

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO AND PINELLAS COUNTIES, FLORIDA**

ADMINISTRATIVE ORDER NO. 2014-011 PA-CIR

RE: ELECTRONIC FILING IN THE CRIMINAL DIVISION - PASCO COUNTY

The Pasco Clerk of the Circuit Court, (“Clerk”), has informed the Chief Judge that it would like to begin voluntary electronic filing in the criminal, traffic, and juvenile case types. The new case maintenance system, CLERICUS, has not yet been fully implemented in these case types. For this reason, and at the request of the Court, the State Attorney’s Office, and the Public Defender’s Office of the Sixth Judicial Circuit, the Florida Supreme Court granted an additional extension of the mandatory electronic filing and electronic service deadline in these cases types until July 1, 2014. *In re: Electronic Filing of Criminal, Juvenile and Traffic Cases via the Florida Courts E-Filing Portal, AOSC14-01*. The Florida Supreme Court, however, permitted immediate voluntary electronic filing in these case types when the Clerk announces readiness. The Clerk has indicated its readiness to accept electronic filings in criminal, traffic, delinquency, and dependency cases and assures this Court that it has sufficient resources to begin voluntary electronic filing in these cases and to timely implement CLERICUS.

In order to implement voluntary electronic filing in these case types in Pasco County, and in accordance with Article V, §2, Florida Constitution, Rules of Judicial Administration 2.215 and 2.525, and section 43.26, Florida Statutes, it is

ORDERED:

DIRECTIONS TO ATTORNEYS

1. Except as otherwise provided in this Administrative Order, effective immediately, attorneys may, with the exception of case initiating documents, electronically file pleadings and papers in Pasco County in the following cases:
 - a. County Criminal;
 - b. Criminal and Civil Traffic;
 - c. Circuit Criminal;
 - d. Delinquency, including CINS/FINS; and
 - e. Dependency, including Termination of Parental Rights.

Attorneys are not permitted to electronically file pleadings and papers in new and existing cases in Pasco County in the following cases:

- f. Proceedings to Waive Parental Notification of Abortion;
- g. Baker Act, Chapter 394, Part I;
- h. Involuntary Commitment of Sexually Violent Predators, Ch. 394, Part V; and
- i. Criminal Appeals from County Court to Circuit Court.

Original documents are not to be filed when the filing has been made electronically, except as otherwise provided in this Administrative Order.

2. The following documents may be scanned and electronically filed; however the original must be submitted to the Clerk:

- a. Verified and sworn documents,
 - b. Original paper judgments and sentences,
 - c. Death certificates,
 - d. Birth certificates,
 - e. Certificates of Eligibility for Expungements,
 - f. Consents for adoption,
 - g. Affidavits of Nonpaternity,
 - h. Any other document specifically ordered by the Court, and
 - i. Any other document required by Florida law to be filed in its original form.
3. In order for an attorney to electronically file in accordance with this Administrative Order, the attorney must register with the E-Filing Portal at <https://www.myflcourtaaccess.com/> and submit pleadings and papers through the E-Filing Portal. Attorneys must **not e-mail** the Court or the Clerk with pleadings or papers for filing. Pleadings and papers to be filed with the Court may only be submitted through the E-Filing Portal. Once assigned a user name and password from the E-Filing Portal, it is the responsibility of the attorney to safeguard his or her username and password to prevent unauthorized filings. Any electronic filings received via the attorney's username are presumed to have been submitted by the attorney. Law Firm Administrator Accounts may not be used for electronic filing on behalf of individual attorney members of the firm.
 4. Attorneys must comply with all filing requirements of the E-Filing Portal. Currently the E-Filing Portal allows filings to be submitted in a Word, Word Perfect, or PDF format. For filings made in Pasco County, attorneys are encouraged to submit filings as a searchable PDF. Attorneys should separate attachments to a pleading or paper, and label each attachment. Attachments should be included in the same submission as long as the total submission does not exceed 25 MB. If a pleading or paper exceeds 25 MB, the attorney should divide the pleading or paper in an orderly fashion so that each submission does not exceed 25 MB. If the attorney is unable to divide the pleading or paper so that it does not exceed 25 MB, the attorney may submit the pleading or paper to the Clerk and is not required to electronically file such pleading or paper.
 5. Each document must be formatted in accordance with the applicable rules of court governing formatting of paper documents.
 6. In accordance with Rule of Judicial Administration 2.420, each electronically filed document must be reviewed by the attorney submitting the document to determine whether the document contains confidential or exempt information. If the document contains information that is confidential or exempt, the document must be electronically filed as a sealed electronic document along with either a notice of confidential filing or motion to determine confidentiality of court record.
 7. In accordance with Rule of Judicial Administration 2.515, each electronically filed document is deemed to have been signed by the attorney submitting the document and must include an electronic signature of such person in the format of /s, s/, or /s/ John Doe or a reproduction of the attorney's signature. Each document shall also include the attorney's typed name, Florida Bar address, telephone number, primary e-mail address and secondary e-mail addresses, if any, and Florida Bar number.
 8. Proposed orders, proposed judgments, letters, or correspondence directed to a judge may not be electronically filed through the E-Filing Portal but must be submitted according to the Court's

