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SID J. WHITE

MAY 6 1996

CLERK, SUPREME COURT

By

Chief Deputy Clerk

IN THE SUPREME COURT OF FLORIDA

CASE NO.

81638

IN RE: ELECTRONIC TRANSMISSION
AND FILING OF DOCUMENTS

EMERGENCY PETITION TO AMEND RULES 2.090, 2.075, AND 2.060
WITH RESPECT TO THE ELECTRONIC TRANSMISSION
AND FILING OF DOCUMENTS

The Florida Bar's Rules of Judicial Administration Committee hereby petitions this Court, on an emergency basis, to amend Rules 2.090, 2.075, and 2.060 with respect to the procedures to be utilized in Florida for the electronic transmission and filing of documents, and in support thereof states the following:

I

BACKGROUND

Since 1979, Rule 2.090 has provided a structure **by** which documents may be filed with the courts **by** electronic means. This Court has previously requested the Rules of Judicial Administration Committee to revise and modernize the provisions of this Rule, particularly with respect to facsimile transmissions, and this Committee has previously submitted to the Court a proposed

revision. At that time, however, because of a number of informative comments from interested individuals and entities, the proposed rule was again redirected to the Rules of Judicial Administration Committee for further work.

The **basis** for the emergency treatment under Rule 2.130(e) of this proposed rule is two-fold. First of all, because of this Court's specific direction to this Committee and because of the length of time that this matter has been under consideration by this Committee and the Court, the Committee determined unanimously that it was appropriate to ask that this rule be returned to the Supreme Court, outside of the four-year cycle and on an emergency basis, so as to respond as promptly as possible to this Court's requests.

There is an additional reason, however, for the requested emergency treatment. During the time that this rule has been under consideration, a number of court systems and a number of clerks' offices throughout the State of Florida have been reevaluating their filing and record keeping systems and a number of them have proposed changes in how papers are handled or received in the clerks' offices. The types of programs being tried or proposed in the State include systems as simple as the receipt of paperwork by facsimile machine up to such complex systems as ones utilizing optical imaging equipment to store paperwork in the court system and computer-to-computer systems to allow the courts to accept papers directly from the computers located in law offices in the State of Florida.

Because many of these systems are very close to being "on line", the package of rules proposed in this petition relating both to the transmission and receipt of documents as well as the retention of those documents requires that there be in place immediately a system of rules fully authorizing the utilization of equipment presently available today and, to the extent possible, capable of anticipating the types of electronic equipment which may be available to court systems and clerks in the near future,

Accordingly, to the extent possible in this Court's schedule, it is respectfully requested that this Court give attention to the proposed amendments accompanying this petition at the earliest possible moment so as to allow early implementation by the several court systems in Florida of a variety of systems designed to modernize our court system.

The Florida Bar Board of Governors approved these changes by a vote of 32-0 and agreed 31-1 that they should be filed as an emergency petition.

TT

PROPOSED AMENDED RULE 2.090

Rule 2.090, which would replace completely the existing Rule 2.090, is the primary work product on this topic. It is intended to be a procedural rule and not a technical rule. As the

subsequent paragraphs of this petition explain, the designation of equipment and specifications thereof will be left to the appropriate agencies or subdivisions of Florida government who have both the jurisdiction and technical expertise to address such questions.

A

Subdivision (a). Definition.

The definition section of this rule is intended to provide a working definition of inclusion rather than exclusion. It is intended not only to address current technology (essentially facsimile transmissions) but also the technologies of the near future such as optical imaging, computer-to-computer transmission, or new electronic record keeping systems. The recent amendment to Florida Statute §28.30 has by statute allowed clerks' offices to retain records electronically. This definition is designed to be at least as broad as that statutory authorization.

B

Subdivision (b). Application.

The Application section addresses several considerations. Initially, it is designed to make the reception of electronic transmission of documents optional with clerks' offices. Smaller

clerks' offices which do not have the resources, larger clerks' offices which have not yet devoted limited resources toward this function, and apparently, at least for the time being, appellate court clerks' offices, will not, by this rule, be compelled to accept any document electronically (facsimile or otherwise) for filing in the records. Whenever a clerk's office wants to, or is financially able to do so, however, the rule should be available for its use.

