

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. 2.312-11/14*

IN RE: ELECTRONIC FILING OF DOCUMENTS

Florida Rule of Judicial Administration 2.520 requires all documents filed in any court to be filed by electronic transmission in accordance with Florida Rule of Judicial Administrative 2.525. In order to assist with the implementation of electronic filing in the Fifteenth Judicial Circuit, administrative procedures must also be implemented.

NOW, THEREFORE, pursuant to the authority conferred by Florida Rule of Judicial Administration 2.215, it is **ORDERED** as follows:

A. ORIGINAL DOCUMENTS

1. Except for those documents specified in paragraphs B, C, D and E below, when an original document, or a document containing an original signature, is required to be filed by rule, statute, or other law, the original document must be filed with the Clerk of Court.
2. When presented with an original document, the Clerk of Court will maintain the original document in a file with the assigned case number unless otherwise directed by a court order.
3. Original documents also include any document for which an electronic signature has not been authorized by law or a document which requires a seal, raised embossment, or has a tactile requirement.
4. Other than those documents specified in paragraphs B, C, D and E below, a copy of an original document shall not be e-filed with the E-Filing Portal if the original is to be filed with the Clerk of Court. If the Clerk of Court is able to determine that a copy of the original document is erroneously e-filed, the Clerk of Court is to note in the docket which document is the paper filing and which document is the electronic filing.

B. AFFIDAVITS

1. Copies of affidavits shall be e-filed.
2. The e-filed copy is to show the full scripted signatures as reflected on the original affidavit.
3. The original affidavit need only be filed in original paper format with the Clerk of Court if required by law, court order, or divisional instructions.

4. If the original affidavit is filed with the Clerk of Court, the Clerk shall retain the affidavit in accordance with paragraph A.
5. As a matter of best practices, the original affidavit should be maintained in the filer's possession for a minimum of one (1) year after final disposition and time for appeal of the case. E-filing a copy of an affidavit does not eliminate the potential need to present the original affidavit for evidentiary or record purposes.

C. RETURNS OF SERVICE

1. Copies of returns of service shall be e-filed.
2. The e-filed copy is to show the full scripted signatures as reflected on the original return of service.
3. The original return of service need only be filed in original paper format with the Clerk of Court if required by law, court order, or divisional instructions.
4. If the original return of service is filed with the Clerk of Court, the Clerk shall retain the return of service in accordance with paragraph A.
5. As a matter of best practices, the return of service should be maintained in the filer's possession for a minimum of one (1) year after final disposition and time for appeal of the case. E-filing a copy of a return of service does not eliminate the potential need to present the original return of service for evidentiary or record purposes.

D. VERIFIED DOCUMENTS

1. Complaints and other pleadings, papers, or documents which are verified by an attorney, party, or person, are to be electronically filed and a paper copy shall not be filed with the Clerk except upon order of court or as required by the trial judge's divisional instructions.
2. Verified documents are to contain a full scripted signature and not an electronic signature such as /s, s/, or /s/.
3. The verified document need only be filed in original paper format with the Clerk of Court if required by law, court order, or divisional instructions.
4. If the verified document is filed with the Clerk of Court, the Clerk shall retain the verified document in accordance with paragraph A.
5. As a matter of best practices, the verified document should be maintained in the filer's possession for a minimum of one (1) year after final disposition and time for appeal of the case. E-filing a verified document does not eliminate the potential need to present the original document for evidentiary or record purposes.

E. COURT ORDERED ORIGINAL PAPER FILINGS

Judges may require additional original documents to be paper filed. The judge should set forth a listing of those documents in divisional instructions or in an applicable order.

F. MEMORANDA OF LAW

Memoranda of Law may be electronically filed. Courtesy Copies must be separately sent to the judge in accordance with the judge's divisional instructions. Memoranda of law shall not exceed the technical size limitations as set forth by the Florida Supreme Court and shall not exceed any page limitation as set forth by the divisional judge.

G. PAPER AND ELECTRONIC COPIES

1. The filer shall not provide the Clerk of Court with a paper copy unless otherwise required by rule, statute, or court order.
2. Other than an original paper document that is required by rule, statute, or order to be maintained in the court file, the Clerk of Court may follow Rule 2.525(c)(6), Florida Rules of Judicial Administration, with regard to the disposal of the paper document.
3. **Electronic courtesy copies shall not be sent to the judicial offices except as provided for in the judicial officer's divisional instructions.**

