

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

ADMINISTRATIVE ORDER NO. 2013-017 PA-CIR

**RE: E-FILING IN COUNTY CIVIL, COUNTY SMALL CLAIMS, CIRCUIT CIVIL,
CIRCUIT CIVIL APPELLATE, AND FAMILY LAW DIVISIONS –
PASCO COUNTY**

The Pasco Clerk of the Circuit Court (Clerk) has informed the Chief Judge that the Clerk is ready for electronic filing in the county civil, county small claims, circuit civil, circuit civil appellate, and family law divisions. While there has not been a test period using CLERICUS in Pasco County, this system has been tested in other counties. The Supreme Court has mandated e-filing as of April 1, 2013, in these divisions unless the Clerk seeks a waiver or in certain other limited circumstances. *In re Amendments to the Florida Rules of Civil Procedure, et al, - Electronic Filing*, 102 So. 3d 451 (Fla. 2012).

E-filing is only one step in managing electronic court records and electronic court processes. The Court anticipates that it will obtain and use the Judicial Application Workflow System (JAWS), a product developed in the Thirteenth Judicial Circuit. 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 or the public's access to the Court and its records. Until the Court has obtained and implemented a system in the various court divisions to conduct its work efficiently and effectively using electronic records, it will continue conducting court business in the customary manner with paper files.

In order to implement electronic filing in these divisions 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. Effective April 1, 2013, attorneys must electronically file pleadings and papers in new and existing cases in Pasco County through the Florida Courts E-Filing Portal in the following divisions, except as otherwise provided in this Administrative Order:
 - a. county civil,
 - b. county small claims,
 - c. circuit civil,
 - d. circuit civil appellate, and
 - e. family law (excluding dependency cases).

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 e-filed; however the original must be submitted to the Pasco Clerk of the Circuit Court:
 - a. Affidavits
 - b. Bonds
 - c. Certificates of Title
 - d. Death certificates
 - e. Deeds
 - f. Mortgages
 - g. Notices of Action
 - h. Promissory Notes
 - i. Wills
 - j. Writs
 - k. Any other document specifically ordered by the Court
 - l. Any other document required by Florida law to be filed in its original form.
3. In order for an attorney to e-file in accordance with this Administrative Order, the attorney must register with the Florida Courts E-Filing Portal at <https://www.myflcourtaccess.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 e-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 as a Word document or in 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 e-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 a typographical 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. The procedure for submitting proposed orders and proposed final judgments to the Court is not changing at this time. Attorneys should continue to provide hard copies of proposed orders to the Court, including sufficient copies for conforming, and stamped, addressed envelopes for distribution of orders.
9. An original and two copies of a proposed summons should be submitted in paper form to the Clerk. The proposed summons should include the case number received when the case was e-filed. The \$10.00 summons fee should continue to be submitted directly to the Clerk. If the issued summons will not be picked up, stamped, addressed envelopes for return of the summons must also be submitted.
10. 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 e-filed documents is the date of receipt by the E-Filing Portal.
11. 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.
12. An attorney who has obtained an order from the Court exempting him or herself from e-service requirements in accordance with Rule of Judicial Administration 2.516 is also exempt from e-filing requirements. In order to continue to file hard copies, the attorney must provide a copy of the court order exempting him or herself from e-service along with the hard copy filing.
13. E-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 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.
14. E-filing through the E-Filing Portal does not relieve an attorney of his or her responsibility to serve pleadings and papers in accordance with the requirements of Rule of Judicial Administration 2.516.
15. If an attorney has an emergency matter that would normally be presented directly to the section judge or duty judge, the attorney must e-file the emergency matter as provided in this Administrative Order. If the attorney wants the Court to consider the matter on an emergency basis, the attorney must contact the section judge or duty judge in accordance with current practices.

16. 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 e-filed by the local Florida attorney designated in your 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

17. 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

18. The Clerk may receive pleadings and papers electronically filed through the Florida Court's E-Filing Portal in new and existing cases in the following divisions, except as otherwise provided in this Administrative Order:
 - a. county civil,
 - b. county small claims,
 - c. circuit civil,
 - d. circuit civil appellate, and
 - e. family law (excluding dependency cases).

The Clerk must receive documents from the E-Filing Portal in a searchable PDF format, provided the E-Filing Portal can transmit the documents to the Clerk as a searchable PDF.

19. The Clerk may only receive electronic filings through the Florida Court's E-Filing Portal or as otherwise provided in this Administrative Order.
20. Except as otherwise provided in this Administrative Order, the Clerk may only receive non-electronic pleadings and papers from:
 - a. Unrepresented litigants.
 - b. Attorneys who are exempt from e-service who provide a copy of an order exempting them from e-service.
21. The Clerk must continue to receive the following documents in original form:
 - a. Affidavits
 - b. Bonds
 - c. Certificates of Title
 - d. Death certificates
 - e. Deeds
 - f. Mortgages
 - g. Notices of Action
 - h. Promissory Notes
 - i. Wills
 - j. Writs
 - k. Any other document specifically ordered by the Court
 - l. 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.

22. 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.
23. The Clerk will scan all pleadings and papers in new and existing cases for unrepresented litigants, attorneys who are exempt from e-service, and as otherwise provided in this Administrative Order.
24. 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 when requested for the use by the Court. The Court will continue to order hard copy court files through TrakMan and the hard copy court file must continue to be delivered within 48 hours of the request unless sooner requested by the Court. The Court anticipates that it will transition to electronic court files on dates to be established by the Court.
25. After the transition to electronic court files for each division, the Clerk must provide the electronic court file to the Court, with each document in a searchable format. The Court will continue to order court files and instead of delivering the hard copy file, the Clerk must make the entire file available in CLERICUS within 48 hours of the request, unless sooner requested by the Court or unless a longer time is authorized by the Court.
26. 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.
27. The Clerk must make the court record available in a format that complies with the Americans with Disabilities Act.
28. The Clerk must comply with all the conditions stated in the e-filing approval letter from the Florida Courts Technology Commission, dated March 28, 2013, 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.
29. Documents and orders prepared by the Clerk or by the Court are not to be electronically filed through the E-Filing Portal.
30. 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

31. E-filing in the probate division will continue as provided in Administrative Order 2005-065 as modified by Supreme Court Administrative Order AOSC07-23.

DONE AND ORDERED in Chambers, Clearwater, Pinellas County, Florida this ____ day of March 2013.

ORIGINAL SIGNED ON MARCH 28, 2013
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 Inskip, Trial Courts Administrator
Ngozi Acholonu, Assistant Regional Counsel
Kimberly Collins, Director of Criminal Courts, Pasco County Clerk's Office
Myriam Irizarry, Chief Deputy Director, Pinellas County Clerk's Office
Bar Associations, Pasco and Pinellas Counties
Law Libraries, Pasco and Pinellas Counties