Secondly, the rule requires that whatever means of electronic transmission is accepted by a clerk's office, the reception of a document must be onto a medium that allows retention of that record for the time periods required by Rule 2.075. (A corresponding proposed amendment to Rule 2.075 presented with this petition broadens the presently acceptable media for the retention of court documents.) As set forth later in this rule, the intent is to cover only "judicial" documents or "court records" which are kept by a clerk of the court in its role as "secretary" to the court in its judicial function.

Although the rule was intended to be written broadly enough to function in an electronic age, all courts for some period of time will be required to keep their court files on paper and some courts will undoubtedly keep their files on paper for a long period of

time. Nevertheless, as a court system develops the ability and has the financial resources sufficient to allow the transformation of its records into electronic record keeping systems, this rule should not impede that process. Thus, this subdivision of the rule requires that an electronically transmitted document either be transformed onto paper (to be filed **along** with the rest of the paper documents) or requires that such a document be capable of being reproduced, on demand, to paper, for a judge, litigant, party **or** member of the public. Again, public access to documents should not **be** specifically impeded nor broadened by this rule. (No original paper document need be filed as a follow-up to an electronically-filed document, unless general law requires that the original of a document be in the court file (such as a will). See subdivision (c)).

Finally, since the appellate courts of this State, through their clerks and judicial representatives, have indicated that they will not be able to accept documents electronically for the foreseeable future, the final sentence of Subdivision (b) **was** added to make it clear that appellate courts will not **be** required to accept electronically filed documents or electronic records from lower courts until they are able to do so **or** otherwise required by general law.

Subdivision (c). Documents Affected.

The Committee's deliberation over the topic of which documents would be affected was probably as protracted as any discussion. The initial resolution was to exclude no documents of any sort and to allow any document which could otherwise be filed in a court file to be transmittable electronically (assuming that technology could handle it). It was believed that the simplicity of this rule and its inherent logic generally carried the day with the majority of the current Committee.

There was a sizeable portion of the Committee, however, which, from time to time during the three years that this rule was under consideration, felt that certain types of documents should be treated differently.

The primary concern of the portion of the Committee that wished to exclude certain types of documents from those which could be electronically transmitted was that documents which had been transmitted by facsimile or other electronic means may be more susceptible to fraud or manipulation by the lawyer or individual submitting the document. For example, in a probate proceeding which requires the assent of certain non-lawyers to a specific act, valid signatures from a previous document could be easily copied

onto a new document without the signor's knowledge and transmitted to the court. In the electronic form received by the court, such signatures would be virtually indistinguishable from "valid" signatures.

The Committee's final opinion with respect to this possibility was that amending (a) and (c) to provide for the filing of originals when required by law would appropriately address this problem. There was also some concern in criminal proceedings that the ability of counsel to electronically transmit pleadings to the court might be difficult to administer in the area of motions and pleadings which have to be filed a certain number of days prior to a trial or hearing. While there undoubtedly will be some administrative problems in coordinating the receipt of such documents electronically and their prompt utilization in court, it is believed that the electronic transmission of documents in the long run will simplify the accessibility of recently filed documents.

Obviously, electronically filed documents, if accepted as originals in a court file, will not have "original" "blue-ink" signatures on them. It was felt by the Committee that many lawyers and judges feel a certain "comfort level" in having a court file with such signatures present. The Committee's final opinion was

that if Florida courts are to function effectively in the Twenty-First Century, such outmoded concepts must be gradually put at rest. Accordingly, a corresponding proposed amendment to Rule 2.060 has been proposed dealing with original signatures.

D

Subdivision (d). Original Documents.

The first subpart of Subdivision (d) addresses the problem of courts' records, some of which may be received electronically and others of which are filed on paper. It is anticipated that most clerks will decide to maintain their court files on paper in the short run until there are acceptable systems in place to record all court papers electronically. When that time comes, however, this subdivision authorizes the court or clerk's office to transform previously filed paper documents into an electronic record keeping system and allows the subsequent retention of such paper documents in bulk.

