

Supreme Court of Florida

No. AOSC13-48
Corrected

IN RE: ELECTRONIC FILING OF CRIMINAL CASES IN THE TRIAL
COURTS OF FLORIDA VIA THE FLORIDA COURTS E-FILING
PORTAL

ADMINISTRATIVE ORDER

The Florida Supreme Court's Revised Opinion in *In Re: Amendments to the Florida Rules of Civil Procedure, the Florida Rules of Judicial Administration, the Florida Rules of Criminal Procedure, the Florida Probate Rules, the Florida Small Claims Rules, the Florida Rules of Juvenile Procedure, the Florida Rules of Appellate Procedure, and the Florida Family Law Rules of Procedure—Electronic Filing*, 102 So. 3d 451 (Fla. 2012), sets October 1, 2013, as the date for mandatory electronic filing (hereinafter “e-filing”) by attorneys in all divisions of the criminal courts, including appeals to the circuit court in these categories of cases (hereinafter “all criminal divisions”), through the Florida Courts E-Filing Portal (hereinafter “Portal”). Upon consideration of the readiness status of electronic filing in criminal divisions of the courts throughout the State of Florida, as reported by the Florida Courts E-Filing Authority (hereinafter “Authority”), this administrative order amends the current deadlines as indicated below.

1. On September 17, 2013, the Authority submitted a report (hereinafter “Report”) providing a “snapshot of readiness for the October 1, 2013, deadline for each of the reporting local court system stakeholders” with the clarification that “there must be a way to monitor progress of implementation after that date” and a need for “new attainable deadlines” for mandatory e-filing. (See Report, page 1.) A copy of the Report is attached. The Report further requires that if any court is not ready to go “live” on October 1, 2013, as it has indicated in the Report, then that court must individually seek an exemption from e-filing from the Florida Supreme Court. (*Id.*)

The Report also notes that readiness refers only to subsequent filings in the criminal divisions; case initiation in criminal cases is addressed separately in the Report. The Report includes a chart listing the status of e-filing readiness for those court system stakeholders defined as the four major government components of the criminal courts: the clerk, the state attorney, the public defender, and the court. (See Report, pages 3-4.) The chart reflects that all clerks, except the Clerk of Court for Hillsborough County, are ready to begin receiving criminal division filings via the Portal.

2. The chart also reflects that each county is at a different stage of readiness to participate in e-filing based on the status of the local state attorney's office, public defender's office, or the court's ability to use the electronic files. Due to the varied statuses of these court system partners, certain clerks of court have requested by letter extensions of time to meet the deadline, even though the chart indicates that clerk is ready. The counties that have filed requests for extensions are Broward, Lee, Miami-Dade, Pasco, and Pinellas. For this reason, the Supreme Court hereby amends the deadlines as follows:
 - a. Effective immediately, e-filing of documents through the Portal by attorneys in all criminal divisions will be optional in those counties where the clerk has announced readiness; that is, all counties except Broward, Hillsborough, Lee, Miami-Dade, Pasco, and Pinellas.
 - b. Effective October 1, 2013, for any clerk's office—other than Broward, Hillsborough, Lee, Miami-Dade, Pasco, and Pinellas—that notifies the Authority in writing that the clerk is able to receive batch criminal filings, attorneys may, if not already doing so, begin e-filing including batch filing on an optional basis, effective the date of the notice. Mandatory e-filings in those counties shall be

effective no later than 30 days from the date of notice that the clerk was able to accept batch filing.

- c. Except as noted below, e-filing of all criminal division documents in all counties shall be mandatory through the Portal effective 12:01 a.m., Monday, February 3, 2014.
- d. The requests for an extension of the initial October 1, 2013, criminal case filing deadline filed by the clerks in Broward, Lee, Miami-Dade, Pasco, and Pinellas counties are, without determining the merits of the reasons for the request, granted in part. E-filing in the criminal divisions in those counties is not required until the clerk and chief judge of the circuit for those counties agree that the county is ready and should start accepting e-filings, but in no event should that extend beyond February 3, 2014. The clerks in Broward, Hillsborough, Lee, Miami-Dade, Pasco, and Pinellas counties and the respective chief judge of the circuit shall each submit a joint report for each county no later than November 15, 2013, setting forth the status of the effort to start e-filing in the criminal divisions in those counties.
- e. Any clerk, court, state attorney, or public defender that determines it cannot comply with the February 3, 2014, mandatory e-filing

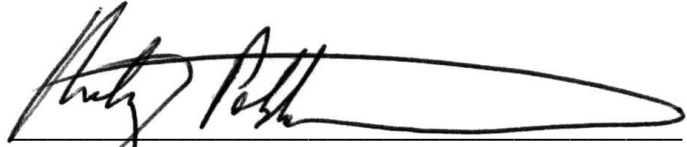
deadline must file, no earlier than January 1, 2014, nor later than January 15, 2014, an individual request for an extension of time which sets forth specific reasons for the non-compliance and details the specific date of expected Portal e-filing compliance.

