

# Supreme Court of Florida

No. AOSC10-22

IN RE:           ELECTRONIC TRANSMISSION AND FILING OF  
DOCUMENTS IN THE PROBATE DIVISION

## ADMINISTRATIVE ORDER

WHEREAS, the use of automation and technology is making many government functions more convenient for citizens to use, and the electronic transmission and filing of court documents can likewise make the courts more accessible to citizens as well as save litigants time and money; and

WHEREAS, electronic filing will significantly reduce the costs of paper and storage for the courts; and

WHEREAS, the Supreme Court of Florida originally adopted rules governing electronic filing in 1979, the Florida State Courts System has been working to automate the process for filing court documents for many years, and the Florida Legislature in 2008 supported these efforts by enacting Chapter 2009-61, Laws of Florida (Committee Substitute for Senate Bill 1718); and

WHEREAS, in the summer of 2009 the Florida Courts Technology Commission recommended that statewide electronic filing should begin in the probate division of the circuit courts; and

WHEREAS, 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;” and

WHEREAS, pursuant to the procedure established by the Supreme Court of Florida, the clerk of court for each county listed below 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 reviewed each of those requests and recommended approval by the Supreme Court; and the Florida Courts Technology Commission concurred with the recommendation of the Electronic Filing Committee; and

WHEREAS, it is beneficial to consolidate information about the approval of electronic filing systems within the probate division into one comprehensive administrative order.

NOW, THEREFORE, BE IT ORDERED AND ADJUDGED that the electronic filing plan for the probate division, submitted by the respective clerk of court for each county listed below, is hereby approved.

1. ***Alachua County:*** Approved by this administrative order.
2. ***Broward County:*** Approved by AOSC07-19 (Fla. April 23, 2007), as amended by AOSC09-18 (Fla. May 6, 2009) and this administrative order.
3. ***Calhoun County:*** Approved by AOSC10-20 (Fla. May 5, 2010), as amended by this administrative order.
4. ***Columbia County:*** Approved by this administrative order.
5. ***Escambia County:*** Approved by this administrative order.
6. ***Franklin County:*** Approved by this administrative order.
7. ***Gilchrist County:*** Approved by this administrative order.
8. ***Gulf County:*** Approved by AOSC10-20 (Fla. May 5, 2010), as amended by this administrative order.
9. ***Holmes County:*** Approved by AOSC10-20 (Fla. May 5, 2010), as amended by this administrative order.
10. ***Jackson County:*** Approved by AOSC10-20 (Fla. May 5, 2010), as amended by this administrative order.
11. ***Lafayette County:*** Approved by AOSC10-19 (Fla. May 5, 2010), as amended by this administrative order.
12. ***Leon County:*** Approved by this administrative order.
13. ***Lee County:*** Approved by AOSC10-21 (Fla. May 5, 2010), as amended by this administrative order.
14. ***Madison County:*** Approved by this administrative order.

15. ***Manatee County:*** Approved by AOSC01-04 (Fla. Jan. 26, 2001), as amended by AOSC05-91 (Fla. March 4, 2009) and this administrative order.
16. ***Nassau County:*** Approved by this administrative order.
17. ***Pasco County:*** Approved by AOSC05-15 (Fla. April 27, 2005), as amended by AOSC07-23 (Fla. April 23, 2007) and this administrative order.
18. ***Polk County:*** Approved by AOSC10-7 (Fla. Feb. 26, 2010), as amended by this administrative order.
19. ***Santa Rosa County:*** Approved by this administrative order.
20. ***Sarasota County:*** Approved by AOSC03-9 (Feb. 18, 2003), as amended by AOSC09-9 (Fla. April 29, 2009) and this administrative order.
21. ***Suwannee County:*** Approved by this administrative order.
22. ***Walton County:*** Approved by this administrative order.
23. ***Washington County:*** Approved by AOSC10-20 (May 5, 2010) and amended by this administrative order.

The approval of these electronic filing systems is subject to the following terms and conditions. Violation of any of the following conditions shall constitute grounds for revocation of the approval to implement electronic filing in the respective county.

- a. The 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 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 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 clerk of court shall ensure that no fees other than statutorily required fees are assessed or collected by the clerk of court.
- e. The clerk of court shall ensure that the data is backed up and is recoverable. The clerk of court will ensure that remote data backups are 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 complies 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 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 applicable 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 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 respective county probate division.

- i. The 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 each of the above electronic filing systems is contingent on the system’s compatibility with the statewide portal when the portal 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 the respective county to ensure that functionality of the proposed system related to electronic court records will also be made compliant with these new technological enhancements.
- l. The 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 clerk of court must convert all documents to searchable PDFs.
- m. The clerk of court shall continue to accept paper filings at no charge, other than statutorily required fees.

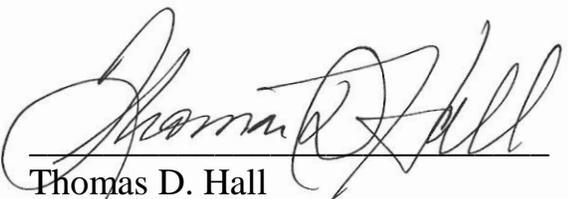
In addition to the foregoing enumerated terms and conditions, the chief judge may, pursuant to the chief judge’s constitutional and statutory responsibility for administrative supervision of the courts within the circuit, impose electronic

filing system or related requirements by local administrative order that are consistent with this administrative order.

DONE AND ORDERED at Tallahassee, Florida, on May 21, 2010.

  
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Chief Justice Peggy A. Quince

ATTEST:

  
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Thomas D. Hall  
Clerk, Supreme Court