directions. Attorneys should continue to provide hard copies to the Court, including sufficient copies for conforming, and stamped, addressed envelopes for distribution of orders.

9. Documents may be electronically filed at any time through the E-Filing Portal. Documents must be electronically filed and time stamped at the E-Filing Portal by 11:59 p.m. local time in order to be considered filed that date. The filing date for electronically filed documents is the date of receipt by the E-Filing Portal.
10. In the event that the E-Filing Portal is not available due to technical failure of the E-Filing Portal and an attorney must make a filing that day to meet a deadline, the attorney must attempt to file after 12:00 noon on at least two occasions that are separated by at least one hour. In these circumstances, if the attorney is unsuccessful in having a filing accepted by the E-Filing Portal, the attorney may, when the E-Filing Portal is available, file a motion with the Court seeking to have the filing considered timely filed. The Court may, with satisfactory proof, permit the document to be filed nunc pro tunc to the date it was first attempted to be filed electronically.
11. Electronically filing a document does not relieve a party of its evidentiary burden to prove the authenticity of an original document. Attorneys should maintain original documents, such as affidavits, that may be needed in court hearings unless the original is submitted as provided in paragraph two. When original documents are submitted as exhibits at a court hearing, the attorney must indicate on the document or notify the Clerk in writing when an original document must be retained as an original.
12. Until mandatory electronic filing begins in Criminal and Civil Traffic, County Criminal, and Circuit Criminal, attorneys choosing to electronically file must serve the electronically filed document by delivering or mailing a hard copy of the document. Attorneys choosing to electronically file in Delinquency, including CINS/FINS, and Dependency, including Termination of Parental Rights, must comply with Rule of Judicial Administration 2.516. Except as otherwise provided in this Administrative Order, hard copies of electronically filed documents are not to be filed with the Clerk.
13. If an attorney has an emergency matter that would normally be presented directly to the section judge or duty judge, the attorney may electronically file the emergency matter as provided in this Administrative Order. If the attorney wants the Court to consider the matter on an emergency basis, however, the attorney must contact the section judge or duty judge in accordance with current practices.
14. Attorneys from other jurisdictions who wish to be admitted pro hac vice must obtain a pro hac vice number from The Florida Bar to file through the E-Filing Portal. Until the attorney receives a pro hac vice number, pleadings must be electronically filed by the local Florida attorney designated in the motion. A motion to appear pro hac vice must be filed in each case in which the attorney wishes to appear and the receipt of a pro hac vice number from The Florida Bar for purposes of accessing the E-Filing Portal does not grant an attorney the right to appear. See <http://www.floridabar.org> for more information.