Subdivision (d) (2) provides, consistent with Florida Statute §28.30, that any electronically recorded document will be treated for all purposes as an original and may be certified as such.

Subparagraph 3 is a precautionary provision. Any individual sending a document to a court electronically is required to retain the original document until the litigation in question has

completely concluded. If there is a problem with the electronic record keeping system, the original can then be produced. Additionally, if there is any question concerning the validity of the signatures on the electronically filed document, the original is required to be produced to verify said signatures or for any other valid purpose.

E

Subdivision (e). Service.

Although the primary purpose of this rule is to allow lawyers and other parties to transmit documents electronically to the court, the systems which are going to be created thereby are not one way. This subdivision authorizes a court to serve its orders electronically as well. That authorization, however, does not supersede the service requirements of any other set of rules which must still be complied with by the court.

F

Subdivision (f). Transmission Difficulties.

The various clerks' offices who will be receiving documents electronically are understandably concerned about the exposure for documents which, for whatever reason, are not received in the same fashion that they are transmitted, Subdivision (f) simply informs the practitioner that if electronic transmission is selected as the

means by which documents are to be filed, any difficulties encountered in that transmission are borne by the party selecting that transmission vehicle. The subdivision is not intended to change the law since a party utilizing a courier service (which for whatever reason cannot get to the court because of a traffic jam) already bears that same risk of transmission. Any disputes will obviously have to be resolved by the judge who is responsible for the case.

G

Subdivision (g) . Administration.

Several miscellaneous issues are addressed in this final subdivision of proposed Rule 2.090. Subdivision (1) requires that, if a court is going to accept documents electronically, it must provide that access during regular business hours. It is expected that many courts or clerks utilizing their equipment will keep it available 24 hours a day and that is certainly the ultimate goal of this rule which applies primarily to facsimile transmission.

Clerks' offices have expressed concern that lawyers may "tie up" their machines with the transmission of very long documents. Nothing in this rule will require a court to accept a document longer than ten pages in length and therefore, unless another system can be put in place to accept longer documents, it is

believed a log jam can be prevented or minimized in this regard.

Subdivision two addresses the question of filing charges for these documents. Present Rule 2,090 has a filing charge which the Committee feels is anachronistic in today's electronic age. The overall intent of this Rule is to create a system that simplifies the judicial system, but which hopefully creates savings sufficient to cover the understandable costs of hardware and programming. Some court systems are anticipating recouping any additional costs by charging lawyers and other members of the public to gain access electronically to the new computer-based record keeping systems.

At present, no Florida statute authorizes charges for the receipt of a document electronically and this proposed Rule does not continue such a charge. Should the legislature, in its wisdom, impose such a charge, then this rule authorizes that charge. On the other hand, it is believed that the complications factored in when a per page charge is included may eliminate any economies that can otherwise be created through the utilization of such a system.

The third subdivision chooses the date of receipt of the last page of an electronically transmitted document **as** the filing date for that document. A number of other alternatives were considered and may be as viable. For example, the rule could provide that any document received after normal business hours shall be deemed filed

the following day, but it was thought that that system would blunt the benefits of an electronic filing system that is available 24 hours a day. The rule could also provide that any document filed before regular business hours on a given day is deemed filed on the previous business day. While this has some attractiveness to practitioners, it was thought to be more practical to simply use the actual receipt date for the last page of any document transmitted electronically.

III

PROPOSED MENDED RULE 2.075

Two types of changes have been made to Rule 2.075 of the Florida Rules of Judicial Administration relating to the retention of court records.

By far the most important is the addition of a new definition. That newly defined phrase is "permanently recorded" and is an essential addition to the means that are authorized to record court records. Prior to this amendment, the only approved means of preserving court files in the rule was microfilming. With the advent of optical imaging systems and other electronic record keeping systems, the several clerks' offices throughout the State have strongly advocated a rule such as this and have asked for its immediate adoption.

The second change simply modifies the division of government responsible for such record keeping rules to the Division of Library and Information Services of the Department of State.

III

PROPOSED AMENDED RULE 2.060

Existing Rule 2.060, in subdivisions (d) and (e), requires attorneys or parties to sign pleadings filed with the court. If this Court approves the proposed new Rule 2.090, the requirement of a signature in these two subdivisions may be read as inconsistent with the approval of electronically filed documents.

