

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

ADMINISTRATIVE ORDER NO. 2016-018 PI-CIR

RE: ELECTRONIC FILING IN PINELLAS COUNTY

On April 1, 2013, mandatory electronic filing (“e-filing”) began in the county civil, county small claims, circuit civil, circuit civil appellate, family law, and probate divisions in accordance with *In Re: Amendments to the Florida Rules of Civil Procedure, et. al., Electronic Filing*, 102 So. 3d 451 (Fla. 2012). Since that date, court rules and policies have been updated to reflect additional capabilities of the Florida Courts E-filing Portal (“Portal”), including e-mail service (“e-service”) and e-filing for self-represented litigants.

The Florida Supreme Court granted an extension of the mandatory electronic filing deadline in the criminal division in Pinellas County until December 31, 2015. *In re: Electronic Filing of Criminal, Juvenile and Traffic Cases via the Florida Courts E-Filing Portal, AOSC15-7*. No further extension of time has been requested for Pinellas County. Accordingly, effective January 1, 2016, e-filing is mandatory in the criminal division in Pinellas County.

In order to update and maintain the e-filing procedures in Pinellas County, and in accordance with Article V, section 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, attorneys must e-file pleadings and papers in all divisions.

When documents are e-filed, original documents are not to be filed with the Pinellas County Clerk of Court (“Clerk”) except as otherwise provided in this Administrative Order.

2. Attorneys must file case-initiating documents in non-electronic form in the following types of cases:
 - a. County criminal;
 - b. Circuit criminal;
 - c. Criminal and civil traffic;
 - d. Delinquency, including CINS/FINS; and
 - e. Dependency, including termination of parental rights proceedings.
3. Attorneys must not e-file pleadings and papers in the following types of cases:
 - f. Proceedings to waive parental notification of abortion;
 - g. Baker Act, Ch. 394, Part I; and
 - h. Criminal appeals from county court to circuit court.

4. The following documents may be scanned and electronically filed; however the original must be submitted to the Clerk:
 - a. Verified and sworn documents (criminal division only);
 - b. Original paper judgments and sentences;
 - c. Bonds;
 - d. Promissory notes;
 - e. Death certificates;
 - f. Birth certificates;
 - g. Certificates of eligibility to seal or expunge;
 - h. Consents for adoption;
 - i. Affidavits of nonpaternity;
 - j. Wills, codicils, and separate writings in estate cases;
 - k. Wills placed on deposit with the Clerk;
 - l. Pre-need guardian declarations;
 - m. Commissions to take oath of witness to will and Certificates of Commissioner;
 - n. Any other document specifically ordered by the Court; and
 - o. Any other document required by Florida law to be filed in its original form.
5. Pleadings and papers to be filed with the Court may only be submitted through the Florida Courts E-Filing Portal (“Portal”) in accordance with Rule of Judicial Administration 2.525 and the Florida Supreme Court Standards for Electronic Access to the Courts. Attorneys must **not e-mail** the Court or the Clerk with pleadings or papers for filing.
6. Pursuant to Rule of Judicial Administration 2.525, 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 the Clerk with a copy of the court order exempting him or herself from e-service along with the hard copy filing.
7. In accordance with Rule of Judicial Administration 2.515, each e-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/” [NAME], 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. In the event that the Portal is not available due to technical failure of the 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 Portal, the attorney may, when the 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.

9. 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, however, the attorney must contact the section judge or duty judge in accordance with current practices.
10. 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 Portal. Until the attorney receives a pro hac vice number, pleadings must be e-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. The receipt of a pro hac vice number from The Florida Bar for purposes of accessing the Portal does not grant an attorney the right to appear. See <http://www.floridabar.org> for more information.

DIRECTIONS TO UNREPRESENTED LITIGANTS

11. Unrepresented litigants are **not** required to e-file any pleadings, papers, or documents through the Portal, and the Clerk will continue to accept hard copy filings from such litigants. However, an unrepresented litigant may opt in to e-filing and e-service through the Portal. To do so, the litigant must register a username and password with the Portal at <http://www.myfloridacourtaccess.com/>.

