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

December 31, 2010

The Honorable Howard C. Forman
Broward County Clerk of Court
201 SE 6th Street, Room 136
Fort Lauderdale, Florida 33301

RE: request for implementation of electronic filings in additional nine court divisions and discontinuance of paper follow-up filing in Broward County, Seventeenth Judicial Circuit

Dear Mr. Forman:

Supreme Court Opinion No.SC10-241, In re: Amendments to the Florida Rules of Judicial Administration – Rule 2.236 (July 1, 2010) provides that the Florida Courts Technology Commission "evaluate all such applications to determine whether they comply with the technology policies established by the supreme court and the procedures and standards created pursuant to this rule, and approve those applications deemed to be effective and found to be in compliance."

The purpose of this letter is to inform you that on December 21, 2010 the Electronic Filing Committee (EFC) reviewed and recommended approval of your request to implement electronic filing in Broward County in the remaining nine court divisions (Circuit Criminal, County Criminal, Juvenile Delinquency, Criminal Traffic, Circuit Civil, County Civil, Civil Traffic, Family, and Juvenile Dependency); previous approval for electronic filing in the Probate Division was granted by the Supreme Court on April 23, 2007 via AOSC07-19.

As Chair of the Florida Courts Technology Commission I hereby approve your request to implement electronic filing in the remaining nine court divisions in Broward County. With regard to the discontinuance of the paper follow-up filing, you have certified that the same case management system will be used and no other changes from Broward County's current e-filing process are expected. Therefore, due to the previous approval by the Supreme Court for e-filing and discontinuation of the paper follow-up in the Probate Division (AOSC07-19 and AOSC09-

18) and approval by the Chief Judge of the Seventeenth Judicial Circuit, I hereby approve your request to discontinue the paper follow-up filing in all court divisions.

Approval of this electronic initiative is contingent upon compliance with the policy considerations and directives regarding the development and application of new technological standardization and enhancements as set forth by the Supreme Court and is subject to the following terms and conditions, as well as compliance with the chief judge's conditions outlined in his approval letter, dated November 9, 2010. Violation of any of the following conditions shall constitute grounds for revocation of the approval to implement electronic filing in Broward County.

a. The Broward County Clerk of Court may implement the aforementioned technology procedures in accordance with the approved plan effective on the date of this letter 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 Broward 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 Broward 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 Broward County Clerk of Court shall ensure that no fees other than statutorily required fees are assessed or collected by the clerk of court.

e. The Broward County 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 Broward County Clerk of Court shall abide by In re: Revised Interim Policy on Electronic Release of Court Records, AOSC07-49 (Fla. Sept. 7, 2007).

h. The E-Filing Court Records Portal, developed by the Florida Association of Court Clerks Services Group (FACCSG), has been identified as the statewide e-filing portal. To ensure equal access to electronic filing across the state, the Supreme Court has directed that the

Florida Courts Technology Commission make implementation of the statewide system a priority of the judicial branch. All local electronic filing systems must be compatible with the statewide e-filing portal and approval of each of the above electronic filing systems is contingent on the system's compatibility with the statewide portal.

i. At the present time, the Supreme 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.

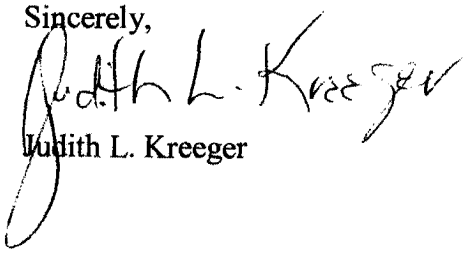
j. The Broward County Clerk of Court must continue to provide paper to the judiciary until the chief judge authorizes the elimination of paper files. At such time, the ~~Walton~~ Broward County Clerk of Court must convert all documents, beginning on the date of Supreme Court or Florida Courts Technology Commission (FCTC) approval, to a searchable document. CB

k. The Broward County 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 the terms and conditions of this approval letter.

Should you have any questions, please do not hesitate to contact my office.

Sincerely,



Judith L. Kreeger

JLK: js

cc: The Honorable Manuel Menendez, Jr., Chair, Electronic Filing Committee
The Honorable Victor Tobin, Chief Judge, Seventeenth Judicial Circuit
Carol Ortman, Trial Court Administrator, Seventeenth Judicial Circuit
Sunil Nemade, Court Technology Officer, Seventeenth Judicial Circuit
Christina Blakeslee, Office of the State Courts Administrator