Accordingly, new subdivision (f) has been proposed which informs lawyers and parties that the signatures required by the Rules of Judicial Administration may be either "original" signatures or such signatures that have been electronically reproduced. Any attorney or party utilizing such an electronically reproduced signature, however, is required to retain the original, physically signed document consistent with proposed Rule 2.090(d)(3).

There are a number of highly sophisticated electronic signature devices available in the marketplace today, but it was the feeling of the Committee that the need for signature security on court pleadings is relatively low and that the expense of

requiring some form of electronically reproduced signatures through a separate security device is not warranted.

CONCLUSION

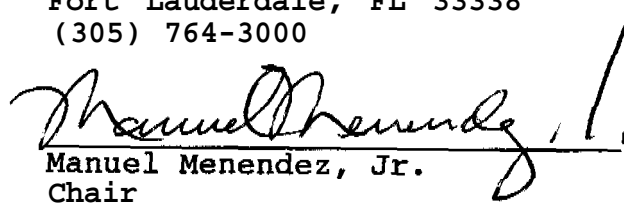
It is the opinion of the Rules of Judicial Administration Committee that the package of rules set forth above and attached hereto are an important addition to the procedural rules in the State of Florida and will assist the courts and practitioners in bringing modern technology into the court system.

Accordingly, it is respectfully urged that, following the circulation of the enclosed rules for comment, this Court amend Florida Rules of Judicial Administration 2.060(f), 2.075 (as described) and 2.090 so as to more easily effectuate the electronic transmission and filing of documents.

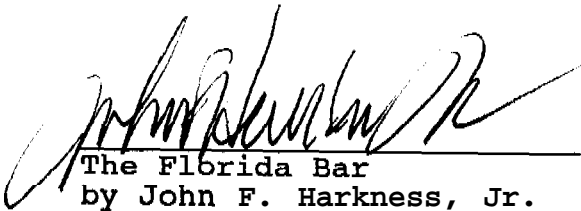
Respectfully submitted,



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APPENDIX

APPENDIX-1

- 2.060. ATTORNEYS [amended (f) 15-01
- 2.075. RETENTION OF COURT RECORDS [amended 15-0]
- 2.090. ELECTRONIC FILING OF MATTERS IN ALL PROCEEDINGS WITHIN
THE STATE COURTS SYSTEM [amended 14-11

RULE 2.060. ATTORNEYS

(a) **Local Attorneys.** All persons in good standing as members of The Florida Bar shall be permitted to practice in Florida.

(b) **Foreign Attorneys.** Attorneys of other states shall not engage in a general practice in Florida unless they are members of The Florida Bar in good standing. Upon verified motion filed with a court showing that an attorney is an active member in good standing of the bar of another state, attorneys of other states may be permitted to appear in particular **cases** in a Florida court. A motion for permission to appear shall be submitted with or before the attorney's initial personal appearance, **paper**, motion, or pleading. The motion shall state all jurisdictions in which the attorney is an active member in good standing of the bar and shall state the number of cases in which the attorney has filed a motion for permission to appear in Florida in the preceding 3 years.

(c) **Clerks and Secretaries Not to Practice.** No one serving as a research aide or secretary to a justice or judge of any court shall practice as an attorney in any court or before any agency of government while continuing in that position, nor participate in any manner in any proceeding that was docketed in the court during the term of service or prior thereto.

(d) **Pleadings to Be Signed.** Every pleading and other paper of a party represented by an attorney shall be signed by at least 1 attorney of record in that attorney's individual name whose address, telephone number, including area code, and Florida Bar number shall be stated, and who shall be duly licensed to practice law in Florida or who shall have received permission to appear in the particular case as provided in subdivision (b). The attorney may be required by the court to give the address of, and to vouch for the attorney's authority to represent, the party. Except when otherwise specifically provided by an applicable rule or statute, pleadings need not be verified or accompanied by affidavit. The signature of an attorney shall constitute a certificate by the attorney that the attorney has read the pleading or other paper; that to the best of the attorney's knowledge, information, and belief there is good ground to support it; and that it is not interposed for delay. If a pleading is not signed or is signed with intent to defeat the purpose of this rule, it may be stricken and the action **may** proceed **as** though the pleading or other paper had

not been served.

