

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT

IN AND FOR PASCO COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. 2005-065 PA-CIR

RE: PROBATE AND GUARDIANSHIP DIVISION E-FILING

In order to provide parties and attorneys better access to court records, in order to improve efficiency in the Clerk's office, and in order to facilitate the processing of cases by the Court, the Pasco County Clerk of Circuit Court, with the endorsement of the Chief Judge, submitted an e-filing plan to the Supreme Court for approval pursuant to Rule of Judicial Administration 2.090 on March 16, 2005.

On April 27, 2005, the Florida Supreme Court approved an e-filing plan for Pasco County with some restrictions. AOSC05-15.

The Pasco County Clerk of Circuit Court has entered into a contract with LexisNexis® to receive electronic filings.

In order to implement the plan as approved by the Supreme Court and pursuant to Rule of Judicial Administration 2.050,

IT IS ORDERED:

1. In Pasco County, effective November 1, 2005, all filings in new causes, proceedings, matters and actions pertaining to the probate of estates, the administration of guardianships, and incapacity proceedings shall be electronically filed with the Pasco County Clerk of Circuit Court. Existing cases pertaining to the probate of estates, the administration of guardianships and incapacity proceedings may be designated for electronic filing at a later date by the Pasco Administrative Judge in consultation with the Pasco County Clerk of Circuit Court. When such designation is made, the Pasco County Clerk of Circuit Court shall provide notice to counsel of record, or the parties if unrepresented.
2. For cases required to be electronically filed pursuant to this order, each document filed with the Pasco County Clerk of Circuit Court must be electronically filed and the following original documents must also be filed in hard copy with the Pasco County Clerk of Circuit Court:
 - a. Wills in estate cases
 - b. Wills placed on deposit with the Pasco County Clerk of Circuit Court
 - c. Pre-need guardian declarations
 - d. Bonds
 - e. Death certificates
 - f. Any other document ordered by the Court
 - g. Any other document required by Florida law to be filed with the Pasco County Clerk of Circuit Court in its original form.

3. Until otherwise ordered by the Florida Supreme Court, any attorney, party, or other person who electronically files a document 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 and shall designate such originals as supporting e-filed documents. In accordance with AOSC 05-15, the requirement for a follow up filing will be deleted after a test period, the Pasco County Clerk of Circuit Court and the Chief Judge certify that the electronic filing system is efficient, reliable, and meets the demands of all parties, and the Florida Supreme Court issues an administrative order authorizing the elimination of the follow up filing.
4. In order for an attorney to access the remote electronic filing with the Pasco County Clerk of Circuit Court, the attorney must register with LexisNexis® File and Serve® at www.lexisnexis.com/fileandserve and comply with requirements of LexisNexis®. All statutory fees payable to the Pasco County Clerk of Circuit Court will be payable to LexisNexis® which will transmit the fees to the Pasco County Clerk of Circuit Court. A File and Serve® fee may be assessed to users by LexisNexis®.
5. LexisNexis® File and Serve® will limit electronic access to any documents in a Pasco County case to the Court, the Clerk, the case parties, and the attorney of record in accordance with AOSC 04-4.
6. A Public Access Terminal shall be located in the office of the Pasco County Clerk of Circuit Court where pro se litigants and attorneys may submit filings electronically. Pro se litigants and attorneys using the Public Access Terminal shall not be assessed a fee by LexisNexis for using File and Serve for electronic filing. Pro se litigants and attorneys may submit filings by hard copy, CD, or diskette to the Clerk's office and the Clerk may assess additional fees for such service as authorized by law.
7. Each electronically filed document shall be filed in Word, WordPerfect, TIFF (a standardized file format used to store imaged documents), or PDF (a file format created by Adobe Acrobat). Each document shall be formatted in accordance with the applicable rules of court governing formatting of paper documents. Pursuant to Rule of Judicial Administration 2.090(f)(4) an electronically filed document may exceed the page limitation rules in Rule 2.090(f)(1)(B) but remains subject to other page limitations in applicable rules of court.
8. LexisNexis® will convert any Word, WordPerfect, or TIFF document to PDF format. LexisNexis® will transmit the PDF file and the original Word, WordPerfect or TIFF file to the Pasco County Clerk of Circuit Court. For hard copy documents, CDs, or diskettes submitted to the Pasco County Clerk of Circuit Court, the Clerk shall copy and prepare such items for transmission to LexisNexis® File and Serve® and will assess a fee as authorized by Statute. Documents prepared by the Pasco County Clerk of Circuit Court will also be transmitted to LexisNexis®. LexisNexis® will convert the documents transmitted by the Pasco County Clerk of Circuit Court to PDF. The PDF document transmitted to the Pasco County Clerk of Circuit Court by LexisNexis® is the official record and will be maintained by the Pasco County Clerk of Circuit Court in their case maintenance system.

9. Each electronically filed document shall include:
 - a. The name of the party or parties filing the document.
 - b. The Uniform Case Number, unless the document originates the case
 - c. A descriptive title of the document
 - d. The name of the party or parties against whom relief, if any, is sought, or the name of the ward in a guardianship case, the name of the decedent in estate cases, or the subject of incapacity proceedings.
10. Each electronically filed document shall be deemed to have been signed by the person submitting the document and shall include a typographical signature of such person in the form “/s/ John Doe.” Each document filed by or on behalf of a party shall also include the typed name, address and telephone number of the attorney or unrepresented party filing the document. The attorney shall also include his or her Florida Bar number.

