Supreme Court of Florida

WEDNESDAY, SEPTEMBER 19, 2012

CASE NO.: SC11-399

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

It appearing that the technology is not in place for this Court and some district courts of appeal to accept and process electronic filings by the October 1, 2012, effective date in those courts for the e-filing rules adopted in the June 21, 2012, opinion in this case, the Court, on its own motion, finds it necessary to postpone that effective date.

Accordingly, the effective date for the e-filing rules and procedures in this Court is hereby postponed until December 1, 2012, at 12:01 a.m. E-filing will be mandatory in this Court on that date.

The effective date for the e-filing rules in each of the district courts of appeal is postponed until April 1, 2013, at 12:01 a.m. E-filing will be mandatory in the district courts on that date. However, as stated in the June 21, 2012, opinion, until the new rules and procedures take effect in the district courts, any clerk who is already accepting documents filed by electronic transmission may continue to do so; attorneys in these districts are encouraged to file documents electronically under the current rules. Clerks of court will not be required to electronically transmit the record on appeal until July 1, 2013, at 12:01 a.m. A revised opinion reflecting these changes in the effective date for appellate courts will follow.

Because the Court continues to recognize that some trial and appellate courts may not be able to comply with the implementation dates provided in the June 21, 2012, opinion and in this order, the waiver process provided for in the opinion will remain in effect. Any clerk may submit a request with this Court to delay the effective date of the e-filing rules and procedures in any court or division of a court. If the request is granted, an Administrative Order will be issued, which will be published on the Court's website and on the requesting court's website.

Further, the Florida Courts E-filing Authority (the Authority) is hereby ordered to file a status report with the Court on or before October 5, 2012, addressing the status of the statewide e-portal. The status report should provide an updated "Readiness Report" addressing each trial and appellate court. The status report also should specifically identify and explain, in detail, the reasons for delays. The report must explain why the e-portal is not currently available for electronic filing at each trial and appellate court and the action being taken to make it available.

The Florida Courts Technology Commission (FCTC) shall file a response to the Authority's status report addressing how the information provided in that report will affect the implementation schedule outlined in this order and in the Court's opinion. If FCTC determines that the new implementation dates for the appellate courts set forth in this order are not feasible, it should propose an alternate implementation schedule, which may include a phase-in plan. Although the implementation dates for the new rules in the trial courts remain unchanged by this order, FCTC also may propose new implementation dates for the trial courts, if warranted.

FCTC shall submit its response on or before November 1, 2012.

POLSTON, C.J., PARIENTE, LEWIS, QUINCE, CANADY, LABARGA, and PERRY, JJ., concur.

A True Copy
Test:

Thomas D. Hall
Clerk, Supreme Court

vm
Served:

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