(e) **Party Not Represented by Attorney to Sign.** A party who is not represented by an attorney shall sign any pleading or other paper and state the party's address and telephone number, including area code.

(f) Form of Signature of Attorney or Party.

(1) The signatures required on pleadings and papers by subdivisions (d) and (e) of this rule may be:

(A) original signatures; or

(B) original signatures that have been reproduced by electronic means, such as on electronically transmitted documents or photocopied documents.

(2) An attorney or party who files a document that does not contain the original signature of that attorney or party represents that the original physically signed document will be retained by that attorney (or successor attorney), party, or other person for the duration of that proceedings and of any subsequent appeals or subsequent proceedings in that cause. The custodian of the original document shall produce it upon the request of any other party.

(g) Attorney not to Be Surety. No attorneys or other officers of court shall enter themselves or be taken as bail or surety in any proceeding in court.

(gh) Stipulations. No private agreement or consent between parties or their attorneys concerning the practice or procedure in an action shall be of any force unless the evidence of it is in writing, subscribed by the party or the party's attorney against whom it is alleged. Parol agreements may be made before the court if promptly made a part of the record or incorporated in the stenographic notes of the proceedings, and agreements made at depositions that are incorporated in the transcript need not be signed when signing of the deposition is waived, This rule shall not apply to settlements or other substantive agreements.

(~~h~~i) **Substitution of Attorneys.** Attorneys for a party may be substituted at any time by order of court. No substitute attorney shall be permitted to appear in the absence of an order. The court may condition substitution upon payment of or security for the substituted attorney's fee and expenses, or upon such other terms as may be just. The client shall be notified in advance of the proposed substitution and shall consent in writing to the substitution. The written consent shall be filed with the court.

(~~i~~j) **Withdrawal of Attorney.** An attorney shall not be permitted to withdraw from an action unless the withdrawal is approved by the court. The attorney shall file a motion for that purpose stating the reasons for withdrawal and the client's address. A copy of the motion shall be served on the client and adverse parties. The motion shall be set for hearing and notice of hearing shall be served on the client and adverse parties.

(~~j~~k) **Addition of Attorneys.** After a proceeding has been filed in a court, additional attorneys may appear without securing permission of the court, All additional **attorneys so appearing** shall file a notice of appearance with the court and shall serve a **copy** of the notice of appearance on all parties in the proceeding.

(~~k~~l) **Law Student Participation.** Eligible law students shall be permitted to participate as provided under the conditions of chapter 11 of the Rules Regulating The Florida Bar as amended from time to time.

(~~l~~m) **Attorney as Agent of Client.** In all matters concerning the prosecution or defense of any proceeding in the court, the attorney of record shall be the agent of the client, and any notice by or to the attorney or act by the attorney in the proceeding shall be accepted as the act of or notice to the client.

RULE 2.075. RETENTION OF COURT RECORDS

(a) **Definitions.** The following definitions apply to this rule:

(1) "Court records" mean the contents of the court file, depositions filed with the clerk, transcripts, exhibits in the custody of the clerk, and electronic, video, and stenographic tapes of depositions or other proceedings.

(2) "After a judgment has become final" means:

(A) when a final order, final judgment, final docket entry, final dismissal, or nolle prosequi has been entered as to all parties, no appeal has been taken, and the time for appeal has expired; or

(B) when a final order, final judgment, or final docket entry has been entered, an appeal has been taken, the appeal has been disposed of, and the time for any further appellate proceedings has expired.

(3) "Permanently recorded" means that a document, has been microfilmed, optically imaged, or recorded onto an electronic recordkeeping system in accordance with standards adopted by the Division of Library and Information Services of the Department of State.

(b) **Required Consent.** Disposal of court records under this rule is subject to obtaining any consent required by law from the Division of ~~Archives, History and Records Management~~Library and Information Services of the Department of State.

