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

Order Number 2013-26-Gen

ADMINISTRATIVE ESTABLISHING PROCEDURES FOR E-FILING AND COURT RECORDS

(a) Florida Rule of Judicial Administration 2.215(b)(3) states the chief judge shall, considering available resources, ensure the efficient and proper administration of all courts within [this] circuit."

(b) Florida Rule of Judicial Administration 2.236 established the Florida Courts Technology Commission (FCTC) to oversee the use of technology for case management and case maintenance.

(c) The Clerk of the Courts received approval from the FCTC on December 31, 2010 for e-filing that included the following conditions:

(1) The Broward County Clerk of Court must continue to provide paper to the judiciary until the chief judge authorizes the elimination of paper files. At such time, the Broward County Clerk of Court must convert all documents, beginning on the date the Supreme Court or Florida Courts Technology Commission's (FCTC) approval to a searchable document.

(2) The Broward County Clerk of Court shall continue to accept paper filings at no charge, other than statutorily authorized fees.

(3) The Clerk of Court's implementation of e-filing must comply with the chief judge's approval letter of November 9, 2010.

(4) The ability of the chief judge to enter administrative orders to impose related requirements with regard to e-filing.

(d) The chief judge's November 9, 2010 approval of the Clerk of the Courts e-filing plan included the following requirements:

(1) The judges must have access to electronically filed and served documents in cases either via the e-Filing Authority Portal or his office.

(2) There shall be a continuation of paper cases, files and documents until the chief judge approves the electronic processes that replace the paper file.

(3) The electronic file provided to the court must meet or exceed the capabilities and ease of use currently provided by paper case files, for both in court and out of court use.

(4) The application shall not have a negative operational impact on the court.

(e) Florida Rule of Judicial Administration 2.525 requires approval of local "procedures, programs and standards" for electronic filing. The revised opinion in SC11-399, implementing mandatory e-filing for attorneys, did not significantly amend the requirements for e-filing plan approval in effect in 2010.

(f) The 17th Circuit Court is committed to the use of e-filing as a step in managing electronic court records and electronic court processes. The Court is in the process of implementing a case management workflow system. The Court must proceed carefully to ensure that the transition to electronic court records and electronic court processes does not have a negative impact on the operations of the Court. Moreover, at this time the electronic file provided to the court by the Clerk of Court does not meet or exceed

the capabilities and ease of use provided by a paper case file as the electronic file is not in a searchable PDF format.

(g) Administrative Orders 2011-26-PRC, 2011-53-UFC, and 2012-16-Civ implementing e-filing all state "[the] Administrative Order shall govern the initial use of the Florida Courts Efiling Portal for the . . . 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." The Administrative Orders were not vacated or superseded by Florida Rule of Judicial Administration 2.525. In accordance with the authority vested in the chief judge by Florida Rule of Judicial Administration 2.215, it is ordered effective immediately:

(1) The Clerk of Courts shall provide for probate cases either an all paper court file or an all electronic court file in a searchable PDF format. There shall be no hybrid court files for the probate division.

(2) The Clerk of Courts shall provide either an all paper court file or an all electronic court file in searchable PDF format for criminal (circuit and county), delinquency, or dependency cases commencing October 1, 2013. There shall be no hybrid court files for the criminal, delinquency, or dependency divisions.

(3) The Clerk of Courts may determine if a file shall be provided in an all paper format or an all electronic court file in searchable PDF format but cannot provide a hybrid file for the probate, criminal (circuit and county), delinquency, or dependency divisions unless authorized in writing by the chief judge.

(4) The Clerk of Courts shall accept paper pleadings and documents from an attorney when the attorney:

a. has a deadline for the filing of a document and the e-Filing Authority Portal is not operational to accept filings or does not validate the case type subject to the deadline; or

b. has an emergency matter that requires immediate judicial review that cannot wait for acceptance[1] by the Clerk of Courts after filing with the e-Filing Authority Portal.

DONE AND ORDERED in chambers at Fort Lauderdale, Broward County, Florida on May 31, 2013.

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

[1] The Clerk of Courts on May 28, 2013 indicated that is approximately a ten (10) business day delay from the filing of a document with the e-Filing Authority and acceptance by his office. Litigants represented by attorneys should not be denied immediate judicial review in emergencies with electronic filing when immediate judicial review was available with paper filings.