IN THE SUPREME COURT OF THE STATE OF FLORIDA

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,

Case No.: SC11-399

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COMMENT OF FLORIDA COURTS E-FILING AUTHORITY

In accordance with the notice appearing in the April 1, 2011 edition of the *Florida Bar News*, the following comment is offered regarding the proposed amendments to the Florida Rules of Criminal Procedure. This comment is filed on behalf of the Chairman of the Board and the Board Members of the Florida Courts E-Filing Authority (the "Authority").

1. AMENDMENT TO FLORIDA RULE OF CRIMINAL PROCEDURE 3.030.

The Florida Bar rules committees (the "Committee") propose that Rule 3.030 be amended by amending subsection (c) to provide that certain documents filed in criminal proceeding be filed in paper format, thus exempting such documents from the requirement for submission by electronic transmission in accordance with Rules 2.520 and 2.525, Florida Rules of Judicial Administration.

The Committee proposes that Rule 3.030(c) be amended to add the following requirement:

> (c) Submitting Originals. Originals which must be filed in paper format with the clerk include: charging documents, indictments, informations, petitions, affidavits, plea agreements, documents filed under seal, ex parte documents, and any documents which are required to be sworn or notarized. Original charging documents must be kept by the clerk in accordance with the Florida Rules of Judicial Administration. All other original documents filed in paper format must be scanned by the clerk and provided to the prosecuting authority to determine whether or not the original is kept. If permitted by approved statewide or local ECF procedures, original documents may be submitted electronically for purposes of a filing date; however, the original document must also be filed in paper format in accordance with this rule. All original documents under this rule must certify that they were filed in paper format to the clerk.

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 Juvenile Procedure, the Florida Rules of Appellate Procedure -- Electronic Filing, Fla. Admin. Order No. SC11-399.

Comment. The Chair, on behalf of the Board of the Authority, as authorized by the Authority on April 14, 2011, respectfully requests of this Court and its related Committee to require all criminal filings be submitted by electronic transmission in accordance with Rules 2.520 and 2.525, Florida Rules of Judicial Administration. Further, the Authority respectfully requests of this Court and its related Committee that the electronic submission Rules under 2.520 and 2.525, Florida Rules of Judicial Administration, apply to all attorneys who access to the Florida courts as directed under the Rules under 2.520 and 2.525, Florida Rules of

Judicial Administration. The Board of the Authority is comprised of eight Florida Clerks of the Circuit Court, selected annually from among all Florida Clerks of the Circuit Court, and the Clerk of this Court (the "Board"). The Clerks of the Circuit Court are the official custodians of the records of the Circuit and County courts in each such Clerk's respective county and the Clerk of this Court is the official custodian of the records of this Court. The Authority was created to provide an economic and efficient method for electronically filing Court Records as defined in Rule 2.430(a)(1), Florida Rules of Judicial Administration. As mandated by this Court, and in accordance with Section 28.22205, Florida Statutes, the Clerks of the Circuit Court and the Clerk of this Court (collectively, the "Clerks") are transitioning to electronic filings for Court Records. Allowing parties to be exempt from filing electronically will require the Clerks to maintain two filings systems, which is costly, inefficient and contrary to this Court's direction. This Court has recognized in Florida Administrative Order No. AOSC09-30, that the technology of electronically filing Court Records is simpler, quicker and less costly. In re: Statewide Standards for Electronic Access to the Courts, Fla. Admin. Order No. AOSC09-30 (July 1, 2009). This Court also recognized that electronic filings could reduce the costs incurred by Clerks for storing and transferring documents. Id. By moving toward one system of electronic filing,

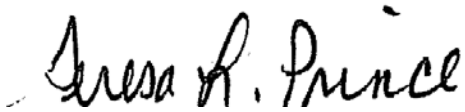
the Clerks will realize cost savings in areas including personnel, storage and maintenance of records, and reduced inquiries from the public for documents.

Further, when documents are submitted in paper only format it often takes several days to make them available for inspection and viewing. Requiring criminal filings and all other filings submitted to the Florida courts to be filed electronically will make documents available more quickly for viewing and use by the Florida courts.

Finally, this Court recognized and endorsed the concept of a single statewide Internet portal (the "Portal") for electronic access to and transmission of court records to and from all Florida courts. Id. This Court and the Clerks created the Florida Courts E-Filing Authority to implement an electronic filing system that would be accessible to and for all divisions. This Court has also charged its Florida Courts Technology Commission to develop data elements that would support criminal filings. Once these data elements are developed, the Authority will install data collection ability on the Portal created and maintained by the Authority and the Portal will be capable of accepting criminal proceedings. In order to support a smooth transition to electronic submission of court documents, and for all the reasons stated above, the Authority requests this Court require filings for criminal proceedings to be submitted by electronic transmission.

Respectfully submitted,

THE FLORIDA COURTS E-FILING AUTHORITY



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the forgoing has been furnished via U.S. Mail on April 27, 2011 to:

Robert M. Eschenfelder, Chair
Code and Rules of Evidence Committee
1112 Manatee Avenue West, Suite 969
Bradenton, Florida 34205-7804

John Granville Crabtree, Chair
Appellate Court Rules Committee
240 Crandon Boulevard, Suite 234
Key Biscayne, Florida 33149-1624

Robert T. Strain, Chair
Criminal Procedure Rules Committee
3801 Corporex Park Drive, Suite 210
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Donald E. Christopher, Chair
Civil Procedure Rules Committee
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Steven P. Combs, Chair
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Michele A. Cavallaro, Chair
Small Claims Rules Committee
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William W. Booth, Chair
Juvenile Court Rules Committee
423 Fern Street, Suite 200
West Palm Beach, Florida 33401-5839

CERTIFICATION AS TO ELECTRONIC SUBMISSION

I HEREBY FURTHER CERTIFY that, on April 27, 2011, this comment was submitted electronically in accordance with this Court's administrative order In re: Mandatory Submission of Electronic Copies of Documents, Fla. Admin. Order No. A0SC04-84 (Sept. 13, 2004).

CERTIFICATION AS TO FONT COMPLIANCE

I HEREBY FURTHER CERTIFY that this comment was prepared in MS Word using 14 point, Times New Roman font.

Teresa L. Prince

TERESA L. PRINCE