H. NON CONFORMING DOCUMENTS

1. Integrity of Court Record: The integrity of the court record is dependent on the quality of the documents received through the e-Filing Portal. Filers must ensure that documents e-filed are accurate, properly formatted, legible, and meet applicable e-filing portal standards. Documents must also be rotated in the proper orientation to allow images to be viewed as intended. Images that are not rotated to the proper orientation will result in documents displaying on the docket as sideways or upside-down.
2. Correspondence: Letters will not be made part of the court file unless ordered by the judge. The Clerk of Court may reject any **correspondence** that does not have a court order or instructions to permit the filing. This includes a Notice of Filing Correspondence. The Clerk of Court shall place the filing into the E-Filing Portal Pending Queue and notify the filer that the document is not being accepted for filing. After proper notice to the filer, the Clerk of Court shall follow the Florida Supreme Court Standards for Electronic Access to the Courts guidelines and place the filing in the Judicial Review Queue¹.
3. Proposed Orders/Proposed Judgments: Proposed orders and proposed judgments are not to be electronically or paper filed with the Clerk of Court. This includes a Notice of Filing Proposed Order or Notice of Filing Proposed Judgment. If proposed orders, proposed judgments and other documents intended for entry by the court are submitted through the E-

¹ The Judicial Review Queue is the repository for electronic filings that conflict with applicable rules and/or filing standards. Filings moved to this queue will not be placed on the court docket absent a court order.

Filing Portal, the Clerk is directed to place the filing that contains those documents in the E-Filing Portal Pending Queue and notify the filer that the document is not being accepted for filing. After proper notice to the filer, the Clerk of Court shall follow the Florida Supreme Court Standards for Electronic Access to the Courts guidelines and place the filing in the Judicial Review Queue. **In the event the proposed order or proposed judgment is attached to a motion, the Clerk will docket the filing as a motion and shall notate in the docket text that a proposed unsigned order or proposed unsigned judgment was attached.**

4. Wrong Jurisdiction/Invalid Case Number: The Clerk of Court may reject documents that are e-filed in the wrong **county** or with an invalid case number. The Clerk of Court shall place the filing into the E-Filing Portal Pending Queue and notify the filer that the document is not being accepted for filing. After proper notice to the filer, the Clerk of Court shall follow the Florida Supreme Court Standards for Electronic Access to the Courts guidelines and place the filing in the Judicial Review Queue.
5. Corrupted Documents - Filings which are not accepted by the E-Filing Portal and/or the Clerk's Office for non-compatible settings (i.e. nonconforming DPI or failure to comply with submission standards) or which are unreadable will be placed in the E-Filing Portal Pending Queue. The Clerk of Court will notify the filer that the document is not being accepted for filing. If, after proper notice, the filer has not corrected the error, the Clerk of Court shall docket the nonconforming filing with the notation that the filing is "Nonconforming - Corrupted".
6. Final Disposition Forms: **Form 1.998 requires the prevailing party, or the plaintiff if there is no prevailing party, to file a Final Disposition Form at the conclusion of the court proceeding. Final Disposition Forms filed prior to the conclusion of the matter will be placed into the E-Filing Portal Pending Queue and the Clerk will notify the filer that the document is not being accepted for filing. After proper notice to the filer, the Clerk of Court shall follow the Florida Supreme Court Standards for Electronic Access to the Courts guidelines and place the filing in the Judicial Review Queue.**
7. Non-Compliant Documents: **Electronically filed documents which do not comply with the Florida Rules of Judicial Administration, the Florida Supreme Court's Administrative Orders or this Administrative Order, and which have not already been addressed above, shall be placed in the E-Filing Portal Pending Queue and the Clerk will notify the filer that the document is not being accepted for filing. After proper notice to the filer, the Clerk of Court shall follow the Florida Supreme Court Standards for Electronic Access to the Courts guidelines and place the filing in the Judicial Review Queue.**
8. Non-court related documents: The Clerk's Office is authorized to reject documents which from the face of the document are clearly misfiled (i.e. wrong case name and number) or not meant to be included as part of the court file (i.e. personal documents of the filer). The Clerk of Court shall place the document into the E-Filing Portal Pending Queue and notify the filer that the document is not being accepted for filing. After proper notice to the filer, the Clerk of Court shall follow the Florida Supreme Court Standards for Electronic Access to the Courts guidelines and place the filing in the Judicial Review Queue. If the filer intended to file the document, the filer can move the court to direct the Clerk of Court to accept the filing.

9. Batched Documents: A pleading or paper uploaded to the E-Filing Portal shall not be combined with another pleading or paper to form one document.² Each e-filed document must be submitted as a distinct item. Filings which are not accepted by the Clerk's Office as a result of multiple filings being "batched" together as one document, will be placed into the E-Filing Portal Pending Queue. The Clerk of Court will notify the filer that the filing was improperly batched. If, after proper notice, the filer has not corrected the error, the Clerk of Court shall docket the nonconforming filing with the notation that the filing is "Nonconforming - Batched Document". Only the title of the first document in the batch filing will be listed in the docket.

