

Supreme Court of Florida

No. AOSC09-28

IN RE: ELECTRONIC TRANSMISSION AND FILING OF
DOCUMENTS UNDER FLORIDA RULE OF JUDICIAL
ADMINISTRATION 2.525 FOR FLAGLER COUNTY, IN
THE SEVENTH 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 Flagler County Clerk of Court has submitted a request to accept documents which are scanned and sent by e-mail. This request only pertains to subsequent filings in cases that have already been initiated, and does not pertain to case origination documents.

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 Flagler County. The Florida Courts Technology Commission concurred with the recommendation of the Electronic Filing Committee.

Accordingly, the Flagler County Clerk of Court's request for permission to accept documents which are scanned and sent by e-mail in subsequent filings in cases that have already been initiated, is hereby approved subject to the following terms and conditions:

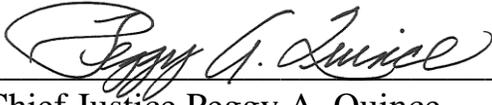
- a. The Flagler County Clerk of Court may implement the aforementioned technology procedures in accordance with the approved plan effective on the date of this order.
- b. The Flagler County Clerk of Court shall ensure that there is no possibility for vendors to release or distribute court data to third parties and that the Clerk of Court retains the designation as custodian of the court records.
- c. The Flagler 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 Flagler County Clerk of Court shall ensure that no fees can be assessed or collected, other than statutorily required fees, and shall continue to accept paper filings at no charge.
- e. The Flagler 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 Flagler 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 Flagler 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 Flagler 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 Flagler 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 Flagler 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

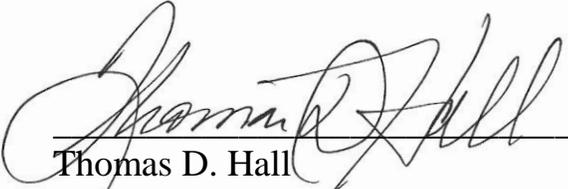
these enhancements may occur in the near future, it will be the responsibility of the Clerk to ensure that functionality of the proposed system related to electronic court records will also be made compliant with these new technological enhancements.

DONE AND ORDERED at Tallahassee, Florida, on June 23, 2009.



Chief Justice Peggy A. Quince

ATTEST:



Thomas D. Hall
Clerk, Supreme Court