3. Notwithstanding any of the above provisions, until further order of this Court any document that initiates a criminal case may be submitted in paper to the appropriate clerk of court or through an existing local electronic system by either law enforcement or the state attorney, in accordance with *In Re: Electronic Filing in the State Courts System via the Florida Courts E-Filing Portal*, No. AOSC13-12 (March 25, 2013).
4. The Florida Courts E-Filing Authority Board will maintain, on the Authority's website,¹ a current list of the clerks' offices accepting electronic filings in the criminal divisions.
5. Additional administrative orders may be issued, as necessary, with regard to e-filing implementation dates and will be posted on the Florida Supreme Court's web site. Therefore, members of The Florida Bar and all others who use the court system are requested to remain


1. This webpage is located at <https://www.myflcourtagency.com/authority/publicnotices.html>.

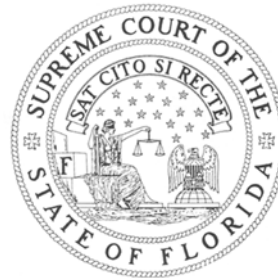
diligent in keeping track of updated requirements regarding e-filing through the Portal.²

DONE AND ORDERED at Tallahassee, Florida, on September 27, 2013.


Ricky Polston, Chief Justice

ATTEST:


Thomas Hall, Clerk of Court



2. This webpage is located at <http://www.floridasupremecourt.org/clerk/adminorders/index.shtml>.

Florida Courts



E-Filing Authority

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JOSEPH E. SMITH
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District V

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ALEX ALFORD

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District IV

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E-Filing Authority

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September 17, 2013

Chief Justice Ricky Polston
Florida Supreme Court
500 S. Duval St.
Tallahassee, FL 32399

Dear Chief Justice Polston,

The Florida Courts E-Filing Authority Board of Directors (Board) met on September 5, 2013, in an emergency meeting to address the ability of the four main court criminal court system partners: the clerks, the courts, the State Attorneys and the Public Defenders, to file and accept documents filed in criminal cases on October 1, 2013. We realize that there are many others involved but if these four can start operating electronically most of the criminal court system would be fully electronic. These groups have been working on this matter for some time both separately and as a group. The Authority fully agrees with you that it is important to transition to the use of electronic documents in Florida's courts and to do so it is imperative that we have commitment from all partners to make our goal.

Over the week, the Authority has gathered information from each of the four partners and compiled a summarized document which is attached, based on the reports each has provided. In addition to the summarized report, all documentation provided to us is attached.

The attached report provides a snapshot of readiness for the October 1, 2013, deadline for each of the reporting local court system stakeholders; however, the Board felt strongly that there must be a way to monitor progress of implementation after that date and not simply ask for an overall extension. The Board also felt that even if extended there should not be an open-ended new date but rather new attainable deadlines should be set.

During the meeting, and at numerous other meetings, the Board cautioned each of these partner groups that if they have represented to the Board, and to you, through this report, that they will be ready by October 1, 2013, but are not "live" and actually ready to take filings on that date, that each individual office must write a letter to you requesting an exemption. From the portal standpoint the batch interface option is available, but local systems must be configured to send and receive the batch. The Board voted that once the Clerk notified the Authority of their ability to receive batch criminal filing, the State Attorney and Public Defender could begin batch filing on an optional basis. Mandatory e-filing for criminal cases would become mandatory for those local entities 30 days after the

date of the Clerk's notification to the board. No local entity can defer this activity later than February 1, 2014.

The Board will post on the Authority's website an updated list each time a clerk's office comes online.

Additionally, the Board would ask that the documents initiating criminal cases to continue to be delivered in a paper form to the Clerk of the Court or sent through their existing local systems as referenced in AOSC 13-12.

I appreciate your efforts in e-filing in Florida and appreciate all the support you have provided to the Florida Courts E-Filing Authority. I hope you would contact me if there are any questions on this report that I have provided on behalf of the Florida Courts E-Filing Authority.

Sincerely,

A handwritten signature in black ink that reads "Tim Smith". The signature is written in a cursive style with a large, sweeping initial "T".