LexisNexis® shall ensure that each attorney subscribing to or using File and Serve® has a unique identifier and password. If the attorney has reason to suspect that the password has been compromised in any way, it is the duty of the attorney to immediately have his or her password changed. The electronic filing of a pleading or other document using the attorney’s unique identifier constitutes the attorney’s signature under Rule of Judicial Administration 2.060, including the certificate of the attorney has read the pleading or other paper; that to the best of the attorney’s knowledge, information, and belief there is good ground to support it, and that it is not interposed for delay.

11. Each electronically filed document shall be reviewed by the filer to determine whether the document contains confidential or exempt information. If the document is or contains information that is confidential or exempt, the document shall be electronically filed as a sealed electronic document. Any person may subsequently petition the court to unseal the document.
12. All electronically filed documents relating to a single pleading or paper shall be “electronically stapled” with the main and supporting documents identified. Proposed orders shall be filed as a separate document and may be attached as part of the same transaction.

All electronically filed documents, papers, or pleadings directly relating to a previously filed document, paper, or pleading may be linked to the previously filed document, paper, or pleading using the “linked document” feature.

13. Documents may be electronically filed at any time. Documents must be electronically filed and time stamped by 11:59 p.m. local time in order to be considered filed on that date. Documents are electronically time stamped with the Pasco County Clerk of Circuit Court when the Pasco County Clerk of Circuit Court accepts the document for filing. The electronic time stamp is the time a document was successfully transmitted and recorded on LexisNexis® File and Serve®.

14. LexisNexis® File and Serve® allows a subscriber attorney to serve other subscriber attorneys electronically through File and Serve®. It also provides for mailing to non-subscriber attorneys and unrepresented litigants. By using LexisNexis® File and Serve®, the attorney consents to receive notice electronically for all matters which may be noticed pursuant to Probate Rule 5.041 and for all matters noticed by the Pasco County Clerk of Circuit Court. The attorney waives the right to notice in the manner specified in Rule 5.041. Matters for which formal notice is required in accordance with Probate Rule 5.040 shall continue to be made in accordance Rule 5.040. It is the attorney's responsibility to notify LexisNexis® of any change in e-mail address.

Any service provided through File and Serve® with a time indication after 4:00 p.m. local time will, in accordance with Probate Rule 5.041 be deemed to have been made on the next day that is not a Saturday, Sunday, or legal holiday.

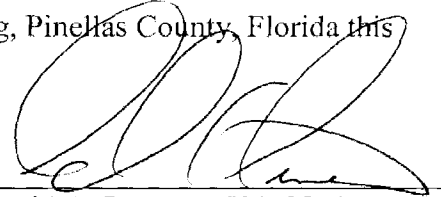
The Certificate of Service for documents served electronically through File and Serve® shall indicate which parties are served electronically through File and Serve® and which parties are served by traditional means.

15. The Pasco County Clerk of Circuit Court shall make one or more public viewing terminals available to the general public to allow access to the electronic court file for all cases and documents that are not exempt from public disclosure. The Pasco County Clerk of Circuit Court will provide a hard copy of the publicly available record to anyone upon request and payment of statutorily authorized fees.
16. The Court may sign orders electronically or by hand. The Court may submit orders to the Pasco County Clerk of Circuit Court electronically or by hard copy. For orders or other documents submitted by the Court in hard copy, the Clerk shall electronically file such documents. The Pasco County Clerk of Circuit Court will provide a hard copy of the record to the Court when requested by the Court.
17. All documents prepared by the Pasco County Clerk of Circuit Court shall be electronically filed. All documents served by the Pasco County Clerk of Circuit Court shall be served electronically for File and Serve® subscribers unless otherwise ordered by the Court.
18. If an electronic filing is not filed with the Pasco County Clerk of Circuit Court or served because of
 - a. An error in the transmission of the document to LexisNexis which was unknown to the sending party,
 - b. LexisNexis failed to process the electronic filing,
 - c. The Clerk of Court was unable to receive the electronic filing, or
 - d. Other technical circumstances prevented the electronic transmission of the filing,

the Court may if authorized by law, upon motion and with satisfactory proof, permit the document to be filed or served nunc pro tunc to the date it was first attempted to be sent electronically. The Court may, in the case of service, extend the date for any response or the period in which any other act must be performed.

19. The Clerk of Court shall prepare an information sheet on electronic filing for attorneys and for pro se litigants.

DONE AND ORDERED in Chambers, St. Petersburg, Pinellas County, Florida this
12th day of October 2005.



David A. Demers, Chief Judge

cc: All Pasco Judges
The Honorable Bernie McCabe, State Attorney
The Honorable Robert Dillinger, Public Defender
The Honorable Jed Pittman, Clerk of Court, Pasco County
Carol Heath, Director, Court Services Division, Pinellas County Clerk's Office
Betty Henderson, Assistant Court Services Director, Pasco County Clerk's Office
Gay Inskip, Trial Courts Administrator
Kerry L. Rice, Senior Deputy Courts Administrator, Pasco County
Evan Y. Uchida, LexisNexis File & Serve
Bar Associations, Pasco and Pinellas Counties
Law Libraries, Pasco and Pinellas Counties