

# Supreme Court of Florida

No. AOSC04-11

IN RE: ELECTRONIC TRANSMISSION AND FILING OF  
DOCUMENTS – UPDATED ELECTRONIC FILING  
STANDARDS AND GUIDELINES

## **ADMINISTRATIVE ORDER**

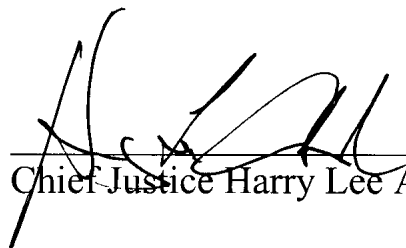
In accordance with Rule 2.090, Florida Rules of Judicial Administration, any court or clerk of the court may accept the electronic transmission of documents for filing after the clerk, together with input from the chief judge of the circuit, has obtained approval from the Supreme Court of the procedures and program for so doing.

In October 1997, the Chief Justice entered an administrative order that sets forth the standards and guidelines that must be followed to establish an acceptable electronic filing system. As referenced in that administrative order, the standards and guidelines were approved with the understanding that they may need to be periodically updated to reflect new developments in automation.

An updated version of the electronic filing standards and guidelines, which were developed and recommended by the Florida Courts Technology

Commission's Electronic Filing Committee, as set forth in the attached appendix, are hereby approved, with Functional Standard 11, entitled Document Access, to be implemented after receipt and consideration of a report and recommendations from the Supreme Court of Florida Committee on Privacy and Court Records. These new standards and guidelines replace the previous version approved in 1997 and shall be used by any party submitting an electronic filing plan for consideration by the Supreme Court.

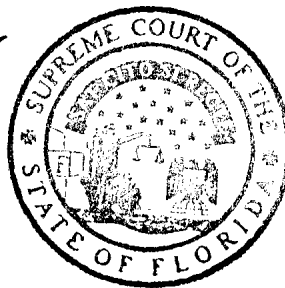
DONE AND ORDERED at Tallahassee, Florida, this 19th day of May, 2004.

  
\_\_\_\_\_  
Chief Justice Harry Lee Anstead

ATTEST:

By:   
Chief Deputy Clerk

\_\_\_\_\_  
Thomas D. Hall, Clerk



**Standards and Guidelines for Electronic Filing**  
**April 2004**

**Technical Standards**

A Florida court choosing to accept court documents electronically must comply with the following standards.

**Technical Standard 1. Document Format**

Any information that will become part of, or is related to, a court case file, and which is being transmitted to the clerk of court electronically, must be described in a format that can be rendered with high fidelity to originals and, when possible, is searchable and tagged.

*Specification*

Acceptable formats include Portable Document Format (.PDF) and eXtensible Markup Language (.XML).

*Commentary*

In an effort to reduce redundant data entry, emphasis is placed on providing the ability to extract text from the electronic submission. For this .PDF or .XML file formats created by text based processors are preferred over facsimile or image based formats such as CCITT Group 4 TIFF (TIFF). See also Technical Guideline 2, Facsimile Images.

.PDF documents require a common reader to view and manipulate complex text and images. However, .XML documents are created using a complex grammar, which may require a mutually accepted format. Acceptable .XML documents are to be structured in compliance with the recommended standards adopted by the Joint Technology Committee of the Consortium for National Case Management Automation Functional Standards Project of the Conference of State Court Administrators and the National Association for Court Management.

Prior to transmission, electronic exhibits and images not available in text form should be embedded within the .PDF or .XML document.

Before electronic transmittal to the court, it is the responsibility of the party or other filing entity to verify the completeness and accuracy of the document after conversion to .PDF or .XML.

## **Technical Standard 2. Legal (Transmission) Envelope**

Any electronic document or information submitted to a court with a filing or subsequent case action must be transmitted using a data structure that provides universal access at any court for electronic filing purposes.

