



ATTORNEYS' TITLE INSURANCE FUND, INC.

097

**FILED**

SID J. WHITE

MAR 15 1996

CLERK, SUPREME COURT

By

Office Deputy Clerk

March 14, 1996

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

Re: Supreme Court of Florida, Opinion No. 87,058, dated February 8, 1996  
In Re Florida Rule of Judicial Administration 2.072

Dear Mr. White:

I am writing on behalf of Dade County title companies in response to the captioned rule proposal.

We in the title industry feel that restricting title companies from removing closed files from the Clerk of Court's office in Dade County will place an undue burden on both the Clerk's office staff and the attorneys and other consumers who make use of title company services. For many years title companies in Dade County have been allowed to remove closed files for the purpose of copying them for inclusion in abstracts and other title search and examination products. The sheer volume of real estate transactions and court files in Dade make it a somewhat unique situation. To service the large number of new requests for copies from title companies in a timely manner, the Clerk would have to add additional office staff and copiers. In addition, if the title companies were forced to wait longer to receive their copies from the Clerk's staff, this would lengthen the time required to produce their products in a market that is already extremely time sensitive. And, finally, if the title companies are required to pay the current Clerk's copy charges of \$1.00 per page, these charges would have to be passed through to the public, which will raise prices to consumers in a market that is already very price sensitive.

For these reasons, on January 11, 1988, the Chief Judge of the Eleventh Judicial Circuit issued Administrative Order No. 88-1, allowing title companies in Dade County to remove closed files from the Clerk's office for the purpose of duplication for a period not to exceed seventy two hours. I am attaching a copy of this order for your reference.

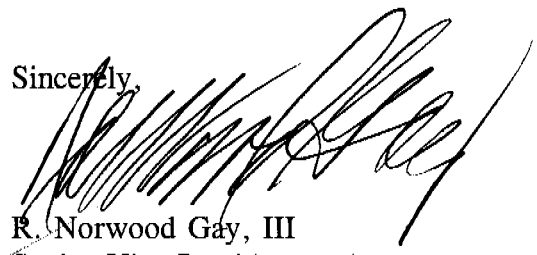
On March 11, 1996, representatives of Dade County title companies together with several local attorneys met with the Clerk of Court, Harvey Ruvin, to discuss the impact of proposed Rule 2.072 upon Administrative Order No. 88-1. Mr. Ruvin expressed his support for allowing title companies to continue to remove closed files under this administrative order but also suggested that we respond to your notification on proposed Rule 2.072 to express our concern.

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We respectfully request, therefore, that you amend the rule to allow for a distinction between closed and open files. We, as representatives of the title industry, are not requesting that we be granted permission to remove open or pending files. We strongly feel, however, that a blanket restriction against the removal of closed files from the Dade County Clerk's office by title companies will place an undue burden on us, on the legal and real estate markets that we serve, and ultimately on the consumer.

Thank you for your consideration of this request.

Sincerely,



R. Norwood Gay, III  
Senior Vice President and  
General Counsel

cc. Harvey Ruvin

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88 JAN 12 PM 4:02  
RICHARD P. BRINKER  
CLERK, CIRCUIT & COUNTY CTS.  
DADE COUNTY, FL.  
CA

THE ELEVENTH JUDICIAL CIRCUIT  
DADE COUNTY, FLORIDA  
CASE NO. 88-1  
(Court Administration)

IN RE: REMOVAL OF COURT FILES )  
FROM THE CUSTODY OF THE CLERK OF )  
THE COURT IN THE GENERAL JURIS- ) ADMINISTRATIVE ORDER  
DICTION DIVISION AND THE FAMILY ) NO. 88-1  
CIVIL DEPARTMENT OF THE FAMILY )  
DIVISION OF THE CIRCUIT COURT )

LOYD E. R. SINCLAIR

PURSUANT TO the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida, the following procedures will be adhered to in removal of court files from the custody of the Clerk of the Court in the General Jurisdiction Division and the Family Civil Department of the Family Division of the Circuit Court:

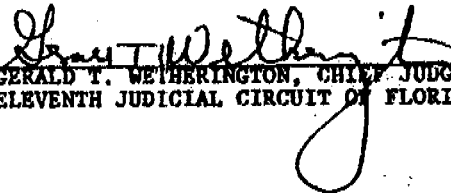
1. Without prior written authorization of a judge, no court file shall be removed from the custody of the Clerk's Office or the court except as hereinafter provided:
  - a. Title companies preparing abstracts of title shall be permitted to remove closed files from the Clerk's Office for a period not exceeding 72 hours.
  - b. The Department of Professional Regulation conducting investigations involving medical malpractice cases shall be permitted to remove closed files from the Clerk's Office for a period not exceeding 72 hours.
  - c. Counsel of record shall be permitted to pick up court files for the purpose of taking them to a judge and shall receipt for the files, indicating such destination.
  - d. Members of the Judicial Support Staff shall be permitted to remove court files in the course of their official duties and shall receipt for same, indicating the destination.

RECORDED  
JAN 18 1988  
RICHARD P. BRINKER  
CLERK

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2. Administrative Order No. 80-8-A, entered in Case No. 80-1, is hereby rescinded and held for naught, and this Order shall serve in its stead.

DONE AND ORDERED in Chambers at Miami, Dade County, Florida, this 11 day of January, 1988.

  
GERALD T. WETHERINGTON, CHIEF JUDGE  
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA

REF: 135396-262