IN THE CIRCUIT COURT OF THE SEVENTEENTH
JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

Order Number 2011-26-PRC

AMENDED ADMINISTRATIVE ORDER ESTABLISHING ELECTRONIC FILING PROCEDURES FOR THE PROBATE DIVISION

(a) Florida Rule of Judicial Administration 2.215(b)(3) states the chief judge shall "develop an administrative plan for the efficient and proper administration of all courts within that circuit."
(b) The Florida Supreme Court no longer requires the filing of original pleadings or papers filed electronically in the Seventeenth Circuit's probate division.
(c) In accordance with the authority vested in the chief judge by Florida Rule of Judicial Administration 2.215, it is ordered:

(1) This Administrative Order incorporates by reference all provisions of Florida Supreme Court Administrative Order No. AOSC09-30, In Re: Statewide Standards for Electronic Access to the Courts and AOSC10-31, In Re: Electronic Filing of Documents in the Probate Division for the electronic filing of documents with the Clerk of the Circuit Court (herein Clerk) as now in effect or as may be amended from time to time.

(2) Effective immediately attorneys may electronically file pleadings and papers for cases in the probate division.

(3) The following documents may be scanned and efiled; however, the original must be filed with the Clerk:

a. Last Will and Testament for estate cases;
b. Last Will and Testament deposited with the Clerk;
c. Pre-need Guardian Declarations;
d. Bonds;
e. Death certificates;
f. Returns of service;
g. Documents ordered by the Court; and
h. Original documents required by law or rule of procedure to be filed with the Clerk.

(4) Self represented individuals shall file pleadings and papers with the Clerk until registration procedures are developed for filing via the Florida Courts Efiling Portal.

(5) The filing date of a document is when the last page is received by the Clerk. If the Clerk has a vendor providing electronic court record services, the vendor must comply with this Administrative Order and the Clerk shall endorse upon each electronically transmitted

document the date and time of receipt.

(6) The Clerk within twenty four (24) hours of receipt of an electronic document shall either accept or reject the electronic document for filing and send electronic notice to the filer.

(7) The placement of a "/s/" or the image of a signature by an attorney or party or interested person's signature line on an electronically filed document shall be accepted as the signature and shall verify to the Court the filer is in possession of the originally executed document. Notwithstanding the manner in which an electronic document is signed the originally executed pleading or paper shall be maintained in the filer's possession for a minimum of one (1) year after final disposition and time for appeal of the case. The originally executed document shall be produced for filing or inspection as directed by the Court.

(8) The electronic filing of a document does not modify any filing deadlines as required by law, rule of procedure, or court order.

(9) If a document filed electronically is not received due to:

a. an error in the transmission of the document to the Clerk or any vendor of the Clerk to provide electronic court record filing services which is unknown to an attorney or party, or
b. a failure to process the electronic document when received by the Clerk or rejection by the Clerk, or
c. any other technical problems experienced by the attorney or party,

the Court may, after an evidentiary hearing and upon satisfactory proof, enter an order permitting the document to be filed *nunc pro tunc* to the date it was first attempted to be sent electronically.

(10) The Clerk or any vendor of the Clerk providing electronic court record filing services shall provide to the judiciary the entire electronic filing data export upon acceptance by the Clerk as part of the transfer of electronic transmission.

(11) The Clerk or any vendor of the Clerk providing electronic court record filing services shall not charge any state court entity or statutorily exempt entity or individual for electronically filing documents. Any non-exempt attorney or party electronically filing documents shall pay any and all statutory fees to the Clerk.

(12) This Administrative Order shall govern the initial use of the Florida Courts Efiling Portal for the probate division but does not alleviate the Clerk from complying with the Chief Judge's conditions of approval of the Clerk's efiling plan which were included in the Florida Courts Technology Commission's approval of the plan.

(13) This Administrative Order vacates and supersedes Administrative Order 2009-79-PRC.

DONE AND ORDERED at Broward County, Florida on November 12, 2013, *nunc pro tunc to* April 29, 2011.

s/ Peter M. Weinstein
Peter M. Weinstein, Chief Judge