DIRECTIONS TO OTHER FILERS

15. Unrepresented litigants must file pleadings and papers in hard copy with the Clerk until the E-Filing Portal allows access to such filers.

DIRECTIONS TO THE CLERK

16. Except as otherwise provided in this Administrative Order, effective immediately, the Clerk may, with the exception of case initiating documents, receive pleadings and papers electronically filed through the E-Filing Portal in the following cases:
- a. County Criminal;
 - b. Criminal and Civil Traffic;
 - c. Circuit Criminal;
 - d. Delinquency, including CINS/FINS; and
 - e. Dependency, including Termination of Parental Rights.

The Clerk will not accept pleadings and papers in new and existing cases in the following cases:

- f. Proceedings to Waive Parental Notification of Abortion;
 - g. Baker Act, Chapter 394, Part I;
 - h. Involuntary Commitment of Sexually Violent Predators, Ch. 394, Part V; and
 - i. Criminal Appeals from County Court to Circuit Court.
17. The Clerk may only receive electronic filings through the E-Filing Portal or as otherwise provided in this Administrative Order.
18. The Clerk must receive documents from the E-Filing Portal in a searchable PDF format.
19. The Clerk must continue to receive the following documents in original form:
- a. Verified and sworn documents,
 - b. Original paper judgments and sentences,
 - c. Death certificates,
 - d. Birth certificates,
 - e. Certificates of Eligibility for Expungements,
 - f. Consents for adoption,
 - g. Affidavits of Nonpaternity,
 - h. Any other document specifically ordered by the Court, and
 - i. Any other document required by Florida law to be filed in its original form.

When original documents are submitted at a hearing the Clerk must retain the original documents in accordance with existing retention schedules.

20. If a filer is unable to separate a pleading or paper so that it does not exceed 25 MB, the Clerk must accept such pleadings and papers in hard copy. Such pleadings and papers must be scanned by the Clerk in a manner that facilitates access to the filing by the Court and parties. The Clerk should separate attachments to a pleading or paper, label each attachment, and scan each attachment separately.
21. In accordance with Standard 4.1 of the Florida Supreme Court Standards for Electronic Access to the Courts (Jan. 2013 update, version 8.0), the Clerk must continue to maintain existing hard copy court files and create hard copy files in accordance with its current practices or when requested for use by the Court.
22. Until further order of the Court, the Clerk will continue to deliver hard copy court files to the courtrooms for scheduled calendars in accordance with its current practices. In addition, the Court may order hard copy court files through TrakMan for County Criminal; Criminal and Civil Traffic; Circuit Criminal; Delinquency, including CINS/FINS; and Dependency, including

Termination of Parental Rights. The hard copy court files ordered by the Court must continue to be delivered within 48 hours of the request unless sooner requested by the Court. As soon as mandatory electronic filing in the criminal divisions is successfully implemented, the equipment and software needed by the Court are available, users have been instructed in its operation, court processes are modified to accommodate electronic court files, and the Clerk is able to convert court records to searchable PDF the Court intends to amend this Administrative Order to discontinue this requirement for hard copy court files.

23. The Clerk must provide public access to court records either from the hard copy court file or from terminals in the Clerk's offices and must do so in accordance with limitations on electronic access to court records as provided in AOSC07-49 or subsequent order. The Clerk must ensure that information that is exempt from public disclosure is not disclosed through public terminals in the Clerk's office or through any other public access.
24. The Clerk must make the court record available in a manner that complies with the Americans with Disabilities Act.
25. The Clerk must comply with all the conditions stated in the electronic filing approval letter from the Florida Courts Technology Commission, which is incorporated into this Administrative Order as Attachment A, and all requirements of Rule of Judicial Administration 2.525, Supreme Court Administrative Order AOSC09-30, *In Re: Statewide Standards for Electronic Access to the Courts*, including updated Standards for Electronic Access to the Courts, Supreme Court Administrative Order AOSC10-32, *In Re: Interim Policy on Electronic Appellate Court Records*, Supreme Court Administrative Order AOSC013-12, *In Re: Electronic Filing in the State Courts System via the Florida Courts E-filing Portal*.
26. Documents and orders prepared by the Clerk or by the Court are not to be electronically filed through the E-Filing Portal.
27. The Clerk shall prepare an information sheet on electronic filing for attorneys and for unrepresented litigants and post it on the Clerk's website.

