

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

Order Number 2009-79-PRC

**ADMINISTRATIVE ORDER ESTABLISHING
ELECTRONIC FILING PROCEDURES**

(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 is no longer requiring the filing of an original for any pleading or paper filed electronically.

(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 for the electronic filing of documents with the Clerk of the Circuit Court as now in effect or as may be amended from time to time.

(2) Effective immediately attorneys or parties may file all documents for an open and active case, except for Baker Act, Marchman Act, Tuberculosis, and Sexually Transmissible Diseases electronically with the Clerk of the Circuit Court.

(3) The Clerk of the Circuit Court upon electronic receipt of a document for an open and active case, other than a Baker Act, Marchman Act, Tuberculosis, Sexually Transmissible Diseases, shall convert the paper court file and/or paper court records to an electronic format.

(4) Effective August 1, 2009 attorneys may initiate all new cases, except for Baker Act, Marchman Act, Tuberculosis, and Sexually Transmissible Diseases, electronically with the Clerk of the Circuit Court. The Clerk of the Circuit Court shall maintain an electronic court record for all new cases.

(5) Effective January 4, 2010, the Clerk of the Circuit Court, upon receipt of any order or judgment signed by a judge shall convert the order or judgment to an electronic format for inclusion in the electronic court record.

(6) Effective March 31, 2010, the Clerk of the Circuit Court, upon receipt of a document whether filed electronically or in paper for a new case or an open and active case that is not maintained electronically shall convert the paper court file and/or paper court records to an electronic format and convert the document (if filed in paper) to an electronic format for inclusion in the electronic court record.

(7) Effective March 31, 2010, filers may initiate Baker Act, Marchman Act, Tuberculosis, and Sexually Transmissible Diseases proceedings electronically with the Clerk of the Circuit Court.

- (8) The Clerk of the Circuit Court shall maintain a hardcopy of any document as required by statute or rule.
- (9) The Clerk of the Circuit Court or any vendor with whom he has a contract to provide 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 of the Circuit Court.
- (10) Any attorney or party initiating a case or electronically filing documents shall register with the Clerk of the Circuit Court by accessing the Clerk of Circuit Court's website at www.browardclerk.org.
- (11) The filing date of a document is when the last page is received by the Clerk of the Circuit Court and any vendor with whom he has a contract to provide electronic court record filing services. The Clerk of the Circuit Court is required to endorse upon each electronically transmitted document the date and time of receipt.
- (12) The Clerk of the Circuit Court within twenty four (24) hours of receipt of an electronic document shall either accept or reject the electronic document for filing. The Clerk of the Circuit Court shall accept the electronic document that corresponds to an active and open probate division court file except if it has an incorrect case number. If the Clerk of the Circuit Court fails to accept or reject a document within twenty four (24) hours of receipt the document is deemed accepted and filed.
- (13) The Clerk of the Circuit Court shall electronically notify the attorney or party if the document was accepted or rejected for filing.
- (14) The Clerk of the Circuit Court or any vendor with whom he has a contract to provide electronic court records filing services shall provide to the judiciary the EFM¹ data export upon acceptance by the Clerk of the Circuit Court, as part of the transfer of electronic transmission.
- (15) All electronically filed documents shall contain the following before the attorney or party's signature block and after any certificate of service:
"The originally executed document is in the possession of the filer; the original document will be maintained as required by Florida Rule of Judicial Administration 2.430 and will be produced for filing or inspection as directed by the Court and the submission of this pleading/paper for filing is authorized by the attorney of record or party."
- (16) The electronic filing of a document does not alter any filing deadlines as otherwise established or required by law.
- (17) If a document filed electronically is not received by the Clerk of the Circuit Court due to an error in the transmission of the document to the Clerk of the Circuit Court or any vendor with whom he has a contract to provide electronic court record filing services which is unknown to an attorney or party, or a failure to process the electronic document when received by the Clerk of the Circuit Court, or rejection by the Clerk of

¹ The EFM data export includes but is not limited to XML data and electronic copies of all filed documents.

the Circuit Court, or 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.

(18) An attorney or party may include multiple documents and attachments in an electronic transmission to the Clerk of the Circuit Court as long as all the documents pertain to the same lead document in a case. Instances of multiple documents filed with a lead document in a case shall be treated as one (1) electronic transmission.

(19) The Clerk of the Circuit Court shall comply with all Administrative Orders of The Florida Supreme Court regarding electronic access to court records. The Clerk of the Circuit Court shall provide electronic access to probate court records at his office in the same manner as if the court file was maintained in a paper form. Judges, general magistrates, staff attorneys, and court administration employees as required for his or her job duties and responsibilities and as may otherwise be required or allowed by rule or law shall be provided electronic access to court records.

(20) If the document is exempt from public access pursuant to Florida Rule of Judicial Administration 2.420 or law, the Clerk of the Circuit Court shall preclude public access to the document electronically. The Clerk of the Circuit Court shall not preclude access to a document that is exempt from public access by a judge, general magistrate, staff attorney, court administration employee as required for his or her job duties and responsibilities, attorney of record for a party entitled to access, or a party. An interested person shall not be granted access to an exempt document until ordered by the Court.

(21) This Administrative Order vacates and supersedes Administrative Order IV-07-B-3.

DONE AND ORDERED in chambers at Fort Lauderdale, Broward County, Florida on July 14, 2009.

s/Victor Tobin
Victor Tobin, Chief Judge