10. Duplicate Filings:
 - a. Electronic and Paper Filings: If the Clerk of Court is able to determine at the time of docketing that an electronic filing is a duplicate of a pleading or document that was erroneously paper filed, the Clerk of Court will docket with the notation "Duplicate Filing".

 - b. Electronic Replacement Filings: If after the Clerk of Court notifies a filer that a filing was placed in the pending queue and the filer, rather than correcting the filing, files a replacement document, the Clerk of Court can move the filing from the pending queue to the Judicial Queue in accordance with the Florida Supreme Court Standards for Electronic Access to the Courts guidelines. If the filer intended to file the initial document in addition to the replacement document, the filer can move the court to direct the Clerk of Court to accept the filing.

I. SIGNATURES

1. Except as specified above, the placement by an attorney or party or interested person of a "/" "s/" or "/s/" or the placement of an image of a signature on the signature line of an electronically filed paper shall be accepted as the signature and shall represent to the court that the filer is in possession of the originally executed document.

2. Signatures on verified pleadings and affidavits shall be in accordance with paragraphs B, C and D above.

J. ENVELOPES - Envelopes for service of orders and other documents shall be provided as follows:

1. Envelopes for Service by the Court. When mail service is required, envelopes for service of orders, with postage prepaid, shall be provided directly to the court with paper copies of the order to be conformed.

2. Envelopes for Service by the Clerk. When an attorney or party requests service of documents by the Clerk of Court, whether those documents are e-filed or filed in paper form, the attorney or party shall provide to the Clerk's Office postage pre-paid envelopes. If postage

² For example, a Motion for Summary Judgment shall not be in the same document as the Notice of Hearing. However, documents and related exhibits, when those exhibits are referenced sequentially in the initial document may be combined for filing purposes to form one document. (For example, a Motion for Summary Judgment with Exhibits A – D.)

paid envelopes are not provided to the Clerk of Court for service, the Clerk of Court does not have to mail out the subject document. In such cases, the Clerk of Court will notate on the docket that service of the document did not occur due to failure of party to provide postage paid envelopes.

K. **MULTIPLE CASES**

If a single document is to be filed in two or more cases, the document must be submitted in a separate e-filing transaction for each case. If a document is e-filed with multiple case numbers, the Clerk of Court will only docket the pleading under the case number referenced in the e-Filing Portal.

L. **CONFIDENTIAL INFORMATION**

The Notice of Confidential Information, as required by Rule of Judicial Administration 2.420, must be a document separate from the pleading or paper containing the confidential information and must be uploaded and e-filed in the same transaction.

M. **EMERGENCY MOTIONS AND DOCUMENTS TREATED AS EMERGENCIES**

1. E-filed Emergency Motions: When an Emergency Motion or **emergency document** is e-filed, the filer shall flag the motion or **document** as an emergency by clicking on the emergency box in the E-Filing Portal.

a. **With the exception of Family Law cases, the Clerk shall forward the emergency filing as follows:**

1) If the Judicial Office utilizes a divisional email address, the Clerk's Office shall immediately scan and email the motion or **document** to the divisional judge through the Court Administration's divisional email address.

a) **If the Clerk does not receive an electronic confirmation that the emergency filing was received by the judicial assistant or judge within three (3) hours or by the end of business, whichever occurs first, then the clerk shall personally contact the Judge's office to verify the Emergency Motion was received.**

b) If the Clerk is not able to **verify with the Judge or Judicial Assistant that the Emergency Motion** was received, the Clerk shall hand deliver the motion to the Judge.

2) If a divisional email address is not utilized, the Clerk's Office shall hand deliver the Emergency Motion to the judicial office.

b. **In family law cases, the Clerk is directed to forward specific motions to the email boxes designated by Court Administration. The administrative judge of the family courts or his/her designee, after consultation with the family division judges, shall identify and provide to the Clerk a list of the motions and the email addresses.**

2. Paper Filed Emergency Motions: When an Emergency Motion is filed in paper with the Clerk's Office, the Clerk shall, if the Judicial Office utilizes a divisional email address, immediately scan and email the motion to the divisional judge through the Court Administration's divisional email address and shall contact the Judge's office to verify the Emergency Motion was received. If the Clerk is not able to reach the Judicial Assistant to verify the motion was received, the Clerk shall hand deliver the motion to the Judge. If a divisional email address is not utilized, the Clerk's Office shall hand deliver the Emergency Motion to the judicial office. If filed after hours, the Clerk will bring the paper document to the duty judge.