OTHER MATTERS

28. Electronic filing in the probate division will continue as provided in Administrative Order 2005-065 as modified by Supreme Court Administrative Order AOSC07-23. Electronic filing in county civil, county small claims, circuit civil, circuit civil appeals, and family law (excluding dependency) will continue as provided in Administrative Orders 2013-017 and 2013-029.

Administrative Order 2013-071 PA/PI-CIR is hereby rescinded for Pasco County.

DONE AND ORDERED in Chambers, Clearwater, Pinellas County, Florida this ____ day of February 2014.

ORIGINAL SIGNED ON FEBRUARY 13, 2014
BY J. THOMAS MCGRADY, CHIEF JUDGE

Attachment A: March 28, 2013 approval letter from Florida Courts Technology Commission

cc: All Judges
The Honorable Lisa Munyon, Chair, Florida Courts Technology Commission
The Honorable Bernie McCabe, State Attorney
The Honorable Bob Dillinger, Public Defender
The Honorable Paula S. O'Neil, Clerk of the Circuit Court, Pasco County
The Honorable Chris Nocco, Sheriff, Pasco County
Gay Inskeep, Trial Courts Administrator
Ngozi Acholonu, Assistant Regional Counsel
Lillian Simon, Director Administrative Services, Pasco County
Kimberly Collins, Director of Criminal Courts, Pasco County Clerk's Office
Bar Associations, Pasco and Pinellas Counties
Law Libraries, Pasco and Pinellas Counties



**Judge Lisa Taylor Munyon, Chair
Florida Courts Technology Commission
c/o Office of the State Courts Administrator
500 S. Duval Street, Tallahassee, Florida 32399-1900**

March 28, 2013

The Honorable Paula S. O'Neil
Pasco County Clerk of Court
Pasco County Courthouse
7530 Little Road, Suite 220
New Port Richey, Florida 34654

RE: request for implementation of electronic filings in remaining court (Circuit Civil, County Civil, and Family Law) divisions in Pasco County, Sixth Judicial Circuit

Dear Dr. O'Neil:

Supreme Court Opinion No.SC10-241, In re: Amendments to the Florida Rules of Judicial Administration – Rule 2.236 (July 1, 2010) provides that the Florida Courts Technology Commission “evaluate all such applications to determine whether they comply with the technology policies established by the Supreme Court and the procedures and standards created pursuant to this rule, and approve those applications deemed to be effective and found to be in compliance.”

The purpose of this letter is to inform you that on April 27, 2005 the Electronic Filing Committee (EFC) reviewed and recommended approval of your request to implement electronic filing in Pasco County in the probate division which was granted by the Supreme Court via AOSC05-15.

As Chair of the Florida Courts Technology Commission I hereby approve your request to implement electronic filing in the Circuit Civil, County Civil and Family Law divisions in Pasco County.

Approval of this electronic initiative is contingent upon compliance with the policy considerations and directives regarding the development and application of new technological standardization and enhancements as set forth by the Supreme Court and is subject to the

following terms and conditions. Violation of any of the following conditions shall constitute grounds for revocation of the approval to implement electronic filing in Pasco County.