(c) ~~Microfilmed~~Permanently Recorded **Records.** Court records, except exhibits, that have been ~~microfilmed~~permanently recorded in accordance with standards adopted by the Division of ~~Archives, History and Records Management~~Library and Information Services of the Department of State may be destroyed or otherwise disposed of by the clerk at any time after a judgment has become final.

(d) **Records Not ~~Microfilmed~~Permanently Recorded.** No court

records under this subdivision shall be destroyed or disposed of until the final order, final docket entry, or final judgment is ~~microfilmed~~permanently recorded for, or recorded in, the public records. The time periods shall not apply to any action in which the court orders the court records to be kept until the court orders otherwise. When an order is entered to that effect, the progress docket and the court file shall be marked by the clerk with a legend showing that the court records are not to be destroyed or disposed of without a further order of court. Any person may apply for an order suspending or prohibiting destruction or disposition of court records in any proceeding. Court records, except exhibits, that are not ~~microfilmed~~permanently recorded may be destroyed or disposed of by the clerk at the times prescribed below after a judgment has become final:

(1) Sixty days - Parking tickets and noncriminal traffic infractions after required audits have been completed.

(2) Two years - Proceedings under the Small Claims Rules, Medical Mediation Proceedings.

(3) Five years - Misdemeanor actions, criminal traffic violations, ordinance violations, civil litigation proceedings in county court other than those under the Small Claims Rules, and civil proceedings in circuit court except marriage dissolutions and adoptions.

(4) Ten years - Probate, guardianship, and mental health proceedings.

(5) Ten years - Felony cases in which no information or indictment was filed or in which all charges were dismissed, or in which the state announced a nolle prosequi, or in which the defendant was adjudicated not guilty.

(6) Seventy-five years - Juvenile proceedings containing an order permanently depriving a parent of custody of a child, and adoptions, and all felony cases not previously destroyed.

(7) Kept permanently - Progress dockets and their indices.

(8) Juvenile proceedings not otherwise provided for in this subdivision shall be kept for 5 years after the last entry or until the child reaches the age of majority, whichever is later.

(9) Marriage dissolutions - Ten years from the last record activity. The court may authorize destruction of court records not involving alimony, support, or custody of children 5 years from the last record activity.

(e) **Court Reporters' Notes.** Court reporters or persons acting as court reporters for judicial or discovery proceedings shall retain the original notes or electronic records of the proceedings or depositions until the times specified below:

(1) Two years from the date of preparing the transcript - Judicial proceedings, arbitration hearings, and discovery proceedings when an original transcript has been prepared.

(2) Ten years - Judicial proceedings in felony cases when a transcript has not been prepared.

(3) Five years - All other judicial proceedings, arbitration hearings, and discovery proceedings when a transcript has not been prepared.

When an agreement has been made between the reporter and any other person and the person has paid the reasonable charges for storage and retention of the notes, the notes or records shall be kept for any longer time agreed on. All reporters' notes shall be retained in a secure place in Florida.

(f) **Exhibits.**

(1) Exhibits in criminal proceedings shall be disposed of as provided by law.

(2) All other exhibits shall be retained by the clerk until 90 **days** after a judgment has become final. If an exhibit is not withdrawn pursuant to subdivision (h) within 90 days, the clerk may destroy or dispose of the exhibits after giving the parties or

their attorneys of record 30 days' notice of the clerk's intention to do so. Exhibits shall be delivered to any party or attorney of record calling for them during the 30-day time period.

(g) **Disposition Other Than Destruction.** Before destruction or disposition of court records under this rule, any person may apply to the court for an order requiring the clerk to deliver the court records that are to be destroyed or disposed of to the applicant. All parties and the Division of ~~Archives, History and Records Management, Library and Information Services~~ of the Department of State shall be given notice of the application by the applicant. The court shall dispose of that court record as appropriate.

(h) **Release of Court Records.** This rule does not limit the power of the court to release exhibits or other parts of court records that are the property of the person or party placing the items in the court records initially. The court may require copies to be substituted as a condition to releasing the court records under this subdivision.

(i) **Right to Expunge Records.** Nothing in this rule shall affect the power of the court to order records expunged.

(j) **Sealed Records.** No record which has been sealed from public examination by order of court shall be destroyed without hearing after such notice as the court shall require.