Tim Smith, Florida Courts E-Filing Authority Chair
Putnam County Clerk of the Circuit Court

#Circuit	County	Clerk Go Live 10/1	SA Request Exemption	SA Single Session	SA Batch Interface	PD Request Exemption	PD Single Session	PD Batch Interface	Court Judicial Viewer for Criminal E-Filing 10/1
01	Escambia	Yes	No	Yes	No	Yes	Yes	No	No
01	Okaloosa	Yes	Yes	No	No	Yes	Yes	No	No
01	Santa Rosa	Yes	No	Yes	No	Yes	Yes	No	Yes
01	Walton	Yes	No	Yes	No	Yes	Yes	No	Yes
02	Franklin	Yes	Yes	No	No	No	Yes	No	No
02	Gadsden	Yes	Yes	No	No	No	Yes	No	No
02	Jefferson	Yes	Yes	No	No	No	Yes	No	No
02	Leon	Yes	Yes	No	No	No	Yes	No	No
02	Liberty	Yes	Yes	No	No	No	Yes	No	No
02	Wakulla	Yes	Yes	No	No	No	Yes	No	No
03	Columbia	Yes	Yes	No	No	Yes	Yes	Yes	No
03	Dixie	Yes	Yes	No	No	Yes	Yes	Yes	No
03	Hamilton	Yes	Yes	No	No	Yes	Yes	Yes	No
03	Lafayette	Yes	Yes	No	No	Yes	Yes	Yes	No
03	Madison	Yes	Yes	No	No	Yes	Yes	Yes	No
03	Suwannee	Yes	Yes	No	No	Yes	Yes	Yes	No
03	Taylor	Yes	Yes	No	No	Yes	Yes	Yes	No
04	Clay	Yes	Yes	No	No	No	Yes	Yes	No
04	Duval	Yes	Yes	No	No	No	Yes	Yes	Yes
04	Nassau	Yes	Yes	No	No	No	Yes	Yes	No
05	Citrus	Yes	Yes	No	No	Yes	Yes	No	No
05	Hernando	Yes	Yes	No	No	Yes	Yes	No	No
05	Lake	Yes	Yes	No	No	Yes	Yes	No	Yes
05	Marion	Yes	Yes	No	No	Yes	Yes	No	No
05	Sumter	Yes	Yes	No	No	Yes	Yes	No	No
06	Pasco	Yes	Yes	No	No	Yes	Yes	No	No
06	Pinellas	Yes	Yes	No	No	Yes	Yes	No	No
07	Flagler	Yes	Yes	No	No	Yes	Yes	No	No
07	Putnam	Yes	Yes	No	No	Yes	Yes	No	No
07	St. Johns	Yes	Yes	No	No	Yes	Yes	No	No
07	Volusia	Yes	Yes	No	No	Yes	Yes	No	No
08	Alachua	Yes	Yes	No	No	Yes	Yes	No	No
08	Baker	Yes	Yes	No	No	Yes	Yes	No	No
08	Bradford	Yes	Yes	No	No	Yes	Yes	No	No
08	Gilchrist	Yes	Yes	No	No	Yes	Yes	No	No
08	Levy	Yes	Yes	No	No	Yes	Yes	No	No
08	Union	Yes	Yes	No	No	Yes	Yes	No	No
09	Orange	Yes	Yes	No	No	No	Yes	Yes	No
09	Osceola	Yes	Yes	No	No	No	Yes	Yes	No
10	Hardee	Yes	Yes	No	No	Yes	Yes	No	Yes
10	Highlands	Yes	Yes	No	No	Yes	Yes	No	Yes
10	Polk	Yes	Yes	No	No	Yes	Yes	No	Yes
11	Miami-Dade	Yes	No	No	Yes	Yes	No	No	No
12	DeSoto	Yes	Yes	No	No	Yes	Yes	No	No

12	Manatee	Yes	Yes	Yes	No	Yes	Yes	No	Yes
12	Sarasota	Yes	Yes	No	No	Yes	Yes	No	Yes
13	Hillsborough	No	Yes	No	No	Yes	No	No	No
14	Bay	Yes	No	Yes	No	No	Yes	No	No
14	Calhoun	Yes	No	Yes	No	No	Yes	No	No
14	Gulf	Yes	No	Yes	No	No	Yes	No	No
14	Holmes	Yes	No	Yes	No	No	Yes	No	No
14	Jackson	Yes	No	Yes	No	No	Yes	No	No
14	Washington	Yes	No	Yes	No	No	Yes	No	No
15	Palm Beach	Yes	Yes	No	No	Yes	No	No	Yes
16	Monroe	Yes	Yes	No	No	Yes	Yes	No	No
17	Broward	Yes	No	No	Yes	Yes	No	No	No
18	Brevard	Yes	Yes	No	No	No	Yes	Yes	No
18	Seminole	Yes	Yes	No	No	No	Yes	Yes	No
19	Indian River	Yes	Yes	No	No	Yes	Yes	No	No
19	Martin	Yes	Yes	No	No	Yes	Yes	No	No
19	Okeechobee	Yes	Yes	No	No	Yes	No	No	No
19	St. Lucie	Yes	Yes	No	No	Yes	Yes	No	No
20	Charlotte	Yes	Yes	No	No	Yes	No	No	No
20	Collier	Yes	No	No	Yes	No	No	Yes	No
20	Glades	Yes	Yes	No	No	Yes	No	No	No
20	Hendry	Yes	Yes	No	No	Yes	No	No	No
20	Lee	Yes	No	No	Yes	No	No	Yes	No