- a. The Pasco County Clerk of Court may implement the aforementioned technology procedures in accordance with the approved plan effective on the date of this letter and must adhere to the statewide standards for electronic access to the courts as outlined in In re: Statewide Standards for Electronic Access to the Courts, AOSC09-30 (Fla. July 1, 2009).
- b. The Pasco County Clerk of Court shall ensure that there is no possibility for vendors to release or distribute court data to third parties and that the clerk of court retains the designation as custodian of the court records.
- c. The Pasco County Clerk of Court shall ensure that contract provisions prohibit any vendor from extracting, data mining, or engaging in similar activities with regard to information from original court filings and other court records or any associated databases containing court records in the circuit for commercial or other non-court related uses.
- d. The Pasco County Clerk of Court shall ensure that no fees other than statutorily required fees are assessed or collected by the clerk of court.
- e. The Pasco County Clerk of Court shall ensure that the data is backed up and is recoverable. The clerk of court will ensure that remote data backups are stored in a protected environment a minimum of 50 miles from the primary production location of the court record or at a certified hardened facility, and that the circuit complies with established data backup standards as they are revised and updated.
- f. This approval does not constitute an approval of any electronic forms that may be used in this process.
- g. The Pasco County Clerk of Court shall submit monthly progress reports to the court system during the 90-day pilot test. Copies of the monthly progress reports shall be provided to the Chief Judge of the Sixth Judicial Circuit and the State Courts Technology Officer in the Office of the State Courts Administrator.
- h. The Pasco County Clerk of Court shall abide by In re: Revised Interim Policy on Electronic Release of Court Records, AOSC07-49 (Fla. Sept. 7, 2007).
- i. The E-Filing Court Records Portal, developed by the Florida Association of Court Clerks Services Group (FACCSG), has been identified as the statewide e-filing portal. To ensure equal access to electronic filing across the state, the Supreme Court has directed that the Florida Courts Technology Commission make implementation of the statewide system a priority of the judicial branch. All local electronic filing systems must be compatible with the statewide e-filing portal and approval of each of the above electronic filing systems is contingent on the system's compatibility with the statewide portal. The Pasco County Clerk of Court must now migrate to the statewide e-filing portal.

- j. The Pasco 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 Pasco County Clerk of Court must convert all documents, beginning on the date of Supreme Court or Florida Courts Technology Commission (FCTC) approval, to a searchable electronic document.
- k. The Pasco County Clerk of Court shall continue to accept paper filings at no charge, other than statutorily required fees until such time as the Supreme Court may require electronic filing.

In addition to the foregoing enumerated terms and conditions, the chief judge may, pursuant to his constitutional and statutory responsibility for administrative supervision of the courts within the circuit, imposed additional conditions that must be adhered by to implement an electronic filing system.

1. Pasco County will comply with the E-Access Standards in accordance with Supreme Court Administrative Order AOSC 09-30. The Florida Courts Technology Commission last amended the Standards January 2013, version 8.0, and you must comply with this or any future revisions to the E-Access Standards.
2. Pasco County will follow any implementation schedule developed by the Florida Courts Technology Commission and coordinate implementation with the Chief Judge.
3. Pasco County will continue to assemble and deliver paper case files and documents until authorized by the Chief Judge to discontinue paper files.
4. The electronic file to be provided to the Court must meet or exceed the capabilities and ease of use currently provided by paper case files, for both in and out of court processing and use. Documents in an electronic court file must be provided to the Court as a searchable PDF.
5. The Court must be provided and approve in advance any business process that impacts Court operations.
6. Pasco County will provide the Court with direct unrestricted access to the Pasco County court data, images and documents.

Should you have any questions, please do not hesitate to contact my office.

Sincerely,


Lisa T. Munyon
Circuit Judge

LTM: jm

cc: The Honorable Manuel Menendez, Jr., Chair, Electronic Filing Committee
The Honorable J. Thomas McGrady, Chief Judge, Sixth Judicial Circuit
Gay Inskip, Trial Court Administrator, Sixth Judicial Circuit
Ken Nelson, Court Technology Officer, Sixth Judicial Circuit
Christina Blakeslee, Office of the State Courts Administrator