

## **Electronic Filing in Florida's Courts**

The Florida State Courts System has been working on automating the process for filing court documents for many years. In 2008, the Legislature supported these efforts by mandating a transition to the electronic filing – “e-filing” – of court records and requesting the Supreme Court to set standards, which it did on July 1, 2009. One of those standards provided that a statewide electronic filing portal – “e-portal” – would be developed under the direction of the Supreme Court.

### **Why should the courts implement e-filing?**

The use of automation and technology is making many government functions more accessible and more convenient for citizens to use. Filing court documents is no different. In addition to saving litigants time and money, e-filing will also significantly reduce the costs of paper and storage for the courts.

### **Why is it taking some time to achieve e-filing?**

Judicial records lie at the heart of the judicial function. The ability to receive, review, and issue court records and court orders is essential for a judge to be able to rule in a case. Since electronic files will replace the traditional paper court file, they must contain everything a judge needs to make decisions, just as the paper file did. A thorough understanding of how an electronic file is best used by a trial judge hearing cases in the courtroom is essential to the success of e-filing.

E-filing is expected to save the state money. But reducing costs for clerks of court and the judiciary is not the only goal that e-filing must achieve. State law (section 28.22205) specifically states that e-filing must give courts the information they need to decide cases more quickly and to improve judicial case management. These two goals – increased timeliness in the processing of cases and improved judicial case management – are critically important and must not be overlooked or overshadowed. These goals can be met only if judges get all the information they need to decide cases properly and manage their dockets efficiently. It's equally important that e-filing provide the judicial branch with the necessary data to be able to best allocate the resources that are available to the courts.

### **What is the e-filing portal?**

The electronic filing portal will be a uniform public electronic gateway to be used for the transmission of electronically-filed documents from filers to the courts. It will be governed by the courts. The e-portal will provide for e-filing of court documents in all five district courts of appeal and the Florida Supreme Court as well as in all 20 judicial circuits. The electronic filing portal will provide parties with a common entry point for filing and viewing court documents that are electronically filed.

### **With regard to e-filing, what is the role of the clerks of court?**

A clerk's duties begin when the document or record is received. The acceptance of a filing is a ministerial duty to effectuate the clerk's statutory duty to maintain the court record. Individual clerks of court use e-filing systems to maintain court records.

When the e-filing portal is implemented, the clerks will continue to perform their ministerial duties concerning the court record. The e-portal will uniformly deliver to the clerks statutorily-mandated filing fees and electronic filings in a form that the clerks can immediately receive, review, accept, docket, file, and maintain. The clerk would also continue to have duties respecting paper filing.

**What is the status of e-filing?**

The Supreme Court has had rules on e-filing since 1979. Under those rules, Supreme Court approval is required for all e-filing systems implemented in the trial courts. As of December 2009, 27 electronic court filing systems, 3 electronic distribution systems, 12 electronic/digital signature systems, 3 electronic mail/fax filing systems, and 2 other electronic systems had been approved. Additionally, 1 electronic filing system proposal is currently under review.

**What is the status of the e-filing portal?**

In the summer of 2009, the Florida Courts Technology Commission determined that statewide e-filing should begin in the probate division of the circuit courts. A workgroup consisting of clerks of court, representatives of court administration and chief technology officers, probate judges, and attorneys who specialize in probate law have defined and compiled the data elements to be captured in all filings in the probate division. The work on probate is nearly complete, and a workgroup has begun the same process for juvenile dependency cases.

Another workgroup was also established to define and compile the requirements for a statewide portal.

The State Courts System issued a Request for Information (RFI) for an e-filing portal in October 2009. In conformance with purchasing guidelines for the judicial branch that require an open, fair, and competitive purchasing process, the courts are developing an Invitation to Negotiate (ITN) that will allow all qualified vendors to compete for the opportunity of providing a solution that meets the needs and standards of the judicial branch.

Also under review is a proposal from the Florida Association of Court Clerks, Inc., for a Statewide E-Filing Portal Interlocal Authority to own and operate the e-portal, which would be created by the county clerks of court through a Chapter 163, Florida Statutes, interlocal agreement.