

Supreme Court of Florida

No. AOSC08-90

IN RE: ELECTRONIC TRANSMISSION AND FILING OF
DOCUMENTS UNDER FLORIDA RULE OF JUDICIAL
ADMINISTRATION 2.525 FOR LEE COUNTY

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 requested authorization to implement an electronic process for a CJISNotify Document Portal. 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 Lee County Clerk of Court's request to implement electronic filings and electronic signatures for arrest affidavits and uniform traffic citations, 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.
- 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.

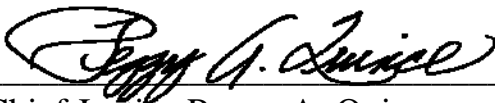
- e. The Lee County Clerk of Court shall ensure that remote data backups will be stored in a protected environment that is not subject to the same risks as the primary site of the court record, and that the circuit will comply with established data backup standards as they are revised and updated.
- f. The Lee County e-process system addressed in this administrative order does not eliminate paper and, therefore, does not fall within the definition of rule 2.525, Florida Rules of Judicial Administration, as it relates to the electronic filing of documents. Accordingly, a 90-day pilot period is not required nor are 90-day pilot period progress reports required.
- g. This approval does not constitute an approval of any electronic forms that may be used in this process.
- h. 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).
- i. The Clerk of Court for Lee County shall ensure that the e-process 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 Lee 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.

- 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.

DONE AND ORDERED at Tallahassee, Florida, on November 19, 2008.



Chief Justice Peggy A. Quince

ATTEST:



Thomas D. Hall
Clerk, Supreme Court

