



O.A. 5-31-96

KARLEEN F. De BLAKER
 CLERK OF THE CIRCUIT COURT • PINELLAS COUNTY, FLORIDA

FILED

SID J. WHITE

MAY 24 1996

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CLERK OF THE COUNTY COURT
 RECORDER OF DEEDS
 CLERK OF BOARD OF COUNTY COMMISSIONERS
 CLERK OF WATER AND NAVIGATION CONTROL AUTHORITY
 COUNTY AUDITOR

CLERK, SUPREME COURT

By _____
 Chief Deputy Clerk

315 COURT STREET
 CLEARWATER, FLORIDA 34616
 PHONE: (813) 464-3341

MEMO TO: Sid J. White
 Clerk Supreme Court

FROM: Karleen F. De Blaker *By: K. De Blaker*
 Clerk of the Circuit Court

DATE: May 23, 1996

RE: Emergency Petition To Amend Rules 2.090, 2.075 And 2.060 With
 Respect To The Electronic Transmission And Filing Of Documents,
 Case No. 81,638

w/ not appear for o.a.

Thank you for allowing Clerks of Courts to submit comments on the proposed amendments to the above referenced Rules of Judicial Administration. We fully support the proposed rule changes and would encourage the Supreme Court to vote favorably on all the amendments contained in the Emergency Petition as proposed by the Florida Bar's Rules of Judicial Administration Committee. As per your instructions in your memo dated May 8, 1996, an original and seven copies of our comments relating to the proposed amendments are enclosed.

Our office is heavily involved in automation efforts. Currently we are in the process of releasing a Request for Proposal for a Probate Imaging System with the hopes of expanding forward into the Criminal Justice area. In light of these and other automation efforts, we are very interested in having rules which are consistent with the automation path that has been charted for the office.

We have been involved with the review of these proposed rules for some time to ensure that the provisions would allow us to move forward while simultaneously not being negatively impacted by the new requirements.

While all of the provisions of the proposed rules taken as a whole meet the needs of the Clerk for the foreseeable future and we would recommend their adoption, there are some areas of the rules which from the Clerk's perspective are critical. These areas are the need to keep the rule optional on the part of the Clerks so as to assist us in the transition from where we are today to the implementation of full electronic filing. Also, the elimination of the need to follow up the electronic filing with the original documents is critical, as otherwise it would only create a cumbersome, duplicated filing system for Clerks' offices. The requirement to have the filing party retain their own original is an excellent idea, as it can be reproduced if there is ever a need to verify the original signature.

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We strongly support the portion of the proposed rule which places the responsibility on the sender for transmission difficulties, as this would limit the Clerk's liability for transmission errors which may result in statute of limitation issues. Additionally, it is important to us that electronic access be provided during regular business hours, thereby giving us the ability to determine if a 24-hour access would be feasible in the future. Also, defining the receipt date as being the last page of the document which has been transmitted electronically is very important to our work.

Finally, we support the proposed revision to Rule of Judicial Administration 2.075 for retention of records to include the term "permanently recorded" as this is critical for Clerks to move from the microfilm age to the electronic record keeping age.

Again, thank you for the opportunity for comments. We strongly support and encourage the passage of all proposed amendments to the captioned rules.

KFD/MI/ss

cc: Fred W. Baggett, General Counsel, Florida Association of Court Clerks
Roger H. Alderman, Executive Director, Florida Association of Court Clerks