3. The following will be deemed and treated as an emergency **and will follow the procedures as set forth in Paragraph M:**
 - a. The filer electronically files the motion and flags the motion as an emergency in the E-Filing Portal system. The title of the pleading or paper shall also include the word "Emergency".
 - b. The filer paper files the motion with the Clerk's Office and titles the motion as an "Emergency Motion".
 - c. **The filer paper files or electronically files a Demand for Speedy Trial, Notice of Speedy Trial, or Notice of Expiration of Speedy Trial.**
 - d. The filer electronically or paper files a Motion for Disqualification/Recusal.
 - e. The filer electronically or paper files a Writ of Habeas Corpus.
 - f. **The filer paper files or electronically files a Mandate returned to the Clerk by the District Court of Appeals or Florida Supreme Court, or the Circuit Court files a Mandate to the County Court.**
 - g. The filer electronically or paper files a document deemed an emergency in accordance with Administrative Orders 3.206 (Emergency Motions in Circuit Civil), 3.607 (Emergency Motions in County Civil), 4.101 (Administrative Matters in Criminal Cases), 5.203 (Emergency Hearings in Domestic Relations Cases), 5.806 (Emergency Matters in Juvenile Cases), **6.104 (Emergency Hearings in Probate and Guardianship Matters, Domestic/Dating/Stalking/Repeat Violence Petitions³** and affidavits alleging violations of Domestic/Dating/Stalking/Repeat Violence Injunctions, and Motions to Stay Issuance of Writs of Possession.
 - h. The filer electronically or paper files a Petition for Rehearing, **Motion for Reconsideration or like document** pursuant to Local Rule 6.

N. COURT CALENDARS AND CHILD SUPPORT ENFORCEMENT LEDGER

For those judicial officers who request paper calendars, the Clerk's Office shall continue to print the calendars for the County Civil Pretrial Dockets, Civil Domestic Violence Dockets, **Traffic**

³Domestic/Dating/Stalking/Repeat Violence Petitions shall be forwarded to the judge in accordance with Administrative Order 5.501.

Dockets and Criminal Dockets. In addition, the Clerk's Office shall continue to print the Child Support Enforcement Ledgers for First Appearances and Enforcement Hearings upon request by the Court.

O. DOCKET CODES

The Clerk's Office shall collaborate with the Administrative Office of the Court to create docket codes for electronic viewing and for statistical reporting purposes.

P. ACCESS BY COURT AND COURT STAFF TO UNREDACTED FILINGS

In accordance with In Re: Florida Rules of Judicial Administration, 124 So.3d 819 (Fla. 2013), judges and court staff will have access to unredacted images of electronically filed or paper filed documents.

Q. HARD COPY OF COURT FILES

The Court and Clerk agree to move forward cooperatively and expeditiously in accordance with Standard 4.1 of the Florida Supreme Court Standards for Electronic Access to the Courts (Jan. 2013 update, version 8.0).

R. ELECTRONIC ACCESS

The Clerk should have images of filed pleadings and documents available for electronic viewing by the Court in its Banner System and its Showcase System (when e-filing is required in criminal, juvenile and traffic divisions and when civil filings are converted to the Showcase system) in the time period as set forth in the FCC guidelines. Matters that are time sensitive must be treated as a priority. The Clerk shall continue to provide a direct link to Court Administration's Judicial Viewer: Integrated Case Management System ("ICMS").

S. PRO HAC VICE

Attorneys who have received a Pro Hac Vice ("PHV") e-filing number are not permitted to appear or e-file in a case until an order of the court granting appearance in that case has been entered.

T. PRO SE LITIGANTS

Pro se litigants who e-file, must opt in to e-service in accordance with paragraph 1 of Administrative Order 2.310 and register their email address(es) at www.15thcircuit.com/html/onlineservices.

U. ELECTRONIC ISSUANCES BY CLERK OF COURT

In accordance with court rule or statute, the Clerk of Court may electronically issue **and release** any document, including but not limited to summons, subpoenas, notices of default, and writs.

V. MOTIONS REGARDING TERMS AND CONDITIONS OF CONFINEMENT

The filer is required to provide a copy of any motion pertaining to terms and conditions of confinement for inmates currently incarcerated either in a secure correctional facility, hospital,

or In-house Arrest program to either the Palm Beach County Sheriff's Office or the Department of Corrections based upon the inmate's location. Motions pertaining to Furlough, Transport, and Modification of Bond (or other similar type motions) shall be forwarded to the Palm Beach County Sheriff's Office at InmateRecordsNoFile@pbso.org. Motions relating to Early Termination of Probation and Modification of Probation (or other similar type motions) shall be forwarded to the Department of Corrections at: Circuit15AdminMailbox@mail.dc.state.fl.us.

19 DONE and SIGNED, in Chambers, at West Palm Beach, Palm Beach County, Florida, this day of November 2014.



Jeffrey Colbath
Chief Judge

supersedes admin. order 2.312-9/13