RULE 2.090. ELECTRONIC FILING OF MATTERS IN ALL PROCEEDINGS
WITHIN THE STATE COURTS SYSTEM

~~Any document may be filed with any court by an electronic copying device. The place of filing shall be deemed to be the place where the transmission is received. The document made at the receiving station shall be deemed the original filing and shall be so marked. The receiving party shall sign the document as having been received and filed by that party. The original document shall thereafter be transmitted to the appropriate court. The sending party, if an official of the Florida state courts system, shall collect from the party wishing to file electronically \$2 for the first page of any transmission and \$1 for each page thereafter, plus any long distance telephone charges. The money shall be posted to the Justice Administrative Commission or to the agency specified by law on a monthly basis to help defray the cost of renting or purchasing the transmission equipment. Any official of the Florida state courts system who believes there is justification in that official's office for use of transmitting equipment shall submit a letter of justification through the clerk and the chief judge of the appropriate court with which that official is primarily dealing to the supreme court. The supreme court shall approve or disapprove the use. Upon designation by the appropriate clerk of court and approval of the supreme court, the official may accept documents for electronic transmission and filing. This rule is not intended to preclude the transmission by privately leased electronic devices to approved offices.~~

(a) Definition. "Electronic transmission of documents" means the transmission by electronic signals, to or from a court or clerk of the court, of information which when received can be transformed and stored or reproduced on paper, microfilm, magnetic storage device, optical imaging system, or other electronic recordkeeping system authorized by these rules or general law in a format sufficient to communicate the information on the original document in a readable format.

(b) Application. Any court or clerk of the court may accept the electronic transmission of documents for filing provided that such transmissions are transformed onto a medium which can be preserved for periods consistent with the records retention

requirements of Florida Rule of Judicial Administration 2.075. Every court or clerk of the court that accepts electronically transmitted documents shall file or store said documents on paper or in an electronic recordkeeping system capable of producing a paper copy upon request. No documents shall be electronically transmitted for filing in any district court or in the supreme court until such court has certified its ability to accept electronically filed documents or until passage of a statute requiring such court to accept electronically filed documents.

(c) Documents Affected. All documents that are court records (as that term is defined in rule 2.075(a)(1)) and which are allowed to be filed with a court or clerk of the court may be filed by electronic transmission. When general law requires an original document to be filed in the court records, the original shall be filed immediately after electronic transmission.

(d) Original Documents.

(1) Any court or clerk of the court may transform and file or store any originally filed paper document in an electronic recordkeeping system or other medium authorized by these rules or general law. When so transformed, the originally filed paper document may be filed in bulk and need not be retained with the court file.

(2) Any electronically transmitted document or document filed or stored in accordance with subdivision (d) (1), when received and filed by a court or clerk of the court, will for all purposes be treated as an originally filed document and may be certified as such.

(3) An attorney, party, or other person who files a document by electronic transmission represents that the original physically signed document will be retained by that attorney (or successor attorney, party, or other person for the duration of that proceedings, and of any subsequent appeals or subsequent proceedings in that cause. The custodian of the original document shall produce it upon the request of any other party.

(e) Service.

(1) Electronic transmission may be used by a court for the service of all orders of whatever nature. All other requirements for the service of such an order shall be met.

(2) Any document electronically transmitted to a court or clerk of the court shall also be served on all parties and interested persons in accordance with the applicable rules of court.

(f) Transmission Difficulties. Any attorney, party, or other person who elects to file any document by electronic transmission shall be responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed with the clerk as a result.

(g) Administration.

(1) Any clerk of the court who accepts for filing documents that have been electronically transmitted shall:

(A) provide electronic or telephonic access to its equipment during regular business hours; and

(B) accept electronic transmission of documents up to 10 pages in length.

(2) All attorneys, parties, or other persons using this rule to file documents are required to make arrangements with the court or clerk of the court for the payment of any charges authorized by general law prior to filing any document by electronic transmission.

(3) The filing date for an electronically transmitted document shall be the date the last page thereof is received by the court or clerk of the court.

(4) Any court or clerk of the court may extend the hours of operation or increase the page limitations set forth in this

subdivision.