

Supreme Court of Florida

No. AOSC10-7

IN RE: ELECTRONIC TRANSMISSION AND FILING OF
DOCUMENTS UNDER FLORIDA RULE OF JUDICIAL
ADMINISTRATION 2.525 FOR POLK COUNTY, IN THE
TENTH 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 Polk 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 Polk County. The Florida Courts Technology Commission concurred with the recommendation of the Electronic Filing Committee.

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

- a. The Polk 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 Polk 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 Polk 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 Polk 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 Polk 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, and that the

circuit will comply with established data backup standards as they are revised and updated.

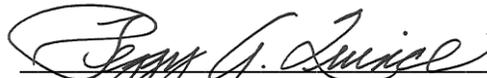
- f. This approval does not constitute an approval of any electronic forms that may be used in this process.
- g. The Polk County Clerk of Court shall submit monthly progress reports to the court system during the 90-day pilot test. Copies of the monthly progress reports shall be provided to the Chief Judge of the Tenth 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 Polk 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 probate division in Polk County.

- i. The Polk 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 Polk 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 Polk County to ensure that

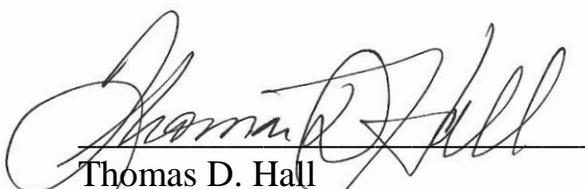
functionality of the proposed system related to electronic court records will also be made compliant with these new technological enhancements.

DONE AND ORDERED at Tallahassee, Florida, on February 26, 2010.



Chief Justice Peggy A. Quince

ATTEST:



Thomas D. Hall
Clerk, Supreme Court

