

Supreme Court of Florida

No. AOSC10-32

IN RE: INTERIM POLICY ON ELECTRONIC APPELLATE COURT
RECORDS

ADMINISTRATIVE ORDER

The purpose of the Appellate Court Technology Committee, which is a standing committee of the Florida Courts Technology Commission, is to provide technical guidance and consultation to the Florida Courts Technology Commission and the Office of the State Courts Administrator regarding information systems development and operational policies and procedures relating to automation in Florida's district courts of appeal.

Based on recommendations of the Florida Courts Technology Commission, this Court has approved various applications of electronic technology for use in Florida's trial and appellate courts. Approved applications of technology in various Florida trial courts have enabled the clerks of those tribunals to make and maintain some court records in electronic form. These electronic court records are available for use in the appellate courts, to the advantage of the litigants, counsel, and appellate court personnel, thereby resulting in potential savings for the expense of using and storing the court records in paper form.

However, current rules of court procedure do not authorize appellate courts to utilize these electronic trial court records as the Record on Appeal, thereby necessitating the duplicative transmission and use of both paper and electronic records. The Appellate Court Technology Committee has recommended that court records of proceedings in a lower tribunal that are made or maintained in electronic form should be accepted by Florida appellate courts. The Florida Courts Technology Commission concurs in that recommendation.

Accordingly, it is hereby ordered that:

1. Any court record, as defined in rule 2.420(b)(1)(A), Florida Rules of Judicial Administration, of proceedings in a lower tribunal that is made or maintained in one of the following electronic formats shall be deemed sufficient to satisfy the requirements of rule 9.200(d), Florida Rules of Appellate Procedure, when transmitted to an appellate court of this State by the clerk of the lower tribunal:
 - indexed, fully searchable PDF;
 - fully searchable PDF, not indexed; or
 - PDF, but not searchable.

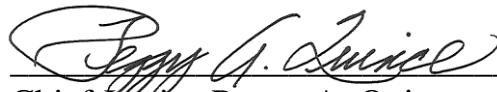
Because the format for the record to be provided to appellate courts in Florida in the future is likely to be a fully indexed, fully searchable

PDF document, trial court clerks are encouraged to start creating that type of record as soon as possible.

2. When determined to be feasible by the Chief Justice of the Supreme Court or the chief judge of a district court of appeal, the Chief Justice or chief judge may exercise his or her administrative authority to dispense with the requirement for a paper copy of the Record on Appeal to be submitted with the electronic version transmitted to the appellate court by the clerk of the lower tribunal.
3. Effective February 1, 2011, any filing by an attorney in one of the district courts of appeal or the Supreme Court of Florida shall be in digital format as well as in paper. The clerk of the respective appellate court shall publish instructions on the manner in which these electronic documents will be submitted.
4. When determined to be feasible by the Chief Justice of the Supreme Court of Florida or the chief judge of a district court of appeal, the Chief Justice or chief judge may exercise his or her administrative authority to dispense with the requirement for a paper copy to be submitted with the digital document filed by an attorney.

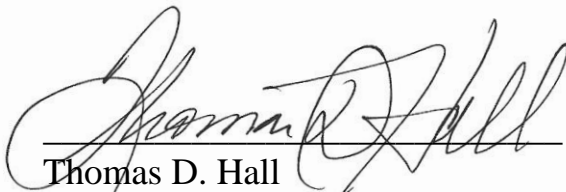
Nothing in this order is intended to impact upon the judicial processing of cases at the trial court level. Trial court clerks must continue to provide paper to the judiciary until the circuit court chief judge authorizes the elimination of paper files. At such time, the clerk of court must convert all documents to searchable PDFs.

DONE AND ORDERED at Tallahassee, Florida, on June 29, 2010.



Chief Justice Peggy A. Quince

ATTEST:



Thomas D. Hall
Clerk, Supreme Court