Unrepresented litigants who choose to e-file documents through the Portal must comply with this Administrative Order and the rules of court governing e-filing. For information on registration, access, and e-filing through the Portal, unrepresented litigants should refer to the Clerk's website at <http://www.pinellasclerk.org>.

12. Unrepresented litigants may e-file pleadings and papers through the Portal in all divisions unless otherwise provided in this Administrative Order.
13. Unrepresented litigants are not permitted to e-file pleadings and papers in the following cases:
 - a. Proceedings to waive parental notification of abortion;
 - b. Baker Act, Ch. 394, Part I; and
 - c. Criminal appeals from county court to circuit court.
14. The following documents may be scanned and electronically filed; however the original must be submitted to the Clerk:
 - a. Verified and sworn documents (criminal division only);
 - b. Original paper judgments and sentences;
 - c. Bonds;
 - d. Promissory notes;
 - e. Death certificates;
 - f. Birth certificates;
 - g. Certificates of eligibility to seal or expunge;
 - h. Consents for adoption;

- i. Affidavits of nonpaternity;
 - j. Wills, codicils, and separate writings in estate cases;
 - k. Wills placed on deposit with the Clerk;
 - l. Pre-need guardian declarations;
 - m. Commissions to take oath of witness to will and Certificates of Commissioner;
 - n. Any other document specifically ordered by the Court; and
 - o. Any other document required by Florida law to be filed in its original form.
15. In accordance with Rule of Judicial Administration 2.515, a document e-filed by an unrepresented litigant must include a typographical signature of such person in the format of “/s”, “s/”, or “/s/” [NAME] or a reproduction of the litigant’s signature. The filer must also include his or her address and telephone number, including the area code.
16. In the event that the Portal is not available due to a technical failure, and an unrepresented litigant must make a filing that day to meet a deadline, the litigant should file a hard copy of his or her pleading(s) with the Clerk, regardless of whether the litigant has opted in to e-filing and e-service. If the litigant chooses not to file a hard copy with the Clerk, the litigant assumes the risk that the Court may consider the pleading untimely.

DIRECTIONS TO ALL PORTAL USERS

17. All persons using the Portal to file documents must comply with the Portal’s filing requirements. The Portal currently allows filings to be submitted as a Word document or in PDF format. Filers are encouraged to submit filings as a searchable PDF. Each attachment to a pleading or paper should be separated and labeled. Attachments should be included in the same submission as long as the total submission does not exceed the Portal’s file size limit.

An attorney filing a pleading or paper that exceeds the Portal’s file size limit should divide the pleading or paper in an orderly fashion so that each submission does not exceed the Portal’s file size limit. Each submission shall be described as being a portion of the whole pleading or paper (e.g., Part 1 of 5, Part 2 of 5, etc.). Alternatively, the attorney may file the pleading with the Clerk in accordance with Rule of Judicial Administration 2.525(d)(5). When doing so, the attorney should separate each exhibit and denominate it with a title referencing the document to which it relates.

An unrepresented litigant who is unable to meet the requirements of this paragraph should file a paper version of his or her pleading with the Clerk.

18. Each document must be formatted in accordance with the applicable rules of court governing formatting of paper documents.
19. In accordance with Rule of Judicial Administration 2.420, each e-filed document must be reviewed by the filer to determine whether the document contains confidential or exempt information. If the document contains information that is confidential or exempt, the document must be e-filed as a sealed electronic document along with either a notice of

confidential filing or motion to determine confidentiality of court record. If the entire court file is maintained as confidential, the filer is not required to file an accompanying notice or motion.

