized to implement an electronic filing system in General Civil, Division L, of the Complex Business Litigation Division. The Hillsborough County Clerk of Court has submitted a request for permission to amend the application authorized by AOSC08-12, to re-submit an alternate Disaster Recovery Plan.

The Hillsborough County Clerk of Court has satisfied all the terms and conditions as previously set forth in AOSC08-12.

The Electronic Filing Committee of the Florida Courts Technology Commission, pursuant to the procedure established by the Supreme Court, reviewed the request and recommended that the Supreme Court of Florida approve the request from Hillsborough County. The Florida Courts Technology Commission concurred with the recommendation of the Electronic Filing Committee.

Accordingly, the Hillsborough County Clerk of Court's proposed amendment to the electronic filing plan that was authorized by AOSC08-12, specifically the adoption of an alternate Disaster Recovery Plan, is hereby approved subject to the following terms and conditions:

- a. The Hillsborough County Clerk of Court may implement the aforementioned technology procedures in accordance with the approved plan effective on the date of this order.
- b. The Hillsborough County Clerk of Court shall ensure that there is no possibility for vendors to release or distribute court data to third parties and that the Clerk of Court retains the designation as custodian of the court records.

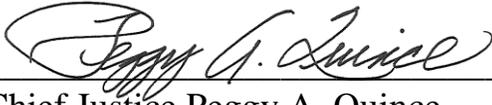
- c. The Hillsborough County Clerk of Court shall ensure that contract provisions prohibit any vendor from extracting, data mining, or engaging in similar activities with regard to information from original court filings and other court records or any associated databases containing court records in the circuit for commercial or other non court related uses.
- d. The Hillsborough County Clerk of Court shall ensure that no fees can be assessed or collected, other than statutorily required fees, and shall continue to accept paper filings at no charge.
- e. The Hillsborough County Clerk of Court shall ensure that remote data backups will be stored in a protected environment that is not subject to the same risks as the primary site of the court record, and that the circuit will comply with established data backup standards as they are revised and updated.
- f. The Hillsborough County Clerk of Court shall submit monthly progress reports to the court system during the 90-day pilot test. Copies of the monthly progress reports shall be provided to the Chief Judge of the Thirteenth Judicial Circuit, the State Courts Technology Officer in the Office of the State Courts Administrator, and the Clerk of the Supreme Court of Florida.

- g. Any attorney, party, or other person who files a document by electronic transmission with the Hillsborough County Clerk of Court shall immediately thereafter file the identical document in paper form with an original signature of the attorney, party, or other person if a signature is otherwise required by the Rules of Judicial Administration (hereinafter referred to as the follow-up filing). The follow-up filing of any document that has been previously filed by electronic transmission may be discontinued if, after a 90-day period of accepting electronically filed documents, the clerk of court and chief judge certify to this Court that the electronic filing system is efficient, reliable, and meets the demands of all parties, and this Court has issued an administrative order authorizing the elimination of the follow-up filing for the Hillsborough County General Civil, Division L, of the Complex Business Litigation Division.
- h. This approval does not constitute an approval of any electronic forms that may be used in this process.
- i. The Hillsborough County Clerk of Court shall abide by In re: Revised Interim Policy on Electronic Release of Court Records, AOSC07-49 (Fla. Sept. 7, 2007).

- j. The Clerk of Court for Hillsborough County shall ensure that the electronic filing system complies with the Americans with Disabilities Act of 1990 and the Section 508 standards as incorporated into Florida law, and is accessible to users with disabilities. Furthermore, if the system is amended, updated, or improved in the future, the Clerk of Court for Hillsborough County shall continue to ensure that the system complies with the Americans with Disabilities Act of 1990 and the Section 508 standards as incorporated in Florida law.
- k. The Supreme Court anticipates the approval of a statewide e-filing “portal” to ensure equal access to electronic filing across the state and has directed that the Florida Courts Technology Commission make implementation of such a system a priority of the judicial branch. All local electronic filing systems must be compatible with the statewide electronic filing portal and approval of Hillsborough County’s request is contingent on the system’s compatibility with the statewide portal when it is approved.
- l. At the present time, the Court is considering enhancements to current electronic filing practices throughout the State. There is a possibility that these enhancements may include the development and application of new business practices and technology standardization. Because

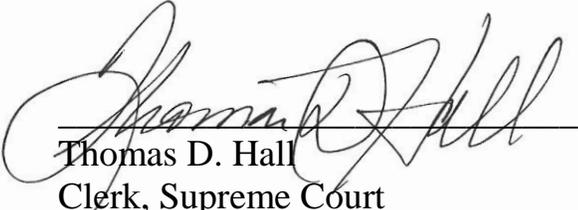
these enhancements may occur in the near future, it will be the responsibility of the Clerk to ensure that functionality of the proposed system related to electronic court records will also be made compliant with these new technological enhancements.

DONE AND ORDERED at Tallahassee, Florida, on June 23, 2009.



Chief Justice Peggy A. Quince

ATTEST:



Thomas D. Hall
Clerk, Supreme Court

