# Supreme Court of Florida

TUESDAY, DECEMBER 6, 2011

**CASE NOS.:** SC10-2101 & 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

IN RE: AMENDMENTS TO THE FLORIDA RULES OF JUDICIAL ADMINISTRATION, THE FLORIDA RULES OF CIVIL PROCEDURE, THE FLORIDA RULES OF CRIMINAL PROCEDURE, THE FLORIDA PROBATE RULES, THE FLORIDA RULES OF TRAFFIC COURT, 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 -- EMAIL SERVICE RULE

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Petitioner(s) Respondent(s)

After considering the rule and form amendments proposed in case no. SC11-399, as well as the comments addressed to the proposals, the supplemental comment from the Florida Courts Technology Commission (FCTC), and the issues discussed at the oral argument, the Court is pleased with the progress that has been made in developing rules and a phased-in implementation schedule for the mandatory electronic filing of documents in Florida courts. However, the Court has determined that certain aspects of the proposals need additional work.

Accordingly, the Rules of Judicial Administration Committee (RJA Committee) and the FCTC are directed to convene a joint workgroup to address several issues of concern to the Court. The workgroup should also include, but not be limited to, representatives from the Criminal Procedure Rules Committee, the Florida Prosecuting Attorneys Association, the Florida Public Defender Association, and the Florida Association of Court Clerks and Comptrollers. The workgroup is charged as follows:

1. The Court has determined that the list of proposed exemptions from electronic filing in criminal cases is too broad. The workgroup should develop a revised proposal narrowing that list. In light of the fact that any document required by a Florida Statute to be filed in paper format will be exempted under proposed Rule of Judicial Administration 2.525(d), the workgroup also should address whether specific exemptions in criminal cases are, in fact, necessary.

2. The workgroup should address whether non-parties, especially "institutional" non-parties such as the Florida Department of Law Enforcement and the Florida Department of Corrections, should be required to file documents electronically. If it is determined that electronic filing by certain non-parties should be required at this time, the workgroup should propose appropriate rule amendments.

3. The workgroup should address how the phase-in schedule for electronic filing suggested by FCTC in case no. SC11-399, will impact the implementation of the mandatory electronic service rules proposed in case no. SC10-2101. In particular, the workgroup should consider whether the deadlines set out in the proposed phase-in schedule for mandatory electronic filing also should apply in implementing mandatory electronic service.

The RJA Committee and the FCTC are directed to file a joint supplemental report of the workgroup's findings and recommendations on the above issues. The joint supplemental report must be filed on or before February 6, 2012. Any interested parties who filed comments in case no. SC11-399 or case no. SC10-2101 may file comments on or before February 21, 2012. Comments should be limited to the issues addressed in the supplemental report. It is not the intent of the Court to revisit issues raised in prior submissions or to entertain additional comments on matters other than the three issues identified above. The RJA Committee and FCTC may file a response on or before March 2, 2012.

An original and nine copies of the supplemental report, any comments, and the response must be filed. In accordance with Administrative Order In Re: Mandatory Submission of Electronic Copies of Documents, Fla. Admin. Order No. AOSC04-84 (September 13, 2004), a copy also must be transmitted in an electronic format, as required by that order.

A True Copy
Test:

Thomas D. Hall
Clerk, Supreme Court

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Served:

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