20. With the exception of probate and guardianship cases, proposed orders, proposed judgments, letters, or correspondence directed to a judge may not be e-filed through the Portal, but must be submitted according to the Court's directions. Parties should continue to provide hard copies to the Court, including sufficient copies for conforming, and stamped, addressed envelopes for distribution of orders. Parties should note the Court's requirements for preparing proposed orders and proposed judgments that contain confidential information as detailed in Administrative Order 2013-027 or other subsequent administrative order.
21. A proposed summons should be submitted to the Clerk through the Portal. The Clerk will issue the summons.
22. Documents may be e-filed at any time through the Portal. To be considered filed on a particular date, documents must be e-filed and time stamped at the Portal by 11:59 p.m. local time on that date. The filing date for e-filed documents is the date of receipt by the Portal.
23. E-filing a document does not relieve a party of its evidentiary burden to prove the authenticity of an original document. Filers should maintain original documents, such as affidavits, that may be needed in court hearings unless the original is submitted to the Clerk as provided by this Administrative Order. When original documents are submitted as exhibits at a court hearing, the attorney or unrepresented litigant must notify the Clerk when an original document must be retained as an original.
24. It is the filer's responsibility to serve pleadings and papers in accordance with Rule of Judicial Administration 2.516.

DIRECTIONS TO THE CLERK

25. Except as otherwise provided in this Administrative Order, the Clerk shall receive pleadings and papers e-filed through the Portal in all divisions.
26. The Clerk shall receive case-initiating documents in non-electronic form in the following types of cases:
 - a. County criminal;
 - b. Circuit criminal;
 - c. Criminal and civil traffic;
 - d. Delinquency, including CINS/FINS; and
 - e. Dependency, including termination of parental rights proceedings.
27. The Clerk will not accept e-filed pleadings and papers in the following types of cases:
 - f. Proceedings to waive parental notification of abortion;
 - g. Baker Act, Ch. 394, Part I; and
 - h. Criminal appeals from county court to circuit court.

28. The Clerk must continue to receive the following documents in original form:
 - a. Verified and sworn documents (criminal division only);
 - b. Original paper judgments and sentences;
 - c. Bonds;
 - d. Promissory notes;
 - e. Death certificates;
 - f. Birth certificates;
 - g. Certificates of eligibility to seal or expunge;
 - h. Consents for adoption;
 - i. Affidavits of nonpaternity;
 - j. Wills, codicils, and separate writings in estate cases;
 - k. Wills placed on deposit with the Clerk;
 - l. Pre-need guardian declarations;
 - m. Commissions to take oath of witness to will and Certificates of Commissioner;
 - n. Any other document specifically ordered by the Court; and
 - o. 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.

29. The Clerk may only receive electronic filings through the Portal or as otherwise provided in this Administrative Order or subsequent administrative order.

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

30. The Clerk must accept pleadings and papers that exceed the Portal's file size limit from filers in hard copy format or via electronic storage medium, as provided by Rule of Judicial Administration 2.525(d)(5). Such pleadings and papers must be maintained by the Clerk in a manner that facilitates access to the filing by the Court and the parties. If the pleading or paper is submitted in hard copy format, the Clerk should separate attachments to the pleading or paper, label each attachment, and scan each attachment separately.
31. The Clerk must accept non-electronic pleadings and papers from unrepresented litigants and attorneys who provide a copy of an order exempting them from e-service.
32. 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.
33. If an attorney who has not provided the Clerk with a copy of a court order exempting him or herself from e-service files hard copy pleadings or papers with the Clerk, the Clerk may reject the pleading or paper. The Clerk must notify the attorney of the rejection and the reason for the rejection. The Clerk shall notify the Court of any attorneys who continue to file hard copy pleadings and papers without a court order.

34. The Clerk and Pinellas County Business Technology Services must comply with all the conditions stated in the e-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 and the Florida Supreme Court Standards for Electronic Access to the Courts.
35. Except as provided by Florida rule or law or the Florida Supreme Court Standards for Electronic Access to the Courts, documents and orders prepared by the Clerk or by the Court are not to be e-filed through the Portal.
36. The Clerk shall maintain an information sheet on e-filing for attorneys and unrepresented litigants and post it on the Clerk's website.

