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

January 7, 2011

The Honorable Brent X. Thurmond
Wakulla County Clerk of Court
3056 Crawfordville Highway
Crawfordville, Florida 32327

RE: request for implementation of electronic filings in remaining nine court divisions in Wakulla County, Second Judicial Circuit

Dear Mr. Thurmond:

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 January 6, 2011 the Electronic Filing Committee (EFC) reviewed and recommended approval of your request to implement electronic filing in Wakulla 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 June 21, 2010 via AOSC10-31.

As Chair of the Florida Courts Technology Commission I hereby approve your request to implement electronic filing in the remaining nine court divisions in Wakulla County.

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. Violation of any of the following conditions shall constitute grounds for revocation of the approval to implement electronic filing in Wakulla County.

a. The Wakulla 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 Wakulla 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 Wakulla 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 Wakulla 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 Wakulla 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 Wakulla 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 Second Judicial Circuit and the State Courts Technology Officer in the Office of the State Courts Administrator.

h. Any attorney, party, or other person who files a document by electronic transmission with the Wakulla 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 Wakulla County Clerk of Court and chief judge certify to the Florida Courts Technology Commission that the electronic filing

system is efficient, reliable, and meets the demands of all parties and this Commission has authorized the elimination of the follow-up filing.

i. The Wakulla 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 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.

k. 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.

l. The Wakulla 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 Wakulla 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.

m. The Wakulla 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 Charles A. Francis, Chief Judge, Second Judicial Circuit
Grant Slayden, Trial Court Administrator, Second Judicial Circuit
Danny Davis, Court Technology Officer, Second Judicial Circuit
Christina Blakeslee, Office of the State Courts Administrator