

Supreme Court of Florida

No. AOSC10-21

IN RE: ELECTRONIC TRANSMISSION AND FILING OF
DOCUMENTS UNDER FLORIDA RULE OF JUDICIAL
ADMINISTRATION 2.525 FOR LEE COUNTY, IN THE
TWENTIETH 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.”

The Lee County Clerk of Court has submitted an Electronic Transmission and Filing of Documents Plan, requesting approval to accept documents filed by electronic transmission in the probate division of the court.

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 Lee County. The Florida Courts Technology Commission concurred with the recommendation of the Electronic Filing Committee.

Accordingly, the plan submitted by the Lee County Clerk of Court is hereby approved subject to the following terms and conditions:

- a. The Lee County Clerk of Court may implement the aforementioned technology procedures in accordance with the approved plan effective on the date of this order and must adhere to the statewide standards for electronic access to the courts as outlined in In re: Statewide Standards for Electronic Access to the Courts, AOSC09-30 (Fla. July 1, 2009).
- b. The Lee 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 Lee 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 Lee County Clerk of Court shall ensure that no fees other than statutorily required fees can be assessed or collected by the clerk of court.
- e. The Lee County Clerk of Court shall ensure that remote data backups will be stored in a protected environment a minimum of 50 miles from

the primary production location of the court record or at a certified hardened facility, and that the circuit will comply with established data backup standards as they are revised and updated.

- f. This approval does not constitute an approval of any electronic forms that may be used in this process.
- g. The Lee 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 Twentieth Judicial Circuit, the State Courts Technology Officer in the Office of the State Courts Administrator, and the Clerk of the Supreme Court of Florida.
- h. Any attorney, party, or other person who files a document by electronic transmission with the Lee 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 Lee County Probate Division.

- i. The Lee 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 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 Lee County’s request is contingent on the system’s compatibility with the statewide portal when it is approved.
- k. 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 of Court for Lee County to ensure that functionality of the proposed system related to electronic court records will also be made compliant with these new technological enhancements.

1. The Lee County Clerk of Court must continue to provide paper to the judiciary until the chief judge authorizes the elimination of paper files. At such time, the Lee County Clerk of Court must convert all documents to searchable PDFs.

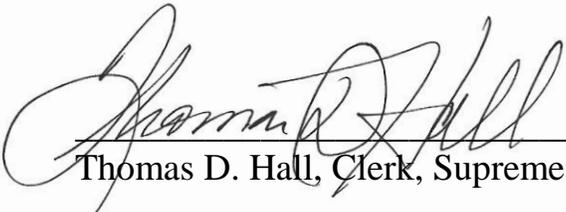
In addition to the foregoing enumerated terms and conditions, the chief judge may, pursuant to the chief judge's constitutional and statutory responsibility for administrative supervision of the courts within the circuit, impose e-filing system or related requirements by local administrative order that are consistent with this administrative order.

DONE AND ORDERED at Tallahassee, Florida, on May 5, 2010.



Chief Justice Peggy A. Quince

ATTEST:



Thomas D. Hall, Clerk, Supreme Court