Administrative Orders 2013-006 PI-CIR, 2013-016 PI-CIR, 2013-021 PA/PI-CIR, 2013-028 PI-CIR, and 2014-012 PI-CIR are hereby rescinded.

DONE AND ORDERED in Chambers at St. Petersburg, Pinellas County, Florida, this _____ day of April, 2016.

ORIGINAL SIGNED ON APRIL 1, 2016
BY ANTHONY RONDOLINO, CHIEF JUDGE

Attachment A: January 7, 2011 approval letter from the 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 Ken Burke, Clerk of the Circuit Court, Pinellas County
The Honorable Bob Gualtieri, Sheriff, Pinellas County
Gay Inskeep, Trial Courts Administrator
Ngozi Acholonu, Assistant Regional Counsel
Martin Rose, BTS Executive Director
Tonya Rainwater, Justice CCMS Project Sponsor
Tim Staney, CJIS Coordinator
Bar Associations, Pasco and Pinellas Counties
Law Libraries, Pasco and Pinellas Counties



Judge Judith L. Kreeger, Chair
Florida Courts Technology Commission
c/o Office of the State Courts Administrator
500 S. Duval Street, Tallahassee, Florida 32399-1900

January 7, 2011

The Honorable Ken Burke
Pinellas County Clerk of Court
315 Court Street
Clearwater, Florida 33756

RE: request for implementation of electronic filings in all court divisions in Pinellas County, Sixth Judicial Circuit

Dear Mr. Burke:

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 January 6, 2011 the Electronic Filing Committee (EFC) reviewed and recommended approval of your request to implement electronic filing in Pinellas County.

As Chair of the Florida Courts Technology Commission I hereby approve your request to implement electronic filing in all ten court divisions in Pinellas 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, as well as compliance with the chief judge’s conditions outlined in his approval letter, dated October 13, 2010. Violation of any of the following conditions shall constitute grounds for revocation of the approval to implement electronic filing in Pinellas County.

- a. The Pinellas 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 Pinellas 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 Pinellas 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 Pinellas 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 Pinellas 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 Pinellas 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. Any attorney, party, or other person who files a document by electronic transmission with the Pinellas County Clerk of Court shall immediately thereafter file the identical document in paper form with an original signature of the attorney, party, or other person if a signature is otherwise required by the Rules of Judicial Administration (hereinafter referred to as the follow-up filing). The follow-up filing of any document that has been previously filed by electronic transmission may be discontinued if, after a 90-day period of accepting electronically filed documents, the Pinellas County Clerk of Court and chief judge certify to the Florida Courts Technology Commission that the electronic filing system is efficient, reliable, and meets the demands of all parties and this Commission has authorized the elimination of the follow-up filing.

- i. The Pinellas County Clerk of Court shall abide by In re: Revised Interim Policy on Electronic Release of Court Records, AOSC07-49 (Fla. Sept. 7, 2007).
- j. 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.
- k. At the present time, the Supreme Court is considering enhancements to current electronic filing practices throughout the State. There is a possibility that these enhancements may include the development and application of new business practices and technology standardization. Because these enhancements may occur in the near future, it will be the responsibility of the clerk of court for the respective county to ensure that functionality of the proposed system related to electronic court records will also be made compliant with these new technological enhancements.
- l. The Pinellas 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 Pinellas 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 document.
- m. The Pinellas County Clerk of Court shall continue to accept paper filings at no charge, other than statutorily required fees.

In addition to the foregoing enumerated terms and conditions, the chief judge may, pursuant to the chief judge's constitutional and statutory responsibility for administrative supervision of the courts within the circuit, impose electronic filing system or related requirements by local administrative order that are consistent with the terms and conditions of this approval letter.

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

Sincerely,

Judith L. Kreeger

The Honorable Ken Burke
Pinellas County E-Filing Request
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JLK: js

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