### *Specification*

Acceptable transmissions are to be structured in compliance with the recommended standards as adopted by the Joint Technology Committee of the Consortium for National Case Management Automation Functional Standards Project of the Conference of State Court Administrators and the National Association for Court Management.

### *Commentary*

The Legal (Transmission) Envelope provides the format and content of information that must accompany a document that is being submitted to a court with a filing or subsequent legal action, so that a court can associate the transmission with case information in its case management and document management systems.

The Legal Envelope is limited by specification to multiple filings per envelope transmitted to one court for one case.

A conceptual model is located in the National Center for State Courts Standards for Electronic Filing Processes.

[http://www.flcourts.org/osca/divisions/fctc/NCSC E-Filing Recommended Process standards 02 26 03..PDF](http://www.flcourts.org/osca/divisions/fctc/NCSC_E-Filing_Recommended_Process_standards_02_26_03..PDF)

## **Technical Standard 3. Technical Requirements**

All court based electronic filing processes will use Internet based open standards architecture including: Internet browsers, eXtensible Markup Language (.XML), and Web Services.

### *Specification*

Acceptable software technology is to be based on Internet Request for Comments (RFC) and World Wide Web Consortium (W3C) adopted standards.

## **Technical Standard 4. Data Accompanying Submitted Documents**

Filing entities are required to transmit data identifying a submitted document, the filing party and sufficient other information for entry in the court's docket or register of actions. In the case of a document initiating a new case, sufficient other information must be included to provide data to support the creation of a new case in the court's case management information system.

*Specification*

Each appellate or trial court will be responsible for specifying particular data requirements.

*Commentary*

To provide maximum benefit to the court's document submission process, electronic submission should carry sufficient structured data to permit the automatic indexing and docketing of the filing.

**Technical Standard 5. Court Control of Court Documents**

All electronic inquiries for court documents and information must be validated against the current, complete, and accurate court record.

*Specification*

Electronic documents and related data must reside in the State of Florida on hardware owned or controlled by the court.

**Technical Standard 6. Use of Unique Identifier**

Each lawyer or other person provided with a unique identifier for purposes of filing documents electronically must use that identifier when submitting any documents. Documents filed with the unique identifier will be presumed to have been filed by that lawyer or other person.

*Specification*

All electronic filing information systems must support the use of a uniform personal identifier.

*Commentary*

The Florida Courts Technology Commission and the Office of the State Courts Administrator must establish a uniform personal identifier system for use throughout all of the state courts information systems.

## **Functional Standards**

Electronic filing systems must meet the following requirements to receive approval by the Supreme Court of Florida.

These standards are phrased as functional requirements to which courts choosing to implement electronic filings must adhere, although there may be a variety of technical solutions by which each functional standard is met. These standards focus primarily on ensuring the integrity of the court record.

### **Functional Standard 1. Document Fidelity**

All documents filed electronically must be printable as paper documents without loss of content or appearance.

#### *Commentary*

Both the content and appearance of electronically submitted documents must be faithfully preserved and printable as originally formatted. Printed documents will continue to be used regularly in the conduct of court business, so it must be possible to provide an accurate printed reproduction of any electronic document. It may also be necessary to convert electronic documents to paper (or film equivalent) for archiving purposes. Color documents present a challenge due to increased resources needed to support color.

### **Functional Standard 2. Archiving Electronic Documents**

Electronic documents must be stored in, or convertible to a format that maintains content appearance, and can be archived in accordance with specifications established by the Department of State, Division of Library and Information Services.

#### *Commentary*

The Division of Library and Information Services currently accepts paper documents, images as microfilm or microfiche, and electronic records in a standard interchange format or in ASCII on any machine readable media form which includes, but is not limited to, magnetic media such as tapes, disks, and optical disks.

### **Functional Standard 3. Accommodation of Paper Submissions**

Electronic documents must be retained in the electronic format in which they are submitted. However, documents submitted to the court in paper form must subsequently be scanned and imaged to facilitate the creation of a single electronic case file.

