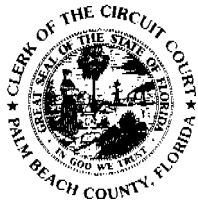


O.A. 5-31-96



OFFICE OF THE  
**CLERK OF THE CIRCUIT COURT**  
FIFTEENTH JUDICIAL CIRCUIT • PALM BEACH COUNTY

**FILED** 097  
SID J. WHITE  
MAY 24 1996  
CLERK, SUPREME COURT  
By \_\_\_\_\_  
Chief Deputy Clerk

Dorothy H. Wilken  
Clerk

May 21, 1996

The Honorable Sid J. White, Clerk  
Florida Supreme Court  
Supreme Court Building  
500 South Duval Street  
Tallahassee, FL 32399-1927

**RE: EMERGENCY PETITION TO AMEND RULES 2.090, 2.075, AND 2.060/  
CASE NO. 81,638**

Dear Sir:

In response to your memo dated May 8, 1996, please accept these comments from my office regarding the proposed amendments. An original and seven copies are being transmitted to you in advance of the oral argument scheduled for May 31, 1996. **Any** consideration you can give to these comments will be appreciated. A copy of these comments is being provided to the Florida Association of Court Clerks.

I heartily endorse the proposed Rules as submitted by the Florida Rules of Judicial Administration Committee. My comments are made in an attempt to obtain further clarification on the proposed Rules as they impact the Clerks in our capacities as Clerk to the Courts.

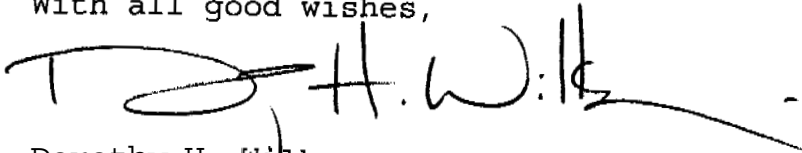
With respect to Rule 2.060, as to subparagraph (f)(1), which deals with the form of signature of attorney or party, my comments follow. Although Subparagraph (f)(2) clearly allows documents without original signatures to be filed, I believe that an option for a digital or other means of computer generated signature would be helpful. Proposed Rule 2.060(f)(1) only allows the signature to be placed as an original or reproduced by electronic means, "such as on electronically transmitted means..." The second option would cause a problem to any attorney or office which has the ability to send pleadings to the Court electronically but does not have the ability to place a signature on an electronic document with a special pen. While this would not be a problem at all for faxed documents, it does cause a problem for documents which are being transmitted electronically from computer modem to computer modem. If it is the intent of the Rule to allow documents bearing a code or other security method of controlling who can file electronically, it would be helpful if 2.060(f)(1) contain a subsection (c) which would allow a digital code, available only to the filing attorney, in lieu of a signature reproduced by electronic means or original signature.

The Honorable Sid J. White, Clerk  
May 21, 1996  
Page 2

As we have noted previously to the Rules committee, if the Court intends to do away with the requirement for manual signatures on orders issued electronically, Rule 9.020 of the Rules of Appellate Procedure would need to be amended, as subsection (g) of those Rules presently states that an "order is rendered when a signed, written order is filed with the clerk of the lower tribunal." While this Rule language could be interpreted to mean that an order filed electronically with an electronic signature is sufficient, if an order is issued by the Court with a security code but not with a written, electronic signature, this order may be interpreted as not rendered. The need for manual signatures can be done away with with enough security built into the computer system. In other words, a judge would have a particular security code assigned only to him or her in order to be able to issue an order.

I thank this Honorable Court for the opportunity to comment: on the proposed rule, and I would like to thank the Florida Rules of Judicial Administration Committee, whose members **have** worked so diligently in order to take the Florida judicial system a step further into the electronic age, and in particular Mr. Paul R. Regensdorf and Mr. Manuel Menendez, Jr.

With all good wishes,

A handwritten signature in black ink, appearing to read "D. H. Wilken", with a long horizontal flourish extending to the right.

Dorothy H. Wilken  
Clerk of the Circuit Court

DHW/cd