### *Commentary*

It is important to faithfully preserve and reproduce both the content and appearance of electronically submitted documents. Post-submission conversion of electronic documents to different formats (e.g., from one word processing internal format to another, or to an “interchange format”) should be avoided because it can change the content and appearance of the electronic document. Even changing printers for a word processing document alters the document’s appearance. A proposed document format standard for electronic submissions is the Portable Documents Format (.PDF). See Technical Standard 1. Documents filed in .PDF format will retain their content and appearance without requiring conversion.

While direct submission is the preferred way to capture documents in electronic form, courts will still need to accommodate paper submissions as a component of a comprehensive electronic case file system. To facilitate the creation of a single electronic case file, it will be necessary to convert paper submissions to electronic form. While document imaging is relatively expensive and does not provide the advantage of direct electronic submission (see Guideline 3), limited use of imaging for the storage of documents originally filed as paper may be beneficial when combined with electronic filings to maintain a single electronic case file. Paper documents can be imaged in a way that avoids loss of content or appearance. Conversion of a paper document or image to text such as through optical character recognition (OCR) introduces errors and is acceptable as a means to create searchable text but not for retaining a document in its original form or as an archival record.

## **Functional Standard 4. Exhibits**

Every implementation of electronic filing must accommodate submission of non-electronic documents or exhibits.

### *Commentary*

Since the application of electronic filing requires the electronic storage of official court records belonging to a case, courts must maintain an organized, searchable, and self-contained inventory of documentary and non-documentary articles and exhibits. Computer systems must collect and record meaningful information of articles and exhibits that cannot be electronically submitted using electronic filing systems.

The electronic filing system must be able to accommodate non-documentary submissions or exhibits and articles that are not paper or in a paper supported format. The system must also support multiple exhibits and must include a descriptive reference to specific items submitted. The description of each reference should be clear and distinct, including the general nature of the filing submission, the type of submission, and a general description. Examples of articles include such documentary evidence as court approved forms, executed wills, and non-documentary items such as cassette, video tapes, weapons, drugs, etc.

## **Functional Standard 5. Authenticity**

A mechanism must be provided to ensure the authenticity of the electronically filed document. This requires the ability to verify the identity of the filing entity and the ability to verify that a document has not been altered since it was transmitted by the filing entity.

### *Commentary*

One of the simplest ways to ensure the identity of the filing entity and document integrity is to use a secure communications channel connected to a restricted-access system and establish a login and password technique to identify the filing entity.

An enhanced and more flexible approach to meeting this standard is to implement an Internet security protocol such as a Secure Sockets Layer (SSL) that will provide data encryption, server authentication, message integrity, and optional client authentication.

An even more comprehensive solution is to use a digital signature technology, which can be used to both authenticate the identity of the filing entity and insure integrity of the document's content.

## **Functional Standard 6. Virus Protection**

Any computer used to accept electronic filings, particularly from sources external to the court, must be protected from unauthorized network intrusions, viruses, and worms and isolated from other court networks or applications.

Media capable of carrying viruses into court computers (e.g., computer networks and electronic media) must be scanned for computer viruses before processing.

### *Commentary*

Computer systems used for electronic filings must be protected from unauthorized network intrusion including viruses and worms. Use of security products that specialize in network intrusion detection and prevention is recommended.

## **Functional Standard 7. System Isolation**

Any computer used to accept electronic filings, particularly from sources external to the court, must be physically isolated from other court networks or applications.

### *Commentary*

Due to the legally privileged and confidential nature of some filed documents, network security is critical. Although access to all public court records is essential, the public should not have direct access to internal court networks or computers upon which court operations are performed. Common methods used to isolate Internet web sites that



support electronic filing include separate networks or “subnets” and/or commercial firewalls. Similar security precautions should be taken for other electronic filing methodologies.

### **Functional Standard 8. System Availability**

Computer systems used for electronic filings must protect electronically filed documents against system and security failures during periods of system availability. Additionally, contingencies for system backup and disaster recovery mechanisms must be established.

#### *Commentary*

Several methods are available to protect against loss of electronic filings during periods of availability: (1) electronic filings can be frequently written to isolated media such as magnetic tape or optical disk; (2) electronic filings can be copied frequently to another computer system; or (3) a continuous register of information can be printed identifying the submission and submitter of each filing. Note: For courts wishing to maximize the availability of electronic filing services, the period of system availability may be nearly 24 hours per day.

### **Functional Standard 9. Electronic Notification of Receipt**

All electronic document submissions must generate an acknowledgment message that is transmitted to the filing entity to indicate that the clerk received the document.

#### *Commentary*

At a minimum the acknowledgment should include the date and time the document was received (which should be a court’s official date/time stamp), and a court assigned case number, if available, or document reference number. In addition to providing a document receipt to the filing entity (which merely acknowledges receipt of the submitted document), the court may also wish to provide a document validation (e.g., checksum or some similar validity check) by which the filing entity may be assured that the submitted document was received without change by the court. Provision for document validation is optional, but is recommended if the authentication technique implemented supports a validation feature.

### **Functional Standard 10. Document Integrity**

Electronic filing systems must provide mechanisms for quality assurance and quality control of the submitted documents and case management data by both the court and the filing entity.

#### *Commentary*

The court may want to review the submission and validate the accuracy of the case management data before indexing and docketing an electronic filing.

## **Functional Standard 11. Document Access**

Public access to electronically filed documents must be provided in accordance with the judicial branch policy on access to court records.

### *Commentary*

Although most court records are public, some are expressly sealed by the court or otherwise exempt from disclosure pursuant to law or court rule. A statewide judicial branch policy on electronic access to court records is currently under development by the Supreme Court of Florida Committee on Privacy and Court Records. Courts that implement electronic filing processes must provide access to electronic court records in accordance with the policy approved by the Supreme Court. Currently, all court records that are not sealed or exempt from disclosure by law or court rule are available through the office of the clerk of court.

## **Technical Guidelines**

The following technical guidelines, while not currently required, are recommended and may become functional standards in the future. The guidelines focus on promoting electronic filing uniformity throughout the Florida courts system. Additional technical guidelines may be developed as electronic filing processes and procedures mature.

### **Technical Guideline 1. Embedded Hyperlinks**

Hyperlinks embedded within an electronic filing should refer only to information within the same document, or to external documents or information sources that are known to be trustworthy and stable over long periods of time. Hyperlinks should not be used to refer to external documents or information sources that are likely to change.

#### *Commentary*

The basic concern is to preserve the integrity of the record. To ensure the integrity of a document, the integrity of any external information source referenced by hyperlinks must also be assured. Information sources external to the filed document may change significantly or even be eliminated between the time the document is created and the time it is reviewed by the court. This could become problematic if the document is archived as a permanent record, then retrieved for historical review in the future. Additionally, embedded hyperlinks to external sources can raise security concerns. External hyperlinks to unreliable sources can contain malicious software that can execute arbitrary system commands or computer programs without knowledge or consent, using various web browsers or .PDF readers.

Fortunately, the information most often referenced in legal documents consists of court opinions and case law that grow by accumulation, but are not replaced. It is thus reasonable to permit citations to such databases to be embedded as hyperlinks within electronic submissions. Use of such citation hyperlinks requires that the court's electronic case management system include a component that can read and interpret the citation link and initiate the action necessary to retrieve and display the cited material. There are few other external information sources that offer this type of content stability; accordingly, hyperlinks to other external sources other than court opinions and case law should generally be avoided.

### **Technical Guideline 2. Facsimile Images**

The use of facsimile documents as the format for electronic transmission to the court is strongly discouraged. Every effort should be made to obtain original documents in a standard electronic format that retains document content and appearance in a compact, text-searchable form.

### *Commentary*

The standard formats for electronic filings are .PDF and .XML. See Technical Standard 1. Image files typically are twenty times larger, byte wise, than equivalent text document files, which substantially increases transmission time, hardware storage costs, and document database back up and recovery difficulties. Because of the larger file sizes, image access from remote sites over standard telephone lines could be very slow. In addition, transformation of images to text using OCR software can easily introduce errors.

If the court facilitates the creation of a single electronic case file by scanning documents submitted as paper, it is recommended that the scanned documents be captured in a .PDF format and stored in a compressed form supported by the .PDF capture software. A scanning resolution of at least 200 dots per inch (dpi) is recommended.

If for some reason the court must scan and store the document as images, it is recommended that a non-proprietary, industry accepted standard such as .TIFF be the format of choice. .TIFF can also be electronically converted to the .PDF format.

## **Technical Guideline 3. Digital Signatures**

Digital signature standards based on public-private key encryption technology may be used both to authenticate the identity of the filing entity and ensure the integrity of a document's content.

### *Commentary*

Several competing methods for digital signature are currently being evaluated but as yet there is no universally accepted standard or clear market-leading product or approach. Furthermore, while digital signature technologies offer excellent mechanisms for authenticating the identity of the filing entity and validating document integrity, the use of digital signature technology may make the archiving process significantly more complex. To ensure the long term ability to read and validate a document it is necessary not only to archive the document itself, but also to archive the mechanism for applying and reading the digital signature or otherwise ensure long term availability of the digital signature mechanism. These issues will no doubt be resolved by the marketplace over time, but the answers are not yet evident.

## **Technical Guideline 4. Interactive Support**

Electronic filing systems should support either an interactive filing process or a batch (non interactive) process.

### *Commentary*

It is unreasonable to expect a court to provide multiple electronic filing processes until the demand requires the additional effort.

## **Technical Guideline 5. Self-Represented Litigants**

Pro se litigants should be provided a means to file documents electronically.

### *Commentary*

To reduce the burden on the court in creating and maintaining a single electronic case file, it may be desirable to provide the means to receive electronic documents from all the participating parties in a case. This may include providing computer support for litigants at the courthouse or remote sites.

## **Technical Guideline 6. Accessibility**

An electronic case file being used in a live courtroom environment should meet or exceed the capabilities and ease of use currently provided by a paper case file.

### *Commentary*

Electronic documents should be available to court officers and personnel in a manner that provides timely and easy access. In addition, the electronic display should present information to the courtroom participants in such an intuitive way that anyone can immediately retrieve docket and case specific information in a manner that is no more difficult than paging through a paper file.

To meet the basic requirements of timeliness in a court environment, access to electronic court records should be almost instantaneous with a retrieval time of one to three seconds for cases on the daily calendar, five to eight seconds for cases that have had activity during the past 60 days, and 30 seconds for closed or inactive cases. The system should provide some method to notify the requesting entity if a longer time delay will occur, such as when a case has been archived.

Simultaneous access for viewing of the same case file and/or document by multiple courtroom participants should be provided.

Large monitors (17-21 inch) with split screen capability should be installed in the courtrooms to improve readability and to enable the display of a complete 8½ by 11 inch page, thereby eliminating the necessity for a reader to scroll through the page. One effective use of split screen capability is to display docketing and indexing information on one side of the screen and a case document on the other.

The methods of selecting specific documents within a case file for viewing could be implemented by treating the docket as a menu and using touch screen technology to select the document to be retrieved, or by setting up hyperlinks between the docket and the documents in an electronic case file and again using touch screen techniques to select the specific document, or by combining some other Graphical User Interface (GUI) and touch screen technique. Regardless of the document retrieval techniques employed, a

viewer should have the ability to quickly page through either an electronic document or case file. Forms and documents normally prepared by the judge or other courtroom personnel during a particular proceeding should be electronically prepared, reviewed, signed, printed, and distributed, as another function supported by the automated electronic case file system